

MARYLAND REGISTER

# Proposed Action on Regulations

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| <b>Transmittal Sheet</b><br><br><b>PROPOSED<br/>OR REPROPOSED</b><br><br><b>Actions on Regulations</b> | <b>Date Filed with AELR<br/>Committee</b> | <b>TO BE COMPLETED BY<br/>DSD</b>              |
|  | 04/10/2020                                | Date Filed with Division of<br>State Documents |
|  |   | Document Number                                |
|  |   | Date of Publication in MD<br>Register          |

1. Desired date of publication in Maryland Register: 5/22/2020

2. COMAR Codification

**Title Subtitle Chapter Regulation**

11 07 07 02, .06, .09

3. Name of Promulgating Authority

Department of Transportation

4. Name of Regulations Coordinator

Christian Skipper

Telephone Number

410-865-1154

Mailing Address

7201 Corporate Center Drive

**City State Zip Code**

Hanover MD 21076

Email

cskipper1@mdot.state.md.us

5. Name of Person to Call About this Document

Brad Ryon

Telephone No.

410-537-1060

Email Address

bryon@mdta.state.md.us

6. Check applicable items:

New Regulations

Amendments to Existing Regulations

Date when existing text was downloaded from COMAR online: 03/23/2020.

Repeal of Existing Regulations

- Recodification
- Incorporation by Reference of Documents Requiring DSD Approval
- Reproposal of Substantively Different Text:

: Md. R  
(vol.) (issue) (page nos) (date)

Under Maryland Register docket no.: --P.

**7. Is there emergency text which is identical to this proposal:**

Yes  No

If yes, corresponding proposed text published in:

same issue

- future issue
- previous issue; it appeared in

: Md. R  
(vol.) (issue) (page no's) (date)

Under Maryland Register docket no.: --E.

**8. Incorporation by Reference**

Check if applicable: Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

**9. Public Body - Open Meeting**

OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

**10. Children's Environmental Health and Protection**

Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

**11. Certificate of Authorized Officer**

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Kimberly A. Millender, Assistant Attorney General, (telephone #410-537-1012) on 03/26/2020. A written copy of the approval is on file at this agency.

**Name of Authorized Officer**

James F. Ports, Jr.

**Title**

Executive Director

**Date**

03/26/2020

**Telephone No.**

410-537-1001

**Title 11**  
**DEPARTMENT OF TRANSPORTATION**  
**Subtitle 07 MARYLAND TRANSPORTATION AUTHORITY**  
**11.07.07 Electronic Toll Collection and Toll Violation Enforcement**  
Authority: Transportation Article, §§ 4-205, 4-312, 21-1414, 21-1415, 26-401 and 27-110; Courts and Judicial Proceedings Article, §§ 7-301, 7-302; Annotated Code of Maryland

**Notice of Proposed Action**

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The Executive Director of the Maryland Transportation Authority (MDTA) proposes to amend regulations .02, .06, and .09 under COMAR 11.07.07 Electronic Toll Collection and Toll Violation Enforcement. This proposal was unanimously approved by the MDTA Board at their open meeting on March 26, 2020.  
This action was considered

**Statement of Purpose**

The purpose of this action is to amend COMAR 11.07.07 to allow for the immediate implementation of an expanded civil penalty reduction, video toll early payment discount, and Pay-by-Plate option to coincide with implementation of the MDTA's 3G Toll Collection system on July 1, 2020.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Brad Ryon, Manager of Government Relations, Maryland Transportation Authority, 2310 Broening Highway, Baltimore, MD 21224, or call 410-537-1060, or email to bryon@mdta.state.md.us, or fax to . Comments will be accepted through 6/21/2020. A public hearing has not been scheduled.

### **Economic Impact Statement Part C**

A. Fiscal Year in which regulations will become effective: FY 2021

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

No

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

The MDTA is a self-sufficient non-budgeted State agency and receives no money from the State's General Fund or the Transportation Trust Fund. The MDTA is exclusively financed by toll revenues, and such revenue is reinvested in the operation and maintenance of the toll facilities.

E. If these regulations have no economic impact under Part A, indicate reason briefly:  
It is only a change to MDTA systems related to a technological systems upgrade.

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

It is only a change to MDTA systems related to a technological systems upgrade.

G. Small Business Worksheet:

a. Intended Beneficiaries: n/a

b. Intended Beneficiaries: Households: n/a

c. Intended Beneficiaries: Businesses: n/a

d. Other Direct or Indirect Impacts: Adverse: n/a

e. Other Direct or Indirect Impacts: Positive: n/a

f. Long-Term Impacts: n/a

g. Estimates of Economic Impact: n/a

Attached Document:

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## **Title 11 DEPARTMENT OF TRANSPORTATION**

### **Subtitle 07 MARYLAND TRANSPORTATION AUTHORITY**

#### **Chapter 07. Electronic Toll Collection and Toll Violation Enforcement**

Authority: Transportation Article, §§ 4-205, 4-312, 21-1414, 21-1415, 26-401 and 27-110; Courts and Judicial Proceedings Article, §§ 7-301, 7-302; Annotated Code of Maryland

**.02 Definitions.**

A. (text unchanged)

B. Terms Defined.

(1) — (6) (text unchanged)

(7) “*Electronic payment method*” means any non-cash payment acceptable to the Authority.

[(7) — (13)] (8) — (14) (text unchanged)

(15) “Pay” means the Authority receives payment by:

(a) Cash;

(b) Permitting a charge against an E-ZPass account with a balance sufficient to pay the toll due; [or]

(c) *Pay-By-Plate*; or

(d) Another means of payment approved by the Authority.

(16) “*Pay-By-Plate*” means a payment method whereby a customer provides their vehicle license plate information and a valid electronic payment method to the Authority prior to travel for processing toll payments at Authority facilities.

[(15) — (29)] (17) — (31) (text unchanged)

**.06 [Video Toll Transactions] Toll Collection by Recorded Image**

A. The Authority may use the recorded image of a motor vehicle passing through a Maryland toll collection facility to determine liability for tolls due.

B. *Pay-By-Plate*

(1) Tolls may be paid via *Pay-By-Plate*, whereby a customer authorizes the Authority to charge tolls due by providing the Authority with vehicle information and a valid electronic payment method online, over the phone, or in person for processing payment prior to travel.

(2) Vehicle information provided by the customer shall include license plate number, state of registration, and type of vehicle, and vehicle year.

(3) A *Pay-By-Plate* customer is responsible for updating vehicle information and maintaining valid electronic payment information with the Authority. If a customer fails to keep vehicle and electronic payment information current, the customer is not relieved of liability for tolls due.

(4) The electronic payment method provided must be valid at all times and will be charged for each toll transaction.

(5) If a valid payment is not made using the *Pay-by-Plate* payment method, the customer remains liable for the toll and the Authority shall:

(a) Send a NOTD in accordance with Regulation .06D of this chapter;

(b) Issue a Citation after failure to pay a NOTD in accordance with Regulation .07 of the chapter; and

(c) Collect the toll due and any civil penalties that accrue in accordance with Regulation .08 of this chapter.

(6) The *Pay-By-Plate* payment method is only valid for use with the Authority’s electronic toll collection system.

C. *Video Toll Early Payment Discount*

(1) The Authority may establish a discount for video toll transactions paid prior to the mailing of the Notice of Toll Due.

[A] D. Notice of Toll Due (NOTD).

(1) (text unchanged)

(2) Except as provided in §[B]E of this regulation, the person alleged to be liable who receives a NOTD shall have at least 30 days to pay the video toll from the mailing date of the NOTD.

(3) Except as provided for in §[B]E of this regulation, failure of the person alleged to be liable to pay the video toll by the NOTD payment due date shall constitute a toll violation subject to a citation and a civil penalty, in the amount set forth in Regulation .09 of this chapter.

(4) (text unchanged)

[B] E. Transfer of Liability.

(1) — (5) (text unchanged)

(6) If the Authority denies the request for transfer of liability as described in this regulation:

(a) — (b) (text unchanged)

(c) If payment is not received in accordance with §[B]E(6)(b) of this regulation, a toll violation will result with a date relating back to the day after the original NOTD payment due date subject to a citation and a civil penalty for a toll violation as set forth in Regulation .07 of this chapter.

**.09 Fees**

A. (text unchanged)

B. Fees established by the Authority are as follows:

(1) Civil Penalty. The civil penalty included in a citation for a toll violation is \$[50]25.

(2) — (4) (text unchanged)

