**MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE FHWA \_\_\_\_\_\_\_\_ DIVISION OFFICE (Division) AND THE \_\_\_\_\_\_ DEPARTMENT OF TRANSPORTATION (\_DOT)**

WHEREAS, the \_DOT desires to [insert description of the project, including the nature of the work to be performed], (hereinafter referred to as the "Toll Project"); and

WHEREAS, the \_DOT desires to implement tolls [insert description of the tolling strategy] on, [insert the toll limits] (hereinafter referred to as the “Toll Facility”); and

WHEREAS, the Division and \_DOT desire to enter into this MOU in order to reflect the mutual understanding that 23 U.S.C. 129(a) [also insert “and 23 U.S.C. 166”, if the project involves a HOV to HOT conversion] applies to the Toll Project; and

WHEREAS, 23 U.S.C. 129(a)(1)([insert subparagraph reference from below]) allows for Federal participation in [insert applicable toll authority from list below]; and

1. initial construction of a toll highway, bridge, or tunnel or approach to the highway, bridge, or tunnel;
2. initial construction of 1 or more lanes or other improvements that increase the capacity of a highway, bridge, or tunnel (other than a highway on the Interstate System) and conversion of that highway, bridge, or tunnel to a tolled facility, if the number of toll-free lanes, excluding auxiliary lanes, after construction is not less than the number of toll-free lanes, excluding auxiliary lanes, before the construction;
3. initial construction of 1 or more lanes or other improvements that increase the capacity of a highway, bridge, or tunnel on the Interstate System and conversion of that highway, bridge, or tunnel to a tolled facility, if the number of toll-free non-HOV lanes, excluding auxiliary lanes, after such construction is not less than the number of toll-free non-HOV lanes, excluding auxiliary lanes, before such construction;
4. reconstruction, resurfacing, restoration, rehabilitation, or replacement of a toll highway, bridge, or tunnel or approach to the highway, bridge, or tunnel;
5. reconstruction or replacement of a toll-free bridge or tunnel and conversion of the bridge or tunnel to a toll facility;
6. reconstruction of a toll-free Federal-aid highway (other than a highway on the Interstate System) and conversion of the highway to a toll facility;
7. reconstruction, restoration, or rehabilitation of a highway on the Interstate System if the number of toll-free non-HOV lanes, excluding auxiliary lanes, after reconstruction, restoration, or rehabilitation is not less than the number of toll-free non-HOV lanes, excluding auxiliary lanes, before reconstruction, restoration, or rehabilitation;
8. conversion of a high occupancy vehicle lane on a highway, bridge, or tunnel to a toll facility;

[Also insert if the project involves a HOV to HOT conversion] WHEREAS, 23 U.S.C. 166(b)(4) provides that a State agency may allow vehicles not otherwise exempt pursuant to 23 U.S.C. 166(b) to use a HOV facility by paying a toll:

NOW THEREFORE, the Division and \_DOT hereby agree as follows:

1. The Toll Project meets the toll eligibility requirements of 23 U.S.C. 129(a)(1) [also insert “and 23 U.S.C. 166”, if a HOV to HOT conversion].

2. \_DOT shall comply with all requirements of 23 U.S.C. 129(a) [also insert “and 23 U.S.C. 166” if a HOV to HOT conversion], as amended, with respect to the Toll Project and the operation of the Toll Facility.

IN WITNESS THEREOF, the parties hereto have caused this MOU to be duly executed, on the date of the last signature below.

STATE OF \_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_ DEPARTMENT OF TRANSPORTATION

BY: ,

DATE: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

FEDERAL HIGHWAY ADMINISTRATION

\_\_\_\_\_\_\_ DIVISION

BY: ,

DATE: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_