

111TH CONGRESS
1ST SESSION

H. R. 3960

To provide authority and sanction for the granting and issuance of programs for residential and commuter toll, user fee and fare discounts by States, municipalities, other localities, as well as all related agencies and departments thereof, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 28, 2009

Mr. MCMAHON introduced the following bill; which was referred to the
Committee on Transportation and Infrastructure

A BILL

To provide authority and sanction for the granting and issuance of programs for residential and commuter toll, user fee and fare discounts by States, municipalities, other localities, as well as all related agencies and departments thereof, and for other purposes.

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; FINDINGS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “The Residential and Commuter Toll Fairness Act of
6 2009”.

7 (b) **FINDINGS.**—Congress finds the following:

1 (1) Residents of, or commuters residing in, var-
2 ious localities and political subdivisions throughout
3 the United States are subject to pay tolls, user fees
4 and fares to access certain roads, highways, bridges,
5 rail, bus, ferry or other transportation systems.

6 (2) Revenue generated from transportation
7 tolls, user fees and fares is used to support various
8 infrastructure maintenance and capital improvement
9 projects that benefit not only the users of these fa-
10 cilities, but the regional and national economy as
11 well.

12 (3) Due to specific geographic factors, as well
13 as the location of access points to roads, highways,
14 bridges, rail, bus, ferry or other transportation sys-
15 tems, residents of, or commuters residing in, certain
16 municipalities, counties or other localities or subdivi-
17 sions thereof are forced to endure significant or
18 undue toll burdens when compared with residents of,
19 or commuters residing in, other areas who can
20 choose among a greater number of transportation
21 options.

22 (4) Residents of, or commuters residing in, cer-
23 tain municipalities, counties or other localities or
24 subdivisions thereof that endure significant or undue
25 toll, user fee or fare burdens often are residents of,

1 or commuters residing in, islands, peninsulas, or
2 other places that have no other way of accessing
3 those areas other than through a means that re-
4 quires them to pay a toll, user fee or fare.

5 (5) Residents of, or commuters residing in, cer-
6 tain municipalities, counties or other localities or
7 subdivisions thereof that endure significant or undue
8 toll, user fee or fare burdens often pay far more for
9 transportation access than residents of surrounding
10 jurisdictions, or in jurisdictions across the country,
11 for similar transportation options.

12 (6) To address this inequality, and to reduce
13 the financial hardship often imposed on residents of,
14 or commuters residing in certain municipalities,
15 counties or other localities or subdivisions thereof
16 that endure significant or undue toll burdens, sev-
17 eral State and municipal governments, as well as
18 agencies, departments, bureaus, offices, or subdivi-
19 sions thereof, as well as bi-State or multi-State
20 transportation authorities or agencies, have devel-
21 oped and implemented programs to issue or grant
22 discounted tolls, user fees or fares to these residents
23 and commuters.

24 (7) Transportation toll, user fee or fare dis-
25 count programs issued based on residential status do

1 not discriminate against those individuals who do
2 not receive these discounts, but instead address ac-
3 tual unequal and undue financial burdens placed on
4 residents of, or commuters residing in, certain juris-
5 dictions that have no other way of accessing those
6 areas other than through a means that requires
7 them to pay a toll, user fee or fare.

8 (8) Transportation toll, user fee or fare dis-
9 count programs issued based on residential status by
10 State and municipal governments, as well as agen-
11 cies, departments, bureaus, offices, or subdivisions
12 thereof, as well as all bi-State or multi-State trans-
13 portation authorities or agencies, in order to allevi-
14 ate significant or undue toll burdens for residents or
15 particular jurisdictions, do not disadvantage or dis-
16 criminate against those individuals ineligible for resi-
17 dential toll, user fee or fare discount programs.

18 (9) Transportation toll, user fee or fare dis-
19 count programs issued based on residential status by
20 State and municipal governments, as well as agen-
21 cies, departments, bureaus, offices, or subdivisions
22 thereof, as well as all bi-State or multi-State trans-
23 portation authorities or agencies, in order to allevi-
24 ate significant or undue toll burdens for residents or
25 particular jurisdictions, are not designed to favor the

1 interests, promote the domestic industry or the eco-
2 nomic development of the State implementing these
3 programs.

4 (10) Transportation toll, user fee or fare dis-
5 count programs issued based on residential status by
6 State and municipal governments, as well as agen-
7 cies, departments, bureaus, offices, or subdivisions
8 thereof, as well as all bi-State or multi-State trans-
9 portation authorities or agencies, do not interfere or
10 impose undue burdens on commerce with foreign na-
11 tions, nor do they interfere or impose any undue
12 burdens on commerce among the several States, or
13 commerce within particular States.

14 (11) Transportation toll, user fee or fare dis-
15 count programs issued based on residential status by
16 State and municipal governments, as well as agen-
17 cies, departments, bureaus, offices, or subdivisions
18 thereof, as well as all bi-State or multi-State trans-
19 portation authorities or agencies, do not interfere or
20 impose undue burdens on the ability of individuals
21 to travel among, or within, the several States.

22 (12) Transportation toll, user fee or fare dis-
23 count programs issued based on residential status by
24 State and municipal governments, as well as agen-
25 cies, departments, bureaus, offices, or subdivisions

1 thereof, as well as all bi-State or multi-State trans-
2 portation authorities or agencies, do not constitute
3 inequitable treatment nor do they deny any person
4 within the jurisdiction of the United States the equal
5 protection of the laws.

6 (13) Transportation toll, user fee or fare dis-
7 count programs issued based on residential status by
8 State and municipal governments, as well as agen-
9 cies, departments, bureaus, offices, or subdivisions
10 thereof, as well as all bi-State or multi-State trans-
11 portation authorities or agencies, do not in any way
12 abridge the privileges or immunities of citizens of
13 the United States.

14 (14) The Residential and Commuter Toll Fair-
15 ness Act of 2009 seeks to provide clarification of the
16 existing authority of, and where necessary to provide
17 express Congressional authorization for, State and
18 municipal governments, as well as agencies, depart-
19 ments, bureaus, offices, or subdivisions divisions
20 thereof, as well as all bis-tate or multi-State trans-
21 portation authorities or agencies, to issue or grant
22 transportation toll, user fee or fare discount pro-
23 grams based on residential status.

1 **SEC. 2. AUTHORIZATION OF LOCAL RESIDENTIAL OR COM-**
2 **MUTER TOLL, USER FEE OR FARE DISCOUNT**
3 **PROGRAMS.**

4 (a) **AUTHORITY TO PROVIDE RESIDENTIAL OR COM-**
5 **MUTER TOLL, USER FEE OR FARE DISCOUNT PRO-**
6 **GRAMS.**—State and municipal governments, as well as all
7 agencies, departments, bureaus, offices, or subdivisions di-
8 visions thereof empowered to operate or manage roads,
9 highways, bridges, rail, bus, ferry, or other transportation
10 systems, as well as all bi-State or multi-State transpor-
11 tation authorities or agencies empowered to operate or
12 manage roads, highways, bridges, rail, bus, ferry, or other
13 transportation systems, shall each be authorized to design
14 and implement programs to issue or grant reductions or
15 discounts in tolls, user fees, or other transportation fares
16 to residents of, or commuters residing in, specific local-
17 ities, municipalities or subdivisions thereof in order to re-
18 duce or alleviate toll burdens imposed upon residents of,
19 or commuters residing in, those areas.

20 (b) **RULEMAKING WITH RESPECT TO THE STATE,**
21 **LOCAL, OR AGENCY PROVISION OF TOLL, USER FEE OR**
22 **FARE DISCOUNT PROGRAMS TO LOCAL RESIDENTS OR**
23 **COMMUTERS.**—State and municipal governments, as well
24 as all agencies, departments, bureaus, offices, or subdivi-
25 sions thereof empowered to operate or manage roads,
26 highways, bridges, rail, bus, ferry, or other transportation

1 systems, as well as all bi-State or multi-State transpor-
2 tation authorities or agencies empowered to operate or
3 manage roads, highways, bridges, rail, bus, ferry, or other
4 transportation systems, shall each be authorized to enact
5 such rules or regulations that may be necessary to carry
6 out the authority provided in subsection (a).

7 (c) RULE OF CONSTRUCTION.—Nothing in this Act
8 shall be construed as limiting in any way or otherwise
9 interfering with existing authority of State and municipal
10 governments, as well as all agencies, departments, bu-
11 reaus, offices, or subdivisions divisions thereof empowered
12 to operate or manage roads, highways, bridges, rail, bus,
13 ferry, or other transportation systems, as well as all bi-
14 State or multi-State transportation authorities or agencies
15 empowered to operate or manage roads, highways, bridges,
16 rail, bus, ferry, or other transportation systems as of the
17 enactment date of this Act.

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