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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

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A N A C T

RELATING TO HIGHWAYS -- RHODE ISLAND BRIDGE REPLACEMENT,
RECONSTRUCTION AND MAINTENANCE FUND--TOLLS

Introduced By: Representatives Morgan, Roberts, Price, Giarrusso, and Filippi

Date Introduced: February 14, 2018

Referred To: House 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
2 Island 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
12 and the design standards of the Newport Bridge, the turnpike, and any additional new facility to
13 be 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
18 facility or facilities, or any two (2) or more of such projects;

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

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

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

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

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

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

32 (14) To apply for, receive, and accept from any federal agency aid and/or grants for or in
33 aid of the repair, maintenance, and/or construction of the turnpike, the Newport Bridge, the
34 Sakonnet River Bridge, the Mount Hope Bridge, the Jamestown Verrazzano Bridge, or any

1 additional facility, and to receive and accept from the state, from any municipality, or other
2 political subdivision thereof and from any other source aid or contributions of either money,
3 property, labor, or other things of value, to be held, used and applied only for the purposes for
4 which the grants and contributions may be made;

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

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

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

1 any other rights acquired to accomplish the relocation or removal, less the cost of any lands or
2 any rights or interests in lands or any other rights of the public utility paid to the public utility in
3 connection with the relocation or removal of the property, shall be ascertained and paid by the
4 authority as a part of the cost of the project. In case of any relocation or removal of facilities, the
5 public utility owning or operating the facilities, its successors or assigns, may maintain and
6 operate the facilities, with the necessary appurtenances, in the new location or new locations, for
7 as long a period, and upon the same terms and conditions, as it had the right to maintain and
8 operate the facilities in their former location or locations;

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

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

33 (20) To enter into contracts or agreements with any board, commission, public
34 instrumentality of another state or the federal government or with any political subdivision of

1 another state relating to the connection or connections to be established between the turnpike or
2 any additional facility with any public highway or turnpike now in existence or hereafter to be
3 constructed in another state, and with respect to the construction, maintenance, and operation of
4 interstate turnpikes or expressways;

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

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

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

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

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

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

27 SECTION 2. Chapter 42-13.1 of the General Laws entitled "The Rhode Island Bridge
28 Replacement, Reconstruction, and Maintenance Fund" is hereby repealed in its entirety.

29 ~~CHAPTER 42-13.1~~

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

31 ~~42-13.1-1. Short title.~~

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

34 ~~42-13.1-2. Legislative findings.~~

1 ~~The general assembly finds that:~~

2 ~~(1) The state of Rhode Island, through the Rhode Island department of transportation~~
3 ~~("the department"), funds the reconstruction, replacement, and maintenance of all bridges in~~
4 ~~Rhode Island, except the Newport Bridge, the Mount Hope Bridge, the Jamestown Verrazano~~
5 ~~Bridge, and the Sakonnet River Bridge.~~

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

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

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

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

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

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

31 ~~(8) According to the U.S. General Accounting Office, just one, fully loaded five axle (5)~~
32 ~~tractor trailer has the same impact on the interstate as nine thousand six hundred (9,600)~~
33 ~~automobiles. The department estimates that tractor trailers cause in excess of seventy percent~~
34 ~~(70%) of the damage to the state's transportation infrastructure, including Rhode Island bridges,~~

1 ~~on an annual basis. However, revenue contributions attributable to tractor trailers account for less~~
2 ~~than twenty percent (20%) of the state's total annual revenues to fund transportation~~
3 ~~infrastructure.~~

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

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

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

11 **42-13.1-3. Definitions.**

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

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

18 ~~(2) "Department" means the department of transportation, or, if the department shall be~~
19 ~~abolished, the board, body, or commission succeeding to the principal functions thereof or upon~~
20 ~~whom the powers given by chapter 5 of title 37 to the department shall be given by law.~~

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

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

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

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

33 ~~(7) "Toll evader" means, for the purposes of this chapter, any registered owner of any~~
34 ~~large commercial truck that passes through any electronic tolling location as authorized pursuant~~

1 to § 42-13.1-4 and who does not pay the required toll and/or fees, fines, or penalties within the
2 maximum allowable period specified under § 42-13.1-11.

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

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

8 **42-13.1-4. Authority to collect tolls on large commercial trucks only.**

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

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

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

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

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

33 **42-13.1-5. Collection of tolls on passenger cars and other vehicles expressly**
34 **prohibited.**

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

5 **42-13.1-6. Rhode Island bridge replacement, reconstruction and maintenance fund**
6 **established.**

7 ~~(a) There is hereby created a special account in the intermodal surface transportation~~
8 ~~fund, as established in § 31-36-20, to be known as the Rhode Island bridge replacement,~~
9 ~~reconstruction, and maintenance fund ("the fund").~~

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

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

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

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

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

19 **42-13.1-7. Designation of toll bridges.**

20 ~~The director of the department may designate any Rhode Island bridge on the National~~
21 ~~Highway System as a toll bridge in order to facilitate the financing of replacement,~~
22 ~~reconstruction, and maintenance of Rhode Island's system of bridges.~~

23 **42-13.1-8. Amount of tolls.**

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

29 **42-13.1-9. Limitations on use of revenue.**

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

1 **42-13.1-10. Procurement of toll facilities.**

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

9 **42-13.1-11. Penalty for nonpayment of toll.**

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

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

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

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

23 **42-13.1-12. Additional penalties -- Toll evasion.**

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

32 **42-13.1-13. Conformance to statute, rules, and regulations.**

33 ~~All programs and funding proposals shall conform to applicable federal law, rules, and~~
34 ~~regulations. The department shall promulgate state rules and regulations to carry out the purposes~~

1 ~~of this chapter. Included within said rules and regulations shall be a provision requiring any~~
2 ~~public comment period to continue for at least thirty (30) days and a provision requiring advance~~
3 ~~notification to be provided to the governor, speaker of the house of representatives, and president~~
4 ~~of the senate prior to any announcement of public hearing or public comment period establishing~~
5 ~~or modifying the amount of tolls to be collected. In promulgating these rules and regulations, the~~
6 ~~department shall establish policies and procedures that promote procedural transparency.~~

7 ~~**42-13.1-14. Severability.**~~

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

14 ~~**42-13.1-15. Bridge preservation and salt mitigation.**~~

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

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

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

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

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

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

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

34 ~~(5) Other specific circumstances exist to eliminate the need for maintenance activities in~~

1 ~~any given calendar year.~~

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

3 **42-13.1-16. Reporting.**

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

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

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

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

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

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

19 ~~(4) Total number of workers employed through the contract and the number of the~~
20 ~~workers in that total with a Rhode Island address.~~

21 **42-13.1-17. Equality of opportunity.**

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

28 SECTION 3. Section 42-13-2 of the General Laws in Chapter 42-13 entitled "Department
29 of Transportation" is hereby amended to read as follows:

30 **42-13-2. Organization and functions of the department.**

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

33 (1) A project management-based program manages the delivery of the department's
34 portfolio of transportation improvement projects from project conception to the project

1 completion. Project management activities include:

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

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

4 (iii) Developing and implementing the tools to estimate the resources necessary to deliver
5 the projects; and

6 (iv) Developing and implementing processes and tools to improve the management of the
7 projects.

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

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

13 (ii) Monitoring system performance; and

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

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

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

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

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

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

34 ~~(1) The chief of the office of internal audit, or its successor, who shall be the~~

1 ~~administrative head of the office of internal audit, or its successor, shall supervise, coordinate,~~
2 ~~and/or conduct audits, civil and administrative investigations, and inspections or oversight~~
3 ~~reviews, when necessary, relating to programs and operations listed in § 42-13-2.~~

4 (2) ~~The office of internal audit's (or its successor's) authorization shall include, but not be~~
5 ~~limited to, evaluating the efficiency of operations and internal controls, preventing and detecting~~
6 ~~fraud, waste, abuse or mismanagement in the expenditure of public funds, whether state, federal~~
7 ~~or those revenues collected by the use of tolls and related to any and all transportation-related~~
8 ~~programs and operations as well as the procurement of any supplies, services, or construction, by~~
9 ~~the department of transportation or related institutions of the department of transportation.~~
10 ~~Investigations may include the expenditures by nongovernmental agencies of federal, state, and~~
11 ~~local public funds. As deemed necessary or expedient by the office of internal audit, or its~~
12 ~~successor, audits may be made relative to the financial affairs or the economy and efficiency of~~
13 ~~management of the department of transportation or related institutions.~~

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO HIGHWAYS -- RHODE ISLAND BRIDGE REPLACEMENT,
RECONSTRUCTION AND MAINTENANCE FUND--TOLLS

1 This act would repeal the provisions of the general laws which created the "Rhode Island
2 Bridge Replacement, Reconstruction, and Maintenance Fund Act of 2016" ("Rhode Works"),
3 which would have imposed tolls on large commercial trucks, and would revoke the authority of
4 the Rhode Island turnpike and bridge authority to impose and collect any tolls other than those
5 presently imposed and collected by the authority.

6 This act would take effect upon passage.

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