STATE OF NEW YORK

2542

2019-2020 Regular Sessions

IN ASSEMBLY

January 23, 2019

Introduced by M. of A. RODRIGUEZ -- read once and referred to the Committee on Transportation

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:

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

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

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

The legislature therefore finds that experience to date in other states across the nation demonstrates that mileage-based charges can be implemented in a way that ensures data security and maximum privacy

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

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protection for drivers. It is important that New York begin to explore alternate revenue sources that may be implemented in lieu of the antiquated gas tax structure now in place. Any exploration or alternative revenue sources shall take privacy implications into account, especially with regard to location data. Travel locations or patterns shall not be reported, and legal and technical safeguards shall protect personal information.

§ 2. Road usage charge (RUC) advisory committee. (a) There is hereby created the road usage charge (RUC) advisory committee which shall guide the development and evaluation of a pilot program to assess the potential for mileage-based revenue collection for New York's roads and highways as an alternative to the gas tax system.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) The RUC advisory committee may request the department of transportation to perform such work as the advisory committee deems necessary to carry out its duties and responsibilities.

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

(e) In studying alternatives to the current gas tax system and developing recommendations on the design of a pilot program to test alternative RUC approaches, pursuant to subdivision (d) of this section, the RUC advisory committee shall take all of the following into consideration:

(1) The availability, adaptability, reliability, and security of methods that might be used in recording and reporting highway use.

(2) The necessity of protecting all personally identifiable information used in reporting highway use.

(3) The ease and cost of recording and reporting highway use.
(4) The ease and cost of administering the collection of taxes and fees as an alternative to the current system of taxing highway use through motor vehicle fuel taxes.
(5) Effective methods of maintaining compliance.
(6) The ease of reidentifying location data, even when personally identifiable information has been removed from the data.
(7) Increased privacy concerns when location data is used in conjunction with other technologies.
(8) Public and private agency access, including law enforcement, to data collected and stored for purposes of the RUC to ensure individual privacy rights are protected.
(f) The RUC advisory committee shall consult with highway users and transportation stakeholders, including representatives of vehicle users, vehicle manufacturers, and fuel distributors as part of its duties pursuant to subdivision (e) of this section.
§ 3. Establishment of a pilot program. (a) Based on the recommendations of the RUC advisory committee, it shall collaborate with the department of transportation to implement a pilot program to identify and evaluate issues related to the potential implementation of an RUC program in New York by January 1, 2022.
(b) At a minimum, the pilot program shall accomplish all of the following:
(1) Analyze alternative means of collecting road usage data, including at least one alternative that does not rely on electronic vehicle location data.
(2) Collect a minimum amount of personal information including location tracking information, necessary to implement the RUC program.
(3) Ensure that processes for collecting, managing, storing, transmitting, and destroying data are in place to protect the integrity of the data and safeguard the privacy of drivers.
(c) The RUC advisory committee shall not disclose, distribute, make available, sell, access or otherwise provide for another purpose, personal information or data collected through the pilot program to any private entity or individual unless authorized by a court order, as part of a civil case, by a subpoena issued on behalf of a defendant in a criminal case, by a search warrant, or in aggregate form with all personal information removed for the purposes of academic research.
§ 4. Report. Eighteen months after the implementation of the pilot program, it shall be concluded, and the RUC advisory committee shall report its findings and recommendations to the governor and the legislature. Such report shall also be bound and made available to the public. The report shall include, but not be limited to, a discussion of all the following issues:
(a) Cost of the program.
(b) Privacy, in including recommendations regarding public and private access, including law enforcement, to data collected and stored for purposes of the RUC program to ensure individual privacy rights are protected.
(c) Jurisdictional issues.
(d) Feasibility.
(e) Complexity.
(f) Acceptance.
(g) Use of revenues.
(h) Security and compliance, including a discussion of processes and security measures necessary to minimize fraud and tax evasion rates.

(i) Data collection technology, including a discussion of the advantages and disadvantages of various types of data collection equipment and the privacy implications and consideration of the equipment.

(j) Potential for additional driver services.

(k) Implementation issues.

§ 5. This act shall take effect immediately.