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No. 25013/01/2019-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 12th February 2019.**Subject: Revised model notification for collection of user fees.**

A. 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 amendments thereto. Further, these fee plazas and fees leviable for use of these respective sections are notified in the Gazette of India, Extraordinary. At present, the user fees notifications are submitted as per the OM dated 24.08.2011.

B. Recently, Ministry of Law and Justice vetted the draft user fees notification for certain projects with minor corrections. Now, it is expected that all future user fees notifications may be submitted to Toll Division as per the modified model user fees notification vetted by the Legislative Dept. The model notifications for Public Funded projects and PPP projects are attached herewith for reference in preparation of user fees notification in all future projects. However, those cases which deviate from the model notification, have to be sent to the Legislative Department for vetting on case-to-case basis.

(Saswat Mohapatra)

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Enclosure: As above.

Copy to:

1. Chairman, NHAI.
2. Managing Director, NHIDCL.
3. All Chief Engineers of Ministry of Road Transport and Highways.
4. All ROs and ELOs of the Ministry.
5. Member (Finance), NHAI.

Copy for kind information to:

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



[TO BE PUBLISHED IN THE GAZETTE OF INDIA, EXTRAORDINARY, PART II, SECTION 3, SUB-SECTION (ii)]

Government of India
Ministry of Road Transport and Highways

New Delhi, the Day Month, Year

Notification¹

S.O..... (E).- Whereas by notification of the Government of India in the Ministry of Road Transport and Highways² [number S.O. ****(E) dated the Day Month, Year]³ issued under Section⁴, the Central Government has entrusted the stretch from kilometer ***.*** to kilometer ***.*** (****insert name of the National Highway section) of National Highway No.*** in the State of *** to the National Highways Authority of India/State Public Works Department, ****(name of the State)/name of the agency (hereinafter referred to as the "Authority");

Now, therefore, in exercise of the powers conferred by section 7 of the National Highways Act, 1956 (48 of 1956), read with rule 3 of the National Highways Fee (Determination of Rates and Collection) Rules, 2008 (hereinafter referred to as the "rules"), the Central Government hereby levies the fee on mechanical vehicles at the rate specified in column (2) of the Table 1 for net road section length⁵ of ***.*** km³ [for the use of four and more alone section or at sixty per cent of the base rate for use of two lane with paved shoulder section] and for equivalent structure length (having length more than 60m) of ***.*** km (having length of ***.*** km) and at one and one half times the base rate for bypasses having length of ***.*** km costing rupees ten crore or more on the type of vehicles specified in column (1) of the Table 1 below of *** (insert name of the Section) from design kilometer ***.*** to kilometer ***.*** (existing km ***.*** to km ***.***) of National Highway number *** in the State of ***** and authorises the Authority to collect, either through its officials or through a contractor, the said fee, namely:-

Table-1	
Type of vehicle	Base rate of fee per km for the base year 2007-08 (in Rupees)
(1)	(2)
Car, Jeep, Van or Light Motor Vehicle	0.65
Light Commercial Vehicle, Light Goods Vehicle or Mini Bus	1.05
Bus or Truck (Two Axles)	2.20
Three-axle commercial vehicles	2.40
Heavy Construction Machinery (HCM) or Earth Moving Equipment (EME) or Multi Axle Vehicle (MAV) (four to six axles)	3.45
Oversized Vehicles (seven or more axles)	4.20

¹ Applicable for Public Funded Project and BOT (Annuity) projects

² Insert the name of the erstwhile administrative ministry which issued the notification

³ Fill up the star blanks and add or delete, as applicable.

⁴ Section 11 of the National Highways Authority of India Act, 1988 (68 of 1988) for entrustment to NHAI or Section 5 of the National Highway Act, 1956 (48 of 1956) for entrustment to State Government or other agencies, as the case may be.

⁵ Length of road section excluding the length of bypasses costing rupees 10 crore or more and bridges structures having length more than 60m.

1. The fee to be levied and collected hereunder shall be due and payable at the Fee Plaza for net road length specified for such Fee Plaza(s) namely: -

Table-2		
Location of Fee Plaza (chainage)	Length ⁵ (in km) for which Fee is payable	Rate at which fee is payable
At Km/Ch. ***.*** of NH- ***near/between*** village(s) in ***district of State (Name of State) ⁷	***.*** [Excluding length of Bypass (costing >10 Cr.) and length of structures (>60m)]	100% for four and more lane or 60% for two lane/ two lane with paved shoulders, of the base rates mentioned in Table-1 above

2⁶. In addition to above, the following fee shall also be due and payable for the use of the bypass costing Rs 10 crore or more at the following Fee Plaza for net bypass length specified for such Fee Plaza(s) : -

Table-3						
Location of Fee Plaza (chainage)	Name of the Bypass	Taking Off	Merging at	Length ⁸ and Cost of bypass for which additional fee is payable		Rate at which fee is payable
				Length (in Km.)	Cost (in Rs. Crore)	
At Km/Ch. ***.*** of NH- ***near/ between*** village(s) in ***district of State (Name of State) ⁷	*** Bypass of NH - ***	Design km ***.*** (existin g km ***.***)	Design km ***.*** (existin g km ***.***)	***.***	***.***	150% for four and more lane or 90% for two lane/ two lane with paved shoulders, of the base rates mentioned in Table-1 above

3⁶. In addition to above, the following fee shall also be due and payable for the use of the following structures having length more than 60m at the following Fee Plaza(s), by converting the length of structures into an equivalent length of highway by multiplying the length of such structures by an equalisation factor of 10: -

Table-4			
Location of Fee Plaza (chainage)	Length of structures (in km) to be converted into equivalent road length	Equivalent road length (in km)	Rate at which fee is payable
At Km/Ch. ***.*** of NH-*** near/between *** village(s) in *** district of State (Name of State) ⁷	***.***^	***.***	100% for four and more lanes or 60% for two lane/ two lane with paved shoulders, of the base rates mentioned in Table- 1 above

⁶ This may be deleted in case there is no bypass costing Rs. 10 crore or bridge/structures with length more than 60m or more in the section.

⁷ Fill up the star blanks for location, village, district and state in which the fee plaza(s) fall(s).

⁸ Net length of bypass excluding length of the bridge/structure costing Rupees 50 crore or more falling therein.

^The details are as under: -

	Chainage		Type of Structure	Length ⁹ (in km)
	From Km	To Km		
1	***.***	***.***	****	***.***
Total				***.***

4. The rate of monthly pass for a person who owns a mechanical vehicle registered for non-commercial purposes and resides within a distance of twenty kilometres from the fee plaza is Rs ***.*** (amount in word)⁹ for the year ****-** and is subject to revision every year as per the provisions of the said rules.

5. For multiple journeys on the highway section, passes shall be issued at the following rates, namely: -

Table-5		
Amount Payable	Maximum number of one way journeys allowed	Period of validity
One and one-half times of the fee for one way journey	Two	Twenty four hours from the time of payment
Two-third of amount of the fee payable for fifty single journeys	Fifty	One month from date of payment

6. Fee for commercial vehicle (excluding vehicles plying under National permit) registered in the district where the fee plaza falls shall be 50% of the specified rate for that category of vehicle provided no service road or alternative road is available for use of such commercial vehicles.

7. The driver or owner or a person in charge of a mechanical vehicle which is loaded in excess of permissible load specified for its category, shall be liable to pay fee for entering the overloaded vehicle on the National Highway to the fee collecting agency, equal to the fee specified in sub-rule 1A of rule 10 of the said rules, and shall not be entitled to make use of the highway section unless the excess load has been removed from such mechanical vehicle.

8. All definitions including category of mechanical vehicles, its permissible load, category of exempted vehicles, service road, alternative road, etc. shall be as per definitions specified in the said rules.

9. The fee rates shall be displayed for information of the users in accordance with rule 12 of the said rules.

10. Based on the base rate of fee per kilometer for the base year 2007-08 as mentioned in Table-1 above, the actual amount of fee to be charged from the mechanical vehicles and the discounts will be calculated by the Authority on the basis of the completed length of the section and revised annually in accordance with the rule 5 of the said rules and the same shall be published in at least one newspaper in English and vernacular language.

⁹ Assess the rate of monthly pass for the financial year of publication of the notification

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11. The estimated capital cost of the project is Rupees ***.** crore. [The capital cost is subject to variation as the activities of land acquisition, utility shifting, tree cutting, etc. are yet to be completed and the final capital cost will be notified separately]. The Authority shall maintain a record of the recovery of capital cost through user fee realised and after recovery of the capital cost, the fee leviable shall be reduced to 40% of the rates and shall be revised annually in accordance with the said rules.

(Name of the authorized signatory)
Joint Secretary to the Government of India

[File No. *****]



[TO BE PUBLISHED IN THE GAZETTE OF INDIA, EXTRAORDINARY, PART II, SECTION 3, SUB-SECTION (ii)]

Government of India
Ministry of Road Transport and Highways

New Delhi, the Day Month, Year

Notification¹

S.O..... (E).- Whereas by notification of the Government of India in the Ministry of Road Transport and Highways [number S.O. ****(E) dated the Day Month, Year]² issued under Section³, the Central Government has entrusted the stretch from kilometer ***.*** to kilometer ***.*** (****insert name of the National Highway section) of National Highway No.*** in the State of *** to the National Highways Authority of India/State Public Works Department,*** (name of the State)/name of the agency (hereinafter referred to as the "Authority");

And whereas, pursuant to the provision of Section⁴ [***insert section of the Act], the Authority has entered into an agreement on dd/mm/yyyy (hereinafter referred to as "said agreement") with [***insert the name of the concessionaire] having its registered office [***insert address of the concessionaire] (hereinafter referred to as the "Concessionaire"), the successful bidder for bids submitted on dd/mm/yyyy⁵ for the development of [***insert name of the NH section] section from Km ***.*** to Km ***.*** [design chainage Km ***.*** to design chainage Km ***.***] on National Highway No. *** in the State of ****[name of state] (hereinafter referred to as the "said section") to [***insert the type of improvement viz. four lane/six/lane/two lane with paved shoulder standards] and operation and maintenance of the said section.

Now, therefore, in exercise of the powers conferred by section 8A of the National Highways Act, 1956 (48 of 1956), read with rule 3 of the National Highways Fee (Determination of Rates and Collection) Rules, 2008 (hereinafter referred to as the "rules"), the Central Government, having regard to the expenditure involved in building, maintenance, management and operation of the said section, interest on the capital invested, reasonable return, the volume of traffic and the period of the agreement entered into between the Authority and the Concessionaire, hereby notifies that there shall be levied and collected fees on mechanical vehicles for the use of the said section at the rates specified in column (2) of Table 1 below for net road section length⁶ for use of the four and more lane [or at sixty per cent of the base rate for use of two lane/two lane with paved shoulder section] [and base rates specified in the Table No. 2 for bridges/structures costing rupees Fifty crore or more for project with bid due date before 16.01.2014 and for bridges/structures with length more than 60m for bid due date after 16.01.2014]⁷ and at one and half times of the base rate for the use of bypasses, costing rupees ten crore or more, having total net length of ***.*** km on the type of vehicles specified in Table 1 below, and authorises the said Concessionaire to collect and retain the fee on and from the date of commercial operation or publication of this notification in the Official Gazette, whichever is later, till the termination date as specified in the agreement;

¹ Applicable for Private Investment project on BOT (Toll) mode or OMT and Special Purpose Vehicle (SPV) Projects of the Authority.

² Fill up the star blanks and add or delete, as applicable.

³ Section 11 of the National Highways Authority of India Act, 1988 (68 of 1988) for entrustment to NHAI or Section 5 of the National Highway Act, 1956 (48 of 1956) for entrustment to State Government or other agencies, as the case may be.

⁴ Section 14 of the National Highways Authority of India Act, 1988 (68 of 1988) or section 7 of the National Highway Act, 1956 (Act 48 of 1956)

⁵ Insert the final bid submission date for the project

⁶ Length of road section excluding the applicable length of bypasses and bridges/tunnel/structures

⁷ Structures also include 'bypasses' for agreements and contracts executed and bid invited prior to 03.12.2010

3⁹. In addition to above, the following fee shall also be due and payable for the use of the following structures having length more than 60 m at the following Fee plaza(s), by converting the length of structures into an equivalent length of highway by multiplying the length of such structures by an equalization factor of 10, at the base rate mentioned in Table 1 above :-

Table-4			
Location of Fee Plaza (chainage)	Length ¹¹ of structures (in km) to be converted into equivalent road length	Equivalent road length (in km)	Rate at which fee is payable
At Km/Ch. ***.*** of NH-*** near/between *** village(s) in *** district of State (Name of State)	***.*** [^]	***.***	100% for four or more lane or 60% for two lane/ two lane with paved shoulders, of the base rates mentioned in Table-1 above

[^]The details of structures (> 60 m length) are as under: -

S.No.	Start Chainage (at km)	End Chainage (at km)	Type and Name of the Structure	Total length (mtr.)
(i)	***.***	***.***	*****	***.***
Total length of structure				***.***

4. The rate of monthly pass for a person who owns a mechanical vehicle registered for non-commercial purposes and resides within a distance of twenty kilometres from the fee plaza is Rs ***.*** (amount in word)¹² for the year ****-*** and is subject to revision every year as per the provisions of the said rules.

5. For multiple journey on the highway section, passes shall be issued at the following rates, namely: -

Table-5		
Amount Payable	Maximum number of one way journeys allowed	Period of validity
One and half times of the fee for one way journey	Two	Twenty four hours from the time of payment
Two-third of amount of the fee payable for fifty single journeys or more	Fifty or more	One month from date of payment

6. Fee for commercial vehicle (excluding vehicles plying under national permit) registered in the district where the fee plaza falls shall be 50% of the prescribed rate for that category of vehicle provided no service road or alternative road is available for use of such commercial vehicles.

¹¹Length of bridge/structure including approaches on both sides of the bridge/structure

¹²Assess the rates of monthly pass for the financial year of publication of the notification

7. A mechanical vehicle which is loaded in excess of permissible load specified for its category under the rules, shall not be permitted to use the National Highway for crossing the fee plaza until the excess load has been removed from such mechanical vehicle. The driver or owner or a person in-charge of a mechanical vehicle which is loaded in excess of permissible load specified for its category, shall be liable to pay fee for entering the overloaded vehicle on the National Highway to the fee collecting agency as per the applicable provision in the said rules.

8. The fee rates shall be displayed for information of the users in accordance with rule 12 of the said rules.

9. Based on the base rate of fee per kilometer for the base year 2007-08 as mentioned in Table 1 above, the actual amount of fee to be charged from the mechanical vehicles and the discounts will be calculated by the Authority. The same shall be got published by the Authority in at least one newspaper in English and vernacular language through the Concessionaire and thereafter revised annually in accordance with the rule 5 of the said rules and provisions of the Concession Agreement and will be published; provided, however, that such revision shall not be effected until a period of 6 (six) months from the date of preceding revision of fee.

(Name of the authorized signatory)
Joint Secretary to the Government of India

[File No. *****]

