

112TH CONGRESS  
1ST SESSION

# S. 346

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.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 14, 2011

Mr. SCHUMER introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## 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, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Residential and Com-  
5 muter Toll Fairness Act of 2011”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

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

1           (1) Residents of various localities and political  
2 subdivisions throughout the United States are sub-  
3 ject to tolls, user fees, and fares to access certain  
4 roads, highways, bridges, railroads, busses, ferries,  
5 and 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 directly benefit commuters and indi-  
10 rectly benefit the regional and national economy.

11           (3) Residents of certain municipalities, counties,  
12 and other localities endure significant or dispropor-  
13 tionate toll, user fee, or fare burdens compared to  
14 others who have a greater number of transportation  
15 options because such residents—

16           (A) live in geographic areas that are not  
17 conveniently located to the access points for  
18 roads, highways, bridges, rail, busses, ferries,  
19 and other transportation systems;

20           (B) live on islands, peninsulas, or in other  
21 places that are only accessible through a means  
22 that requires them to pay a toll, user fee, or  
23 fare; or

24           (C) are required to pay much more for  
25 transportation access than residents of sur-

1 rounding jurisdictions, or in other jurisdictions  
2 across the country, for similar transportation  
3 options.

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

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

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

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

20 (C) are not designed to favor the interests  
21 or promote the domestic industry or economic  
22 development of the State implementing such  
23 programs;

24 (D) do not interfere or impose undue bur-  
25 dens on commerce with foreign nations or inter-

1           fere or impose any undue burdens on commerce  
 2           among the several States, or commerce within  
 3           particular States;

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

7           (F) do not constitute inequitable treatment  
 8           or deny any person within the jurisdiction of  
 9           the United States the equal protection of the  
 10          laws; and

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

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

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

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

21   **SEC. 3. AUTHORIZATION OF LOCAL RESIDENTIAL OR COM-**  
 22           **MUTER TOLL, USER FEE OR FARE DISCOUNT**  
 23           **PROGRAMS.**

24          (a) AUTHORITY TO PROVIDE RESIDENTIAL OR COM-  
 25          MUTER TOLL, USER FEE, OR FARE DISCOUNT PRO-

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

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

18 (c) RULE OF CONSTRUCTION.—Nothing in this Act  
 19 may be construed to limit or otherwise interfere with the  
 20 authority, as of the date of the enactment of this Act, of  
 21 States, counties, municipalities, and multi-jurisdictional  
 22 transportation authorities that operate or manage roads,  
 23 highways, bridges, railroads, busses, ferries, or other  
 24 transportation systems.

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