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## Establishing Vehicle Restrictions for User Fee Facilities

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### Statutory Authority:

The Transportation Modernization Act of 2023 ([Public Chapter 159](#)) (the “Act”) provides the Tennessee Department of Transportation (“TDOT”) with the authority to establish user fee facilities on new facilities opened on or after July 1, 2023, and on existing facilities where one or more new vehicle lanes are added to the facility on or after July 1, 2023.

By adding capacity to heavily traveled roadways, TDOT expects to improve operations in major growth areas experiencing congestion. In particular, user fee facilities provide an option for motorists to bypass congestion, thereby allowing motorists to maintain consistent travel times. User fee lanes would be new, optional lanes designed, built, financed, operated, and maintained by a private-sector partner through a public-private partnership.

TCA 54-3-107 allows the Commissioner of Transportation (the “Commissioner”), with the approval of the Board, to establish vehicle restrictions applicable to the operation user fee facilities and to enforce such restrictions pursuant to Title 54, Chapter 3 of the Tennessee Code.

### Background:

TCA 54-3-104 requires that, before the development of a user fee facility project, and prior to the inclusion of such user fee facility project in TDOT’s transportation improvement plan, the Board approve the development of such user fee facility project. On February 26, 2024, the Board approved further development of a user fee facility along the I-24 corridor between I-40 in Nashville (in Davidson County) and I-840 in Murfreesboro (in Rutherford County) (such user fee facility, the “I-24 Southeast Choice Lanes”).

In connection with TDOT’s ongoing development of the I-24 Southeast Choice Lanes, TDOT is analyzing various operational parameters to ensure that the I-24 Choice Lanes, and other similar user fee facilities that may be developed from time to time pursuant to the Act, provide motorists with consistent travel times, including the use of variable user fees and restrictions on the types of vehicles that may use such user fee facilities. TDOT anticipates that such operational parameters will include restricting vehicles classified by the Federal Highway Administration as Class 11 (multi-trailer trucks with five or fewer axles), Class 12 (multi-trailer trucks with six axles), or Class 13 (multi-trailer trucks with seven or more axles) from using user fee facilities, as the presence of such vehicles on user fee facilities may impair the efficient operation of such user fee facilities.

Vehicles restrictions are a critical tool for ensuring the safe and efficient operation of user fee facilities. Accordingly, TDOT and the Commissioner recommend that the Board authorize the Commissioner to establish vehicle restrictions applicable to the operation of user fee facilities, such that vehicles classified by the Federal Highway Administration as Class 11 (multi-trailer trucks with five or fewer axles), Class 12 (multi-trailer trucks with six axles), or Class 13 (multi-trailer trucks with seven or more axles) will be restricted from using user fee facilities.

### Question Before the Board:

Does the Board approve authorizing the Commissioner to establish restrictions on the types of vehicles that may use user fee facilities, such that vehicles classified by the Federal Highway Administration as Class 11 (multi-trailer trucks with five or fewer axles), Class 12 (multi-trailer trucks with six axles), or Class 13 (multi-trailer trucks with seven or more axles) will be restricted from using user fee facilities?