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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

A N A C T

RELATING TO HIGHWAYS -- RHODE ISLAND TURNPIKE AND BRIDGE AUTHORITY

Introduced By: Senators E Morgan, Rogers, de la Cruz, Paolino, and Raptakis

Date Introduced: February 26, 2025

Referred To: Senate Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 24-12-9 of the General Laws in Chapter 24-12 entitled "Rhode Island
2 Turnpike and Bridge Authority" is hereby amended to read as follows:

3 **24-12-9. Powers of authority.**

4 (a) The authority is hereby authorized and empowered:

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

6 (2) To adopt an official seal and alter it at pleasure;

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

8 (4) To sue and be sued in its own name, plead, and be impleaded; provided, however, that
9 any and all actions at law or in equity against the authority shall be brought only in the county in
10 which the principal office of the authority shall be located;

11 (5) To determine, subject to the approval of the director of transportation, the location and
12 the design standards of the Newport Bridge, the turnpike, and any additional new facility to be
13 constructed;

14 (6) To issue bonds of the authority for any of its purposes and to refund its bonds, all as
15 provided in this chapter;

16 (7) To combine for financing purposes the Newport Bridge, the Mount Hope Bridge, the
17 Sakonnet River Bridge, the Jamestown Verrazzano Bridge, the turnpike, and any additional facility
18 or facilities, or any two (2) or more of such projects;

19 (8) To borrow money in anticipation of the issuance of bonds for any of its purposes and

1 to issue notes, certificates, or other evidences of borrowing in form as may be authorized by
2 resolution of the authority, the notes, certificates, or other evidence of borrowing to be payable in
3 the first instance from the proceeds of any bonds issued under the provisions of this chapter and to
4 contain on their face a statement to the effect that neither the state, the authority, nor any
5 municipality or other political subdivision of the state shall be obligated to pay the same or the
6 interest thereon except from the proceeds of bonds in anticipation of the issuance of which the
7 notes, certificates, or other evidences of borrowing shall have been issued, or from revenues;

8 (9) To fix and revise, from time to time, subject to the provisions of this chapter, and to
9 charge and collect tolls for transit over the turnpike and the several parts or sections thereof, and
10 for the use of the Newport Bridge, the Mount Hope Bridge, the Sakonnet River Bridge, the
11 Jamestown Verrazzano Bridge, and any additional facility acquired, financed, or leased under the
12 provisions of this chapter;

13 (10) To acquire, hold, and dispose of real and personal property in the exercise of its powers
14 and the performance of its duties;

15 (11) To acquire in the name of the authority, by purchase or otherwise, on such terms and
16 conditions and in such manner as it may deem proper, or by the exercise of the rights of
17 condemnation in the manner as provided by this chapter, public or private lands, including public
18 parks, playgrounds, or reservations, or parts thereof or rights therein, rights-of-way, property,
19 rights, easements, and interests as it may deem necessary for carrying out the provisions of this
20 chapter; provided, however, that all public property damaged in carrying out the powers granted by
21 this chapter shall be restored or repaired and placed in its original condition as nearly as practicable;

22 (12) To designate the locations, with the approval of the director of transportation, and
23 establish, limit, and control the points of ingress to and egress from the turnpike and any additional
24 facility as may be necessary or desirable in the judgment of the authority to ensure the proper
25 operation and maintenance thereof, and to prohibit entrance to and exit from any point or points
26 not so designated;

27 (13) To employ, in its discretion, consulting engineers, attorneys, accountants, construction
28 and financial experts, superintendents, managers, and such other employees and agents as may be
29 necessary in its judgment, and to fix their compensation;

30 (14) To apply for, receive, and accept from any federal agency aid and/or grants for or in
31 aid of the repair, maintenance, and/or construction of the turnpike, the Newport Bridge, the
32 Sakonnet River Bridge, the Mount Hope Bridge, the Jamestown Verrazzano Bridge, or any
33 additional facility, and to receive and accept from the state, from any municipality, or other political
34 subdivision thereof and from any other source aid or contributions of either money, property, labor,

1 or other things of value, to be held, used and applied only for the purposes for which the grants and
2 contributions may be made;

3 (15) To construct grade separations at intersections of the turnpike, the approaches, and
4 highway connections of the Newport Bridge, the Sakonnet River Bridge, the Mount Hope Bridge,
5 the Jamestown Verrazzano Bridge, and any additional facility with public highways, streets, or
6 other public ways or places, and to change and adjust the lines and grades thereof so as to
7 accommodate the same to the design of the grade separation; the cost of the grade separations and
8 any damage incurred in changing and adjusting the lines and grades of the highways, streets, ways,
9 and places shall be ascertained and paid by the authority as a part of the cost of the project;

10 (16) To vacate or change the location of any portion of any public highway, street, or other
11 public way or place, sewer, pipe, main, conduit, cable, wire, tower, pole, and other equipment and
12 appliance of the state or of any municipality or other political subdivision of the state and to
13 reconstruct the same at such new location as the authority shall deem most favorable for the project
14 and of substantially the same type and in as good condition as the original highway, street, way,
15 place, sewer, pipe, main, conduit, cable, wire, tower, pole, equipment, or appliance, and the cost of
16 the reconstruction and any damage incurred in vacating or changing the location thereof shall be
17 ascertained and paid by the authority as a part of the cost of the project; any public highway, street,
18 or other public way or place vacated or relocated by the authority shall be vacated or relocated in
19 the manner provided by law for the vacation or relocation of public roads, and any damages
20 awarded on account thereof shall be paid by the authority as a part of the cost of the project;

21 (17) The authority shall also have the power to make reasonable regulations, subject to the
22 approval of the public utility administrator, for the installation, construction, maintenance, repair,
23 renewal, relocation and removal of tracks, pipes, mains, conduits, cables, wires, towers, poles, and
24 other equipment and appliances (herein called "public utility facilities") of any public utility as
25 defined in § 39-1-2, in, on, along, over, or under any project. Whenever the authority shall
26 determine that it is necessary that any public facilities that now are, or hereafter may be, located in,
27 on, along, over, or under any project should be relocated in the project, or should be removed from
28 the project, the public utility owning or operating the facilities shall relocate or remove the facilities
29 in accordance with the order of the authority; provided, however, that the cost and expenses of the
30 relocation or removal, including the cost of installing the facilities in a new location, or new
31 locations, and the cost of any lands, or any rights or interests in lands, and any other rights acquired
32 to accomplish the relocation or removal, less the cost of any lands or any rights or interests in lands
33 or any other rights of the public utility paid to the public utility in connection with the relocation
34 or removal of the property, shall be ascertained and paid by the authority as a part of the cost of the

1 project. In case of any relocation or removal of facilities, the public utility owning or operating the
2 facilities, its successors or assigns, may maintain and operate the facilities, with the necessary
3 appurtenances, in the new location or new locations, for as long a period, and upon the same terms
4 and conditions, as it had the right to maintain and operate the facilities in their former location or
5 locations;

6 (18) To make reasonable regulations and to grant easements for the installation,
7 construction, maintenance, repair, renewal, relocation, and removal of pipelines, other equipment,
8 and appliances of any corporation or person owning or operating pipelines in, on, along, over, or
9 under the turnpike, whenever the authority shall determine that it is necessary that any facilities
10 which now are, or hereafter may be located in, on, along, over or under the turnpike should be
11 relocated in the turnpike, or should be removed from the turnpike, the corporation or person owning
12 or operating the facilities shall relocate or remove the facilities in accordance with the order of the
13 authority; provided, however, that the cost and expense of the relocation or removal, including the
14 cost of installing the facilities in a new location, or new locations, and the cost of any lands, or any
15 rights or interests in lands, and any other rights acquired to accomplish the relocation or removal,
16 less the cost of any lands or any rights or interests in lands or any other rights of any corporation
17 or person paid to any corporation or person in connection with the relocation or removal of the
18 property, shall be ascertained and paid by the authority as a part of the cost of the project. In case
19 of any relocation or removal of facilities, the corporation or person owning or operating the
20 facilities, its successors or assigns, may maintain and operate the facilities, with the necessary
21 appurtenances, in the new location or new locations, for as long a period, and upon the same terms
22 and conditions, as it had the right to maintain and operate the facilities in their former location or
23 locations;

24 (19) To enter upon any lands, waters, and premises for the purpose of making such surveys,
25 soundings, borings, and examinations as the authority may deem necessary or convenient for its
26 purposes, and the entry shall not be deemed a trespass, nor shall an entry for such purposes be
27 deemed an entry under any condemnation proceedings; provided, however, the authority shall pay
28 any actual damage resulting to the lands, water, and premises as a result of the entry and activities
29 as a part of the cost of the project;

30 (20) To enter into contracts or agreements with any board, commission, public
31 instrumentality of another state or the federal government or with any political subdivision of
32 another state relating to the connection or connections to be established between the turnpike or
33 any additional facility with any public highway or turnpike now in existence or hereafter to be
34 constructed in another state, and with respect to the construction, maintenance, and operation of

1 interstate turnpikes or expressways;

2 (21) To enter into contracts with the department of transportation with respect to the
3 construction, reconstruction, renovation, acquisition, maintenance, repair, operation, or
4 management of any project and with the Rhode Island state police with respect to the policing of
5 any project;

6 (22) To make and enter into all contracts and agreements necessary or incidental to the
7 performance of its duties and the execution of its powers under this chapter; and

8 (23) To do all other acts and things necessary or convenient to carry out the powers
9 expressly granted in this chapter.

10 (24) To grant and/or contract, through the transfer of funds of the authority to the
11 department of transportation, for the construction, reconstruction, acquisition, maintenance, repair,
12 operation, or management by the department of transportation of any project or projects authorized
13 by this chapter, and the department of transportation is authorized to accept any such grant or
14 transfer of funds.

15 (b) Provided, the authority, in carrying out the provisions of this section, shall hold public
16 hearings prior to the finalization of any specifications or the awarding of any contracts for any
17 project. ~~Provided, further, that any revenue generated by facilities under the control of the authority~~
18 ~~shall only be used for the purposes of the authority.~~

19 ~~(c) The authority is authorized to enter into contracts with the state, or any department of~~
20 ~~the state, to operate and/or manage toll facilities on state roads or bridges not owned, leased by, or~~
21 ~~under the control of the authority, and to collect tolls from such facilities on behalf of the~~
22 ~~department of transportation, provided such tolls shall be set by the state acting through the~~
23 ~~department of transportation pursuant to chapter 13.1 of title 42.~~

24 SECTION 2. Section 42-13-2 of the General Laws in Chapter 42-13 entitled "Department
25 of Transportation" is hereby amended to read as follows:

26 **42-13-2. Organization and functions of the department.**

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

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

32 (i) Managing and reporting on the delivery status of portfolio projects;

33 (ii) Developing overall workload and budget for the portfolio;

34 (iii) Developing and implementing the tools to estimate the resources necessary to deliver

1 the projects; and

2 (iv) Developing and implementing processes and tools to improve the management of the
3 projects.

4 (2) Asset management is the process used for managing transportation infrastructure by
5 improving decision making for resource allocation. Asset management activities include a systemic
6 process based on economic, engineering, and business principles which includes the following
7 functions:

8 (i) Completing a comprehensive inventory of system assets;

9 (ii) Monitoring system performance; and

10 (iii) Performing analysis utilizing accurate data for managing various assets within the
11 transportation network.

12 (b) The director of transportation shall appoint a chief operating officer to oversee the day-
13 to-day operations of the department.

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

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

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

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

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

34 ~~(2) The office of internal audit's (or its successor's) authorization shall include, but not be~~

1 ~~limited to, evaluating the efficiency of operations and internal controls, preventing and detecting~~
2 ~~fraud, waste, abuse or mismanagement in the expenditure of public funds, whether state, federal or~~
3 ~~those revenues collected by the use of tolls and related to any and all transportation related~~
4 ~~programs and operations as well as the procurement of any supplies, services, or construction, by~~
5 ~~the department of transportation or related institutions of the department of transportation.~~
6 ~~Investigations may include the expenditures by nongovernmental agencies of federal, state, and~~
7 ~~local public funds. As deemed necessary or expedient by the office of internal audit, or its~~
8 ~~successor, audits may be made relative to the financial affairs or the economy and efficiency of~~
9 ~~management of the department of transportation or related institutions.~~

10 SECTION 3. Chapter 42-13.1 of the General Laws entitled "The Rhode Island Bridge
11 Replacement, Reconstruction, and Maintenance Fund" is hereby repealed in its entirety.

12 ~~CHAPTER 42-13.1~~

13 ~~The Rhode Island Bridge Replacement, Reconstruction, and Maintenance Fund~~

14 ~~42-13.1-1. Short title.~~

15 ~~This chapter shall be known and may be cited as "The Rhode Island Bridge Replacement,~~
16 ~~Reconstruction, and Maintenance Fund Act of 2016."~~

17 ~~42-13.1-2. Legislative findings.~~

18 ~~The general assembly finds that:~~

19 ~~(1) The state of Rhode Island, through the Rhode Island department of transportation ("the~~
20 ~~department"), funds the reconstruction, replacement, and maintenance of all bridges in Rhode~~
21 ~~Island, except the Newport Bridge, the Mount Hope Bridge, the Jamestown-Verrazano Bridge, and~~
22 ~~the Sakonnet River Bridge.~~

23 ~~(2) According to the Federal Highway Administration (FHWA) 2015 National Bridge~~
24 ~~Inventory (NBI) data, there are seven hundred sixty-four (764) bridges in Rhode Island greater than~~
25 ~~twenty feet (20') in length. Of these NBI bridges, one hundred seventy-seven (177) bridges, or~~
26 ~~twenty-three percent (23%), are classified as structurally deficient.~~

27 ~~(3) For the past several decades, Rhode Island has depended on three (3) primary sources~~
28 ~~for funding all transportation infrastructure construction, maintenance, and operations: federal~~
29 ~~funds, state bond funds, and motor fuel tax revenue. Of these sources, two (2), federal funds and~~
30 ~~motor fuel tax revenue, are mutable.~~

31 ~~(4) The 2008 governor's blue ribbon panel on transportation funding, the 2011 senate~~
32 ~~special commission on sustainable transportation funding, and the 2013 special legislative~~
33 ~~commission to study the funding for East Bay bridges determined that there is insufficient revenue~~
34 ~~available from all existing sources to fund the maintenance and improvement of Rhode Island~~

1 ~~transportation infrastructure.~~

2 ~~(5) In 2011, the general assembly adopted a component of the recommended systemic~~
3 ~~change to transportation funding by dedicating increased resources from the Rhode Island capital~~
4 ~~plan fund and creating the Rhode Island highway maintenance account, to be funded by an increase~~
5 ~~in license and registration fees, beginning in FY2014.~~

6 ~~(6) In 2014, the general assembly adopted changes to the Rhode Island highway~~
7 ~~maintenance account to provide additional state revenue for transportation infrastructure in future~~
8 ~~years.~~

9 ~~(7) Although the state is shifting from long-term borrowing to reliance upon annual~~
10 ~~revenues to fund transportation infrastructure on a pay-as-you-go basis, and although a recurring~~
11 ~~state source of capital funds has been established, there is still a funding gap between the revenue~~
12 ~~needed to maintain all bridges in structurally sound and good condition and the annual amounts~~
13 ~~generated by current dedicated revenue sources.~~

14 ~~(8) According to the U.S. General Accounting Office, just one, fully loaded five-axle (5)~~
15 ~~tractor-trailer has the same impact on the interstate as nine thousand six hundred (9,600)~~
16 ~~automobiles. The department estimates that tractor trailers cause in excess of seventy percent (70%)~~
17 ~~of the damage to the state's transportation infrastructure, including Rhode Island bridges, on an~~
18 ~~annual basis. However, revenue contributions attributable to tractor trailers account for less than~~
19 ~~twenty percent (20%) of the state's total annual revenues to fund transportation infrastructure.~~

20 ~~(9) The United States Congress, consistent with its power to regulate interstate commerce~~
21 ~~and pursuant to 23 U.S.C. § 129, has authorized states to implement reconstruction or replacement~~
22 ~~of a toll-free bridge and conversion of the bridge to a toll facility, provided that the state:~~

23 ~~(i) Has in effect a law that permits tolling on a bridge prior to commencing any such~~
24 ~~activity; and~~

25 ~~(ii) Otherwise complies with the requirements of 23 U.S.C. § 129.~~

26 **42-13.1-3. Definitions.**

27 As used in this chapter, the following words and terms shall have the following meanings,
28 ~~unless the context shall indicate another or different meaning:~~

29 ~~(1) "Availability payment" means a payment by the department under a contract for a toll~~
30 ~~facility or any other facility that is based on the availability of the facility at a specified performance~~
31 ~~level and may include, without limitation, compensation for operations, maintenance, and financing~~
32 ~~of the facility.~~

33 ~~(2) "Department" means the department of transportation, or, if the department shall be~~
34 ~~abolished, the board, body, or commission succeeding to the principal functions thereof or upon~~

1 ~~whom the powers given by chapter 5 of title 37 to the department shall be given by law.~~

2 ~~(3) "Large commercial truck" shall be defined pursuant to the Federal Highway~~
3 ~~Administration (FHWA) vehicle classification schedule as any vehicle within Class 8—single~~
4 ~~trailer, three (3) or four (4) axles, up to and including Class 13—seven (7) or more axle multi-trailer~~
5 ~~trucks, as such classifications may be revised from time to time by the FHWA.~~

6 ~~(4) "Other vehicle" means any vehicle that has not been defined pursuant to this chapter as~~
7 ~~a large commercial truck.~~

8 ~~(5) "Passenger vehicle" shall be defined pursuant to the Federal Highway Administration~~
9 ~~(FHWA) vehicle classification schedule as any vehicle within Class 1, 2, and 3 as such~~
10 ~~classifications may be revised from time to time by the FHWA.~~

11 ~~(6) "Radio frequency identification transponder" or "RFID" means a toll collection system~~
12 ~~approved by the department that may consist of a toll tag placed inside the vehicle and an overhead~~
13 ~~antenna that reads the toll tag and collects the toll.~~

14 ~~(7) "Toll evader" means, for the purposes of this chapter, any registered owner of any large~~
15 ~~commercial truck that passes through any electronic tolling location as authorized pursuant to § 42-~~
16 ~~13.1-4 and who does not pay the required toll and/or fees, fines, or penalties within the maximum~~
17 ~~allowable period specified under § 42-13.1-11.~~

18 ~~(8) "Toll facility" means equipment or capital improvements funded in whole or in part by~~
19 ~~toll revenue, or required to effectuate toll collection.~~

20 ~~(9) "Turnpike and bridge authority" means the Rhode Island turnpike and bridge authority~~
21 ~~(RITBA), a public instrumentality of the state of Rhode Island, created by the general assembly~~
22 ~~pursuant to chapter 12 of title 24.~~

23 **42-13.1-4. Authority to collect tolls on large commercial trucks only.**

24 ~~(a) The department is hereby authorized to fix, revise, charge, and collect tolls for the~~
25 ~~privilege of traveling on Rhode Island bridges to provide for replacement, reconstruction,~~
26 ~~maintenance, and operation of Rhode Island bridges. The tolls shall be fixed after conducting a~~
27 ~~cost-benefit analysis and providing an opportunity for public comment. The tolls shall be collected~~
28 ~~on large commercial trucks only and shall not be collected on any other vehicle; provided, however,~~
29 ~~no vehicle shall be tolled other than a tractor or truck tractor as defined in 23 C.F.R. 658.5, pulling~~
30 ~~a trailer or trailers. No act authorizing tolls on passenger vehicles pursuant to this chapter shall take~~
31 ~~effect until it has been approved by the majority of those electors voting in a statewide referendum.~~
32 ~~The secretary of state shall certify the results of the statewide referendum. Tolls on large~~
33 ~~commercial trucks may be implemented utilizing all electric toll collection methodologies on a~~
34 ~~cash-less basis, or utilizing any other methodologies determined by the department.~~

1 ~~(b) Subject to § 42-13.1-14, the department will establish a program to limit the assessment~~
2 ~~of the tolls upon the same individual large commercial truck using a RFID to once per toll facility,~~
3 ~~per day in each direction, or an equivalent frequency use program based upon individual large~~
4 ~~commercial truck use.~~

5 ~~(c) Subject to § 42-13.1-14, the total amount of tolls imposed upon the same individual~~
6 ~~large commercial truck using a RFID for making a border to border through trip on Route 95~~
7 ~~Connecticut to Route 95 Massachusetts, or the reverse, shall not exceed twenty dollars (\$20.00).~~

8 ~~(d) Subject to § 42-13.1-14, the daily maximum amount of the tolls collected upon the same~~
9 ~~individual large commercial truck using a RFID shall not exceed forty dollars (\$40.00).~~

10 ~~(e) Tolls shall not be subject to supervision or regulation by any commission, board,~~
11 ~~bureau, agency, or official of the state or any municipality or other political subdivision of the state~~
12 ~~except the department.~~

13 ~~**42-13.1-5. Collection of tolls on passenger cars and other vehicles expressly**~~
14 ~~**prohibited.**~~

15 ~~Notwithstanding any other provisions of this statute, the department is expressly prohibited~~
16 ~~from collecting tolls hereunder on other vehicles, herein defined to include motorcycles, passenger~~
17 ~~cars, and all other vehicles classed one through seven (7) pursuant to the Federal Highway~~
18 ~~Administration (FHWA) vehicle classification schedule.~~

19 ~~**42-13.1-6. Rhode Island bridge replacement, reconstruction and maintenance fund**~~
20 ~~**established.**~~

21 ~~(a) There is hereby created a special account in the intermodal surface transportation fund,~~
22 ~~as established in § 31-36-20, to be known as the Rhode Island bridge replacement, reconstruction,~~
23 ~~and maintenance fund (“the fund”).~~

24 ~~(b) The fund shall consist of all those monies received by the department under this chapter,~~
25 ~~including:~~

26 ~~(1) The monies received through the collection of tolls on bridges in Rhode Island;~~

27 ~~(2) Any fees, fines, or penalties collected pursuant to this chapter; and~~

28 ~~(3) Investment earnings on amounts credited to the fund.~~

29 ~~(c) Unexpended balances and any earnings thereon shall not revert to the general fund but~~
30 ~~shall remain in the Rhode Island bridge replacement, reconstruction, and maintenance fund. There~~
31 ~~shall be no requirement that monies received into the fund during any given calendar year or fiscal~~
32 ~~year be expended during the same calendar year or fiscal year.~~

33 ~~**42-13.1-7. Designation of toll bridges.**~~

34 ~~The director of the department may designate any Rhode Island bridge on the National~~

1 ~~Highway System as a toll bridge in order to facilitate the financing of replacement, reconstruction,~~
2 ~~and maintenance of Rhode Island's system of bridges.~~

3 **42-13.1-8. Amount of tolls.**

4 The department's authority to fix and adjust the amount of tolls shall be determined by the
5 ~~costs of replacement, reconstruction, maintenance, and operation of Rhode Island's system of~~
6 ~~bridges and/or any portion or portions thereof, including costs associated with the acquisition,~~
7 ~~construction, operation, and maintenance of the toll facilities and administrative costs in connection~~
8 ~~therewith.~~

9 **42-13.1-9. Limitations on use of revenue.**

10 All revenue collected pursuant to this chapter and deposited to the Rhode Island bridge
11 ~~replacement, reconstruction, and maintenance fund shall be used to pay the costs associated with~~
12 ~~the operation and maintenance of the toll facility, and the replacement, reconstruction,~~
13 ~~maintenance, and operation of Rhode Island bridges on the National Highway System or any other~~
14 ~~use permitted under 23 U.S.C. § 129.~~

15 **42-13.1-10. Procurement of toll facilities.**

16 Without limiting any right of the department to award contracts under any other law, the
17 department shall have the right to procure toll facilities through contracts aggregating the services
18 of design, engineering, construction, finance, operations, maintenance, or any combination of the
19 foregoing. Notwithstanding any requirement of law to the contrary, the department may award such
20 contracts on the basis of competitive negotiation in accordance with § 37-2-19. Such contracts may
21 include availability payments or any other compensation structure determined appropriate by the
22 department to further the objectives of this chapter.

23 **42-13.1-11. Penalty for nonpayment of toll.**

24 (a) The department shall have the authority to establish and collect fees, fines, and penalties
25 from registered owners of large commercial trucks who use, or attempt to use, any toll facility
26 established under § 42-13.1-4, without paying the toll at the rate then in force for such use.

27 (b) Any fee, fine, or penalty shall be in addition to the toll or tolls initially incurred and
28 shall be no less than an amount sufficient to cover the cost of administration and collection of said
29 fines, fees, and penalties.

30 (c) The registered owner of the large commercial truck subject to toll shall be primarily
31 responsible for all tolls, fees, fines, and penalties assessed pursuant to the provisions of this chapter.

32 (d) Prior to the collection of any toll on large commercial trucks, the department shall
33 establish a maximum allowable period for the payment of tolls and any subsequent fees, fines, and
34 penalties assessed.

1 ~~**42-13.1-12. Additional penalties — Toll evasion.**~~

2 ~~Any toll evader who fails or refuses to pay or prepay the required toll and such fees, fines,~~
3 ~~and penalties as assessed under § 42-13.1-11 and within the maximum allowable period specified~~
4 ~~therein, shall be required to pay a fine not to exceed three thousand dollars (\$3,000) and shall pay~~
5 ~~the toll amount due and any administrative costs, or shall have their registration suspended until~~
6 ~~payment is made in full for the violation. A toll evader under this section shall receive a traffic~~
7 ~~violation summons which shall be subject to the jurisdiction of the traffic tribunal. All amounts due~~
8 ~~under this section shall be remitted to the Rhode Island bridge replacement, reconstruction, and~~
9 ~~maintenance fund.~~

10 ~~**42-13.1-13. Conformance to statute, rules, and regulations.**~~

11 ~~All programs and funding proposals shall conform to applicable federal law, rules, and~~
12 ~~regulations. The department shall promulgate state rules and regulations to carry out the purposes~~
13 ~~of this chapter. Included within said rules and regulations shall be a provision requiring any public~~
14 ~~comment period to continue for at least thirty (30) days and a provision requiring advance~~
15 ~~notification to be provided to the governor, speaker of the house of representatives, and president~~
16 ~~of the senate prior to any announcement of public hearing or public comment period establishing~~
17 ~~or modifying the amount of tolls to be collected. In promulgating these rules and regulations, the~~
18 ~~department shall establish policies and procedures that promote procedural transparency.~~

19 ~~**42-13.1-14. Severability.**~~

20 ~~If a part of this chapter is held unconstitutional or invalid, all valid parts that are severable~~
21 ~~from the invalid or unconstitutional part remain in effect. If a part of this chapter is held~~
22 ~~unconstitutional or invalid in one or more of its applications, the part remains in effect in all~~
23 ~~constitutional and valid applications that are severable from the invalid applications. This~~
24 ~~severability clause shall be applicable to each provision of this chapter, regardless of whether or~~
25 ~~not any particular provision references this section.~~

26 ~~**42-13.1-15. Bridge preservation and salt mitigation.**~~

27 ~~(a) In any fiscal year when the department fails to complete appropriate bridge~~
28 ~~maintenance, no new construction and design contracts subject to reporting under § 42-13.1-16~~
29 ~~shall be awarded for the subsequent year or until proof of appropriate bridge maintenance is~~
30 ~~provided.~~

31 ~~(b) The director must submit detailed information regarding bridge maintenance activities~~
32 ~~undertaken during the fiscal year to the governor, office of management and budget, the speaker of~~
33 ~~the house, and the president of the senate no later than thirty (30) days after the fiscal year ends,~~
34 ~~beginning with fiscal year 2017. The information shall also be posted on the department's website.~~

1 ~~(c) Notwithstanding the provisions of § 42-13.1-16, bridge maintenance requirements may~~
2 ~~be waived if the director certifies that:~~

3 ~~(1) Certain bridges are in a state of disrepair such that maintenance activities will not~~
4 ~~forestall further deterioration; or~~

5 ~~(2) Certain bridges have a maintenance plan that does not require any activities during any~~
6 ~~given calendar year; or~~

7 ~~(3) Certain bridges have been modified such that maintenance to prevent salt erosion and~~
8 ~~deterioration is no longer required; or~~

9 ~~(4) The department has not used salt on certain bridges or has stopped using salt for winter~~
10 ~~maintenance as a long term change in practice; or~~

11 ~~(5) Other specific circumstances exist to eliminate the need for maintenance activities in~~
12 ~~any given calendar year.~~

13 ~~(d) Failure to comply is subject to the penalties contained in § 35-3-24.~~

14 ~~**42-13.1-16. Reporting.**~~

15 ~~The department shall submit to the office of management and budget, the house fiscal~~
16 ~~advisor, and the senate fiscal advisor, a report on the progress of implementation of this chapter~~
17 ~~within thirty (30) days of the close of each of the fiscal quarters of each year. The reports shall also~~
18 ~~be posted on the department's website. The reports shall include, at a minimum:~~

19 ~~(1) Construction and design contracts of five hundred thousand dollars (\$500,000) or~~
20 ~~greater planned to be advertised in the upcoming federal fiscal year, their value, and expected award~~
21 ~~date;~~

22 ~~(2) Construction and design contracts of five hundred thousand dollars (\$500,000) or~~
23 ~~greater awarded in the prior federal fiscal year, date of award, value, and expected substantial~~
24 ~~completion date;~~

25 ~~(3) Expected final cost of:~~

26 ~~(i) Any construction contracts of five hundred thousand dollars (\$500,000) or greater that~~
27 ~~reached substantial completion in the prior federal fiscal year; and~~

28 ~~(ii) Any design contracts of five hundred thousand dollars (\$500,000) or greater completed~~
29 ~~in the prior federal fiscal year;~~

30 ~~(4) Total number of workers employed through the contract and the number of the workers~~
31 ~~in that total with a Rhode Island address; and~~

32 ~~(5) This report shall also include a current list of all federal, discretionary, and any other~~
33 ~~grants that the department has applied for and the status of that application and identify any changes~~
34 ~~from the prior report. For any grants that require a state match, the department shall identify if the~~

1 ~~source for the state's match is available under currently authorized funding.~~

2 ~~**42-13.1-17. Equality of opportunity.**~~

3 ~~No bid under this chapter shall be deemed complete nor awarded if the bid fails to include~~
4 ~~a specific written plan for the bidder to be in conformity with § 37-14.1-6, ensuring that minority~~
5 ~~business enterprises reach a minimum of ten percent (10%) of the dollar value of the bid. Pursuant~~
6 ~~to §§ 37-14.1-1 and 37-14.1-3, for the purposes of chapter 13.1 of title 42, women shall be included~~
7 ~~in the definition of "minority business enterprise." The aforementioned written plan should be~~
8 ~~submitted on forms created and distributed by the director of administration.~~

9 SECTION 4. This act shall take effect upon passage.

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LC002148
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO HIGHWAYS -- RHODE ISLAND TURNPIKE AND BRIDGE AUTHORITY

- 1 This act would repeal the act authorizing toll facilities on state roads.
- 2 This act would take effect upon passage.

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LC002148
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