



THE MARYLAND GENERAL ASSEMBLY  
ANNAPOLIS, MARYLAND 21401

Jim Ports  
Executive Director, Maryland Transportation Authority  
2310 Broening Hwy  
Baltimore, MD 21224

October 2, 2019

Re: Comments on Toll Modernization

Dear Mr. Ports,

We welcome efforts to improve the efficiency of Maryland's toll road network and appreciate some of the reforms your department has recently implemented. In particular, we applaud MDTA's decision to cut per-transaction late fees from \$50 to \$25 for the first five transactions. This is a move in the right direction, but it highlights ongoing problems inherent in the design of your electronic toll collection process -- problems that do not appear to be addressed in your proposed expansion of cashless toll operations.

We therefore urge MDTA to halt the transition to cashless operation until the problems outlined herein have been resolved:

- 1) Fines & fees disproportionate to the toll amounts due (both in the per transaction amount, and in applying fines to each transaction in a bundled mailing)
- 2) Inadequate advance notice of expiring credit cards
- 3) Insufficiently clear signage at toll entrances explaining the process
- 4) Inefficient appeal process that requires a District Court appearance
- 5) Backlog of tens of thousands of contested citations awaiting court date scheduling
- 6) Persistent out-of-date mailing addresses attached to vehicle registrations
- 7) Lack of foreign language assistance on violation notices
- 8) Problematic requirement that online toll payments include the registration zip code, even for rental cars

Indeed, several lawmakers have introduced bills to fix toll collection problems in recent legislative sessions. Each time, the decision was made to give MDTA time to voluntarily reform its processes, but many problems remain unaddressed. In the push for a cashless network, we hope that MDTA will work to ensure that our toll road system operates in a way that is equitable, consumer-friendly as well as fiscally responsible -- and we hope this will be done before mandating use of the cashless toll system.

We believe MDTA's proposed requirement that residents use cashless payment systems will disproportionately impose steep fines on seniors, renters and other transient populations, ESL residents, and many others. The exorbitant fine amounts will therefore continue to incentivize residents to appeal in District Court.

Many residents report receiving fines for fairly innocuous reasons, such as a change of mailing address or an expired credit card on file. In some instances, MDTA has provided residents little to no time to respond before they accrue late fees. MDTA must stop relying on predatory and excessive video toll late fees as a revenue source.

**The Massachusetts Model** - A better model for toll collection and enforcement exists in Massachusetts which successfully implemented all-electronic tolling on all of its toll roads in 2011.

- Instead of \$50 or \$25 per-transaction late fees, they are able to collect in-state by relying on proportionately low late fees and the threat of flagging registrations for non-renewal.

- Massachusetts has also entered into reciprocity agreements with nearby states to help ensure collection of tolls from out-of-state drivers.

- Another consumer-friendly policy that Massachusetts adopted is a 36 month period for people to dispute erroneous E-ZPass transactions.

We hope the MDTA can learn from the experience of Massachusetts and adopt a similar philosophy of proportionately low late fees, flagging of tags for non-renewal, and reciprocity agreements. MDTA must stop high, per-transaction late fees and the practice of suspending tags for toll debt. Adopting the proven Massachusetts system will address several of the problems in our current system which have clogged our courts and harmed vulnerable Marylanders. We also ask MDTA to consider implementing a broad amnesty for the backlog of contested video toll cases, many of which are over 3-years old.

We offer no comment on the establishment of new classes and rates for motorcycles and vehicles towing light trailers. Perhaps additional classes are needed to better reflect the different amount of wear and tear imposed by the wide range of weights for two-axle vehicles.

Sincerely,

Senator Jill Carter  
 Senator Arthur Ellis  
 Senator Brian Feldman  
 Senator Ben Kramer  
 Senator Clarence Lam  
 Senator Susan Lee  
 Senator Cory McCray  
 Senator Mary Washington  
 Senator Ron Young  
 Delegate Gabriel Acevero  
 Delegate Vanessa Atterbeary  
 Delegate Regina Boyce  
 Delegate Al Carr  
 Delegate Lorig Charkoudian  
 Delegate Charlotte Crutchfield  
 Delegate Bonnie Cullison  
 Delegate Eric Ebersole  
 Delegate Anne Healey

Delegate Terri Hill  
 Delegate Julian Ivey  
 Delegate Ariana Kelly  
 Delegate Ken Kerr  
 Delegate Robbyn Lewis  
 Delegate Brooke Lierman  
 Delegate Mary Ann Lisanti  
 Delegate Sara Love  
 Delegate David Moon  
 Delegate Kirill Reznik  
 Delegate Mike Rogers  
 Delegate Emily Shetty  
 Delegate Jared Solomon  
 Delegate Vaughn Stewart  
 Delegate Jen Terrasa  
 Delegate Jheanelle Wilkins  
 Delegate Karen Lewis Young

### Massachusetts enforcement rules for non-E-ZPass toll transactions

**Unpaid Invoice**

Invoice/Notice Issued	Days to Pay Invoice/Notice	Days Outstanding	Late Fees Assessed
1st Invoice Issued	30	1-30	N/A
Past Due Invoice	30	31-60	\$1.00 for each overdue toll charge
Notice of Non-Payment	30	61-90	An additional \$1.00 for each overdue toll charge
Notice of Liability*	Due Immediately	>90	An additional \$1.00 for each overdue toll charge; plus a \$20.00 RMV/DMV Fee

\* Upon issuance of the Notice of Liability, your license and vehicle registration may be marked for non-renewal.