

# Electric Vehicle Infrastructure Coordinating Council By-Laws

Adopted **TBD**

## ARTICLE 1. ESTABLISHMENT AND NAME

The Electric Vehicle Infrastructure Coordinating Council is established pursuant to St. 2022 c. 179 § 81, as amended (the “Enabling Act”), and may be referred to as the “EVICC.”

## ARTICLE 2. PURPOSE

These by-laws shall govern the organization and operation of the EVICC in carrying out its duties pursuant to the Enabling Act to assess and report on strategies and plans necessary to deploy electric vehicle charging infrastructure to establish an equitable, interconnected, accessible and reliable electric vehicle charging network across the Commonwealth.

## ARTICLE 3. POWERS AND DUTIES.

### 3.1 Statutory Duties

~~(A)~~ Pursuant to the Enabling Act, the EVICC shall:

- (1) assess and report on strategies and plans necessary to deploy electric vehicle charging infrastructure to establish an equitable, interconnected, accessible and reliable electric vehicle charging network, which includes:

~~(a)~~ development of a deployment plan that shall facilitate:-

~~i. compliance with the greenhouse gas emissions limits and sublimits set pursuant to sections 3 and 3A of chapter 21N of the General Laws, with emphasis on compliance with the emissions limits and sublimits set for 2025 and 2030;~~

~~ii. attainment of the numerical benchmarks for electric vehicles and electric vehicle charging stations set pursuant to section 5 of said chapter 21N;~~

~~iii. cessation, by December 31, 2035, of in-state sales of non-zero-emission vehicles; and~~

~~iv. (a) advancement of access to, and affordability of, electric vehicle charging and fueling; and~~

~~(b)~~ development of an assessment that shall include, but not be limited to:

~~i. the present condition of, and future needs for, road and highway electrification;~~

~~ii. estimates of the number and type of electric vehicle charging stations needed in public and private sector settings including, but not limited to, parking lots for public transit stations, commercial and industrial settings and single occupancy, double occupancy and multiple occupancy residential structures;~~

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- iii.  ~~suggestions for optimal locations for electric vehicle charging stations in urban, suburban and rural areas including, but not limited to, low income and moderate income communities;~~
  - iv.  ~~discussion of distribution, transmission and storage infrastructure and technology needed;~~
  - v.  ~~discussion of present and projected future costs and methods of financing those costs;~~
  - vi.  ~~methods; discussion of technological advances in charging stations and related infrastructure, equipment and technology including, but not limited to, advances that may aid in collecting data, connecting via remote communications, providing mobile charging, assisting in grid management and assisting in the integration of renewable energy resources;~~
  - vii.  ~~discussion of strategies to maintain electric vehicle charging stations in full and continuous working order;~~
  - viii.  ~~recommendations to assist governmental and private sector officials in installing installation of charging stations; estimates of the number of zero-emission charging stations and related infrastructure, equipment and technology, including within proximity of on-street parking; and~~
  - ix. (b)  ~~required to meet the commonwealth's emissions limits and sublimits; a discussion of costs, permitting processes and estimated timelines for installing certain charging stations; and identification and discussion of current policies and recommendations for policies, laws and regulatory actions that may facilitate the provision of charging stations and related infrastructure, equipment and technology including, but not limited to, cybersecurity requirements and best practices.~~
- (2) (B)  ~~Pursuant to the Enabling Act Section 81(b), the EVICC shall regularly seek data and input related to electric vehicle charging stations, fueling stations and related infrastructure, equipment, equipment maintenance and technology, from stakeholders, which stakeholders shall include, but not be limited to, investor owned and publicly owned electric utilities, state and local transportation agencies, companies involved in products, services, technologies and data collection related to clean energy charging and fueling, automobile manufacturers, groups representing environmental, energy and climate perspectives, and groups representing consumers including, but not limited to, low income consumers.~~
- (C)(3)  ~~Pursuant to the Enabling Act Section 81(c), in conducting and updating the assessment under this section, the council shall hold at least 3 public hearings in geographically diverse areas of the commonwealth.~~
- (D)(4)  ~~Pursuant to the Enabling Act Section 81(d), the EVICC shall issue an initial assessment to the senate and house committees on ways and means and the joint~~

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committee on telecommunications, utilities and energy ~~not later than August 11, 2023, and shall~~ reconsider; and revise its assessment at least once every 2 years; ~~and shall make its assessments publicly available on the website of each secretariat with a member serving on the council starting August 11, 2023.~~

(5) ~~Pursuant~~ provide input to the ~~Enabling Act Section 81(e), the~~ Executive Office of Energy and Environmental Affairs (EEA) ~~shall make~~ in making determinations on the expenditure of the Charging Infrastructure Deployment Fund.

(6) ~~be responsible for the purpose of ensuring a holistic, coordinated~~ providing leadership and comprehensive direction for the deployment of electric vehicle charging infrastructure; ~~and may take input from~~ and electric vehicle chargers and shall strive to ensure a network of convenient, affordable, reliable and equitable electric vehicle chargers in the commonwealth. Responsibilities of the EVICC shall include, but not be limited to: (i) achieving the objectives and serving the purposes enumerated in this section; (ii) monitoring the effectiveness of public and private initiatives involved with electric vehicle chargers in the EVICC on said expenditures. All amounts credited to the fund shall be expended solely for activities and expenditures consistent commonwealth; (iii) facilitating intergovernmental coordination and effectiveness with respect to achieving the objectives and serving the purposes of enumerated in this section, ~~including the ordinary;~~ (iv) achieving timely compliance with, and necessary expenses of implementation and administration and operation of, standards, requirements and regulations promulgated by the National Electric Vehicle Infrastructure Formula Program; and (v) ensuring wayfinding signage on highways and on streets adjacent to charging locations with information on such locations.

~~(E) Further context and enumeration of these powers and duties of the fund; provided, however, that no expenditure made from the fund shall cause the fund to become deficient at any point during the fiscal year~~ EVICC are found in Appendix I.

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## ARTICLE 4. ADDITIONAL GENERAL POWERS.

Except as otherwise prohibited by law, the EVICC shall have the following general authorities:

### 4.1 Adopt and Amend Bylaws

The EVICC shall have the power to amend, repeal or adopt these By-Laws and Ground Rules for the conduct of meetings, by a two-thirds (2/3) vote of the members at an EVICC meeting at which a quorum of voting members is present. -Amendments shall be provided to the EVICC at least one week in advance of the meeting at which the proposed amendment will be voted on.

### 4.2 Committees

The EVICC shall have authority to constitute committees, including those related to advising on consultant selection and operations, press releases, drafting of documents, and other subject areas

to assist the EVICC in implementing its duties. A committee shall be constituted for the length of a specific project or as agreed upon by the EVICC, but in no case for a period longer than two years without specific reauthorization by the EVICC. Any committee formed under this section shall not be delegated authority otherwise given to the EVICC, shall not make determinations on behalf of the EVICC, and shall not include a quorum of EVICC members.

#### **4.3 Websites**

The EVICC may adopt a website as its method of noticing meetings, posting meeting agendas, and meeting minutes, provided, however, that such website complies with the requirements of 940 CMR 29.00.

### **ARTICLE 5. COMPOSITION OF THE EVICC.**

#### **5.1 EVICC Composition**

The EVICC shall consist of members whose appointments, terms, and qualifications shall be governed by the Enabling Act, and shall include:

(1) the secretary of energy and environmental affairs or designee; (2) the commissioner of environmental protection or designee; (3) the commissioner of energy resources or designee; (4) the secretary of the Massachusetts Department of Transportation or designee; (5) the general manager of the Massachusetts Bay Transportation Authority or designee; (6) the secretary of housing and economic development or designee; (7) the secretary of administration and finance or designee; (8) the executive director of a regional planning agency, who shall be appointed by the governor; (9) the commissioner of public utilities or designee; (10) the executive director of the Massachusetts clean energy technology center or designee; (11) the commissioner of the Division of Standards or designee; and ~~(+012)~~ and ~~(+13)~~ the chairs of the joint committee on telecommunications, utilities and energy, or their designees, who shall serve as non-voting members with respect to any spending matter.

#### **5.2 Chair**

Pursuant to the Enabling Act, the secretary of energy and environmental affairs, or their designee, shall designate the Chair of the EVICC.

#### **5.4 Non-Voting Members**

Pursuant to the Enabling Act, the chairs of the joint committee on telecommunications, utilities and energy shall not be permitted to vote on any spending matters but may vote on all other matters.

#### **5.5 Vacancies**

A vacancy, the original appointment to which is required by law to be made by the governor, shall be filled in the manner provided for an original appointment.

## **5.6 Designees**

Any member of the EVICC, excluding the executive director of a regional planning agency, may designate another individual to serve in their place by notice in writing to the Chair of the EVICC. Any person so designated shall serve until removed by such member by notice in writing to the Chair of the EVICC. In cases of emergency or significant personal hardship that prevent an EVICC member's attendance at a particular meeting, an EVICC member may appoint a temporary designee who shall serve as designee solely for the purposes of said meeting and shall have the same voting or non-voting privileges consistent with those of the EVICC member. The member should submit the name of the temporary designee in writing to the Chair prior to the meetings at which the temporary designee is to serve, stating that the designation is solely for the meetings indicated.

## **ARTICLE 6. MEETINGS**

### **6.1 Open Meetings Requirements**

All EVICC meetings shall comply with the Open Meeting Law, G.L. c. 30A, §§ 18-25 and associated regulations 940 CMR 29.00: Open Meetings.

### **6.2 Responsibility of the Chair.**

The Chair shall make arrangements for all meetings of the EVICC, notify all members thereof, prepare an agenda for each meeting, keep accurate and complete records of attendance and proceedings of the EVICC, and transmit the actions and recommendations of the EVICC to the legislature or others as appropriate. The Chair shall conduct each EVICC meeting in accordance with Ground Rules, as adopted by the EVICC and amended from time to time.

### **6.3 Schedule**

Regular meetings shall be held in accordance with a schedule established by the EVICC and as otherwise necessary, subject to the Open Meeting Law, G.L. c. 30A, §§ 18-25.

### **6.4 Agenda**

The Chair shall send the agenda to all EVICC members and any person or organization requesting it. If the EVICC keeps a website, the agenda shall also be posted in accordance with all Open Meeting Law requirements and 940 CMR 29.00.

### **6.5 Quorum**

Consistent with M.G.L. c. 30A § 18, a simple majority of the EVICC members shall constitute a quorum, unless otherwise provided in a general or special law, executive order, or other authorizing provision.

### **6.6 Remote Participation**

The EVICC may, by a simple majority of voting members, approve, amend, or revoke a remote

participation policy, in accordance with the requirements of 940 CMR 29.10 and the Open Meeting Law, with that vote applying to all subsequent EVICC meetings.

## **ARTICLE 7. VOTING AND MEETING RECORDS**

### **7.1 Voting**

The EVICC shall operate primarily through a process of consensus agreement. In cases where consensus cannot be reached, the EVICC will operate by majority vote. When a vote is required, on a major issue including but not limited to the deployment plan described in 3.1(A)(1)(a), the assessment described by 3.1(A)(1)(b), contracts pursuant to Article 8, and changes to these By-Laws or the Ground Rules, EVICC members must receive notice at least two days before the vote is taken. An exception to this rule may be made with EVICC approval if the party seeking the vote demonstrates why notice was not given at least two days in advance and why a vote at that time is required. Procedural votes may be taken at the discretion of the Chair. Other votes may be taken without such notice.

Members, upon prior written notification to the Chair, may assign a proxy vote to another voting member. Any EVICC member may request a vote be taken on any issue related to EVICC business.

### **7.2 Meeting Minutes**

The Chair shall compile minutes of each EVICC meeting, which shall be reviewed and approved by the EVICC in accordance with 940 CMR 29.11 and M.G.L. c. 30A § 22(a). If the EVICC maintains a website, the minutes shall be posted in a timely manner.

### **7.3 Conflict of Interest**

Voting EVICC members shall comply with G.L. c. 268A, the conflict of interest law.

## **ARTICLE 8. PROCUREMENT OF GOODS AND SERVICES AND DISBURSEMENT OF FUNDS**

### **8.1 Procurement**

The EEA shall act as the procurement agency for the EVICC. If the EVICC determines, by majority vote, that it cannot complete its statutory obligations without the assistance of a third-party contractor to assist in conducting the required analysis and drafting a deployment plan, the EVICC shall request the Secretary include funding to procure such services in the comprehensive, multi-year spending plan for the promotion and advancement of clean energy initiative from the Charging Infrastructure Deployment Plan, as required by St. 2022 c. 268, § 2A, item 1599-6081. Any and all procurement decisions shall be made by a majority of voting EVICC members.

EEA, acting on behalf of the EVICC, may hire consultants through competitive processes and careful review by the EVICC, to ensure that the highest level of services are obtained at reasonable value. Any reports required of the consultants shall be developed with the supervision of the EEA and given to the EVICC upon completion to inform the EVICC's work.

#### **ARTICLE 9. SEVERABILITY**

If any provision of these by-laws is held invalid, such invalidity shall not affect other provisions of the by-laws which can be given effect without the invalid provision. These By-Laws must conform with all applicable laws in place as of the date on which they are adopted by the EVICC.

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## Appendix I

St. 2022, c. 179 § 81 (as amended by St. 2024, c. 239)

SECTION 81. (a) There shall be within the executive office of energy and environmental affairs, but not subject to the control of the office, an intergovernmental coordinating council to implement an electric vehicle charging infrastructure deployment plan. The council shall consist of the following 11 members: the secretary of energy and environmental affairs or designee, who shall designate the chair of the council; the commissioner of environmental protection or designee; the commissioner of energy resources or designee; the secretary of the Massachusetts Department of Transportation or designee; the general manager of the Massachusetts Bay Transportation Authority or designee; the secretary of housing and economic development or designee; the secretary of administration and finance or designee; the executive director of a regional planning agency or designee, who shall be appointed by the governor; the commissioner of public utilities or designee; and the chairs of the joint committee on telecommunications, utilities and energy or their designees, who shall serve as non-voting members with respect to any spending matter. The council shall assess and report on strategies and plans necessary to deploy electric vehicle charging infrastructure to establish an equitable, interconnected, accessible and reliable electric vehicle charging network. The deployment plan shall facilitate: (i) compliance with the greenhouse gas emissions limits and sublimits set pursuant to sections 3 and 3A of chapter 21N of the General Laws, with emphasis on compliance with the emissions limits and sublimits set for 2025 and 2030; (ii) attainment of the numerical benchmarks for electric vehicles and electric vehicle charging stations set pursuant to section 5 of said chapter 21N; (iii) cessation, by December 31, 2035, of in-state sales of non-zero-emission vehicles; and (iv) advancement of access to, and affordability of, electric vehicle charging and fueling.

The assessment shall include, but not be limited to: (i) the present condition of, and future needs for, road and highway electrification; (ii) estimates of the number and type of electric vehicle charging stations needed in public and private sector settings including, but not limited to, parking lots for public transit stations, commercial and industrial settings and single occupancy, double occupancy and multiple-occupancy residential structures; (iii) suggestions for optimal locations for electric vehicle charging stations in urban, suburban and rural areas including, but not limited to, low-income and moderate-income communities; (iv) discussion of distribution, transmission and storage infrastructure and technology needed; (v) discussion of present and projected future costs and methods of financing those costs; (vi) discussion of technological advances in charging stations and related infrastructure, equipment and technology including, but not limited to, advances that may aid in collecting data, connecting via remote communications, providing mobile charging, assisting in grid management and assisting in the integration of renewable energy resources; (vii) discussion of strategies to maintain electric vehicle charging stations in full and continuous working order; (viii) recommendations to assist



governmental and private sector officials in installing charging stations and related infrastructure, equipment and technology, including within proximity of on-street parking; - (ix) estimates of the number of zero-emission medium and heavy duty vehicle charging stations required to meet the commonwealth's emissions limits and sublimits pursuant to said chapter 21N; (x) a discussion of costs, permitting processes and estimated timelines for installing charging stations for medium and heavy duty vehicles; and (xi) identification and discussion of current policies and recommendations for policies, laws and regulatory actions that may facilitate the provision of charging stations and related infrastructure, equipment and technology including, but not limited to, cybersecurity requirements and best practices.

(b) The council shall regularly seek data and input related to electric vehicle charging stations, fueling stations and related infrastructure, equipment, equipment maintenance and technology, from stakeholders, which stakeholders shall include, but not be limited to, investor-owned and publicly-owned electric utilities, state and local transportation agencies, companies involved in products, services, technologies and data collection related to clean energy charging and fueling, automobile manufacturers, groups representing environmental, energy and climate perspectives, and groups representing consumers including, but not limited to, low-income consumers.

(c) The executive office of energy and environmental affairs shall provide administrative support to the council. In conducting and updating the assessment under this section, the council shall hold at least 3 public hearings in geographically diverse areas of the commonwealth.

(d)(1) The council shall issue an initial assessment to the senate and house committees on ways and means and the joint committee on telecommunications, utilities and energy not later than 12 months after the effective date of this act and shall reconsider and revise its assessment at least once every 2 years. The council shall make its assessments publicly available on the website of each secretariat with a member serving on the council.

(2) Each assessment submitted pursuant to this section shall forecast electric vehicle charging demand throughout the commonwealth for the next 10 years and the impacts of such demand on the electric distribution grid, identifying areas of the grid that may require modification due to such impacts. In conducting such forecasts, the council shall consult with key stakeholders, including, but not limited to, electric distribution companies, convenience store and restaurant retailers and other small businesses, electric vehicle supply equipment companies, electric vehicle original equipment manufacturers and fleet operators. Each forecast shall consider current traffic patterns and expected adoption of light, medium and heavy-duty electric vehicles over various time periods.

(3) Not later than 6 months after the completion of each assessment, the council, in coordination with the department of energy resources, the Massachusetts Department of Transportation and

said key stakeholders, shall identify optimal sites along or near commonwealth highways and major roadways in each electric distribution company service territory that may be suitable to host electric vehicle fast charging hubs and fleet depots. Identification of such priority sites for electric vehicle fast charging stations and fleet depots shall include, but not be limited to, consideration of the following: (i) convenience, accessibility and safety for drivers and passengers; (ii) ease of access for both consumer and commercial electric vehicles; (iii) cost-effective and efficient use of existing electric company infrastructure and rights-of-way; (iv) land use feasibility; (v) potential ability to qualify for public funds, including, but not limited to, funds made available under the federal Infrastructure Investment and Jobs Act of 2021, Public Law No. 117-58; and (vi) impact on environmental justice communities and low and moderate income neighborhoods.

(4) Not later than 12 months after the completion of each assessment, each electric distribution company shall develop a plan for building the additional distribution infrastructure investments necessary on its system to satisfy, at a minimum, the 10-year charging demand projected in each such assessment, including, but not limited to, in the areas identified in such assessment as potentially requiring a grid upgrade and at the sites identified as potential hosts of fast charging hubs and fleet depots. Such additional distribution infrastructure investments shall be designed to accommodate any additional projected future needs for the area identified by the electric distribution company and shall be inclusive of, but not limited to, increased demand associated with heating and cooling electrification and hosting capacity for distributed energy resources. Each such additional distribution infrastructure investment shall be: (i) consistent with the requirements and criteria set forth in section 92B of chapter 164 of the General Laws; (ii) treated as small clean transmission and distribution infrastructure facilities as defined in chapter 25A of the General Laws; and (iii) subject to the statutes, regulations and processes attendant to said chapter 25A.

(5) Not later than 12 months after the completion of each assessment, each electric distribution company may submit to the department of public utilities an application to increase its base electric distribution rates to account for the additional distribution infrastructure included in the plan pursuant to paragraph (4). Such application shall be approved by the department of public utilities not later than 3 months after submission so long as the requested increase is consistent with the department's accounting practices and incremental costs are not otherwise accounted for in the electric distribution company's existing rates. The department's review of such application shall not be construed as a prudence review. The electric distribution company's application shall be deemed approved if the department does not act within 3 months.

(6) The department of public utilities shall conduct a prudence review of the additional distribution infrastructure investments planned pursuant to paragraph (4) during the next general rate case of the electric distribution company or in reviewing the electric distribution company's electric-sector modernization plan submitted pursuant to section 92B of chapter 164 of the General Laws, at the department's discretion. Each electric distribution company shall be entitled to full cost recovery of all such infrastructure investments deemed prudent. To

demonstrate prudence, the electric distribution company shall clearly outline how it evaluated advanced transmission technologies, other infrastructure investments and alternatives other than infrastructure investments to satisfy projected demand. The electric distribution company shall also demonstrate that the proposed infrastructure investments were cost effective compared with the alternatives, provide net benefits for customers and meet the criteria enumerated in clauses (i) to (vi), inclusive, of subsection (a) of said section 92B of said chapter 164. If the department finds that such investments were imprudent, it may, at its discretion, order customers to be credited for any increase in base distribution rates made pursuant to paragraph (5) with interest, as appropriate.

(e) There is hereby established and set up on the books of the commonwealth a separate fund to be known as the Charging Infrastructure Deployment Fund for the purpose of ensuring a holistic, coordinated and comprehensive deployment of electric vehicle charging infrastructure. The fund shall be credited with: (i) revenue from appropriations or other money authorized by the general court and specifically designated to be credited to the fund; (ii) interest earned on such revenue; and (iii) funds from public and private sources and other gifts, grants and donations. All amounts credited to the fund shall be expended solely for activities and expenditures consistent with the purposes of this section, including the ordinary and necessary expenses of administration and operation of the fund; provided, however, that no expenditure made from the fund shall cause the fund to become deficient at any point during the fiscal year. Any money remaining in the fund at the end of a fiscal year shall not revert to the General Fund.

(f) The council shall be responsible for providing leadership and direction for the deployment of electric vehicle charging infrastructure and electric vehicle chargers and shall strive to ensure a network of convenient, affordable, reliable and equitable electric vehicle chargers in the commonwealth. Responsibilities of the council shall include, but not be limited to: (i) achieving the objectives and serving the purposes enumerated in this section; (ii) monitoring the preparedness, staffing level, staff training and overall effectiveness of public and private initiatives, activities, programs, agencies, offices and divisions involved in siting, permitting, financing, installing, inspecting, maintaining or protecting consumer interactions with electric vehicle chargers in the commonwealth; (iii) facilitating intergovernmental coordination and effectiveness with respect to achieving the objectives and serving the purposes enumerated in this section; (iv) achieving timely compliance with, and implementation and administration of, standards, requirements and regulations promulgated by the National Electric Vehicle Infrastructure Formula Program established pursuant to the Infrastructure Investment and Jobs Act of 2021, Public Law No. 117-58; and (v) ensuring wayfinding signage on highways and on streets adjacent to charging locations with information on such locations. Not later than July 31, 2025, or as part of the next periodic assessment compiled pursuant to subsection (d), whichever occurs later, and every 2 years thereafter, the council shall report on its efforts to lead and direct

such deployment and its results to the senate and house committees on ways and means and the joint committee on telecommunications, utilities and energy. The council shall make such reports publicly available on the website of each secretariat with a member serving on the council.

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