



September 17, 2024

The Honorable Charles Schumer
Majority Leader
U.S. Senate
Washington, D.C. 20515

The Honorable Mitch McConnell
Minority Leader
U.S. Senate
Washington, D.C. 20515

Majority Leader Schumer and Minority Leader McConnell:

The below signed organizations – representing hundreds of thousands of mostly small businesses, as well as American cities and municipalities and blind entrepreneurs – urge you to protect the ban on privatizing and commercializing Interstate rest areas. We are writing to you to express our opposition to S. 4989, the RECHARGE Act, which would allow electric vehicle (EV) charging on the Interstate right-of-way and at Interstate rest areas. Our groups have a long history of supporting EV charging and other alternative fuel incentive policies; we would welcome the opportunity to work with your offices to pursue those efforts in a way that does not unnecessarily undermine off-highway communities, blind entrepreneurs, and broader alternative fuel investment opportunities.

Our associations support investment in a full range of fueling options for consumers including electricity as well as other alternatives to petroleum-based fuels. Many off-highway businesses have already invested in EV charging stations; indeed, many of our members are currently in the process of working with their state departments of transportation to install EV charging stations at locations along the Interstate. They are also considering investing in a variety of other clean fuel technologies. Businesses' desire to invest in these alternative fuels will be unmistakably diminished if EV chargers are permitted at Interstate rest areas.

When Congress created the Interstate Highway System in 1956, Congress and community leaders feared that local businesses, jobs, and tax bases would shrink as motorists and truck drivers bypassed their cities and towns. For this reason, Congress prohibited new Interstate System rest areas from offering commercial services—such as fuel, food, and other convenience items. As a result, a robust off-highway business environment emerged at Interstate exchanges. Our groups support maintaining this ban, and oppose any exceptions that undermine it (whether it be EV charging stations, gas pumps, convenience stores, or restaurants).

Given how many businesses are currently located off Interstate exits, it is one of the most competitive business environments in the country. Off-highway businesses are always innovating and investing in ways to service their customers so that they can compete for market share. They are uniquely vulnerable to unfair competition from government-backed fuel and foodservice establishments if the right-of-way were to be commercialized. Indeed, Congress's original concern holds true today: if food and automotive service and fuel options were to be made available at rest areas, motorists would begin to

gravitate toward these types of establishments and decimate the off-highway businesses, tax bases, and communities.

Congress prohibited states from offering commercial services at Interstate rest areas and on the right-of-way specifically so that private sector entities would grow and provide those services to travelers. This thinking has been validated over the last seven decades: There is no shortage of foodservice, refueling, or convenience or hotel options off of highway exits. To the extent there is an insufficient number of EV charging stations at these locations, that is reflective of market dynamics that our members are in the process of overcoming via NEVI and other policy incentives; it is not due to the ban on commercial activities within the right-of-way.

There are no simple solutions to complex problems. The best way to limit “range anxiety” for EV users, and to prompt investments in other similar low-carbon technologies, is to incentivize the thousands of travel centers, gas stations, convenience stores, restaurants, and hotels located in close proximity to an Interstate to offer EV charging and alternative refueling services. These businesses are ready and willing to make those investments, and private industry has demonstrated its commitment in part by pursuing, and acquiring, federal grant funds for EV charging provided under the Infrastructure Investment and Jobs Act of 2021. The Biden Administration has repeatedly lauded the success of these new public and private investments. Rather than undermine off-highway businesses, policymakers have an opportunity to build upon this positive momentum by solving the most pressing existing impediments to charging station investment, rather than creating new ones. Maintaining the ban on commercialization, and developing incentive programs within that regulatory structure, will foster the proliferation of EV charging in the long-term.

Beyond undermining private investment in EV charging stations, permitting alternative refueling infrastructure at rest areas or on the Interstate right-of-way would inevitably lead EV users to demand additional relaxations of the commercialization ban so they could purchase food and beverages at rest areas while they charge their vehicles. This, in turn, would decimate blind business owners that currently enjoy a priority for installing and operating vending machines at Interstate rest areas. Many blind entrepreneurs throughout the country rely on this opportunity to earn a living, support their families, and realize the American dream. If commercialized rest areas were allowed, these business owners would be out of work virtually overnight.

Commercializing rest areas would eliminate jobs, while at the same time undercutting a number of important policy priorities that affect various sectors of the economy. We strongly urge you to abandon policies that commercialize Interstate rest areas or allow EV charging on the Interstate right-of-way, and instead work with us to pursue what we believe are mutually compatible objectives.

Sincerely,

Energy Marketers of America

National Association of Convenience Stores

NATSO, Representing America's Travel Centers and Truckstops

National Federation of the Blind

National League of Cities

National Restaurant Association

National Retail Federation

SIGMA: America's Leading Fuel Marketers

cc: Members of the United States Senate