

290-RICR-60-00-1

## **TITLE 290 - RHODE ISLAND DEPARTMENT OF TRANSPORTATION**

### **CHAPTER 60 - BRIDGES AND TOLLS**

#### **SUBCHAPTER 00 – N/A**

PART 1 - Rules and Regulations Governing Procedures Involving the  
Nonpayment of Tolls, Toll Evasion, and Public Involvement

#### **1.1 Authority**

This regulation is promulgated pursuant to the authority granted by R.I.  
Gen. Laws § 42-13.1-13.

#### **1.2 Purpose**

The purpose of this regulation is to establish policies and procedures  
necessary to carry out the purposes of the R.I. Gen. Law Chapter 42-13.1.

#### **1.3 Definitions**

- A. For the purposes of this Part, the following terms shall have the following meanings:
1. "Administrative fee" means the fee added to an unpaid Toll invoice.
  2. "Department" means the Department of Transportation, or, if the Department shall be abolished, the board, body, or commission succeeding to the principal functions thereof or upon whom the powers given by R.I. Gen Laws Chapter 37-5 to the Department shall be given by law.
  3. "Invoice date" means the date the invoice is printed.
  4. "Large commercial truck" shall be defined pursuant to the Federal Highway Administration (FHWA) vehicle classification schedule as any vehicle within Class 8 - single trailer, three (3) or four (4) axles up to and including Class 13 - seven (7) or more axle multi-trailer trucks, as such classifications may be revised from time to time by the FHWA.

5. "Toll evader" means any registered owner of any large commercial truck that passes through any electronic tolling location as authorized pursuant to R.I. Gen. Laws § 42-13.1-4 and who does not pay the required toll and/or fees, fines, or penalties within the maximum allowable period specified under R.I. Gen. Laws § 42-13.1-11.
6. "Toll invoice" means the invoice sent to the registered owner of the Large commercial truck to collect payment on Tolls set by the Department.
7. "Radio frequency identification transponder" or "RFID" means a toll collection system approved by the department that may consist of a toll tag placed inside the vehicle and overhead antenna which reads the toll tag and collects the toll.

#### **1.4 Toll Collection and Penalties for Late Payments and Toll Evasion**

- A. The Department, or its Designee, will collect tolls by RFID or invoicing the registered owner of the Large commercial truck. The Toll Invoice will be sent by hard copy and the registered owner is required to pay the Toll invoice plus postage in full within thirty (30) calendar days from the Toll Invoice date.
- B. Failure to pay the Toll Invoice in accordance with § 1.4(A) of this Part (above) will result in the following penalty schedule:
  1. The Department, or its Designee, will issue a Past Due Toll Invoice requiring the registered owner to pay: \$1.00 per toll transaction late fee, a \$0.75 Administrative fee, and the full amount of the Toll invoice. This payment is due in full within thirty (30) calendar days from the Past Due Toll Invoice date.
  2. If the Past Due Toll Invoice is not paid in full within the permissible timeframe, the Department or its Designee, will issue a Second Past Due Toll Invoice requiring the registered owner to pay: \$1.00 per toll transaction late fee, a \$0.75 Administrative fee, and the full amount of the Past Due Toll invoice. This payment is due in full within thirty (30) calendar days from the Second Past Due Toll Invoice date.
  3. If the Second Past Due Toll Invoice is not paid in full within the permissible timeframe, the Department, or its Designee, will issue a

Third and final Past Due Toll Invoice requiring the registered owner to pay: \$1.00 per toll transaction late fee, \$0.75 Administrative fee, a \$20.00 penalty, and the full amount of the Second Past Due Toll Invoice. This payment is due in full within thirty (30) calendar days from the Third Past Due Toll Invoice date.

C. Toll Evasion

1. Any registered owner who fails to submit payment within the permissible timeframe set forth above will be considered a Toll evader pursuant to R.I. Gen. Laws § 42-13.1-12 and will be subject to the penalties and violations established in that section.

## **1.5 Disputes of Tolls, Fees, Penalties and Toll Evasion**

- A. The Department, or its Designee, intends to seek to resolve all disputes regarding the Nonpayment of Tolls in an efficient and fair manner.
- B. If a Customer disputes their status as such or otherwise disputes the accuracy of the Department's records regarding any Nonpayment of Toll, the Toll Evader shall submit a completed Toll Violation Dispute Form to the Department, or its Designee, within thirty (30) days of the date of issuance of the disputed Notice of Violation.
- C. If the Department, or its Designee, determines that the disputed Notice of Violation shall be voided or adjusted in favor of the Toll Evader, then the Department, or its Designee, will make such adjustment and will advise the Toll Evader of the adjustment made. Thereafter, the Toll Evader shall pay the newly adjusted amount within ten (10) days of the date of issuance of the Department's determination. However, if the 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.
- D. If the Department, or its Designee, determines that the disputed Notice of Violation is valid and should not be voided or adjusted, then the Toll Evader may request a telephonic conference with a duly authorized Department, or its Designee, representative for the purpose of attempting to resolve the dispute. Such telephonic conference shall be conducted within thirty (30) days of the Toll Evader's request, which request shall be made no later than thirty (30) days of the date of issuance of the Department's determination. If such conference is not requested or does not resolve the dispute, then the Department, or its Designee, shall issue

a written final determination to the Toll Evader confirming that all amounts owed for the disputed Notice of Violation shall remain due and payable. Thereafter, any such Toll Evader shall remain subject to all consequences set forth in R.I. Gen. Laws § 42-13.1-12.

## **1.6 Procedural Transparency**

- A. Prior to fixing and/or revising the Tolls, the Department will notify the Governor, Speaker of the House, and Senate President seven (7) calendar days before the public comment or hearing period commences.
  - 1. The notice will include:
    - a. The amounts of the tolls for each toll location that the Department intends to collect;
    - b. The intended date that the Department intends to begin the collection of the fixed and/or revised tolls;
    - c. A copy of the cost benefit analysis required by R.I. Gen. Laws § 42-13.1-4;
    - d. Where, when and how a person may comment on the proposed toll amounts during the public comment period;
    - e. When the public comment period will begin and end.
- B. The public comment period establishing or modifying the amount of the tolls to be collected shall remain open for at least thirty (30) days.
  - 1. Notice shall include the information listed above in § 1.6(A)(1) of this Part.
- C. The Department will consider all public comments submitted during the public comment period.
- D. The tolls will be effective three (3) calendar days after the public comment period has ended.

**290-RICR-60-00-1**

**TITLE 290 - DEPARTMENT OF TRANSPORTATION**

**CHAPTER 60 - BRIDGES AND TOLLS**

**SUBCHAPTER 00 - N/A**

PART 1 - Rules and Regulations Governing Procedures Involving the Nonpayment of Tolls, Toll Evasion and Public Involvement (290-RICR-60-00-1)

Type of Filing: Adoption

Effective Date: 11/12/2017

Editorial Note: This Part was filed with the Department of State prior to the launch of the Rhode Island Code of Regulations. As a result, this digital copy is presented solely as a reference tool. To obtain a certified copy of this Part, contact the Administrative Records Office at (401) 222-2473.