

Civil Penalty Mitigation For Toll Violations

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July 2013 – June 2014

Summary:

The attached annual report is for FY 2014 (July 2013 – June 2014) and addresses requirements in Section 1 (5)(a) of Chapter 226, Laws of 2013 (SHB 1941).

WSDOT implemented SHB 1941 in July 2013. This program allows an administrative law judge to reduce the amount of the civil penalty and other fees imposed based on the following mitigating factors:

- Death
- Hospitalization
- Active Duty Military Service
- Eviction
- Homelessness
- Failure to receive any of the initial toll bill notices

WSDOT is required to report on the mitigation results on an annual basis. However, in the spirit of reporting on all adjudication related topics together, WSDOT has been providing civil penalty mitigation results quarterly within the Notice of Civil Penalty (NOCP) proviso report. This report provides a comprehensive view of the first four quarters of the mitigation program.

Due to the lack of automated system programming related to the mitigation authorization, the process for administering, tracking and reporting on SHB 1941 mitigations relies heavily on manual processes. WSDOT will continue to look for ways to streamline the administration of and reporting on the mitigation program in the future. However, until a more efficient solution is available, reporting on the civil penalty mitigation results will trail the current quarter by 90 days. This allows for the most complete and accurate reporting of mitigation results.

Project Status:

Civil penalties represent about 2.5% of all tolled transactions. During FY 2014 (July 2013 – June 2014), the administrative law judges heard over 20,900 cases involving more than 120,500 unpaid toll transactions with a total value of \$5.5 million in tolls and fees. This represented 15.0% of the total number of notice of civil penalty transactions issued. They reduced the civil penalty charges on over 31,800 transactions for a total reduction of nearly \$1.3 million in fees (approximately 26.5%).

As was expected when the legislature authorized administrative law judges to mitigate civil penalty fees, WSDOT is experiencing an increase in the number of NOCP transactions that are being paid at toll value only (reduction of civil penalty fee). However, the mitigation process is not having an adverse effect on overall collection amounts.

The table below details the results of the mitigation program for FY 2014 by quarter and toll facility.

	SR 520 Bridge				
	Cases Adjudicated ¹	Transactions Adjudicated	Total Value	Transactions Mitigated	Total Fee Reduction
FY 2014 Q1	4,066	23,380	\$ 1,062,697	2,397	\$ 95,815
FY 2014 Q2	4,021	23,122	\$ 1,039,472	6,941	\$ 277,588
FY 2014 Q3	3,557	20,454	\$ 940,557	7,450	\$ 297,896
FY 2014 Q4	3,175	18,259	\$ 834,776	6,062	\$ 242,455
FY 2014 Totals	14,820	85,215	\$ 3,877,502	22,850	\$ 913,754
%-Mitigated				26.8%	23.6%
	SR 16 Tacoma Narrows Bridge				
	Cases Adjudicated ¹	Transactions Adjudicated	Total Value	Transactions Mitigated	Total Fee Reduction
FY 2014 Q1	1,577	9,070	\$ 416,771	897	\$ 35,880
FY 2014 Q2	1,348	7,752	\$ 356,966	1,642	\$ 65,680
FY 2014 Q3	1,700	9,775	\$ 442,634	3,022	\$ 120,880
FY 2014 Q4	1,519	8,732	\$ 403,407	3,481	\$ 139,240
FY 2014 Totals	6,144	35,329	\$ 1,619,778	9,042	\$ 361,680
%-Mitigated				25.6%	22.3%

1) A "case" can include both transactions from SR-520 Bridge and SR-16 TNB. Therefore, these values are calculated based on the combined averages for FY 2014.