

108TH CONGRESS
1ST SESSION

S. 1384

To amend title 23, United States Code, to provide State and local authorities a means by which to eliminate congestion on the Interstate System.

IN THE SENATE OF THE UNITED STATES

JULY 9, 2003

Mr. ALLARD introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend title 23, United States Code, to provide State and local authorities a means by which 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 Act” or the “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 a State, to collect fees to fi-
7 nance the expansion of a highway, for the purpose of re-
8 ducing traffic congestion, by constructing 1 or more addi-
9 tional lanes (including bridge, support, and other struc-
10 tures necessary for that construction) on the Interstate
11 System.

12 “(b) ELIGIBILITY.—To be eligible to participate in
13 the program, a State shall submit to the Secretary for ap-
14 proval an application that contains—

15 “(1) an identification of the additional lanes
16 (including any necessary bridge, support, and other
17 structures) to be constructed on the Interstate Sys-
18 tem under the program;

19 “(2) in the case of 1 or more additional lanes
20 that affect a metropolitan area, an assurance that
21 the metropolitan planning organization established
22 under section 134 for the area has been consulted
23 during the planning process concerning the place-
24 ment and amount of fees on the additional lanes;
25 and

26 “(3) a facility management plan that includes—

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

3 “(B) a schedule and finance plan for con-
4 struction, operation, and maintenance of the
5 additional lanes using revenues from fees (and,
6 as necessary to supplement those revenues, rev-
7 enues from other sources); and

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

11 “(c) REQUIREMENTS.—The Secretary shall approve
12 the application of a State for participation in the program
13 after the Secretary determines that, in addition to meeting
14 the requirements of subsection (b), the State has entered
15 into an agreement with the Secretary that provides that—

16 “(1) fees collected from motorists using a
17 FAST lane shall be collected only through the use
18 of noncash electronic technology;

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

21 “(A) debt service relating to the invest-
22 ment in FAST lanes;

23 “(B) reasonable return on investment of
24 any private entity financing the project, as de-
25 termined by the State;

1 “(C) any costs necessary for the improve-
2 ment, and proper operation and maintenance
3 (including reconstruction, resurfacing, restora-
4 tion, and rehabilitation), of FAST lanes and ex-
5 isting lanes, if the improvement—

6 “(i) is necessary to integrate existing
7 lanes with the FAST lanes;

8 “(ii) is necessary for the construction
9 of an interchange (including an on- or off-
10 ramp) from the FAST lane to connect the
11 FAST lane to—

12 “(I) an existing FAST lane;

13 “(II) the Interstate System; or

14 “(III) a highway; and

15 “(iii) is carried out before the date on
16 which fees for use of FAST lanes cease to
17 be collected in accordance with paragraph
18 (6); or

19 “(D) the establishment by the State of a
20 reserve account to be used only for long-term
21 maintenance and operation of the FAST lanes;

22 “(3) fees may be collected only on and for the
23 use of FAST lanes, and may not be collected on or
24 for the use of existing lanes;

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

1 “(5) revenues from fees received from operation
2 of FAST lanes may not be used for any other
3 project (except for establishment of a reserve ac-
4 count described in paragraph (2)(D) or as otherwise
5 provided in this section);

6 “(6) on completion of the project, and on com-
7 pletion of the use of fees to satisfy the requirements
8 for use of revenue described in paragraph (2), no ad-
9 ditional fees shall be collected; and

10 “(7)(A) to ensure compliance with paragraphs
11 (1) through (5), annual audits shall be conducted for
12 each year during which fees are collected on FAST
13 lanes; and

14 “(B) the results of each audit shall be sub-
15 mitted to the Secretary.

16 “(d) APPORTIONMENT.—

17 “(1) IN GENERAL.—Revenues collected from
18 FAST lanes shall not be taken into account in deter-
19 mining the apportionments and allocations that any
20 State or transportation district within a State shall
21 be entitled to receive under or in accordance with
22 this chapter.

23 “(2) NO EFFECT ON STATE EXPENDITURE OF
24 FUNDS.—Nothing in this section affects the expendi-

1 ture by any State of funds apportioned under this
2 chapter.”.

3 (b) CONFORMING AMENDMENT.—

4 (1) The analysis for subchapter I of chapter 1
5 of title 23, United States Code, is amended by in-
6 serting after the item relating to section 164 the fol-
7 lowing:

“165. FAST fees.”.

8 (2) Section 301 of title 23, United States Code,
9 is amended by inserting after “tunnels,” the fol-
10 lowing: “and except as provided in section 165,”.

11 **SEC. 3. TOLL FEASIBILITY.**

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

14 “(i) TOLL FEASIBILITY.—The Secretary shall select
15 and conduct a study on a project under this title that is
16 intended to increase capacity, and that has an estimated
17 total cost of at least \$50,000,000, to determine whether—

18 “(1) a toll facility for the project is feasible;
19 and

20 “(2) privatizing the construction, operation, and
21 maintenance of the toll facility is financially advis-
22 able (while retaining legal and administrative control
23 of the portion of the applicable Interstate route).”.

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