

July 22-24, 2012  
Loews Hotel  
Atlanta, Georgia

## IBTTA Summit on All-Electronic Toll Collection

# How Washington Turned Tolling Civil

**Craig Stone**

Toll Division Director

**Paula Hammond**

Secretary of Transportation

**Steve Reinmuth**

Chief of Staff

July 22-24, 2012  
Loews Hotel  
Atlanta, Georgia

# IBTTA Summit on All-Electronic Toll Collection

## Overview

- What we had
  - Tacoma Narrows Bridge and the district court hearings process
- The path to change
  - The switch to an administrative hearing process
- What we're now doing
  - Setting up the new hearing process, refinements and lessons learned

July 22-24, 2012  
Loews Hotel  
Atlanta, Georgia

# IBTTA Summit on All-Electronic Toll Collection

## WSDOT's Toll Program

Current toll facilities:

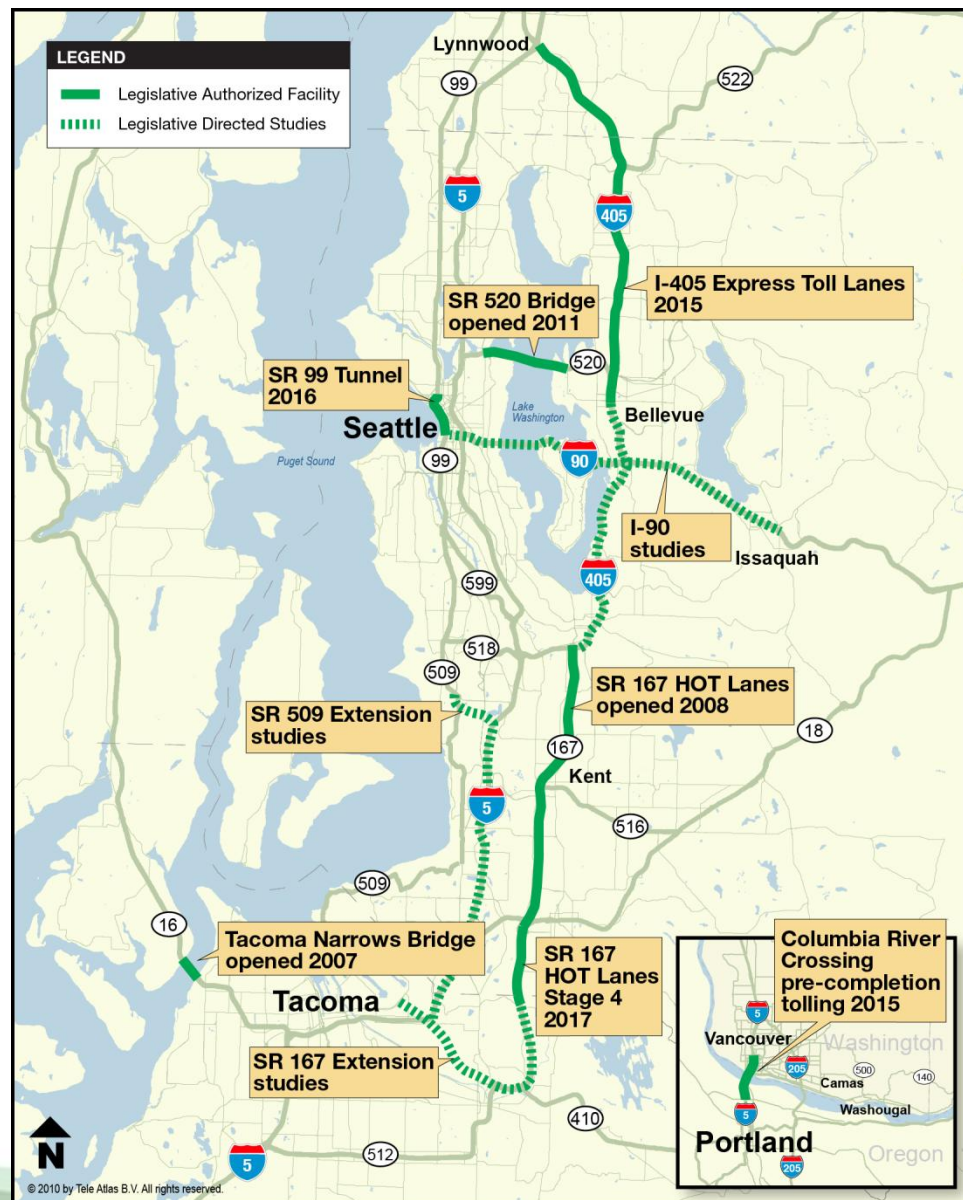
- Tacoma Narrows Bridge
- SR 167 HOT Lanes
- SR 520 Floating Bridge

Authorized toll facilities:

- I-405 Express Toll Lanes
- I-5 Columbia River Crossing
- SR 99 Alaskan Way Tunnel

Under study:

- I-90 Floating Bridge
- SR 509 Extension
- SR 167 Extension



July 22-24, 2012  
Loews Hotel  
Atlanta, Georgia

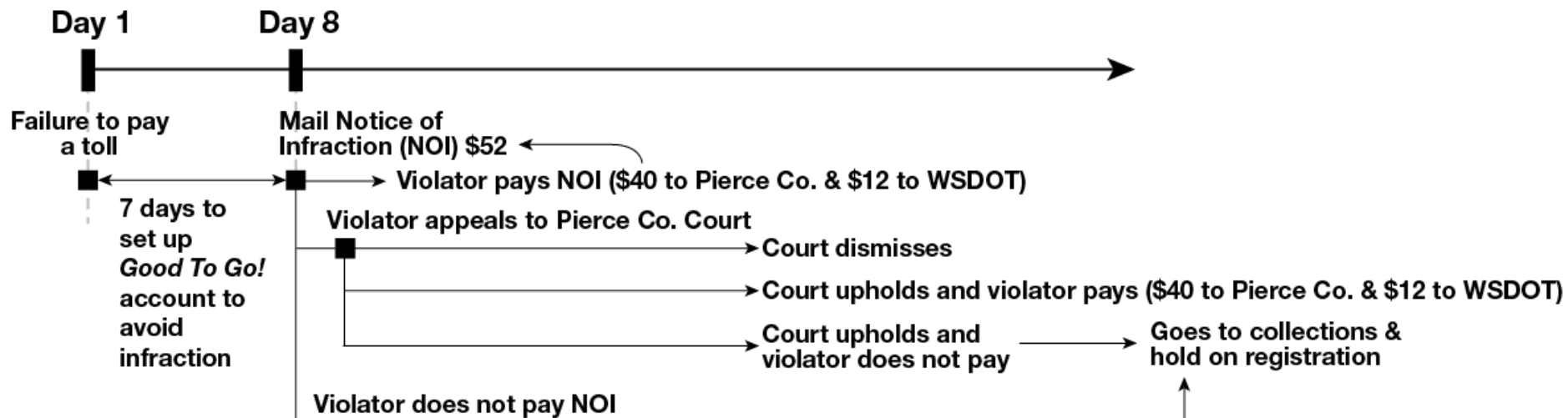
# IBTTA Summit on All-Electronic Toll Collection

## What we had: The court hearing process and the Tacoma Narrows Bridge

- Tolling reintroduced to Washington State in 2007 with the opening of new Tacoma Narrows Bridge
- Vehicles using the *Good To Go!* lanes without a pass were considered a violator
- Washington State Patrol certifies photos of license plates and issued vehicle owners \$52 “Notice of Infractions”.
- Pierce County District Court processed toll violations. Courts retained \$40 of the infraction collected, WSDOT received \$12



## Former Notice of Infraction Process



July 22-24, 2012  
Loews Hotel  
Atlanta, Georgia

# IBTTA Summit on All-Electronic Toll Collection

## Summary of TNB toll violations

### FY 2009

Total Traffic	13,933,956
True Potential Violations (w/o customer tolls applied by license plate recognition)	180,584
Rejected by WSDOT, DOL or WSP	67,870
Violations Sent to Pierce County Court	112,714

### Expected Tolls vs. Actual from Court

Expected Tolls at \$4 per 180,584 Transactions	\$ 722,336
Funds WSDOT Received from Pierce County Court	\$ 596,471
Unpaid Tolls	\$ 125,865
Recovery Rate	82%

### Potential Toll Violation Receipt vs. Actual from Court

Potential Toll Violation Receipt at \$12 per 112,714 NOIs	\$ 1,352,568
Funds Received from the Pierce County Court	\$ 596,471
Lost Receipt (uncollectible)	\$ 756,097
Recovery Rate	44%

July 22-24, 2012  
Loews Hotel  
Atlanta, Georgia

# IBTTA Summit on All-Electronic Toll Collection

## The path to change

- In 2009 Legislature authorized SR 520 Bridge tolling
  - Bridge would have all-electronic tolling
- How will the state enforce tolls on this new facility?

### Considerations:

- Future tolling in Washington State
- More customer friendly approach to billing and enforcement
- How would hearing process work with all-electronic tolling?
- WSDOT staff learn about experiences in other agencies
  - Team considers administrative court process



July 22-24, 2012  
Loews Hotel  
Atlanta, Georgia

# IBTTA Summit on All-Electronic Toll Collection

## The path to change

- Concern within agency about an administrative hearing process
  - Team redirects focus to court hearing process
- What would it take for King County Courts to support SR 520 adjudication?
  - Projection: 1000 hearings each day





July 22-24, 2012  
Loews Hotel  
Atlanta, Georgia

# IBTTA Summit on All-Electronic Toll Collection

## The path to change

- Comparing court hearing process to administrative hearing process
  - County court
    - 95 staff
  - Administrative court
    - 22 staff
- \$6.2 million difference between two options!



July 22-24, 2012  
Loews Hotel  
Atlanta, Georgia

## IBTTA Summit on All-Electronic Toll Collection

# The path to change: 2010 Legislature



- Legislative hearings on adjudication
  - Courts testify against changing law that removes toll infractions from the courts
  - Found that Pierce County District Court is netting \$1 million per year for adjudication services
  - WSDOT presents information showing the \$6 million costs difference between court and administrative hearing process
  - The Washington State Legislature passes ESBB 6499 directing WSDOT to develop an administrative adjudication program

July 22-24, 2012  
Loews Hotel  
Atlanta, Georgia

# IBTTA Summit on All-Electronic Toll Collection

## The path to change

The Court's testimony:



**“Since the birth of our democracy** it has been well settled that government cannot take from our citizens without due process of law. It is also well settled and immortalized on the 1st page of every constitutional law 101 text book, in the case of Madison vs. Marbury.”

“In my view it would be **penny wise but very pound foolish** to remove toll infractions from the courts”

“It will only be a matter of time before an aggrieved citizen, and there will be many aggrieved citizens, **brings a class action law suit** which will eventually will work its way to the to the very supreme court who through me today is speaking to cautions against removing toll infraction adjudication from the courts”

July 22-24, 2012  
Loews Hotel  
Atlanta, Georgia

# IBTTA Summit on All-Electronic Toll Collection

## What we're doing now: Administrative Court Process

### Tolling in Washington State

Understanding civil penalties  
and the administrative process

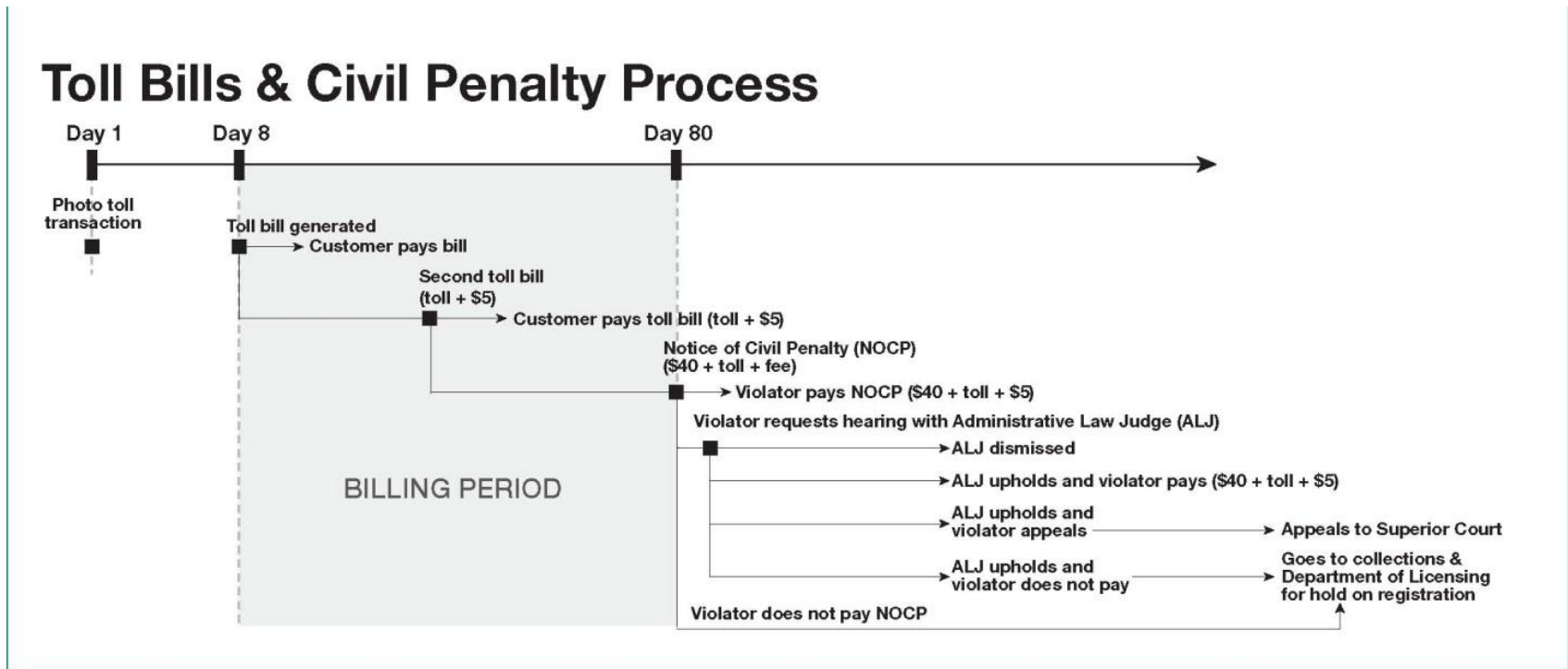


Washington State  
Department of Transportation

July 22-24, 2012  
Loews Hotel  
Atlanta, Georgia

# IBTTA Summit on All-Electronic Toll Collection

## New Notice of Civil Penalty Process



July 22-24, 2012  
Loews Hotel  
Atlanta, Georgia

## IBTTA Summit on All-Electronic Toll Collection

# What we're doing now: Launching the administrative hearing process

- Established a “Toll Enforcement Office” separate from the Customer Service Center
- Contracted with the state Office of Administrative Hearings, and worked side by side on all the processes need for a successful start
- Hired and trained 5 new WSDOT Toll Enforcement Officers to certify “Notice of Civil Penalties”
- Development Business Rules and SOPs, Public Education, and Notification strategies



July 22-24, 2012  
Loews Hotel  
Atlanta, Georgia

## IBTTA Summit on All-Electronic Toll Collection

# What we're doing now: Launching the administrative hearing process

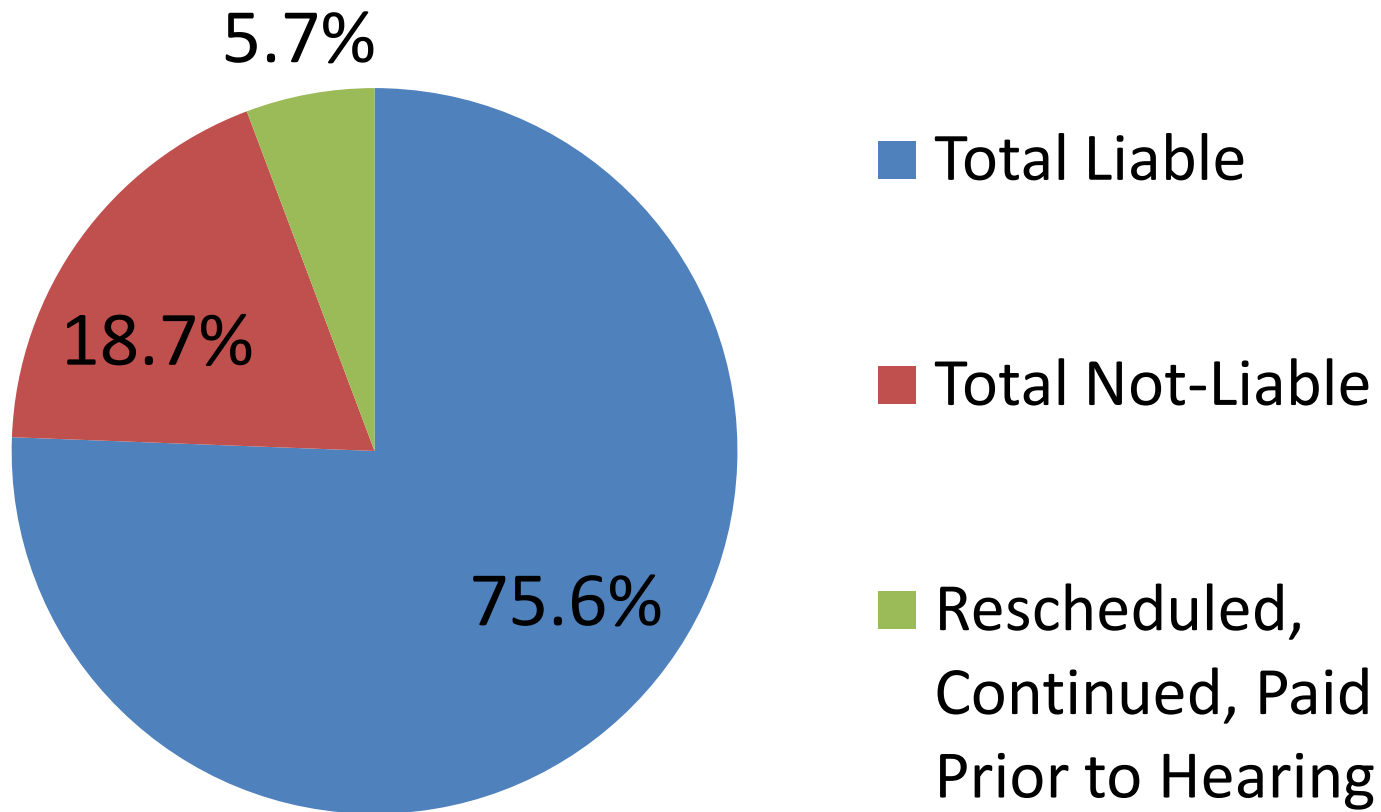
- Build out of two hearing rooms in King County and one leased hearing room in Pierce County
- Contracted out for security
- Developed training for customer service center staff, as well as for judges
- Held media event to inform the public on new enforcement process. Key message "respect the toll bills"
- First hearings May 4th



July 22-24, 2012  
Loews Hotel  
Atlanta, Georgia

## IBTTA Summit on All-Electronic Toll Collection

### Administrative court hearing results so far: May and June 2012





July 22-24, 2012  
Loews Hotel  
Atlanta, Georgia

## IBTTA Summit on All-Electronic Toll Collection

# Administrative court hearing results so far: May and June 2012

- Total Hearings: 1814
  - In Person 673
  - Written 1141
- Deliberate slow start, 100 percent quality assurance on every Notice of Civil Penalty
- Estimated revenue collected \$270K  
(Includes tolls, \$5.00 Reprocessing Fee, and \$40.00 Notice of Civil Penalty)

July 22-24, 2012  
Loews Hotel  
Atlanta, Georgia

# IBTTA Summit on All-Electronic Toll Collection

## What we're doing now

We are evaluating the new process to determine where changes can be made to improve efficiency

- Improving the evidence packages
- Reducing the number of days hearings are held
- Right sizing staffing levels
- Beginning Department of Licensing vehicle registration holds for non payers
- Beginning the collections process



July 22-24, 2012  
Loews Hotel  
Atlanta, Georgia

# IBTTA Summit on All-Electronic Toll Collection

## Questions?

Craig Stone  
Director, Toll Division  
206-464-1222 or [stonec@wsdot.wa.gov](mailto:stonec@wsdot.wa.gov)