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I N A S S E M B L Y

April 15, 2016

Introduced by M. of A. RODRIGUEZ -- read once and referred to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to create a pilot program designed to assess various issues related to implementing a vehicle-miles-traveled fee

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Legislative findings. The legislature hereby finds and
2 declares that an efficient transportation system is critical for New
3 York's economy and quality of life and that the revenues currently
4 available for highways and local roads are inadequate to preserve and
5 maintain existing infrastructure and to provide funds for improvements
6 that would reduce congestion and improve service.

7 The legislature further recognizes that the gas tax is an ineffective
8 mechanism for meeting New York's long-term revenue needs because it will
9 steadily generate less revenue as cars become more fuel efficient and
10 alternative sources of fuel are identified. Additionally, bundling fees
11 for roads and highways into the gas tax makes it difficult for users to
12 understand the amount they are paying for roads and highways.

13 The legislature further finds that other states have begun to explore
14 the potential for a road usage charge to replace traditional gas taxes,
15 including the state of Oregon, which established the first permanent
16 road user charge program in the nation. Road usage charging is a policy
17 whereby motorists pay for the use of the roadway network based on the
18 distance they travel. Drivers pay the same rate per mile driven, regard-
19 less of what part of the roadway network they use. A road usage charge
20 program has the potential to distribute the gas tax burden across all
21 vehicles regardless of fuel source and to minimize the impact of the
22 current regressive gas tax structure.

23 The legislature therefore finds that experience to date in other
24 states across the nation demonstrates that mileage-based charges can be
25 implemented in a way that ensures data security and maximum privacy
26 protection for drivers. It is important that New York begin to explore
27 alternate revenue sources that may be implemented in lieu of the anti-

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

1 quated gas tax structure now in place. Any exploration or alternative
2 revenue sources shall take privacy implications into account, especially
3 with regard to location data. Travel locations or patterns shall not be
4 reported, and legal and technical safeguards shall protect personal
5 information.

6 S 2. Road usage charge (RUC) advisory committee. (a) There is hereby
7 created the road usage charge (RUC) advisory committee which shall guide
8 the development and evaluation of a pilot program to assess the poten-
9 tial for mileage-based revenue collection for New York's roads and high-
10 ways as an alternative to the gas tax system.

11 (b) The RUC advisory committee shall consist of fourteen members:

12 (1) the commissioner of the department of transportation, or his or
13 her designee, who shall serve as chair;

14 (2) a representative of the telecommunications industry who shall be
15 appointed by the temporary president of the senate;

16 (3) a representative of highway user groups who shall be appointed by
17 the governor;

18 (4) a representative of the data security and privacy industry who
19 shall be appointed by the senate majority leader;

20 (5) a representative of privacy rights advocacy organizations who
21 shall be appointed by the governor;

22 (6) a representative of regional transportation agencies who shall be
23 appointed by the speaker of the assembly;

24 (7) a representative of the transportation research board who shall be
25 appointed by the speaker of the assembly;

26 (8) a representative of the American association of state highway and
27 transportation officials who shall be appointed by the governor;

28 (9) the chair of the assembly transportation committee, or his or her
29 designee;

30 (10) the chair of the senate transportation committee, or his or her
31 designee;

32 (11) a representative of the civic community who shall be appointed by
33 the senate majority leader;

34 (12) a representative of transit advocates who shall be appointed by
35 the speaker of the assembly; and

36 (13) two relevant stakeholders as determined by the governor.

37 (c) The RUC advisory committee may request the department of transpor-
38 tation to perform such work as the advisory committee deems necessary to
39 carry out its duties and responsibilities.

40 (d) The RUC advisory committee shall study RUC alternatives to the gas
41 tax. It shall gather public comment on issues and concerns related to
42 the pilot program and shall make recommendations to the department of
43 transportation on the design of a pilot program to test alternative RUC
44 approaches. The RUC advisory committee may also make recommendations on
45 the criteria to be used to evaluate the pilot program.

46 (e) In studying alternatives to the current gas tax system and devel-
47 oping recommendations on the design of a pilot program to test alterna-
48 tive RUC approaches, pursuant to subdivision (d) of this section, the
49 RUC advisory committee shall take all of the following into consider-
50 ation:

51 (1) The availability, adaptability, reliability, and security of meth-
52 ods that might be used in recording and reporting highway use.

53 (2) The necessity of protecting all personally identifiable informa-
54 tion used in reporting highway use.

55 (3) The ease and cost of recording and reporting highway use.

1 (4) The ease and cost of administering the collection of taxes and
2 fees as an alternative to the current system of taxing highway use
3 through motor vehicle fuel taxes.

4 (5) Effective methods of maintaining compliance.

5 (6) The ease of reidentifying location data, even when personally
6 identifiable information has been removed from the data.

7 (7) Increased privacy concerns when location data is used in conjunc-
8 tion with other technologies.

9 (8) Public and private agency access, including law enforcement, to
10 data collected and stored for purposes of the RUC to ensure individual
11 privacy rights are protected.

12 (f) The RUC advisory committee shall consult with highway users and
13 transportation stakeholders, including representatives of vehicle users,
14 vehicle manufacturers, and fuel distributors as part of its duties
15 pursuant to subdivision (e) of this section.

16 S 3. Establishment of a pilot program. (a) Based on the recommenda-
17 tions of the RUC advisory committee, it shall collaborate with the
18 department of transportation to implement a pilot program to identify
19 and evaluate issues related to the potential implementation of an RUC
20 program in New York by January 1, 2019.

21 (b) At a minimum, the pilot program shall accomplish all of the
22 following:

23 (1) Analyze alternative means of collecting road usage data, including
24 at least one alternative that does not rely on electronic vehicle
25 location data.

26 (2) Collect a minimum amount of personal information including
27 location tracking information, necessary to implement the RUC program.

28 (3) Ensure that processes for collecting, managing, storing, transmit-
29 ting, and destroying data are in place to protect the integrity of the
30 data and safeguard the privacy of drivers.

31 (c) The RUC advisory committee shall not disclose, distribute, make
32 available, sell, access or otherwise provide for another purpose,
33 personal information or data collected through the pilot program to any
34 private entity or individual unless authorized by a court order, as part
35 of a civil case, by a subpoena issued on behalf of a defendant in a
36 criminal case, by a search warrant, or in aggregate form with all
37 personal information removed for the purposes of academic research.

38 S 4. Report. Eighteen months after the implementation of the pilot
39 program, it shall be concluded, and the RUC advisory committee shall
40 report its findings and recommendations to the governor and the legisla-
41 ture. Such report shall also be bound and made available to the public.
42 The report shall include, but not be limited to, a discussion of all the
43 following issues:

44 (a) Cost of the program.

45 (b) Privacy, including recommendations regarding public and private
46 access, including law enforcement, to data collected and stored for
47 purposes of the RUC program to ensure individual privacy rights are
48 protected.

49 (c) Jurisdictional issues.

50 (d) Feasibility.

51 (e) Complexity.

52 (f) Acceptance.

53 (g) Use of revenues.

54 (h) Security and compliance, including a discussion of processes and
55 security measures necessary to minimize fraud and tax evasion rates.

- 1 (i) Data collection technology, including a discussion of the advan-
- 2 tages and disadvantages of various types of data collection equipment
- 3 and the privacy implications and consideration of the equipment.
- 4 (j) Potential for additional driver services.
- 5 (k) Implementation issues.
- 6 S 5. This act shall take effect immediately.