



Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington, DC 20515

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Chairman

Jack Ruddy, Staff Director

Rick Larsen
Ranking Member

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September 12, 2023

The Honorable Pete Buttigieg
Secretary
U.S. Department of Transportation
1200 New Jersey Ave., SE
Washington, DC 20590

Dear Secretary Buttigieg:

As the Department of Transportation (DOT or Department) implements the *Infrastructure Investment and Jobs Act (IIJA)* (P.L. 117-58), I write to express concerns regarding the lack of effective cybersecurity requirements under the DOT's National Electric Vehicle Infrastructure (NEVI) program. The failure to have effective cybersecurity measures in place presents potential threats to the United States' electric grid and Americans' personal data.

Established under *IIJA*, the NEVI program provides \$5 billion over Fiscal Years (FY) 2022 through 2026, to build 500,000 new electric vehicle (EV) charging stations.¹ By connecting our electric and transportation infrastructure, which includes the electric grid, electric vehicle (EV) charging infrastructure, EVs, and personal mobile phones, the program will significantly increase the Nation's cybersecurity attack surface. Cyberattacks on EV charging stations could harm electric grid safety and performance, disable chargers, and potentially strand motorists, as well as expose personal identifiable information to cyber exploits.² Without adequate cybersecurity requirements and safeguards, communities across the country will be vulnerable to the real-world consequences of malicious cyber acts that harm the electric grid, transportation, public safety, and privacy.

On February 28, 2023, the Federal Highway Administration (FHWA) published its final rule regulating minimum standards and requirements for NEVI projects (FHWA Docket No.

¹ See *IIJA*, Pub. L. No. 117-58, Division J, 135 Stat. 1421.

² See Bart Ziegler, *Could Electric Vehicles Be Hacked?*, *The Wall St. J.*, (Feb. 14, 2023), available at <https://www.wsj.com/articles/could-electric-vehicles-be-hacked-71a543e3>.

FHWA-2022-0008).³ The rule requires States to implement “cybersecurity strategies that protect consumer data and protect against the risk of harm to, or disruption of, charging infrastructure and the grid.”⁴ While the final rule declares States broadly responsible for cybersecurity, it fails to establish substantive minimal technical requirements for States to successfully address cybersecurity needs, instead directing each State to protect cybersecurity according to their State NEVI plans.⁵ The American Association of State Highway and Transportation Officials (AASHTO), representing all State departments of transportation, previously raised the need for uniform guidance as part of comments in response to the notice of proposed rulemaking, writing in part that, “State DOTs would benefit from additional guidance on standards for cybersecurity.”⁶ Many State plans lack specific cybersecurity requirements.⁷ The final rule advises States on what “may” be included in cyber protection plans but does not provide further direction or guidance.⁸ In the absence of cybersecurity standards, it is concerning that States’ plans may lack adequate protections. Additionally, a lack of coordinated standards also increases the likelihood of an eventual patchwork of 50 different State approaches, creating cybersecurity gaps for the Nation’s electric grid.

For these reasons, I encourage DOT and FHWA to develop and encourage the adoption of stringent, minimum cybersecurity standards for EV charging infrastructure deployed by Federally funded programs. This effort should leverage existing cybersecurity best practices and commercially available cybersecurity solutions. Ensuring the electric grid’s cybersecurity is just one of the many challenges stemming from the Biden Administration’s push for the widespread deployment of EVs and their requisite charging infrastructure. As the Department continues its deployment of the NEVI program, I strongly urge you to provide guidance and move quickly to address these potential vulnerabilities to protect the security of Americans and our Nation’s grid.

If you have any questions, please contact Kelsey Foy or Cheryle Tucker with the Subcommittee on Highways and Transit at (202) 225-9446. Thank you for your prompt attention to this matter.

³ National Electric Vehicle Infrastructure Standards and Requirements, 88 Fed. Reg. 12724 (Feb. 28, 2023).

⁴ *Id.*

⁵ *Id.*

⁶ Letter from Shawn D. Wilson, Ph.D., President, AASHTO, to Gary Jensen, Dir. Of the Office of Nat’l Environment, Fed. Hwy. Admin. (Aug. 20, 2022), *available* at <https://transportation.org/policy/wp-content/uploads/sites/56/2023/03/AASHTO-Comments-to-FHWA-on-NEVI-NPRM-2022-08-20-FINAL-1.pdf>.

⁷ DOT, FHWA, *National Electric Vehicle Infrastructure Program, FY 2022, 2023 EV Infrastructure Deployment Plans*, *available* at https://www.fhwa.dot.gov/environment/nevi/ev_deployment_plans/index.cfm?format=list#map.

⁸ National Electric Vehicle Infrastructure Standards and Requirements, 88 Fed. Reg. 12724 (Feb. 28, 2023).

Sincerely,



Eric A. "Rick" Crawford
Chairman
Subcommittee on Highways
and Transit



Troy Nehls
Chairman
Subcommittee on Railroads,
Pipelines, and Hazardous Materials



Mike Collins
Member of Congress



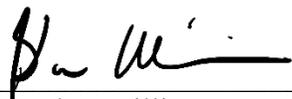
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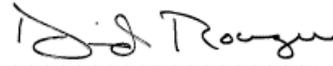
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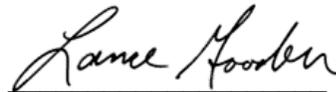
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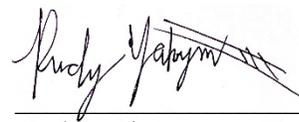
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Secretary Pete Buttigieg

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cc: The Honorable Shailen Bhatt, Administrator
Federal Highway Administration

The Honorable Rick Larsen, Ranking Member
Committee on Transportation and Infrastructure

The Honorable Eleanor Holmes Norton, Ranking Member
Subcommittee on Highways and Transit