



THE SECRETARY OF TRANSPORTATION
WASHINGTON, D.C. 20590

November 8, 2010

The Honorable James L. Oberstar
Chairman
Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

This letter report is submitted in accordance with Section 1604(b) regarding the Express Lanes Demonstration Program (ELDP) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Public Law 109-59. Section 1604(b) of SAFETEA-LU requires the Secretary of Transportation to submit a report annually to Congress. This is the fifth report on ELDP, which has proven to be an important and valuable tool in enabling a number of important projects to move forward. These projects are highlighted in the enclosed project summary.

With the passage of SAFETEA-LU, the Federal-aid highway program offered States and other public entities enhanced opportunities for tolling motor vehicles to finance Interstate facility construction and reconstruction, promote efficiency in the use of highways, reduce traffic congestion, and improve air quality. In furtherance of the goals of SAFETEA-LU, the ELDP permits tolling on selected facilities for any of the following reasons:

- To manage high levels of congestion;
- To reduce emissions in a non-attainment or maintenance area under the Clean Air Act Amendments; or
- To finance added Interstate lanes for the purpose of reducing congestion.

There is no Federal funding specifically authorized for this program. Regular Federal-aid highway funds may be used, subject to the normal eligibility requirements for these funds. Section 1604(b) authorizes the Secretary of Transportation to carry out 15 demonstration projects under ELDP. The Federal Highway Administration (FHWA) has determined that a demonstration project may include more than one facility so long as such facilities are part of a regional strategy to accomplish any of ELDP's goals.

The ELDP permits tolling on any newly constructed Interstate facility or non-Interstate lanes and on existing Interstate or non-Interstate high occupancy vehicle facilities. In addition, existing Interstate or non-Interstate facilities that are modified or constructed to create toll lanes are eligible to collect tolls on the entire facility.

The Honorable James L. Oberstar

In 2009, five toll agreements under the ELDP were executed between FHWA and two States. A total of approximately \$1 billion in regular Federal-aid highway funds, along with nearly \$2 billion in Transportation Infrastructure Finance and Innovation Act loans, will be spent to support the development and operation of these facilities. The enclosed table lists the five current projects that have tolling agreements under the ELDP, and it indicates the approximate amount of Federal funds that have been committed.

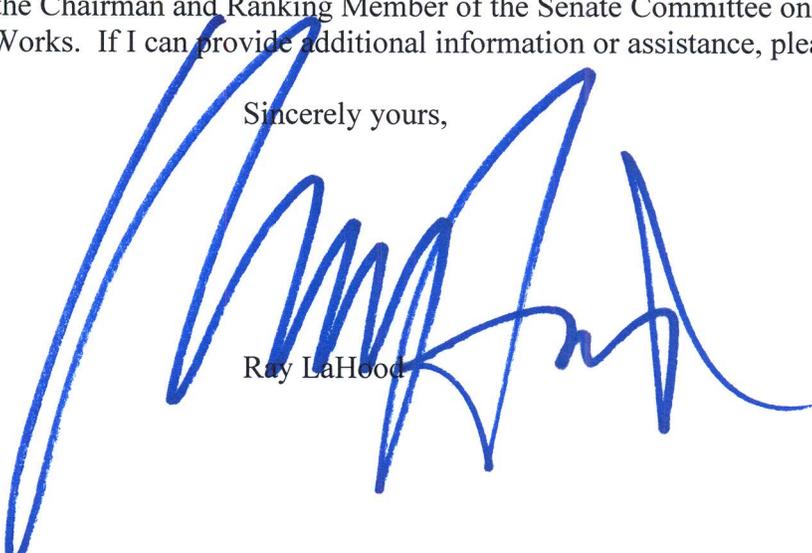
Two such projects include the North Tarrant Express (NTE) in Texas and the I-595 Express Lanes Project in Florida. The NTE is a \$2.02 billion project to rebuild and expand 13 miles along I-820 and SH 121/183. The I-595 Express Lanes Project is a \$1.86 billion project to reconstruct I-595 in Central Broward County and add three new reversible express toll lanes in the median of the facility. Both projects will significantly improve mobility and reduce traffic congestion in these corridors.

With the extensions of SAFETEA-LU after September 30, 2009, ELDP continues to be available to States as a way to gain tolling authority, and FHWA continues to promote its application and use. Thus far in FY 2010, however, no new toll agreements have been signed under ELDP. Inquiries on the application of this program to provide tolling authority have been received from the Texas Department of Transportation, for a priced and managed lane project in El Paso, and from the Illinois Department of Transportation for a possible priced express lane in the Chicago area. In both of these cases, the necessary environmental review processes will not be completed until after 2010. Therefore, no tolling authority under ELDP can be granted in FY 2010.

The U.S. Department of Transportation has focused extensively on addressing traffic congestion problems throughout the Nation. The Department continues to provide information, guidance, and coordinated and comprehensive tolling and pricing programs to the States and an increasing number of other stakeholders.

A similar letter has been sent to the Ranking Member of the House Committee on Transportation and Infrastructure and to the Chairman and Ranking Member of the Senate Committee on Environment and Public Works. If I can provide additional information or assistance, please feel free to call me.

Sincerely yours,



Ray LaHood

Enclosure



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The Honorable John L. Mica
Ranking Member
Committee on Transportation and Infrastructure
U.S. House of Representatives
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Dear Congressman Mica:

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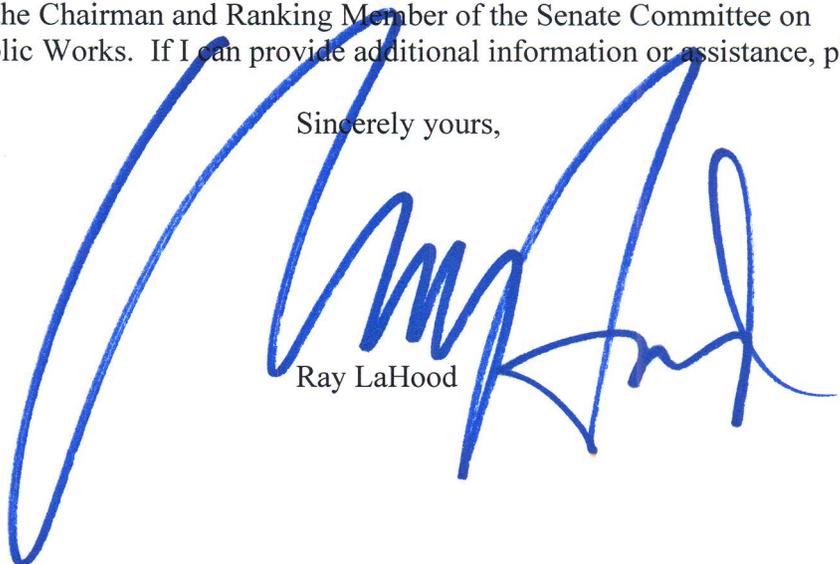
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The Honorable Barbara Boxer
Chairman
Committee on Environment and Public Works
United States Senate
Washington, DC 20510

Dear Madam Chairman:

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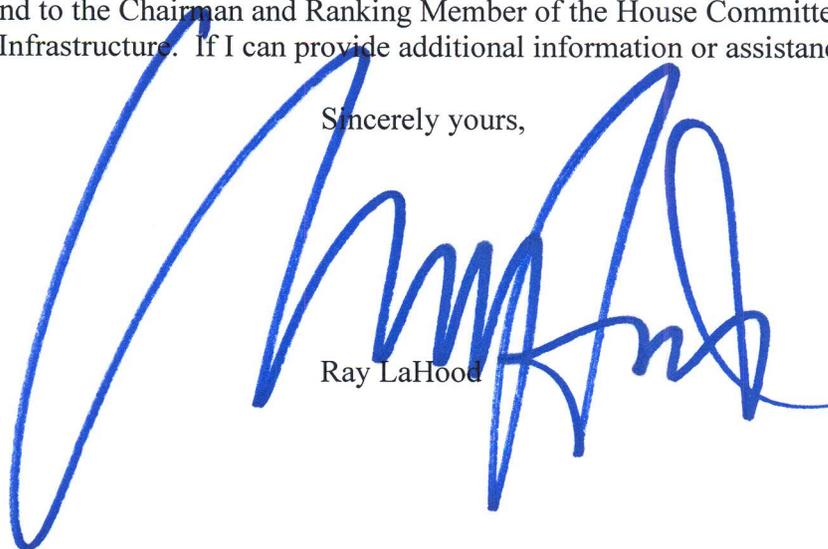
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