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HOUSE BILL NO. 1791
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on Labor and Commerce
on January 23, 2025)
(Patron Prior to Substitute—Delegate Sullivan)

A *BILL* to amend the Code of Virginia by adding in Chapter 17 of Title 45.2 an article numbered 10, consisting of sections numbered 45.2-1735, 45.2-1736, and 45.2-1737, relating to Electric Vehicle Rural Infrastructure Program and Fund created.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 17 of Title 45.2 an article numbered 10, consisting of sections numbered 45.2-1735, 45.2-1736, and 45.2-1737, as follows:

Article 10.

Electric Vehicle Rural Infrastructure Program and Fund.

§ 45.2-1735. Definitions.

A. As used in this article, unless the context requires a different meaning:

"Distressed locality" means a county in the Commonwealth with a population density of less than 160 people per square mile or an independent city regardless of density that had (i) an annual unemployment rate that was greater than the final statewide average unemployment rate for the most recent calendar year for which data is available and (ii) an annual poverty rate that exceeded the statewide average poverty rate for the most recent calendar year for which data is available.

"Eligible public lands" means (i) Virginia state parks operated by the Department of Conservation and Recreation; (ii) national parks located in the Commonwealth and operated by the U.S. National Park Service; and (iii) national forests located in the Commonwealth and operated by the U.S. Forest Service.

"Fund" means the Electric Vehicle Rural Infrastructure Fund established pursuant to § 45.2-1737.

"Non-utility costs" means all costs related to electrical service equipment not owned and operated by a utility, including distribution sections of the main electrical switchgear, electrical feeders, breakers, conduits, secondary cables, electric vehicle service equipment, equipment foundations, and any associated civil construction such as driveways, sidewalks, surface markings, ramps, and vehicular barriers.

"Program" means the Electric Vehicle Rural Infrastructure Program established pursuant to § 45.2-1736.

"Uptime" means time when a charging station's hardware and software are both online and available for use, or in use, and the station successfully dispenses electricity in accordance with requirements for minimum power level.

"Utility costs" means all costs related to utility-owned and utility-operated electrical equipment between the main overhead or underground power lines and the customer electrical revenue meter.

§ 45.2-1736. Electric Vehicle Rural Infrastructure Program established.

A. There is hereby established the Electric Vehicle Rural Infrastructure Program to assist private developers with non-utility costs incurred for the installation of public electric vehicle charging stations located (i) in a distressed locality, (ii) on eligible public land, or (iii) within one mile of a boundary of eligible public land. Subject to the availability of funds in the Fund, a private developer shall be eligible to apply for a grant in an amount up to 70 percent of the private developer's non-utility costs for the installation of such public electric vehicle charging stations. The Department shall have discretion to award the full or partial amount requested in each grant application.

B. The Program shall be administered by the Department, and the Department shall establish guidelines for the administration of the Program, including guidelines related to the application for and award of grants pursuant to this article. No grants shall be awarded to projects that install electric vehicle charging stations that utilize a power source rated less than 208 volts. At least 70 percent of funds awarded pursuant to this article shall fund the installation of charging stations located in distressed localities. The Department shall establish a minimum standard for average annual uptime for any charging station installed using funds awarded by the Program. Applicants shall submit to the Department a plan for ongoing operation and maintenance of any charger funded by the Program for a period of at least five years after the date that the charger is put into service. The awarding of a grant under the Program shall be conditional upon the approval of such plan by the Department.

C. For projects located in a distressed locality or within one mile of the boundary of eligible public land, the Department shall give preference to locations at or with access to public amenities, including restrooms, drinking water, and sheltered seating areas. The Department shall include, whenever possible, design features that encourage safety, including increased visibility of the charging stations to passersby. For projects on eligible public land, the Department shall establish criteria to ensure that such charging stations are accessible and are sited near other amenities, such as public restrooms, drinking water, or visitors centers, if feasible.

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60 *D. No grant shall be awarded in a distressed locality under this section if the Department determines that*
61 *the distressed locality has 5,000 or fewer residents per electric vehicle charging port located in such locality.*
62 *The Department shall determine charging density based on operational and publicly accessible electric*
63 *vehicle charging stations that (i) meet the uptime and minimum power requirements for the Program, (ii) are*
64 *available to the public without restriction, and (iii) allow for open-access payment methods and are*
65 *nonproprietary, consistent with the minimum standards established by the Federal Highway Administration.*
66 *A charging station that restricts access only to customers, tenants, employees, or other consumers, including*
67 *any charging station located in paid parking facilities, is not publicly accessible for the purposes of this*
68 *subsection.*

69 **§ 45.2-1737. Electric Vehicle Rural Infrastructure Fund.**

70 *There is hereby created in the state treasury a special nonreverting fund to be known as the Electric*
71 *Vehicle Rural Infrastructure Fund. The Fund shall be established on the books of the Comptroller. All funds*
72 *appropriated for such purpose and any gifts, donations, grants, bequests, and other funds received on its*
73 *behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund*
74 *shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon,*
75 *at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the*
76 *Fund shall be used solely for the purposes of providing grants through the Program established pursuant to §*
77 *45.2-1736. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants*
78 *issued by the Comptroller upon written request signed by the Director.*

79 **2. That the provisions of this act shall expire on July 1, 2030.**