

2012 -- H 7457

=====  
LC01133  
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

—————  
A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT - DEPARTMENT OF  
TRANSPORTATION

Introduced By: Representatives Morrison, Gallison, and Malik

Date Introduced: February 09, 2012

Referred To: House Finance

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 42-13-2 of the General Laws in Chapter 42-13 entitled "Department  
2 of Transportation" is hereby amended to read as follows:

3           **42-13-2. Organization and functions of the department.** -- (a) The department shall be  
4 organized into such divisions as are described in this section and such other divisions,  
5 subdivisions, and agencies as the director shall find are necessary to carry out the responsibilities  
6 of the department.

7           (1) Division of administration. - This division shall be headed by an assistant director for  
8 administration. The division shall provide assistance to the director in managing and controlling  
9 the work of the department, shall collect bridge tolls and administer any financial support made  
10 available to support railroad passenger or freight service. The division of administration shall  
11 include:

12           (i) A business management office which shall provide central personnel, financial  
13 programming, payroll, and other management services to all divisions and agencies of the  
14 department.

15           (ii) A legal counsel who shall prepare or review any legislation pertaining to the  
16 department, assist in preparing contracts, handle claims against the department, and provide other  
17 legal services as required.

18           (iii) A public information office which shall inform the public of the programs and

1 projects of the department, answer inquiries by the public, prepare and release progress reports  
2 and other publications, and provide photographic services.

3 (iv) An audits office which shall continuously audit all of the activities of the department  
4 and insure compliance with state and federal laws and administrative regulations.

5 (v) A property management office which shall acquire all real property for the  
6 department, make appraisals of property, manage real property under the department's  
7 jurisdiction, and operate a family and business relocation program. The property management  
8 office shall manage those state piers and related facilities which are used for port or waterways  
9 transportation purposes.

10 (2) Planning division. - This division shall be headed by a chief of transportation  
11 planning. The division shall assist the division of planning in the department of administration to  
12 prepare transportation elements of the long-range state guide plan. The division will prepare  
13 functional and area plans, project plans, improvement programs, and implementation programs  
14 which are consistent with the long-range state guide plan. The division will undertake corridor,  
15 route location, feasibility, facility needs, and other studies as required to support the work of the  
16 department. The division shall collect and analyze statistical and other data on all types of  
17 transportation needs and facilities.

18 (3) Public works division. - This division shall be headed by a chief engineer. The  
19 division shall be responsible for the design and engineering of roads, bridges, transit facilities,  
20 airport facilities, port and waterways facilities, and all other transportation facilities. The division  
21 shall prepare contracts and specifications for all construction projects undertaken by the  
22 department. The division shall supervise the execution of all construction projects. The division  
23 shall perform traffic engineering functions, make surveys and soil studies, test materials, and  
24 perform other functions necessary to support the department's design and construction activities.

25 (4) Maintenance division. - This division shall be headed by a maintenance engineer.  
26 The division shall maintain all roads, bridges, airports, piers, port terminal facilities, and other  
27 transportation facilities and landscaped areas which are under the jurisdiction of the department  
28 of transportation. The division shall install and maintain traffic control signs and signals.

29 (5) Airports division. - This division shall be headed by an assistant director for airports.  
30 The division shall operate all state-owned airports, heliports, and other facilities for air  
31 transportation, including passenger and cargo terminals, parking facilities and other supporting  
32 facilities, emergency services, and security services. The division shall regulate aeronautical  
33 matters and shall supervise the location, maintenance, operation, and use of privately-owned civil  
34 airports, landing areas, navigation facilities, air schools, and flying clubs.

1 (6) Turnpike and bridge division. This division shall be headed by an assistant director  
2 for turnpikes and bridges. The division shall operate any and all bridges and turnpikes as  
3 specified in chapter 24-12. This division shall have all of the powers and authority as enumerated  
4 therein.

5 (b) The director may assign such other responsibilities to the divisions and agencies as  
6 he or she shall find appropriate and may reassign functions to divisions and agencies other than as  
7 set out in this section if he or she shall find this reassignment necessary to the proper and efficient  
8 functioning of the department or of the state's transportation system.

9 SECTION 2. Sections 24-12-2 and 24-12-5 of the General Laws in Chapter 24-12  
10 entitled "Rhode Island Turnpike and Bridge Authority" are hereby amended to read as follows:

11 **24-12-2. Authority created -- Composition.** -- ~~There is hereby created a body corporate~~  
12 ~~and politic to be known as the "Rhode Island turnpike and bridge authority." The authority shall~~  
13 ~~consist of five (5) members, including the director of transportation, who shall be a member ex~~  
14 ~~officio, and four (4) members appointed by the governor.~~

15 The turnpike and bridge division shall be dissolved and placed under auspices of the  
16 department of transportation. Any and all powers, rules and regulations concerning turnpikes and  
17 bridges shall continue as enumerated herein. Any references within the general laws to the  
18 turnpike and bridge authority shall now be construed and deemed to be the turnpike and bridge  
19 division within the department of transportation.

20 **24-12-5. Power to construct, reconstruct, renovate, acquire, maintain, repair,**  
21 **operate or manage projects or additional facilities and to issue bonds.** -- In order to facilitate  
22 vehicular traffic, remove many of the present handicaps and hazards on the congested highways  
23 in the state, alleviate the barriers caused by large bodies of water, and promote the agricultural  
24 and industrial development of the state, the Rhode Island turnpike and bridge authority is hereby  
25 authorized and empowered: to construct the Newport Bridge, the turnpike, any portion thereof or  
26 any additional facility hereafter authorized to be constructed; to acquire the Mount Hope Bridge  
27 and Sakonnet River Bridge, and any additional facility hereafter authorized to be acquired (~~except~~  
28 ~~the Sakonnet River Bridge~~); to maintain, construct, reconstruct, renovate, acquire, repair, operate  
29 or manage any project or projects; and to issue bonds of the authority as provided in this chapter  
30 to finance any project or projects; provided, however, that the Mount Hope Bridge shall only be  
31 acquired as provided for by section 24-12-40A.

32 SECTION 3. Chapter 24-12 of the General Laws entitled "Rhode Island Turnpike and  
33 Bridge Authority" is hereby amended by adding thereto the following section:

34 **24-12-59. Title to Sakonnet River Bridge vested in the department of transportation,**

1 **turnpike and bridge division.** – [All powers, control, and jurisdiction of and title to the Sakonnet](#)  
2 [River Bridge is hereby affirmed as having vested in the department of transportation, turnpike](#)  
3 [and bridge division as of June 1, 2009.](#)

4 .SECTION 4. Sections 31-36-7 and 31-36-20 of the General Laws in Chapter 31-36  
5 entitled "Motor Fuel Tax" are hereby amended to read as follows:

6 **31-36-7. Monthly report of distributors -- Payment of tax.** -- (a) State requirements. -  
7 Every distributor shall, on or before the twentieth (20th) day of each month, render a report to the  
8 tax administrator, upon forms to be obtained from the tax administrator, of the amount (number  
9 of gallons) of fuels purchased, sold, or used by the distributor within this state and the amount of  
10 fuels sold by the distributor without this state from fuels within this state during the preceding  
11 calendar month, and, if required by the tax administrator as to purchases, the name or names of  
12 the person or persons from whom purchased and the date and amount of each purchase, and as to  
13 sales, the name or names of the person or persons to whom sold and the amount of each sale, and  
14 shall pay at the same time to the administrator tax at the rate of ~~thirty cents (\$.30)~~ [thirty-two cents](#)  
15 [\(\\$.32\)](#) per gallon on all taxable gallons of fuel sold or used in this state.

16 (b) Federal requirements. - In the event the federal government requires a certain portion  
17 of the gasoline tax to be dedicated for highway improvements, then the state controller is directed  
18 to establish a restricted receipt account and deposit that portion of gasoline tax receipts which  
19 brings the state into federal compliance.

20 **31-36-20. Disposition of proceeds.** -- (a) Notwithstanding any other provision of law to  
21 the contrary, all moneys paid into the general treasury under the provisions of this chapter or  
22 chapter 37 of this title, and title 46 shall be applied to and held in a separate fund and be  
23 deposited in any depositories that may be selected by the general treasurer to the credit of the  
24 fund, which fund shall be known as the Intermodal Surface Transportation Fund; provided, that in  
25 fiscal year 2004 for the months of July through April six and eighty-five hundredth cents  
26 (\$0.0685) per gallon of the tax imposed and accruing for the liability under the provisions of  
27 section 31-36-7, less refunds and credits, shall be transferred to the Rhode Island public transit  
28 authority as provided under section 39-18-21. For the months of May and June in fiscal year  
29 2004, the allocation shall be five and five hundredth cents (\$0.0505). Thereafter, until fiscal year  
30 2006, the allocation shall be six and twenty-five hundredth cents (\$0.0625). For fiscal years 2006  
31 through FY 2008, the allocation shall be seven and twenty-five hundredth cents (\$0.0725);  
32 provided, that expenditures shall include the costs of a market survey of non-transit users and a  
33 management study of the agency to include the feasibility of moving the Authority into the  
34 Department of Transportation, both to be conducted under the auspices of the state budget officer.

1 The state budget officer shall hire necessary consultants to perform the studies, and shall direct  
2 payment by the Authority. Both studies shall be transmitted by the Budget Officer to the 2006  
3 session of the General Assembly, with comments from the Authority. For fiscal year 2009, the  
4 allocation shall be seven and seventy-five hundredth cents (\$0.0775), of which one-half cent  
5 (\$0.005) shall be derived from the one cent (\$0.01) per gallon environmental protection fee  
6 pursuant to section 46-12.9-11. For fiscal years 2010 and thereafter, the allocation shall be nine  
7 and seventy-five hundredth cents (\$0.0975), of which of one-half cent (\$0.005) shall be derived  
8 from the one cent (\$0.01) per gallon environmental protection fee pursuant to section 46-12.9-11.  
9 One cent (\$0.01) per gallon shall be transferred to the Elderly/Disabled Transportation Program  
10 of the department of human services, and the remaining cents per gallon shall be available for  
11 general revenue as determined by the following schedule:

12 (i) For the fiscal year 2000, three and one fourth cents (\$0.0325) shall be available for  
13 general revenue.

14 (ii) For the fiscal year 2001, one and three-fourth cents (\$0.0175) shall be available for  
15 general revenue.

16 (iii) For the fiscal year 2002, one-fourth cent (\$0.0025) shall be available for general  
17 revenue.

18 (iv) For the fiscal year 2003, two and one-fourth cent (\$0.0225) shall be available for  
19 general revenue.

20 (v) For the months of July through April in fiscal year 2004, one and four-tenths cents  
21 (\$0.014) shall be available for general revenue. For the months of May through June in fiscal year  
22 2004, three and two-tenths cents (\$0.032) shall be available for general revenue, and thereafter,  
23 until fiscal year 2006, two cents (\$0.02) shall be available for general revenue. For fiscal year  
24 2006 through fiscal year 2009 one cent (\$0.01) shall be available for general revenue.

25 (2) All deposits and transfers of funds made by the tax administrator under this section,  
26 including those to the Rhode Island public transit authority, the department of human services and  
27 the general fund, shall be made within twenty-four (24) hours of receipt or previous deposit of the  
28 funds in question.

29 (3) Commencing in fiscal year 2004, the Director of the Rhode Island Department of  
30 Transportation is authorized to remit, on a monthly or less frequent basis as shall be determined  
31 by the Director of the Rhode Island Department of Transportation, or his or her designee, or at the  
32 election of the Director of the Rhode Island Department of Transportation, with the approval of  
33 the Director of the Department of Administration, to an indenture trustee, administrator, or other  
34 third party fiduciary, in an amount not to exceed two cents (\$0.02) per gallon of the gas tax

1 imposed, in order to satisfy debt service payments on aggregate bonds issued pursuant to a Joint  
2 Resolution and Enactment Approving the Financing of Various Department of Transportation  
3 Projects adopted during the 2003 session of the General Assembly, and approved by the  
4 Governor.

5 (b) Notwithstanding any other provision of law to the contrary, all other funds in the  
6 fund shall be dedicated to the department of transportation, subject to annual appropriation by the  
7 general assembly. The director of transportation shall submit to the general assembly, budget  
8 office and office of the governor annually an accounting of all amounts deposited in and credited  
9 to the fund together with a budget for proposed expenditures for the succeeding fiscal year in  
10 compliance with sections 35-3-1 and 35-3-4. On order of the director of transportation, the state  
11 controller is authorized and directed to draw his or her orders upon the general treasurer for the  
12 payments of any sum or portion of the sum that may be required from time to time upon receipt  
13 of properly authenticated vouchers.

14 (c) At any time the amount of the fund is insufficient to fund the expenditures of the  
15 department of transportation, not to exceed the amount authorized by the general assembly, the  
16 general treasurer is authorized, with the approval of the governor and the director of  
17 administration, in anticipation of the receipts of monies enumerated in section 31-36-20 to  
18 advance sums to the fund, for the purposes specified in section 31-36-20, any funds of the state  
19 not specifically held for any particular purpose. However, all the advances made to the fund shall  
20 be returned to the general fund immediately upon the receipt by the fund of proceeds resulting  
21 from the receipt of monies to the extent of the advances.

22 SECTION 5. This act shall take effect upon passage.

=====  
LC01133  
=====

EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT - DEPARTMENT OF  
TRANSPORTATION

\*\*\*

1           This act would create the turnpike and bridge division within the department of  
2 transportation The act would also transfer title to the Sakonnet River Bridge to the turnpike  
3 division within the department of transportation.

4           This act would take effect upon passage.

=====  
LC01133  
=====