

108TH CONGRESS
1ST SESSION

H. R. 1767

To amend title 23, United States Code, to empower State and local authorities with tools to eliminate congestion on the Interstate System.

IN THE HOUSE OF REPRESENTATIVES

APRIL 11, 2003

Mr. KENNEDY of Minnesota (for himself and Mr. SMITH of Washington) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend title 23, United States Code, to empower State and local authorities with tools to eliminate congestion on the Interstate System.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Freeing Alternatives
5 for Speedy Transportation (FAST) Act”.

6 **SEC. 2. INTERSTATE SYSTEM.**

7 (a) IN GENERAL.—Subchapter I of chapter 1 of title
8 23, United States Code, is amended by adding at the end
9 the following:

1 **“§ 165. Fast fees**

2 “(a) ESTABLISHMENT.—The Secretary shall estab-
3 lish and implement an Interstate System FAST Lanes
4 program under which the Secretary, notwithstanding sec-
5 tions 129 and 301, shall permit a State, or a public or
6 private entity designated by the State, to collect fees to
7 finance the expansion of a highway by constructing addi-
8 tional lanes on the Interstate System for the purpose of
9 reducing traffic congestion.

10 “(b) ELIGIBILITY.—To be eligible to participate in
11 the program, a State shall submit to the Secretary an ap-
12 plication that contains the following:

13 “(1) An identification of the additional lanes to
14 be constructed on the Interstate System under the
15 program.

16 “(2) In the case of additional lanes that affect
17 a metropolitan area, an assurance that the metro-
18 politan planning organization established under sec-
19 tion 134 for the area has been consulted during the
20 planning process concerning the placement and
21 amount of fees on the additional lanes.

22 “(3) A facility management plan that in-
23 cludes—

24 “(A) a plan for implementing the imposi-
25 tion of fees on the additional lanes;

1 “(B) a schedule and finance plan for con-
2 struction, operation, and maintenance of the
3 additional lanes using revenues from fees; and

4 “(C) a description of the public or private
5 entities that will be responsible for implementa-
6 tion and administration of the program.

7 “(c) SELECTION CRITERIA.—The Secretary shall ap-
8 prove the application of a State under subsection (b) only
9 if the Secretary determines that the State has met the
10 requirements of such subsection.

11 “(d) AGREEMENT REQUIREMENTS; AUDITS.—Before
12 the Secretary may permit a State to participate in the pro-
13 gram, the State must enter into an agreement with the
14 Secretary that provides that—

15 “(1) fees shall be collected only by using non-
16 cash electronic technology;

17 “(2) all revenues from fees received from oper-
18 ation of FAST lanes shall be used only for—

19 “(A) debt service related to the investment
20 in FAST lanes;

21 “(B) reasonable return on investment of
22 any private entity financing the project as de-
23 termined by the State; and

24 “(C) any costs necessary for the improve-
25 ment of and the proper operation and mainte-

1 nance, including reconstruction, resurfacing,
2 restoration, and rehabilitation of FAST lanes
3 and existing lanes only—

4 “(i) if such improvement is necessary
5 to integrate existing lanes with the addi-
6 tional FAST lanes; and

7 “(ii) while fees are collected;

8 “(3) fees may be collected only for FAST lanes
9 and may not be collected for existing lanes;

10 “(4) use of FAST lanes shall be voluntary;

11 “(5) revenues from fees received from operation
12 of FAST lanes may not be used for any other
13 project;

14 “(6) once the project is complete and the costs
15 and revenue described in paragraph 2 are met, no
16 additional fees may be collected; and

17 “(7) annual audits shall be conducted while fees
18 are collected to ensure compliance with paragraphs
19 (1) through (5) and the results of such audits shall
20 be transmitted to the Secretary.

21 “(e) APPORTIONMENT.—Revenues collected from
22 FAST lanes shall not be taken into account in determining
23 the apportionments and allocations that any State or
24 transportation district within a State shall be entitled to
25 receive under or pursuant to this chapter.”.

1 (b) CONFORMING AMENDMENT.—The analysis for
2 such chapter is amended by inserting after the item relat-
3 ing to section 164 the following:

“165. Fast fees.”.

4 **SEC. 3. TOLL FEASIBILITY.**

5 Section 106 of title 23, United States Code, is
6 amended by adding at the end the following:

7 “(i) TOLL FEASIBILITY.—The Secretary shall con-
8 duct a study for a project under this title with an esti-
9 mated total cost of \$50,000,000 or more to determine—

10 “(1) if a toll facility for such project is feasible;

11 and

12 “(2) if privatizing the construction, operation,
13 and maintenance of the facility is financially advis-
14 able (while retaining legal and administrative control
15 of the portion of the Interstate route).”.

16 **SEC. 4. FREEDOM TO COLLECT TOLLS.**

17 Section 301 of title 23, United States Code, is
18 amended by inserting before the comma the following:
19 “and section 165”.

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