

SUBJECT: Automated enforcement technology for toll roads

COMMITTEE: Transportation — favorable, without amendment

VOTE: 8 ayes — Alexander, Siebert, Y. Davis, Edwards, Hamric, Hawley, Noriega, Uher

0 nays

1 absent — Hill

SENATE VOTE: On final passage, Local and Uncontested Calendar, April 15 — 30-0

WITNESSES: None

BACKGROUND: Transportation Code, chapter 224, subchapter F authorizes the Texas Department of Transportation (TxDOT) to charge tolls for the use of state highway facilities, including high occupancy vehicle lanes, for the purposes of congestion mitigation. Transportation Code, chapter 361, subchapter G authorizes the Texas Turnpike Authority (TTA) to charge tolls for the use of turnpike projects on public highways.

DIGEST: SB 1487 would authorize TxDOT and TTA to use automated enforcement technology, which would include video, photographic or electronic surveillance, to aid in the collection of tolls and the enforcement of offenses for not paying tolls.

The bill would create a misdemeanor offense for operating a vehicle on a state highway without paying the proper toll. The offense would be punishable by a fine not to exceed \$250.

The bill would allow the seller of a used car to provide evidence to TxDOT that the seller had transferred the car before an offense was committed. The seller would have to provide the evidence to TxDOT within 30 days after receiving the notice of offense to avoid paying the penalty. If the seller provided the evidence within the time allowed, the buyer of the car would be considered to be the owner of the vehicle and would be subject to prosecution for the offense committed.

The bill would allow vehicle lessors to provide evidence to a court, as well as to TxDOT, that a vehicle owned by the lessor was driven by a lessee of the vehicle when an offense was committed. The lessor would have to provide the evidence within 30 days after receiving the notice of offense to avoid paying the penalty.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. The bill would apply to offenses committed on or after the effective date of the bill.

**SUPPORTERS
SAY:**

Automated technology has been very effective in the United States and Canada in reducing toll evasion rates. The North Texas Turnpike Authority reported a drop in toll evasion rates from three to five percent to one percent after a test project using photographic equipment at selected toll booths. Automated equipment can be very effective in enforcing the payment of tolls on toll roads. The creation of a misdemeanor offense for toll evasion also would give TxDOT and TTA more effective authority to enforce the payment of tolls.

The regional turnpike authorities in the Dallas and Houston metropolitan areas already have the authority to use the automated enforcement technology. TTA needs this authority as well for future turnpike projects.

Video and photographic equipment at toll booths would not constitute an invasion of privacy. The equipment is designed to capture only the rear license plates of offending vehicles. There is no chance of viewing the occupants of the car using this equipment. Using field personnel at toll booths to record violations manually is an expensive system that is less effective than an automated system.

The bill would provide an exemption for used car sellers to ensure that they would not have to pay any penalties incurred by the car purchasers. Exemptions already exist for victims of stolen cars and for vehicle lessors.

**OPPONENTS
SAY:**

The use of cameras at toll booths would be an invasion of privacy. There is no need to enforce the collection of tolls through remote technology. Such technology could be used with malicious intent by individuals with access to

video or photographic evidence. Manual enforcement of toll collection using field personnel would be effective for ensuring that motorists pay their tolls.

The maximum penalty of \$250 for not paying the toll would be far too high. There is no reason to charge that much for avoiding toll road fees. Clarification is needed to ensure that motorists are not overcharged for minor violations.

The bill would not prevent vehicle owners from being penalized if the owner loaned the vehicle to an individual that evaded the payment of a toll. The exemptions currently in the bill are not sufficient to guarantee that owners would not be charged for violations that they did not commit.

The public would have no input into a decision to use cameras on local turnpike projects. The decision to use cameras on a specific project should not be made exclusively by TxDOT or TTA.