

POLICIES AND PROCEDURES
FOR TOLL COLLECTION OPERATIONS
ON THE CCRMA TURNPIKE SYSTEM

SECTION 1. PURPOSE

These Policies and Procedures for Toll Collection Operations (“Policies and Procedures”) are established pursuant to CCRMA Resolution No.____, adopted on January 14, 2010. Under provisions of Chapter 370 of the Texas Transportation Code, CCRMA possesses the authority to designate a turnpike project or a portion of a turnpike project as a controlled-access toll road (Sec. 370.179). These Policies and Procedures establish CCRMA practices and operations for toll collection systems on designated controlled-access toll roads operating within the CCRMA turnpike system, and incorporate provisions of Texas Transportation Code Sec. 370.177 regarding failure or refusal to pay turnpike project tolls and related penalties and offenses.

SECTION 2. DEFINITIONS

CSC	The TxDOT Customer Service Center or its successor(s).
Electronic Toll Tag or Toll Tag	A device that records the usage of a vehicle using a toll road; usually adhered to the windshield of the vehicle, allowing motorists to drive non-stop through designated electronic toll collection lanes. (Electronic Toll Tags are a type of “transponder” pursuant to Texas Transportation Code Sec. 370.178.)
ETC	Electronic Toll Collection.
Video Toll/ Video Billing	A transaction where the customer does not have a valid Toll Tag and the license plate information of the vehicle is utilized to send an invoice to the registered owner of the vehicle.

SECTION 3. EXEMPTION FROM TOLL PAYMENT

Users of CCRMA Toll Facilities shall be required to pay a toll unless they are determined to be exempt under Texas State Statutes or as authorized by the CCRMA Board under the provisions of the Texas State Statutes and as permitted by CCRMA financing documents.

- (a) **Emergency and Military Vehicles:** In accordance with the provisions of Sec. 370.177, 362.901 and 541.201 of the Texas Transportation Code, CCRMA will create technical procedures to ensure that authorized emergency vehicles, as well as state and federal military vehicles, are exempt from paying tolls on the CCRMA toll road system.
- (b) **Public Transportation Vehicles:** As authorized under the provisions of Sec. 370.177 of the Texas Transportation Code and to facilitate a multi-modal transportation system that ensures safe and efficient travel for all individuals in Cameron County, public transportation vehicles with a

carrying capacity of 16 or more individuals that are owned and/or operated on behalf of the Brownsville Urban System shall be exempt from paying tolls on CCRMA toll facilities.

SECTION 4. TOLL INCENTIVES AND DISCOUNTS

To promote the use of CCRMA toll roads and to maximize the use of toll tags on CCRMA facilities, the CCRMA will offer customers incentives and discounts.

- (a) **Discounts for Toll Tag Users:** Customers who pay their toll using a toll tag will receive a discount equal to thirty percent (30%) off of the toll amount Paid-by-Mail toll customers.
- (b) **Incentive Offers:** From time to time the CCRMA may conduct promotions or marketing activities that encourage drivers to use CCRMA toll roads and/or Toll Tag and/or reward customers for such use.
- (c) **SH 550 Toll Introductory Period:** CCRMA shall offer an introductory period after the SH550 Toll Project is constructed and open to traffic of such duration as is determined by the CCRMA Board of Directors. The initial introductory period will allow free usage for all customers.

SECTION 5. CUSTOMER SERVICE AND ACCOUNT POLICIES

The CCRMA intends to utilize TxTAG as its primary Electronic Toll Tag although it will support the use of other Texas Toll Tags through the interoperability hub. TxTAG account set up, maintenance, and customer service will be provided through TxDOT's CSC.

Upon implementation of the CCRMA toll collection system, CCRMA expects that there may be a high percentage of vehicles using a toll road that do not have a toll tag. Although video tolling will be available as described in Section 8, the objective of the toll operations procedures and policies created by the CCRMA is to increase the percentage of toll road customers who establish Toll Tag accounts with the TxDOT CSC. Additionally, because tolling is a new concept for customers in the Cameron County region, it is anticipated to take some time for customers to adjust to the toll road operations, rules and regulations. During a period to be determined by CCRMA staff following the initiation of CCRMA toll collection operations, an incentive based and customer-friendly approach will be employed towards customers who use the road without paying toll charges. While it is understood that the objective of the CCRMA is to collect revenue and minimize toll violation abuse, CCRMA believes that a supportive approach towards customers who do not pay the toll initially will allow for a period of adjustment as customers begin using the new toll roads, and will create new toll customers for the CCRMA.

The TxDOT CSC will provide customer service to CCRMA customers and will support all operations related to customer Toll Tag account setup, account maintenance and customer service. The efficient operation of the TxDOT CSC is critical to the success of the CCRMA toll collections. The CSC will adhere to the following provisions with respect to customer service.

SECTION 6. TOLLING POLICY FOR PHASES OF CCRMA TURNPIKE PROJECT "UNDER CONSTRUCTION"

- (a) For any phase of a toll project "under construction" as of the date the project is included in Brownsville MPO's then governing transportation plan or transportation improvement program as a toll project or candidate toll project, the authority shall defer the commencement of toll

collection operations on that phase until additional phases of the project are constructed so as to provide continuous uninterrupted travel for a distance, or to a destination, to be designated by the Board of Directors on a project specific basis. The deferral of toll collection operations shall end once the component phases of the project or the designated travel corridor are “substantially complete”.

- (b) For purposes of this policy the phrase “under construction” shall mean that a contract has been executed by the authority or TxDOT which provides for roadway construction of a phase of the toll project. The phrase “substantially complete” shall mean that the phase of the toll project is open to traffic for its entire length. Temporary closures due to emergencies or short-term construction or maintenance operations shall not preclude a toll project from being deemed substantially complete.
- (c) The authority may install signage and toll collection equipment on or along a project (or any phase thereof) indicating that toll collection operations are being deferred and that tolls will be collected on the entirety (or any portion) of the project in the future.
- (d) The designation of a project as a toll project or candidate toll project in MPO’s then governing transportation plan or transportation improvement program prior to the time it is open to traffic shall preclude the project from being deemed a "conversion" under provisions of the Texas Transportation Code when toll collection operations begin.
- (e) Notwithstanding the foregoing, the CCRMA Board of Directors may, upon receipt of a written request from the Brownsville MPO or from the Commissioners Court(s) of Cameron County, waive this policy and toll a phase of project that is under construction prior to completion of the entirety of the project.

**SECTION 7. AUTOMATED ELECTRONIC TOLL COLLECTION
(CASHLESS TOLL COLLECTION SYSTEM)**

- (a) To the extent authorized revisions have been made to the Policies and Procedures Document, the CCRMA may implement and utilize a toll collection system on any or all of its toll projects whereby all tolls are collected through automated electronic toll collection (“ETC”) methods. Under this “cashless” toll collection system, accommodations for cash toll transactions will not be provided. Customers will either obtain and utilize a transponder (currently the TxTag transponder system, or other interoperable transponder system) or utilize the CCRMA video toll collection system.
- (b) The ETC system will be instituted by the CCRMA on its SH 550 Toll Project in a manner and on a schedule to be determined by CCRMA staff and consultants that is deemed to be the most efficient and effective for the Project. Future toll collection facilities for the SH 550 Toll Project will be designed and constructed in a manner consistent with ETC.

SECTION 8. VIDEO TOLLING AND ESTABLISHMENT OF ADMINISTRATIVE FEES

(a) Video Billing Payment Option.

The CCRMA shall offer video billing as another payment option for customers that use toll lanes that require a toll tag. CCRMA, through its Violations Processing and Debt Collection Provider

(the “Collections Contractor”), will use the license plate information of a vehicle that does not have a valid toll tag but is utilizing toll lanes that require a toll tag to determine the registered owner of such a vehicle via an interface with Vehicle Title Registration.

The Collections Contractor will send an invoice to the registered owner of the vehicle and receive payment on behalf of CCRMA. The Collections Contractor will add a 20% additional toll surcharge per toll transaction and a \$1.00 handling fee for each invoice. If the transaction is paid by a charge or debit card, an additional \$2.50 convenience fee will be added, while payment by check will require a \$2.00 convenience fee. The Collections Contractor will retain the additional toll surcharge, handling fee and any convenience fee to cover their cost and forward the toll payments to the CCRMA. An example could be as follows:

Toll	Surcharge	Handling charge	Invoice Total
\$.50	\$.10		
\$.50	\$.10		
<u>\$1.50</u>	<u>\$.30</u>		
\$2.50	\$.50	\$1.00	\$4.00 + any convenience fee

SECTION 9: VIOLATIONS POLICY

Video billing is an enhanced customer service offered by CCRMA. All invoices for video transactions will require payment within thirty (30) days of the date of the invoice. Customers who have at least two (2) delinquent video bills no longer qualify for invoices but shall have all subsequent non-transponder transactions during the pendency of any such delinquency treated as violations and will be sent violation notices for those transactions as well. The Collections Contractor, based on information provided by the CCRMA host computer system will send either an invoice or violation notice to the registered owner of the vehicle associated with the transaction(s). Owners of the vehicle involved may have their video billing privilege reinstated by paying all delinquent fines, fees and tolls.

(a) Establishment of Administrative Fees for Violations Enforcement Through Notices of Non-Payment.

Section 370.177 of the Texas Transportation Code provides for the collection of an Administrative Fee to recover the cost of collecting unpaid tolls by a regional mobility authority such as the CCRMA. The Administrative Fee cannot exceed \$100.00. The CCRMA has determined that such fees may vary depending on how far in the collection process a delinquent account proceeds.

The current Administrative Fee shall be \$15.00 applied at each phase of the collection process. This means that upon issuance of a notice of non-payment, a \$15.00 Administrative Fee shall be collected in addition to the toll and any other fees that are otherwise due.

In the event payment is not received in connection with the first notice of non-payment, and a second notice of non-payment is sent, an additional \$15.00 Administrative Fee shall become due. Therefore, full payment of a second notice of non-payment will require the payment of \$30.00 in Administrative Fees, in addition to all other amounts due.

In the event payment is not received in connection with either the first or second notice of nonpayment, such account shall be considered for collection and an additional \$30.00 Administrative Fee shall become due and the cumulative Administrative Fee shall be \$60.00.

The CCRMA Board recognizes that the amount of the Administrative Fee should be subject to periodic change when collection costs and associated matters are considered. Therefore, the authority to revise the Administrative Fee, or any aspect thereof, is granted to the Executive Director, in consultation with the Director of Operations, and may be revised by written amendment hereto. The CCRMA Board of Directors shall be notified of any such revisions by the Executive Director at the next regularly scheduled Board Meeting after such revision is put into effect.

(b) Violation Enforcement Strategies:

If the collection process does not succeed in obtaining the toll amount and corresponding fees owed, the registered owner of the vehicle may be referred for prosecution. An offense for failure or refusal to pay a toll under Sec. 370.177 of the Texas Transportation Code is a misdemeanor subject to a fine of up to \$250.00 for each offense. If convicted of the offense, a violating customer will be liable for the unpaid toll amount, plus a \$100 administrative fee, plus court costs and a fine of up to \$250.00. In the prosecution of an offense under Sec. 370.177, proof that the vehicle passed through a toll collection facility without payment of the proper toll, together with proof that the defendant was the registered owner of the vehicle when the failure to pay occurred, establishes the nonpayment of the registered owner. The proof may be by testimony of a peace officer or CCRMA employee or representative, video surveillance, or any other reasonable evidence. Under provisions of Sec. 370.177, there are certain exceptions to violation for failure to pay toll regarding rental cars and vehicles sold but for which title has not been officially transferred by TxDOT. In addition, it is a defense to prosecution if the vehicle is stolen prior to the failure to pay a toll, but only if the theft is reported to the appropriate law enforcement agency within the required time period.

(c) Procedures for Disputing Toll Violations:

Customers may dispute an alleged failure to pay toll violation by contacting the CCRMA by walk-in, telephone, regular mail, e-mail, or facsimile.

(d) Appealing a Toll Violation to CCRMA:

The registered owner of a vehicle who has contacted the CCRMA and has been unable to satisfactorily resolve a dispute regarding a toll violation may submit a written appeal. Such appeal shall be for the purposes of providing the CCRMA with the information upon which they base their appeal. The CCRMA may or may not determine that there is any merit to such appeal and is not required to undertake any formal proceedings to make such determination.