



RHODE ISLAND TURNPIKE AND BRIDGE AUTHORITY
1 East Shore Road
P.O. Box 437
Jamestown, RI 02835

Public Notice of Proposed Rulemaking

AGENCY: Rhode Island Turnpike and Bridge Authority (RITBA)

RULE IDENTIFIER: 855-RICR-10-00-2; ERLID 6331

REGULATION TITLE: Rules and Regulations Governing Disputes Involving The Nonpayment of Tolls, Administrative Fees, and Fines

RULEMAKING ACTION: Direct Final Rule. RITBA does not expect the rule to be controversial. If no formal objection is received on or before Friday, March 17, 2017, RITBA will file the amendment without opportunity for public comment.

TYPE OF FILING: Amendment.

DATES: Public Notice Date: Wednesday, February 15, 2017; Comment Period Ends: Friday, March 17, 2017

SUMMARY OF PROPOSED RULE: The purpose of the adoption of this amendment is to harmonize RITBA's existing Rules and Regulations Governing the Nonpayment of Tolls with the recent amendments to R.I. Gen. Laws §§ 24-12-37, 31-3-5, and 24-12-37.1. The proposed amendment to the Rules and Regulations Governing the Nonpayment of Tolls would describe the legal enforcement process, including the imposition of administrative fees, upon toll violators and toll evaders. The Rules and Regulations Governing the Nonpayment of Tolls, as amended, would also set forth the processes by which the Authority would notify toll violators and toll evaders of their violations and seek collection of unpaid tolls and administrative fees. It will also set forth the process by which the Authority will hear and resolve disputes arising from the imposition of tolls and administrative fees. Finally, the amended Rules and Regulations will describe RITBA's process for reporting certain toll violators and toll evaders to the Division of Motor Vehicles in accordance with R.I. Gen. Laws § 24-12-37 for purposes of placing holds on license and registration renewals.

COMMENTS INVITED: All interested parties are invited to submit written or oral comments concerning the proposed regulations by Friday, March 17, 2017 to the address listed below.

ADDRESSES FOR PUBLIC COMMENT SUBMISSIONS:

Mailing Address: Rhode Island Turnpike and Bridge Authority
c/o Marianne Durgin, Rules Coordinator
1 East Shore Road
P.O. Box 437
Jamestown, Rhode Island 02835

Email Address: mdurgin@ritba.org

PUBLIC HEARING INFORMATION:

In accordance with RIGL §42-35-2.8, an oral hearing will be granted if requested by twenty-five (25) persons, by an agency, or by an association having at least twenty-five (25) members. A request for an oral hearing must be made within thirty (30) days of this notice.

FOR FURTHER INFORMATION CONTACT:

Mailing Address: Rhode Island Turnpike and Bridge Authority
c/o Marianne Durgin, Rules Coordinator
1 East Shore Road, P.O. Box 437
Jamestown, Rhode Island 02835

Email Address: mdurgin@ritba.org

Phone: (401) 423-0800

SUPPLEMENTARY INFORMATION:

Regulatory Analysis Summary and Supporting Documentation:

It is anticipated that by providing a streamlined method by which persons may dispute and resolve toll violations, administrative fees and fines with the Authority that the public will recognize an efficient and fair process, while the Authority will see efficiencies in processing. A copy of the regulatory analysis follows this Public Notice of Proposed Rulemaking. A full copy of the regulatory analysis or supporting documentation may also be obtained by contacting the agency contact person above.

Authority for This Rulemaking: R.I. Gen. Laws § 24-12-37

Regulatory Findings:

In the development of the proposed amendment consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information.

The Proposed Amendment:

RITBA proposes to amend its existing Rules and Regulations Governing the Nonpayment of Tolls as follows:

- The proposed amendment restyles the existing regulation so as to bring the regulation into compliance with the styling requirements of the new Rhode Island Code of Regulations.
- The proposed amendment incorporates procedures relating to the dispute of administrative fees and fines pursuant to R.I. Gen. Laws § 24-12-37.
- The proposed amendment adds definitions for "administrative fees" and "fines" and alters the definitions of "bridge", "Nonpayment of Tolls" (to incorporate administrative fees and fines), "toll", "toll violator" and "notice of violation". A new definitional term "Toll Evader" has also been added.
- The proposed amendment adds a section pertaining to a new dispute resolution process in conformance with R.I. Gen. Laws § 24-12-37.

A comparison of the prior and proposed amended language follows this Notice.



MEMORANDUM

Regulatory Analysis for Rules and Regulations Governing Disputes Involving the Nonpayment of Tolls, Administrative Fees, and Fines

This memorandum sets forth the Regulatory Analysis of the Rhode Island Turnpike & Bridge Authority (RITBA) required by R.I. Gen. Laws §42-35-2.9 with respect to the Rules and Regulations Governing Disputes Involving the Nonpayment of Tolls, Administrative Fees, and Fines proposed by RITBA pursuant to R.I. Gen. Laws §24-12-37 (“Regulations”).

The goal of the Regulations is to set forth the procedures that RITBA will follow to address any disputes that arise relating to RITBA’s imposition of the toll amounts, administrative fees, and fines set forth in R.I. Gen. Laws §24-12-37. They also describe RITBA’s desire to resolve any disputes in a fair and efficient manner, which would yield net benefits to RITBA and the members of the public who dispute RITBA’s imposition of tolls, administrative fees, and fines. To that end, the Regulations establish a specific and efficient procedure that RITBA and disputants will follow in an effort to resolve disputes and which will achieve the objectives of the Regulations’ authorizing statute in a cost-effective manner.

RITBA does not anticipate incurring any additional hard costs under the Regulations other than the costs of the paper, envelopes, and postage associated with mailing notices as part of its dispute resolution procedure. These costs will be *de minimus*, and are easily outweighed in comparison to the benefits to RITBA and the disputants. RITBA’s staff will handle all disputes within its existing personnel structure. It will not require the hiring of any additional staff or any other capital expenses. RITBA believes that the Regulations set forth the most efficient and cost-effective manner for it and the disputants to attempt to resolve any disputes relating to toll amounts, administrative fees, and fines.

RITBA believes that resolving disputes via mail and telephonically is the least burdensome method available to it and the public. RITBA considered, but rejected, requiring disputes to be resolved in-person. Such a procedure would be unjustifiably costly and unduly burdensome on RITBA, its staff, and the disputants.

Rhode Island Turnpike and Bridge Authority



~~Rules and Regulations Governing
the Nonpayment of Tolls~~

February 2011

SECTION 855-RICR-10-00-2

TITLE 855 – RHODE ISLAND TURNPIKE AND BRIDGE AUTHORITY

CHAPTER 10 – BRIDGES AND TOLLS

PART 2 – RULES AND REGULATIONS GOVERNING DISPUTES INVOLVING THE NONPAYMENT OF TOLLS, ADMINISTRATIVE FEES, AND FINES

2.1 — AUTHORIZATION AND PURPOSE

1.1 — Authorization for Regulations

2.1.1 AUTHORIZATION FOR REGULATIONS

A. The following rules and regulations (“Rules and Regulations”) concerning the resolution of disputes over the nonpayment of tolls ~~were~~, administrative fees, and fines (“Rules and Regulations”) are promulgated by the Rhode Island Turnpike and Bridge Authority (“Authority”) in accordance with Title 24, Chapter 12, Section 37 of the Rhode Island General Laws: §24-12-37.

1.2 — Purpose

2.1.2 PURPOSE

A. ~~These Rules and Regulations are intended to provide patrons~~ the public with information regarding the procedures associated with the nonpayment of tolls, administrative fees, and fines on the Claiborne Pell Bridge ~~and the issuance of penalties for failure or refusal to pay tolls required for use of the Bridge.~~

SECTION 2 —.2 DEFINITIONS

2.1 Authority

~~Authority means the Rhode Island Turnpike and Bridge Authority, created by the act constituting Chapter 12 of Title 24 of the Rhode Island General Laws, as amended.~~

A. For the purposes of these Rules and Regulations, the following terms shall have the following meaning:

1. “Administrative Fees” means the fees added to an unpaid Toll pursuant to R.I. Gen. Laws §24-12-37.

2.2 “Bridge

” means the Claiborne Pell Bridge, as defined by the Authority’s Rules and Regulations Governing the Use of the Claiborne Pell Bridge and Mount Hope Bridge.

2.3 Calendar Year

Calendar Year. “Fines” means all fines incurred by a twelve (12) month period of time containing 365 or 366 days, as applicable, from the date of a Nonpayment of Toll.

2.4 Division of Motor Vehicles

~~Division of Motor Vehicles means the Rhode Island Division of Motor Vehicles.~~

~~2.5 Nonpayment of Toll Evader under R.I. Gen. Laws §24-12-37.~~

~~4. "Nonpayment of Toll means the" means the failure to pay any Administrative Fees or Fines associated with the failure to pay the required Toll, and/ or the failure to pay the Toll due at the time of crossing or use of the Bridge as a result of:~~

- ~~(a) having an insufficient amount of cash or legal tender in order to pay the amount of Toll due; or,~~
- ~~(b) intentionally failing to have a properly-affixed and valid EZ-Pass Transponder with a balance sufficient to pay the Toll due; or~~
- ~~c. not paying the Toll due or otherwise evading the obligation to pay the Toll due by, inter alia, proceeding through or around a gate or barrier at the Bridge's toll plaza.~~

~~2.6 State~~

~~State5. "Toll" means the State of Rhode Island.~~

~~2.7 State Police~~

~~State Police means the Rhode Island State Police.~~

~~2.8 Toll~~

~~Toll means such tolls and other charges collected amount charged by the Authority for use of the Bridge pursuant to Title R.I. Gen. Laws §24, Chapter 12, Sections 26 and 27 of the Rhode Island General Laws. The current toll schedule is available on the Authority's website at www.ritba.org/nbtolls/html.~~

~~2.9 Unpaid Toll Report.~~

~~Unpaid 6. "Toll Report Violator" means any person who uses the Bridge and fails to pay or prepay the required Toll.~~

~~7. "Toll Evader" means any person who uses the Bridge, fails or refuses to pay the required Toll, and deliberately circumvents or proceeds around or through a gate or other barrier on the Bridge; and/or any Toll Violator who fails or refuses to prepay the required toll on a tolled project at least one hundred (100) or more times, received at least three (3) written notices from the Authority (or its agent) regarding the non-payment of Tolls, and is not a party to, or in current compliance with, a written repayment plan with the Authority.~~

~~8. "Notice of Violation" means any notice issued by the Authority to a patron at (or its agent) in connection with the time of Nonpayment of Toll, by a Toll Violator or Toll Evader.~~

~~2.10 30-Day Period~~

~~30-Day Period means the period of time commencing on the date of the issuance of the Unpaid Toll Report and ending on the thirtieth (30th) calendar day thereafter. In the event the thirtieth (30th) day falls on a Sunday or holiday, such day shall mean the next business day.~~

~~**SECTION 3—PENALTY FOR NONPAYMENT OF TOLLS**~~

~~3.1 Issuance of an Unpaid Toll Report~~

~~An Unpaid Toll Report shall be issued by the Authority at the time of the occurrence of a Nonpayment of Toll. In the event the Authority is unable to issue an Unpaid Toll Report as a result of an intentional failure or evasion to pay the Toll, the Authority shall issue the Unpaid Toll Report, by first-class mail or by certified mail, return receipt requested, to the mailing address listed on the vehicle's registration with the Division of Motor Vehicles, or in the event the vehicle is registered out-of-State, the mailing address listed on the vehicle's registration on file with that state's motor vehicle department.~~

~~The Unpaid Toll Report shall state: the date the violation occurred; the name of the person issuing the Notice of Violation; the amount of Toll due; the reason for nonpayment; the name, address and phone number of the person operating the vehicle; the vehicle's registration number; the operator's~~

drivers license number; the procedure for remitting unpaid tolls and penalties; and, the procedure for disputing the issuance of an Unpaid Toll Report.

3.2 ~~Payment of Toll~~

Upon issuance of an Unpaid Toll Report, a person shall remit the amount of Toll specified on the Unpaid Toll Report within the 30-Day Period. Payments shall be made by cash, money order or check made payable to the *Rhode Island Turnpike and Bridge Authority*. Payments can be made at anytime at the Administrative Building of the Authority located at One East Shore Road, Jamestown, Rhode Island 02835. Payments can also be made by mail at the following address:

_____ Rhode Island Turnpike and Bridge Authority

_____ P.O. Box 437

_____ Jamestown, Rhode Island 02835

3.3 ~~Penalties for Nonpayment of Toll~~

(a) ~~First Occurrence~~ — In the event payment is not received within the 30-Day Period following the issuance of an Unpaid Toll Report as a result of the *first* occurrence of a Nonpayment of Toll within a Calendar Year, a penalty of Fifty Dollars (\$50.00) shall be assessed in addition to the amount of Toll due. Upon expiration of the 30-Day Period, the Authority shall send a letter by first-class mail or by certified mail, return receipt requested, indicating the fine assessed and the amount of Toll remaining outstanding. Payment of such fine and Toll shall be remitted to the Authority in the manner provided in Subsection 3.2 herein within ten (10) business days of receipt of the notice, excluding Saturdays, Sundays and holidays.

(b) ~~Second Occurrence~~ — In the event payment is not received within the 30-Day Period following the issuance of the Unpaid Toll Report as a result of the *second* occurrence of a Nonpayment of Toll within a Calendar Year, a penalty of One Hundred Dollars (\$100.00) shall be assessed in addition to the amount of Toll due. Upon expiration of the 30-Day Period, the Authority shall notify the State Police of the fine assessed and the amount of Toll outstanding. Thereafter, the State Police shall issue a traffic violation summons, which shall be subject to the jurisdiction of the Rhode Island Traffic Tribunal. Payments of such fine and Toll shall be made in the manner provided by the traffic violation summons.

(c) ~~Third and Subsequent Occurrences~~ — In the event payment is not received within the 30-Day Period following the issuance of the Unpaid Toll Report as a result of the *third or subsequent* occurrence of a Nonpayment of Toll within a Calendar Year, a penalty of Two Hundred and Fifty Dollars (\$250.00) shall be assessed in addition to the amount of Toll due. Upon expiration of the 30-Day Period, the Authority shall notify the State Police of the fine assessed and the amount of Toll outstanding. Thereafter, the State Police shall issue a traffic violation summons, which shall be subject to the jurisdiction of the Rhode Island Traffic Tribunal. Payments of such fine and Toll shall be made in the manner provided by the traffic violation summons.

3.4 Notification to the Division of Motor Vehicles

~~In the event Toll or any assessed penalties are not remitted in accordance with the provisions of Subsection 3.3 herein, the Authority shall notify the administrator of the Rhode Island Division of Motor Vehicles of such nonpayment. The administrator of the Division of Motor Vehicles shall thereafter place the matter on record and shall not renew a license to operate a motor vehicle or the registration of any vehicle owned by the person, or both, until the matter has been disposed of in accordance with applicable law and regulations. If a person is found to be a resident of another state or jurisdiction, the administrator of the Division of Motor Vehicles shall revoke the right to operate a vehicle in the State until the matter has been disposed of in accordance with applicable law and regulations.~~

SECTION 4 — RESOLUTION OF DISPUTES

Procedure A. Procedures for Disputing a Notices of Violation

1. The Authority intends to seek to resolve all disputes regarding the Nonpayment of Tolls in an efficient and fair manner.
2. If a Toll Violator or Toll Evader disputes their status as such or otherwise disputes the accuracy of the Authority's records regarding any Nonpayment of Toll, the Toll Violator or Toll Evader shall submit a completed Toll Violation Dispute Form to the Authority within thirty (30) days of the date of issuance of the disputed Notice of Violation.

~~All disputes concerning the issuance of an Unpaid Toll Report or the Nonpayment of Toll shall be directed to the Authority, in writing, at the address provided in Subsection 3.2 within the 30-Day Period following the issuance of an Unpaid Toll Report. All disputes concerning the issuance of a traffic violation summons shall be made to the Rhode Island Traffic Tribunal and shall be made in the manner proscribed by rules and regulations promulgated by the Rhode Island Traffic Tribunal.~~

3. The Authority will attempt to work informally and collaboratively with the Toll Violator or Toll Evader to resolve any dispute regarding the disputed Notice of Violation or Nonpayment of Toll. The Authority may contact the Toll Violator or Toll Evader to request additional information to assist the Authority in evaluating the merits of the dispute.
4. If the Authority determines that the disputed Notice of Violation shall be voided or adjusted in favor of the Toll Violator or Toll Evader, then the Authority will make such adjustment and will advise the Toll Violator or Toll Evader of the adjustment made. Thereafter, the Toll Violator or Toll Evader shall pay the newly adjusted amount within ten (10) days of the date of issuance of the Authority's determination. However, if the Toll Violator or Toll Evader fails to timely pay the adjusted amount, then any adjustment made by the Authority is null and void and the original amount of the Notice(s) of Violation (and any applicable Administrative Fees and Fines) shall be immediately due and payable.

5. If the Authority determines that the disputed Notice of Violation is valid and should not be voided or adjusted, then the Toll Violator or Toll Evader may request a telephonic conference with a duly authorized Authority representative for the purpose of attempting to resolve the dispute. Such telephonic conference shall be conducted within thirty (30) days of the Toll Violator or Toll Evader's request, which request shall be made no later than thirty (30) days of the date of issuance of the Authority's determination. If such conference is not requested or does not resolve the dispute, then the Authority shall issue a written final determination to the Toll Violator or Toll Evader confirming that all amounts owed for the disputed Notice of Violation shall remain due and payable. Thereafter, any such Toll Violator or Toll Evader shall remain subject to all consequences set forth in R.I. Gen. Laws §24-12-37.