NATIONAL INDIAN JUSTICE CENTER

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Joseph A. Myers, Executive Director

September 16, 2015

Mr. Jim Madaffer
Chairman
California Road Usage Charge Technical Advisory Committee
California Transportation Commission
1120 N Street, MS-52
Sacramento, CA 95814

Dear Mr. Madaffer:

This is written on behalf of the Caltrans Director's Native American Advisory Committee (NAAC), an elected group of tribal leaders who provide advice to Caltrans regarding matters of importance to California Tribes and their constituents. Components of the Road User Charge Pilot program are of specific concern to Native Americans in the state, and the NAAC respectfully submits the following comments:

Senate Bill 1077 directs your Technical Advisory Committee to ascertain the "ease and cost of administering the collection of (road user) taxes and fees as an alternative to the current system of taxing highway use through motor vehicle fuel taxes." In designing an alternative to fuel taxes, it is essential to consider not only the income stream those taxes provide, but also the impact that such charges may have on Native American communities and drivers.

Jurisdictionally, a road user fee may not be imposed on tribal lands because Public Law 280, a Federal statute, prohibits state civil regulation of Tribal lands. Since this fee will be a state civil regulatory law, it may be a problem implementing it on tribal lands. Consideration must be given to how existing gas tax exemptions will be accounted for in this program. Tribal sovereignty must be considered, documented, and accounted for in the pilot study and in the final report to the legislature.

The pilot program tracking system should be set up so that it will identify a vehicle that is on tribal roads or when it is driving through Indian reservations. The start and stop points for calculating the miles on which the fee will be collected should be considered carefully.

Some tribes are exempt from certain taxes on fuel delivered to and used on Tribal lands, so if a tribal member drives only on tribal roads without leaving the reservation, they may

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not be subject to the road user fee. How are these exemptions identified in the pilot program? Non-tribal vehicles, including trucks, use reservation roads. Will a portion of the road user fee be provided to tribes to account for the impacts to their roads?

Many reservations and rancherias are located in rural areas, and residents must drive further to access employment, goods, and services than those living in urban areas. The NAAC wants to be sure that those living in Native American communities do not bear a disproportionate cost of road maintenance and repair. The TAC needs to consider equity for rural drivers when studying the road usage fee.

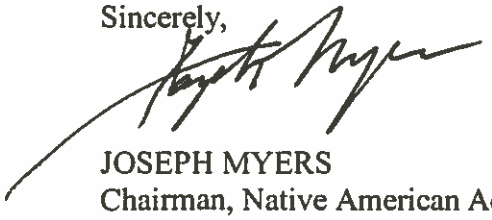
Trucks are less efficient, and contribute more with fuel taxes. Any fee program should ensure that they continue to pay a proportionate share based on usage and weight. Consideration must be given to how much damage a heavy commercial vehicle does to the roadway. For example, a heavy truck will wear roadway surfaces more than a passenger vehicle, and this needs to be considered when calculating/implementing usage fees.

The technology that is used to collect user data is of concern to the tribes: privacy, security, and accessibility are all issues. Concern has been expressed about how transit vehicles would be accounted for in a road user fee program. Would transit services also have to pay to use the roads, and how would this cost impact transit-users? Would there also be consideration to other forms of multimodal transportation and those utilizing facilities such as sidewalks, trails, and bike paths?

Finally, the NAAC requests clarification on how transportation-related taxes and fees are currently being used. For example, are truck weight fees being used for transportation? If not, they should be used for roadway maintenance; if existing funding was used appropriately, perhaps there would be less of a shortage of funding for maintenance.

Thank you for providing the NAAC an opportunity to comment on The Road User Charge Pilot Program. If you have any questions, please contact Joe Myers at (707) 579-5507 or by e-mail to JosephMyers@nijc.org. You can also contact Lonora Graves at (916) 653-6315 or by e-mail to Lonora.Graves@dot.ca.gov.

Sincerely,



JOSEPH MYERS
Chairman, Native American Advisory Committee

From: ncalgal2002@gmail.com
To: Road Charge Pilot Program@DOT; Hinson, Philip@DOT; Chhimi, Jigme@DOT; Gutierrez, Gary F@DOT; brady.tadcol@dot.ca.gov
Subject: California Road Charge Pilot Program Public Comments
Date: Saturday, September 19, 2015 7:20:49 AM

Below is the result of your feedback form. It was submitted by
Lynne Anderson (ncalgal2002@gmail.com) on September 19th, 2015 at 07:20AM (PDT).

firstname: Lynne
lastname: Anderson
city: Weed
zip: 96094
email: ncalgal2002@gmail.com
comments: As a Siskiyou County resident, I am seriously concerned about the inequity of charging residents of rural counties the same way residents of urban counties are charged.
For many in this area, it is normal to drive 100 miles or more one-way to get to a Dr. appointment.
While my zip code states I live in Weed, in actuality I live 10 miles outside of Weed. I have to drive 10 miles one-way to get to the only grocery store in the area, which is high priced. Generally I end up driving 30 miles to Yreka, or 85 miles to Klamath Falls, Medford or Redding to do bulk shopping once a month. It's a 10-mile drive to the most reasonable gas station in my area, and a 30-mile drive to the cheapest gas in the county, when I'm already going to Yreka. It's a 20-mile drive to the nearest hardware store, and a 10-mile drive to the nearest lumber yard.
This example doesn't account for families with children in school, sports activities, etc., who often have to drive into town more than once a day.
It also doesn't account for the exponentially greater number of miles required to be driven by our ranchers and farmers in their daily lives, the people who provide our state with food.
There is extremely limited public transportation in Siskiyou County, but it does not cover most of a families' daily transportation needs, and is only available on main transportation routes between cities in Siskiyou County.
There are demographics for average locations of goods and services available for both rural and urban areas of the state.
In the past, for blanket statewide charges for health insurance coverage, rural residents were offered the opportunity to be reimbursed for some of the "one size fits all" fees - the Rural Health Equity Program. It was burdensome to deal with, but did offer some help.
Please find a way to make the road charge equitable between rural residents and urban residents of this state.
submit: Submit Comments

From: larrymay1@gmail.com
To: Road Charge Pilot Program@DOT; Hinson, Philip@DOT; Chhimi, Jigme@DOT; Pourvahidi, Carrie@DOT; brady.tadcol@dot.ca.gov
Subject: California Road Charge Pilot Program Public Comments
Date: Sunday, October 11, 2015 7:07:30 AM

Below is the result of your feedback form. It was submitted by
Larry May (larrymay1@gmail.com) on October 11th, 2015 at 07:07AM (PDT).

firstname: Larry
lastname: May
city: Carlsbad
zip: 92011
email: larrymay1@gmail.com
comments: The road charge must reflect the vehicle weight as well as the miles driven. Weight must be considered as it is a primary factor in road degradation by vehicles. Without a road charge that considers vehicle weight the fee will be inequitable and incomplete and less responsible to the entire purpose of the program.

There would also be more resistance to the fee by all citizens for the reasons above.

The favor of your reply is appreciated.

Thank you,

Larry May
Larrymay1@gmail.com
760.936.3636
submit: Submit Comments

From:	kathryn_hatch@dot.ca.gov
To:	Road Charge Pilot Program@DOT; Hinson, Philip@DOT; Chhimi, Jigme@DOT; Pourvahidi, Carrie@DOT; brady.tadcol@dot.ca.gov
Subject:	California Road Charge Pilot Program Public Comments
Date:	Thursday, October 15, 2015 11:24:50 AM

Below is the result of your feedback form. It was submitted by
Kathryn Hatch (kathryn_hatch@dot.ca.gov) on October 15th, 2015 at 11:24AM (PDT).

firstname: Kathryn
lastname: Hatch
city: Sanger
zip: 93657
email: kathryn_hatch@dot.ca.gov
comments: How is this going to address the electric vehicles that use the roadways? Are the electric vehicles going to be included in taxation as they also use the roadways?

I feel it would be very unfair if the electric vehicles are not going to pay for using California Roadways... and want it to be addressed.

Thank you for your consideration...

Kathyrn D. G. Hatch
submit: Submit Comments

RCRC

RURAL COUNTY REPRESENTATIVES OF CALIFORNIA

October 20, 2015

Mr. Jim Madaffer, Chair
Road User Charge Committee
California Transportation Commission
1120 N Street, MS-52
Sacramento, CA 94273

Mr. Stephen Finnegan, Vice Chair
Road User Charge Committee
California Transportation Commission
1120 N Street, MS-52
Sacramento, CA 94273

RE: California Road User Charge - COMMENTS

Dear Chair Madaffer and Vice Chair Finnegan:

On behalf of the Rural County Representatives of California (RCRC), I write to thank you both for your leadership on the Road User Charge (RUC) Technical Advisory Committee (TAC) and provide comments regarding the recommendations for the RUC Pilot Program as required by Senate Bill 1077 (Chapter 835, Statutes of 2014).

RCRC is an association of thirty-four rural California counties and the RCRC Board of Directors is comprised of elected supervisors from each of those member counties. Rural county supervisors are extensively involved in transportation-related issues on two primary fronts: 1) Boards of Supervisors oversee public works directors and departments and subsequently help maintain the transportation network in their respective county; and, 2) many Supervisors sit as members of local Regional Transportation Planning Agencies where determining and funding projects are prioritized and developed at the local level.

The concept of a RUC as a transportation funding mechanism based on vehicle miles traveled has been contemplated for many years. Traditionally, this funding option has been of concern to rural communities for a variety of reasons including the belief that rural drivers tend to drive more miles on the public road system than others and would subsequently pay more. Over the past ten months, the RUC TAC has carefully considered a variety of policy issues and discussed them at great length in both formal public hearings and in private conversations with stakeholder groups. RCRC is pleased with the very thorough review process the RUC TAC has undertaken to address the various concerns with regards to how a RUC would impact rural communities. It is anticipated that several of the policy issues that have been covered throughout this lengthy process will continue to be discussed in subsequent RUC TAC

1215 K Street, Suite 1650, Sacramento, CA 95814 | www.rcrcnet.org | 916.447.4806 | Fax: 916.448.3154

ALPINE AMADOR BUTTE CALAVERAS COLUSA DEL NORTE EL DORADO GLENN HUMBOLDT IMPERIAL INYO LAKE LASSEN MADERA MARIPOSA MENDOCINO MERCED MODOC MONO NAPA NEVADA PLACER PLUMAS SAN BENITO SHASTA SIERRA SISKIYOU SUTTER TEHAMA TRINITY TULARE TUOLUMNE YOLO YUBA

meetings until a final report that outlines the group's recommendations is presented for further public debate and consumption later this year. It is with this in mind that we provide the following comments in advance of the RUC TAC's final release of the report.

Rural Definition

The term "rural" may be defined in various ways - population density, population size, demographics or economic data, among others. However one defines it, rural counties face unique challenges when putting state policies into effect including the lack of reliable or available transportation alternatives. Greater distances from population centers, lower population densities, and the geographic diversity of RCRC member counties create obstacles not faced by their more urban or suburban counterparts. RCRC believes the Census Bureau definition as adopted by the RUC TAC supports having diverse representation from rural communities participating in the RUC Pilot Program.

- Rural/Agricultural vs. Suburban/Urban: The Census Bureau definition identifies rural as encompassing all territory, population, and housing units located outside of an Urbanized Area (those that contain 50,000 or more people), or within an Urban Cluster (those that contain at least 2,500 and less than 50,000 people).

Additionally, RCRC understands that the RUC TAC will provide RUC Pilot Program participants flexibility to self-identify as representing a rural, agricultural, suburban, or an urban area, and other related data elements such as access to transportation alternatives or proximity to various critical services. These elements will help further understand the impact on these communities and capture geographic diversity.

Road User Charge Tracking Options

Rural communities have typically been concerned with a road user charge tracking system from the privacy perspective; however, there are various other issues associated with tracking from an equity perspective as well. RCRC believes that all RUC tracking options and data collection efforts should maintain privacy of personally-identifiable information of both the user and the vehicle, and that these elements should not be shared or accessible to any government agency or third-party private contractor as part of the RUC Pilot Program. Due to the technical aspects of tracking technologies and data collection, it is unclear to us at this time if the RUC tracking options under consideration fully protect user and vehicle privacy. While we acknowledge that this particular topic enjoyed extensive review and discussion since the RUC TAC was initially convened, we appreciate the RUC TAC providing further clarification on the type and level of privacy protections envisioned as part of the RUC Pilot Program.

In terms of the equity perspective, rural communities are concerned that the only viable tracking options for rural/isolated communities will require manual reporting or the purchase of what has been referred to as a "flat user fee." While these options may appear to solve some of the privacy issues inherent in some tracking devices, this

raises a whole host of other concerns. For example, manual reporting may require more costly enforcement efforts by State or private contractors to ensure that users are paying their fair share, while "flat user fees" are proposed to be available but will come at a much higher cost. We have concerns that residents from rural communities may be "encouraged" to purchase a "flat user fee," since GPS-type tracking technologies will face operational challenges in rural and remote areas of the state. We fear this dynamic could disproportionately impact rural motorists.

Road User Charge Exemptions

There has been some discussion over whether certain vehicles or road types should be eligible for an exemption from the user fee. RCRC believes that any exemptions and reimbursable motor vehicle fuel tax expenditures available under the current funding construct should be maintained. These include agricultural and government-owned vehicles, and receipts for the lesser known reimbursable fuel tax some users pay to operate specific vehicle types or travel on private roads. We understand that the RUC TAC has voted to support continuing these exemptions and others.

Equity and Fairness

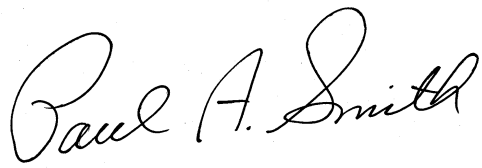
In terms of equity and fairness, California's rural county supervisors believe that the pay-as-you-go model inherent in the motor vehicle fuel tax should remain the underpinning of any new user fee. The RUC Pilot Program should be based strictly on a motorist's use of the transportation system and not reliant on various socioeconomic or other non-user based criteria, such as environmental or pollutant factors. The findings from the RUC Pilot Program should help to further define how a RUC could be implemented in California, which may require the evaluation of various other factors beyond this initial study.

Areas of Further Study

While California's rural county supervisors appreciate the due diligence the RUC TAC has taken to design the RUC Pilot Program, considering both rural and urban impacts, there are still a number of outstanding issues that we believe should be addressed, primarily how a RUC would impact rural drivers. The implementation or completion of the RUC Pilot Program may ultimately provide the information necessary to respond; however, RCRC believes a more meaningful and purposeful approach would be to require a formal study specific to California that outlines the impacts of rural, urban, and suburban counties similar to the study that Oregon conducted as part of their RUC efforts.

California has the opportunity to design the RUC Pilot Study in such a way as to address many of the concerns we continue to hear from rural communities. We are encouraged with the meaningful dialogue you have encouraged over the past ten months and are thankful for the opportunity to participate in the process. If you have any questions or concerns with any of our comments, please feel free to contact me at (916) 447-4806 or psmith@rcrcnet.org if we can be of assistance.

Sincerely,



PAUL A. SMITH
Senior Legislative Advocate

cc: Will Kempton, Executive Director, California Transportation Commission
Brian Kelly, Secretary, California State Transportation Agency
Malcolm Daugherty, Director, California Department of Transportation
Members, Road User Charge Technical Advisory Committee
Ms. Janet Dawson, Assembly Transportation Committee
Mr. Randy Chinn, Senate Transportation & Housing Committee

October 21, 2015

Mr. Jim Madaffer, Chairman
California Road Charge Technical Advisory Committee
California Transportation Commission
1120 N Street, MS -52
Sacramento, CA 94273

RE: Comments on the California Road Charge Pilot Program

Dear Chairman Madaffer:

On behalf of California's local and regional transportation agencies, we appreciate this opportunity to offer comments to the Road Charge Technical Advisory Committee (TAC). Signatory agencies to this letter include the Los Angeles County Metropolitan Transportation Authority, Metropolitan Transportation Commission, Sacramento Area Council of Governments, San Bernardino Associated Governments, and the Southern California Association of Governments. We are writing to respectfully request consideration of several issues pertinent to the design and subsequent implementation of the Road Charge Pilot Program.

We commend the TAC's efforts in carefully evaluating the parameters for the Road Charge Pilot Program. As you know, the current per-gallon gas tax simply does not meet existing and future system needs in large part due to the fixed base rate that has not been adjusted for inflation in two decades—while costs to fix our roadways continue to escalate and fuel efficiency gains further erode the purchasing power of the gas tax. Even if efforts this year to raise the gas tax are successful, the TAC's work is of critical importance in laying the foundation for how we pay for transportation over the long-term. As local and regional transportation agencies involved in planning, implementing, and operating critical components of the statewide transportation system, we are keenly aware of funding constraints in meeting our transportation system needs. Through our local transportation sales tax measures, our self-help counties together raise over $4 billion a year statewide to help make up for the loss of buying power in state and federal gas tax revenues. We are hopeful that the TAC's recommendation on the pilot design will help to frame the long-term vision for California's transportation funding system. As such, we ask that careful consideration be given to potential policy opportunities and implications for our local and regional transportation systems. This is particularly critical as cities and counties are responsible for 81 percent of California's roadway system.

We offer several guiding principles and comments below to consider at this time:

Allow for Flexibility to Accommodate Local Options in the Long-Term and Align the Road Charge with State Policies and Goals

- Although Senate Bill 1077 defines road charging as a system whereby motorists pay the same rate per mile driven regardless of the roadway network they use, the true costs associated with road usage vary substantially depending on location, time-of-day, and vehicle type and size (e.g., fuel

efficiency and weight). Since one of the main objectives for the State's Road Charge Pilot Program is to develop a gas tax replacement system whereby all Californians pay their fair share for using the roadway system, the pilot design should allow for exploration of differing rates by vehicle class, location and time-of-day. Given that heavy-duty trucks are being contemplated as part of an ultimate program, the pilot should test a graduated set of rates based on ranges of truck size and weight. It should also consider how local options can be integrated in the long-term. If flexibility is built into the mileage-based rates, the resulting program could incentivize better pavement management, more efficient use of available capacity, allow for better traffic management, and provide revenue for additional travel options—better aligning with California's economic, environmental, and congestion management goals.

Design a Pilot Capable of Testing a Broad Range of Vehicle Types and Geographic Locations

- We are supportive of a robust pilot program. A properly designed pilot should inform how the ultimate program can be implemented with the ability to adjust with intermediate checkpoints and evaluation periods. Accordingly, testing a broad range of vehicle types is of critical importance.

- An output from the pilot, or subsequent discussions, should also include options for implementation ranging from incremental, stepwise growth to a more aggressive program—and not just one possible approach.

- For heavy-duty commercial vehicles, careful consideration should be given to key attributes of the commercial vehicle population as the size and sophistication of motor carrier operations varies enormously. As California's pilot program will effectively be one of the first in the nation to include heavy-duty commercial vehicles, considerable input from businesses and the trucking industry will be critical.

- It will also be critical to test a range of geographic areas—not just urban and rural areas but also larger metropolitan areas and suburban fringes where commutes may be disproportionately longer.

Ensure that California's Road Charge System is Adaptable with Emerging Technology Options

- It is critical that California's road charge system have the ability to evolve with technological changes—not just in how fees might be collected but also in how our use of the transportation system will continue to change over time.

- The pilot design should allow for testing the full range of possible mileage reporting technologies from simple to advanced options.

Consider Compatibility with Current and Future Transportation Revenue Streams

- If a road charge system is to replace the state gas tax, it must be acceptable to California's residents. Road users pay for transportation projects and services by various means today, including gas taxes, fees, tolls, and local sales tax measures. It is important that the pilot program consider how alternatives to the gas tax will be viewed—particularly in areas where local transportation sales taxes are in effect. A "return to source" framework will need to be provided in any eventual road

charge implementation to reassure residents and businesses that the fees being collected will come back to them in the form of local transportation improvements.

- There are a number of toll facilities throughout the State where users pay for a portion or all of the operations and maintenance costs associated with the toll facilities. These toll facility customers are "early adopters" to the concept of direct road user charges and should be consulted in focus group discussions to gauge public acceptance and any perceived equity considerations related to mileage-based road charges as well as attitudes toward current and future technologies used to gather road usage information.

- Public trust is critical to the success of any public policy endeavor. A road charge pilot program needs to be transparent and engage the traveling public. The pilot program should include efforts to assess motorists' understanding of why a change in the user-pay system is needed and what safeguards users deem necessary to ensure that funds will be used for intended purposes.

In closing, we are encouraged by the breadth of discussion and involvement by policy makers, businesses, academia, and transportation professionals concerning California's Road Charge Pilot Program. This is a groundbreaking initiative for California. Given the breadth of expertise of TAC members, we encourage the TAC to examine the aforementioned policy considerations in addition to the technical aspects of the road charge program. We appreciate the diligent work being conducted by the TAC and look forward to further engagement as it continues its important work.

Sincerely,

Phillip A. Washington
Chief Executive Officer, Los Angeles County
Metropolitan Transportation Authority

Steve Heminger
Executive Director,
Metropolitan Transportation Commission

Mike McKeever
Chief Executive Officer,
Sacramento Area Council of Governments

Raymond Wolfe, Ph.D.
Executive Director,
San Bernardino Associated Governments

Hasan Ikhrata
Executive Director, Southern California
Association of Governments