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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- THE RHODE ISLAND
TRANSPORTATION AND TRANSIT ACT

Introduced By: Senators Ruggerio, Tikoian, Gallo, DiPalma, Lombardo, Pearson, Britto,
and Felag

Date Introduced: May 15, 2023

Referred To: Senate Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 42 of the General Laws entitled "STATE AFFAIRS AND
2 GOVERNMENT" is hereby amended by adding thereto the following chapter:

3 CHAPTER 13.2

4 THE RHODE ISLAND TRANSPORTATION AND TRANSIT ACT

5 **42-13.2-1. Short title.**

6 This chapter shall be known and may be cited as "The Rhode Island Transportation and
7 Transit Act."

8 **42-13.2-2. Creation of a consolidated transportation department and legal standard.**

9 (a) In order to plan, develop and maintain an efficient and unified intermodal transportation
10 system throughout the state, the department of transportation is hereby authorized to assume the
11 powers and duties of the Rhode Island public transit authority, chapter 18 of title 39.

12 (b) The powers delegated by the general assembly in this chapter shall be carried out having
13 due regard for the needs of the citizens of the state in such a manner as will best preserve the safety
14 and welfare of citizens of the state all to the public benefit and good. The purpose of this chapter is
15 to expand the duties and powers of the department of transportation for purposes of implementing
16 such innovation and best practices in connection with planning, financing, constructing, operating
17 and maintaining the state's intermodal transportation system. The exercise by the department of
18 transportation the powers conferred by this chapter shall be deemed and held to be the performance

1 of an essential governmental function of the state for public purposes. It is the intent of the general
2 assembly by the passage of this chapter to vest in the department of transportation all powers,
3 authority, rights, privileges, and titles which may be necessary to accomplish the purposes herein
4 set forth, and this chapter and the powers granted hereby shall be liberally construed in conformity
5 with those purposes.

6 **42-13.2-3. Definitions.**

7 As used in this chapter, the following words and terms shall have the following meanings
8 unless the context shall indicate another or different meaning or intent:

9 (1) "Department" means the Rhode Island department of transportation.

10 (2) "Executive director" means the executive director of the Rhode Island department of
11 transportation.

12 (3) "Intermodal transportation system" means a transportation system which consists of all
13 forms of transportation and transportation infrastructure, in a unified and connected manner,
14 including, but not limited to, the logistics and operations of moving passengers and goods, roads,
15 bridges, tunnels, overpasses, mass transit facilities, port facilities or similar facilities used for the
16 transportation of persons or goods, together with any other property necessary or convenient to the
17 use or operation of the intermodal transportation system.

18 (4) "Joint pension board" means the governing body of the transit authority employees'
19 pension plan, which serves as the pension plan administrator, named fiduciary and trustee of the
20 pension plan.

21 (5) "State" means the State of Rhode Island.

22 (6) "Transit authority" means the Rhode Island public transit authority as created under
23 chapter 18 of title 39.

24 **42-13.2-4. Transfer of certain purposes, powers and property of the transit authority**
25 **to the department.**

26 (a) All purposes and powers of the transit authority are hereby transferred to the department
27 effective July 1, 2023, including all right, title and interest to any property, real or personal,
28 formerly in the name of the transit authority.

29 (b) On the date of the transfer, all property, real, personal and mixed, and all debts due on
30 whatever account, and all other choses in action, including, but not limited to, any enterprise fund
31 held by the state for the benefit of the transit authority, and all and every other interest of or
32 belonging to or due to the transit authority, shall be taken and deemed to be transferred to and
33 vested in the department without further act or deed; and the title to any real estate, or any interest
34 therein, vested in the transit authority shall not revert or be in any way impaired by reason of the

1 transfer.

2 (c) Subject to appropriation of funds by the general assembly therefor, the department shall
3 also be responsible and liable for all the liabilities and obligations of the transit authority; and any
4 claim existing or action or proceeding pending by or against the transit authority may be prosecuted
5 as if the transfer had not taken place, or the department may be substituted in the transit authority's
6 place. Neither the rights of creditors nor any liens upon the property of the transit authority shall
7 be impaired by the transfer. The transfer as provided for herein shall not impair the obligation of
8 any contract or agreement or alter existing bargaining units nor abate any suit, action or other
9 proceeding lawfully commenced by or against the transit authority, or any of its board members in
10 relation to the discharge of their official duties; provided, however, a court of competent
11 jurisdiction may, on motion filed within twelve (12) months after the effective date of the transfer,
12 allow such a suit, action or proceeding to be maintained by or against the department.

13 **42-13.2-5. General powers.**

14 The department shall have all the powers necessary to carry out and effectuate the purposes
15 and provisions of this chapter, including, without limiting the generality of the foregoing, the
16 powers granted to the department pursuant to chapter 13 of title 42, the powers granted to the transit
17 authority pursuant to §§ 39-18-3 and 39-18-4 and in addition, thereto:

18 (1) To purchase, take, receive, lease, or otherwise acquire, own, hold, improve, use, and
19 otherwise deal in and with, real or personal property, or any interest therein, wherever situated;
20 provided that, control of state-owned vehicles continues to be vested in the division of capital asset
21 management and maintenance of the department of administration pursuant to § 42-11-2.9;

22 (2) Subject to the provisions of chapter 6 of title 37, to sell, convey, mortgage, pledge,
23 lease, exchange, transfer, and otherwise dispose of all or any part of its property and assets
24 irrespective of whether such property has been dedicated to a public use for such consideration and
25 upon such terms and conditions as the department shall determine;

26 (3) To incur liabilities, and borrow money at such rates of interest as the department may
27 determine, subject to authorization by the general assembly or the state's electors to the extent
28 required by law;

29 (4) To make and execute all contracts, agreements, and instruments necessary in the
30 exercise of the powers, duties, and functions of the department granted by this chapter, with terms
31 not to exceed forty (40) years;

32 (5) To plan, coordinate, develop, operate, maintain, and manage an intermodal
33 transportation system, including plans to meet demands for public transit where such demand,
34 current or prospective, exceeds supply and/or availability of public transit services; and

1 (6) To work with departments, agencies, authorities and corporations of federal, state and
2 local government, public and private institutions, businesses, nonprofit organizations, users of the
3 system and other entities and persons to coordinate public transit services and provide a seamless
4 network of mobility options.

5 **42-13.2-6. Additional powers and duties of the department relating to the transit**
6 **authority.**

7 (a) In addition to the powers and duties herein before enumerated, the department shall
8 have all powers and duties previously delegated to the transit authority, and all rights, titles and
9 interests to any property, real or personal and assets in the name of the transit authority, including,
10 without limitation, the following powers and duties:

11 (1) To manage and supervise all union and non-union transit authority employees;

12 (2) To contract for and to accept any rights, grants, loans, funds, property real or personal,
13 or financial or other assistance in any form from the United States or any agency or instrumentality
14 thereof or from the state or any agency or instrumentality thereof or from any other source and to
15 comply, subject to the provisions of this chapter, with the terms and conditions thereof;

16 (3) To plan, coordinate, develop, operate, maintain, and manage a statewide intermodal
17 transportation system, including plans to meet demands for public transit where such demand,
18 current or prospective, exceeds supply and/or availability of public transit services; and

19 (4) To work with departments, agencies, authorities and corporations of federal, state and
20 local government, public and private institutions, businesses, nonprofit organizations, users of the
21 intermodal transportation system, and other entities and persons to coordinate public transit services
22 and provide a seamless network of mobility options.

23 (b) The executive director of the department, or designee, may fix from time to time,
24 subject to the provisions of this chapter and § 39-18-4, schedules and such rates of fare and charges
25 for service furnished or operated as in their judgment are best adopted to ensure income to meet
26 some of the cost of service; provided, however, the department is not empowered to operate a
27 passenger vehicle under its control in competition with passenger vehicles of a private carrier over
28 routes that the private carrier operates pursuant to a certificate of public convenience and necessity
29 issued to the private carrier by the division of public utilities and carriers; and provided further that,
30 the department shall not require any person who meets the means-test criteria as defined by the
31 Rhode Island office of healthy aging and who is either sixty-five (65) years of age, or over, or who
32 is disabled to pay more than one-half (1/2) of any fare for bus rides; provided, however, that under
33 no circumstances shall fares or charges for special service routes be discounted. Any person who
34 is either sixty-five (65) years of age, or over, or who is disabled, who does not satisfy the means-

1 test criteria as heretofore provided, shall only be required to pay one-half (1/2) of the fare or charge
2 for bus rides during off-peak hours, but shall not be eligible for a reduction during peak hours. For
3 the purposes of this chapter, "peak hours", "off-peak hours" and "special service routes" shall be
4 determined annually by the department. The department, in conjunction with the department of
5 human services, shall establish an advisory committee comprised of seniors/persons with
6 disabilities constituent users of the transit authority's services to assist in the implementation of this
7 section.

8 (c)(1) Any person who accompanies and is assisting a person with a disability when the
9 person with a disability uses a wheelchair shall be eligible for the same price exemptions extended
10 to a person with a disability by subsection (b) of this section. The cost to the department for
11 providing the service to the elderly shall be paid from funds available pursuant to this chapter;

12 (2) Any person who accompanies and is assisting a passenger who is blind or visually
13 impaired shall be eligible for the same price exemptions extended to the passenger who is blind or
14 visually impaired by subsection (b) of this section. The cost to the department for providing the
15 service to the blind or visually impaired shall be paid from funds available pursuant to this chapter;
16 and

17 (3) The executive director of the department, or designee, shall be authorized and
18 empowered to charge a fare for any paratransit services required by the Americans with Disabilities
19 Act, 42 U.S.C. § 12101 et seq., in accordance with 49 C.F.R. Part 37.

20 **42-13.2-7. Executive director, officers and employees.**

21 The powers of the department shall be vested in an executive director who shall be
22 appointed by the governor with advice and consent of the senate, with advisory functions held by
23 the statewide planning council pursuant to § 42-11-10. There shall be such other assistant executive
24 directors having supervisory responsibilities over the functions of the department including,
25 without limitation: an assistant executive director of transportation and operations; an assistant
26 executive director of transit and transportation alternatives; an assistant executive director of
27 transportation maintenance and chief engineer; an assistant executive director of external affairs
28 and an assistant executive director of legal and administrative services; and such other assistant
29 executive directors as may, from time to time, be required.

30 **42-13.2-8. Bondholders' rights not to be affected by state.**

31 The state does hereby pledge to and agree with the holders of any bonds or notes issued or
32 to be issued by the transit authority that the state, by sole virtue of this chapter, will not limit or
33 alter the rights hereby vested in the transit authority to fulfill the terms of any agreements made
34 with the holders until payment of those bonds or notes, together with the interest thereon, and all

1 costs and expenses in connection with any action or proceeding by or on behalf of those holders,
2 are fully met and discharged. The department is authorized to include this pledge and agreement of
3 the state in any agreement with the holders of those bonds or notes.

4 **42-13.2-9. Authorization to accept appropriated monies.**

5 The department is authorized to accept such monies as may be appropriated from time to
6 time by the general assembly for effectuating the purposes of this chapter including, without
7 limitation, the payment of the initial expenses of administration and operation and the establishment
8 of reserves or contingency funds to be available for the payment of the principal of and the interest
9 on any bonds, notes, or other obligations of the transit authority.

10 **42-13.2-10. Assistance by state agencies.**

11 (a) All state agencies shall render such services to the department within their respective
12 functions as may be requested by the department.

13 (b) Upon request of the department, the department of administration is hereby authorized
14 and empowered to transfer to the department such officers and employees as it may deem necessary
15 from time to time to assist the department in carrying out its functions and duties under this chapter.
16 Officers and employees so transferred shall not lose their civil service status or rights.

17 **42-13.2-11. Employees of the transit authority.**

18 Those union employees of the transit authority who are members of Amalgamated Transit
19 Union local bargaining units 618 and 618A shall not become state employees. Said employees shall
20 remain members in Amalgamated Transit Union local bargaining units 618 and 618A, respectively,
21 and remain in the employ of the transit authority. Said members shall continue to participate in the
22 transit authority pension plan.

23 (1) Those union employees of the transit authority who are members of LIUNA Local 808
24 shall not become state employees. Said employees shall remain members in LIUNA local
25 bargaining unit 808 and remain in the employ of the transit authority. Members of LIUNA Local
26 808 shall continue to participate in the transit authority pension plan. However, after July 1, 2023,
27 all LIUNA Local 808 union employee positions within the transit authority that become vacant
28 shall be terminated and will be replaced by a LIUNA Local 808 union state employee position at
29 the department for purposes of wages, salaries, pensions, fringe benefits, collective bargaining and
30 for purposes of any and all other benefits;

31 (2) All non-union transit authority employees shall become state employees for purposes
32 of wages, salaries, fringe benefits, and for purposes of any and all other benefits which may accrue
33 to state employees whether exempt or merit employees, but shall not participate in the Rhode Island
34 state employee retirement system pursuant to the provisions of title 36. Said employees shall remain

1 in the transit authority pension plan. After July 1, 2023, all non-union employee positions that
2 become vacant shall be terminated and may be replaced by a state employee position at the
3 department for purposes of wages, salaries, pensions, fringe benefits, and for purposes of any and
4 all other benefits, and shall participate in the Rhode Island state employee retirement system
5 pursuant to the provisions of title 36;

6 (3) The joint pension board shall continue to serve as the pension plan administrator, named
7 fiduciary and trustee of the pension plan; and

8 (4) Nothing contained in this section shall be construed to amend or alter the terms and
9 provisions of the pension plan.

10 **42-13.2-12. Annual report.**

11 In accordance with § 39-18-18, the transit authority will continue to comply with their
12 respective reporting requirements. In accordance with § 42-13.1-16, the department shall include
13 additional information on the operations of the intermodal transportation system.

14 **42-13.2-13. Inconsistent provisions.**

15 Insofar as the provisions of this chapter are inconsistent with the provisions of any other
16 law or ordinance, general, special, or local, the provisions of this chapter shall be controlling.

17 **42-13.2-14. Regulatory authority.**

18 The department is fully authorized and empowered to adopt and promulgate any order,
19 rule, regulation or guideline reasonably necessary to implement the provisions of this chapter.

20 **42-13.2-15. Severability.**

21 If any clause, sentence, paragraph, section, or part of this chapter shall be adjudged by any
22 court of competent jurisdiction to be invalid, that judgment shall not affect, impair, or invalidate
23 the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph,
24 section, or part directly involved in the controversy in which the judgment shall have been rendered.

25 SECTION 2. Section 31-36-20 of the General Laws in Chapter 31-36 entitled "Motor Fuel
26 Tax" is hereby amended to read as follows:

27 **31-36-20. Disposition of proceeds.**

28 (a)(1) Notwithstanding any other provision of law to the contrary, all moneys paid into the
29 general treasury under the provisions of this chapter or chapter 37 of this title, and title 46 shall be
30 applied to and held in a separate fund and be deposited in any depositories that may be selected by
31 the general treasurer to the credit of the fund, which fund shall be known as the Intermodal Surface
32 Transportation Fund. ; provided, that in fiscal year 2004 for the months of July through April six
33 and eighty five hundredth cents (\$0.0685) per gallon of the tax imposed and accruing for the
34 liability under the provisions of § 31-36-7, less refunds and credits, shall be transferred to the Rhode

1 ~~Island public transit authority as provided under § 39-18-21. For the months of May and June in~~
2 ~~fiscal year 2004, the allocation shall be five and five hundredth cents (\$0.0505). Thereafter, until~~
3 ~~fiscal year 2006, the allocation shall be six and twenty five hundredth cents (\$0.0625). For fiscal~~
4 ~~years 2006 through FY 2008, the allocation shall be seven and twenty five hundredth cents~~
5 ~~(\$0.0725); provided, that expenditures shall include the costs of a market survey of non-transit~~
6 ~~users and a management study of the agency to include the feasibility of moving the Authority into~~
7 ~~the Department of Transportation, both to be conducted under the auspices of the state budget~~
8 ~~officer. The state budget officer shall hire necessary consultants to perform the studies, and shall~~
9 ~~direct payment by the Authority. Both studies shall be transmitted by the Budget Officer to the~~
10 ~~2006 session of the General Assembly, with comments from the Authority. For fiscal year 2009,~~
11 ~~the allocation shall be seven and seventy five hundredth cents (\$0.0775), of which one half cent~~
12 ~~(\$0.005) shall be derived from the one cent (\$0.01) per gallon environmental protection fee~~
13 ~~pursuant to § 46-12.9-11. For fiscal years 2010 and thereafter, the allocation shall be nine and~~
14 ~~seventy five hundredth cents (\$0.0975), of which of one half cent (\$0.005) shall be derived from~~
15 ~~the one cent (\$0.01) per gallon environmental protection fee pursuant to § 46-12.9-11. One cent~~
16 ~~(\$0.01) per gallon shall be transferred to the Elderly/Disabled Transportation Program of the~~
17 ~~department of human services, and the remaining cents per gallon shall be available for general~~
18 ~~revenue as determined by the following schedule:~~

19 ~~(i) For the fiscal year 2000, three and one fourth cents (\$0.0325) shall be available for~~
20 ~~general revenue.~~

21 ~~(ii) For the fiscal year 2001, one and three fourth cents (\$0.0175) shall be available for~~
22 ~~general revenue.~~

23 ~~(iii) For the fiscal year 2002, one fourth cent (\$0.0025) shall be available for general~~
24 ~~revenue.~~

25 ~~(iv) For the fiscal year 2003, two and one fourth cent (\$0.0225) shall be available for~~
26 ~~general revenue.~~

27 ~~(v) For the months of July through April in fiscal year 2004, one and four tenths cents~~
28 ~~(\$0.014) shall be available for general revenue. For the months of May through June in fiscal year~~
29 ~~2004, three and two tenths cents (\$0.032) shall be available for general revenue, and thereafter,~~
30 ~~until fiscal year 2006, two cents (\$0.02) shall be available for general revenue. For fiscal year 2006~~
31 ~~through fiscal year 2009 one cent (\$0.01) shall be available for general revenue.~~

32 (2) All deposits and transfers of funds made by the tax administrator under this section
33 shall be appropriated annually, including those to the ~~Rhode Island public transit authority~~
34 department of transportation, the department of human services, the Rhode Island turnpike and

1 bridge authority, and the general fund and such deposits and transfers, shall be made within twenty-
2 four (24) hours of receipt or previous deposit of the funds in question.

3 (3) Commencing in fiscal year 2004, the ~~Director of the Rhode Island Department of~~
4 ~~Transportation~~ executive director of the Rhode Island department of transportation, subject to
5 annual appropriation of funds by the general assembly, is authorized to remit, on a monthly or less
6 frequent basis as shall be determined by the ~~Director of the Rhode Island Department of~~
7 ~~Transportation~~ executive director of the Rhode Island department of transportation, or his or her
8 designee, or at the election of the ~~Director of the Rhode Island Department of Transportation~~
9 executive director of the Rhode Island department of transportation, with the approval of the
10 Director of the Department of Administration, to an indenture trustee, administrator, or other third
11 party fiduciary, in an amount not to exceed two cents (\$0.02) per gallon of the gas tax imposed, in
12 order to satisfy debt service payments on aggregate bonds issued pursuant to a Joint Resolution and
13 Enactment Approving the Financing of Various Department of Transportation Projects adopted
14 during the 2003 session of the General Assembly, and approved by the Governor.

15 (4) Commencing in fiscal year 2015, three and one-half cents (\$0.035) shall be transferred
16 to the Rhode Island Turnpike and Bridge Authority to be used for maintenance, operations, capital
17 expenditures and debt service on any of its projects as defined in chapter 12 of title 24 in lieu of a
18 toll on the Sakonnet River Bridge. The Rhode Island turnpike and bridge authority is authorized to
19 remit to an indenture trustee, administrator, or other third-party fiduciary any or all of the foregoing
20 transfers in order to satisfy and/or secure its revenue bonds and notes and/or debt service payments
21 thereon, including, but not limited to, the bonds and notes issued pursuant to the Joint Resolution
22 set forth in Section 3 of Article 6 of Chapter 23 of the Public Laws of 2010. Notwithstanding any
23 other provision of said Joint Resolution, the Rhode Island turnpike and bridge authority is expressly
24 authorized to issue bonds and notes previously authorized under said Joint Resolution for the
25 purpose of financing all expenses incurred by it for the formerly authorized tolling of the Sakonnet
26 River Bridge and the termination thereof.

27 (b) Notwithstanding any other provision of law to the contrary, all other funds in the fund
28 shall be dedicated to the department of transportation, subject to annual appropriation by the general
29 assembly. The ~~director of transportation~~ executive director of the Rhode Island department of
30 transportation shall submit to the general assembly, budget office and office of the governor
31 annually an accounting of all amounts deposited in and credited to the fund together with a budget
32 for proposed expenditures for the succeeding fiscal year in compliance with §§ 35-3-1 and 35-3-4.
33 On order of the ~~director of transportation~~ executive director of the Rhode Island department of
34 transportation, the state controller is authorized and directed to draw his or her orders upon the

1 general treasurer for the payments of any sum or portion of the sum that may be required from time
2 to time upon receipt of properly authenticated vouchers.

3 (c) At any time the amount of the fund is insufficient to fund the expenditures of the
4 department of transportation, not to exceed the amount authorized by the general assembly, the
5 general treasurer is authorized, with the approval of the governor and the director of administration,
6 in anticipation of the receipts of monies enumerated in this section to advance sums to the fund, for
7 the purposes specified in this section, any funds of the state not specifically held for any particular
8 purpose. However, all the advances made to the fund shall be returned to the general fund
9 immediately upon the receipt by the fund of proceeds resulting from the receipt of monies to the
10 extent of the advances.

11 (d) Notwithstanding any other provisions of law to the contrary, commencing July 1, 2023,
12 subject to annual appropriation of funds by the general assembly, no less than ten and seventy-five
13 hundredths cents (\$0.1075) shall be allocated to the operating and capital uses specific to
14 intermodal transportation systems.

15 SECTION 3. Section 36-8-1 of the General Laws in Chapter 36-8 entitled "Retirement
16 System — Administration" is hereby amended to read as follows:

17 **36-8-1. Definition of terms.**

18 The following words and phrases as used in chapters 8 to 10 of this title unless a different
19 meaning is plainly required by the context, shall have the following meanings:

20 (1) "Accumulated contributions" shall mean the sum of all the amounts deducted from the
21 compensation of a member and credited to his or her individual pension account.

22 (2) "Active member" shall mean any employee of the state of Rhode Island as defined in
23 this section for whom the retirement system is currently receiving regular contributions pursuant to
24 §§ 36-10-1 and 36-10-1.1.

25 (3) "Actuarial equivalent" shall mean an allowance or benefit of equal value to any other
26 allowance or benefit when computed upon the basis of the actuarial tables in use by the system.

27 (4) "Annuity reserve" shall mean the present value of all payments to be made on account
28 of any annuity, benefit, or retirement allowance granted under the provisions of chapter 10 of this
29 title computed upon the basis of such mortality tables as shall be adopted from time to time by the
30 retirement board with regular interest.

31 (5)(a) "Average compensation" for members eligible to retire as of September 30, 2009
32 shall mean the average of the highest three (3) consecutive years of compensation, within the total
33 service when the average compensation was the highest. For members eligible to retire on or after
34 October 1, 2009, "Average compensation" shall mean the average of the highest five (5)

1 consecutive years of compensation within the total service when the average compensation was the
2 highest.

3 (b) For members who become eligible to retire on or after July 1, 2012, if more than one-
4 half (½) of the member's total years of service consist of years of service during which the member
5 devoted less than thirty (30) business hours per week to the service of the state, but the member's
6 average compensation consists of three (3) or more years during which the member devoted more
7 than thirty (30) business hours per week to the service of the state, such member's average
8 compensation shall mean the average of the highest ten (10) consecutive years of compensation
9 within the total service when the average compensation was the highest; provided however,
10 effective July 1, 2015, if such member's average compensation as defined in subsection (a) Above
11 is equal to or less than thirty-five thousand dollars (\$35,000), such amount to be indexed annually
12 in accordance with § 36-10-35(h)(1)(B), such member's average compensation shall mean the
13 greater of: (i) The average of the highest ten (10) consecutive years of compensation within the
14 total service when the average compensation was the highest; or (ii) The member's average
15 compensation as defined in subsection (a) above. To protect a member's accrued benefit on June
16 30, 2012 under this § 36-8-1(5)(b), in no event shall a member's average compensation be lower
17 than his or her average compensation determined as of June 30, 2012.

18 (6) "Beneficiary" shall mean any person in receipt of a pension, an annuity, a retirement
19 allowance, or other benefit as provided by chapter 10 of this title.

20 (7) "Casual employee" shall mean those persons hired for a temporary period, a period of
21 emergency or an occasional period.

22 (8) "Compensation" as used in chapters 8 — 10 of this title, chapters 16 and 17 of title 16,
23 and chapter 21 of title 45 shall mean salary or wages earned and paid for the performance of duties
24 for covered employment, including regular longevity or incentive plans approved by the board, but
25 shall not include payments made for overtime or any other reason other than performance of duties,
26 including but not limited to the types of payments listed below:

27 (i) Payments contingent on the employee having terminated or died;

28 (ii) Payments made at termination for unused sick leave, vacation leave, or compensatory
29 time;

30 (iii) Payments contingent on the employee terminating employment at a specified time in
31 the future to secure voluntary retirement or to secure release of an unexpired contract of
32 employment;

33 (iv) Individual salary adjustments which are granted primarily in anticipation of the
34 employee's retirement;

1 (v) Additional payments for performing temporary or extra duties beyond the normal or
2 regular work day or work year.

3 (9) "Employee" shall mean any officer or employee of the state of Rhode Island whose
4 business time is devoted exclusively to the services of the state, but shall not include one whose
5 duties are of a casual or seasonal nature. The retirement board shall determine who are employees
6 within the meaning of this chapter. The governor of the state, the lieutenant governor, the secretary
7 of state, the attorney general, the general treasurer, and the members of the general assembly, ex
8 officio, shall not be deemed to be employees within the meaning of that term unless and until they
9 elect to become members of the system as provided in § 36-9-6, but in no case shall it deem as an
10 employee, for the purposes of this chapter, any individual who devotes less than twenty (20)
11 business hours per week to the service of the state, and who receives less than the equivalent of
12 minimum wage compensation on an hourly basis for his or her services, except as provided in §
13 36-9-24. Any commissioner of a municipal housing authority or any member of a part-time state,
14 municipal or local board, commission, committee or other public authority shall not be deemed to
15 be an employee within the meaning of this chapter. Pursuant to § 42-13.2-14, individuals employed
16 by the Rhode Island department of transportation formerly occupying non-union positions within
17 the Rhode Island public transit authority shall not be deemed employees for pension purposes
18 pursuant to this title. After July 1, 2023, all non-union employee positions that become vacant shall
19 be terminated and may be replaced by a state employee position at the department for purposes of
20 wages, salaries, pensions, fringe benefits, and for purposes of any and all other benefits, and shall
21 participate in the Rhode Island state employee retirement system pursuant to the provisions of title
22 36.

23 (10) "Full actuarial costs" or "full actuarial value" shall mean the lump sum payable by a
24 member claiming service credit for certain employment for which that payment is required which
25 is determined according to the age of the member and the employee's annual rate of compensation
26 at the time he or she applies for service credit and which is expressed as a rate percent of the
27 employee's annual rate of compensation to be multiplied by the number of years for which he or
28 she claims service credit as prescribed in a schedule adopted by the retirement board from time to
29 time on the basis of computation by the actuary. Except as provided in §§ 16-16-7.1, 36-5-3, 36-
30 9-31, 36-10-10.4, 45-21-53, 36-10-8, 45-21-29, 8-3-16(c), 8-8-10.1(c), 42-28-22.1(d) and 28-30-
31 18.1(c):

32 (i) all service credit purchases requested after June 16, 2009 and prior to July 1, 2012, shall
33 be at full actuarial value; and

34 (ii) all service credit purchases requested after June 30, 2012 shall be at full actuarial value

1 which shall be determined using the system's assumed investment rate of return minus one percent
2 (1%).

3 The rules applicable to a service credit purchase shall be the rules of the retirement system
4 in effect at the time the purchase application is submitted to the retirement system.

5 (11) "Funded ratio" shall mean the ratio of the actuarial value of assets to the actuarial
6 accrued liability consistent with the funding policy of the retirement board as defined in § 36-8-4.

7 (12) "Inactive member" shall mean a member who has withdrawn from service as an
8 employee but who has not received a refund of contributions.

9 (13) "Members" shall mean any person included in the membership of the retirement
10 system as provided in §§ 36-9-1 — 36-9-7.

11 (14) "Prior service" shall mean service as a member rendered before July 1, 1936, certified
12 on his or her prior service certificate and allowable as provided in § 36-9-28.

13 (15) "Regular interest" shall mean interest at the assumed investment rate of return,
14 compounded annually, as may be prescribed from time to time by the retirement board.

15 (16) "Retirement allowance" shall mean annual payments for life made after retirement
16 under and in accordance with chapters 8 to 10 of this title. All allowances shall be paid in equal
17 monthly installments beginning as of the effective date thereof; provided, that a smaller pro rata
18 amount may be paid for part of a month where separation from service occurs during the month in
19 which the application was filed, and when the allowance ceases before the last day of the month.

20 (17) "Retirement board" or "board" shall mean the board provided in § 36-8-3 to
21 administer the retirement system.

22 (18) "Retirement system" shall mean the employees' retirement system of the state of
23 Rhode Island as defined in § 36-8-2.

24 (19) "Service" shall mean service as an employee of the state of Rhode Island as described
25 in subdivision (9) of this section.

26 (20) "Social Security retirement age" shall mean a member's full retirement age as
27 determined in accordance with the federal Old Age, Survivors and Disability Insurance Act, not to
28 exceed age sixty-seven (67).

29 (21) "Total service" shall mean prior service as defined above, plus service rendered as a
30 member on or after July 1, 1936.

31 SECTION 4. Sections 39-18-2, 39-18-3 and 39-18-4 of the General Laws in Chapter 39-
32 18 entitled "Rhode Island Public Transit Authority" are hereby amended to read as follows:

33 **39-18-2. Authority created — Composition — Terms — Oath — Officers — Quorum**
34 **— Compensation — Conflicts of interest.**

1 (a) There is hereby created a body corporate and politic to be known as the "Rhode Island
2 public transit authority" (hereinafter "RIPTA").

3 (b) The authority shall consist of ~~eight (8)~~ nine (9) members, one of whom shall be the
4 director of the department of transportation, or his or her designee, who shall serve as an ex officio
5 member, and ~~seven (7)~~ eight (8) of whom shall be appointed by the governor with the advice and
6 consent of the senate, with at least one of the ~~seven (7)~~ eight (8) being a regular user of fixed-route
7 RIPTA transportation and at least one of the ~~seven (7)~~ eight (8) being a person with a disability.
8 The governor shall achieve a diverse membership in the board and shall give due consideration to
9 recommendations for nominations from the RIPTA Riders Alliance, the National Federation of the
10 Blind of Rhode Island, the Gray Panthers of Rhode Island, the Sierra Club of Rhode Island, the
11 Rhode Island AFL-CIO, the RIPTA Transportation Advisory Committee, the Rhode Island
12 business community, and the Rhode Island League of Cities and Towns. No one shall be eligible
13 for appointment unless he or she is a resident of this state.

14 (c) Those members of the authority as of the effective date of this act [June 16, 2006] who
15 were appointed to the authority by members of the board of the general assembly shall cease to be
16 members of the authority on the effective date of this act [June 16, 2006], and the governor shall
17 thereupon nominate two (2) members, each of whom shall serve the balance of the unexpired term
18 of his or her predecessor. Those members of the authority as of the effective date of this act [June
19 16, 2006] who were appointed to the authority by the governor shall continue to serve the balance
20 of their current terms. Thereafter, during the month of January in each year, the governor shall
21 appoint members to succeed the departing members. The newly appointed members shall serve for
22 a term of three (3) years, commencing on the day they are qualified. In the event of a vacancy
23 occurring in the membership, the governor, with the advice and consent of the senate, shall appoint
24 a member for the unexpired term. Any member of the authority shall be eligible for reappointment.

25 (d) Each member of the authority, before entering upon his or her duties, shall take an oath
26 to administer the duties of his or her office faithfully and impartially, and the oath shall be filed in
27 the office of the secretary of state.

28 (e) The authority shall elect one of its members as chairperson, and shall also elect a
29 secretary and such other officers as it deems necessary.

30 (f) ~~Four (4)~~ Five (5) members of the authority shall constitute a quorum. The affirmative
31 vote of a majority of the members present and voting shall be necessary for any action taken by the
32 authority. No vacancy in the membership of the authority shall impair the right of a quorum to
33 exercise all the rights and perform all the duties of the authority.

34 (g) The members of the authority shall receive no compensation, but shall be reimbursed

1 for their actual expenses necessarily incurred in the performance of their duties.

2 (h) No member of the authority shall be in the employ of, or own any stock in, or be in any
3 way directly or indirectly pecuniarily interested in any railroad corporation, bus, or street railway
4 company; nor shall any member of the authority personally, or through a partner or agent, render
5 any professional service or make or perform any business contract with or for any company; nor
6 shall any member of the authority, directly or indirectly, receive a commission, bonus, discount,
7 present, or reward from any company.

8 (i) Members of the authority shall be removable by the governor pursuant to the provisions
9 of § 36-1-7 and for cause only, and removal solely for partisan or personal reasons unrelated to
10 capacity or fitness for the office shall be unlawful.

11 (j) The authority shall conduct a training course for newly appointed and qualified members
12 within six (6) months of their qualification or designation. The course shall be developed by the
13 general manager of the authority, be approved by the authority, and be conducted by the general
14 manager of the authority. The authority may approve the use of any authority and/or staff members
15 and/or individuals to assist with training. The training course shall include instruction in the
16 following areas: the provisions of chapter 46 of title 42, chapter 14 of title 36, and chapter 2 of title
17 38; and the authority's rules and regulations. The director of the department of administration shall
18 be responsible for the enforcement of the provisions of this subsection.

19 **39-18-3. Purposes of the authority.**

20 (a) In conformance with chapter 13.2 of title 42, all purposes and powers of the Rhode
21 Island public transit authority have been transferred to the Rhode Island department of
22 transportation, including all right, title and interest to any property, real or personal, in the name of
23 the Rhode Island public transit authority. As successor to such purposes, it ~~H~~ shall be the purposes
24 of the ~~authority~~ department of transportation to:

25 (1) Provide public transit services that meet mobility needs of the people of the state,
26 including the elderly and disabled;

27 (2) Increase access to employment opportunities;

28 (3) Connect different modes of public transportation, including rail, air, and water services;

29 (4) Promote community design that features public transit services as defining elements of
30 a community;

31 (5) Facilitate energy conservation and efficient energy use in the transportation sector by
32 providing public transit services; and

33 (6) Mitigate traffic congestion and enhance air quality.

34 (b) It shall further be the purpose of the authority to own and operate a mass motor bus,

1 water, or rail passenger transportation system and to manage, to coordinate, and to perform vehicle
2 maintenance for a state paratransit system. Whenever any operator of a mass motor bus, water, or
3 rail passenger transportation system files with the public utilities administrator a petition to
4 discontinue any service, it is the purpose and function of the ~~authority~~ department of transportation
5 to determine if it is in the public interest to discontinue that service. If it is determined that it is not
6 in the public interest to discontinue that service, the ~~authority~~ department of transportation is
7 authorized and empowered to acquire all or any part of the transit property, or any interest therein,
8 of the system.

9 (c) The Rhode Island public transit authority shall continue to exist for the purposes of:

10 (1) Providing labor to the Rhode Island department of transportation; and

11 (2) Maintaining the pension plan;

12 (d) The Rhode Island public transit authority shall transfer to the Rhode Island department
13 of transportation all supervision and management rights for all Rhode Island public transit authority
14 union and non-union employees.

15 (e) The Rhode Island public transit authority shall take all actions necessary to preserve
16 any federal funds or federal assistance currently available or expected to become available to the
17 Rhode Island public transit authority, and all actions shall be taken which are necessary to preserve
18 any available funds of the state currently available or expected to become available to the Rhode
19 Island public transit authority for tort liability for acts occurring on or prior to the effective date of
20 this chapter. The existence of the Rhode Island public transit authority shall continue, and the
21 Rhode Island public transit authority shall continue to be governed by chapter 18 of this title.

22 (f) The Rhode Island public transit authority is hereby authorized to and shall pass such
23 resolutions, enter into such agreements and do all things deemed useful and necessary by it to
24 effectuate the transfer of assets to the Rhode Island department of transportation; and the Rhode
25 Island department of transportation is hereby authorized and may pass such resolutions, enter into
26 such agreements and do all things useful and necessary by it to effectuate the transfer.

27 **39-18-4. Powers and duties of the authority.**

28 (a) The Rhode Island public transit authority is hereby authorized and empowered:

29 (1) To adopt bylaws for the regulation of its affairs and the conduct of its business;

30 (2) To adopt an official seal and alter the seal at pleasure;

31 (3) ~~To maintain an office at such place or places within the state as it may designate;~~

32 (4) To sue and be sued in its own name, plead, and be impleaded; provided, however, that

33 any and all actions against the Rhode Island public transit authority shall be brought only in the
34 county in which the principal office of the Rhode Island public transit authority shall be located;

1 (5) ~~To acquire, purchase, hold, use, and dispose of any property, real, personal, or mixed,~~
2 ~~tangible or intangible, or any interest therein, necessary or desirable for carrying out the purposes~~
3 ~~of the authority, and to lease as lessee or lessor any property, real, personal, or mixed, or any interest~~
4 ~~therein, for such term and at such rental as the authority may deem fair and reasonable, and to sell,~~
5 ~~transfer, convey, mortgage, or give a security interest in any property, real, personal, or mixed,~~
6 ~~tangible or intangible, or any interest therein, at any time acquired by the authority;~~

7 (6) To employ, in its discretion, subject to the approval of the executive director of
8 transportation, planning, architectural, and engineering members of the Amalgamated Transit
9 Union Local 618 and 618A and consultants necessary to maintain the pension and address labor
10 issues, ~~attorneys, accountants, construction, financial, transportation, and traffic experts and~~
11 ~~consultants, superintendents, managers, and such other officers, employees, and agents as may be~~
12 ~~necessary in its judgment,~~ and to fix their compensation;

13 (7) (i) ~~To fix, from time to time, subject to the provisions of this chapter, schedules and~~
14 ~~such rates of fare and charges for service furnished or operated as in its judgment are best adopted~~
15 ~~to ensure sufficient income to meet the cost of service; provided, however, the authority is not~~
16 ~~empowered to operate a passenger vehicle under its control in competition with passenger vehicles~~
17 ~~of a private carrier over routes that the private carrier operates pursuant to a certificate of public~~
18 ~~convenience and necessity issued to the private carrier by the division of public utilities and~~
19 ~~carriers; and provided further that the authority shall not require any person who meets the means-~~
20 ~~test criteria as defined by the Rhode Island office of healthy aging and who is either sixty five (65)~~
21 ~~years of age, or over, or who is a person with a disability to pay more than one half (1/2) of any fare~~
22 ~~for bus rides; provided, however, that under no circumstances shall fares or charges for special~~
23 ~~service routes be discounted. Any person who is either sixty five (65) years of age, or over, or who~~
24 ~~is a person with a disability, who does not satisfy the means test criteria as heretofore provided,~~
25 ~~shall only be required to pay one half (1/2) of the fare or charge for bus rides during off-peak hours,~~
26 ~~but shall not be eligible for a reduction during peak hours. For the purposes of this chapter, "peak~~
27 ~~hours," "off-peak hours," and "special service routes" shall be determined annually by the authority.~~
28 ~~The authority, in conjunction with the department of human services, shall establish an advisory~~
29 ~~committee comprised of seniors/persons with disabilities who are constituent users of the~~
30 ~~authority's services to assist in the implementation of this section;~~

31 (ii) ~~Any person who accompanies and is assisting a person with a disability when the person~~
32 ~~with a disability uses a wheelchair shall be eligible for the same price exemptions extended to a~~
33 ~~person with a disability by subsection (a)(7)(i). The cost to the authority for providing the service~~
34 ~~to the elderly shall be paid by the state;~~

1 ~~(iii) Any person who accompanies and is assisting a passenger who is blind or visually~~
2 ~~impaired shall be eligible for the same price exemptions extended to the passenger who is blind or~~
3 ~~visually impaired by subsection (a)(7)(i). The cost to the authority for providing the service to the~~
4 ~~elderly shall be paid by the state;~~

5 ~~(iv) The authority shall be authorized and empowered to charge a fare for any paratransit~~
6 ~~services required by the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq., in accordance~~
7 ~~with 49 C.F.R. Part 37;~~

8 ~~(8) To borrow money and to issue bonds of the authority for any of its purposes including,~~
9 ~~without limitation, the borrowing of money in anticipation of the issuance of bonds or the receipt~~
10 ~~of any operating revenues or other funds or property to be received by the authority, and the~~
11 ~~financing of property to be owned by others and used, in whole or substantial part, by the authority~~
12 ~~for any of its purposes, all as may, from time to time, be authorized by resolution of the authority;~~
13 ~~the bonds to contain on their face a statement to the effect that neither the state nor any municipality~~
14 ~~or other political subdivision of the state shall be obligated to pay the same or the interest thereon;~~

15 ~~(9) To enter into management contracts for the operation, management, and supervision of~~
16 ~~any or all transit properties under the jurisdiction of the authority, and to make and enter into all~~
17 ~~contracts and agreements necessary or incidental to the performance of its duties and the execution~~
18 ~~of its powers under this chapter;~~

19 ~~(10) Without limitation of the foregoing, to borrow money from, to receive and accept~~
20 ~~grants for or in aid of the purchase, leasing, improving, equipping, furnishing, maintaining,~~
21 ~~repairing, constructing, and operating of transit property, and to enter into contracts, leases, or other~~
22 ~~transactions with any federal agency; and to receive and accept from the state, from any~~
23 ~~municipality, or other political subdivision thereof, and from any other source, aid or contributions~~
24 ~~of either money, property, labor, or other things of value, to be held, used, and applied only for the~~
25 ~~purposes for which the grants and contributions may be made;~~

26 ~~(11) To acquire in the name of the authority, by negotiated purchase or otherwise, on such~~
27 ~~terms and conditions and in such manner as it may deem proper, or by the exercise of the power of~~
28 ~~condemnation to the extent only and in the manner as provided in this chapter, public and private~~
29 ~~lands, including public parks, playgrounds or reservations, or parts thereof, or rights therein, rights~~
30 ~~of way, property rights, easements, and interests as it may deem necessary for carrying out the~~
31 ~~provisions of this chapter; provided, however, that all public property damaged in carrying out the~~
32 ~~powers granted by this chapter shall be restored or repaired and placed in its original condition as~~
33 ~~nearly as practicable;~~

34 (12) To contract with any municipality, public or private company or organization,

1 whereby the authority will receive a subsidy to avoid discontinuance of service, and each
2 municipality within the state is hereby authorized to make and enter into such contracts and to
3 make, grant, or give to the [Rhode Island public transit](#) authority a subsidy in such amount and for
4 such period of time as it may deem advisable; [and](#)

5 (13) To operate open-door service from Rhode Island to and from locations in
6 Massachusetts and Connecticut that are within five (5) miles of the Rhode Island border; ~~and.~~

7 ~~(14) To do all things necessary, convenient, or desirable to carry out the purposes of this~~
8 ~~chapter.~~

9 ~~(b) To effectuate the purposes of this chapter the authority shall have the following duties:~~

10 ~~(1) To participate in and contribute to transportation planning initiatives that are relevant~~
11 ~~to the purposes of the authority;~~

12 ~~(2) To plan, coordinate, develop, operate, maintain, and manage a statewide public transit~~
13 ~~system consistent with the purposes of the authority, including plans to meet demands for public~~
14 ~~transit where such demand, current or prospective, exceeds supply and/or availability of public~~
15 ~~transit services;~~

16 ~~(3) To work with departments, agencies, authorities, and corporations of federal, state, and~~
17 ~~local government, public and private institutions, businesses, nonprofit organizations, users of the~~
18 ~~system, and other entities and persons to coordinate public transit services and provide a seamless~~
19 ~~network of mobility options.~~

20 SECTION 5. Section 39-18.1-5 of the General Laws in Chapter 39-18.1 entitled
21 "Transportation Investment and Debt Reduction Act of 2011" is hereby amended to read as follows:

22 **39-18.1-5. Allocation of funds.**

23 (a) The monies in the highway maintenance fund to be directed to the department of
24 transportation pursuant to § 39-18.1-4(b)(1) — (b)(3) shall be allocated through the transportation
25 improvement program process to provide the state match for federal transportation funds, in place
26 of borrowing, as approved by the state planning council. The expenditure of moneys in the highway
27 maintenance fund shall only be authorized for projects that appear in the state's transportation
28 improvement program.

29 (b) Provided, however, that beginning with fiscal year 2015 and annually thereafter, the
30 department of transportation will allocate necessary funding to programs that are designed to
31 eliminate structural deficiencies of the state's bridge, road, and maintenance systems and
32 infrastructure.

33 (c) Provided, further, that beginning July 1, 2015, five percent (5%) of available proceeds
34 in the Rhode Island highway maintenance account shall be allocated annually, [subject to the](#)

1 appropriation of funds by the general assembly, to the ~~Rhode Island public transit authority for~~
2 ~~operating expenditures~~ operation of public transit services.

3 (d) Provided, further, that from July 1, 2017, and annually thereafter, in addition to the
4 amount above, the ~~Rhode Island public transit authority shall receive~~ operation of public transit
5 services shall be allocated, subject to the appropriation of funds by the general assembly, an amount
6 of not less than five million dollars (\$5,000,000) each fiscal year, except for the period July 1, 2019,
7 through June 30, 2022, during which such amount or a portion thereof may come from federal
8 coronavirus relief funds.

9 (e) Provided, further, that the Rhode Island public transit authority shall convene a
10 coordinating council consisting of those state agencies responsible for meeting the needs of low-
11 income seniors and persons with disabilities, along with those stakeholders that the authority deems
12 appropriate and are necessary to inform, develop, and implement the federally required coordinated
13 public transit human services transportation plan.

14 The council shall develop, as part of the state's federally required plan, recommendations
15 for the appropriate and sustainable funding of the free-fare program for low-income seniors and
16 persons with disabilities, while maximizing the use of federal funds available to support the
17 transportation needs of this population.

18 The council shall report these recommendations to the governor, the speaker of the house
19 of representatives, and the president of the senate no later than November 1, 2018.

20 SECTION 6. Sections 42-13-1 and 42-13-2 of the General Laws in Chapter 42-13 entitled
21 "Department of Transportation" are hereby amended to read as follows:

22 **42-13-1. Establishment — Head of departments — Powers.**

23 (a)(1) There shall be a department of transportation. The head of the department shall be
24 the director of transportation, appointed by the governor with the advice and consent of the senate,
25 who shall carry out the provisions of this chapter and, except as otherwise provided by this title,
26 the provisions of chapters 2 and 4 of title 1; chapters 8 and 10 of title 24; chapter 13 of title 31;
27 chapter 12 of title 37; and of all other general laws heretofore carried out by the director of public
28 works and the department of public works, the Rhode Island turnpike and bridge authority, and the
29 council on highway safety. The director shall also be responsible for preparation of short-range
30 plans, project plans, and implementation programs for transportation; for port and waterways
31 facilities where the principal purpose is transportation and management of port properties,
32 warehouses, and state piers which function primarily as transportation facilities; and for
33 maintaining an adequate level of rail passenger and freight services, including the administration
34 of any financial or technical assistance which may be made available to operators of railroad

1 transportation facilities; provided, however, that all contracts for the construction, reconstruction,
2 maintenance, and repairs of all public roads and bridges, public buildings and all other properties
3 of the state government, and the purchase of all equipment, materials, and supplies used in
4 accordance therewith shall be negotiated by the purchasing agent in the department of
5 administration.

6 [\(2\) There shall also be an executive director of transportation, appointed by the governor](#)
7 [with the advice and consent of the senate, who shall carry out the provisions of chapter 13.2 of this](#)
8 [title.](#)

9 (b) The director shall adopt and promulgate state regulations which will set standards for
10 future state, city and town construction and maintenance of sidewalks and curbs, in a manner which
11 will make the use of the sidewalks more easily accessible to people who are disabled. Said standards
12 shall require the installation of curb cuts and/or ramps at both ends of any pedestrian crosswalk.

13 The director shall adopt and promulgate a procedure to process all claims pursuant to §
14 24-8-35, for damages to motor vehicles caused by potholes on state highways and in all instances
15 have the final determination as to the merits of each claim.

16 (c) The director shall promulgate and adopt regulations which will prohibit any contractors
17 who have been convicted of fraud, bid-rigging, or a violation of any state or federal antitrust law
18 from bidding on any construction projects administered by the department for a period of five (5)
19 years from the date of any of the above convictions.

20 **42-13-2. Organization and functions of the department.**

21 (a) The department shall be organized in accordance with a project management-based
22 program and shall utilize an asset management system.

23 (1) A project management-based program manages the delivery of the department's
24 portfolio of transportation improvement projects from project conception to the project completion.
25 Project management activities include:

- 26 (i) Managing and reporting on the delivery status of portfolio projects;
- 27 (ii) Developing overall workload and budget for the portfolio;
- 28 (iii) Developing and implementing the tools to estimate the resources necessary to deliver
29 the projects; and
- 30 (iv) Developing and implementing processes and tools to improve the management of the
31 projects.

32 (2) Asset management is the process used for managing transportation infrastructure by
33 improving decision making for resource allocation. Asset management activities include a systemic
34 process based on economic, engineering, and business principles which includes the following

1 functions:

- 2 (i) Completing a comprehensive inventory of system assets;
- 3 (ii) Monitoring system performance; and
- 4 (iii) Performing analysis utilizing accurate data for managing various assets within the
- 5 transportation network.

6 (b) The executive director of transportation shall appoint ~~a chief operating officer to~~
7 ~~oversee the day-to-day operations of the department~~ an assistant executive director of transportation
8 and operations; an assistant executive director of transit and transportation alternatives; an assistant
9 executive director of transportation, maintenance and chief engineer; an assistant executive director
10 of external affairs; an assistant executive director for legal and administrative services; and such
11 other assistant executive directors as may, from time to time, be required.

12 (c) The department shall be organized into such divisions as are described in this section
13 and such other divisions, subdivisions, and agencies as the director shall find are necessary to carry
14 out the responsibilities of the department, including: division of finance; division of planning;
15 division of project management; division of operations and maintenance; office of civil rights;
16 office of safety; office of external affairs; office of legal; office of personnel; office of information
17 services.

18 (d) The executive director may assign such other responsibilities as he or she shall find
19 appropriate and may reassign functions other than as set out in this section if he or she finds the
20 reassignment necessary to the proper and efficient functioning of the department or of the state's
21 transportation system.

22 (e) The department shall submit a report annually no later than March 31 to the speaker of
23 the house, the president of the senate, and the house and senate fiscal advisors concerning the status
24 of the ten-year (10) transportation plan.

25 (f) Any functions, duties, and staff relating to the Rhode Island department of
26 transportation's external audit section shall be transferred to the Rhode Island department of
27 administration's office of internal audit, or its successor, upon passage [Feb. 11, 2016].

28 (1) The chief of the office of internal audit, or its successor, who shall be the administrative
29 head of the office of internal audit, or its successor, shall supervise, coordinate, and/or conduct
30 audits, civil and administrative investigations, and inspections or oversight reviews, when
31 necessary, relating to programs and operations listed in § 42-13-2.

32 (2) The office of internal audit's (or its successor's) authorization shall include, but not be
33 limited to, evaluating the efficiency of operations and internal controls, preventing and detecting
34 fraud, waste, abuse or mismanagement in the expenditure of public funds, whether state, federal or

1 those revenues collected by the use of tolls and related to any and all transportation-related
2 programs and operations as well as the procurement of any supplies, services, or construction, by
3 the department of transportation or related institutions of the department of transportation.
4 Investigations may include the expenditures by nongovernmental agencies of federal, state, and
5 local public funds. As deemed necessary or expedient by the office of internal audit, or its
6 successor, audits may be made relative to the financial affairs or the economy and efficiency of
7 management of the department of transportation or related institutions.

8 SECTION 7. Section 42-11-10 of the General Laws in Chapter 42-11 entitled "Department
9 of Administration" is hereby amended to read as follows:

10 **42-11-10. Statewide planning program.**

11 (a) **Findings.** The general assembly finds that the people of this state have a fundamental
12 interest in the orderly development of the state; the state has a positive interest and demonstrated
13 need for establishment of a comprehensive, strategic state planning process and the preparation,
14 maintenance, and implementation of plans for the physical, economic, and social development of
15 the state; the continued growth and development of the state presents problems that cannot be met
16 by the cities and towns individually and that require effective planning by the state; and state and
17 local plans and programs must be properly coordinated with the planning requirements and
18 programs of the federal government.

19 (b) **Establishment of statewide planning program.**

20 (1) A statewide planning program is hereby established to prepare, adopt, and amend
21 strategic plans for the physical, economic, and social development of the state and to recommend
22 these to the governor, the general assembly, and all others concerned.

23 (2) All strategic planning, as defined in subsection (c) of this section, undertaken by all
24 departments and agencies of the executive branch unless specifically exempted, shall be conducted
25 by or under the supervision of the statewide planning program. The statewide planning program
26 shall consist of a state planning council, and the division of planning, which shall be a division
27 within the department of administration.

28 (c) **Strategic planning.** Strategic planning includes the following activities:

29 (1) Establishing or identifying general goals;

30 (2) Refining or detailing these goals and identifying relationships between them;

31 (3) Formulating, testing, and selecting policies and standards that will achieve desired
32 objectives;

33 (4) Preparing long-range or system plans or comprehensive programs that carry out the
34 policies and set time schedules, performance measures, and targets;

1 (5) Preparing functional, short-range plans or programs that are consistent with established
2 or desired goals, objectives, and policies, and with long-range or system plans or comprehensive
3 programs where applicable, and that establish measurable, intermediate steps toward their
4 accomplishment of the goals, objectives, policies, and/or long-range system plans;

5 (6) Monitoring the planning of specific projects and designing of specific programs of short
6 duration by the operating departments, other agencies of the executive branch, and political
7 subdivisions of the state to ensure that these are consistent with, and carry out the intent of,
8 applicable strategic plans; and

9 (7) Reviewing the execution of strategic plans, and the results obtained, and making
10 revisions necessary to achieve established goals.

11 (d) **State guide plan.** Components of strategic plans prepared and adopted in accordance
12 with this section may be designated as elements of the state guide plan. The state guide plan shall
13 be comprised of functional elements or plans dealing with land use; physical development and
14 environmental concerns; economic development; housing production; energy supply, including the
15 development of renewable energy resources in Rhode Island, and energy access, use, and
16 conservation; human services; climate change and resiliency; and other factors necessary to
17 accomplish the objective of this section. The state guide plan shall be a means for centralizing,
18 integrating, and monitoring long-range goals, policies, plans, and implementation activities related
19 thereto. State agencies concerned with specific subject areas, local governments, and the public
20 shall participate in the state guide planning process, which shall be closely coordinated with the
21 budgeting process.

22 (e) **Membership of state planning council.** The state planning council shall consist of the
23 following members:

24 (1) The director of the department of administration as chairperson;

25 (2) The director, policy office, in the office of the governor, as vice-chairperson;

26 (3) The governor, or his or her designee;

27 (4) [Deleted by P.L. 2019, ch. 88, art. 4, § 13.]

28 (5) The chairperson of the housing resources commission;

29 (6) The highest-ranking administrative officer of the division of planning, as secretary;

30 (7) The president of the Rhode Island League of Cities and Towns or his or her designee;

31 (8) The executive director of the Rhode Island League of Cities and Towns;

32 (9) Three (3) chief elected officials of cities and towns appointed by the governor after
33 consultation with the Rhode Island League of Cities and Towns, one of whom shall be from a
34 community with a population greater than 40,000 persons; one of whom shall be from a community

1 with a population of between 20,000 and 40,000 persons; and one of whom shall be from a
2 community with a population less than 20,000 persons;

3 (10) One representative of a nonprofit community development or housing organization
4 appointed by the governor;

5 (11) Four (4) public members, appointed by the governor, one of whom shall be an
6 employer with fewer than fifty (50) employees; one of whom shall be an employer with greater
7 than fifty (50) employees; one of whom shall represent a professional planning or engineering
8 organization in Rhode Island; and one of whom shall represent a chamber of commerce or
9 economic development organization;

10 (12) Two (2) representatives of private, nonprofit, environmental or environmental justice
11 advocacy organizations, both to be appointed by the governor;

12 (13) The director of planning and development for the city of Providence;

13 (14) The executive director of the department of transportation;

14 (15) The director of the department of environmental management;

15 (16) The director of the department of health;

16 (17) The chief executive officer of the commerce corporation;

17 (18) The commissioner of the Rhode Island office of energy resources;

18 (19) The ~~chief executive officer~~ most senior officer of the Rhode Island public transit
19 authority;

20 (20) The executive director of Rhode Island housing;

21 (21) The executive director of the coastal resources management council; and

22 (22) The director of the Rhode Island emergency management agency.

23 (f) **Powers and duties of state planning council.** The state planning council shall have
24 the following powers and duties:

25 (1) To adopt strategic plans as defined in this section and the long-range state guide plan,
26 and to modify and amend any of these, following the procedures for notification and public hearing
27 set forth in § 42-35-3, and to recommend and encourage implementation of these goals to the
28 general assembly, state and federal agencies, and other public and private bodies; approval of
29 strategic plans by the governor; and to ensure that strategic plans and the long-range state guide
30 plan are consistent with the findings, intent, and goals set forth in § 45-22.2-3, the "Rhode Island
31 comprehensive planning and land use regulation act";

32 (2) To coordinate the planning and development activities of all state agencies, in
33 accordance with strategic plans prepared and adopted as provided for by this section;

34 (3) To review and comment on the proposed annual work program of the statewide

1 planning program;

2 (4) To adopt rules and standards and issue orders concerning any matters within its
3 jurisdiction as established by this section and amendments to it;

4 (5) To establish advisory committees and appoint members thereto representing diverse
5 interests and viewpoints as required in the state planning process and in the preparation or
6 implementation of strategic plans. At minimum, the state planning council shall appoint permanent
7 committees:

8 (i) A technical committee, comprised of public members from different geographic areas
9 of the state representing diverse interests along with officials of state, local, and federal
10 government, who shall review all proposed elements of the state guide plan, or amendment or repeal
11 of any element of the plan, and shall advise the state planning council thereon before the council
12 acts on any such proposal. This committee shall also advise the state planning council on any other
13 matter referred to it by the council; and

14 (ii) An executive committee consisting of major participants of a Rhode Island geographic
15 information system with oversight responsibility for its activities; and

16 (iii) A transportation advisory committee, made up of diverse representation, including,
17 but not limited to, municipal elected and appointed officials; representatives of various
18 transportation sectors, departments, and agencies; and other groups and agencies with an interest
19 in transportation operations, maintenance, construction, and policy, who shall review
20 transportation-related plans and amendments and recommend action to the state planning council;

21 (6) To adopt, amend, and maintain, as an element of the state guide plan or as an
22 amendment to an existing element of the state guide plan, standards and guidelines for the location
23 of eligible, renewable energy resources and renewable energy facilities in Rhode Island with due
24 consideration for the location of such resources and facilities in commercial and industrial areas,
25 agricultural areas, areas occupied by public and private institutions, and property of the state and
26 its agencies and corporations, provided these areas are of sufficient size, and in other areas of the
27 state as appropriate;

28 (7) To act as the single, statewide metropolitan planning organization for transportation
29 planning, and to promulgate all rules and regulations that are necessary thereto; and

30 (8) To assist the Rhode Island infrastructure bank in establishing review criteria, evaluating
31 applications, approving and issuing grants, and to assist municipalities pursuant to the provisions
32 of chapter 11.4 of this title, and any rules or regulations promulgated thereunder.

33 (g) **Division of statewide planning.**

34 (1) The division of statewide planning shall be the principal staff agency of the state

1 planning council for preparing and/or coordinating strategic plans for the comprehensive
2 management of the state's human, economic, and physical resources. The division of statewide
3 planning shall recommend to the state planning council specific guidelines, standards, and
4 programs to be adopted to implement strategic planning and the state guide plan and shall undertake
5 any other duties established by this section and amendments thereto.

6 (2) The division of statewide planning shall maintain records (which shall consist of files
7 of complete copies) of all plans, recommendations, rules, and modifications or amendments thereto
8 adopted or issued by the state planning council under this section. The records shall be open to the
9 public.

10 (3) The division of statewide planning shall manage and administer the Rhode Island
11 geographic information system of land-related resources, and shall coordinate these efforts with
12 other state departments and agencies, including the university of Rhode Island, which shall provide
13 technical support and assistance in the development and maintenance of the system and its
14 associated database.

15 (4) The division of statewide planning shall coordinate and oversee the provision of
16 technical assistance to political subdivisions of the state in preparing and implementing plans to
17 accomplish the purposes, goals, objectives, policies, and/or standards of applicable elements of the
18 state guide plan and shall make available to cities and towns data and guidelines that may be used
19 in preparing comprehensive plans and elements thereof and in evaluating comprehensive plans and
20 elements thereby.

21 (h) [Deleted by P.L. 2011, ch. 215, § 4, and by P.L. 2011, ch. 313, § 4.]

22 (i) The division of planning shall be the principal staff agency of the water resources board
23 established pursuant to chapter 15 of title 46 ("Water Resources Board") and the water resources
24 board corporate established pursuant to chapter 15.1 of title 46 ("Water Supply Facilities").

25 SECTION 8. This act shall take effect on July 1, 2023.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- THE RHODE ISLAND
TRANSPORTATION AND TRANSIT ACT

1 This act would authorize the Rhode Island department of transportation to efficiently
2 operate a single, integrated intermodal transportation system and to address unrealized funding
3 opportunities.

4 This act would take effect on July 1, 2023.

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