

112TH CONGRESS  
1ST SESSION

# S. 2006

To amend the Surface Transportation and Uniform Relocation Assistance Act of 1987 to authorize the Secretary of Transportation to permit Federal regulation and review of tolls and toll increases on certain surface transportation facilities, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

DECEMBER 15, 2011

Mr. LAUTENBERG 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 amend the Surface Transportation and Uniform Relocation Assistance Act of 1987 to authorize the Secretary of Transportation to permit Federal regulation and review of tolls and toll increases on certain surface transportation facilities, 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 “Commuter Protection  
5 Act”.

1 **SEC. 2. REVIEW AND REGULATION OF TOLLS.**

2 (a) IN GENERAL.—Section 135 of the Surface Trans-  
3 portation and Uniform Relocation Assistance Act of 1987  
4 (33 U.S.C. 508; Public Law 100–17; 101 Stat. 174) is  
5 amended to read as follows:

6 **“SEC. 135. REVIEW AND REGULATION OF TOLLS.**

7 “(a) IN GENERAL.—Tolls for passage or transit over  
8 any bridge constructed under the Act of March 23, 1906  
9 (33 U.S.C. 491 et seq.) (commonly known as the ‘Bridge  
10 Act of 1906’), the General Bridge Act of 1946 (33 U.S.C.  
11 525 et seq.), or the International Bridge Act of 1972 (33  
12 U.S.C. 535 et seq.), and over or through any bridge or  
13 tunnel constructed on a Federal-aid highway (as defined  
14 in section 101(a) of title 23, United States Code) under  
15 any other provision of law, shall be—

16 “(1) just and reasonable; and

17 “(2) subject to review and regulation by the  
18 Secretary, upon complaint or the initiative of the  
19 Secretary, including with respect to increases in the  
20 amount of tolls.

21 “(b) REGULATIONS.—The Secretary shall promul-  
22 gate such regulations as are necessary to carry out this  
23 section, including regulations that—

24 “(1)(A) define the term ‘just and reasonable’  
25 for purposes of this section;

1           “(B) establish a process to determine whether  
2 tolls are just and reasonable for purposes of this sec-  
3 tion; and

4           “(C) prescribe, when appropriate, the just and  
5 reasonable rates of tolls to be charged under this  
6 section;

7           “(2) establish a process for the filing of an ad-  
8 ministrative complaint to challenge a determination  
9 described in paragraph (1)(B);

10          “(3) authorize the Secretary, or a designated  
11 administrative law judge—

12           “(A) to consider a complaint from any per-  
13 son aggrieved by a toll increase on any bridge  
14 or tunnel described in subsection (a); and

15           “(B) to conduct an investigation and, if  
16 appropriate, hold a formal hearing on such a  
17 complaint; and

18          “(4) authorize a person who submitted a com-  
19 plaint described in paragraph (3)(A) to challenge the  
20 final administrative determination of the Secretary  
21 or administrative law judge on the complaint, after  
22 issuance of that determination, in the appropriate  
23 United States district court in accordance with sub-  
24 chapter II of chapter 5, and chapter 7, of title 5,

1 United States Code (commonly known as the ‘Ad-  
2 ministrative Procedure Act’).”.

3 (b) CONFORMING AMENDMENT.—The table of con-  
4 tents for the Surface Transportation and Uniform Reloca-  
5 tion Assistance Act of 1987 (23 U.S.C. 101 note; Public  
6 Law 100–17) is amended by striking the item relating to  
7 section 135 and inserting the following:

“Sec. 135. Review and regulation of tolls.”.

8 **SEC. 3. STUDY ON USE OF TOLLS BY INTERSTATE AUTHORI-**  
9 **TIES.**

10 As soon as practicable after the date of enactment  
11 of this Act, the Comptroller General shall conduct, and  
12 submit to the appropriate committees of Congress a report  
13 on the results of, a study—

14 (1) to evaluate the use of tolls by interstate au-  
15 thorities to maintain and improve surface transpor-  
16 tation facilities; and

17 (2) to make recommendations to increase trans-  
18 parency and accountability of the funding decisions  
19 by those authorities.

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