

SURFACE TRANSPORTATION

Transportation Infrastructure and Funding, 2021

RECOMMENDATIONS

Privacy protections in Mileage-Based User Fee (MBUF) program ► The General Assembly may wish to consider amending § 46.2-773 of the Code of Virginia to ensure privacy of Mileage-Based User Fee program participant data by: (i) guaranteeing participants the option to participate without location tracking, (ii) limiting data collection to what is needed for program administration, (iii) excluding individual-level participant data from disclosure, (iv) requiring the program to have a specific data retention period, and (v) limiting any research to using aggregated data subject to approval of an institutional review board. (Recommendation 1)

MBUF fees for in-state miles driven ► The General Assembly may wish to consider amending § 46.2-773 of the Code of Virginia to clarify that program fees can be charged for all miles driven by participants or for only miles driven in Virginia, and that both options can be made available to participants. (Recommendation 2)

Funding bridge rehabilitations ► The General Assembly may wish to consider amending § 33.2-369 of the Code of Virginia to improve bridge safety and reduce long-term costs by allowing the State of Good Repair program to fund bridges that are in fair condition, specifically those that have a general condition rating less than or equal to 5.0. (Recommendation 4)

Adjusting limits of State of Good Repair program ► The General Assembly may wish to consider amending § 33.2-369 of the Code of Virginia to allow the State of Good Repair (SGR) program to fund more of the estimated bridge and pavement repair needs in construction districts by (i) eliminating the 17.5 percent cap and 5.5 percent floor on the proportion of SGR funding that a district can be allocated or (ii) raising the cap on the proportion of SGR funding that a district can be allocated to 20 percent but maintaining the 5.5 percent floor. (Recommendation 5)

Funding for Hampton Roads transportation projects ► The General Assembly may wish to consider amending § 33.2-2600 of the Code of Virginia to require that projects considered for funding through the Hampton Roads Transportation Fund be evaluated and prioritized based on objective and quantifiable benefits and costs. (Recommendation 9)

POLICY OPTIONS

Staff typically propose policy options rather than make recommendations when (i) the action is a policy judgment best made by elected officials—especially the General Assembly, (ii) evidence suggests action could potentially be beneficial, or (iii) a report finding could be addressed in multiple ways.

Regional MBUF fees ► The General Assembly could establish regional surcharges in the Code of Virginia for the highway use fee and mileage-based user fee. (Option 1)

Highway use fee for heavy electric or fuel-efficient vehicles ► The General Assembly could amend § 46.2-772 et seq. and § 58.1-2701 of the Code of Virginia to assess a highway use fee on (i) fuel efficient and electric vehicles weighing from 10,000 pounds to 26,000 pounds, and (ii) electric vehicles over 26,000 pounds. Fees could be scaled to vehicle weight. (Option 2)

Funding formula for road maintenance ► The General Assembly could consider amending § 33.2-319 of the Code of Virginia to modify how maintenance payment program funds are distributed to cities and towns by (i) eliminating the current funding formula and directing the CTB to develop and approve a new formula that better accounts for the different drivers of maintenance costs; (ii) eliminating the current funding formula and directing the CTB to award funds based on an assessment of pavement and bridge conditions in each locality; or (iii) directing the CTB to develop an approach for directing additional funding to localities that have a high proportion of pavements and bridges in poor condition and have relatively high indicators of fiscal stress. (Option 3)