

भारतीय राष्ट्रीय राजमार्ग प्राधिकरण

(सडक परिवहन और राजमार्ग मंत्रालय)

National Highways Authority of India

(Ministry of Road Transport and Highways)

जी-5 एवं 6, सेक्टर-10, द्वारका, नई दिल्ली-110075

G-5 & 6, Sector-10, Dwarka, New Delhi-110075

No.11041/218/2007-Admn

दूरभाष / Phone : 91-11-25074100/25074200

फैक्स / Fax : 91-11-25093507 / 25093514

Date : 31.12.2015

Policy Circular – Technical (192/ 2015) [decision taken on the file of CO Division]

Sub.: Prevention of Overloading at Toll Plazas on NH Sections

– Amendment to Fee Rules dated 16.12.2013 of MoRTH [G.S.R.778 (E)] and Policy Circular dated 05.05.2014 of NHAI (Tech-154/2014)

– Strict implementation of removal of excess load to permit the vehicle for further use of NH or crossing Toll Plaza besides charging penalty (10 times applicable fee).

Vide Policy Circular dated 05.05.2014 (Tech-154/2014), instructions have been issued to comply with the amendment to Fee Rules dated 16.12.2013 [G.S.R.778(E)] interalia to charge 10 times applicable fee from the overloaded vehicles and to remove the excess load before the vehicle is allowed to cross the Toll Plaza.

2. Subsequently, Ministry has issued 2 more amendments to Fee Rules as under :

(a) Amendment dated 29.12.2014 [G.S.R.02(E)] (copy enclosed) prescribing that the provisions under Rule-10 shall be applicable on all Toll Plazas.

(b) Amendment dated 23.03.2015 [G.S.R.220(E)] (copy enclosed) clarifying that the maximum 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) and the rules made there under. The explanation under Rule-4, Sub-Rule-2 of different types of vehicles and permissible loads has also been deleted.

3. It has come to the notice that while the Concessionaires/ Toll Collection Contractors are charging penalty for overloading (10 times applicable fee), they are not ensuring removal of excess load to allow the vehicle to further use NH section/ cross the toll plaza, citing that the removal of the excess load at the Toll Plaza is not practical for safety/ security of goods and also non-availability of space at Toll Plaza to off-load.

4. In view of above and keeping in view the provisions under "The Control of National Highways (Land and Traffic) Act 2002" (Sections-32,35,36&37) and "The Highways Administration Rules 2004"(Rules-17,18,19,20&21), the following further instructions have been issued in continuation of Policy Circular dated 05.05.2014 for strict compliance :

(i) A Public Notice shall be issued before 01.01.2016 in each state by the Regional Officer in the local newspapers (one in english & one in hindi/ vernacular language) in the format enclosed at Annex-A. As per OM dated 23.03.2015 of MoRTH (copy enclosed), DAVP's rate is applicable to the publication of advertisements of NHAI in newspapers under Ministry's name.


(ii) Sign Boards (one in english & one in hindi/ vernacular language) shall be placed before 01.01.2016 at the Toll Plazas in the format enclosed at Annex-B.

(iii) the following procedure shall be strictly observed w.e.f. 01.01.2016 at all Toll Plazas of NHAI/ Concessionaires of NHAI,:

- The overloaded vehicle shall be towed away, taken into possession and parked at the designated place at the risk and cost of the driver/ owner (safety and security of vehicle and goods shall solely vest with the owner/ driver of the vehicle).
- The vehicle shall be handed over to the owner on receipt of the following:
 - ✓ Application from the owner of the vehicle with evidence in support of ownership
 - ✓ Undertaking for offloading and bringing the vehicle weight within maximum GVW for further use of NH
 - ✓ proof of payment of 10 times applicable fee
 - ✓ proof of payment of towing charges (Rs. 1000/-) and parking charges (@ Rs. 50/- per hour or part thereof)
- If a vehicle remains unclaimed for 7 days, the same shall be handed over to the concerned police station.

Copies of all relevant notifications/ rules shall be kept at the Toll Plaza for viewing.

Encl. : As above. (9 Pages)


(A.K. Singh)
CGM (Coord)

Copy to :

1. All CGM/ RO, NHAI
2. All PD, NHAI
3. All CGMs/ GMs at HQ.

Logo of
GOI

Government of India
Ministry of Road Transport & Highways

Prevention of Overloading at Toll Plazas of NHAI/Concessionaires on NH sections in (Name of State)

Amendments to NH Fee Rules dated 16.12.2013 [G.S.R. 778 (E)], 29.12.2014 [G.S.R.02(E)] and 23.03.2015 [G.S.R.220(E)] of MoRTH prescribe as under:


- a mechanical vehicle loaded in excess of permissible maximum Gross Vehicle Weight (GVW) shall not be permitted to use the National Highway or cross the Toll Plaza until the excess load is removed;
- the overloaded vehicle shall be liable to pay fee equal to ten times of the applicable fee;
- Maximum GVW is as indicated in vehicle RC under MV Act (Ref. notification dated 18.10.1996 [S.O.728(E)] and its subsequent amendments under MV Act of MoRTH).

The overloaded vehicle shall be handled as under at all Toll Plazas of NHAI/Concessionaires in the State of (Name) as per provisions of "The Control of National Highways (Land and Traffic) Act 2002" (Sections-32, 35, 36 & 37) and "The Highways Administration Rules 2004"(Rules-17, 18, 19, 20 & 21):

- The overloaded vehicle shall be towed away, taken into possession and parked at the designated place at the risk and cost of the driver/ owner (safety and security of vehicle and goods shall solely vest with the owner/ driver of the vehicle).
- The vehicle shall be handed over to the owner on receipt of the following:
 - ✓ Application from the owner of the vehicle with evidence in support of ownership
 - ✓ Undertaking for offloading and bringing the vehicle weight within maximum GVW for further use of NH
 - ✓ proof of payment of 10 times applicable fee
 - ✓ proof of payment of towing charges (Rs. 1000/-) and parking charges (@ Rs. 50/- per hour or part thereof)
- If a vehicle remains unclaimed for 7 days, the same shall be handed over to the concerned police station.

Copies of all relevant notifications/ rules are available at the Toll Plaza for viewing.

By order
Highway Administrator/ Regional Officer, NHAI/ MoRTH
Address



Prevention of Overloading on NH sections at (Name) Toll Plaza

Amendments to NH Fee Rules dated 16.12.2013 [G.S.R. 778 (E)], 29.12.2014 [G.S.R.02(E)] and 23.03.2015 [G.S.R.220(E)] of MoRTH prescribe as under:

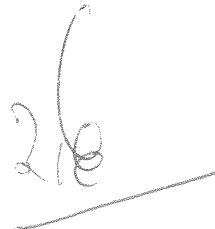
- a mechanical vehicle loaded in excess of permissible maximum Gross Vehicle Weight (GVW) shall not be permitted to use the National Highway or cross the Toll Plaza until the excess load is removed;
- the overloaded vehicle shall be liable to pay fee equal to ten times of the applicable fee;
- Maximum GVW is as indicated in vehicle RC under MV Act (Ref. notification dated 18.10.1996 [S.O.728(E)] and its subsequent amendments under MV Act of MoRTH).

The overloaded vehicle shall be handled as under at (Name) Toll Plaza as per provisions of "The Control of National Highways (Land and Traffic) Act 2002" (Sections-32, 35, 36 & 37) and "The Highways Administration Rules 2004"(Rules-17, 18, 19, 20 & 21):

- The overloaded vehicle shall be towed away, taken into possession and parked at the designated place at the risk and cost of the driver/ owner (safety and security of vehicle and goods shall solely vest with the owner/ driver of the vehicle).
- The vehicle shall be handed over to the owner on receipt of the following:
 - ✓ Application from the owner of the vehicle with evidence in support of ownership
 - ✓ Undertaking for offloading and bringing the vehicle weight within maximum GVW for further use of NH
 - ✓ proof of payment of 10 times applicable fee
 - ✓ proof of payment of towing charges (Rs. 1000/-) and parking charges (@ Rs. 50/- per hour or part thereof)
- If a vehicle remains unclaimed for 7 days, the same shall be handed over to the concerned police station.

Copies of all relevant notifications/ rules are available at the Toll Plaza for viewing.

By order
Highway Administrator/ Regional Officer, NHAI/ MoRTH
Address



No.H-39011/03/2015-Toll

भारत सरकार

GOVERNMENT OF INDIA

सडक परिकहन एवम् राजमार्ग मंत्रालय

MINISTRY OF ROAD TRANSPORT & HIGHWAYS

Transport Bhavan, 1, Parliament Street,
New Delhi, dated the 23rd February, 2015

OFFICE MEMORANDUM

Subject: Publication of NHAI's advertisement in newspapers under Ministry's name.

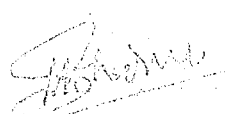
The National Highways Authority of India (NHAI) was constituted by an Act of Parliament, namely the National Highways Authority of India Act, 1988. It is responsible for development, maintenance and management of National Highways vested or entrusted to it by the Central Government and for matters connected or incidental thereto. The Authority became operational in February, 1995. NHAI is mandated to implement National Highways Development Project (NHDP) which is India's largest ever Highways Project.

2. NHAI, to carry out its activities on behalf of MoRT&H has to publish number of advertisements pertaining to inviting bids, user fee, recruitment etc.

3. In view of this it is requested to kindly open a separate account for NHAI under this Ministry for publishing advertisement/notifications at DAVP's rate.

Issue
25/2/15

Sh. K. Ganesan
Director General,
Sochna Bhawan, CGO Complex,
Lodi Road, New Delhi


(N.K.Sharma)
Director(Toll)

MINISTRY OF ROAD TRANSPORT AND HIGHWAYS

NOTIFICATION

New Delhi, the 29th December, 2014

G.S.R. 02(E).—In exercise of the powers conferred by section 9 read with Sub-section (1) of section 7 of the National Highways Act, 1956 (48 of 1956) the Central Government hereby makes the following rules further to amend the National Highways Fee (Determination of Rates and Collection) Rules, 2008, namely:—

1. **Short title and commencement.**—(1) These rules may be called the National Highways Fee (Determination of Rates and Collection) Third Amendment Rules 2014.

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

2. In the National Highways Fee (Determination of Rates and Collection) Rules, 2008 (hereinafter referred to as the principal rules),—

in rule 10 of the principal rule after sub-rule 1(A) the following provision shall be inserted.

"This provision shall be applicable on all Toll plazas."

[F. No. H-25016/01/2014-Toll]

ALKESH SHARMA, Jr. Secy.

Foot Note :— The National Highways Fee (Determination of Rates and Collections) Rules, 2008 were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) published in the Gazette of India *vide* G.S.R. No. 838(E) dated 5th December, 2008 and amended *vide* G.S.R. No. 950(E) dated 3rd December, 2010 G.S.R. No. 15(E) dated 12th January, 2011 and G.S.R. No. 756(E) dated 12th October, 2011, G.S.R. No. 788(E) dated 16th December, 2013, G.S.R. No. 26(E) dated 16th January, 2014 and G.S.R. No. 831(E) dated the 21st November, 2014.

टिप्पण : मूल नियम, भारत के राजपत्र के भाग II, खंड 3, उप-खंड (i) में सा.का.नि. सं. 838 (अ) 5 दिसम्बर, 2008 के द्वारा प्रकाशित किए गए थे और तत्पश्चात् सा.का.नि. सं. 950 (अ) 3 दिसम्बर, 2010; सा.का.नि. सं. 15 (अ) 12 जनवरी, 2011; सा.का.नि. सं. 756 (अ) 12 अक्टूबर, 2011; सा.का.नि. सं. 778 (अ) 16 दिसम्बर, 2013; सा.का.नि. सं. 26 (अ) 16 जनवरी, 2014; सा.का.नि. सं. 831 (अ) 21 नवम्बर, 2014 और सा.का.नि. सं. 02 (अ) 29 दिसम्बर, 2014 के द्वारा संशोधित किए गए थे।

MINISTRY OF ROAD TRANSPORT AND HIGHWAYS

NOTIFICATION

New Delhi, the 23rd March, 2015

G.S.R. 229(E).—In exercise of the powers conferred by section 9 of the National Highways Act, 1956 (48 of 1956), the Central Government hereby makes the following rules further to amend the National Highways Fee (Determination of Rates and Collection) Rules, 2008, namely:-

1. **Short title and commencement.** - (1) These rules may be called the National Highways Fee (Determination of Rates and Collection) Amendment Rules, 2015.

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

2. In the National Highways Fee (Determination of Rates and Collection) Rules, 2008 (hereinafter referred to as the principal rules), in rule 2, in sub-rule (1), in clause (i), after the words, figures and brackets "the Motor Vehicles Act, 1988 (59 of 1988)" occurring at the end, the words "and the rules made there under" shall be inserted.

3. In rule 4 of the principal rule, the Explanation after sub-rule 2 shall be omitted.

4. In rule 10 of the principal rules, in sub-rule 1, for the words, brackets and figures "load specified for its category under sub-rule (2) of rule 4", the words "maximum gross vehicle weight in respect of such vehicle" shall be substituted.

[F. No. H-25016/01/2014-Tol]

ALKESH SHARMA, Jt. Secy.

Note : The Principal rules were published in the Gazette of India, Part II, Section 3, Sub-section (i) published in the Gazette of India vide G.S.R. No. 838 (E) dated the 5th December, 2008 and subsequently amended vide G.S.R. No. 950(E) dated the 3rd December, 2010; G.S.R. No. 15(E) dated the 12th January, 2011; G.S.R. No. 756(E) dated the 12th October, 2011; G.S.R. No. 778(E) dated the 16th December, 2013; G.S.R. No. 26(E) dated the 16th January, 2014; G.S.R. No. 831(E) dated the 21st November, 2014; and G.S.R. No. 02(E) dated 29th December, 2014.

MINISTRY OF ROAD TRANSPORT AND HIGHWAYS

NOTIFICATION

New Delhi, the 16th December, 2013

G.S.R. 778(E).—In exercise of the powers conferred by Section 9 of the National Highways Act, 1956 (48 of 1956), the Central Government hereby makes the following rules further to amend the National Highways Fee (Determination of Rates and Collection) Rules, 2008, namely:—

1. Short title and commencement.—(1) These rules may be called the National Highways Fee (Determination of Rates and Collection) Amendment Rules, 2013.

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

2. In the National Highways Fee (Determination of Rates and Collection) Rules, 2008 (hereinafter referred to as the principal rules),—

(a) in rule 3, sub-rule (3) shall be omitted;

(b) in rule 4 of the principal rules.—

(i) sub-rules (3) and (4) shall be omitted;

(ii) in sub-rule (6), after the proviso, the following shall be inserted, namely:—

“Provided further that in case of a section of a four-lane highway which has been taken up for upgradation to six-laning, the increase in rate of fee shall be limited to seventy-five per cent of the fee as specified in sub-rule (2) and revised under rule 5 calculated on and from the date of commencement of the work relating to upgradation, till the date of completion of the project according to the agreement entered into with the concessionaire without any annual revision:

Provided also that no user fee shall be levied for the delayed period between the date of completion as per the agreement entered into with the concessionaire and the date of actual completion of the project.

Explanation.— For the purposes of this rule, any provisional completion of the project shall not be treated as completion of the project.” ;

(iii) after sub-rule (6), the following sub-rules shall be inserted, namely:—

“(7) The rate of fee for use of an expressway shall be 1.25 times the rate specified in sub-rule (2).

(8) In case of private investment projects, the rate of fee shall be as specified under sub-rule (2) or such lower rates as concessionaire may determine by giving public notice to the users, specifying in all or any category of vehicles.

(9) The rate of fee for a section of a four-lane highway shall on and from the commencement of the work relating to upgradation to six laning, be seventy-five per cent. of the fee applicable on the date of commencement of the National Highways Fee (Determination of Rates and Collection) Amendment Rules, 2013, till the completion of the project without any annual revision:

Provided that no user fee shall be levied for the delayed period between the date of completion as per the agreement entered into with the concessionaire and the date of actual completion of the project.

Explanation.— For the purposes of this rule, any provisional completion of the project shall not be treated as completion of the project.

(10) The rate of fee for use of standalone structure shall be calculated by converting the cost of the structure into an equivalent length of highway/ expressway by dividing by an equalisation factor equal to average cost per km of highway/expressways on 1st April of that year.

Provided that for a permanent bridge or a tunnel in a linear highway/expressway project forming part of the highway/expressway, the rate of fee shall be calculated by converting the cost of the structure, excluding the length of the approaches to the structure, into an equivalent length of highway/expressway by dividing such cost by an equalisation factor equal to the cost per km. of such highway/expressway excluding the cost of structures.

Explanation.— For the purposes of this sub-rule, “stand-alone structure” shall mean an independent bridge or tunnel or flyover taken up as specific project to complement an existing facility or to create a new facility for users which brings about tangible benefits in terms of savings in time and vehicle operating costs and enhances the efficiency of the existing road network.

(11) The rate of fee for use of a section of a national highway, having two-lanes with paved shoulders and above but below four-lane on which substantial improvement has been made by widening carriageway by three meters or more shall be sixty per cent of the rate of fee specified under sub-rule (2).”.

(c) in rule 10 of the principal rules, for sub-rule (1), the following sub-rule shall be substituted, namely:—

“(1) Without prejudice to the liability of the driver or 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 permissible load specified for its category under sub-rule (2) of rule 4, shall not be permitted to use the National Highway or crossing the toll plaza until the excess load has been removed from such mechanical vehicle.

maximum
gross vehicle weight
in respect of each vehicle
(Amendment dt-23.03.15)

(1A) The driver or owner or a person in charge of a mechanical vehicle shall be liable to pay fee, for entering the overloaded vehicle on the national highway to the toll collecting agency, equal to ten times of the fee applicable to such category of mechanical vehicles under sub-rule (2) of rule 4." .

[No. H-25016/2/2011-P&P(Toll)(Vol.III)]

ALKESH SHARMA, Jt. Secy.

Note : The National Highways Fee (Determination of Rates and Collections) Rules, 2008 were published in the Gazette of India, Part II, Section 3, Sub-section (i) *vide* G.S.R. No. 838 (E) dated the 5th December, 2008 and amended *vide* G.S.R. No. 950(E) dated 3rd December, 2010, G.S.R. No. 15(E) dated 12th January, 2011 and G.S.R. No. 756(E) dated 12th October, 2011).



भारतीय राष्ट्रीय राजमार्ग प्राधिकरण

(सड़क परिवहन और राजमार्ग मंत्रालय)

National Highways Authority of India

(Ministry of Road Transport and Highways)

जी-5 एवं 6, सेक्टर-10, द्वारका, नई दिल्ली-110075

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फैक्स / Fax : 91-11-25093507 / 25093514

No.11041/218/2007-Admn

Date : 02.05.2014

Policy Circular - Technical (154/2014)

(decision taken on the file of HAM Division)

Sub. : Prevention of Overloading – Amendment to Fee Rules dated 16.12.2013.

The Fee Rules on overloading have been amended vide Amendment dated 16.12.2013 [G.S.R.778(E)]. The amended rules prescribe as under ;

10 (1) Without prejudice to the liability of the driver or 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 permissible load specified for its category under sub-rule(2) of rule 4, shall not be permitted to use the National Highway or crossing the toll plaza until the excess load has been removed from such mechanical vehicle."

(1A) The driver or owner or a person in charge of a mechanical vehicle shall be liable to pay fee, for entering the overloaded vehicle on the national highway to the toll collecting agency, equal to ten times of the fee applicable to such category of mechanical vehicles under sub-rule(2) of rule 4.

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

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

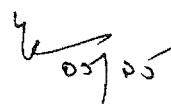
3. Ministry vide OM dated 13.03.2014 (copy enclosed) conveyed that the provisions of overloading as amended on 16.12.2013 shall have universal application on all the National Highways. **This means the above amended rules are applicable to all the Concession Agreements irrespective of their date of execution.** We are also taking up the matter with the Ministry to delete second para of sub-rule 10(2) mentioned above so as to make installation of weigh bridges at all the Toll Plazas mandatory.

4. The Concessionaires may be asked to install weigh-in-motion (WIM) systems in each toll lane and one static weigh bridge in each direction at their Toll Plazas, even if such provision does not exist in Schedule-D/ Concession Agreement and observe the above amended rules scrupulously. This cost may be met by the Concessionaires from the amount being collected as per above amendment from the overloaded vehicles. It is to be noted that not only 10 times applicable fee is to be collected, but also the excess load has to be removed before the vehicle is allowed to cross the Toll Plaza.

Contd..2

5. All Concessionaires may also be asked to display prominently the above Amended Rule-10 of Fee Rules at all the Toll Plazas (only Rule-10 is to be displayed, not the entire amended notification). In the interest of transparent implementation of above amendment, it is required to incorporate a provision in the Toll Systems Software for displaying/ charging 10 times the applicable fee in case any overloaded vehicle enters the toll booth. In order to properly account for the fee collected It is also required to add a category of overloaded vehicle after oversized vehicles In the formats prescribed for the reports in Schedule-M&N (Ref. Clause 27.10). Beginning from the month of May, 2014, the reports may not be accepted without addition of above information on overloaded vehicles in the reports. As a proof of compliance of above directions, the photographs at each Toll Plaza under your jurisdiction may please be furnished to CO Division, NHAI, HQ.

Encl. : G.S.R.778(E) dated 16.12.2013; and
OM dated 13.03.2014 of Ministry.


(V.K. Sharma)
CGM(Coord)

Copy to :

1. All CGM/ RO, NHAI
2. All PDs NHAI.

Copy for information to :

All CGM(T) at NHAI, HQ.