

Summary of the MAP-21 Tolling Provisions  
by David Ungemah, Parsons Brinckerhoff Managed Lanes Director

Section 1512

- 1) Authorization to toll. The general prohibition against tolling on the national highway system has been relaxed.
  - a. States may now construct new toll lanes on existing highways, bridges, and tunnels provided that the number of toll-free lanes on the corridor remains the same. This would seem to imply that the use of shoulders for capacity expansion would potentially be permitted provided that the number of "toll-free lanes" remains the same.
  - b. Reconstruction of toll-free bridges and tunnels may be converted to toll bridges/tunnels. There is no limitation on type of facility in this application.
  - c. Reconstruction of toll-free highways and conversion to toll facilities EXCEPT those on the Interstate system.
  - d. HOV lanes may be converted, with limits (see below).
- 2) Use of revenue. The authorized uses for revenue generated on HOT lanes have been expanded greatly. Eligible uses now include debt service, private return on investment, all O&M (including rehab, restoration, resurfacing, and reconstruction), private obligations under P3 (presume availability payments), and "any other purpose for which Federal funds may be obligated by a State".
- 3) HOV conversions. In order to convert the HOV lane to a HOT lane (language still states that "... may levy tolls on vehicles, excluding high occupancy vehicles..."), there are limitations:
  - a. The MPO for the region with the HOV facility must endorse the "placement and amount of tolls on the converted facility"
  - b. The agency must "enforce sanctions for violations of use of the facility."
  - c. Other requirements remain (automatic collection of tolls, variable pricing to manage demand)
- 4) State law permitting tolling. *"(9) STATE LAW PERMITTING TOLLING.—If a State does not have a highway, bridge, or tunnel toll facility as of the date of enactment of the MAP–21, before commencing any activity authorized under this section, the State shall have in effect a law that permits tolling on a highway, bridge, or tunnel."*
- 5) Interoperability. *"(b) ELECTRONIC TOLL COLLECTION INTEROPERABILITY REQUIREMENTS.—Not later than 4 years after the date of enactment of this Act, all toll facilities on the Federal-aid highways shall implement technologies or business practices that provide for the interoperability of electronic toll collection programs."*
- 6) HOV definition. SAFETEA-LU was silent on the definition of an HOV. However, MAP-21 specifically states that an HOV "means a vehicle with not fewer than 2 occupants".

Section 1514 / Section 166 (HOV Facilities)

- 7) HOV performance requirements. MAP-21 states that in order to collect tolls on an HOV lane, the agency "shall submit to the Secretary a report demonstrating that the facility is not already degraded, and that the presence of the vehicles will not cause the facility to become degraded, ... and [submit] to the Secretary annual reports of those impact[s]." Additionally, if the HOV facility is degraded, the agency must bring the facility into compliance by either increasing the HOV occupancy requirement, varying tolls to reduce demand, discontinuing allowance for non-HOV's, or increase capacity. If the state fails to act, there are sanctions identified.

## Research

- 8) The ITS research code provides dedicated research to “demonstration programs, grant funding, incentives to eligible entities, and other tools strategies or methods that will result in the deployment of innovative ITS technologies.” Highest priority funding will be given to projects that enhance and improve toll collection technologies
- 9) New research program for “Reducing Congestion, Improving Highway Operations, and Enhancing Freight Productivity” to include research in active traffic and demand management (note difference in terminology as defined below) and congestion pricing.

## Other related elements

- 10) “Active Transportation and Demand Management” is now a defined term, as a subset of “Transportation Systems Management and Operations”
- 11) “Congestion Pricing” is now a defined term, as a subset of “Transportation Systems Management and Operations”
- 12) STP funding may be used for “Projects and strategies designed to support congestion pricing, including electric toll collection and travel demand management strategies and programs.”
- 13) CMAQ funding may be used for an expanded list of projects, provided “if the project or program shifts traffic demand to nonpeak hours or other transportation modes, increases vehicle occupancy rates, or otherwise reduces demand for roads through such means as telecommuting, ridesharing, carsharing, alternative work hours, and pricing.”