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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT - DEPARTMENT OF  
TRANSPORTATION - RHODE ISLAND TURNPIKE AND BRIDGE AUTHORITY

Introduced By: Representatives Marshall, and Gallison

Date Introduced: February 27, 2013

Referred To: House Finance

It is enacted by the General Assembly as follows:

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

3 **24-12-1. Definitions.** -- As used in this chapter, the following words and terms shall have  
4 the following meanings, unless the context shall indicate another or different meaning:

5 (1) "Additional facility" means any bridge, approach or feeder road, highway, road,  
6 freeway, tunnel, overpass, underpass, parking facility or toll facility, in the state, equipment or  
7 signal and information system, which the authority is authorized by this chapter or any other law  
8 to construct, reconstruct, renovate, acquire, maintain, repair, operate, or manage after May 3,  
9 1954 or any portion thereof.

10 (2) "Annual period" means the one-year fiscal period of the state commencing on the  
11 first day of July of any year and ending the last day of June of the following year.

12 (3) "Authority" means the Rhode Island turnpike and bridge authority created by section  
13 24-12-2, or, if the authority shall be abolished, the board, body, or commission succeeding to the  
14 principal functions thereof or upon whom the powers given by the chapter to the authority shall  
15 be given by law. [Effective July 1, 2013, "authority" means the turnpike and bridge division within](#)  
16 [the department of transportation.](#)

17 (4) (i) "Cost" as applied to any project to be constructed, reconstructed, renovated,  
18 maintained, acquired, leased, repaired, operated or managed by the authority shall embrace the

1 cost of construction, reconstruction, renovation, maintenance, repair, operation or management,  
2 the cost of the acquisition of all land, rights-of-way, property, rights, easements, and interests  
3 acquired by the authority for the construction, reconstruction, renovation, maintenance, repair,  
4 operation or management, the cost of demolishing or removing any buildings or structures on  
5 land so acquired, including the cost of acquiring any lands to which the buildings or structures  
6 may be moved, the cost of all machinery and equipment, financing charges, interest prior to and  
7 during construction, reconstruction, renovation, maintenance, repair, operation or management,  
8 and for one year after completion of construction, reconstruction, renovation, maintenance, repair,  
9 operation or management, cost of traffic estimates and of engineering and legal services, plans,  
10 specifications, surveys, estimates of cost and of revenues, other expenses necessary or incident to  
11 determining the feasibility or practicability of construction, reconstruction, renovation,  
12 maintenance, repair, operation or management, administrative expenses, and such other expenses  
13 as may be necessary or incident to the construction, reconstruction, renovation, maintenance,  
14 repair, operation or management, the financing of the construction, and the placing of the project  
15 in operation, and in connection with the Newport Bridge shall include the purchase price of the  
16 ferry franchise. The word "cost" as applied to any project which the authority may be authorized  
17 to acquire means the amount of the purchase price, lease payments, debt service payments, or the  
18 amount of any condemnation award in connection with the acquisition of the project, and shall  
19 include the cost of acquiring all the capital stock of the corporation owning the project, if such be  
20 the case, and the amount to be paid to discharge all of the obligations of the corporation in order  
21 to vest title to the project in the authority, the cost of improvements to the project which may be  
22 determined by the authority to be necessary prior to the financing thereof, interest during the  
23 period of construction of the improvements and for one year thereafter, the cost of all lands,  
24 properties, rights, easements, franchises, and permits acquired, the cost of engineering and legal  
25 services, plans, specifications, surveys, estimates of cost and of revenues, other expenses  
26 necessary or incident to determining the feasibility or practicability of the acquisition or  
27 improvement, administrative expenses, and such other expenses as may be necessary or incident  
28 to the financing of the acquisition or improvement and the placing of the project in operation by  
29 the authority.

30 (ii) "Cost" as applied to the Mount Hope Bridge means such amount, if any, as the  
31 authority may deem necessary, following the acquisition of a bridge under the provisions of  
32 section 24-12-40A, to place the bridge in safe and efficient condition for its operation. And as  
33 applied to any project constructed or acquired by the authority under the provisions of the  
34 chapter, the word "cost" shall also include such amounts as the authority may deem necessary for

1 working capital and to create a debt service reserve.

2 (iii) "Cost" as applied to the Sakonnet River Bridge includes such amount, if any, as the  
3 authority may deem necessary, following the acquisition of the Sakonnet River Bridge under the  
4 provisions of subsection 24-12-40F, to place the bridge in safe and efficient condition for its  
5 operation. As applied to any project constructed or acquired by the authority under the provisions  
6 of the chapter, the word "cost" shall also include such amounts as the authority may deem  
7 necessary for capitalized interest, working capital and to create a debt service reserve.

8 (iv) "Cost" as applied to the Jamestown Verrazzano Bridge includes such amount, if any,  
9 as the authority may deem necessary, following the acquisition of the Jamestown Verrazzano  
10 Bridge under the provisions of subsection 24-12-40G, to place the bridge in safe and efficient  
11 condition for its operation. As applied to any project constructed or acquired by the authority  
12 under the provisions of the chapter, the word "cost" shall also include such amounts as the  
13 authority may deem necessary for capitalized interest, working capital and to create a debt service  
14 reserve.

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

18 (6) "Ferry franchise" means the existing franchises and rights to operate ferries  
19 belonging to the Jamestown and Newport ferry company, but not including any other intangible  
20 personal property or real estate or tangible personal property of the corporation which shall  
21 remain the property of the corporation.

22 (7) "Jamestown Bridge" means the former bridge over the west passage of Narragansett  
23 Bay between the towns of Jamestown and North Kingstown constructed by the Jamestown Bridge  
24 commission under the provisions of chapter 2536 of the Public Laws, 1937 and the approaches  
25 thereto, and shall embrace all tollhouses, administration, and other buildings and structures used  
26 in connection therewith, together with all property, rights, easements, and interests acquired by  
27 the Jamestown Bridge commission in connection with the construction and operation of the  
28 bridge.

29 (8) "Jamestown Verrazzano Bridge" means the bridge constructed in replacement of the  
30 Jamestown Bridge, as defined in subdivision (7) and the approaches thereto, and shall embrace all  
31 tollhouses, administration, and other buildings and structures used in connection therewith,  
32 together with all property, rights, easements, and interests acquired by the authority in connection  
33 with the construction and operation of such bridge.

34 (9) "Mount Hope Bridge" means the existing bridge between the towns of Bristol and

1 Portsmouth and the approaches thereto, which was constructed by the Mount Hope Bridge  
2 corporation and which was acquired and is now owned and operated by the Mount Hope Bridge  
3 authority under the provisions of chapter 13 of this title, and shall embrace all tollhouses,  
4 administration, and other buildings and structures used in connection therewith, together with all  
5 property, rights, easements, and interests acquired by the Mount Hope Bridge corporation or the  
6 Mount Hope Bridge authority in connection with the construction and operation of the bridge.

7 (10) "Newport Bridge" means the bridge or tunnel or combination of bridge and tunnel  
8 constructed or to be constructed under the provisions of this chapter over or under the waters of  
9 Narragansett Bay between Conanicut Island and Aquidneck Island, shall embrace the substructure  
10 and the superstructure thereof and the approaches thereto and the entrance plazas, interchanges,  
11 overpasses, underpasses, tollhouses, administration, storage, and other buildings, and highways  
12 connecting the bridge or tunnel with the Jamestown Verrazzano Bridge (defined in subdivision  
13 (8)) and with state highways as the authority may determine to construct from time to time in  
14 connection therewith, together with all property, rights, easements, and interests acquired by the  
15 authority for the construction and operation of the bridge or tunnel or combination of bridge and  
16 tunnel.

17 (11) "Owner" means and include all individuals, incorporated companies, partnerships,  
18 societies, or associations, and also municipalities, political subdivisions, and all public agencies  
19 and instrumentalities, having any title or interest in any property, rights, easements, or franchises  
20 authorized to be acquired under the provisions of this chapter.

21 (12) "Project" means the "Newport Bridge," "Mount Hope Bridge," "Sakonnet River  
22 Bridge," "Jamestown Verrazzano Bridge", the "turnpike" or any "additional facility," as the case  
23 may be, or any portion thereof which may be financed, acquired or leased under the provisions of  
24 this chapter.

25 (13) "Turnpike" means the controlled access highway or any portion thereof to be  
26 constructed or acquired, from time to time, under the provisions of this chapter from a point at or  
27 near the Connecticut-Rhode Island border through the county of Washington and the county of  
28 Newport to a point at or near the Massachusetts-Rhode Island border in the town of Tiverton  
29 (excluding the Jamestown Verrazzano Bridge, the Mount Hope Bridge, the Newport Bridge, and  
30 the Sakonnet River Bridge), together with all bridges (except those mentioned above),  
31 overpasses, underpasses, interchanges, entrance plazas, approaches, approach roads, tollhouses,  
32 service stations, and administration, storage, and other buildings and facilities which the authority  
33 may deem necessary for the operation of the turnpike, together with all property, rights,  
34 easements, and interests which may be acquired by the authority for the construction or the

1 operation of the turnpike.

2 (14) "Sakonnet River Bridge" means the replacement Sakonnet River bridge constructed  
3 or to be constructed under the provisions of Article 36 of Chapter 376 of the Public Laws of 2003  
4 between the towns of Tiverton and Portsmouth and shall embrace the substructure and the  
5 superstructure thereof and the approaches thereto and the toll structures, interchanges, overpasses,  
6 underpasses, tollhouses, administration, storage, and other buildings, and highways connecting  
7 the bridge with state highways, as the authority may determine to construct or acquire from time  
8 to time in connection therewith, together with all property, rights, easements, and interests  
9 acquired by the authority for the construction and operation of the bridge.

10 SECTION 2. Sections 24-12-2, 24-12-3 and 24-12-4 of the General Laws in Chapter 24-  
11 12 entitled "Rhode Island Turnpike and Bridge Authority" are hereby repealed.

12 ~~**24-12-2. Authority created -- Composition.** -- There is hereby created a body corporate  
13 and politic to be known as the "Rhode Island turnpike and bridge authority." The authority shall  
14 consist of five (5) members, including the director of transportation, who shall be a member ex  
15 officio, and four (4) members appointed by the governor.~~

16 ~~**24-12-3. Appointment of authority members -- Oath of office.** -- (a) During the month  
17 of March in each year, the successor of any member whose term is about to expire shall be  
18 appointed by the governor for a term of four (4) years commencing the first day of April then  
19 next ensuing, but any person appointed to fill a vacancy shall serve only for the unexpired term.  
20 Any member of the authority shall be eligible for reappointment.~~

21 ~~(b) Each appointed member of the authority before entering upon his or her duties shall  
22 take an oath to administer the duties of his or her office faithfully and impartially, and the oath  
23 shall be filed in the office of the secretary of state.~~

24 ~~**24-12-4. Officers of authority -- Quorum -- Reimbursement of expenses of members.**  
25 -- (a) The authority shall elect one of its members as chairperson and another as vice chairperson  
26 and shall also elect a secretary and a treasurer who may or may not be members of the authority.  
27 Three (3) members of the authority shall constitute a quorum and the vote of three (3) members  
28 shall be necessary for any action taken by the authority. No vacancy in the membership of the  
29 authority shall impair the right of a quorum to exercise all the rights and perform all the duties of  
30 the authority. The members of the authority shall receive no salary for their services as authority  
31 members but shall be paid their necessary expenses while engaged in the performance of their  
32 duties, and the appointed members of the authority shall be paid the sum of forty dollars (\$40.00)  
33 for each day or portion thereof in which they are engaged in the performance of their duties.~~

34 ~~(b) The secretary and the treasurer shall receive such salaries as shall be fixed by the~~

1 ~~authority from time to time.~~

2 SECTION 3. Chapter 24-12 of the General Laws entitled "Rhode Island Turnpike and  
3 Bridge Authority" is hereby amended by adding thereto the following section:

4 **24-12-59. References to authority.** – Any and all references to the "Rhode Island  
5 Turnpike and Bridge Authority" or "authority" with relation to this chapter shall be deemed to be  
6 a reference to the division within the department of transportation created pursuant to chapter 42-  
7 13, which is known as "The Turnpike and Bridge Division."

8 SECTION 4. Chapter 42-13 of the General Laws entitled "Department of Transportation"  
9 is hereby amended by adding thereto the following section:

10 **42-13-8. Transfer of function from the Rhode Island turnpike and bridge authority.**

11 – (a) There is hereby transferred to the department of transportation that function formerly  
12 administered by the Rhode Island turnpike and bridge authority, together with all of the powers,  
13 duties, and authority granted and imposed by chapter 24-12 of the general laws.

14 (b) In addition to any of its other powers and responsibilities, the department is  
15 authorized and empowered to accept any grants made available by the United States government  
16 or any agency thereof, and the department, with the approval of the governor, is authorized and  
17 empowered to perform such acts and enter into all necessary contracts and agreements with the  
18 United States of America or any agency thereof as may be necessary in such manner and degree  
19 as shall be deemed to be in the best interest of the state. The proceeds of any grants so received  
20 shall be paid to the general treasurer of the state and by him or her deposited in a separate fund  
21 and shall be utilized for the purposes of the grant or grants.

22 SECTION 5. Section 42-13-2 of the General Laws in Chapter 42-13 entitled "Department  
23 of Transportation" is hereby amended to read as follows:

24 **42-13-2. Organization and functions of the department.** -- (a) The department shall be  
25 organized into such divisions as are described in this section and such other divisions,  
26 subdivisions, and agencies as the director shall find are necessary to carry out the responsibilities  
27 of the department.

28 (1) Division of administration. - This division shall be headed by an assistant director for  
29 administration. The division shall provide assistance to the director in managing and controlling  
30 the work of the department, shall collect bridge tolls and administer any financial support made  
31 available to support railroad passenger or freight service. The division of administration shall  
32 include:

33 (i) A business management office which shall provide central personnel, financial  
34 programming, payroll, and other management services to all divisions and agencies of the

1 department.

2 (ii) A legal counsel who shall prepare or review any legislation pertaining to the  
3 department, assist in preparing contracts, handle claims against the department, and provide other  
4 legal services as required.

5 (iii) A public information office which shall inform the public of the programs and  
6 projects of the department, answer inquiries by the public, prepare and release progress reports  
7 and other publications, and provide photographic services.

8 (iv) An audits office which shall continuously audit all of the activities of the department  
9 and insure compliance with state and federal laws and administrative regulations.

10 (v) A property management office which shall acquire all real property for the  
11 department, make appraisals of property, manage real property under the department's  
12 jurisdiction, and operate a family and business relocation program. The property management  
13 office shall manage those state piers and related facilities which are used for port or waterways  
14 transportation purposes.

15 (2) Planning division. - This division shall be headed by a chief of transportation  
16 planning. The division shall assist the division of planning in the department of administration to  
17 prepare transportation elements of the long-range state guide plan. The division will prepare  
18 functional and area plans, project plans, improvement programs, and implementation programs  
19 which are consistent with the long-range state guide plan. The division will undertake corridor,  
20 route location, feasibility, facility needs, and other studies as required to support the work of the  
21 department. The division shall collect and analyze statistical and other data on all types of  
22 transportation needs and facilities.

23 (3) Public works division. - This division shall be headed by a chief engineer. The  
24 division shall be responsible for the design and engineering of roads, bridges, transit facilities,  
25 airport facilities, port and waterways facilities, and all other transportation facilities. The division  
26 shall prepare contracts and specifications for all construction projects undertaken by the  
27 department. The division shall supervise the execution of all construction projects. The division  
28 shall perform traffic engineering functions, make surveys and soil studies, test materials, and  
29 perform other functions necessary to support the department's design and construction activities.

30 (4) Maintenance division. - This division shall be headed by a maintenance engineer.  
31 The division shall maintain all roads, bridges, airports, piers, port terminal facilities, and other  
32 transportation facilities and landscaped areas which are under the jurisdiction of the department  
33 of transportation. The division shall install and maintain traffic control signs and signals.

34 (5) Airports division. - This division shall be headed by an assistant director for airports.

1 The division shall operate all state-owned airports, heliports, and other facilities for air  
2 transportation, including passenger and cargo terminals, parking facilities and other supporting  
3 facilities, emergency services, and security services. The division shall regulate aeronautical  
4 matters and shall supervise the location, maintenance, operation, and use of privately-owned civil  
5 airports, landing areas, navigation facilities, air schools, and flying clubs.

6 (b) The director may assign such other responsibilities to the divisions and agencies as  
7 he or she shall find appropriate and may reassign functions to divisions and agencies other than as  
8 set out in this section if he or she shall find this reassignment necessary to the proper and efficient  
9 functioning of the department or of the state's transportation system.

10 (6) Turnpike and bridge division. - This division shall be headed by an assistant director  
11 for turnpikes and bridges. The division shall perform all the functions formerly performed by the  
12 Rhode Island turnpike and bridge authority pursuant to chapter 24-12, including, but not limited  
13 to, the design, construction, and maintenance of the various turnpikes and bridges in the state.

14 SECTION 6. This act shall take effect on July 1, 2013.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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RELATING TO STATE AFFAIRS AND GOVERNMENT - DEPARTMENT OF  
TRANSPORTATION - RHODE ISLAND TURNPIKE AND BRIDGE AUTHORITY

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- 1           This act would transfer the functions of the Rhode Island Turnpike and Bridge Authority
- 2   to the department of transportation as the Turnpike and Bridge Division.
- 3           This act would take effect on July 1, 2013.

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