



Federal Tolling and HOV Regulations: Relevance to I-405 Express Toll Lane (ETL) Carpool Options

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Outline

- Federal Tolling and HOV Regulations
- Relevance of Federal Tolling and HOV Regulations to I-405 ETL Carpool Options
- Relevance of Other Federal Regulations to I-405 ETL Carpool Options
- Summary



Federal Tolling Regulations

- Under 23 U.S. Code (USC) 301, there is a general prohibition on the imposition of tolls on Federal-aid highways
- Some exceptions are allowed through special programs and provisions
- Enacted in 2012, MAP-21 makes a number of changes to these programs intended to help “mainstream” tolling implementation



Federal Tolling Programs/Exceptions under MAP-21

- “Mainstreamed”
 1. Section 129 (general tolling program)
 2. Section 166 (HOV to HOT conversions)
- “Non-Mainstreamed”
 3. Value Pricing Pilot Program (VPPP)
 4. Interstate System Reconstruction and Rehabilitation Pilot Program (ISRRPP)



“Mainstreamed” Section 129 (General Tolling Program)

- Eligibility:
 - Initial construction of a new highway, bridge, or tunnel
 - Construction of new lanes on highways, bridges, or tunnels, as long as the number of free lanes is not reduced
 - Reconstruction or replacement of a bridge, tunnel, or highway (other than Interstate)
 - Reconstruction, restoration, or rehabilitation of an Interstate, as long as the number of free lanes is not reduced
- Annual audits are required to ensure adequate maintenance and compliance with toll revenue restrictions



“Mainstreamed” Section 166 (HOV to HOT conversions)

- Eligible for converting existing HOV lanes to HOT (High Occupancy Toll) lanes
- HOVs continue to get free access
- Variable tolls required to manage demand
- Metropolitan Planning Organization (MPO) required to endorse the use of tolls
- States have authority to establish or change HOV occupancy requirements (2+, 3+, etc.)
 - This does not refer to charging tolls or discounted tolls to HOVs
- Required to follow Section 129 revenue restrictions (including Annual audits)
- Required to meet operating performance standards and report to FHWA



“Non-Mainstreamed” Value Pricing Pilot Program (VPPP)

- Eligibility limited to situations that cannot be accommodated under Sections 129 or 166
 - Example: tolling existing free non-HOV Interstate lanes
- Variable tolls required to manage demand
- 15 state slots authorized – WA has permanent slot
- Requires applying for a Federal Tolling Agreement



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“Non-Mainstreamed” Interstate System Reconstruction and Rehabilitation Pilot Program (ISRRPP)

- Eligibility for tolls on Interstate highways where reconstruction/rehabilitation is needed and cannot be funded without tolls
- 3 slots are available for 3 projects – currently the slots are occupied by States that have received conditional approval to pursue their projects
- Requires applying for a Federal Tolling Agreement



I-405 ETL Carpool Options

A.
 **Carpool Free**

= 2+ carpools travel for free in the ETLs

B.
 **Carpool**
 **Discount**

= All vehicles pay, but carpools pay a discounted price in the ETLs

C.
 **Peak Free**
 **Off-Peak Free**

= 3+ carpools free during peak periods and 2+ carpools free during off-peak periods in the ETLs

D.
 **Carpool Free**

= 3+ carpools travel for free in the ETLs



Relevance of Federal Tolling Regulations to I-405 ETL Carpool Options

- 2+ Carpool Free, 3+ peak/2+ off-peak free, 3+ Carpool Free options
 - Possibly eligible under Mainstreamed Section 166
 - Federal Tolling Agreement not required
 - Annual audit required
 - Required to meet operating performance standards
- Carpool Discount option
 - Likely not eligible under Mainstreamed Sections 129 or 166
 - Recommend investigating VPPP - need to apply for Federal Tolling Agreement
- FHWA Office of Innovative Program Delivery is available to provide technical assistance on program eligibilities



Relevance of Other Federal Regulations to I-405 ETL Carpool Options

- Federal Interstate Maintenance (IM) funds
 - Used for initial construction of I-405 HOV lanes
 - Requirements would apply to Carpool Discount
- NEPA Re-Evaluation
 - Needed if an option is pursued other than the 3+ Carpool Free option that was cleared in the 2011 NEPA document
- Interstate Justification Report (IJR) Re-Evaluation
 - Needed if an option is pursued other than the 2+ Carpool Free and 3+ Carpool Free options included in the approved 2013 IJR



Summary

	A.  2+ Carpool Free	B.  3+ Carpool Discount	C.  3+ Peak Free 2+ Off-Peak Free	D.  3+ Carpool Free
Federal Tolling Eligibility	Possible under Mainstreamed Section 166	Recommend investigating VPPP	Possible under Mainstreamed Section 166	Possible under Mainstreamed Section 166
Federal Tolling Agreement Needed?	No (MOU optional)	Yes	No (MOU optional)	No (MOU optional)
Annual Audit Needed?	Yes	Yes	Yes	Yes
Operating performance standards?	Yes	No	Yes	Yes
IM Funds Eligibility?	Not an issue	Need to maintain preference for HOVs	Not an issue	Not an issue
NEPA Re-Evaluation Needed?	Yes	Yes	Yes	No
IJR Re-Evaluation needed?	No	Yes	Yes	No

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Questions?



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