



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

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

RULEMAKING ACTION: Direct Final Amendment. RITBA does not expect this amendment to be controversial. If no formal objection is received on or before March 12, 2021, RITBA will file the amendment without opportunity for public comment.

TYPE OF FILING: Amendment.

TIMETABLE FOR ACTION ON THE PROPOSED RULE: Public Notice Date: February 10, 2021; Comment Period Ends: March 12, 2021.

SUMMARY OF PROPOSED RULE: The purpose of this action is to amend RITBA's Rules and Regulations Governing Disputes Involving the Nonpayment of Tolls, Administrative Fees, and Fines. The purpose of the amendments are to harmonize such Rules and Regulations with Rhode Island General Law by deleting and replacing the existing substantive definitions of "Toll Violator" and "Toll Evader" and replacing the same with references to corresponding definitions set forth in the Rhode Island General Laws.

COMMENTS INVITED: All interested parties are invited to submit written or oral comments concerning the proposed amendment by March 12, 2021 to the addresses listed below.

ADDRESSES FOR PUBLIC COMMENT SUBMISSIONS:

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

Email Address: mdurgin@ritba.org

FOR FURTHER INFORMATION CONTACT:

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

Email Address: mdurgin@ritba.org

Phone: (401) 423-1903

SUPPLEMENTARY INFORMATION:

Regulatory Analysis Summary and Supporting Documentation:

RITBA believes that amending its Rules and Regulations Governing Disputes Involving the Nonpayment of Tolls, Administrative Fees, and Fines will not have any impact on societal costs or benefits. A copy of the regulatory analysis follows this Public Notice of Proposed Rulemaking. For full regulatory analysis or supporting documentation, please contact RITBA's Rulemaking Coordinator identified 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 855-RICR-10-00-2 (Rules and Regulations Governing Disputes Involving the Nonpayment of Tolls, Administrative Fees, and Fines). The effect of the proposed amendment is shown on the attachment to this Notice.



MEMORANDUM

Regulatory Analysis for Proposed Amendment to 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 RITBA's proposed amendment of its Rules and Regulations Governing Disputes Involving the Nonpayment of Tolls, Administrative Fees, and Fines.

RITBA believes that amending its Rules and Regulations Governing Disputes Involving the Nonpayment of Tolls, Administrative Fees, and Fines is appropriate under applicable law. These amendments would harmonize the Rules and Regulations with Rhode Island General Law by deleting and replacing the existing substantive definitions of "Toll Violator" and "Toll Evader" and replacing the same with references to corresponding definitions set forth in the Rhode Island General Laws. RITBA anticipates incurring no costs associated with amending its Rules and Regulations. Accordingly, RITBA believes that amendment is appropriate.

**Redlined Rules and Regulations Governing Disputes Involving the Nonpayment of Tolls,
Administrative Fees, and Fines**

[See Next Page]

855-RICR-10-00-2

TITLE 855 – RHODE ISLAND TURNPIKE AND BRIDGE AUTHORITY

CHAPTER 10 – BRIDGES AND TOLLS

SUBCHAPTER 00 - N/A

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

2.1 AUTHORIZATION AND PURPOSE

2.1.1 AUTHORIZATION FOR REGULATIONS

The following rules and regulations concerning the resolution of disputes over the nonpayment of tolls, administrative fees, and fines ("Rules and Regulations") are promulgated by the Rhode Island Turnpike and Bridge Authority ("Authority") in accordance with R.I. Gen. Laws §24-12-37.

2.1.2 PURPOSE

These Rules and Regulations are intended to provide the public with information regarding the procedures associated with the nonpayment of tolls, administrative fees, and fines on the Claiborne Pell Bridge.

2.2 DEFINITIONS

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

1. "Administrative Fees" means the fees added to an unpaid Toll pursuant to R.I. Gen. Laws §24-12-37.
2. "Bridge" means the Claiborne Pell Bridge.
3. "Fines" means all fines incurred by a Toll Evader under R.I. Gen. Laws §24-12-37.
4. "Nonpayment of Toll" 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 to pay the Toll due;

- b. 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.
5. "Toll" means the amount charged by the Authority for use of the Bridge pursuant to R.I. Gen. Laws §24-12-9.
 6. "Toll Violator" ~~shall have the meaning set forth in R.I. Gen. Laws § 24-12-37(g) means any person who uses the Bridge and fails to pay or prepay the required Toll.~~
 7. "Toll Evader" ~~shall have the meaning set forth in R.I. Gen. Laws § 24-12-37(h) 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 (or its agent) in connection with the Nonpayment of Toll by a Toll Violator or Toll Evader.

2.3 RESOLUTION OF DISPUTES

A. Procedures for Disputing 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.
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.