

The Orissa Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 1488 CUTTACK, THURSDAY, JUNE 30, 2011 / ASADHA 9, 1933

WORKS DEPARTMENT

NOTIFICATION

The 23rd June 2011

No. 6642—PPP.-39/2011(Part-II)-W.—In exercise of the powers conferred by Section 13 of the Orissa State Roads Tolls Act, 2010 (Orissa Act 6 of 2010), the State Government do hereby make the following rules, namely :—

1. Short title and commencement—(1) These rules may be called the Orissa State Roads Tolls (Determination of Rates and Collection) Rules, 2011.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions—(1) In these rules, unless the context otherwise requires,—

- (a) "Act" means the Orissa State Roads Tolls Act, 2010;
- (b) "base year" means the period from the 1st April 2010 to the 31st March 2011;
- (c) "Concession Agreement" means an agreement executed between the State Government and the Concessionaire under Section 4;
- (d) "gross vehicle weight" in respect of any vehicle means the total weight of the vehicle and load certified and registered by the Registering Authority as permissible for that vehicle under the Motor Vehicles Act, 1988 (59 of 1988);
- (e) "lane" means main carriageway with a minimum width of three meters and fifty centimeters;
- (f) "official-in-charge" means a person authorised as such by the executing authority or Concessionaire, as the case may be, for collection of toll for use of a section of a State Road or a bridge or a bypass;
- (g) "private investment project" means a project relating to section of a State Road or a bridge or bypass, as the case may be, for which an agreement is entered into with the Concessionaire;
- (h) "Public funded project" means a project which is not a private investment project as defined in clause (g) and includes a private funded project after its concession agreement has expired;
- (i) "section" means section of the Act;

- (j) "year" means a financial year commencing on the 1st day of April of a year and ending on the 31st March of the succeeding year.

(2) Words and expressions used herein and not defined but defined in the Act, shall have the meaning respectively assigned to them in the Act.

3. Levy of Tolls—(1) The State Government may, by notification, levy toll on mechanical vehicles for use of any section of State Roads or bridge or bypass forming part of a State Road at the rates specified in Rules 4 and 5 :

Provided that in case of any public funded project, the State Government may, in public interest, by notification, exempt from such levy, either in whole or in part, on mechanical vehicles for use of any section of State Road or a bridge or bypass within the area of such project, subject to such conditions as may be specified in that notification.

(2) In case of a public funded project, the collection of tolls levied under sub-rule (1), shall commence within forty-five days from the date of completion of the section of State Road or bridge or bypass, as the case may be :

Provided that the State Government may, fix a different date for the purpose of commencement of collection of toll for a section of the State Road or bridge or bypass.

(3) In case of a private investment project, the collection of tolls levied under sub-rule (1) shall be made in accordance with the terms of the Concession Agreement.

(4) The executing authority concerned or the Concessionaire, as the case may be, shall, at least fifteen days prior to the commencement of collection of tolls or revised tolls, as the case may be, publish a notice specifying the actual amount of toll to be charged on mechanical vehicles in at least one newspaper each in English and local language of the area having a wide circulation in such area.

(5) The tolls and amounts payable under these rules shall be rounded off to a multiple of rupee one in accordance with the Indian Standard IS : 2—1960 "Rules for rounding off numerical values" issued by Bureau of Indian Standards as amended from time to time.

(6) No toll shall be levied on two-wheelers, three-wheelers, bus or mini bus for use of the section of State Road, bridge or bypass.

*Explanation—*For the purpose of this rule—

- (a) "bus" means any mechanical vehicle, the gross vehicle weight of which exceeds twelve thousands kilograms but does not exceed twenty thousands kilograms and the registered passenger carrying capacity as specified in the certificate of registration issued under the Motor Vehicles Act, 1988 exceeds thirty-two excluding the driver;
- (b) "mini bus" means any mechanical vehicle, the gross vehicle weight of which does not exceed twelve thousands kilograms and the registered passenger carrying capacity as specified in the certificate of registration issued under the Motor Vehicles Act, 1988, exceeds twelve but does not exceed thirty-two excluding the driver.

4. Base rate of toll—(1) The rates of toll shall be uniform for both public funded and private investment project.

(2) The rate of toll for use of a section of a State Road of different types of lane for the base year 2010-2011 shall be the product of the length of such section multiplied by the rates specified hereunder :—

Sl. No.	Category of vehicle	Base rate of Toll per Km. (in Rs.)			
		Single lane	Intermediate lane	Double lane	Four lane or more lanes
(1)	(2)	(3)	(4)	(5)	(6)
1	Car, Jeep, Van or Light Motor Vehicle.	0.21	0.32	0.43	0.71
2	Light Commercial Vehicle (L.C.V.), Light Goods Vehicle.	0.35	0.52	0.69	1.15
3	Tractor Trailer	0.73	1.09	1.45	2.42
4	Trucks (2 axle)	0.83	1.24	1.65	2.75
5	Trucks (3 axle) and Multi Axle Vehicles (up to 6 axles).	1.14	1.71	2.27	3.79
6	Heavy Construction Machinery (H.C.M.), Earth Moving Equipment (E.M.E.), Oversized Vehicle (with seven or more axles).	1.39	2.08	2.77	4.62

(3) For the following category of vehicles, which are plying on the section of State Roads and carrying minerals other than minor minerals as defined in the Mines and Minerals (Development and Regulation) Act, 1957 of Government of India, the rate of toll for use of such section of the State Road of different types of lane for the base year 2010-2011 shall be the product of the length of such section multiplied by the rates as specified hereunder :—

Sl. No.	Category of vehicle	Base rate of Toll per Km. (in Rs.)			
		Single lane	Intermediate lane	Double lane	Four lane or more lanes
(1)	(2)	(3)	(4)	(5)	(6)
1	Trucks (2 axle)	1.65	2.50	3.30	5.50
2	Trucks (3 axle) and Multi Axle Vehicles (up to 6 axles).	2.30	3.40	4.55	7.60
3	Oversized Vehicle (with seven or more axles).	2.80	4.00	5.50	9.20

Explanation—For the purpose of this rule—

- (a) "car" or "jeep" or "van" or "light motor vehicle" means any mechanical vehicle the gross vehicle weight of which does not exceed seven thousand five hundred kilograms or the registered passenger carrying capability as stated in the certificate of registration issued under the Motor Vehicles Act, 1988 does not exceed twelve excluding the driver;
- (b) "light commercial vehicle" or "light goods vehicle" means any mechanical vehicle with a gross vehicle weight exceeding seven thousand five hundred kilograms but less than twelve thousand kilograms;

- (c) "truck" means any mechanical vehicle with a gross vehicle weight exceeding twelve thousand kilograms but less than twenty thousand kilograms;
- (d) "heavy construction machinery" (H.C.M.) or "earth moving equipment" (E.M.E.) or "multi axle vehicle" (M.A.V.) means heavy construction machinery or earth moving equipment or mechanical vehicle including a multi axle vehicle with three to six axles or vehicle with a gross vehicle weight exceeding twenty thousand kilograms but less than sixty thousand kilograms;
- (e) "oversized vehicle" means any mechanical vehicle having seven or more axles or vehicle with a gross vehicle weight exceeding sixty thousand kilograms; and
- (f) "tractor trailer" means a tractor with attached vehicle laden with goods other than agricultural produce or agricultural equipments.

(4) The rate of toll for use of stand alone bypass or bridge including road over bridge or road under bridge with cost of investments exceeding rupees ten crores shall be levied in the manner specified hereunder :—

- (a) For stand alone bypass the toll rates for the base year 2010-2011 shall be fifty percentum higher than those rates mentioned against each category of vehicle under sub-rule (2) or sub-rule (3), as the case may be, subject to minimum charges of rupees ten for a car, jeep, van or light motor vehicle for using bypass having single lane, intermediate lane and double lane and rupees fifteen for using bypass having more than double lane.
- (b) For the stand alone double lane bridge the toll rate for the base year 2010-2011 shall be as specified hereunder :—

Sl. No.	Length of Bridge	Base rate of Toll per trip (in Rs.)					
		Car, Jeep Van or Light Motor Vehicle	Light Commercial Vehicle (L.C.V.) or Light Goods Vehicle	Tractor Trailer	Trucks (2 axle)	Trucks (3 axle) & Multi Axle Vehicles (up to 6 axles)	Construction Machinery & Oversized Vehicles (more than seven axles)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
(a)	Up to 500m.	5.00	8.00	12.00	15.00	20.00	30.00
(b)	500m.—1000m.	8.00	15.00	18.00	22.00	30.00	40.00
(c)	Beyond 1000m.	15.00	20.00	25.00	30.00	40.00	50.00

NOTE—(i) Toll rates for four lane bridge shall be twenty-five percentum higher than those rates mentioned above against each category of vehicle. Toll rate in respect of other type of lanes shall be determined on *pro rata* basis.

- (ii) The category of vehicles mentioned in sub-rule (3) which are carrying minerals other than minor minerals and plying over such stand alone bridge shall be charged at double the rate as specified in clause (b) against each such category of vehicle.

5. Applicable toll rate and annual revision—(1) Prior to the 1st April, 2011, the base rates specified in Rule 4 shall be the applicable toll rates for the base year 2010-1011.

(2) The rates specified under Rule 4 shall be reviewed annually by the State Government for consideration of any revision thereof.

(3) Where the State Government takes a decision for revision of rate of toll then the base rates specified in Rule 4 shall be increased, without compounding, by three per centum thereof and such increased rates shall be deemed to be the base rates for the purposes of these rules with effect from the 1st of April of the relevant year.

(4) The applicable base rate as determined under sub-rule (3) shall further be adjusted and revised to reflect the increase in Wholesale Price Index between the week ending on the 6th day of January 2010 (for this purpose the base year W.P.I. shall be the W.P.I. on the week ending on the 6th January 2010, i.e. 250.5) and the week ending on or immediately after the 1st day of January of the year in which such revision is undertaken, but such revision shall be restricted to forty per centum of the increase in Wholesale Price Index.

(5) The formula for determining the applicable toll rate shall be as follows—

$$\text{Applicable toll rate} = \text{base rate} + \text{base rate} \times 0.4 \times \frac{[\text{W.P.I.}-\text{A} - \text{W.P.I.}-\text{B}]}{[\text{W.P.I. B}]}$$

Explanation—For the purposes of this rules—

- (a) applicable toll rate is the rate payable by the user;
- (b) base rate shall be the rate specified in Rule 4 read with sub-rule (3);
- (c) W.P.I.-A means the Wholesale Price Index of the week ending on or subsequent to the 1st day of January immediately preceding the date of revision under these rules; and
- (d) W.P.I.-B means the Wholesale Price Index of the week ending on the 6th January 2010 (i.e. 250.5).

Illustration :

If the revision is to be made for the year 2011-2012 by applying the Wholesale Price Index of the week ending on the 6th January 2010 (i.e. 250.5), then the applicable toll rate for car, jeep, van or light motor vehicle for the year 2011-2012 shall be Rs. 0.7473 per Km., as explained below, namely :—

- (a) base rate for year 2011 (i.e. on 1st April 2011) after applying 3% annual revision shall be $0.71 \times 1.03 = 0.7313$;
- (b) applicable toll rate on the 1st April 2011 after revising above base rate with W.P.I. shall be as follows, namely :—

W.P.I.-B for the base year (i.e. on the first week of January 2010) = 250.5

W.P.I. on the first week of January 2011 = 264.2

Applicable toll rate on the 1st April 2011 = $0.7313 + 0.7313 \times 0.4(264.2 - 250.5)/250.5 = 0.7473$

Thus revised toll rate from the 1st April 2011 to the 31st March 2012 shall be Rs. 0.7473 per Km.

6. Collection of toll—(1) The toll levied under these rules shall be collected by the executing authority concerned or the Concessionaire, as the case may be, at the toll gate.

(2) Every driver, owner or person in charge of a mechanical vehicle shall, for the use of the section of State Road or bridge or bypass, before crossing the toll gate pay the tolls specified under these rules.

(3) The tolls collected under these rules shall be paid either in cash or through Smart Card or on board unit (transponder) or any other like device :

Provided that no additional charges shall be realised for making the payment of tolls by use of Smart Card or on board unit (transponder) or any other like device.

(4) Every driver, owner or person in charge of a mechanical vehicle, upon payment of toll shall be issued a numbered receipt, specifying date and time of journey, amount paid and the class of vehicle :

Provided that in case of payment of toll through Smart Card or on board unit (transponder) or any other such device, the receipt shall be issued on demand only.

(5) Toll may be collected in perpetuity by the executing authority concerned on sections of State Road or bridges or bypass on which toll is due and payable under these rules for the maintenance, repair, improvement or replacement thereof and for provision of services and amenities to the users thereof.

(6) In case of private investment project such collection shall be for a specified period in accordance with the terms of the Concession Agreement.

(7) In respect of public funded project, tolls levied under these rules shall be collected by the executing authority concerned through its own official or through a contractor selected on the basis of competitive bidding.

7. Remittance and retention of toll—(1) In case of public funded projects, the toll collected by the executing authority shall be remitted to the State Government :

Provided that the State Government may, by notification, permit any or all of the other executing authority to retain the whole or any part of the toll for such purposes and subject to such conditions as may be specified in the said notification.

(2) In case of private investment projects, the toll collected under the provision of these rules shall be retained by the Concessionaire in accordance with the provisions of the Concession Agreement.

(3) Every executing authority shall remit to the State Government, the amount of toll collected over and above the amount permitted to be retained by the executing authority within ninety days after the expiry of the year along with an annual return showing the amount collected and the expenditure incurred in collection of toll, including the administrative and management expenses.

(4) The State Government shall, by notification, from time to time, fix the administrative and management expenses which may be allowed to be deducted and retained by the executing authority.

(5) The State Government shall, from time to time, specify the reporting, inspection and auditing requirements for ensuring compliance of these rules.

8. Location of toll gate—(1) The State Government shall decide on all matters concerning the location of the toll gate :

Provided that a toll gate shall not ordinarily be located within a distance of ten kilometers from Municipal area :

Provided further that the State Government may, for reasons to be recorded in writing, allow a toll gate to be located within a distance of ten kilometers of such Municipal area but in no case within five kilometers of such Municipal area :

Provided also that the restriction on distance of a toll gate from Municipal area shall not apply to a section of the State Road, bridge or bypass which is constructed within such Municipal area or within five kilometers thereof, primarily for use of the residents of such Municipal area.

(2) The distance between two toll gates on the same section of the State Road and in the same direction shall not be less than forty kilometers :

Provided that the State Government may, for reasons to be recorded in writing, allow to locate two toll gates at a distance less than forty kilometers subject to the condition that the minimum improved length of the section of the State Road shall not be less than ten kilometers.

Provided further that a toll gate may be located within a distance of forty kilometers from another toll gate if such toll gate is for collection of toll for a stand alone bridge or bypass.

9. Discounts—(1) The executing authority or the Concessionaire, as the case may be, shall, upon request of a driver, owner or person in charge of mechanical vehicles which is registered for non-commercial purpose, provide a pass for multiple journeys within the specified period at the rates specified below :

Amount payable	Allowable number of times to cross toll gate	Validity period for crossing the toll gate
(1)	(2)	(3)
One and half times of toll for one way journey.	Two	Twenty-four hours from the time of payment.
Two-third of amount of the toll payable for fifty single journeys.	Fifty	One month from date of payment

(2) A local user shall, on an application made to the official-in-charge be issued a pass on payment of toll at the rate of rupees one hundred and fifty per calendar month in case of four lane road, rupees seventy-five per calendar month in case of double lane road and rupees fifty per calendar month in case of intermediate or single lane road to cross the toll gate specified in such pass for use of a section of the State Road, stand alone bridge or a stand alone bypass :

Provided that the application made by the local user shall be accompanied by—

- (a) proof of residence such as a certificate from the Tahasildar or Ration Card or Voter Identification Card ;
- (b) the registration papers of the mechanical vehicle registered for non-commercial purposes :

Provided further that such benefit of discount shall not extend beyond a toll gate of another State Road, stand alone bridge or stand alone bypass :

Provided also that no such pass shall be issued if a service road or alternative route is available for use of mechanical vehicle.

(3) The discount on toll payable under sub-rule (2) may be revised when the toll rate is revised under Rule 5.

(4) In case of a dispute relating to the eligibility for availing discount under this rule the decision of the prescribed authority shall be final and binding.

*Explanation—*For the purpose of this rule the expression "local user" means a person using mechanical vehicle registered for non-commercial purpose, who resides within a distance of twenty kilometers from the toll gate and uses it as such for commuting a section of the State Road, bridge or bypass, as the case may be.

10. Exempted vehicles—(1) No toll shall be levied and collected from a mechanical vehicle,—

- (a) Transporting and accompanying—
 - (i) the President of India;

- (ii) the Vice-President of India;
- (iii) the Prime Minister of India;
- (iv) the Chief Justice of India;
- (v) Governors and Lt. Governors;
- (vi) Union Ministers;
- (vii) Chief Minister and Ministers of the State;
- (viii) Judges of the Supreme Court of India;
- (ix) Presiding Officers of Central and State Legislatures;
- (x) Chief Justice of the High Courts and Judges of High Courts;
- (xi) Chief Ministers and Ministers of other States;
- (xii) Foreign dignitaries on State visit; and
- (xiii) Members of Legislative Assembly and Parliament.

(b) Used for official purposes by—

- (i) the Ministry of Defence including those, which are eligible for exemption in accordance with the provisions of the Indian Toll (Army & Air Force) Act, 1901 and the rules made thereunder as extended to Navy also;
- (ii) the Central and the State Armed Forces in uniform including Paramilitary Forces and Police;
- (iii) an Executive Magistrate;
- (iv) Fire-fighting Department;
- (v) Government (Government of India and other State Governments); and
- (vi) persons for inspection, survey, construction or operating and maintenance of the State Road, bridge or bypass.

(c) Used as Ambulance or Dead Body Carrier (Hearse).

11. Display of information—(1) The amount of toll for each class of vehicle, period of validity for the amount paid, the categories of vehicles exempted from payment of toll, the name, address and telephone number of the executing authority concerned or Concessionaire, as the case may be, to whom suggestions and complaints, if any, should be addressed, shall be clearly and prominently displayed in Hindi, English and Oriya one kilometer ahead of the toll gate.

(2) The height of the display boards, their quality and size of lettering should be such that it is clearly visible and legible to the users.

12. Rate of toll for overloading—(1) Without prejudice to the liability of the driver, owner or a person in charge of a mechanical vehicle under any law for the time being in force, a mechanical vehicle which is loaded in excess of the permissible load specified for its category under sub-rule (3) of Rule 4, shall be liable to pay toll at such rate which is applicable for the next higher category of mechanical vehicles :

Provided that the payment of such toll for overloading shall not entitle a driver or owner or a person in charge of a mechanical vehicle to make use of such State Road or bridge or bypass and his or her vehicle shall be prevented from using the State Road or bridge or bypass or crossing the toll gate until the excess load has been removed from such mechanical vehicle.

(2) The weight of a mechanical vehicle, as recorded at a weighbridge installed at the toll gate, shall be the basis for levying the toll for overloading under this rule :

Provided that where no weighbridge has been installed at the toll gate, no toll for overloading shall be levied and collected under this rule and the driver, owner or person in charge or the mechanical vehicle shall be liable to pay toll as applicable for such vehicle only.

13. Appellate Authority—The Superintending Engineer in whose jurisdiction the State Road or bridge or bypass falls, shall be the Appellate Authority :

Provided that the State Government may, by notification, appoint any other officer who is higher in rank than the prescribed authority, as the Appellate Authority for a State Road or a part thereof, as may be specified in that notification.

14. Unauthorised collection—Any driver, owner or person in charge of the mechanical vehicle may lodge a complaint in writing before the prescribed authority having jurisdiction over the area who shall, after hearing the parties, pass an order on such complaint for refund of excess payment and damages for the inconvenience suffered by such user within thirty days.

15. Power of State Government to verify records—An officer duly authorised by the State Government shall have the powers to verify, the collection of tolls, inspect any document, records, other information, receipts or report of the executing authority or the Concessionaire, or any document, record, receipt or report which is in possession of an official-in-charge of toll gate.

16. Collection of toll in respect of Private Investment Project—(1) The toll levied under sub-rule (3) of Rule 3 shall be collected by the Concessionaire till its agreement is in force.

(2) A private investment project shall revert to the State Government or the executing authority, as the case may be, upon expiry of the concession period and shall, thereafter, be deemed to be a public funded project for the purposes of these rules and the collection of toll thereafter shall be undertaken by the State Government or executing authority, as the case may be, in accordance with the provisions of these rules.

17. Bar for installation of additional barrier—(1) No barrier shall be installed at any place, other than at the toll gate, except with the prior permission in writing from the State Government who after being satisfied that there is evasion of toll, may permit the installation of the additional barrier, on such terms and conditions as it may impose, by the executing authority or the Concessionaire, as the case may be, to check the evasion of the tolls :

Provided that upon request from the executing authority or the Concessionaire as the case may be, for setting of such additional barriers, the State Government on being satisfied about such evasion shall convey its decision, within a period of sixty days from the date of receiving the request.

(2) The State Government may review the permission so accorded, periodically, and may cause such permission to be withdrawn if it is found that the additional barrier is causing harassment to local or *bona fide* users.

ORDER—The notification be published in the extraordinary issue of *Orissa Gazette* and copies thereof be forwarded to all Departments/all Heads of Department/Principal Accountant-General, Orissa, Bhubaneswar/Secretary to the Governor, Orissa.

By order of the Governor

S. K. RAY

E.I.C.-cum-Secretary to Government