

FEDERAL SYSTEM FUNDING ALTERNATIVES ADVISORY BOARD CHARTER

1. Committee's Official Designation: Federal System Funding Alternatives Advisory Board (Advisory Board)

2. Authority: The Advisory Board is established pursuant to section 13002(g) of the Bipartisan Infrastructure Law (BIL), enacted as the Infrastructure Investment and Jobs Act (P.L. 117-58). The Advisory Board will operate in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended (5 U.S.C. ch. 10).

3. Objective and Scope of Activities: The primary objective of the Advisory Board is to assist with the design of the national motor vehicle per-mile user fee pilot program established under BIL section 13002(b).

4. Descriptions of Duties: The Advisory Board will assist with providing the Secretary of Transportation with recommendations related to the structure, scope, and methodology for developing and implementing the national motor vehicle per-mile user fee pilot program under BIL section 13002(b); assist with carrying out a public awareness campaign regarding a national motor vehicle per-mile user fee under BIL section 13002(h); assist with developing reports to Congress analyzing the national motor vehicle per-mile user fee pilot program under BIL section 13002(n); and coordinate in the development of the recommendations and a report to Congress required under the Strategic Innovation for Revenue Collection pilot program in BIL section 13001(d).

5. Agency to Whom the Advisory Board Reports: The Advisory Board reports to the Secretary of Transportation through the Federal Highway Administration (FHWA) Administrator.

6. Support: The FHWA is the sponsoring mode of the Advisory Board and will furnish support services for its operation.

7. Estimated Annual Operating Costs and Staff Years: The estimated annual operating cost, to include travel, meetings, and contract support, is approximately \$250,000. Additionally, the estimated annual personnel cost to the Department of Transportation (DOT) is one full-time equivalent (FTE).

8. Designated Federal Officer (DFO): The FHWA Administrator will appoint a Federal Government employee as the DFO. The DFO may appoint, with the approval of the FHWA Administrator, an Alternate DFO, who shall be a Federal Government employee, to serve in their place as needed. The DFO will approve all Advisory Board meetings and subcommittee (if applicable) meetings, adjourn any meeting when determine to be in the public interest, and chair meetings when directed to do so by the FHWA Administrator.

9. Estimated Number and Frequency of Meetings: The Advisory Board will meet at least approximately quarterly, or more frequently as is determined necessary by the chairperson and DFO.

10. Duration: Continuing until termination as described below, subject to renewal every 2 years.

11. Termination: The Advisory Board will terminate within 120 days after completion of all the Advisory Board's tasks, as described in paragraph 4, above.

12. Membership and Designation:

- a. The Advisory comprises of up to 15 voting members. The Advisory Board will include, at a minimum, the following representatives and entities:
 1. State departments of transportation;
 2. any public or nonprofit entity that led a Surface Transportation System Funding Alternatives (STSFA) pilot project under section 6020 of the Fixing America's Surface Transportation (FAST) Act (P.L. 114-94);
 3. representatives of the trucking industry, including owner-operator independent drivers;
 4. data security experts with expertise in personal privacy;
 5. academic experts on surface transportation systems;
 6. consumer advocates, including privacy experts;
 7. advocacy groups focused on equity;
 8. owners of motor vehicle fleets;
 9. owners and operators of toll facilities;
 10. representatives of the transit industry, including agencies and entities engaged in mobility on demand or accessible multimodal transportation;
 11. Tribal groups or representatives; and
 12. any other representatives or entities, as determined appropriate by the Secretary. (BIL section 13002(g)(2)).
- b. All members serve at the pleasure of the Secretary and may be replaced at any time for any reason, including non-participation. Members may continue to serve until their replacement has been appointed. A vacancy in the Advisory Board shall be filled in the way the original appointment was made and will not affect the powers or duties of the Working Group.
- c. The Secretary shall select a chairperson and vice-chairperson of the Advisory Board.
- d. Advisory Board members will serve without compensation. Members can be reimbursed for qualifying travel expenses, in accordance with the Federal Travel Regulations (41 CFR Subtitle F).

13. Subcommittees: The FHWA Administrator, as the approving official, may authorize subcommittees within the Advisory Board. Subcommittees shall not work independently of the Advisory Board and shall report all their recommendations and advice to the Advisory Board for full deliberation and discussion. Subcommittees have no authority to

make decisions and recommendations, verbally or in writing, on behalf of the Advisory Board nor can any subcommittee or its members update or report directly to any Federal office or employee.

14. Recordkeeping: The records of the Advisory Board, formally and informally established subcommittees, and other subgroups of the Advisory Board will be kept as required by applicable laws and regulations, including 41 CFR Part 102-3, Subpart D, and General Records Schedule 6.2, or other approved agency records disposition schedule. These records shall be available for public inspection and copying, subject to the Freedom of Information Act (5 U.S.C. § 552) and DOT's regulations governing the protection of sensitive security information (49 CFR Part 15).

15. Filing Date: This charter is effective September 20, 2023. Unless it is renewed in accordance with FACA, it will expire on September 20, 2025

**Bipartisan Infrastructure Law¹ Section 13002(g), Federal System Funding Alternative
Advisory Board Statutory Language**

(g) FEDERAL SYSTEM FUNDING ALTERNATIVE ADVISORY BOARD.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish an advisory board, to be known as the “Federal System Funding Alternative Advisory Board”, to assist with—

- (A) providing the Secretary with recommendations related to the structure, scope, and methodology for developing and implementing the pilot program;
- (B) carrying out the public awareness campaign under subsection (h); and
- (C) developing the report under subsection (n).

(2) MEMBERSHIP.—The advisory board shall include, at a minimum, the following representatives and entities, to be appointed by the Secretary:

- (A) State departments of transportation.
- (B) Any public or nonprofit entity that led a surface transportation system funding alternatives pilot project under section 6020 of the FAST Act (23 U.S.C. 503 note; Public Law 114–94) (as in effect on the day before the date of enactment of this Act).
- (C) Representatives of the trucking industry, including owner-operator independent drivers.
- (D) Data security experts with expertise in personal privacy.
- (E) Academic experts on surface transportation systems.
- (F) Consumer advocates, including privacy experts.
- (G) Advocacy groups focused on equity.
- (H) Owners of motor vehicle fleets.
- (I) Owners and operators of toll facilities.
- (J) Tribal groups or representatives.
- (K) Any other representatives or entities, as determined appropriate by the Secretary.

(3) RECOMMENDATIONS.—Not later than 1 year after the date on which the advisory board is established under paragraph (1), the advisory board shall provide the Secretary with the recommendations described in subparagraph (A) of that paragraph, which the Secretary shall use in implementing the pilot program.

¹ Enacted as the Infrastructure Investment and Jobs Act (P.L. 117-58).