

CALIFORNIA DEPARTMENT OF TRANSPORTATION TOLL CREDIT USE POLICY

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Background:

Section 1111(c) of the Transportation Equity Act for the 21st Century (TEA21), and 23 U.S.C., Section 1044 of ISTEA under Section 120(j) allows states to use certain toll revenue expenditures as a credit toward the non-federal matching share of programs authorized by Title 23 (except for the emergency relief programs) and for transit programs authorized by Chapter 53 of Title 49.

During Fiscal Year (FY) 1992 through FY 2006, California has collected approximately \$18.2 billion in toll receipts, of which over \$7.1 billion was invested to build and/or improve public highway facilities. Based on federal statutes, the State applied for approximately \$5.7 billion in toll credits from investments during this time period. Once approved, these toll credits do not lapse until used by the state.

The Federal Highway Administration (FHWA) has granted conditional approval of \$467 million in toll credits to the State from FY 2006 investments and has indicated that approval of the balance of the \$5.7 billion is imminent. These guidelines would apply to the \$467 million already approved and any part of the remaining \$5.2 billion which may be approved by the FHWA for the State of California¹ until the end of FY 2011-2012. This two year period represents the demonstration period, permanent program policy to be in place for the FY 2012 and beyond.

Guiding Principles for use of Toll Credits:

- Compliance with state and federal statutes,
- Maximize the use of federal funds,
- Toll credits should not result in the redirection of non-federal funds away from transportation.

Constraints/requirements:

- Use of toll credits does not generate additional federal funding and is limited to the non-federal match required for Apportionments and Obligational Authority (OA) available in any given year.
- All projects proposed to use toll-credits should be fully funded at the maximum allowable federal reimbursement rate.
- Use of toll credits will require amendments to current programming documents.
- FTIPs still need to be financially constrained.
- Toll credits may not be applied to projects funded with FHWA Emergency Relief funds or Appalachian Development Highway System (ADHS).
- The State must establish a special account to track toll credits.

¹ On June 1, 2005, the Department received approval from FHWA for \$104.026 million in toll credits from private entity expenditures on State Route 91. Until the policy for toll credit use in 2012-13 is developed, this \$104.026 million will be kept separate for use within Orange County.

- Processes for the tracking of toll credit usage must be established.

Distribution Process:

1. Toll credits will be made available statewide to the RTPAs for federal match, to the Highway Bridge Program Projects for off federal-aid system projects and to the Department to match federal funds used for STIP and SHOPP. Toll credits will not be used for any project in the local safety programs.
 - a. RTPAs will provide the Department with an estimate of the total need for toll credits for the FTIP period by programming year.
 - b. In order for the State to implement the usage of toll credits statewide, the RTPA must submit to the Department on or before October 1 of each federal fiscal year, a list of programmed FTIP projects that are planned to use the credits for the upcoming federal fiscal year (starting October 1).
2. Prior to the end of the two year demonstration period the policy will be re-evaluated and if necessary changes will be made to the methodology and process for the disbursement of toll credits to take effect in FY 2012-2013.

Monitoring and Reporting of Toll Credit Usage and Balance

In accordance to the FHWA February 8, 2007 Memorandum on Tolling and Pricing Program, Caltrans will establish and maintain a special account to track the use and balance of toll credits for FHWA funded projects.

Prior to using toll credits for projects funded through the FTA, RTPAs and local agencies shall develop and maintain a special account to track the use and balance of toll credits, acceptable to FTA and FHWA. The obligations of funds through FTA constitute final use of toll credits as FTA funds are not de-obligated but are amended through the FTA.