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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT - RHODE ISLAND TURNPIKE
AND BRIDGE AUTHORITY - TOLLING FACILITIES

Introduced By: Representatives Quattrocchi, Filippi, Chippendale, Nardolillo, and Price

Date Introduced: February 01, 2017

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 24-12-9 of the General Laws in Chapter 24-12 entitled "Rhode
2 Island Turnpike and Bridge Authority" is hereby amended to read as follows:

3 **24-12-9. Powers of authority.**

4 (a) The authority is hereby authorized and empowered:

5 (1) To adopt bylaws for the regulation of its affairs and the conduct of its business;

6 (2) To adopt an official seal and alter it at pleasure;

7 (3) To maintain an office at such place or places within the state as it may designate;

8 (4) To sue and be sued in its own name, plead, and be impleaded; provided, however, that
9 any and all actions at law or in equity against the authority shall be brought only in the county in
10 which the principal office of the authority shall be located;

11 (5) To determine, subject to the approval of the director of transportation, the location
12 and the design standards of the Newport Bridge, the turnpike, and any additional new facility to
13 be constructed;

14 (6) To issue bonds of the authority for any of its purposes and to refund its bonds, all as
15 provided in this chapter;

16 (7) To combine for financing purposes the Newport Bridge, the Mount Hope Bridge, the
17 Sakonnet River Bridge, the Jamestown Verrazzano Bridge, the turnpike, and any additional
18 facility or facilities, or any two (2) or more of such projects;

1 (8) To borrow money in anticipation of the issuance of bonds for any of its purposes and
2 to issue notes, certificates, or other evidences of borrowing in form as may be authorized by
3 resolution of the authority, the notes, certificates, or other evidence of borrowing to be payable in
4 the first instance from the proceeds of any bonds issued under the provisions of this chapter and
5 to contain on their face a statement to the effect that neither the state, the authority, nor any
6 municipality or other political subdivision of the state shall be obligated to pay the same or the
7 interest thereon except from the proceeds of bonds in anticipation of the issuance of which the
8 notes, certificates, or other evidences of borrowing shall have been issued, or from revenues;

9 (9) To fix and revise, from time to time, subject to the provisions of this chapter, and to
10 charge and collect tolls for transit over the turnpike and the several parts or sections thereof, and
11 for the use of the Newport Bridge, the Mount Hope Bridge, the Sakonnet River Bridge, the
12 Jamestown Verrazzano Bridge, and any additional facility acquired, financed, or leased under the
13 provisions of this chapter;

14 (10) To acquire, hold, and dispose of real and personal property in the exercise of its
15 powers and the performance of its duties;

16 (11) To acquire in the name of the authority, by purchase or otherwise, on such terms and
17 conditions and in such manner as it may deem proper, or by the exercise of the rights of
18 condemnation in the manner as provided by this chapter, public or private lands, including public
19 parks, playgrounds, or reservations, or parts thereof or rights therein, rights-of-way, property,
20 rights, easements, and interests as it may deem necessary for carrying out the provisions of this
21 chapter; provided, however, that all public property damaged in carrying out the powers granted
22 by this chapter shall be restored or repaired and placed in its original condition as nearly as
23 practicable;

24 (12) To designate the locations, with the approval of the director of transportation, and
25 establish, limit, and control the points of ingress to and egress from the turnpike and any
26 additional facility as may be necessary or desirable in the judgment of the authority to ensure the
27 proper operation and maintenance thereof, and to prohibit entrance to and exit from any point or
28 points not so designated;

29 (13) To employ, in its discretion, consulting engineers, attorneys, accountants,
30 construction and financial experts, superintendents, managers, and such other employees and
31 agents as may be necessary in its judgment, and to fix their compensation;

32 (14) To apply for, receive, and accept from any federal agency aid and/or grants for or in
33 aid of the repair, maintenance, and/or construction of the turnpike, the Newport Bridge, the
34 Sakonnet River Bridge, the Mount Hope Bridge, the Jamestown Verrazzano Bridge, or any

1 additional facility, and to receive and accept from the state, from any municipality, or other
2 political subdivision thereof and from any other source aid or contributions of either money,
3 property, labor, or other things of value, to be held, used and applied only for the purposes for
4 which the grants and contributions may be made;

5 (15) To construct grade separations at intersections of the turnpike, the approaches, and
6 highway connections of the Newport Bridge, the Sakonnet River Bridge, the Mount Hope Bridge,
7 the Jamestown Verrazzano Bridge, and any additional facility with public highways, streets, or
8 other public ways or places, and to change and adjust the lines and grades thereof so as to
9 accommodate the same to the design of the grade separation; the cost of the grade separations and
10 any damage incurred in changing and adjusting the lines and grades of the highways, streets,
11 ways, and places shall be ascertained and paid by the authority as a part of the cost of the project;

12 (16) To vacate or change the location of any portion of any public highway, street, or
13 other public way or place, sewer, pipe, main, conduit, cable, wire, tower, pole, and other
14 equipment and appliance of the state or of any municipality or other political subdivision of the
15 state and to reconstruct the same at such new location as the authority shall deem most favorable
16 for the project and of substantially the same type and in as good condition as the original
17 highway, street, way, place, sewer, pipe, main, conduit, cable, wire, tower, pole, equipment, or
18 appliance, and the cost of the reconstruction and any damage incurred in vacating or changing the
19 location thereof shall be ascertained and paid by the authority as a part of the cost of the project;
20 any public highway, street, or other public way or place vacated or relocated by the authority
21 shall be vacated or relocated in the manner provided by law for the vacation or relocation of
22 public roads, and any damages awarded on account thereof shall be paid by the authority as a part
23 of the cost of the project;

24 (17) The authority shall also have the power to make reasonable regulations, subject to
25 the approval of the public utility administrator, for the installation, construction, maintenance,
26 repair, renewal, relocation and removal of tracks, pipes, mains, conduits, cables, wires, towers,
27 poles, and other equipment and appliances (herein called "public utility facilities") of any public
28 utility as defined in § 39-1-2, in, on, along, over, or under any project. Whenever the authority
29 shall determine that it is necessary that any public facilities that now are, or hereafter may be,
30 located in, on, along, over, or under any project should be relocated in the project, or should be
31 removed from the project, the public utility owning or operating the facilities shall relocate or
32 remove the facilities in accordance with the order of the authority; provided, however, that the
33 cost and expenses of the relocation or removal, including the cost of installing the facilities in a
34 new location, or new locations, and the cost of any lands, or any rights or interests in lands, and

1 any other rights acquired to accomplish the relocation or removal, less the cost of any lands or
2 any rights or interests in lands or any other rights of the public utility paid to the public utility in
3 connection with the relocation or removal of the property, shall be ascertained and paid by the
4 authority as a part of the cost of the project. In case of any relocation or removal of facilities, the
5 public utility owning or operating the facilities, its successors or assigns, may maintain and
6 operate the facilities, with the necessary appurtenances, in the new location or new locations, for
7 as long a period, and upon the same terms and conditions, as it had the right to maintain and
8 operate the facilities in their former location or locations;

9 (18) To make reasonable regulations and to grant easements for the installation,
10 construction, maintenance, repair, renewal, relocation, and removal of pipelines, other equipment,
11 and appliances of any corporation or person owning or operating pipelines in, on, along, over, or
12 under the turnpike, whenever the authority shall determine that it is necessary that any facilities
13 which now are, or hereafter may be located in, on, along, over or under the turnpike should be
14 relocated in the turnpike, or should be removed from the turnpike, the corporation or person
15 owning or operating the facilities shall relocate or remove the facilities in accordance with the
16 order of the authority; provided, however, that the cost and expense of the relocation or removal,
17 including the cost of installing the facilities in a new location, or new locations, and the cost of
18 any lands, or any rights or interests in lands, and any other rights acquired to accomplish the
19 relocation or removal, less the cost of any lands or any rights or interests in lands or any other
20 rights of any corporation or person paid to any corporation or person in connection with the
21 relocation or removal of the property, shall be ascertained and paid by the authority as a part of
22 the cost of the project. In case of any relocation or removal of facilities, the corporation or person
23 owning or operating the facilities, its successors or assigns, may maintain and operate the
24 facilities, with the necessary appurtenances, in the new location or new locations, for as long a
25 period, and upon the same terms and conditions, as it had the right to maintain and operate the
26 facilities in their former location or locations;

27 (19) To enter upon any lands, waters, and premises for the purpose of making such
28 surveys, soundings, borings, and examinations as the authority may deem necessary or
29 convenient for its purposes, and the entry shall not be deemed a trespass, nor shall an entry for
30 such purposes be deemed an entry under any condemnation proceedings; provided, however, the
31 authority shall pay any actual damage resulting to the lands, water, and premises as a result of the
32 entry and activities as a part of the cost of the project;

33 (20) To enter into contracts or agreements with any board, commission, public
34 instrumentality of another state or the federal government or with any political subdivision of

1 another state relating to the connection or connections to be established between the turnpike or
2 any additional facility with any public highway or turnpike now in existence or hereafter to be
3 constructed in another state, and with respect to the construction, maintenance, and operation of
4 interstate turnpikes or expressways;

5 (21) To enter into contracts with the department of transportation with respect to the
6 construction, reconstruction, renovation, acquisition, maintenance, repair, operation, or
7 management of any project and with the Rhode Island state police with respect to the policing of
8 any project;

9 (22) To make and enter into all contracts and agreements necessary or incidental to the
10 performance of its duties and the execution of its powers under this chapter; and

11 (23) To do all other acts and things necessary or convenient to carry out the powers
12 expressly granted in this chapter.

13 (24) To grant and/or contract, through the transfer of funds of the authority to the
14 department of transportation, for the construction, reconstruction, acquisition, maintenance,
15 repair, operation, or management by the department of transportation of any project or projects
16 authorized by this chapter, and the department of transportation is authorized to accept any such
17 grant or transfer of funds.

18 (b) Provided, the authority, in carrying out the provisions of this section, shall hold public
19 hearings prior to the finalization of any specifications or the awarding of any contracts for any
20 project. Provided, further, that any revenue generated by facilities under the control of the
21 authority shall only be used for the purposes of the authority.

22 (c) The authority is authorized to enter into contracts with the state, or any department of
23 the state, to operate and/or manage toll facilities on state roads or bridges not owned, leased by, or
24 under the control of the authority, and to collect tolls from such facilities on behalf of the
25 department of transportation, provided such tolls shall be set by the state acting through the
26 department of transportation pursuant to chapter 13.1 of title 42.

27 (d) Notwithstanding the provisions of this section or of §24-12-10 or of chapter 13.1 of
28 title 42 to the contrary, no further gantries or other tolling facilities shall be erected on highways
29 located within the state until one gantry has been erected and in operation collecting tolls for a
30 period of six (6) months. If any litigation questioning the constitutionality or legality of the
31 legislation permitting the construction of such facilities is commenced within said six (6) month
32 period, no further gantries or other tolling facilities shall be erected unless and until a final
33 judgment determining that the statute is legal and constitutional and all appeals with respect to
34 said judgment have been exhausted or the appeal period shall have expired.

1 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT - RHODE ISLAND TURNPIKE
AND BRIDGE AUTHORITY - TOLLING FACILITIES

1 This act would provide that no further gantries or other tolling facilities be erected until
2 one gantry has been erected and in operation collecting tolls for a period of six (6) months, or
3 until any litigation is resolved.

4 This act would take effect upon passage.

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