



CENTRAL TEXAS REGIONAL
MOBILITY AUTHORITY

November 20, 2019
AGENDA ITEM #13

Prohibit the operation of certain vehicles on
Mobility Authority toll facilities

Strategic Plan Relevance: Regional Mobility
Department: Operations
Contact: Tracie Brown, Director of Operations
Associated Costs: Not applicable
Funding Source: Not applicable
Action Requested: Consider and act on draft resolution

Summary:

Background: In 2013, the 83rd Texas Legislature passed Senate Bill (SB) 1792 which authorized new enforcement tools for egregious toll violators throughout Texas. This legislation created additional remedies for “habitual violators,” those who have accumulated 100 or more unpaid tolls in aggregate in a 12-month period and have been issued two notices of nonpayment. The remedies include publication of the toll scofflaw’s name, a vehicle registration block and a ban of the vehicle’s use of the entity’s toll facilities. Vehicle impoundment was made possible for those who violate the vehicle prohibition.

Current Action: The Mobility Authority’s habitual violator process prescribes two notices before habitual violator remedies go into effect. A pre-determination letter is sent 60 days before any remedies are enforced advising the customer again of their outstanding balance and providing an opportunity for resolution. After 30 days and no resolution, a *Notice of Determination* is mailed notifying the customer they’ve been determined to be a habitual violator and advising of the consequences. The customer is also informed of their right to appeal and the process by which to do so.

After the *Final Determination Notice* is issued, the vehicle’s registered owner(s) information is transmitted to the county in which he or she is registered, third party vendors such as grocery stores, and the Texas Department of Motor Vehicles for refusal of registration until all tolls and fees have been paid or a payment plan has been arranged. The vehicle

registration block remains in effect until all tolls and fees have been paid, a payment plan has been arranged with the Mobility Authority or until the customer is determined to no longer be a habitual violator.

Under the same section of the Transportation Code, persons deemed to be habitual violators may also be prohibited from use of the Mobility Authority's toll facilities by order of the Board of Directors. Habitual violator customers operating a vehicle in violation of a ban are subject to a Class C misdemeanor with a fine up to \$500. A second or subsequent occurrence of driving on the tollway in violation of a ban may result in impoundment of the vehicle. Similar to registration blocks, vehicle bans remain in effect until all outstanding amounts owed to the Authority have been resolved or the customer is no longer deemed a habitual violator.

Action Requested/Staff Recommendation: Staff affirms that all required steps have been followed and proper notice previously provided to customers determined to be habitual violators. To date, these customers have not appealed this determination or resolved their outstanding balances.

Therefore, staff recommends that the Board of Directors approve the order prohibiting certain vehicles from use of the Authority's toll facilities. Following the Board's approval of this order, a Notice of Prohibition will be mailed by first class mail advising of the ban and consequences if the ban is violated. The Notice will also provide information on how the customer may resolve their outstanding balance.

Financing: Not applicable

Backup Provided: Draft Resolution
Habitual Violator Vehicle Ban FAQs

**GENERAL MEETING OF THE BOARD OF DIRECTORS
OF THE
CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY**

RESOLUTION NO. 19-0XX

**PROHIBITING THE OPERATION OF CERTAIN MOTOR VEHICLES ON MOBILITY
AUTHORITY TOLL FACILITIES**

WHEREAS, Transportation Code, Chapter 372, Subchapter C, authorizes toll project entities, including the Central Texas Regional Mobility Authority (Mobility Authority), to exercise various remedies against certain motorists with unpaid toll violations; and

WHEREAS, Transportation Code §372.106 provides that a “habitual violator” is a registered owner of a vehicle who a toll project entity determines:

(1) was issued at least two written notices of nonpayment that contained:

(A) in the aggregate, 100 or more events of nonpayment within a period of one year, not including events of nonpayment for which: (i) the registered owner has provided to the toll project entity information establishing that the vehicle was subject to a lease at the time of nonpayment, as provided by applicable toll project entity law; or (ii) a defense of theft at the time of the nonpayment has been established as provided by applicable toll project entity law; and

(B) a warning that the failure to pay the amounts specified in the notices may result in the toll project entity’s exercise of habitual violator remedies; and

(2) has not paid in full the total amount due for tolls and administrative fees under those notices; and

WHEREAS, the Mobility Authority previously determined that the individuals listed in Exhibit A are habitual violators, and these determinations are now considered final in accordance with Transportation Code, Chapter 372, Subchapter C; and

WHEREAS, Transportation Code §372.109 provides that a final determination that a person is a habitual violator remains in effect until (1) the total amount due for the person’s tolls and administrative fees is paid; or (2) the toll project entity, in its sole discretion, determines that the amount has been otherwise addressed; and

WHEREAS, Transportation Code §372.110 provides that a toll project entity, by order of its governing body, may prohibit the operation of a motor vehicle on a toll project of the entity if:

(1) the registered owner of the vehicle has been finally determined to be a habitual violator; and

(2) the toll project entity has provided notice of the prohibition order to the registered owner; and

WHEREAS, the Executive Director recommends that the Board prohibit the operation of the motor vehicles listed in Exhibit A on the Authority's toll roads as described: (1) 183A Toll; (2) 290 Toll; (3) 71 Toll; (4) MoPac Express Lane; (5) 45 SW Toll; and (6) 183S Toll.

NOW THEREFORE, BE IT RESOLVED that the motor vehicles listed in Exhibit A are prohibited from operation on the toll projects described above, effective November 20, 2019; and

BE IT FURTHER RESOLVED that the Mobility Authority shall provide notice of this resolution to the individuals listed in Exhibit A, as required by Transportation Code §372.110; and

BE IT IS FURTHER RESOLVED that the prohibition shall remain in effect for the motor vehicles listed in Exhibit A until the respective habitual violator determinations are terminated, as provided by Transportation Code §372.110.

Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 20th day of November 2019.

Submitted and reviewed by:

Approved:

Geoffrey Petrov, General Counsel

Robert W. Jenkins, Jr.
Chairman, Board of Directors

Exhibit A

LIST OF PROHIBITED VEHICLES
(To be provided at Board Meeting)