

# **WSDOT Adjudication Program Update**

**Patty Rubstello, P.E.**

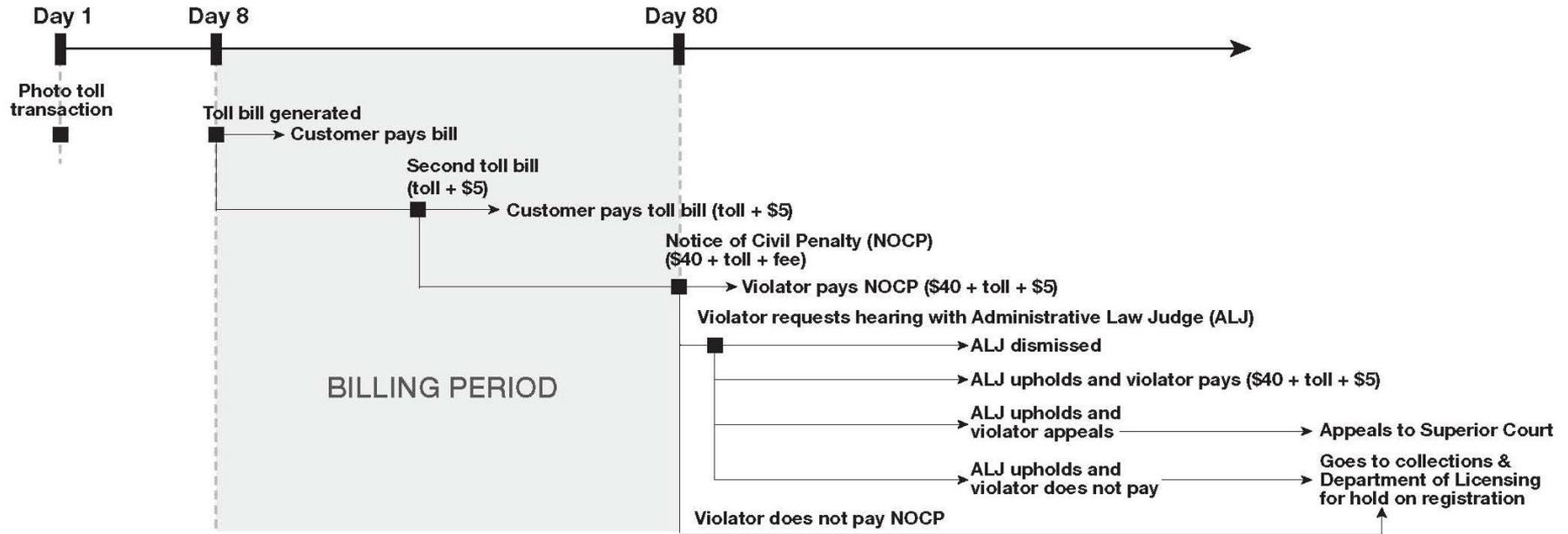
Director of Policy and Systems Development  
Toll Division

**Washington State Transportation Commission  
July 31, 2013**

# Agenda

- Notice of Civil Penalty Process Overview
- Notice of Civil Penalty Report – FY 2013 Q3
- NOCP Quality Control Process
- Adjudication Program Trends
- What to Expect in FY 2013 Q4
- 2013 Legislative Adjudication Process Changes

# Current Toll Bill and Notice of Civil Penalty Process



# NOCP Processing Participants

- The **Office of Administrative Hearings (OAH)** provides six administrative law judges for in person and written hearings for contested civil penalties. Hearings are held in Seattle or Fife.
- The **WSDOT Toll Division** certifies the images for sending out the Notice of Civil Penalty, including support in assisting administrative law judges for hearings, research and reporting.
- **Department of Licensing** provides registered owner information, and applies vehicle registration holds.
- **Electronic Transaction Consultant Corporation (ETCC)** provides customer service and back office processing of electronic and photo toll transactions and notices of civil penalties. In addition, ETCC provides overall administrative support for the adjudication process including hearing scheduling and payment processing.

# Civil Penalty Program for Toll Violations

January - March 2013

	SR 520 Bridge	Tacoma Narrows Bridge
Number of civil penalties transactions issued <sup>1</sup>	77,213	39,576
Number of civil penalty transactions paid upon receipt of the NOCP	6,811	745
Number of civil penalty transactions adjudicated via a written dispute in lieu of hearing	2,845	1,267
Number of civil penalty transactions adjudicated via an in-person hearing	8,624	2,202
Number of civil penalty transactions which did not receive a response	60,121	35,362
Workload costs related to adjudicated transactions <sup>2</sup>	\$ 288,664	\$99,361
Cash received related to \$40 civil penalty fee <sup>3,4</sup>	\$736,312	\$117,839

<sup>1</sup> Civil Penalty Transaction data is queried from the ETCC database. The data is pulled at least 25 days after the NOCP transaction date in order to allow each recipient time to pay or request a hearing prior to the NOCP due date.

<sup>2</sup> Workload costs represent the total costs charged to each toll facility in relation to the civil penalty program during this reporting period.

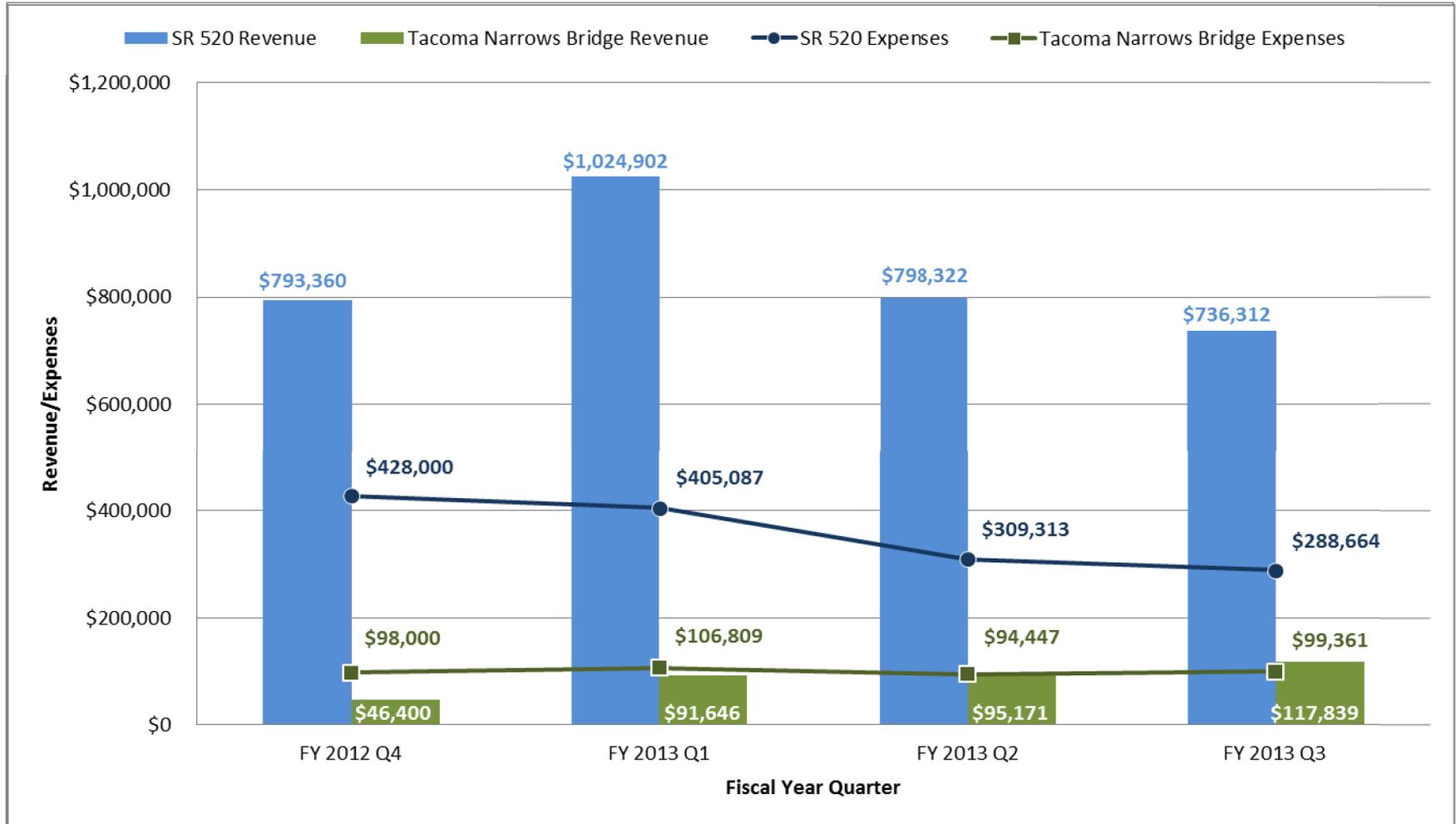
<sup>3</sup> Revenues reported here represent cash received from NOCP penalty payments only. They do not include any toll or reprocessing fee cash collected. Amounts presented are not in whole \$40 increments due to partial payments.

<sup>4</sup> Financial statements report total revenues earned after NOCP recipient has been found "liable" through an administrative hearing or deemed "liable" for not responding to the notice by the due date (20 days). This differs from the amount of cash collected which is presented here. The booked receivables for TNB and SR-520 Bridge are \$595,344 and \$1,702,312 respectively for the period.

# NOCP Quality Control Process

- Several filters were put in place prior to NOCP issuance in February 2012 to ensure:
  - Each transaction is viable
  - The registered owner is correct
- 50% of all NOCPs were held in the filters as part of this quality control process
- The filters were removed in Spring 2013 due to an increased level of confidence that the processes were functioning properly, releasing ~300,000 NOCPs
- Anticipate a significant increase in adjudication numbers in the first quarter of Fiscal Year 2014

# Adjudication Program Revenue and Expense Trends



# What to Expect in FY 2013 Q4

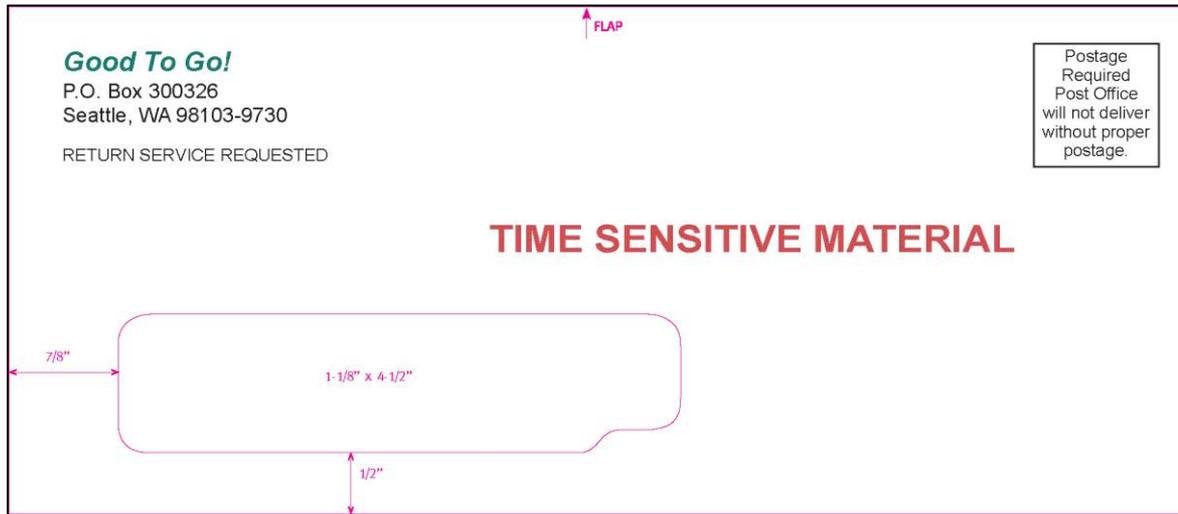
- NOCPs issued in the first two months, significant increase over FY 2013 Q3
  - SR 520: approximately three times the amount issued
  - Tacoma Narrows Bridge: approximately two times the amount issued
- Total Expenses in the first two months
  - Already \$20,000 over FY 2013 Q3
- Revenue seen in the first two months, significant increase over FY 2013 Q3
  - Approximately two times the revenue for both facilities

# Adjudication Process Changes - July 28, 2013

## 2013 Substitute House Bill 1941

- Toll bill envelope/NOCP envelope must prominently indicate the contents are:
  - Time sensitive
  - Related to a toll violation

# Toll Bill and NOCP Envelopes



Example  
Toll Bill  
Envelope

Example  
NOCP  
Envelope



# Adjudication Process Changes - July 28, 2013

## 2013 Substitute House Bill 1941

- Violator provided an opportunity to explain mitigating circumstances which must occur within a reasonable time of the alleged toll bill
  - Judges may reduce or dismiss the civil penalty
- Requires additional reporting categories:
  - Number of times civil penalty were reduced or dismissed
  - Total dollar amount of civil penalties dismissed

# Questions?

For more information please contact:

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