

112TH CONGRESS
2^D SESSION

H. R. 897

IN THE SENATE OF THE UNITED STATES

AUGUST 2, 2012

Received; read twice and referred to the Committee on Commerce, Science,
and Transportation

AN ACT

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, and all related agencies and departments, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Residential and Com-
3 muter Toll Fairness Act of 2012”.

4 **SEC. 2. FINDINGS AND PURPOSES.**

5 (a) FINDINGS.—Congress finds the following:

6 (1) Residents of various localities and political
7 subdivisions throughout the United States are sub-
8 ject to tolls, user fees, and fares to access certain
9 roads, highways, bridges, railroads, busses, ferries,
10 and other transportation systems.

11 (2) Revenue generated from transportation
12 tolls, user fees, and fares is used to support various
13 infrastructure maintenance and capital improvement
14 projects that directly benefit commuters and indi-
15 rectly benefit the regional and national economy.

16 (3) Residents of certain municipalities, counties,
17 and other localities endure significant or dispropor-
18 tionate toll, user fee, or fare burdens compared to
19 others who have a greater number of transportation
20 options because such residents—

21 (A) live in geographic areas that are not
22 conveniently located to the access points for
23 roads, highways, bridges, rail, busses, ferries,
24 and other transportation systems;

25 (B) live on islands, peninsulas, or in other
26 places that are only accessible through a means

1 that requires them to pay a toll, user fee, or
2 fare; or

3 (C) are required to pay much more for
4 transportation access than residents of sur-
5 rounding jurisdictions, or in other jurisdictions
6 across the country, for similar transportation
7 options.

8 (4) To address this inequality, and to reduce
9 the financial hardship often imposed on such resi-
10 dents, several State and municipal governments and
11 multi-State transportation authorities have estab-
12 lished programs that authorize discounted transpor-
13 tation tolls, user fees, and fares for such residents.

14 (5) Transportation toll, user fee, and fare dis-
15 count programs based on residential status—

16 (A) address actual unequal and undue fi-
17 nancial burdens placed on residents who live in
18 areas that are only accessible through a means
19 that requires them to pay a toll, user fee, or
20 fare;

21 (B) do not disadvantage or discriminate
22 against those individuals ineligible for residen-
23 tial toll, user fee, or fare discount programs;

24 (C) are not designed to favor the interests
25 or promote the domestic industry or economic

1 development of the State implementing such
2 programs;

3 (D) do not interfere or impose undue bur-
4 dens on commerce with foreign nations or inter-
5 fere or impose any undue burdens on commerce
6 among the several States, or commerce within
7 particular States;

8 (E) do not interfere or impose undue bur-
9 dens on the ability of individuals to travel
10 among, or within, the several States;

11 (F) do not constitute inequitable treatment
12 or deny any person within the jurisdiction of
13 the United States the equal protection of the
14 laws; and

15 (G) do not abridge the privileges or immu-
16 nities of citizens of the United States.

17 (b) PURPOSES.—The purposes of this Act are—

18 (1) to clarify the existing authority of States,
19 counties, municipalities, and multi-jurisdictional
20 transportation authorities to establish programs that
21 offer discounted transportation tolls, user fees, and
22 fares for residents in specific geographic areas; and

23 (2) to authorize the establishment of such pro-
24 grams, as necessary.

1 **SEC. 3. 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.**—States, counties, municipalities, and multi-juris-
7 dictional transportation authorities that operate or man-
8 age roads, highways, bridges, railroads, busses, ferries, or
9 other transportation systems are authorized to establish
10 programs that offer discounted transportation tolls, user
11 fees, or other fares for residents of specific geographic
12 areas in order to reduce or alleviate toll burdens imposed
13 upon such residents.

14 (b) **RULEMAKING WITH RESPECT TO THE STATE,**
15 **LOCAL, OR AGENCY PROVISION OF TOLL, USER FEE OR**
16 **FARE DISCOUNT PROGRAMS TO LOCAL RESIDENTS OR**
17 **COMMUTERS.**—States, counties, municipalities, and multi-
18 jurisdictional transportation authorities that operate or
19 manage roads, highways, bridges, railroads, busses, fer-
20 ries, or other transportation systems are authorized to
21 enact such rules or regulations that may be necessary to
22 establish the programs authorized under subsection (a).

23 (c) **RULE OF CONSTRUCTION.**—Nothing in this Act
24 may be construed to limit or otherwise interfere with the
25 authority, as of the date of the enactment of this Act, of
26 States, counties, municipalities, and multi-jurisdictional

- 1 transportation authorities that operate or manage roads,
- 2 highways, bridges, railroads, busses, ferries, or other
- 3 transportation systems.

Passed the House of Representatives August 1,
2012.

Attest:

KAREN L. HAAS,

Clerk.