

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

STATE OF WASHINGTON et al.,

Plaintiffs,

v.

U.S. DEPARTMENT OF
TRANSPORTATION et al.,

Defendants.

SIERRA CLUB et al.,

Plaintiff-Intervenors,

v.

U.S. DEPARTMENT OF
TRANSPORTATION et al.,

Defendants.

JUDGMENT IN A CIVIL CASE

CASE NUMBER. 2:25-cv-00848-TL

- Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.
- Decision by Court.** This action came to consideration before the Court. The issues have been considered and a decision has been rendered.

THE COURT HAS ORDERED THAT

As to Counts I, II, and III of the Amended Complaint (Dkt. No. 124), Plaintiff States' Motion for Summary Judgment (Dkt. No. 142) is GRANTED. As to Counts IV, V, and VI of the Amended Complaint, Plaintiff States' Motion for Summary Judgment is DENIED. As to Counts 1 and 2 of the Complaint-in-Intervention (Dkt. No. 76-1), Plaintiff-Intervenors' Motion for Summary Judgment (Dkt. No. 150) is GRANTED. As to Counts 3, 4, and 5 of the Complaint-in-Intervention, Plaintiff-Intervenors' Motion for Summary Judgment is DENIED. Defendants' Motion for Summary Judgment (Dkt. No. 141) is DENIED. It is hereby ORDERED:

- (1) Judgment is ENTERED in favor of Plaintiff States and against Defendants on Counts I, II, and III of Plaintiff States' First Amended Complaint (Dkt. No. 124).
- (2) Judgment is ENTERED in favor of Plaintiff-Intervenors and against Defendants on Counts 1 and 2 of Plaintiff-Intervenors' Complaint-in-Intervention (Dkt. No. 76-1).
- (3) Defendants' actions, as announced in the February 6, 2025, letter from the Federal Highway Administration to State Department of Transportation Directors, to "suspend[] the approval of all State Electric Vehicle Infrastructure Deployment plans for all fiscal years" and prohibit "new obligations . . . under the NEVI Formula Program until the updated final NEVI Formula Program Guidance is issued and new State plans are submitted and approved," are VACATED and SET ASIDE in their entirety.
- (4) Defendants and all their respective officers, agents, servants, employees and attorneys, and any person in active concert or participation with them who receives actual notice of this order are hereby fully ENJOINED from the following:

(a) Suspending or revoking—or maintaining any current suspension or revocation of—previously-approved State Electric Vehicle Infrastructure Deployment Plans of Plaintiff States Arizona, California, Colorado, Delaware, District of Columbia, Hawai‘i, Illinois, Kentucky, Maryland, Michigan, Minnesota, New Jersey, New Mexico, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, Vermont, Washington, and Wisconsin, as well as previously-approved State Electric Vehicle Infrastructure Deployment Plans of any NEVI jurisdiction which has not yet fully obligated its funds for Fiscal Years 2022–2025. These States’ State Electric Vehicle Infrastructure Deployment Plans shall be restored to the legal status they held prior to the February 6, 2025, issuance of the Biondi Letter; and

(b) Withholding or withdrawing NEVI Formula Program funds for any previously approved State Electric Vehicle Infrastructure Deployment Plans for any reason not set forth in the IIJA or applicable FHWA regulations; or withholding or withdrawing NEVI Formula Program funds from a state without following the IIJA’s substantive and procedural requirements, including by refusing to review and/or process requests for authorization to obligate funds for specific EV charging infrastructure development activities.

(5) The Court DECLARES that Defendants’ actions, as announced in the February 6, 2025, letter from the Federal Highway Administration to State Department of Transportation Directors, to “suspend[] the approval of all State Electric Vehicle Infrastructure Deployment plans for all fiscal years” and prohibit “new obligations . . . under the NEVI Formula Program until the updated final NEVI Formula Program

Guidance is issued and new State plans are submitted and approved”:

- (a) Violate the Administrative Procedure Act because they are in excess of statutory authority;
- (b) Violate the Administrative Procedure Act because they are arbitrary and capricious; and
- (c) Violate the Administrative Procedure Act because they are not in accordance with law and without observance of procedure required by law.

(6) Within five (5) days of this Judgment, Defendants’ attorneys SHALL provide written notice of this Judgment to all Defendants and agencies and their employees or contractors with responsibility for administering the NEVI Formula Program. Defendants SHALL file a copy of the notice on the docket at the same time.

(7) The Court retains jurisdiction to resolve any issues related to the enforcement of this Judgment.

Dated January 23, 2026.

Joshua C. Lewis
Clerk of Court

s/Kadya Peter
Deputy Clerk