



January 18, 2016

The Honorable Gina M. Raimondo
Office of the Governor
82 Smith Street
Providence, RI 02903

Dear Governor Raimondo:

In a letter regarding the preliminary location of proposed toll gantries dated January 5, 2016, Rhode Island Department of Transportation Director Peter Alviti, Jr. suggested that he has received a commitment from State Police Superintendent O'Donnell to prevent trucks from exiting highways to avoid paying tolls. Col. O'Donnell subsequently confirmed his intention to take enforcement action against trucks in a news article reported in the Providence Journal on January 7, 2016, where he also suggested that legislation to prohibit all large trucks from certain local roads may be considered. Putting aside the lack of current state legal authority afforded to law enforcement agencies to conduct such action, even if state law is amended, federal law imposes superseding limitations on states' authority to restrict large trucks. These limitations may prevent, in part or in whole, Rhode Island's ability to prevent trucks from exiting highways to avoid paying a toll.

Federal regulations allow states to impose restrictions on commercial trucks, but only under certain conditions. Under 23 CFR 658.11, any restrictions on trucks operating on the National Network are subject to approval by the Federal Highway Administration following a public comment period. In Rhode Island, the non-Interstate sections of the National Network include portions of State Routes 10, 37, 146 and 195. See 23 CFR 658 Appendix A. Furthermore, 23 CFR 658.19 requires states to provide reasonable access from the National Network to facilities that provide food, fuel, repairs and rest, and to facilities for loading and unloading of cargo. Any state-imposed restrictions on that reasonable access must be based on specific safety considerations.

We recommend that you consult with the Federal Highway Administration's regional office prior to proposing legislation aimed at restricting large trucks, in order to ensure that any contemplated action is consistent with federal law. We also recommend that you inform legislators and members of the public that both state and federal law impose limitations on the state's authority to prevent trucks from using alternate routes to avoid tolls. In addition, when estimating potential toll revenue and the impacts of diversion on safety, congestion, road and bridge maintenance costs, the economy, and the environment, it would be prudent to avoid assumptions about truck restrictions that are currently disallowed by federal and/or state law.

Thank you for your attention to this matter. Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to be 'R. Pianka', written in a cursive style.

Richard Pianka
Vice President & Acting General Counsel

cc: The Honorable Speaker of the House Nicholas A. Mattiello
The Honorable Senate President M. Theresa Paiva-Weed