# Kentucky Energy and Environment Cabinet

# Volkswagen Environmental Mitigation Settlement Funding

# Zero Emission Vehicle Program

# Level 2 Light Duty Vehicle Charging Infrastructure

# Application Instruction Manual

# PURPOSE

The Kentucky Energy and Environment Cabinet is seeking applications for installation and operation of Light Duty Zero Emission Vehicle Infrastructure, Level 2 Electric Vehicle (EV) charging equipment.

Funding is available for these projects through the Volkswagen Environmental Mitigation Settlement Funding provided to Kentucky. The Kentucky General Assembly authorized $3,056,700 for the installation of Light Duty Zero Emission Vehicle Infrastructure Projects as part of Kentucky’s Beneficiary Mitigation Plan. This plan provided the roadmap for the types of approvable projects that Kentucky’s funds would implement. Total funding for this initiative will be $765,000, which is approximately 25% of the total $3,056,700 allotted for ZEV projects. The remainder of the funding will be utilized for DC Fast Charge Infrastructure which costs considerably more to implement. A call for potential projects will be released for that funding later in 2024.

This funding will be provided for projects at eligible state, local or local government agencies as outlined below. Approved projects shall receive funds on a reimbursable basis as described below in **Eligible Projects**.

Funding will be awarded on a first come-first served basis for complete applications submitted and will be available until the funds are exhausted.

# ELIGIBILITY AND KEY CONSIDERATIONS:

**Eligible Applicants:**

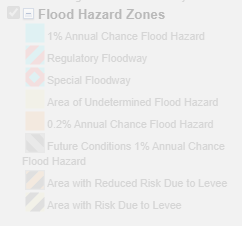
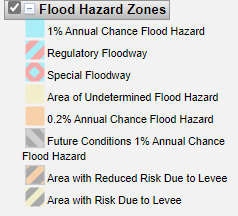
Eligible applicants for this program include state and local government agencies in Kentucky.

Applicants under this Level 2 Charging program must intend to maintain the operation of the charging equipment in Kentucky for a minimum of three (3) years.

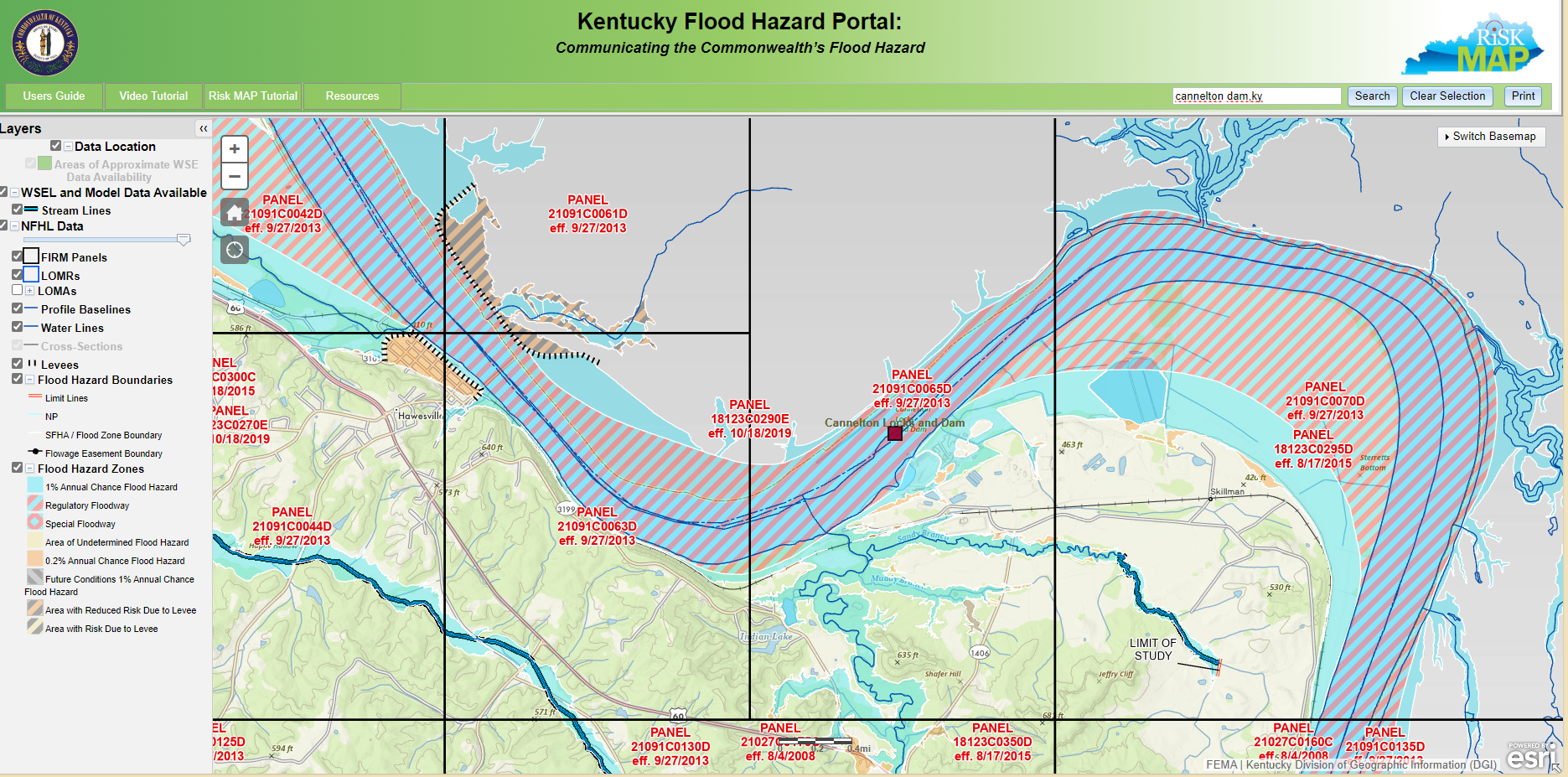
# Eligible Projects:

***In Kentucky,*** *in order to be reimbursed under this program, Vehicle Charging Station Requirements must meet t*he following criteria.

* Applicants must verify understanding that costs to implement the full project are reimbursable and at a 50% cost reimbursement of equipment and installation but shall not exceed $25,000. Other costs such as design services and maintenance costs can be used as the 50% cost share. Ky House Bill 352, from the 2020 Legislative Session, provided alternative funding restrictions for ZEV infrastructure.
* Charger Station Infrastructure must not be located within the 100-year flood plain. To determine if the proposed charging infrastructure would be in a flood zone, utilize the [Kentucky Flood Hazard Portal](https://watermaps.ky.gov/riskportal/). Once in this portal, search the site address and ensure you are zoomed in enough to activate the Flood Hazard Zones layer. The image below shows the layer activated (left) and deactivated (right). It may take the layer up to one minute to appear on the map.

* + If the site’s location is overlayed by any of the symbology included in the Flood Hazard Zone (i.e., 1% Annual Chance Flood Hazard, Regulated Floodway, etc.), the location will be ineligible for funding. Below is an example of flood zones near the Cannelton Dam.



* Charging equipment may include Charge de Move (CHAdeMO) connectors, but that is not a requirement. Additionally, each charging port must have a J1772 connector capable of charging a J1772 compliant vehicle.
* Charging equipment shall offer charging speeds no less than 6 kW, preferably higher and capable of providing power at that level at each port simultaneously.
* Sites and equipment shall be compliant with the Americans with Disabilities Act (ADA). *The U.S. Access Board published “Design Recommendations for Accessible Electric Vehicle Charging Stations” in 2022. Until any formal rules are proposed and finalized by the U.S. Access Board, FHWA recommends that charging stations be designed and constructed according to the U.S. Access Board Recommendations to demonstrate ADA compliance and optimize usability for persons with disabilities.* It’s not just the parking spot – but other features as well. This document was updated on 7/23. [usab-evse-guide.pdf (access-board.gov)](https://www.access-board.gov/files/usab-evse-guide.pdf)
* Sites shall be in compliance with all applicable local and state regulations.
* Equipment shall be available for public access twenty-four (24) hours per day and seven (7) days per week.
* Sites must demonstrate ability to maintain equipment and customer service of patrons for a period of no less than three (3) years.
* Charging Equipment is available for charging an average of at least 95% up time (available for public charging).
* Charging equipment shall be networked and charging data shall be made available to the Energy and Environment Cabinet on a semi-annual basis. Required reporting elements shall include station location, up time percent of operation of the chargers, any outage durations, number of vehicles using the charging equipment, and power used.
* Sites must demonstrate compliance with Volkswagen Settlement Appendix D. Appendix D2 is the list of allowable activities. [Approved Appendix D-2.pdf (vwcourtsettlement.com)](https://www.vwcourtsettlement.com/wp-content/uploads/documents/DOJ/Approved%20Appendix%20D-2.pdf)

**Project Site Requirements**

Applicants should ensure that the proposed sites:

1. Are publicly visible, accessible, and expected to have high utilization. On-site signage shall be consistent with the requirements in the Federal Highway Administration (FHWA) Manual on Uniform Traffic Control Devices (MUTCD) revised in December 2023. This includes accessible signage that directs drivers to an EV charging station location and signage that provides information at the EV charging station location. More information can be found here at U.S. DOE’s Alternative Fuels Data Center. [Alternative Fuels Data Center: Signage for Electric Vehicle Charging Stations (energy.gov)](https://afdc.energy.gov/fuels/electricity_charging_station_signage.html)
2. Are on developed, public areas with facilities available nearby (e.g., shopping centers, fueling stations, restaurants, grocery stores, local attractions, government buildings etc.)
3. Are in a safe, well-lit, convenient location that is safely distanced from traffic circulation and has adequate ingress/egress points.
4. Have a paved or hardscaped parking space(s) that is (are) in compliance with all Americans with Disabilities Act (ADA) requirements. ([www.afdc.energy.gov/uploads/publication/WPCC\_complyingwithADArequirements\_1114.pdf](http://www.afdc.energy.gov/uploads/publication/WPCC_complyingwithADArequirements_1114.pdf) pages 3-4)
5. Comply with all applicable federal, state and local laws, ordinances, regulations, and standards, including local electrical and building codes for EV Charging.
6. Have (or will have as part of this project) adequate electric capacity in place to serve the proposed EV Charging. Provide documentation with your application that the local/state government agency has been working with the local electric utility.
7. Station(s). Preference will be given to locations that are scalable and can expand the power and number of chargers necessary to accommodate higher utilization rates in the future.
8. Are publicly accessible 24 hours per day and 7 days per week. Preference will be given to locations that do not have limited access or availability (e.g. behind a fence, in a gated parking lot closed to the public after hours, etc.).
9. Chargers are available for charging an average of at least 95% up time (available for public charging).
10. Have (or will have as part of this project) signage that complies with all applicable local, state, and/or federal laws, ordinances, regulations, and standards. “EV parking only” signs are required on each side of each charging station along with “EV parking only” stenciled graphics on each striped parking pad. Moreover, appropriate signage is available for drivers to locate the charging station from the site entrance.
11. Have (or will have in place prior to grant award) a Site Host Agreement that, at a minimum, addresses the following provisions:
12. An agreement spanning three (3) years delineating responsible parties for hosting, operating and maintaining the charging station.
13. A provision to extend the agreement beyond the initial three (3) year period under mutually agreeable terms.
14. A disposition plan for the EV Charging equipment in the event the agreement is terminated.
15. A provision regarding the applicant’s legal right to own and operate the EV Charging Station(s) at the host site.

***Level 2 Electric Charging Equipment Requirements***

The following requirements apply to all charging stations to be funded under this program:

1. Level 2 (208 volts to 240-volts alternating current) charging stations must have either a single Society of Automotive Engineer (SAE) J-1772 standard connection to charge one EV at a time or two SAE J-1772 connectors to charge two EVs at once. Powered by 240-volt alternating current, the station must provide a charge of at least 6 kilowatts (kW) of power at each port to provide up to 100 miles of travel in 3 to 4 hours.
2. All Level 2 chargers must be Energy Star certified.
3. All chargers must be networked via an open source, non-proprietary communications protocol. Networking should allow for collection of usage data and, if desired by the site host, electronic payment from station users.
4. All equipment proposed under this grant program must meet UL standards for EV charging equipment.
5. All equipment must be ADA compliant.
6. All charging station equipment must meet the minimum requirements for safety testing by a Nationally Recognized Testing Laboratory (NRTL) recognized by the Occupational Safety and Health Administration (OSHA). The equipment must be listed and labeled as required by the National Electrical Code (NEC) section 625.5 and be Federal Communication Commission (FCC) compliant.
7. Electric Vehicle Supply Equipment (EVSE) Enclosure: The EVSE enclosure must be constructed for use outdoors in accordance with UL 50E Standard for Safety for Enclosures for Electrical Equipment, Environmental Considerations, Type 3R exterior enclosure or equivalent.
8. The EVSE must be capable of operating without any decrease in performance over an ambient temperature range of minus 22 to 122 degrees Fahrenheit with a relative humidity of up to 95%.
9. The EVSE must incorporate a cord management system or method to eliminate potential for cable entanglement, user injury, or connector damage from lying on the ground.
10. The charging station units must be covered by a 3-year warranty. Project Implementation and Charging Station Operating Requirements Grant applicants must explain how, as grant recipients, they will ensure:
11. Clear use instructions and customer support contact information. Customer service support must at least be available by telephone from 6am to 6pm, Monday through Saturday to assist customers with difficulties accessing or operating the equipment.
12. Guaranteed availability during hours of operation and an up time of at least 95%.
13. Interoperable, open-source and non-proprietary connectors for charging, payment options and communication between equipment, network and the vehicle.

1. Effective communication to EV drivers when a station is not working (e.g. through an email distribution list, text/app alert, or similar means). This may depend on the system you employ, or the company you work with to install and/or operate the chargers. A description of the plan needs to be provided.
2. Protection from damage to ground and wall-mounted equipment, including protection from vehicle collision (guard posts, wheel stops, curb protection, or wall-mounted barriers).
3. Installation performed in a professional manner in accordance with industry standard best practices and with all state and local government laws and ordinances.
4. Chargers must be registered on the AFDC (afdc.energy.gov/stations/#/station/new) and PlugShare (www.plugshare.com) websites.

11. Interoperability of electric vehicle charging infrastructure. Chargers must meet requirements of **Section 680.108** of the Federal Highways Administration (FHWA) National Electric Vehicle infrastructure (NEVI) rules (88 FR 12724. <https://www.federalregister.gov/documents/2023/02/28/2023-03500/national-electric-vehicle-infrastructure-standards-and-requirements>)

**Payment Methods**

Unless charging is permanently provided free of charge to customers, charging stations must:

1. Provide for secure payment methods, accessible to persons with disabilities, which at a minimum shall include a contactless payment method that accepts major debit and credit cards, and either an automated toll-free phone number or a short message/messaging system (SMSW) that provides the EV charging customer with the option to initiate a charging session and submit payment;
2. Not require a membership for use;
3. Not delay, limit or curtail power flow to vehicles on the basis of payment method or membership; and
4. Provide access for users that are limited English proficient and accessibility for people with disabilities. Automated toll-free phone numbers and SMS payment options must clearly identify payment access for these populations.

# Eligible Costs:

Per 20RS HB352, selected Level 2 Electric Vehicle Charging Stations shall be reimbursed 50% of **Eligible Costs. The maximum amount a single project may receive is $25,000.**  For purposes of this program, ***Eligible Costs*** are those directly incurred through the procurement and activation of charging stations, including:

1. New Level 2 charging station units and associated equipment.
2. Conduit, signage at the parking spot, bollards, cable/wiring and electrical service box disconnects.
3. Paint striping and stenciling of the charging station parking spaces.

4. Annual network fees for up to 3 years.

# Ineligible Costs:

Ineligible costs include costs that are not directly related to the project. In addition, the following costs, even if they are directly related to the project, are ineligible:

1. Leased equipment.
2. Used, refurbished, or remanufactured equipment.
3. Charging station installation labor (electrical, trenching, etc*.). (Can be used for cost share)*
4. Concrete or asphalt -- addition or replacement. *(Can be used for cost share)*
5. Charging infrastructure installations not accessible to the general public.
6. Purchase, rent, or lease of real estate.
7. Design costs
8. Capital costs such as construction of buildings, parking facilities, etc.
9. General maintenance.
10. Any expenses incurred before the grant agreement is fully executed including applicant’s expense for preparing the eligibility and cost proposals.
11. Debts, late payment fees, finance charges or contingency funds, interest, and investment management fees.
12. Attorney fees and any administrative costs.
13. Lobbying, lobbyists, and political contributions.
14. Mark-up on purchases and/or subcontracts.
15. Taxes, except sales tax on eligible equipment and expenses.
16. Permit fees and activities addressing permit issues.
17. Activities addressing enforcement actions that involve a financial penalty.
18. Memberships (including subscriptions and dues).
19. Food, refreshments, entertainment, gifts, prizes and decorations.
20. Salaries, merit awards, bonuses, donations and fundraising.
21. Computer(s), tablets, software or mobile communication devices unless unique to the project and specifically approved by Kentucky EEC as a direct expense.
22. Paper studies, research projects or surveys including feasibility studies or surveys to determine interest in the installation of electric vehicle charging stations.
23. Proposals for any type of vehicle demonstration or demonstrations of existing technologies for public outreach/education.

# Grant Project/Reimbursement Timeline:

* **Applications** for the Kentucky Level 2 Electric Vehicle Charging Infrastructure Program funded by the Volkswagen Environmental Mitigation Funds must be submitted by **4:00 p.m. ET, May 31, 2024.** No exceptions to this deadline will be allowed. Any applications received after that date and time will be considered non-responsive and will not be accepted.
* Approved applicants shall be notified of project approval for reimbursement. Work may begin on the approved project after the local/state government agency is notified by the Kentucky EEC that its application has been approved and the potential funding amount provided.
* Projects approved under this application process shall be in place and operational **within twelve (12) months** from notification from the Cabinet that the project has been approved.
* Payment of project expenses will take place on a reimbursement basis. The approved applicant must have all EV charging equipment operational and available to the public, have notified EEC contact in order for the opportunity for visual inspection and submit all back-up documentation for project costs before reimbursement can occur.

# Additional Considerations:

Any information submitted in response to the solicitation for the State of Kentucky’s **Zero Emission Vehicle (ZEV) *Level 2 Charging Infrastructure Program*** funded through the Volkswagen Environmental Settlement Fund,will be considered public records and subject to disclosure to the public. The VW EMT Beneficiary Mitigation Plan and all documentation and records submitted by Kentucky in support of each funding request to the Trustee will be available to the public on the EEC VW Webpage, which is accessible at <https://eec.ky.gov/Energy/Programs/Pages/Volkswagen-Settlement.aspx>.

Any and all documents submitted by an applicant in response to this call for projects shall be available for public inspection after contract award pursuant to the Kentucky Open Records Act, KRS 61.870 to 61.884 (“the Act”). When responding to a request to inspect records submitted in response to this application process. The Commonwealth will not redact or withhold any information or documents unless the records sought are exempt from disclosure pursuant to KRS 61.878 or other applicable law. Similarly, no such documents shall be exempt from public disclosure, regardless of the Offeror’s designation of the information contained therein as “proprietary,” “confidential,” or otherwise, except in cases where the requested documents (or information contained therein) would be excluded from application of the Act under KRS 61.878(1)(c).

Funding requests submitted by Kentucky EEC to the Trustee will also be made available to the public via the Trustee Public Website.

Summarized details regarding the expenditure of Trust Funds by Kentucky EEC (e.g., cumulative totals for categories of eligible mitigation actions identified in the Beneficiary Mitigation Plan, identification of recipients of Trust funds and their project scopes) will be maintained on the EEC webpage.

Documentation and records supporting all expenditures of the Trust Funds by Kentucky will be made publicly available. The general public may request such information by submitting a records request to Kentucky EEC. Specific request instructions are provided on the EEC Webpage, including the name, title, and contact information for the EEC staff with responding to such records requests. By submitting an application for a grant, applicants agree to allow the use of applicant and project information as provided in application and grant documents to be published or distributed in various print or electronic media publications.

Kentucky EEC reserves the right to not award funds to applicants that have failed to submit a complete application.

By signing the application, the Applicant certifies that:

* He/she understands the requirements of this program and that he/she will comply with these requirements;
* He/she understands that an amount less than 50% of the cost of eligible expenditures shall be made if the 50% would be more than $25,000;
* He/she has read and understands the semi-annual reporting requirements and that she/she will comply with these requirements for the three (3) year period;
* All vendors will be selected in accordance with applicable State public contracting laws; and
* He/she, along with any other officers, directors, owners, partners, employees, or agents of the applicant organization is (are) not presently debarred, suspended, proposed for debarment, or declared ineligible for an award by any State or Federal agency.

By accepting reimbursement of funds through this program, the government entity is agreeing to provide reporting on charging station “up-time” and usage as noted under Eligible Projects.

Ninety-five percent (95%) operational requirement, the government entity may be required to reimburse the cabinet/fund an amount equal to the reimbursement provided the government entity under this program.

Once reimbursement under this program has taken place, if a site is damaged through natural disaster or vandalism during the three (3) year period required for operation, the government entity will be required to replace the charging infrastructure at their own expense.

# APPLICATION REQUIREMENTS:

Applicants must complete and provide the items listed below in their grant application. Details for completing the items below are provided in this Application Manual.

Applicants must complete and submit the Commonwealth of Kentucky Volkswagen Diesel Settlement Environmental Mitigation Trust ***ZEV Electric Vehicle Level 2 Rebate Form Application,*** accessible at <https://eec.ky.gov/Energy/Programs/Pages/Volkswagen-Settlement.aspx>.

By submitting an application for the ***ZEV Electric Vehicle Level 2 Rebate Form Application***, the applicant is agreeing to:

* Operate and maintain the EV Level 2 charging site for no fewer than ten (10) years;
* Register, **the EV Level 2 charging site** with the Alternative Fuel Data Center and PlugShare to ensure public availability of the charging infrastructure;
* Comply with related Title VI requirements; and
* Comply with all Reporting Requirements.

# Supporting Documentation:

The complete application must include:

* The unit of Government applying for funding under this solicitation;
* The UEI # (Universal Entity Identifier);
* The authorized person submitting the application and role in the unit of Government;
* Project Information;
* Site information including the physical address where the Level 2 EV Charging site will be located; and
* Proof that the local utility has been contacted and the project discussed with the local utility.

# Where to submit

Application forms are located at <https://eec.ky.gov/Energy/Programs/Pages/Volkswagen-Settlement.aspx>.

A complete submittal will consist of the signed, completed application form and documentation as outlined above.

The application and documentation will be submitted via email to: [KY.VWSettlement@ky.gov](mailto:KY.VWSettlement@ky.gov).