

Senate Transportation Committee

Kat Bourque 271-3091

SB 134, relative to electronic tolling at certain tolling facilities.

Hearing Date: February 14, 2017

Time Opened: 1:01 p.m.

Time Closed: 1:50 p.m.

Members of the Committee Present: Senators Birdsell, Gannon, Ward, Watters and McGilvray

Members of the Committee Absent : None

Bill Analysis : This bill permits the department of transportation to install, if financially feasible, all electronic tolling at certain tolling facilities.

Sponsors :

Sen. Watters

Sen. Fuller Clark

Sen. McGilvray

Rep. Epstein

Rep. Sprague

Rep. Spencer

Who supports the bill: Crystal Chandonnet, Karl Leinsing, David Lemieux, Senator Fuller Clark, Chris Parker (City of Dover), Drew Koellner, Pete Lavoie.

Who opposes the bill: No one

Who is neutral on the bill: Commissioner Waszczuk (DOT)

Summary of testimony presented in support :

Senator Watters

Prime Sponsor

- This bill permits DOT to install, if financially feasible, all electronic tolling at certain tolling facilities.
- This legislation is being brought forward because state statute prohibits DOT from moving forward with this without explicit language.
- All electronic tolling is becoming increasingly popular and feasible because of new technology.
- More and more individuals are choosing to purchase transponders to pay at electronic tolls.
- This bill will address a particular problem on the Spaulding Turnpike regarding the tolls. Four lanes coming off of bridges in each direction will increase traffic significantly and electronic tolling would be extremely helpful.
- Senator Watters mentioned the additional benefits of fuel saving and time saving in moving to all electronic tolls.

- The Hooksett ramp facility is also included in this legislation, as there are similar traffic issues occurring at this location.
- There has been concern about leakage of the images of the plates as well as missed images and how to collect fees for those. Technology is improving rapidly in terms of getting a good image, and leakage is lowering significantly.
- There are further privacy concerns, which is the main reason why this cannot be done without statutory enactment. Senator Watters explained that Rep. Kurk worked with the committee a few years back to have images erased after they were taken at a certain Hampton toll.
- Senator Watters has discussed this bill with Representative Kurk and submitted draft amendment language in order to ensure that privacy is kept to every extent possible.
- Currently, individuals can buy a transponder as a cash transaction so that there is no record of them purchasing it.
- There are also ways to go around tolls if someone chooses to not want to go through an electronic toll for privacy purposes.
- Senator Birdsell asked what happens when an individual passes through an electronic toll without a transponder. Senator Watters explained that a photo is taken of their license plate and they are billed. There is an additional fee besides for the toll. Senator Watters added that there are other individuals present at the hearing to speak to this issue.

Chris Parker

Assistant City Manager, Dover

- Dover is in favor of this bill and the efficiency that it will provide to the area.
- Dover has been built up significantly in the Spaulding Turnpike area and moving to an all-electronic toll will lower reduce emissions, traffic, noise pollution and the like.
- This is an opportunity for DOT to have some flexibility in the best way to service this area.

Crystal Chandonnet

- Ms. Chandonnet submitted a presentation on all-electronic tolling (AET) compared to open-road tolling in New Hampshire. The information in the presentation is credited to the Lower Bellamy River Collaborative (LBRC). This is a citizen complied report examining the financial, environments, safety, and technological advancement impacts for New Hampshire tolls.

Karl Leinsing

- Mr. Leinsing worked with Ms. Chandonnet on the previous presentation.
- He stressed the points that she presented and summarized that changing to all-electronic tolling in the long-term makes sense for the state.
- The loss revenue is not being seen in Massachusetts, as they can adjust the pay by plate fees.

- Additionally, privacy concerns are valid but can be eliminated by purchasing the transponder in cash and continuing to put money on the transponder in cash.

Summary of testimony presented in opposition : N/A

Neutral Information Presented:

Christopher Waszczuk
Deputy Commissioner, DOT

- The Department put together a pilot program a few years ago because it knew the state was moving in this direction.
- DOT is in support of this legislation.
- Implementing AET at the Dover and Rochester locations were deemed to be risky financially previously, but there was a plan in the Ten Year Plan to implement open road tolling in the area. However, if this bill passes, AET could be implemented.
- If an individual does not have an EZ Pass transponder, the system can capture an image of the license plate to review the image and recognize the number, collect the DMV data, and send the individual a bill for the toll and a processing fee. Additionally, there is a feature available for an individual to pay online without any kind of additional fee by putting in their license information, approximate time of travel, etc. It is anonymous in terms of it being deleted after 30 days of payment being received.
- Commissioner Waszczuk also explained that a new customer service provider will be available in New Hampshire should this bill pass and AET take off.
- Although AET is growing at the national level, the back office happenings need to improve. There is not good reciprocity among the states to send and receive DMV data, reciprocal violation agreements, and the like.
- Commissioner Waszczuk explained that after three notices of no payment, the individual receives a violation notice. If an individual receives ten or more violation notices, they will not be able to register their vehicle. NH has reciprocal agreements with Massachusetts and Maine to do the same.
- Other states have different privacy laws and are not as strict compared to New Hampshire.
- Additionally, if someone from Canada goes through the AET, there is nothing that the state can do to find the individual if they do not pay.
- Commissioner Waszczuk noted the difficulty in viewing some license plates in situations like snow storms, which become larger issues when all is moved to AET.
- By the time this project is to move forward in 2020, many concerns may have been addressed already.
- Commissioner Waszczuk summarized that although the Department is not ready for AET today, this will be doable in the next few years.
- Senator Ward asked if the overhead cameras will be the same in AET or if this will be changed. Commissioner Waszczuk explained that this would stay the same and that

there would be no toll booths at all.

- Senator Ward stated that those who travel through the tolls and do not pay must cost the state a lot of money. Commissioner Waszczuk explained that there will be greater volume of this and that the back office section of the Department will need to be staffed more heavily.
- Senator Birdsell asked if these toll booths are already in the Ten Year Plan. Commissioner Waszczuk explained that they were and it would allow the Department to switch over the project to an AET. Senator Birdsell asked if he knew what the cost difference would be. Commissioner Waszczuk explained that AET would be about half the cost at each location.

Kathleen Hampson

DOT

- Senator Watters stated that he has provided the committee members with language for a potential amendment. He asked if what the committee has heard from DOT has addressed the issues that Rep. Kurk may have. Ms. Hampson stated that she believes that the privacy concerns have been met and that allowing for transponders to be sold by retailers will allow for a variety of places where transponders will be widely available.
- Senator Watters noted that the committee may not need this amendment. He asked if it would make sense to reference rulemaking in the legislation. Ms. Hampson stated that she has not thought of doing this through rulemaking yet, but believes that Rep. Kurk would appreciate it being in the legislation.

Future Action: Ought to Pass with Amendment

KAB

Date Hearing Report completed: February 15, 2017