



Colorado High Performance Transportation Enterprise

I-25



EXPRESS LANES

LICENSE PLATE TOLLING AND CITATION POLICIES

Historical ~~Current~~ HPTE Policy: License Plate Tolling and Citations I-25 Express Lanes

- HOVs travel for free. All Single Occupancy Vehicles pay either via an EXpressToll transponder or an image of their license plate is taken and a License Plate Toll (LPT) bill is sent. Toll rates are set by time of day and to comply with the RTD Intergovernmental Agreement. Vehicles of 4 axles or more are charged an additional \$18 fee in addition to the toll. Customers receive a consolidated billing with toll transactions for both HPTE and E-470.
- The LPT toll rate charged customers by HPTE is the same as the EXpressToll rate.
- The LPT statement must be paid in full by the due date or a second statement with a \$5 late fee is will be mailed.
- If the second statement is not paid in full by the due date, the account becomes delinquent and all overdue toll transactions are sent to a collections firm for up to three months. All future toll transactions for that delinquent account will automatically be in collection status until the account is in good standing. The unpaid tolls, the \$5 late fee, and a one-time \$15 collection fee are due.
- If payment has not been received after three months, a Notice of Violation is mailed for the unpaid tolls, plus a \$70 civil penalty fine for each toll transaction. If the second statement is not paid in full by the due date, the account becomes delinquent and they are charged a \$70 civil penalty fine and the \$7 administrative fee per transaction.
- HPTE has adopted an administrative toll enforcement process and E-470 provides the administrative hearing service to HPTE under contract. Administrative hearing fees are charged and retained by E-470.
 - o Upon receipt of one or more citations, an administrative hearing can be requested. The role of the administrative hearing officer is simply to determine liability. The only acceptable basis for a finding of non-liability are either (1) proof is provided that the vehicle was reported stolen prior to the transaction date, or (2) proof of sale is presented showing the transfer occurred prior to the transaction date.
 - o Before meeting with the hearing officer, petitioners are provided the opportunity for settlement discussions and/or payment arrangements.
 - o A petitioner may appeal the ruling of the hearing officer by filing with the county court in the jurisdiction where the violation occurred' this would be Adams County for the I-25 Express Lanes. The appeal is only a review of the administrative adjudication.

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Current E-470 Policy on License Plate Tolling and Citations

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- All vehicles pay for travel on E-470. Vehicles either use EXpressToll transponders or receive a LPT bill.
- Toll rates for LPT toll customers are 25% higher than EXpressToll rates.
- The LPT statement must be paid in full by the due date or a second statement with a \$5 late fee iswill-be mailed.
- If the second statement is not paid in full by the due date, the account becomes delinquent and all overdue toll transactions are sent to a collections firm for up to three months. All future toll transactions for that delinquent account will automatically be in collection status until the account is in good standing. The unpaid tolls, the \$5 late fee, and a one-time \$15 collection fee are due.
- If payment has not been received after three months, a Notice of Violation iswill-be mailed for the unpaid tolls, plus a \$25 civil penalty fine for each toll transaction.
- If payment is not received in 30 days and a hearing is not requested, a Hearing Officer's Final Order is issued to include the unpaid tolls, \$25 civil penalty fine for each toll transaction, and a \$20 court fee for each toll transaction.
- Upon receipt of one or more citations, an administrative hearing can be requested. The administrative hearing officer only determines liability. The only acceptable basis for a finding of non-liability are: (1) the vehicle was stolen or (2) proof of sale is presented showing the transfer occurred prior to the transaction date. Before meeting with the hearing officer, petitioners are provided the opportunity for settlement discussions and/or payment arrangements.

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Potential Future E-470 Policy Changes

E-470 is considering modifying their fine structure to assess one \$25 fine for up to a certain amount of unpaid transactions with a cap per account. However, this has not been finalized or approved by their Board. If they determine to move forward with this approach we will preparebring a recommendation for your consideration.

Proposed HPTE Policy

Civil Penalty Structure

We recommend that the HPTE Board consider the following modifying your policy to the current E-470 Civil Penalty Structure restated below:

- The License Plate Toll statement must be paid in full by the due date or a second statement with a \$5 late fee will be mailed.
- If the second statement is not paid in full by the due date, the account becomes delinquent and all overdue toll transactions will be sent to a collections firm for up to three months. All future toll



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transactions for that delinquent account will automatically be in collection status until the account is in good standing. The unpaid tolls, the \$5 late fee, and a one-time \$15 collection fee are due.

- If payment has not been received after three months, a Notice of Violation will be mailed for the unpaid tolls, and a \$25 civil penalty fine for each toll transaction.
- If payment has not been received in 30 days, a Hearing Officer's Final Order is issued to include the unpaid tolls, \$25 civil penalty fine for each toll transaction, and a \$20 court fee for each toll transaction. E-470 will retain the court fee.

LPT Rates

We also recommend that the HPTE Board at the same time institute a higher photo tolling billing rate on I-25 Express Lanes. ~~As I-25 charges variable rates the communication with the customers might be easiest with a flat additional fee. If we recommend that the HPTE Board consider adopting the same approach as E-470 and add a 25% "surcharge" onto the EXpressToll rate approach of E-470 was used, based on the highest rate of \$4.00 a flat \$1.00 surcharge could be added for ALL photo tolls regardless of the rate. This would probably more accurately address the additional processing costs. Alternatively, the surcharge could be 25% on each toll rate (rounded to the nearest \$0.25). This will also be consistent with the approach contemplated in the Concept of Operations for US36.~~ Below is a chart under both scenarios demonstrating the rate schedule using the 25% surcharge.

Express-Toll Rate	LPT 25% Surcharge
\$0.50	\$0.75
\$1.25	\$1.50
\$1.50	\$2.00
\$1.75	\$2.25
\$2.00	\$2.50
\$2.75	\$3.50
\$4.00	\$5.00

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Reasons for Consideration of this Change

Consistency with E-470. By making these modifications to the civil penalty structure and the LPT fees there would be greater consistency with the current policies on E-470 and avoid confusion on the part of our customers,

Lower recovery on LPT billings. LPT billings cost more to collect and have a lower payment recovery than EXpressToll accounts. To assure that there is a fair and equitable collection of tolls from LPT customers it is appropriate to charge a higher rate or have an additional surcharge. This is consistent with all other toll facilities that use LPT. Also, this will be consistent with the commitments required by the rating agencies and TIFIA on the US36 project when it opens.

Incentive to obtain a Transponder. Processing of toll transactions is most cost effective if customers use an EXpressToll transponder. Having a DISCOUNT in place for EXpressToll use encourages all but the infrequent users to obtain a transponder.



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Brief History on LPT and Rates at E-470

E-470 determined to convert their facilities to all-electronic tolling (“AET” e.g.no cash payments in the lanes) and to use the term License Plate Tolling for the payment process of billing vehicles based on their license plate. It was introduced 1/1/2009 with cash payments still taken and then on 7/1/2009 they went to AET.

Initially E-470 had a minimal (10%) incremental charge for LPT compared to the EXpressToll rates. They have since made the change to a 25% surcharge. There are two reasons: (1) it is more expensive to process and collect LPT including a higher incidence of non-payment and (2) the higher surcharge encourages all but the most infrequent users to obtain an EXpressToll transponder.

Violations

Originally all vehicles had 30 days from the date of the bill to make payment or the transactions became violations. At that point a \$7 administrative fee per transaction for in state license plates plus a \$70 per transaction civil penalty was added. **[This is the basis for the current HPTE [civil penalty structure](#).]** Each violation transaction received an individual citation notice; if not paid within 30-days a final notice was sent via certified mail. If either the final notice was not paid within 30-days or a hearing was not requested, a hearing officer would issue a final order of liability with an additional \$30 per transaction for court costs was added to the existing balance. If that final order was not paid within 45-days, the documents would be sent to collections and an additional \$20 per transaction would be added.

To better address feedback from customers, in May 2010, the E-470 Board adopted a new fee and fine structure for civil penalties of \$25 per transaction with no administrative fee. . Additionally, a “second bill” process was added prior to civil penalties with the second notice carrying an additional \$5 fee per account. If the second bill went unpaid a citation would be issued showing all unpaid transactions plus \$25 per transaction civil penalty.

Starting in September 2010, they further modified the process to insert the collections process PRIOR to issuing a citation. Note: at that point they determined to “reset” all transactions and rebill tolls only. At that time the collection fee was adjusted to \$15 **per account**. [The collection agency retains the collection fee.](#)

Since making the final change citation notices began going out in May of this year and administrative hearings started occurring in July. They have the authority to place a hold on vehicle registrations for unpaid citations but are working on refining their policies and procedures prior to commencing those efforts.