



No. 25016/01/2018-Toll

भारत सरकार

GOVERNMENT OF INDIA

सड़क परिवहन और राजमार्ग मंत्रालय

MINISTRY OF ROAD TRANSPORT AND HIGHWAYS

Transport Bhawan, 1, Parliament Street, New Delhi-110001

Dated, the 2nd November 2018

To,

1. The Principal Secretaries/Secretaries, Department of Public Works Department dealing with development and maintenance of National Highways of all States/UTs
2. The Chairman, National Highways Authority of India (NHAI), G-5&6, Sector-10, Dwarka, New Delhi-110 075.
3. The Managing Director, National Highway Infrastructure Development Corporation Ltd., 3rd floor, PTI Building, Parliament Street, New Delhi-110 001.
4. The Engineers-in-Chief and Chief Engineers of all States/UTs Public Works Department dealing with development and maintenance of National Highways.

Subject: Levy and collection of user fees for use of a section of National Highway - Establishment of user fee plazas reg.

Madam/Sir,

Ministry of Road Transport and Highways is implementing the development programme of National Highways across the country. The fund requirement for construction and subsequent maintenance of all-weather good quality navigable roads is being met through levying user fee. This user fee is being levied and collected from road users as per the provisions of National Highways Fees (Determination of Rates and Collection) Rules 2008 and subsequent amendments.

2. This User fees are collected at user fees plazas that are established as per Rule 8(1) and 8(2) of National Highways Fees (Determination of Rates and Collection) Rules 2008, which states as under:

(1) *The executing authority or the concessionaire, as the case may be, shall establish a fee plaza beyond a distance of ten kilometers from the municipal or local town area limits;*

Provided that the executing authority may, for reasons to be recorded in writing locate or allow the concessionaire to locate a fee plaza within a distance to ten kilometers of such municipal or local town area limits, but in no case within five kilometers of such municipal or local town area limits;

Provided further that where a section of the national highway, permanent bridge, bypass or tunnel, as the case may be, is constructed within the municipal or town area limits or within five kilometers from such limits, primarily for use of the residents of such municipal or town area, the fee plaza may be established within the municipal or town area limits or within a distance of five kilometers from such limits.

(2) Any other fee plaza on the same section of national highway and in the same direction shall not be established within a distance of sixty kilometers;

Provided that where the executing authority deems necessary, it may for reasons to be recorded in writing, establish or allow the concessionaire to establish another fee plaza within a distance of sixty kilometers;

Provided further that a fee plaza may be established within a distance of sixty kilometers from another fee plaza if such fee plaza is for collection of fee for a permanent bridge, bypass or tunnel.

3. However, it has been observed that on several occasions the user fees plazas are being established in deviation to the provisions of NH Fee Rule 2008, and subsequently approval of the Competent Authority is being sought on various grounds.

4. In this regard, it has been decided that guidelines as below are to be followed for establishment of user fees plazas in all the projects under implementation as well as those in the planning stage:

1. For all National Highways Project, that have been awarded post 5th September 2017, the guidelines specified vide NH-37012/0/2016-H dated 05.09.2017 shall be scrupulously followed. (Copy annexed)
2. As a one-time measure, all the fee plazas, established in deviation to Rule 8 of NH Fee Rule 2008, may be notified as temporary fee plazas, with the condition that the Executing Agency shall relocate the fee plaza as per provisions of the rule within a period of two years.
3. All the Executing Agencies shall ensure that, for the projects currently under execution, establishment of user fee plazas must be in conformity to NH Fee Rule 2008, and amendments there-to from time to time.
4. Location of the user fee plaza w.r.t the nearest municipality area and w.r.t. adjacent fee plazas on the same section, will also be specifically clarified in all cases taken up for approval by the SFC/EFC in future.

This issues with the approval of the Competent Authority.



(Saswat Mohapatra)
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Enclosure: As above.

Copy to:

1. All ROs and ELOs of the Ministry.
2. All Technical Officers in the Ministry of Road Transport and Highways.

Copy for kind information to:

1. PS to Hon'ble Minister, MoRT&H.
2. PS to Hon'ble MoS, MORTH&H.

3. PPS to Secretary, MoRT&H.
4. PPS to DG (RD) & SS.
5. PS to ADG-I/ ADG-II/ ADG-III.
6. PS to JS (H)/ JS (Toll).
7. NIC- with request for uploading on Ministry's website.

Qsm

Dated, the 5th September 2017

Office Memorandum

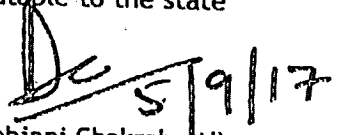
Subject: Location of Toll Plazas on National Highways - reg.

The undersigned is directed to refer to the subject above and convey that toll plaza locations recommended by the consultants engaged for preparation of DPRs for NH projects sometimes pose problems at site during project implementation. Ensuring accountability on the part of DPR consultants and adequate participation and commitment of the concerned State Government authorities while finalizing toll plaza locations for NH projects is likely to address this issue.

2. Accordingly, the following guidelines shall be followed in this behalf for NH Projects to be awarded in future:

- (i) Toll Plaza locations recommended by the DPR consultants should be in conformity with the provisions of the National Highways Fee (Determination of Rates and Collection) Rules, 2008 including applicable amendments in this behalf. In case of any deviations from the above Rules vis-a-vis the recommended locations for the Toll Plazas, a reasoned justification shall have to be provided by the DPR consultants. This requirement shall be suitably made a part of the Terms of Reference (ToR) for the DPR consultants;
- (ii) The Project execution authorities shall obtain the concurrence of the concerned State Government(s) regarding the locations of Toll Plazas upfront before inviting bids for the projects or declaring the 'Appointed Dates' in respect of road projects, especially in cases where a NH project is being implemented near a state capital or any urban area eg. Ring roads/ bypasses around capital cities. The concerned State Government should be required to furnish a written consent in this behalf to the project authority.
- (iii) The concerned State Government must provide an undertaking to the project execution authority to continuously support the toll fees collection and compensate such authority for any loss / foregone toll revenues on account of any disruption in collection of toll fees for any reasons attributable to the state Government.

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(Debjani Chakrabarti)
Director (Highways)
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- To
1. DG (RD) & SS, MoRTH
 2. Chairman, NHAI
 3. Managing Director, NHIDCL

Copy for information to PPS, Secretary-RTH

