

MAP-21 – What's Next Federal Tolling Law

Presented by:

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Overview

- **Federal tolling law before MAP-21**
- **Key changes in federal tolling law under MAP-21**
 - General
 - Interstates
 - Other highways, bridges and tunnels
 - Managed Lanes and HOVs
 - Use of Toll Revenues
- **Value Pricing Pilot Program**
- **Examples**
- **Policy question**

Federal Tolling Law Pre-MAP-21

- General **federal prohibition** on tolling federal-aid projects
- **Narrow exceptions** subject to FHWA approval of §129 agreement
- **HOT lanes** under §166

Federal Tolling Law Pre-MAP-21

- **Four pilot tolling programs**

- Value Pricing Pilot Program – 15 statewide slots, 1 vacancy. 7 permanently reserved via coop agreements
- Express Lanes Demonstration Program – expired 9/30/12. 15 slots, 5 agreements. Allocated slots now to proceed under §129
- Interstate System Construction Toll Pilot Program – expires 8/19/15. 3 slots, 2 vacancies. Mainstreamed by MAP-21
- Interstate System Reconstruction and Rehabilitation Pilot Program – 3 slots; 0 vacancy

Key Changes under MAP-21

General

- Expanded opportunities to toll as matter of statutory right under §129. No FHWA approval or agreement needed
- Central principle: No net loss of free, non-HOV lane capacity on highways
- Managed lanes enabled, but real confusion with HOV conversions to managed lanes
- FHWA guidance issued 9/24
<http://www.fhwa.dot.gov/map21/guidance/guidetoll.cfm>

Key Changes under MAP-21

- **Interstates**

- Initial construction (i.e. before opened to traffic).
Replaces Interstate System Construction Toll Pilot Program
- New capacity
 - Number of non-HOV toll-free lanes cannot be reduced
 - May include HOV conversion to HOT lane
 - No qualifiers
 - Replaces Express Lanes Demo Program

Key Changes under MAP-21

- **Interstates**

- Highway reconstruction. Number of non-HOV toll-free lanes cannot be reduced. May include HOV conversion to HOT lane, but:
 - Conversion must be to an automated congestion management tolling system; and
 - HOVs in converted lanes must be exempt from tolls
- Bridge or tunnel reconstruction or replacement. No qualifiers. Entire facility may be tolled

Key Changes under MAP-21

- **Other highways, bridges, tunnels**
 - Initial construction (i.e. before opened to traffic)
 - New capacity. Number of toll-free lanes cannot be reduced
 - Reconstruction of tolled facility
 - Reconstruction and conversion to toll facility. No qualifiers. Entire facility may be tolled
 - Conversion of HOV lane to toll facility. No qualifiers

Key Changes under MAP-21

- **Managed Lanes and HOVs**
 - §129(a)(1)(H): Authorizes conversion of HOV lane to toll facility. No tolling agreement, no qualifiers.
 - §166(b): Authorizes conversion of HOV to HOT lane. No tolling agreement, but with qualifiers:
 - Conversion must be to an automated congestion management tolling system
 - HOVs in converted lanes must be exempt from tolls
 - Must annually certify vehicle eligibility; operational performance monitoring, evaluation and reporting; enforcement
 - No degradation in service permitted – before and as a result of conversion – with annual reports of service impacts

Key Changes under MAP-21

- **Managed Lanes and HOVs**
 - How to reconcile?
 - Sept. 24 guidance:
 - §129 has no specific authority allowing non-HOVs to use HOV lanes
 - This authority only comes from §166
 - So, §166 governs all conversions of HOV lanes to toll operations

Key Changes under MAP-21

- **Managed Lanes and HOVs**
 - HOV non-degradation requirements
 - Degradation = <45 mph average speed 90% of morning or evening peak period time for 180-day period
 - New MAP-21 requirement to cure degradation within 180 days – increase HOV occupancy; vary tolls on non-HOVs; discontinue non-HOV use; increase HOV capacity
 - If fail, FHWA must impose sanctions - withhold Federal funds; withhold project approvals; any other appropriate action

Key Changes under MAP-21

Use of Toll Revenues

- Limits on use of toll revenue clarified
- New requirement for annual audit to verify adequate maintenance, proper revenue use
- Secretary may order toll suspension for non-compliance with limitations on use until agreement reached on achieving compliance

Value Pricing Pilot Program

- **VPPP still useful**
 - Available in 15 states
 - FHWA uses it only if mainstream tolling programs (§129, §166, ELDP) unavailable to accommodate
 - Useful for, e.g.:
 - HOV/HOT lanes conversion with some HOV tolling
 - Free lane to managed lane conversion
 - Truck only toll lanes
 - Cordon pricing
 - Regional express lane program
 - Other pricing variations

Examples

Example 1:

- 6-lane interstate route, no HOV lanes
- State wants to:
 - (1) Expand to 8 lanes and toll 2 lanes. Permitted under MAP-21?
 - (2) Expand to 8 lanes, with 2 managed lanes in each direction. Permitted under MAP-21?

Examples

Example 2:

- 8-lane interstate, including 1 degraded HOV-2 lane in each direction.
- State wants to:
 - (1) Expand to 10 lanes, convert HOV to managed lane, no tolling of HOVs. Permitted under MAP-21?
 - (2) Expand to 10 lanes, with 2 managed lanes in each direction, including conversion of HOV lane, tolling of HOV-2s. Permitted under MAP-21?
 - (3) Same as (2), except toll all HOVs in peak periods

Policy Question

Is there a continuing rationale
for federal tolling restrictions?

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