

# **HOT LANE ENFORCEMENT COST RECOVERY**

**Submitted as Part of the  
HOUSTON HOT LANE NETWORK**

Technical Memorandum #5

Prepared for the  
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Houston District

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## HOT Lane Enforcement Cost Recovery

The purpose of this research is to investigate the methods used by HOV and HOT lanes to pay for the enforcement of those lanes. Historically, the Houston Metropolitan Transit Authority of Harris County (METRO) has paid for police enforcement of the HOV and HOT lanes through its operating budget. Enforcement is a costly but critical component to HOV/HOT operations and is important to both maintaining effective operation and ensuring integrity of the lanes. Enforcement cost to date has not been offset by revenues from fines. This task will investigate potential options of recovering some (or all) of the cost of enforcement.

The following technical memorandum outlines the research methodology and summarizes the results and recommendations.

### Background and Scope of Research

HOT lanes require police enforcement to manage occupancy and buffer violations. The cost to provide adequate enforcement is a significant cost for the operating agency. The majority of HOV lanes across the U.S. operate under legislative authority that does not allow fine revenue to be used to pay for enforcement, and largely pay for enforcement through operating budgets (1). With the advent of HOT lanes, however, operators have the opportunity to offset the cost of enforcement through toll revenue generated by the lanes. Means to recover the costs to enforce the HOT lanes include HOT lane toll revenue and violation fine revenue

This technical memorandum will explore the methods used by other HOT operators for recovering enforcement costs, and will review the application of these methods in Houston.

### Methodology

Information was requested from the following HOT lane projects as of July 1, 2009:

- I-394 Express Lanes                      Minneapolis, Minnesota
- I-15 FasTrak Managed Lanes            San Diego, California
- SR 167 HOT Lane Pilot Project        Seattle, Washington
- I-15 Express Lanes                      Salt Lake City, Utah
- I-25 Express Lanes                      Denver, Colorado
- I-95 Express Lanes                      Miami, Florida

Information was collected by sending a request for information to the appropriate enforcement contact for the lead agency for each HOT lane project. The request was in the form of an electronic message (email) with an attached document prepared in MS word. The document was 24 questions within two pre-formatted pages. A sample of the document is included as Appendix A. Each respondent could complete the information request by answering questions and entering data directly into the document. Those agencies who did not respond to the email were contacted by telephone.

## Response

The following agencies provided responses to the HOT lane enforcement questionnaire:

- I-394 Express Lanes - Minnesota Department of Transportation (MnDOT)
- I-15 FasTrak Managed Lanes - San Diego Association of Governments (SANDAG)
- SR 167 HOT Lane Pilot Project - Washington Department of Transportation (WSDOT)
- I-15 Express Lanes - Utah Department of Transportation (UDOT)
- I-95 Express Lanes - Florida Department of Highway Safety and Motor Vehicles (DHSMV)
- I-25 Express Lanes - Colorado Department of Transportation (CDOT)

## Summary of Survey Findings

A summary of the HOT lane enforcement efforts and cost recovery data is reported Table 1. Specific response from the agency for each HOT lane project is provided in Appendices B through G to this memorandum.

### *HOT Lane Operations and Enforcement Characteristics*

- All the respondents were associated with the state department of transportation except I-15 FasTrak Managed Lanes (SANDAG) and I-95 Express Lanes (DHSMV).
- The I-25 Express Lanes and I-95 Express Lanes have the shortest HOT lane corridors at 7-miles.
- The I-15 Express Lanes operate 46-miles from Orem to Salt Lake City and Davis County.
- All six corridors use state highway patrol to enforce the HOT lanes.
- The scope of enforcement includes occupancy violations, speeding and other moving violations in all corridors. Buffer violations are enforced in the four corridors without physical barriers to separate the HOT lanes.
- I-394 Express Lanes have a 4 to 10 foot wide shoulder for enforcement and use roving patrols.
- SR 167 HOT Lane Pilot Project, I-15 Express Lanes, and I-25 Express Lanes use intermittent enforcement pullout areas.
- I-95 Express Lanes uses only roving patrols.
- The I-15 FasTrak Managed Lanes uses a combination of wide shoulders, direct access ramps, and roving patrols.

### *Technology*

- Toll evasion technology varies by corridor.
- I-394 Express Lanes use dedicated short range communication (DSRC) for the gantries and palm pilots. The enforcement officers use the palm pilots to access the toll account database.
- SANDAG (I-15 FasTrak Managed Lanes) is working on a federally sponsored project to test occupancy technologies.

- SR 167 HOT Lane Pilot Project uses beacons to assist officers in enforcing occupancy violations for those not registering a valid transponder.
- I-15 Express Lanes use enforcement officer observation (sitting on the inside or outside shoulder) to detect violations.
- Both I-95 Express Lanes and I-25 Express Lanes use photo enforcement technology (license plate recognition) for toll evasion.

### *Enforcement Cost and Budgeting*

- Annual enforcement costs range from \$120,000 (I-15 Express Lanes) to \$460,000 (I-25 Express Lanes). The costs varied according to what types of expenses are included.
  - In the case of every HOT lane corridor, the annual enforcement costs include the labor for enforcement officers and the vehicle operating costs for patrol cruisers and motorcycles, if applicable. Enforcement officers use motorcycles in addition to patrol cruisers for SR 167 HOT Lane Pilot Project and I-15 Express Lanes.
  - Vehicle occupancy observers are included in the enforcement costs for I-394 Express Lanes, SR 167 HOT Lane Pilot Project, and I-25 Express Lanes.
  - Two of the six corridors reported operations and maintenance (O&M) for technology was included in the reported enforcement costs. The two corridors are SR 167 HOT Lane Pilot Project and I-25 Express Lanes.
  - The I-25 Express Lanes also included back office operation as part of the enforcement cost.
- Two of the six corridors use officers who choose to work overtime to enforce the HOT lanes. Therefore, the amount of coverage varies depending on the number of officers who agree to work overtime. The two corridors that use officers who choose to work overtime are I-15 FasTrak Managed Lanes and I-25 Express Lanes.
- Four of six corridors enforce the HOT lanes all day with emphasis on peak periods. I-394 Express Lanes and I-15 Express Lanes focus enforcement during peak periods only.

### *Violation Fines, Authority, and Use of Fine Revenue*

- I-394 Express Lanes are enforced using pre-existing HOV laws (moving violation). The fine for a moving violation is \$145. The fine revenues are divided three ways – the county, MnDOT, and Minnesota State Patrol. No fine revenue is currently being used for HOT lane enforcement. A repeat offender of the traffic laws may face suspension of a driver's license.
- I-15 FasTrak Managed Lanes are enforced using pre-existing HOV laws. The fine revenue for a moving violation goes to the county and a percent of the revenue goes to SANDAG. The fine revenue to SANDAG is currently being used for HOT lane enforcement.
- SR 167 HOT Lane Pilot Project is enforced using pre-existing HOV laws. The fine for the moving violation is \$124. The fine revenues are divided between the courts, county, and other city programs. No fine revenue is currently being used for HOT lane enforcement.

- The I-15 Express Lanes are enforced using pre-existing HOV laws. The fine for the moving violation is \$82. Fine revenues go to the Utah Highway Patrol general fund. No fine revenue is currently being used for HOT lane enforcement.
- The I-95 Express Lanes are enforced using a combination of pre-existing HOV laws and an administrative penalty for toll evasion. The fine for a moving violation is \$133. The fine revenues go to various agencies. No fine revenue is currently being used for HOT lane enforcement. There is an administrative penalty of \$100 for toll evasion, in addition to the toll. A penalty also exists for non-payment.
- The I-25 Express Lanes are enforced using a combination of pre-existing HOV laws and an administrative penalty for toll evasion. The fine for a toll violation is \$70 plus the toll and an administrative fee. Toll violation fines go back to toll revenue while traffic fines do not. The toll violation fine revenues are used for HOT lane enforcement.

### *Violation Rates*

- I-394 Express Lanes is the only corridor that sets a violation rate goal (10%) and a threshold violation rate for enforcement reevaluation (10%). I-15 Express Lanes reevaluates enforcement when the violation rate exceeds 5%.
- Violation rates are 3% to 15% in the corridors where reported:
  - I-394 Express Lanes has a 5% violation rate (based on 2005 data).
  - CHP estimates a 10 – 15% violation rate on the I-15 FasTrak Managed Lanes.
  - Washington State Patrol estimates a 3 – 5% violation rate for the SR 167 HOT Lane Pilot Project.
  - I-15 Express Lanes violation rate is approximately 9 - 11%.
  - I-25 Express Lanes estimate the violation rate is about 5%. Violation rates dropped when license plate readers were introduced.

### *Cost Recovery Methods*

- Four of the six corridors use HOT lane toll revenues to pay for enforcement. The four corridors are I-15 FasTrak Managed Lanes, SR 167 HOT Lane Pilot Project, I-15 Express Lanes, and I-25 Express Lanes.
- Two of six corridors use fines for HOT lane toll violations to pay for enforcement.
  - I-15 FasTrak Managed Lanes are enforced using pre-existing HOV laws. The fine revenue for a moving violation goes to the county and a percent of the revenue goes to SANDAG. SANDAG uses the funds for HOT lane enforcement.
  - The I-25 Express Lanes are enforced using a combination of pre-existing HOV laws and an administrative penalty for toll evasion. The fine for a toll violation is \$70 plus the toll and an administrative fee. Toll violation fines go back to toll revenue while traffic fines do not. The toll violation fine revenues are used for HOT lane enforcement.
- Two corridors use sources of funds other than toll revenues or fines for toll evasion to pay for HOT lane enforcement.
  - I-394 Express Lanes use FHWA Value Pricing funds (until September 30, 2009) and the Trunk Highway fund. In three years they plan on using toll revenue.
  - Florida DOT funds enforcement on the I-95 Express Lanes.

**Summary of the HOT Lane Enforcement Efforts and Cost Recovery Data Report**  
as of August 2009

<b>Project</b>	<b>I-394 Express Lanes Minneapolis, MN</b>	<b>I-15 FasTrak Managed Lanes San Diego, CA</b>	<b>SR 167 HOT Lane Pilot Project Seattle, WA</b>	<b>I-15 Express Lanes Salt Lake City, UT</b>	<b>I-95 Express Lanes Miami, FL</b>	<b>I-25 Express Lanes Denver, CO</b>
Length	11 miles	8 miles existing; 8 miles new	20 miles	46 miles	7 miles	7 miles
Violations	Occupancy, Buffer violation, Speeding	Occupancy, Speeding, State traffic laws	Occupancy, Buffer violation, Speeding, State traffic laws	Occupancy, Buffer violation, Speeding	Occupancy, Buffer violation, Speeding, Other	Occupancy, Speeding, any moving violation
Who enforces	Minnesota State Patrol	California Highway Patrol	Washington State Patrol	Utah Highway Patrol	Florida Highway Patrol	Colorado State Highway Patrol
Toll Technology	Radio Frequency and Dedicated Short Range Communication	Working on Federal project to test technologies	Beacon	Visual (sitting on the inside or outside shoulder)	Photo enforcement	Tag reader for transponder and license plate reader
Occupancy Technology	Visual	No response	None	Visual	No response	Visual
Enforcement Costs	\$140,000 (will be \$152,000)	Budget \$210,000 but spend less	\$280,000 for emphasis patrol	\$120,000	\$150,000	\$460,000
Cost / mile	\$12,273-\$12,727	\$26,250	\$14,000	\$2,609	\$21,429	\$65,714
Enforcement Funding	FHWA Value Pricing (9-30-09), Trunk Highway Fund, and in 3 yrs toll revenue	Toll revenue	Toll revenue	Toll revenue	Florida DOT	Toll revenue
Cost Includes	\$75.35 per hour Law enforcement officers, occupancy observers, patrol cruisers, plus O&M for technology in	Law enforcement officers - per mile rate and staff rate	Law enforcement officers, occupancy observers, patrol cruisers and motorcycles, O&M for technology	Law enforcement officers, patrol cruisers and motorcycles	Law enforcement officers, patrol cruisers	Law enforcement officers, occupancy observers, patrol cruisers, O&M for technology, back office operations

	each police vehicle (\$19,000 each)					
<b>Project</b>	<b>I-394 Express Lanes Minneapolis, MN</b>	<b>I-15 FasTrak Managed Lanes San Diego, CA</b>	<b>SR 167 HOT Lane Pilot Project Seattle, WA</b>	<b>I-15 Express Lanes Salt Lake City, UT</b>	<b>I-95 Express Lanes Miami, FL</b>	<b>I-25 Express Lanes Denver, CO</b>
Enforcement Coverage	5 vehicles have toll reader technology; 8 hours of field enforcement per day	The level of coverage depends on CHP officer's volunteer overtime.	25 officers, 5-10 hours monthly per officer	Number of officers varies, maximum of 10 hours weekly per officer	3 officers, 160 hours per month per officer	No dedicated patrol squad. Depends on officers that volunteer overtime - around 75 total hours per month
Enforcement Period	Peak periods only	All day	All day - emphasis on peak periods	Peak periods only	All day	Randomly during week, but frequently during peak periods
Enforcement Area	Wide shoulder (4-10 ft), use roving patrols	Existing 8 miles - wide shoulder; New 8 miles - roving patrols and direct access ramps	Intermittent enforcement – pullout areas	Intermittent enforcement – pullout areas	Roving patrols	Intermittent enforcement – pullout areas at toll reader locations

Violations	Pre-existing HOV laws (moving violation)	Pre-existing HOV laws (moving violation)	Pre-existing HOV laws (moving violation)	Pre-existing HOV laws (moving violation)	Combination	Combination
Fines	\$145	\$481 and escalates [to be verified]	\$124	\$82	\$133	Toll violation \$70 + toll and admin fee
Penalty System	No penalty system, but insurance premiums go up	State regulated for HOV and HOT lane violation	No	No	Yes	No
Fine Revenue for Moving Violation	Three ways - County, MnDOT, MN State Patrol	County and percent goes back to SANDAG (regional violation)	Courts, County and City programs	Utah Highway Patrol general fund	Various	Toll evasion = toll revenue; traffic fines do not go to toll revenue
Is Fine Revenue Used for Enforcement	Not Yet	Yes	No	No	No	Yes
Administrative Penalty	N/A	N/A	N/A	None	\$100	No response

<b>Project</b>	<b>I-394 Express Lanes Minneapolis, MN</b>	<b>I-15 FasTrak Managed Lanes San Diego, CA</b>	<b>SR 167 HOT Lane Pilot Project Seattle, WA</b>	<b>I-15 Express Lanes Salt Lake City, UT</b>	<b>I-95 Express Lanes Miami, FL</b>	<b>I-25 Express Lanes Denver, CO</b>
Violation Rate	5% from before and after survey in 2005	10% - 15%	3% - 5%	9% - 11%	Unknown	Around 5%, when we added license plate readers, the violations dropped
Violation Goal	10%	No	No	Not currently	No	No
Evaluation Trigger	10%	No	No	No	No	No

## Houston HOV Enforcement Experience

The current HOV violation enforcement procedure in Houston could be applied to the future HOT operation, as is done on many of the current HOT projects. If a vehicle does not register a toll payment, it should have the minimum occupancy for no charge on that specific HOT lane. If the enforcement officer finds that the vehicle does not have the minimum occupancy, a traffic citation is issued. The citation then goes through the court system for the jurisdiction in which the citation is issued.

There are a number of concerns associated with the current HOV violation enforcement process in Houston:

- HOV violation fines do not represent a source of revenue to METRO. The vast majority of citations are issued within the Houston city limits and the citations reflect a violation of the City of Houston's diamond lane ordinance. Citations are adjudicated in municipal court, and METRO sees no revenue from associated judgments. The few citations issued outside the City are written against a state code – failure to obey signed traffic controls. If a citation is adjudicated through a court outside the Houston municipal court system, METRO still sees no revenues.
- Many travelers who receive a citation for an HOV violation are never assessed a fine or penalty. Under a previous Value Pricing study for the QuickRide program, TTI conducted a review of adjudicated HOV citations in Houston during the two-year beginning October 16, 2001 through October 14, 2003. The total number of citations assigned to the court docket during the period of the study was 10,807. At the time of the study, 4,863 cases went to court (45%), 3,708 cases were still pending (34%), and 2,236 cases the fine was paid before court date (21%)

Of the 4,863 citations that went to court, 3,158 cases were dismissed (65%) compared to 1,705 that proceeded to trial and received a verdict (35%). The reason for dismissal in the majority (70%) of the cases was “officer not present,” meaning the officer did not appear in court for the trial. According to METRO, the primary reason for officers not appearing in court is that cases are scheduled during peak HOV operating hours in the morning. Of the 1,705 citations that went through trial, 62% of the defendants pleaded no contest, 36% pleaded guilty, and 2% (30 cases), entered a “not guilty” plea. Ninety-six percent of the defendants for the 1,705 cases that went to court were found guilty.

The data from the study suggests that those who were cited for an HOV violation went to court with the expectation that the case would be dismissed.

- METRO estimates that if a police officer went to court to defend HOV citations, court appearances would require 20% of an officer's time. If this is true, enforcement hours must be increased by 25% over the time on patrol to enforce HOT lanes operation. This calculation is based on a rough estimate that vigorous enforcement will produce more citations, and the officers will be conscientious in backing up their citations by appearing

in court. The extra time needed for officers to appear in court increases the cost of this form of adjudication as more officers will be needed to cover field operations.

- Results from the survey of national HOT lanes projects reveal that only two corridors use a combination of pre-existing HOV laws together with an administrative penalty for toll evasion (I-25 Express Lanes in Denver and the I-15 FasTrak Managed Lanes in San Diego). The fine revenues for toll violations are used to pay for enforcement in both corridors. The remaining four corridors use pre-existing HOV laws (moving violations) exclusively to enforce HOT lanes. The fines for moving violations are not used for enforcement.

### Summary of Authority to Impose and Collect Penalties for Failure to Pay a Toll in Houston and Harris County

This section highlights the legislative authority provided in state statute as it applies to the Texas Department of Transportation (TxDOT), METRO, and the Harris County Toll Road Authority (HCTRA). Each agency has statutory authority that may facilitate collecting fines and fees for a HOV/HOT violation before referring the violation to a court with jurisdiction over a criminal offense.

#### *TxDOT Statutory Authority*

TxDOT has authority under Section 228.007 of the Transportation Code to charge a toll for the use of one or more lanes of a state highway, including a HOV lane. Section 228.006 states that the Commission shall authorize the use of surplus revenue of a toll project or system to pay the costs of a transportation project, highway project, or air quality project within a department district in which any part of the toll project is located.

According to Section 228.007(b), if the Texas Transportation Commission authorizes the department to charge a toll, the department may enter into an agreement with a regional tollway authority, a transit authority (METRO under Chapter 451), a regional mobility authority, a county (HCTRA under Chapter 284), or a transportation corporation to charge a toll for the use of the lane(s) and to set the amount of toll charges.

Under Section 228.054, failure or refusal to pay a toll is a misdemeanor offense that is punishable by a fine not to exceed \$250. Section 228.055 states that the department may impose and collect an administrative fee to recover the cost of collecting the unpaid toll, not to exceed \$100. The registered owner of a vehicle for which the proper toll was not paid is sent a written notice of nonpayment. The department may contract with a person to collect the unpaid toll and administrative fee before referring the matter to a court with jurisdiction over the offense [Section 228.055(i)]. The court in which the person is convicted of an offense is expected to collect the proper toll and administrative fee and forward the toll and fee to the department [Section 228.055(g)].

Section 228.007(d) provides that revenue generated from toll charges and collections fees assessed by the entity with whom the department contracts will be allocated as required by the terms of the agreement. However, see also the provisions for use of revenues in Section 228.059.

Section 228.059 provides that an entity operating a toll lane pursuant to Section 228.007(b) has the same powers and duties as the department with regard to toll collection and enforcement of the toll lane. The section specifically provides that “The entity may use revenues for improvement, extension, expansion, or maintenance of the toll lane.”

The right of first option to a toll project is documented in Sections 228.011 and 228.0111. Before the department may enter into a contract for the financing, construction, or operation of a proposed or existing toll project any part of which is located in the county, the Commission or department shall provide the county the first option to finance, construct, or operate, as applicable, the portion of the toll project located in the county. See the discussion for Harris County Toll Road Authority below.

#### *METRO Statutory Authority*

METRO has authority under Section 451.061 of the Transportation Code to impose “fares, tolls, charges, rents and other compensation for the use of the transit authority system.” Revenues collected for use of the system may be used to pay all the expenses to operate and maintain the transit system, to pay the principal and interest on debt, or fulfill obligations to bondholders.

Enforcement authority is granted under Section 451.0611. Subsection 451.0611(a) provides that the authority’s board may prohibit the use of the public transportation system by a person who fails to possess evidence showing that the appropriate fare for the use of the system had been paid. Subsection 451.0611(b) states the board “may provide that a fare for or charge for the use of the public transportation system that is not paid incurs a penalty, not to exceed \$100.”

Under Section 451.0611(d), a person commits an offense if: (1) the person uses the public transportation system and does not possess evidence showing that the appropriate fare has been paid; and (2) the person fails to pay the appropriate fare or other charge for use of the public transportation system and any penalty on or before the 30<sup>th</sup> day after the date the authority notifies the person that the person is required to pay the amount of the fare or charge and the penalty. The offense is a Class C misdemeanor under Section 7.02, Penal Code. The required notice to the person who fails to pay the appropriate fare or other charge may be included in a citation issued under Article 14.06 of the Code of Criminal Procedure.

To date, METRO has exercised the authority granted under Section 451.0611(b) only for failure to pay a fare on METRORail. The fare evader is given a citation and allowed 30 days within which to pay the fare and associated penalty to METRO. The current penalty is \$75. If the fare evader does not make payment to METRO within 30 days, the citation is forwarded to the City of Houston municipal court system for adjudication. All revenues generated through the court proceedings are retained by the City of Houston.

## *HCTRA Statutory Authority*

As a county toll authority, HCTRA has authority under Section 284.069 of the Transportation Code to impose tolls and charges for access to toll roads. According to Section 284.070, a person commits a misdemeanor offense if the person operates a vehicle on a county project and fails or refuses to pay a toll imposed under Section 284.069. The offense is punishable by a fine not to exceed \$100. In order to enforce the payment of tolls, Section 284.070(c) provides “The county may take and retain possession of a vehicle operated in violation of [Section 284.070(a)] until the amount of the toll and all charges in connection with the toll are paid.” The offense may be prosecuted in any precinct in the county in which the offense was committed.

Short of taking possession of a vehicle operated in violation of the required toll, a county may issue a written notice of nonpayment to the registered owner of the nonpaying vehicle, who is liable for the payment of both the proper toll and an administrative cost. According to Section 284.0701, the county may impose and collect the administrative cost so as to recover the expense of collecting the unpaid toll, not to exceed \$100. Failure to pay the toll and the administrative cost is a misdemeanor offense punishable by a fine not to exceed \$250 [Section 284.0701(f)]. The court in which the person is convicted of an offense under Section 284.0701 is expected to collect the proper toll and administrative cost and forward the toll and cost to the county [Section 284.0701(g)].

The Transportation Code Section 284.201 includes additional provisions for unauthorized use of toll roads in counties with a population of more than 3.3 million, i.e. Harris County. The commissioners’ court for Harris County may prohibit the operation of a motor vehicle on a toll road if the operator of the vehicle has failed to pay a required toll or charge, and the county has provided notice of the unpaid toll or charge to the registered owner [Section 284.202(a)]. The notice must be mailed to the registered owner at least 10 days before the date the prohibition takes place. If the registered owner fails to pay the toll or charge not later than the 10<sup>th</sup> day after the notice is mailed, the commissioners’ court may impose a reasonable cost for expenses associated with collecting the unpaid toll or charge [Section 284.202(c)].

According to Section 284.203, a person commits an offense if the person operates a motor vehicle or causes or allows the operation of a motor vehicle in violation of an order adopted under Section 284.202(a). The offense is a Class C misdemeanor.

The county may impose, in addition to other costs, \$1 as a court cost to a defendant convicted of an offense under Section 284.070, 284.0701, or 284.203 in an action brought by the county or district attorney. The money collected for the court cost is to be deposited in the county treasury in a special fund to be administered by the county attorney or district attorney and may be used only to defray the salaries and expenses of the prosecutor’s office. [Section 284.2031]

Harris County can also impose additional administrative costs. In addition to other costs, a county with a population over 3.3 million can impose \$1 as an administrative cost associated with collecting a toll or charge for each event of nonpayment of a required toll or charge imposed under Section 284.069. The money collected for the court cost is to be deposited in the

county treasury in a special fund to be administered by the county attorney and may be used only to defray the salaries and expenses of the attorney's office. [Section 284.2032]

Section 284.204 provides that the commissioners' court of a county may adopt an administrative adjudication hearing procedure for a person who is suspected of having violated an order adopted under 284.202(a) on at least two occasions within a 12-month period. The hearing procedure must provide for a period for a person charged with violating the order to pay the toll or charge plus administrative costs or to request a hearing. This section of the code also provides for the appointment of one or more hearing officers with the authority to administer oaths and issue orders compelling witnesses and the production of documents. The hearing procedure must provide for the amount and disposition of civil fines, costs, and fees. An order issued under this provision is enforceable by a justice of the peace. A citation or summons is described in Section 284.205 to provide notice of a hearing.

According to Section 284.207, the peace officer or toll road agent who alleges a violation is not required to attend the hearing [Section 284.207(a)]. Failure of a person charged with an offense to appear at the hearing is considered an admission of liability for the violation [Section 284.207(b)]. According to Section 284.208, the hearing officer shall issue a decision as to whether the person charged is liable for the violation [Section 284.208(a)] and the amount of the fines and costs to be assessed against the person [Section 284.208(b)].

The enforcement of a decision by the hearing officer is included as Section 284.209. A decision issued under Section 284.208(a) may be enforced by:

- (1) placing a device that prohibits movement of a motor vehicle that is the subject of the decision;
- (2) imposing an additional fine if the fine for the offense is not paid within a specified time; or
- (3) refusing to allow registration of the vehicle.

A person determined by a hearing officer to be in violation of an order may appeal the determination to a court at law within 30 days after the hearing officer's decision is filed with the county clerk [Section 284.211]. Service of notice of appeal does not stay the enforcement and collection of the decision of the hearing officer unless the person who files the appeal posts a bond with an agency designated by the county to accept payment for a violation [Section 284.212].

## Findings

- The use of toll revenue for enforcement cost recovery is supported by the experience of national operators of HOT lanes projects. Use of toll revenue for enforcement of the HOT lanes is a logical and publically-acceptable method to recover the cost of enforcement. The I-394 Express Lanes operator reports that HOV violation rates were lowered through increased enforcement. (1) Utilizing HOT toll revenue for enforcement of Houston's HOT lanes should be a fundamental element of the operating agreement between TxDOT and METRO.
- The use of fine revenue for enforcement cost recovery is a more complex and challenging proposition. National operators of HOT lanes projects report that pre-existing HOV laws govern the enforcement of HOT operations. In four of six national examples, HOT lanes are enforced using pre-existing HOV laws - failure for a single driver to pay a toll is a violation of an occupancy requirement and treated as a moving violation (traffic violation). Fine revenues for traffic violations do not return to the HOT lane operating agency. However, two national HOT lane projects also enforce a fine for a toll violation and the revenues are used to recover the costs of enforcement.
- This technical memorandum documents the statutory ability of three agencies in Houston and Harris County to impose and collect a fine and administrative fee to recover the cost of collecting unpaid toll charges on HOT lanes.

TxDOT has the authority to charge a fine and an administrative fee for failure or refusal to pay a toll. The department may contract with a person to collect the unpaid toll and administrative fee before referring the matter to a court with jurisdiction over the offense.

METRO may provide a penalty for failure to pay a fare or charge for the use of the public transportation system.

HCTRA has the authority to charge fines, costs, and fees for failure to pay a toll. The authority has an administrative adjudication hearing procedure to provide for the amount and disposition of civil fines, costs, and fees. HCTRA can enforce the decision of the hearing officer by one of three means: (1) placing a device that prohibits movement of a motor vehicle that is the subject of the decision; (2) imposing an additional fine if the fine for the offense is not paid within a specified time; or (3) refusing to allow registration of the vehicle.

- Under either the TxDOT or HCTRA statutes, enforcement operations can be implemented with the proposed license plate recognition (LPR) technology. However, the METRO statute provides for issuing a citation to a person who does not have evidence of having paid a fare or charge for use of the public transportation system.
- Under either the TxDOT or HCTRA statutes, the revenues from tolls, toll evasion fines and administrative fees are returned to the agency and could be used to pay for enforcement operations. Under the current statute for METRO, the revenues collected

from a citation for fare evasion within 30 days are retained by the agency. If the citation is sent to the municipal court for adjudication, any revenues from fares, fines, and administrative fees are retained by the court.

- A decision to modify the HOV enforcement policies to provide for a HOT lane violation for toll evasion may require further legal interpretation. The ability to effectively implement fines and administrative fees for toll evasion on HOT lanes does differ by agency. The most effective system for HOT lane enforcement and cost recovery using fines and administrative fees may be achieved through an agreement among partnering agencies in the Houston and Harris County region.

## REFERENCES

1. J. Wikander, V. Goodin. *HOV Lane Enforcement Handbook*. Report for the HOV Pooled Fund Study. Federal Highway Administration. March 2006.  
[http://hovpfs.ops.fhwa.dot.gov/cfprojects/new\\_detail.cfm?id=49&new=0](http://hovpfs.ops.fhwa.dot.gov/cfprojects/new_detail.cfm?id=49&new=0) (last accessed July 31, 2009)



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**Appendix A Sample Request for information**

HOT Lane Project (Name and Facility): \_\_\_\_\_

Information Provided by:

Name: \_\_\_\_\_

Email: \_\_\_\_\_

Phone: \_\_\_\_\_

1. Are you.....  
    \_\_\_\_\_ part of the HOT lane organization  
    \_\_\_\_\_ hired from sheriff office/ city police
  
2. How many lane miles of HOT lanes do you enforce? \_\_\_\_\_
  
3. What categories of violations do you enforce?  
    \_\_\_\_\_ Occupancy  
    \_\_\_\_\_ Buffer violation  
    \_\_\_\_\_ Speeding  
    \_\_\_\_\_ Other: \_\_\_\_\_
  
4. Who enforces HOT lane violations? \_\_\_\_\_
  
5. What type of technology are you using to assist with...  
    toll evasion? \_\_\_\_\_  
    occupancy violation? \_\_\_\_\_
  
6. What is your annual cost for enforcement? \_\_\_\_\_
  
7. What is the funding source for enforcement costs? \_\_\_\_\_
  
8. What is included in this cost?  
    \_\_\_\_\_ Law enforcement officers  
    \_\_\_\_\_ Vehicle occupancy observers  
    \_\_\_\_\_ Patrol vehicles – cruiser  
    \_\_\_\_\_ Patrol vehicles – motorcycle  
    \_\_\_\_\_ O&M for enforcement technology  
    \_\_\_\_\_ Other: \_\_\_\_\_
  
9. Describe your level of enforcement coverage  
    Number of officers \_\_\_\_\_  
    Number of observers \_\_\_\_\_  
    Hours of field enforcement per officer \_\_\_\_\_ weekly/monthly
  
10. Which time periods do you enforce?  
    \_\_\_\_\_ Peak periods only  
    \_\_\_\_\_ All day

11. What type of enforcement areas do you have available?  
 \_\_\_\_\_Wide shoulders throughout, width: \_\_\_\_\_  
 \_\_\_\_\_Intermittent enforcement – pullout areas  
 \_\_\_\_\_None – roving patrols only
12. In your professional opinion, is what you have adequate? \_\_\_\_\_
13. How do you enforce HOT lane violations?  
 \_\_\_\_\_Pre-existing HOV laws (moving violation)  
 \_\_\_\_\_Assess an administrative penalty for toll evasion  
 \_\_\_\_\_A combination: \_\_\_\_\_
14. For moving violations, what is the fine? \_\_\_\_\_
15. Do you have a penalty system such as escalating fines or points on driver's license?  
 \_\_\_\_\_  
 If so, please describe. \_\_\_\_\_
16. For moving violation fines, where does the fine revenue go? \_\_\_\_\_  
 \_\_\_\_\_
17. Is any fine revenue used for HOT lane enforcement? \_\_\_\_\_
18. What is the administrative penalty for toll evasion, in addition to the toll? \_\_\_\_\_  
 \_\_\_\_\_
19. What is the penalty for non-payment? \_\_\_\_\_
20. Does law enforcement assist with repeat violators? \_\_\_\_\_
21. Are there any penalties for non-payment, such as withholding vehicle registration?  
 \_\_\_\_\_
22. What is your violation rate? \_\_\_\_\_
23. Do you have established violation rate goals? \_\_\_\_\_  
 If so, what are goals? \_\_\_\_\_
24. Do you have a violation rate threshold that triggers a reevaluation of enforcement strategies? \_\_\_\_\_  
 If so, what is your threshold? \_\_\_\_\_

## Appendix B. HOT Lane Project: I-394 Express Lanes (Minneapolis, MN)

Information Provided by:

Name: [Khaled Shouman](#)

Email: [khaled.shouman@dot.state.mn.us](mailto:khaled.shouman@dot.state.mn.us)

Phone: (651) 234-7028

1. Are you.....  
 part of the HOT lane organization  
 hired from sheriff office/ city police
2. How many lane miles of HOT lanes do you enforce? [11-miles](#)
3. What categories of violations do you enforce?  
 Occupancy  
 Buffer violation  
 Speeding  
 Other: \_\_\_\_\_
4. Who enforces HOT lane violations? [MN State Patrol](#)
5. What type of technology are you using to assist with...  
toll evasion? [RF technology – DSRC – palm pilot and gantries use same reader](#)  
occupancy violation? [visual](#)
6. What is your annual cost for enforcement? [\\$135,000 - \\$140,000 \(will be going up to \\$152,000\)](#)
7. What is the funding source for enforcement costs? [FHWA Value Pricing Project until Sept 30<sup>th</sup> - Trunk Highway Fund and in 3 years the toll revenue will help pay for enforcement](#)
8. What is included in this cost? [\\$75.35 per hour](#)  
 Law enforcement officers  
 Vehicle occupancy observers  
 Patrol vehicles – cruiser  
 Patrol vehicles – motorcycle  
 O&M for enforcement technology – [MnDOT pays \\$19,000 to equip each patrol vehicle.](#)  
 Other: \_\_\_\_\_
9. Describe your level of enforcement coverage  
Number of officers: [5 vehicles have toll reader equipment – State patrol trains officers](#)  
Number of observers: \_\_\_\_\_  
Hours of field enforcement per officer [8](#) per day

10. Which time periods do you enforce?  
 Peak periods only  
 All day
11. What type of enforcement areas do you have available?  
 Wide shoulders throughout, width: 4-10feet also use roving patrols  
 Intermittent enforcement – pullout areas  
 None – roving patrols only
12. In your professional opinion, is what you have adequate? **Yes**
13. How do you enforce HOT lane violations?  
 Pre-existing HOV laws (moving violation)  
 Assess an administrative penalty for toll evasion  
 A combination: \_\_\_\_\_
14. For moving violations, what is the fine? **\$145.00**
15. Do you have a penalty system such as escalating fines or points on driver's license? **No but insurance premiums go up**  
 If so, please describe. \_\_\_\_\_
16. For moving violation fines, where does the fine revenue go? **3 ways – County, MnDOT, and MN State Patrol**
17. Is any fine revenue used for HOT lane enforcement? **Not yet**
18. What is the administrative penalty for toll evasion, in addition to the toll? **N/A**
19. Does law enforcement assist with repeat violators? **Only non-payment**
20. Are there any penalties for non-payment, such as withholding vehicle registration?  
**License is suspended**
21. What is your violation rate? **5% from before and after survey in 2005**
22. Do you have established violation rate goals? **Yes**  
 If so, what are goals? **10%**
23. Do you have a violation rate threshold that triggers a reevaluation of enforcement strategies? **Yes**  
 If so, what is your threshold? **10%**

## Appendix C. HOT Lane Project : I-15 Managed Lanes (San Diego, CA)

Information Provided by:

Name: Christopher Burke

Email: cbur@sandag.org

Phone: (619) 699-1934

1. Are you.....  
 part of the HOT lane organization  
 hired from sheriff office/ city police
2. How many lane miles of HOT lanes do you enforce? existing 8-miles\_(barrier separate) plus the new 8-miles of barrier separation with intermediate access points
3. What categories of violations do you enforce?  
 Occupancy  
 Buffer violation  
 Speeding  
 Other: Enforce same aspects as general purpose lanes i.e. seat belt use, talking on the cell phone, etc.
4. Who enforces HOT lane violations? California Highway Patrol
5. What type of technology are you using to assist with...  
toll evasion? Federal project to test technologies  
occupancy violation? \_\_\_\_\_
6. What is your annual cost for enforcement? Budget roughly \$210,000 annually– but spend less
7. What is the funding source for enforcement costs? Toll revenue
8. What is included in this cost?  
 Law enforcement officers: Per mile rate and staff rate  
 Vehicle occupancy observers  
 Patrol vehicles – cruiser  
 Patrol vehicles – motorcycle  
 O&M for enforcement technology  
 Other: \_\_\_\_\_
9. Describe your level of enforcement coverage  
Number of officers \_\_\_\_\_  
Number of observers \_\_\_\_\_  
Hours of field enforcement per officer \_\_\_\_\_ weekly/monthly  
The level of coverage depends on CHP officer's volunteer overtime. The officers select certain time slots to cover enforcement.

10. Which time periods do you enforce?  
 \_\_\_\_\_Peak periods only  
 \_\_\_X\_\_\_All day
11. What type of enforcement areas do you have available?  
 \_\_\_X (existing 8-miles)\_\_\_ Wide shoulders throughout, width: \_\_\_\_\_  
 \_\_\_\_\_Intermittent enforcement – pullout areas  
 \_\_\_X (new 8-miles)\_\_\_ – roving patrols and direct access ramps from lanes
12. In your professional opinion, is what you have adequate? **Ideally, automated occupancy enforcement is what we want, freeing CHP to enforce laws.**
13. How do you enforce HOT lane violations?  
 \_\_\_X\_\_\_Pre-existing HOV laws (moving violation)  
 \_\_\_\_\_Assess an administrative penalty for toll evasion  
 \_\_\_\_\_A combination: \_\_\_\_\_
14. For moving violations, what is the fine? \_\_\_\_\_
15. Do you have a penalty system such as escalating fines or points on driver's license? **State regulated for HOV and HOT lane violations**  
 If so, please describe. \_\_\_\_\_
16. For moving violation fines, where does the fine revenue go? **County – percent goes back to SANDAG (regional violation)**
17. Is any fine revenue used for HOT lane enforcement? **Yes**
18. What is the administrative penalty for toll evasion, in addition to the toll? **N/A**
19. What is the penalty for non-payment? \_\_\_\_\_
20. Does law enforcement assist with repeat violators? \_\_\_\_\_
21. Are there any penalties for non-payment, such as withholding vehicle registration?  
 \_\_\_\_\_
22. What is your violation rate? **10% - 15%**
23. Do you have established violation rate goals? **No**  
 If so, what are goals? \_\_\_\_\_
24. Do you have a violation rate threshold that triggers a reevaluation of enforcement strategies? **No**  
 If so, what is your threshold? \_\_\_\_\_

**Appendix D. HOT Lane Project: SR 167 HOT Lanes Pilot Project (Seattle, WA)**

Information Provided by:

Name: Tyler Patterson

Email: pattert@wsdot.wa.gov

Phone: (206)716-1134

1. Are you.....  
 part of the HOT lane organization  
 hired from sheriff office/ city police
2. How many lane miles of HOT lanes do you enforce? 20
3. What categories of violations do you enforce?  
 Occupancy  
 Buffer violation  
 Speeding  
 Other: All Washington State traffic laws
4. Who enforces HOT lane violations? Washington State Patrol
5. What type of technology are you using to assist with...  
toll evasion? Beacon  
occupancy violation? None
6. What is your annual cost for enforcement? \$280,000 for emphasis patrol (does not include standard patrol)
7. What is the funding source for enforcement costs? Toll Operations
8. What is included in this cost?  
 Law enforcement officers  
 Vehicle occupancy observers (sometimes officers will be observers)  
 Patrol vehicles – cruiser  
 Patrol vehicles – motorcycle  
 O&M for enforcement technology  
 Other: \_\_\_\_\_
9. Describe your level of enforcement coverage  
Number of officers: 25  
Number of observers: \_\_\_\_\_  
Hours of field enforcement per officer 5-10 \_\_\_\_\_ monthly
10. Which time periods do you enforce?  
 Peak periods only  
 (emphasis on peak periods) All day

11. What type of enforcement areas do you have available?  
 \_\_\_\_\_ Wide shoulders throughout, width: \_\_\_\_\_  
 Intermittent enforcement – pullout areas  
 \_\_\_\_\_ None – roving patrols only
12. In your professional opinion, is what you have adequate? \_\_\_\_\_
13. How do you enforce HOT lane violations?  
 Pre-existing HOV laws (moving violation)  
 \_\_\_\_\_ Assess an administrative penalty for toll evasion  
 \_\_\_\_\_ A combination: \_\_\_\_\_
14. For moving violations, what is the fine? \$124
15. Do you have a penalty system such as escalating fines or points on driver's license? No  
 If so, please describe. \_\_\_\_\_
16. For moving violation fines, where does the fine revenue go? Courts, County and City programs
17. Is any fine revenue used for HOT lane enforcement? No
18. What is the administrative penalty for toll evasion, in addition to the toll? N/A
19. What is the penalty for non-payment? Escalation through courts
20. Does law enforcement assist with repeat violators? Yes, on HOV lanes, but not with tolling
21. Are there any penalties for non-payment, such as withholding vehicle registration? N/A
22. What is your violation rate? Estimated by WSP at 3% to 5%
23. Do you have established violation rate goals? No  
 If so, what are goals? \_\_\_\_\_
24. Do you have a violation rate threshold that triggers a reevaluation of enforcement strategies? No  
 If so, what is your threshold? \_\_\_\_\_

**Appendix E. HOT Lane Project : I-15 Express Lane (Orem to SLC and Davis County, UT)**

Information Provided by:

Name: Catherine Cutler, P.E., Express Lanes Project Manager

Email: ccutler@utah.gov

Phone: (801) 887-3449

1. Are you.....  
 part of the HOT lane organization  
 hired from sheriff office/ city police
2. How many lane miles of HOT lanes do you enforce? 46 miles both NB & SB
3. What categories of violations do you enforce?  
 Occupancy  
 Buffer violation  
 Speeding  
 Other: \_\_\_\_\_
4. Who enforces HOT lane violations? Utah Highway Patrol
5. What type of technology are you using to assist with...  
toll evasion? Visual (sitting on the inside or outside shoulder)  
occupancy violation? Visual (sitting on the inside or outside shoulder)
6. What is your annual cost for enforcement? \$120,000
7. What is the funding source for enforcement costs? Toll revenue
8. What is included in this cost?  
 Law enforcement officers  
 Vehicle occupancy observers  
 Patrol vehicles – cruiser  
 Patrol vehicles – motorcycle  
 O&M for enforcement technology  
 Other: only peak-time enforcement
9. Describe your level of enforcement coverage  
Number of officers: varies  
Number of observers: none  
Hours of field enforcement per officer maximum of 10 hours weekly
10. Which time periods do you enforce?  
 Peak periods only  
 All day

11. What type of enforcement areas do you have available?  
 \_\_\_\_\_ Wide shoulders throughout, width: \_\_\_\_\_  
 Intermittent enforcement – pullout areas  
 \_\_\_\_\_ None – roving patrols only
12. In your professional opinion, is what you have adequate? **No**
13. How do you enforce HOT lane violations?  
 Pre-existing HOV laws (moving violation)  
 \_\_\_\_\_ Assess an administrative penalty for toll evasion  
 \_\_\_\_\_ A combination: \_\_\_\_\_
14. For moving violations, what is the fine? **\$82.00**
15. Do you have a penalty system such as escalating fines or points on driver's license? **No**  
 If so, please describe. \_\_\_\_\_
16. For moving violation fines, where does the fine revenue go? **The Utah Highway Patrol general fund**
17. Is any fine revenue used for HOT lane enforcement? **No**
18. What is the administrative penalty for toll evasion, in addition to the toll? **None**
19. What is the penalty for non-payment? **Criminal repercussions**
20. Does law enforcement assist with repeat violators? **Not currently**
21. Are there any penalties for non-payment, such as withholding vehicle registration? **None that are directly related to non-payment of toll violation fines**
22. What is your violation rate? **Approximately 9-11%**
23. Do you have established violation rate goals? **Not currently**  
 If so, what are goals? \_\_\_\_\_
24. Do you have a violation rate threshold that triggers a reevaluation of enforcement strategies? **No**  
 If so, what is your threshold? \_\_\_\_\_

**Appendix F. HOT Lane Project: I-95 Express (Miami, FL)**

Information Provided by:

Name: Lt. Pat Santangelo

Email: patsantangelo@flhsmv.gov

Phone: (305) 308-0586

1. Are you.....  
    \_\_\_ part of the HOT lane organization  
    \_\_X\_\_ hired from sheriff office/ city police
  
2. How many lane miles of HOT lanes do you enforce? 7 miles
  
3. What categories of violations do you enforce?  
    \_\_X\_\_ Occupancy  
    \_\_X\_\_ Buffer violation  
    \_\_X\_\_ Speeding  
    \_\_X\_\_ Other: \_\_\_\_\_
  
4. Who enforces HOT lane violations? Florida Highway Patrol
  
5. What type of technology are you using to assist with...  
    toll evasion? Photo enforcement  
    occupancy violation? \_\_\_\_\_
  
6. What is your annual cost for enforcement? \$150,000
  
7. What is the funding source for enforcement costs? DOT
  
8. What is included in this cost?  
    \_\_X\_\_ Law enforcement officers  
    \_\_\_ Vehicle occupancy observers  
    \_\_X\_\_ Patrol vehicles – cruiser  
    \_\_\_ Patrol vehicles – motorcycle  
    \_\_\_ O&M for enforcement technology  
    \_\_\_ Other: \_\_\_\_\_
  
9. Describe your level of enforcement coverage  
    Number of officers: 3  
    Number of observers \_\_\_\_\_  
    Hours of field enforcement per officer \_\_160 hr. month
  
10. Which time periods do you enforce?  
    \_\_\_ Peak periods only  
    \_\_X\_\_ All day

11. What type of enforcement areas do you have available?  
 Wide shoulders throughout, width: \_\_\_\_\_  
 Intermittent enforcement – pullout areas  
 None – roving patrols only
12. In your professional opinion, is what you have adequate? **Yes**
13. How do you enforce HOT lane violations?  
 Pre-existing HOV laws (moving violation)  
 Assess an administrative penalty for toll evasion  
 A combination: \_\_\_\_\_
14. For moving violations, what is the fine? **\$133.00**
15. Do you have a penalty system such as escalating fines or points on driver's license? **Yes**  
 If so, please describe. \_\_\_\_\_
16. For moving violation fines, where does the fine revenue go? **Various**
17. Is any fine revenue used for HOT lane enforcement? **No**
18. What is the administrative penalty for toll evasion, in addition to the toll? **\$100.00**
19. What is the penalty for non-payment? **Unknown**
20. Does law enforcement assist with repeat violators? **No**
21. Are there any penalties for non-payment, such as withholding vehicle registration? **Yes**
22. What is your violation rate? **Unknown**
23. Do you have established violation rate goals? **No**  
 If so, what are goals? \_\_\_\_\_
24. Do you have a violation rate threshold that triggers a reevaluation of enforcement strategies? **No**  
 If so, what is your threshold? \_\_\_\_\_

## Appendix G. HOT Lane Project: I-25 Express Lanes (Denver, CO)

Information Provided by:

Name: Peggy Catlin, Deputy Executive Director of CDOT

Email: Peggy.Catlin@dot.state.co.us

Phone: (303) 757-9208

1. Are you.....  
 part of the HOT lane organization  
 hired from sheriff office/ city police
2. How many lane miles of HOT lanes do you enforce? 7- miles barrier separated
3. What categories of violations do you enforce?  
 Occupancy  
 Buffer violation  
 Speeding  
 Other: any moving violation\_\_\_\_\_
4. Who enforces HOT lane violations? State Highway Patrol
5. What type of technology are you using to assist with...  
toll evasion? Tag reader for transponders and license plate reader  
occupancy violation? Visual
6. What is your annual cost for enforcement? Last year \$460,000
7. What is the funding source for enforcement costs? Toll revenue
8. What is included in this cost?  
 Law enforcement officers  
 Vehicle occupancy observers  
 Patrol vehicles – cruiser  
 Patrol vehicles – motorcycle  
 O&M for enforcement technology  
 Other: All back office costs
9. Describe your level of enforcement coverage  
No dedicated patrol squad – officers volunteer for overtime.  
Number of officers: varies  
Number of observers: \_\_\_\_\_  
Hours of field enforcement around 75 total hrs monthly
10. Which time periods do you enforce?  
Randomly during the week, but frequently during peak periods  
 Peak periods only  
 All day

11. What type of enforcement areas do you have available?  
 Wide shoulders throughout, width: \_\_\_\_\_  
 Intermittent enforcement – pullout areas – at toll reader location  
 None – roving patrols only
12. In your professional opinion, is what you have adequate? **Yes, having random officers present helps.**
13. How do you enforce HOT lane violations?  
 Pre-existing HOV laws (moving violation)  
 Assess an administrative penalty for toll evasion  
 A combination: \_\_\_\_\_
14. For moving violations, what is the fine? **Toll violation = \$70 plus toll and administration fee**
15. Do you have a penalty system such as escalating fines or points on driver's license? **No**  
 If so, please describe. \_\_\_\_\_
16. For moving violation fines, where does the fine revenue go? **Toll evasion = toll revenue , traffic violations don't go to toll revenue**
17. Is any fine revenue used for HOT lane enforcement? **Yes**
18. What is the administrative penalty for toll evasion, in addition to the toll? **?**
19. What is the penalty for non-payment? **Goes through violation process**
20. Does law enforcement assist with repeat violators? **No, there is not a database for repeat violators provided to law enforcement**
21. Are there any penalties for non-payment, such as withholding vehicle registration? **No**
22. What is your violation rate? **Around 5% it is hard to tell because of the lag time in plate reader payments - once adding license plate readers the violation rate dropped.**
23. Do you have established violation rate goals? **No**  
 If so, what are goals? \_\_\_\_\_
24. Do you have a violation rate threshold that triggers a reevaluation of enforcement strategies? **No**  
 If so, what is your threshold? \_\_\_\_\_