

# Tolling Violation Enforcement Reciprocity Working Group

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Reducing Heavy Violators  
Meeting Summary Report

*12/10/2019*



I-95 Corridor Coalition

Note: The views, thoughts, and opinions expressed in this report do not reflect the opinions of Coalition member agencies.



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## Introduction and Purpose

I-95 Corridor Coalition’s Toll Violation and Enforcement Reciprocity (TVER) Working Group gathered for a workshop on December 10, 2019 to share best practices and identify new approaches to reducing the occurrence of two types of heavy (or frequent) violators: those that are evading toll payments from within the state (in-state) where they are registered, and those that are evading toll payments out-of-state. The one-day workshop gathered 37 representatives from 18 agencies (tolling authorities, DOTs, DMVs) in Washington, D.C. In addition, representatives from the American Association of Motor Vehicle Administrators (AAMVA) and the International Bridge, Tunnel, and Turnpike Association (IBTTA) attended. A welcome was provided by Dr. Patricia Hendren, Executive Director of the I-95 Corridor Coalition, as well as by Merryl Mandus, General Counsel of the Georgia State Road and Thruway Authority and Co-Chair of the TVER Working Group.

Meeting focus:  
Strategies to  
reduce heavy  
toll violators

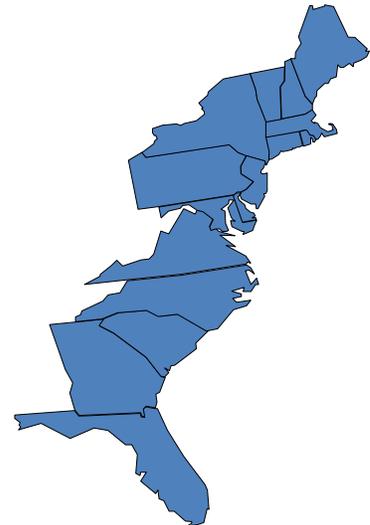
The I-95 Corridor Coalition originally organized TVER to:

- Advance violation enforcement reciprocity agreements;
- Bring stakeholders together;
- Leverage existing work;
- Collaborate with key partners; and
- Focus on legislative and cross-agency administrative challenges.

This broad mandate led to initiation of a survey among tolling agencies within Coalition member states to assess the current state of tolling in the corridor. After reviewing survey results at the June 2019 TVER meeting, members agreed that a shift in focus was appropriate. The choice was made to de-emphasize the advancement of reciprocity agreements in favor of using the working group platform to fulfill the other four goals to reduce system leakage across the corridor.

Reciprocity agreements will continue to be a topic of conversation and members are actively pursuing these as an enforcement tool, but the working group recognized that other, more immediate efforts can be made with great benefits stemming from the sharing of best practices across agencies.

The December workshop was an example of the shift in focus to working across states to identify effective strategies to reduce system leakage. The day began with a summary of best practices from around the US and recommendations to addressing heavy violators followed by members working in small groups to further discuss these strategies. The meeting concluded by prioritizing next steps to continue to advance the mission of the TVER Working Group.



## Review of TVER Work To Date

In the previous TVER meeting in June 2019, representatives from MassDOT and the Rhode Island Turnpike and Bridge Authority presented on the status and lessons learned from implementing a reciprocity agreement between the two agencies. One recommendation stemming from this presentation was to collect reciprocity enabling statutes and agreement text from all member states and agencies to allow for some investigation of commonalities. The Coalition has compiled this information on its website for members to use. The link was shared with the TVER members.

Another follow-up item from the June 2019 meeting was the request for some small data validation of the Toll and Reciprocity survey to ensure questions were understood consistently and data was accurate. This was completed by the Coalition. The original purpose of the survey was to provide background on the current state of practice to identify areas for process standardization and to define actions to increase the payment of tolls. During the December 2019 meeting, members echoed previous concerns about the sensitivity of the survey data collected. For example, one agency had reservations about publishing thresholds for particular enforcement actions that may lessen the effectiveness. Another concern was that some questions required data that agencies do not collect. However, members recognized the value of the detailed data in assisting agencies in developing reciprocity agreements as these details are often points of tension that impact the potential for agreements. Overall, the consensus was that working group members could use the survey as a baseline to identify key information that particular agencies want from each other on a more ad hoc basis, or as part of a larger sharing of best practices, but that no additional data would be collected under the survey instrument.

Key Coalition actions:

- Gather enabling legislation and agreement language to compile a reference database.
- Conduct survey data validation effort. 

TVER members were also reminded of the AAMVA presentation given in June 2019 that clarified the functionality and capabilities of the AAMVA Net that prevent it from being a platform for sharing violation and enforcement data across state lines. AAMVA representatives confirmed that no data is housed within AAMVA and the platform simply connects state databases so there are limits to the ability to use the system. However, using this as a model for a new system for sharing violation data is worth further investigation as is other mechanisms for ensuring data sharing is effective and efficient.

## Heavy Violators

### *Presentation of Working Paper Findings*

The June 2019 meeting concluded with members selecting five tasks for the Coalition and working group members to complete. These are shown in the table below. Item three—Share best practices in collecting tolls from heavy violators—was selected as the focus of this meeting. To provide an overview of the topic (including who the heavy violators are and how they reached that status) and develop ideas on reducing lost toll revenue, the Coalition retained HDR to conduct an analysis of heavy violators. The findings of this analysis were presented to members in a report sent prior to the meeting and the highlights were presented during the meeting.

Priority	Next step
1	Document key strategies and processes to increase customer service.
2	Conduct cost/benefit analysis of administrative fee levels.
3	Share best practices in collecting tolls from heavy violators
4	Compare threshold levels across states.
5	Conduct cost/benefit analysis of second notice effectiveness.

As a precursor to the discussion of the available strategies to address violators, the report provides information about how violators become heavy violators. In some cases, these are inadvertent violators that continue to do so over a long period of time and, once aware of the issue, find the amount too large to pay and as a result give up attempting to use the facility appropriately. Others may make an active choice to avoid paying from the beginning because of a perceived lack of enforcement. The key conclusion around violator type is that the agency has the ability to address some violators more effectively than others. For example, by providing more and easier ways to pay tolls, agencies can prevent inadvertent violators and therefore prevent them from becoming heavy violators. In instances of purposeful violations, however, the agency has more limited ability.

In terms of strategies, there are important distinctions between additional groups. First, the ability to capture tolls owed from vehicles registered within the same state is often easier than those registered in a different state. In addition, the distinction between personal and commercial vehicles can also be useful. Figure 1 indicates which strategies might be effective for each of these categories, and also distinguishes each by whether they are preemptive (before the violation) or reactive (after the account holder becomes a heavy violator). Clearly this is a complicated space and it may be most efficient for agencies to focus on strategies that will address the most categories of violators (or the category that will recover the highest toll amount) at a reasonable level of effort.

**Figure 1.** Potential strategies to address heavy violators.

LEVEL OF DIFFICULTY	STRATEGY	IN-STATE		OUT-OF-STATE		
		Personal Vehicle	Commercial Vehicle	Personal Vehicle	Commercial Vehicle	
Easier ↓ More Difficult	PREEMPTIVE	Evaluate internal business rules to improve customer understanding	✓	✓	✓	✓
		Improve information collected on applications and violation forms	✓	✓	✓	✓
		Consider surety bonds for certain customers		✓		✓
		Improve ease of payment through apps	✓	✓	✓	✓
Easier ↓ More Difficult	REACTIVE	Provide incentives for settlement	✓	✓	✓	✓
		Utilize home state registration marking	✓	✓		
		Collections Agencies	✓	✓	✓	✓
		Strategic use of law enforcement	✓	✓	✓	✓
		Utilize truck credentialing and permit restrictions for unpaid customers		✓		✓
		Reciprocity Agreements			✓	✓
		Utilize the court system to seek judgments	✓	✓		
		Tax Intercepts	✓	✓		

The analysis also considered back office providers and the potential for barriers when providers are different between states attempting to develop a reciprocity agreement. A key component of success is the ability for enforcement processes to be fully automated to reduce agency burden. Across the corridor, back office providers are highly consistent and most agencies use one of two providers. Only

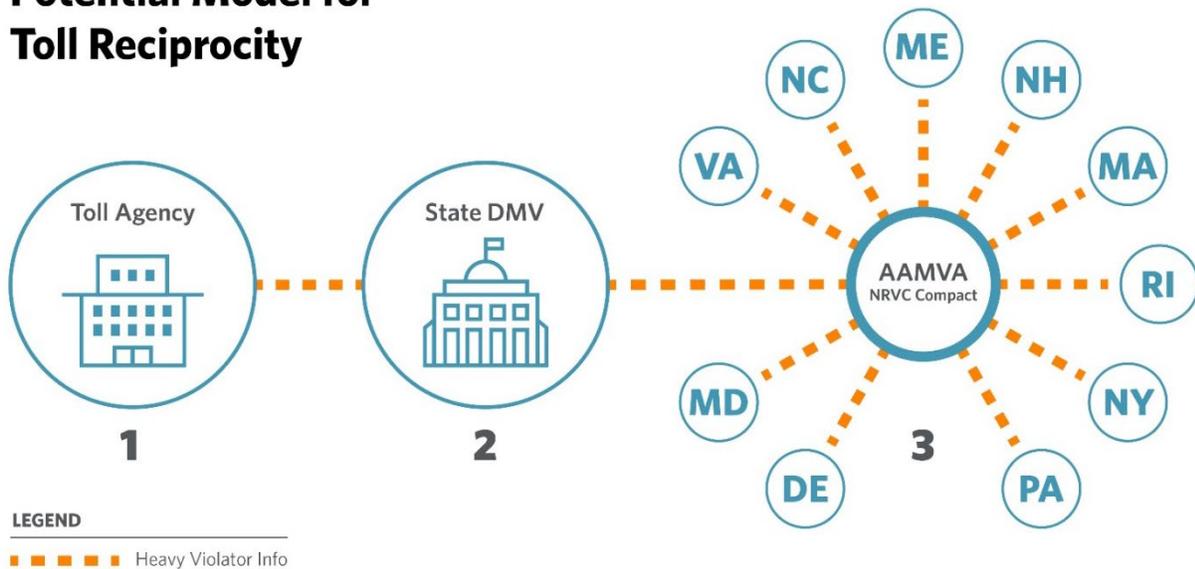
A key component of success is the ability for enforcement processes to be fully automated to reduce agency burden.

three agencies use different providers, and one (Maine) provides these services in-house. In addition, agreements are in effect between agencies that use different providers, such as the agreement between MA, NYSTA, PANYNJ, and MTA. Members suggested this potential barrier was in reality a non-issue and that members considering agreements should not be concerned when providers vary.

The presentation also discussed the potential for a toll enforcement information exchange as shown in 2. This would capitalize on the existing AAMVA non-resident violators (NRVC) compact to allow agencies to share violator data. Some notable challenges with this approach is this model would require a linkage between tolling agencies and DMVs that does not currently exist and falls outside AAMVA’s organizational focus on safety. *While this particular model may not be the right fit, similar structures are worth further investigation.*

Figure 2. Potential model for a toll enforcement information exchange.

## Potential Model for Toll Reciprocity



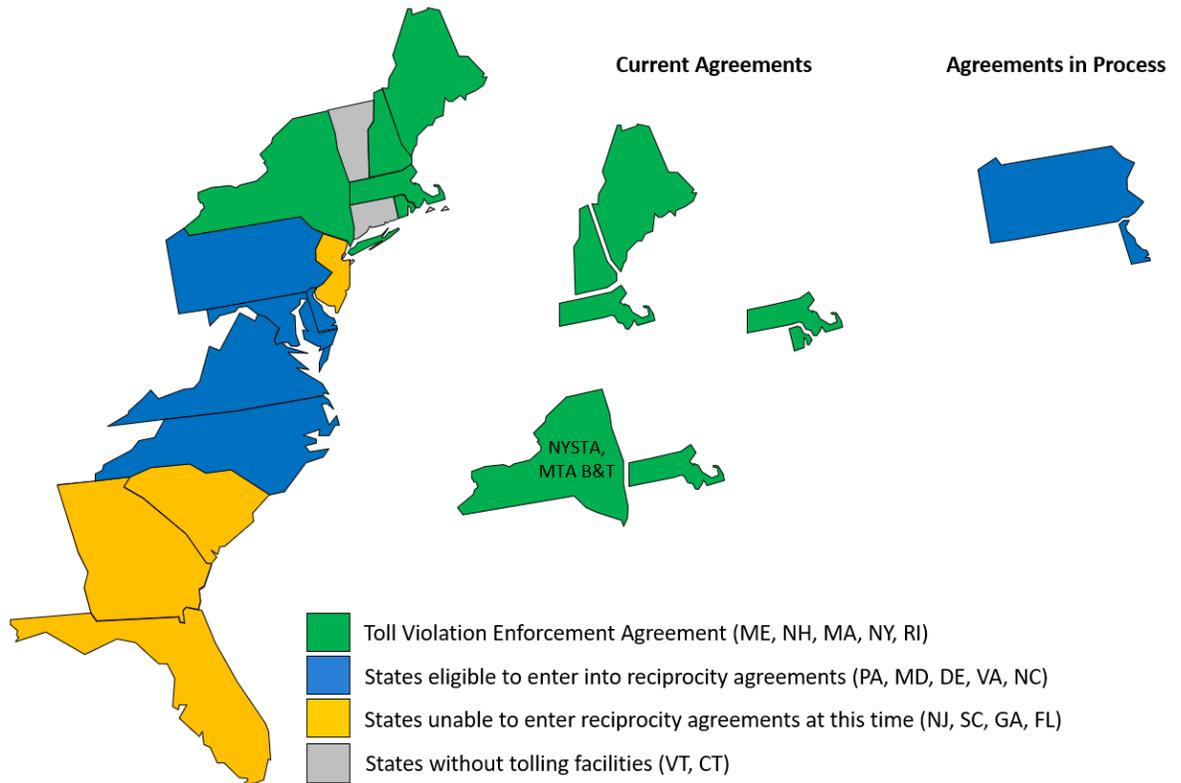
AAMVA representatives also cautioned that states are shifting away from using the AAMVA Net and compacts for anything beyond safety, which is the primary intention. Over time, multiple requests from others to capitalize on this system has expanded DMV roles and responsibilities and this seems to be shifting towards a renewed focus on safety. *The working group was urged to make a strong case for why this issue is important to DMVs and AAMVA to garner board support, if this is a strategy the group would like to pursue.*

The presentation spurred discussion among working group members. Echoing sensitivity concerns over survey data, members expressed the need to make clear that the strategies and recommendations contained within the heavy violator report are not necessarily supported by all members. For example, one potential strategy is to withhold business operating permits until commercial tolls are paid. Permits are a major revenue source for a Coalition member DMV and using this as an enforcement tool would heavily impact the agency even though it may assist the tolling agency. In terms of process, concerns were raised about the ability to tie license and registration databases together to make enforcement more effective. The Coalition has subsequently amended the report with a disclaimer and other elements to prevent stakeholders and the public from drawing inaccurate conclusions about agency support of the findings.

The heavy violator analysis recommends the following next steps regarding heavy violators:

1. Continue discussions on reciprocity agreement common language.
2. Work with DMVs to investigate truck credentialing/permit cross referencing.
3. Work with Customer Service Center Providers to develop reciprocity agreements (see Figure 3 for current status).
4. Engage member agency DMVs to discuss potential for AAMVA involvement.

**Figure 3.** Status of reciprocity agreements as of December 2019.



### *Breakout Activities*

Members seated in groups were asked to engage to further flush out strategies aimed at addressing heavy violators. Each group selected one strategy and prepared a three-minute pitch to convey the benefits of the strategy to all meeting participants. After each of the five groups presented their ideas, members used a web-based tool to vote for the best strategy based on feasibility and likelihood of effectiveness. Each pitch provided an overview of the strategy, its strengths and potential obstacles, and the partners needed for success.

Two rounds of this breakout activity were completed, the first for strategies to address in-state violators and the second for strategies to address out-of-state violators. Each group's pitch is summarized in the tables below. The winning pitch is shown with the ribbon icon.

In-state violators

Group	Strategy	Strengths	Obstacles	Partners needed
<p><b>1</b></p>	<p><b>Make it easier to pay</b></p> <ul style="list-style-type: none"> <li>• Better communication to customers</li> <li>• Move beyond mail and make it easy to pay at point of transaction.</li> <li>• Providing better signage App payment option</li> <li>• Negotiate with customers on administrative fees to encourage toll payment (e.g. in exchange for reduced cost, customer agrees to surety).</li> </ul>	<ul style="list-style-type: none"> <li>• Prevents violations through improved communication and payment methods.</li> <li>• Encourages payment/agency toll recovery through reduced customer cost.</li> <li>• Eliminates potential for heavy violators to continue violating through usage of surety.</li> </ul>	<ul style="list-style-type: none"> <li>• May require big legislative changes for negotiation.</li> <li>• Customer fairness issues stemming from negotiation?</li> </ul>	<ul style="list-style-type: none"> <li>• Legislature.</li> </ul>
<p><b>2</b></p> 	<p><b>Pay early, pay less</b></p> <ul style="list-style-type: none"> <li>• Establish a graduated administrative fee structure that starts low and increases as violations increase or continue to go unpaid.</li> <li>• Coupled with making it easier to pay via multiple payment options.</li> <li>• Collection services will be used earlier.</li> </ul>	<ul style="list-style-type: none"> <li>• Does not assume all customers are bad. Many want to pay, but face barriers like lack of intuitive payment options.</li> <li>• Customers will be happy to have an easier system and pay less in administrative fees.</li> <li>• Politicians will see that the agency is focused on toll payment rather than burdening people with fees.</li> </ul>	<ul style="list-style-type: none"> <li>• None.</li> </ul>	<ul style="list-style-type: none"> <li>• Internal customer service center.</li> <li>• Third party collection service provider.</li> </ul>

<p><b>3</b></p>	<p><b>Focus on Commercial Violations</b></p> <ul style="list-style-type: none"> <li>Determine the owners of commercial heavy violator vehicles and hold them responsible. This includes Uber, Lyft, trucks, snowplow drivers, etc.</li> </ul>	<ul style="list-style-type: none"> <li>This strategy gets to the source and prevents operation if non-compliant.</li> </ul>	<ul style="list-style-type: none"> <li>Gaining public and agency support could be difficult.</li> </ul>	<ul style="list-style-type: none"> <li>Legislature.</li> <li>Public support.</li> <li>Other agencies to share best practices.</li> </ul>
<p><b>4</b></p>	<p><b>Focus on inadvertent violators (rather than the “scofflaws”)</b></p> <ul style="list-style-type: none"> <li>Revise notification documents to reduce legalese. For example, call it an invoice rather than a notice of toll due.</li> <li>Communicate with customers in the way they want, not by mail. Develop an app and use push notifications to tell people of missed toll rather than paying for SMS fees. Likewise, transponders can provide feedback by flashing red if not properly read.</li> <li>Make it easy for people to pay including working with post offices, grocery stores, etc.</li> </ul>	<ul style="list-style-type: none"> <li>Addresses the majority of potential and actual violators.</li> <li>Easier to garner support when tough enforcement measures are only used on scofflaws.</li> <li>Cost savings stemming from increased rate of payment resulting in reduced use of advanced collections.</li> </ul>	<ul style="list-style-type: none"> <li>Need internal staff dedicated to resolving these issues and resources are limited.</li> </ul>	<ul style="list-style-type: none"> <li>Payment partners like post offices, etc.</li> </ul>
<p><b>5</b></p>	<p><b>Be proactive and reactive</b></p> <ul style="list-style-type: none"> <li>Proactive includes leveraging existing apps people use on the road like Google Maps or Waze and integrate notifications about payments. They already notify you if toll roads are on your route. Can reduce rates paid through apps to incentivize payment.</li> <li>Reactive includes going after truly highest violators, such as top 10 list or over a certain threshold.</li> </ul>	<ul style="list-style-type: none"> <li>Reduces the population of violators which reduces agency cost in violation enforcement.</li> <li>Focus on top violators is a deterrent for willful violators.</li> <li>Efficient use of agency resources by focusing enforcement costs on highest violators (largest recovery amount).</li> </ul>	<ul style="list-style-type: none"> <li>State statutes for use of courts.</li> <li>Political will.</li> <li>Tech companies may not be willing to be associated with toll collection.</li> </ul>	<ul style="list-style-type: none"> <li>Law enforcement.</li> <li>Courts.</li> </ul>

Out-of-state violators

Group	Strategy	Strengths	Obstacles	Partners needed
1	<p><b>Make it easier to pay</b></p> <ul style="list-style-type: none"> <li>• Use the same approach as in-state strategy that involves negotiation of fees for payment and surety in exchange.</li> <li>• Also provide better information on agency websites, including links to agencies in other states.</li> </ul>	<ul style="list-style-type: none"> <li>• Guarantee of future tolls from violators through surety.</li> </ul>	<ul style="list-style-type: none"> <li>• Public opinion on surety.</li> <li>• Legislative change for negotiation with customers.</li> </ul>	<ul style="list-style-type: none"> <li>• Legislature.</li> </ul>
2	<p><b>Share and Learn</b></p> <ul style="list-style-type: none"> <li>• Work together to create solutions, starting with regional partners.</li> <li>• Look for lessons in International Registration Plan, E-ZPass clearinghouse, other agencies (like MA orange envelope), etc.</li> </ul>	<ul style="list-style-type: none"> <li>• Collaboration will result in shared success which means a better image for tolling industry overall.</li> </ul>	<ul style="list-style-type: none"> <li>• Privacy.</li> <li>• Ensuring compliance with existing agreements already in place as new ones are added.</li> <li>• Political concerns over fairness and the will to enter into agreements.</li> </ul>	<ul style="list-style-type: none"> <li>• DMVs.</li> <li>• Third party service providers.</li> <li>• Rental car companies.</li> <li>• Customers.</li> <li>• Tourism agencies.</li> </ul>
3	<p><b>Regional Approach</b></p> <ul style="list-style-type: none"> <li>• Create regional agency groups to share best practices.</li> <li>• Particularly appropriate for heavy violators because they are often registered in adjacent states.</li> </ul>	<ul style="list-style-type: none"> <li>• Agencies within smaller areas (like New England) can meet more often and in person to advance issues.</li> <li>• Sharing best practices leads to efficient solutions and unified responses.</li> </ul>	<ul style="list-style-type: none"> <li>• Privacy issues when sharing registered owner information outside of jurisdiction.</li> </ul>	<ul style="list-style-type: none"> <li>• Regional states/agencies.</li> <li>• Look to New England Toll Association as model.</li> </ul>

<p><b>4</b></p>	<p><b>Try Something Different</b></p> <ul style="list-style-type: none"> <li>• Need to consider alternative approaches as many agencies have been doing things similarly for a long time.</li> <li>• Work together across agencies to find creative solutions.</li> <li>• Communication is key, particularly with back office providers to ensure agency staff are aware of issues they experience.</li> </ul>	<ul style="list-style-type: none"> <li>• Relies on sharing and collaboration between agencies so more ideas can come to light.</li> </ul>	<ul style="list-style-type: none"> <li>• None.</li> </ul>	<ul style="list-style-type: none"> <li>• Trucking associations.</li> <li>• Back office providers.</li> </ul>
<p><b>5</b></p> 	<p><b>Create a Compact</b></p> <ul style="list-style-type: none"> <li>• Develop a new compact between tolling agencies, using the AAMVA compact as a model and IAG infrastructure as a starting point.</li> <li>• It should include a systematic approach for equitable toll treatment across members including enforcement as agreed by members.</li> <li>• Voluntary agency involvement.</li> </ul>	<ul style="list-style-type: none"> <li>• Sustainable solution once implemented.</li> <li>• Keeps solution within/among toll agencies.</li> <li>• Consistent treatment of violators.</li> </ul>	<ul style="list-style-type: none"> <li>• Difficult to agree on common rules, thresholds, etc.</li> <li>• Gaining legislative support.</li> </ul>	<ul style="list-style-type: none"> <li>• Tolling agencies.</li> <li>• Legislatures to enable compact.</li> </ul>

Across the pitches, a few themes arose. In-state strategies appear able to address violators generally, rather than only heavy violators. This indicates that efforts should be made to implement these strategies as they have a chance of making a considerable impact on leakage.

Themes from in-state pitches:

- Focus on inadvertent violators. There are probably more of these than deliberate violators and will therefore have a greater impact.
- Improve communication methods. Mail is outdated and there are more effective ways to reach customers.
- Provide improved and multiple payment methods to make it easier to pay, preventing customers from becoming violators.
- Use tough enforcement methods only on deliberate violators to avoid agencies gaining a poor public image and losing political support.

Themes from out-of-state pitches:

- Come together to share best practices between agencies.
- Start to develop agreements and other processes with adjacent states and regional partners where the most impact can be made.
- Consider ways to address privacy concerns. There may be creative ways to share data in a safe and protected way.



## Discussion Summary

The table below summarizes by category the discussion among members after engaging with the breakout activity and as a precursor to prioritization of next steps as discussed in the next section.

<p><b>Focus on the customer</b></p> 	<ul style="list-style-type: none"> <li>• Customer service is critical. Working group members should talk more about how to meet the needs of people who are doing the right thing rather than focusing solely on the deliberate violators. As seen in the breakout themes above, strategies aimed at heavy violators actually serve the interests of all customers.</li> <li>• Make payments easy. With the shift in focus of the working group away from reciprocity agreements, how can we leverage new technology such as apps to make payment intuitive and easy to figure out for the average person? This prevents customers from becoming violators.</li> </ul>
<p><b>Use data</b></p> 	<ul style="list-style-type: none"> <li>• Privacy was a common concern, highlighting a need to investigate what roadblocks exist so that agencies can address this. Do restrictions apply to only certain information? How can sharing be enabled safely?</li> <li>• Quantify the effectiveness of different strategies like adoption of the orange envelope or education campaigns to support the business case for investing in changes. Benchmarking ensures continued funding for worthwhile improvements.</li> </ul>
<p><b>Learn from others</b></p> 	<ul style="list-style-type: none"> <li>• Share best practices between agencies.</li> <li>• Develop regional relationships that are a natural fit, like the New England Toll Association. A compact is a big thing and smaller, regional groups can provide an opportunity to see results in the short term while providing a basis for the compact later.</li> <li>• Use existing reciprocity agreements as a way to begin working on the compact idea (e.g., consider what they all have in common as a starting point).</li> <li>• Look to other industries with complex, multi-stakeholder issues to take lessons on how they were solved.</li> </ul>
<p><b>Make the case</b></p> 	<ul style="list-style-type: none"> <li>• Discuss how to make the argument to AAMVA for this issue to be a priority.</li> <li>• DMVs are often asked to do things not directly related to their mandate. The case needs to be made for why DMVs should take on another responsibility.</li> </ul>

## Prioritizing Next Steps

To synthesize the discussion over the course of the day into next steps, participants generated a set of recommendations from the heavy violator presentation and breakout activities. Each participant then voted for their first and second priority. The initial list of recommendations that participants voted on is listed below.

1. Make the case to have DMVs engage.
2. Investigate reciprocity agreements further, including legislative barriers and lessons from the AAMVA compact formation. Compare the three types of reciprocity agreements.
3. Address inadvertent violators.
4. Investigate how best to use collection agencies.
5. Make it easier to pay.
6. Improve communication strategies.
7. Start developing a compact and uniting principles.
8. Share customer service wins between agencies.
9. Investigate privacy rules and challenges.
10. Conduct a quantitative analysis of strategy effectiveness.
11. Document key strategies and processes.
12. Conduct cost benefit analysis of administrative fee levels.
13. Compare threshold levels across states.
14. Conduct a cost benefit analysis of second notice effectiveness.

The highest priority item is shown below followed by three recommendations that received equal votes as second priority:

<b>Vote count</b>	<b>Recommendation</b>
Priority 1	7. Start developing a compact and uniting principles.
Priority 2	1. Make the case to have DMVs engage.
Priority 2	5. Make it easier to pay.
Priority 2	10. Conduct a quantitative analysis of strategy effectiveness.

Before departing, the working group agreed to:

- Meet in April 2020 with the Coalition scheduling around IBTTA's, AAMVA's and other meetings;
- Review the Coalition's website where statutes and agreements are posted (e.g., what enabling and restrictive language exists); and
- Read the heavy violator report and provide comments and feedback.

## Appendix A: Workshop Participants

State	Agency	Participant	Title
Delaware	Delaware DOT	Tracy Maguire	Chief of Toll Operations
		Jana Simpler	Director – Division of Motor Vehicles
Georgia	GA State Road and Thruway Authority	Merryl Mandus	General Counsel
Maine	Maine DOT	Karen Doyle	Director, Finance and Administration
Maryland	Maryland DOT	Chrissy Nizer	Administrator – Maryland Motor Vehicle Administration
	MD Transportation Authority	Deborah Sharpless	Chief Financial Officer
Massachusetts	Massachusetts DOT	Stephen Collins	Assistant Administrator for Tolling
New Jersey	New Jersey DMV	Kate Tasch	Director, Legal and Regulatory Affairs
	Burlington County Bridge Commission	Stanley Ozalis	Director of IT and ETC
	New Jersey Turnpike Authority	Stan Ciszewski	Assistant Director, Data Management Services
New York	New York DMV	David M. Cadalso	Assistance Counsel
	Port Authority of New York and New Jersey	Janice Stein	Program Manager
		Mark Muriello	Deputy Director
Pennsylvania	Pennsylvania DOT	Scott Shenk	Vehicle Registration Division Chief
		Anita Wasko	Director, Bureau of Motor Vehicles
		Kurt Myers	Deputy Secretary, Bureau of Motor Vehicles
	PA Turnpike Commission	Laura Quick	Manager – ETC Customer Service Operations
		Stacia Ritter	Director – Policy and External Affairs
		Ray Morrow	Chief Compliance Officer
Rhode Island	Rhode Island Turnpike and Bridge Authority	Buddy Croft	Executive Director
		Kathi O’Connor	ETC Manager
Virginia	Virginia DOT	David Caudill	Director of Tolling
		Brendan Kelleher	Assistant Division Administrator
Associations	AAMVA	Anne Ferro	President/CEO
		Ian Grossman	VP, Member Services and Public Affairs
I-95 Corridor Coalition	I-95 Corridor Coalition	Patricia Hendren	Executive Director
		Marygrace Parker	Director, Freight Movement
		Ginna Reeder	Program Associate, Innovation
		Mai Quynh Le	Associate Program Manager