

700 CMR 11.00: MAURICE J. TOBIN MEMORIAL BRIDGE

Section

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11.01: Introduction

- (1) General. 700 CMR 11.01 through 11.07 contain the terms and conditions under which persons and operators of motor vehicles shall be permitted upon the Tobin Memorial Bridge.
- (2) Applicability. 700 CMR 11.01 through 11.07 shall apply to all Operators of Motor Vehicles and Persons who use the Tobin Memorial Bridge.

11.02: Definitions

The following terms as used in 700 CMR 11.00 shall, unless otherwise expressly stated or unless the context clearly requires a different interpretation, have the following meaning:

AASHTO shall mean the American Association of State Highway and Transportation Officials, or its successor.

ALPR shall mean Automatic License Plate Recognition which are automated computer processes that identify a license plate number, state from which the license plate was issued, and/or license plate type using optical character recognition or similar software.

Account Holder is an E-ZPass MA or Pay By Plate customer who uses the EZDriveMA system in accordance with applicable rules, regulations and/or terms and conditions.

Automobile shall have the meaning defined in M.G.L. c. 90, § 1.

Balance Due the amount shown on invoices and other notices, which includes the amount due for tolls, fines, and other fees owed to MassDOT for use of the Tobin Memorial Bridge or other MassDOT or MassDOT approved facilities.

Clerk shall mean MassDOT employees, hearing examiners, or persons employed by or under contract with MassDOT or its EZDriveMA system contractor, designated by MassDOT to review and to perform functions related to EZDriveMA such as processing transactions, invoicing, appeals and hearings, and to administer and/or enforce collections or other liabilities and tasks associated with the EZDriveMA system.

Commercial Vehicle shall mean any Motor Vehicle which is not a Private Passenger Motor Vehicle displaying a private passenger registration number plate and is not a Motorcycle displaying a Motorcycle registration number plate.

Department or MassDOT shall mean the Massachusetts Department of Transportation, a body politic and corporate established pursuant to M.G.L. c. 6C.

EZDriveMA shall mean the cashless, automated system installed on or operating with respect to the Tobin Memorial Bridge, a way, or at other MassDOT or MassDOT approved facilities, for the purpose of collecting tolls, fares, fees, fines, or other transactions as determined by MassDOT. The EZDriveMA system consists of E-ZPass MA and Pay By Plate.

E-ZPass MA-equipped Motor Vehicle shall mean a motor vehicle properly equipped with and using a valid electronic device, such as a transponder, that MassDOT, or its EZDriveMA system contractor has issued or authorized for the purpose of transmitting information to the EZDriveMA system for collecting tolls, fares, fines, fees, or other transactions electronically.

E-ZPass MA shall mean the electronic toll collection system installed on or operating with respect to the Tobin Memorial Bridge, a way, or at other MassDOT or MassDOT approved facilities for the purpose of collecting tolls, fares, fines, fees, or other transactions through an electronic device, such as a transponder, as determined by MassDOT.

Hot List – a list of specific license plates and/or transponder numbers provided or identified by law enforcement to MassDOT pursuant to the standards and procedures in 700 CMR 11.06(8).

Late Fee is assessed by MassDOT on unpaid tolls and/or other transactions that have not been paid in full by the Payment Due Date shown on an invoice or notice.

Motorcycle shall have the meaning defined in M.G.L. c. 90, § 1.

Motorized Bicycle shall have the meaning defined in M.G.L. c. 90, § 1.

Motor Vehicle shall have the meaning defined in M.G.L. c. 90, § 1, including, without limitation, automobile, bus or motor bus, tractor and motorcycle, all as defined in M.G.L. c. 90, § 1.

Non-revenue Vehicle refers to an official vehicle of MassDOT and any other vehicle that MassDOT designates as such.

On The Go (OTG) is a prepaid toll payment option through use of a transponder or other electronic device issued by MassDOT or its EZDriveMA contractor, for use with the EZDriveMA system. Said device has not been registered with MassDOT or other agency or entity that has toll collection reciprocity with MassDOT.

Operator shall mean any person who operates a motor vehicle on the Tobin Memorial Bridge.

Pay By Plate (PBP) refers to the MassDOT EZDriveMA payment option where photographic or video images of vehicles and license plates are used to either post toll transactions to a Registered Pay By Plate account or for obtaining the name and address of the registered owner of the vehicle from the RMV/DMV or other means, for purposes of collecting tolls, fees, fines, and other debts owed.

Pay By Plate Invoice refers to an itemized statement issued to a vehicle's registered owner of record or responsible party, where applicable, which provides a summary of toll usage, tolls due, balance, late and other fees, fines, penalties and other amounts due associated with toll or other transactions; as well as payments made, and/or credits..

Pay By Plate Past Due Invoice refers to a statement issued to a vehicle's registered owner or other responsible party, where applicable, when any portion of the Balance Due from the Pay By Plate Invoice is outstanding after the Pay By Plate Invoice Payment Due Date. Pay By Plate Past Due Invoice may include any previous Balance Due and any current tolls, fees, fines, penalties and other amounts due; as well as payments made, credits, and/or other transactions.

Pay By Plate Notice of Non-Payment (NONP) is a statement issued to a vehicle's registered owner of record, or other responsible party, where applicable, when any portion of the Balance Due from the Pay By Plate Past Due Invoice is outstanding after the Pay By Plate Past Due Invoice Payment Due Date. The NONP may include any previous Balance Due and any current tolls, fees, fines, penalties and other amounts due; as well as payments made, credits, and/or other transactions.

Pay By Plate Notice of Liability (NOL) is a statement issued to a vehicle's registered owner of record when any portion of the Balance Due from the NONP is outstanding after the NONP Payment Due Date. The NOL may include any previous Balance Due and any current tolls, fees, fines and penalties, as well as payments made credits, and/or other transactions. The NOL demands immediate payment of NOL Balance Due.

Pay By Plate Registered account refers to a payment option whereby a vehicle and its

corresponding license plate is provided by the customer to be listed on an account for collecting tolls, fees, fines or other transactions as determined by MassDOT.

Payment Due Date the date on which a payment must be received by MassDOT in accordance with an invoice or notice issued by MassDOT for any Pay By Plate or E-ZPass MA account in order to avoid additional fees, fines, and/or penalties.

Person shall mean any individual, firm, association, corporation or any other legal entity.

Police Officer shall mean and include all members of the Massachusetts State Police or any duly authorized law enforcement officer.

Private Passenger Motor Vehicle shall have the meaning assigned to the term in 540 CMR 2.05: *Vehicle Registrations Requirements*.

Registered Owner refers to a person registered by the Massachusetts Registrar of Motor Vehicles in accordance with M.G.L. c. 90, § 2, at the time of a transaction as the owner of the vehicle involved in the transaction or who is so registered by the Registrar or department of motor vehicles or similar official or department of another jurisdiction in accordance with the law of that jurisdiction. Source of the Registered Owner information may be from the Registrar or similar official or department of another jurisdiction in accordance with the law of that jurisdiction or a third-party service contracted by MassDOT for providing Registered Owner information, or from vehicle images that display information identifying the vehicle owner.

Registrar shall mean the Registrar of Motor Vehicles of the Commonwealth.

Resident Program shall mean the toll program available to eligible residents of the city of Chelsea or the Charlestown section of the city of Boston for an automobile or motorcycle owned or leased by a resident of the city of Chelsea or the Charlestown section of the city of Boston, the Tobin Memorial Bridge's host communities, and registered as a Private Passenger Motor Vehicle or as a Motorcycle with the Registrar. The automobile or motorcycle shall be garaged in either city of Chelsea or the Charlestown section of the city of Boston.

RMV/DMV shall mean local, state, federal or other agency, authority or entity that is responsible for issuing and administering vehicle registrations and vehicle operator drivers' licenses.

Tobin Memorial Bridge shall mean the high level bridge over the Mystic River constructed under the provisions of St. 1946, c. 562, including all ramps, roadways, toll plazas, structures, buildings and property acquired by MassDOT located between the northern terminus of the John I. Fitzgerald Expressway in the Charlestown section of the city of Boston, the intersection of the Tobin Bridge entry and exit ramps at Rutherford Avenue in the Charlestown section of the city of Boston, and the southern terminus of the Father Adamski Expressway in the city of Chelsea and known as the Maurice J. Tobin Memorial Bridge (formerly the Mystic River Bridge).

Toll shall mean the amount assessed by MassDOT for passage over the Tobin Memorial Bridge.

Tractor shall have the meaning defined in M.G.L. c. 90, § 1.

11.03: Tolls

(1) Toll and Vehicle Classification. The Department applies the vehicle classification schedule specified below to determine tolls for use on the Tobin Memorial Bridge.

Table 1

Class	Type of Vehicle*
2	Private Passenger - 2 Axles
2	Resident Program Commuter ** - 2 Axles
2	Commercial – 2 Axle
3	Any 3 Axle Vehicle
4	Any 4 Axle Vehicle
5	Any 5 Axle Vehicle
6	Any 6 Axle Vehicle
7	Any 7 Axle Vehicle

* Motor Vehicle Description determined by type of registration (Massachusetts vehicles) or by image and/or type of vehicle (non-Massachusetts vehicles).

** Members of the Resident Program must be an E-ZPass MA customer and be operating an E-ZPass MA-equipped Motor Vehicle.

(2) Payment of Toll. Each Operator shall pay the toll as established by MassDOT. MassDOT may obtain an image of the vehicle and/or vehicle license plate for purposes of assessing a toll, invoicing, assessing fees, fines, and/or penalties; evaluating transaction disputes and appeals; and toll collection enforcement.

(3) Vehicle Classification. Each motor vehicle displaying a private passenger registration number plate or a motorcycle displaying a motorcycle registration number plate shall pay the toll established by MassDOT for a Private Passenger Motor Vehicle, provided said vehicles are listed on a Private Passenger Account. Each motor vehicle which does not display a private passenger registration number plate or a motorcycle registration number plate, or any private passenger registration or motorcycle that is listed on a Commercial Account shall pay the toll established by MassDOT for a Commercial Motor Vehicle. Toll rates may vary depending on the method in which the toll was assessed.

(4) Resident Program. A resident of Chelsea or Charlestown may qualify for the annual Resident Program under such conditions as may from time to time be established by MassDOT. Only authorized E-ZPass MA Equipped vehicles with authorized MassDOT issued E-ZPass MA devices will be eligible for the Resident Program. Chelsea and Charlestown residents who qualify and choose to participate in the annual Resident Program shall adhere to the E-ZPass MA terms and conditions and regulations governing the use of the EZDriveMA system and annual Resident Program. Eligible Chelsea and Charlestown residents must submit on an annual basis a valid Massachusetts Registry of Motor Vehicles registration and/or lease agreement, a valid Massachusetts driver's license, and current proof of residency as determined by the Department. To continue to be eligible for the annual Resident Program, Chelsea and Charlestown residents must re-qualify on an annual basis. Failure to re-qualify by the applicable expiration date will result in the loss of the resident toll rate. While not in the program, the subject resident shall be responsible for the full, non-discounted toll rate which may be posted to the subject E-ZPass MA account or invoiced as a Pay By Plate toll.

(5) Toll Evasion. No person may commit, or attempt to commit, any act with the intent to evade the payment of a toll or to defraud MassDOT with respect to the payment of a toll. Refusal to pay a toll is considered to be an act done with intent to evade the toll.

11.04: EZDriveMA Toll Collection

(1) EZDriveMA System. The Department from time to time establishes the terms and conditions governing the use of the EZDriveMA system and requires that all users of the EZDriveMA system accept these terms and conditions. The EZDriveMA system is comprised

of E-ZPass MA and Pay By Plate.

(2) Use of the EZDriveMA System. No person may use or attempt to use the Department's EZDriveMA system unless:

- (a) the vehicle driven is properly registered with the RMV/DMV;
- (b) the vehicle license plate number, jurisdiction, and other identifying characters on the license plate are all clearly visible at all times and the license plate(s) is/(are) unobstructed and mounted in compliance with M.G.L. c. 90, § 6; and
- (c) the person agrees to adhere to all laws, regulations and terms and conditions governing the use of the Tobin Memorial Bridge and the EZDriveMA system.

(3) E-ZPass MA Account and Use of On the Go Device. No person may possess an electronic device for use with the EZDriveMA system unless:

- (a) the person is duly registered with the Department or its designated EZDriveMA contractor as an Account Holder; or
- (b) the person is operating an authorized E-ZPass MA-equipped Motor Vehicle with the permission of the Account Holder of the E-ZPass MA-equipped Motor Vehicle; or
- (c) the person has a valid OTG device and is using MassDOT facilities in accordance with applicable regulations and terms and conditions; or
- (d) the person is using a valid electronic device of an electronic toll collection system of another jurisdiction that maintains reciprocity with the Department; and
- (e) the device is properly programmed to assess the appropriate toll charge as determined by the Department from time to time, for the classification of the vehicle that is using the E-ZPass MA System in accordance with the classification of that vehicle enumerated in 700 CMR 11.03;
- (f) the vehicle is properly registered with the RMV/DMV; and
- (g) the electronic device is properly mounted and operable, and the associated account is in good standing/

(4) Pay By Plate Program - Driving on a MassDOT toll roadway without an E-ZPass MA account, Pay By Plate Registered account, or a toll account of another agency that has toll reciprocity with MassDOT, will result in an invoice issued to the registered owner or responsible party, where applicable, based on an image taken of the vehicle license plate or other identifying information. Pay By Plate invoices and notices will be issued according to the following processes:

- (a) Pay By Plate Invoice is an itemized statement issued to the vehicle's registered owner of record, or other responsible party, where applicable, in accordance with 700 CMR 11.02. The Balance Due must be received by MassDOT by the Payment Due Date on the Pay By Plate Invoice.
- (b) Pay By Plate Past Due Invoice is an itemized statement issued to the vehicle's registered owner of record, or other responsible party, in accordance with 700 CMR 11.02. The Balance Due must be received by MassDOT by the Payment Due Date on the Pay By Plate Past Due Invoice. Late fees, fines, or other penalties may be assessed when any portion of the Balance Due from the Pay By Plate Invoice is outstanding after the Pay By Plate Invoice Payment Due Date.
- (c) Pay By Plate Notice of Non Payment (NONP) is an itemized statement issued to the vehicle's registered owner of record, or other responsible party, where applicable, in accordance with 700 CMR 11.02. The Balance Due must be received by MassDOT by the Payment Due Date on the Pay By Plate NONP. Late fees, fines, or other penalties may be assessed when any portion of the Balance Due from the Pay By Plate Past Due Invoice is outstanding after the Pay By Plate Past Due Invoice Payment Due Date.
- (d) Pay By Plate Notice of Liability (NOL) is an itemized statement issued to the vehicle's registered owner of record, or other responsible party, where applicable, in accordance with 700 CMR 11.02. Late fees, fines, or other penalties may be assessed when any portion of the Balance Due from the Pay By Plate NONP is outstanding after the Pay By Plate NONP Payment Due Date. The NOL Balance Due must be paid immediately. The issuance of an NOL constitutes notification that enforcement action with the RMV/DMV has been taken in accordance with 700 CMR 11.06(7)(d).
- (e) MassDOT may assess a higher toll rate or other fee to a Pay By Plate customers, for the costs associated with administering the Pay By Plate program.

(5) Unauthorized Use. Only customers in good standing who comply with applicable

regulations and terms and conditions, are authorized to use the EZDriveMA system. A person who operates a motor vehicle which is not an authorized E-ZPass MA-equipped Motor Vehicle, or a customer of another agency or entity that has electronic toll collection reciprocity with MassDOT, shall be considered a Pay By Plate customer and shall be subject to the provisions of 700 CMR 11.04. A person who has been issued a Notice of Liability for failure to pay one or more Pay By Plate invoices, and said invoices remain unpaid, shall not be authorized to use the EZDriveMA system.

(6) Assessment of Toll. The Registered Owner of record or responsible party, where applicable, of a motor vehicle that travels on the Tobin Memorial Bridge incurs a toll. The Department assesses the appropriate toll charge against the corresponding E-ZPass MA account, customer of another agency or entity that has electronic toll collection reciprocity with MassDOT, or Pay By Plate account. .

(7) Evasion of Toll by Device or Method. No person may use or attempt to use any device or method, the intended result of which is the inability of the EZDriveMA system to assess or collect the toll due under 700 CMR 11.03 or the non-payment of the toll. Failure to comply with 700 CMR 11.04(7) shall be considered toll evasion and/or unauthorized use of the EZDriveMA System.

(8) Prima Facie Responsibility. The registered owner of record of the motor vehicle is *prima facie* responsible for the payment of the tolls, fees, fines and/or penalties that the Department assesses with respect to the nonpayment of the toll unless:

(a) Stolen Vehicle. The registered owner of record has reported in a timely manner to a police agency that the subject vehicle has been stolen, and the subject vehicle remained stolen at the time of the toll transaction; or

(b) Leased or Rented Vehicle. The registered owner of record is in the business of leasing or renting motor vehicles and provides to MassDOT by the Payment Due Date on the Pay By Plate invoice, a copy of a lease, rental or similar contract document indicating that the vehicle was leased or rented at the time of the toll transaction and the identity, address and driver's license information of the person entitled to possession is discernible from the document, in which case that person is *prima facie* responsible for the payment of the fines or penalties that the Department assesses in accordance with 700 CMR 11.00.

(9) Toll Rate Discount. Pay By Plate customers and non-EZDriveMA customers shall not be eligible for the toll discount program provided for in M.G.L. c. 6C, § 13(b). Said discount shall only be available to two-axle passenger vehicles on passenger E-ZPass MA accounts.

11.05: Vehicle Operations

(1) General. The legislative Acts and Resolves of the General Court of Massachusetts relating to Motor Vehicles and the Registry of Motor Vehicles Regulations, including without limitation, M.G.L. c. 89, M.G.L. c. 90 and 540 CMR insofar as they are applicable to vehicular traffic on the Tobin Memorial Bridge, are hereby adopted by the Department and shall be in full force and effect. Each Operator shall observe 700 CMR 11.00. All rights, privileges, licenses and permits, express or implied, for the use of the Tobin Memorial Bridge by the Operator heretofore by the Massachusetts Port Authority or hereafter granted by the Department shall be deemed to be revocable; and each such right, privilege, license or permit shall, at the option of the Department or its duly authorized representative, be deemed to be revoked and canceled by and upon the breach of any such rule or regulation or upon the violation of any applicable law or ordinance while upon said Tobin Memorial Bridge.

(2) Order or Direction. Each operator of a motor vehicle on the Tobin Memorial Bridge shall comply at all times with any lawful order, signal or direction of MassDOT or Police Officer. When traffic upon the Tobin Memorial Bridge is controlled by traffic lights, signs, pavement markings or by mechanical or electrical signals, each operator shall obey such lights, signs, markings and signals unless a Bridge Official or Police Officer directs otherwise.

(3) Prohibited Traffic. MassDOT or Police Officer(s) may prohibit from the Tobin Memorial Bridge any motor vehicle which may endanger persons or property or render the use of the Tobin Memorial Bridge unsafe, subject to reasonable classification and in conjunction with the national standards and guidelines developed by AASHTO. The Department shall

issue notice of any prohibitions or limitations prior to implementation through signposts on all roads immediately leading to the Tobin Memorial Bridge and shall publish said prohibitions or limitations on one or more occasions in daily newspapers of general distribution, unless emergency action is deemed to be required, in the sole discretion of the Department.

(4) Prohibited Vehicles.

(a) Specific. No Person may operate the following motor vehicles on the Tobin Memorial Bridge unless the Department, at its sole discretion, has granted permission to cross the Tobin Memorial Bridge:

1. AASHTO Type H-20 Tractor - in excess of 20 tons.
2. AASHTO Type 3 Tractor - in excess of 25 tons.
3. AASHTO Type 3S2 Tractor - in excess of 36 tons.
4. AASHTO Type HS20 Tractor - in excess of 36 tons.
5. Motor vehicles which exceed the maximum width of 8 feet - 0 inches.
6. Motor vehicles that exceed the maximum height of 14 feet - 0 inches.
7. Motor vehicles with a metal, solid or deflated pneumatic tire; and motor vehicles with a tire in a worn or bald condition.
8. Motor vehicles carrying Dangerous Articles as defined in 720 CMR 9.02: *Dangerous Articles*.
9. Motor vehicles carrying Hazardous Materials as defined and listed in 49 CFR §§ 171 through 173, and 177.

(b) General. No person may operate a motor vehicle on the Tobin Memorial Bridge unless it meets the following requirements:

1. Each motor vehicle shall meet all requirements for brakes, directional signals, lights, safety devices and equipment as specified in M.G.L. c. 90.
2. Each motor vehicle shall properly display a current valid inspection sticker pursuant to M.G.L. c. 90, § 24B or the law of another jurisdiction in which the vehicle is registered as indicated by the number plate displayed by the vehicle.
3. Each motor vehicle shall comply with the provisions of 49 CFR 325, 390 through 393, 395, 396 and 399, governing highway safety and noise emissions, which are incorporated by reference. Each Operator shall conform to the requirements of 49 CFR 325, 390 through 393, 395, 396 and 399.
4. Each motor vehicle shall display a clearly legible, properly mounted license plates, including plate number, jurisdiction, and any other markings which are part of the registration plate in accordance with M.G.L. c. 90, § 6.

(5) Prohibited Use of Way. The Department prohibits the following on the Tobin Memorial Bridge:

(a) Hitch-hiking. No person may solicit a ride commonly known as "hitch-hiking" on the Tobin Memorial Bridge. No person shall loiter on the Tobin Memorial Bridge for any other unauthorized purpose.

(b) Trash. No person may throw or otherwise dispose of trash or personal property of any kind from a motor vehicle on the Tobin Memorial Bridge nor shall any other nuisance or disorderly conduct be committed on the Tobin Memorial Bridge. The Department shall be entitled to reimbursement for the cost of removing trash or personal property improperly discarded and for the cost of responding to public nuisances.

(c) Travel on Designated Areas. No person may travel on any portion of the Tobin Memorial Bridge, except on the roads, walks or places expressly provided by the Department with its permission. No person shall occupy these roads, walks or places in a manner that will hinder or obstruct the proper flow of vehicular traffic on the Tobin Memorial Bridge.

(d) Advertising, Solicitation. No person may advertise, solicit, sell or distribute any commodity or personal property of any kind on the Tobin Memorial Bridge without the prior written permission of MassDOT.

(e) Vehicle Propelled by Muscle Power. No person may operate a vehicle or device propelled, in whole or in part, by muscle power on the Tobin Memorial Bridge including without limitation, a bicycle, a vehicle drawn by a horse or other animal, a motorized bicycle, a moped, a motorized scooter.

(f) Improperly Confined Animal. No person may travel on any portion of the Tobin Memorial Bridge with a horse or other animal not properly contained in an appropriate vehicle.

(g) Improper Loading. No person may operate a motor vehicle on any portion of the Tobin Memorial Bridge unless such motor vehicle is constructed or loaded so as to prevent any of its contents from dropping, shifting, leaking or otherwise escaping therefrom while traveling on the Tobin Memorial Bridge.

(h) Unauthorized Use of the EZDriveMA System. In accordance with 700 CMR 11.04 (4)(d), a person who has been issued a Notice of Liability for failure to pay one or more EZDriveMA invoices, and said invoices remain unpaid, shall not be authorized to use the EZDriveMA system.

(6) Direction of Traffic. All traffic on the ramps and roadway of the upper level of the Tobin Memorial Bridge shall proceed in a southwesterly direction only. All traffic on ramps and roadways of the lower level of the Tobin Memorial Bridge shall proceed in a northeasterly direction only. The Department may, at its sole discretion, change the direction of the vehicular traffic on the Tobin Memorial Bridge upon giving advance notice to the traveling public.

(7) In General: Reasonable Care; Not Driving So as to Endanger. Each operator shall exercise reasonable care to avoid or prevent injury or damage to Persons or property. No Person may operate a motor vehicle on the Tobin Memorial Bridge carelessly or negligently, or in disregard of the rights and safety of others, or in disregard of the posted speed limits, or in a manner so as to endanger persons or property.

(8) Stopping or Parking. No operator may stop or park a motor vehicle on the Tobin Memorial Bridge except:

- (a) when necessary to avoid injury to a person or damage to property;
- (b) in compliance with the direction of a police officer or Department official; or
- (c) when unable to proceed because of disability to the motor vehicle.

(9) Removal of Vehicle. The Department or a police officer may cause a stopped, parked or disabled motor vehicle to be removed from the Tobin Memorial Bridge if it is an impediment or hazard to vehicular traffic. Any motor vehicle so removed shall be removed, garaged or stored elsewhere at the risk and expense of the registered owner or operator.

(10) Driving under the Influence. No person may operate a motor vehicle on the Tobin Memorial Bridge while under the influence of intoxicating liquor or controlled substances.

(11) Speeding. No person may operate a motor vehicle in excess of the posted speed limits on the Tobin Memorial Bridge.

(12) Emergency Vehicles. Upon the approach of a motor vehicle of a municipal fire or police department, the Department, or any ambulance emitting an emergency audible or visual alarm signal, each operator shall proceed with caution, maneuvering so as to clear the way for said motor vehicle.

(13) In General. In addition to complying with 700 CMR 11.06(1) through (12), each operator shall comply with all requirements M.G.L. c. 89 and c. 90.

11.06: EZDriveMA Toll Enforcement

(1) Enforcement. Operators who use the EZDriveMA system on the Tobin Memorial Bridge, acknowledge and authorize MassDOT or its contractor to acquire the name and address of the Registered Owner of record of the vehicle for purposes of EZDriveMA toll collection and enforcement. A Clerk may enforce the provisions of 700 CMR 11.06.

(2) Designation of Clerks. MassDOT may designate one or more Clerks to perform the functions specified in 700 CMR 11.06(3) for MassDOT and for such finite or indefinite period as MassDOT deems desirable.

(3) Functions of the Clerks. The Clerks coordinate and administer the processing of EZDriveMA statements, invoices and notices, and any and all other duties and tasks associated with toll collection, toll enforcement, and the EZDriveMA system. MassDOT may hire or designate such personnel and organize such divisions as MassDOT may deem necessary, or

contract for such services, in order to carry out the provisions of 700 CMR 11.06(3).

(4) Issuance and Content of Pay By Plate Invoices and Notices.

(a) Information Regarding the Balance Due. A Pay By Plate Invoice and Notice include, but is not limited to, the following information: the registration number and state of issuance of the registration number of the vehicle involved; the name of the registered owner of the vehicle, or other responsible party where applicable; the lessee or renter as identified by 700 CMR 11.04(8)(b); the date, time and place of the transaction; the total amount owed; the applicable fines or penalties incurred that MassDOT has assessed; and such other information as MassDOT may deem appropriate.

(b) Notice of Requirement to Respond. A Pay By Plate invoice and notice states that the Registered Owner of record or responsible party where applicable, must pay the Balance Due by the Payment Due Date, appeal, or request a hearing for these items. The invoice and notice describes the means and content of the response for payment or appeal.

(c) Delivery of invoice and notice. A Clerk issues and may certify invoices and notices as soon as practicable by mail to the Registered Owner of the vehicle or responsible party, where applicable at the address of the registrant on record with the Massachusetts Registry of Motor Vehicles, or, in the case of a motor vehicle registered under the laws of another state or jurisdiction, at the address of the registrant on record with the official in the state or other jurisdiction having charge of the registration of the vehicle, or as supplied by a third party provider under contract with the Department, or to the name and address of the lessee or renter in accordance with 700 CMR 7.04(8)(b). Notices of Liability shall be sent to the Registered Owner of the vehicle.

(d) Prima Facie Evidence of Notice. Delivery by mail of a copy of an invoice or notice is sufficient notice of the failure to pay the required toll and/or Balance Due. Certification of the invoice or notice by a Clerk is *prima facie* evidence of the facts contained therein and is admissible in any administrative or judicial proceeding to adjudicate the liability for the unpaid toll transactions, and related fees, fines and penalties. The Clerk shall maintain a docket of all copies of notices.

(5) Payment of Balance Due or Appeal. The Registered Owner of record or responsible party, where applicable, shall pay all tolls, fines, fees, and penalties that may be assessed by MassDOT by the Payment Due Date on the invoice or notice, or appeal in accordance with the procedures herein.

(a) Payment. The registered owner or responsible party, where applicable, shall pay the tolls, fines, fees and penalties that may be assessed by MassDOT by the Payment Due Date as specified in the invoice and notice. Failure to do so may result in additional fees, fines and penalties.

(b) Appeal by Mail. The registered owner or responsible party, where applicable, may, without waiving the right to a hearing before a Clerk as provided by 700 CMR 11.06(5)(c), and also without waiving judicial review as provided by M.G.L. c. 30A, § 14, appeal the assessment of a toll, fine, fee or other penalty and receive a review and disposition from a Clerk by mail. The appeal by mail must contain a signed statement from the registered owner or responsible party, where applicable, explaining the basis for the appeal. The signed statement may be accompanied by signed statements from witnesses, police officers, government officials, or other relevant parties or photographs, diagrams, maps or other relevant documents that the registered owner determines to submit. Statements or materials sent to a Clerk for review must have attached to them the name and address of the registered owner as well as the invoice number of the notice and the date of the invoice. All information submitted by the registered owner becomes part of the record. Written appeals submitted by mail must be received by MassDOT within 120 days of the date the charge first appears on the invoice or notice. The Clerk or other MassDOT designee shall, within 60 days of receipt of such material, review the material and dismiss or uphold the issuance of the notice and notify the registered owner or appellant of the disposition of the appeal in writing. If the appeal by mail is denied, the Clerk shall explain the reasons for the determination. The review and disposition handled by mail is informal, the rules of evidence do not apply, and the decision of the Clerk is final subject to the hearing provisions provided by 700 CMR 11.06(5)(c) and to judicial review as provided by M.G.L. c. 30A, § 14.

(c) Request for Hearing. Consistent with the provisions of M.G.L. c. 30A, a person issued a notice regarding the assessment of a toll, fine, fee or other penalty may make a written request for an appeal hearing before a Clerk designated by MassDOT. Requests for a hearing must be received by MassDOT within 30 days of the issuance of the decision

of the appeal by mail pursuant to 700 CMR 11.06(5)(b), in order to be entitled to a hearing. The Clerk then notifies the Registered Owner or appellant in writing by mail of the date, time, and place of the hearing. The hearing is informal, the rules of evidence do not apply, and the decision of the Clerk is final, subject to judicial review as provided by M.G.L. c. 30A, § 14. Parties are notified in person or by mail of the decision following the hearing. Each written appeal decision contains a statement of reasons for the decision including a determination of each issue of fact necessary to the decision. Failure to appear at the date, time, and place specified on the hearing notice automatically results in the denial of the appeal.

(d) The provisions of 700 CMR 11.06 do not apply to Uniform Traffic Citations issued by Massachusetts State Police officers pursuant to M.G.L. c. 90C. A violation of MassDOT's regulations that results in the issuance of a Uniform Traffic Citation by a Massachusetts State Police officer under M.G.L. c. 90C, is subject to the procedures that M.G.L. c. 90C provides.

(6) Failure to Comply. Failure to comply with the requirements of 700 CMR 11.06(5) shall result in the following sanctions against the registered owner.

(a) Additional Fines or Penalties. MassDOT assesses the following additional fines, fees or penalties for late payment, failure to pay, or for otherwise failing to respond to a notice as provided by 700 CMR 11.06(5), in accordance with *Table 2* below. Fines, fees and penalties for unpaid tolls associated with use of EZDriveMA system shall not exceed \$500.00 per year, per registered vehicle.

(b) Pay By Plate Past Due Invoice Late Fees – Failure to pay the Balance Due on the Pay By Plate Invoice may result in the issuance of a Pay By Plate Past Due Invoice. Each toll trip included on the Pay By Plate Past Due Invoice may be charged a late fee in accordance with *Table 2*.

(c) Pay By Plate Notice of Non Payment (NONP) Late Fees - Failure to pay the Balance Due on the Pay By Plate Past Due Invoice may result in the issuance of a NONP. Each toll trip included on the NONP may be charged a late fee in accordance with *Table 2*.

(d) Failure to Respond after Issuance of a Notice of Non Payment. A registered owner or other responsible party, where applicable, who fails to pay the tolls, fines, fees or other penalties as specified in the NONP, shall be assessed an RMV fee of \$20.00 and the registered owner shall be issued a Notice of Liability. The Clerk notifies the registered owner by mail of this Notice of Liability and, in addition, notifies the Registrar of Motor Vehicles of MA or other states, where applicable, who shall place the matter on record and, the Registrar shall not renew the registered owner's license to operate a vehicle or the registration of the vehicle until after notice from the Clerk that all such matters have been disposed of in accordance with applicable law or regulation. If the registered owner is a resident of another state or jurisdiction, the Registrar shall revoke the registered owner's right to operate a motor vehicle in the Commonwealth until the matter has been disposed of in accordance with applicable law or regulation.

(e) Pay By Plate Notice of Liability (NOL) Late Fees - Failure to pay the Balance Due on the Pay By Plate NONP may result in the issuance of a NOL. Each toll trip included on the NOL may be charged a late fee in accordance with *Table 2*.

Table 2

Invoice/Notice Issued	Days to Pay Invoice/Notice	Days Outstanding	Late Fees Assessed
1 st Invoice Issued	30	1-30	\$0
Past Due Invoice	30	31-60	\$1.00 for each overdue toll charge
Notice of Non-Payment	30	61-90	An additional \$1.00 for each overdue toll charge
Notice of Liability	Due Immediately	>90	An additional \$1.00 for each overdue toll charge; Plus a \$20.00 RMV/DMV Fee

*MassDOT may charge a higher toll rate or other fee to Pay By Plate customers in accordance with 700 CMR 11.04(4)(e).

(f) Civil or Criminal Action. MassDOT may pursue such civil or criminal action as it deems appropriate to collect outstanding tolls, fees, and fines assessed as well as such additional fines or penalties as MassDOT may assess in accordance with 700 CMR 11.07.

(7) Confidentiality of Records. MassDOT shall maintain the confidentiality of all information including, but not limited to, photographs or other recorded images and credit and account data relative to Account Holders who utilize its EZDriveMA toll collection system. MassDOT shall maintain procedures consistent with M.G.L. c. 66A, and regulations promulgated thereunder. For purposes of this 700 CMR 11.06(7), all EZDriveMA customers, including customers of another agency or entity that may have toll collection reciprocity with MassDOT, are considered Account Holders.

(8) Hot List Data. Notwithstanding any other law or regulation, data and information such as name, location, time and date of travel, regarding Hot List license plates and/or transponders, while such license plates and/or transponders are on the Hot List (“Hot List Data”), shall be made available to a representative of the Massachusetts State Police, designated by the Secretary of the Executive Office of Public Safety and Security (EOPSS). License plates and/or transponder numbers shall only be included on the Hot List in limited emergency situations involving imminent and immediate threat to the safety, health, and well-being of an individual or the public based on specific, reasonable intelligence sufficient to necessitate the need to provide this Hot List Data to law enforcement. Such emergency situations shall include, but are not limited to terrorist threats, Amber Alerts, Silver Alerts, kidnappings, missing persons, and felons actively traveling to or from a crime scene. The Secretary of EOPSS, or his or her designee, shall verify in writing which emergency situations warrant adding any license plate and/or transponder number to the Hot List. License plates and/or transponder numbers shall only remain on the Hot List for 14 days unless the Secretary of EOPSS or his or her designee certifies and justifies the need to maintain the numbers on the Hot List for a longer period, but in no event shall such numbers remain on the list longer than 30 days.

(9) System Maintenance and Enforcement. Any electronic or other automated system of toll collection used by MassDOT is regularly tested and maintained to promote accurate and efficient determinations as to payment or non-payment of tolls. Any invoice or notice based in whole or in part upon inspection of any photograph or other recorded image of a motor vehicle and the written certification by a Clerk shall be *prima facie* evidence of the facts contained therein and shall be admissible in any administrative or judicial proceeding to adjudicate the liability for such invoice or notice.

11.07: Penalties

(1) Exemptions. 700 CMR 11.07 does not apply to, and the Department does not impose a penalty with respect to, an operator of a motor vehicle acting in conformity with the direction of a MassDOT employee or police officer, to the operator of a vehicle actually engaged in work on a way when the requirements of the work necessitates a departure from any of the requirements of 700 CMR 11.00 and the departure does not endanger the safety of individuals or property, or to a MassDOT employee or police officer when engaged in the performance of duties that necessitates a departure from any of the requirements of 700 CMR 11.00, or to the operator of an official emergency vehicle when an emergency necessitates departure from any of the requirements of 700 CMR 11.00. 700 CMR 11.07 does not, however, relieve such an operator from other legal consequences of the operator's or individual's action.

(2) Prima Facie Responsibility. If a motor vehicle is operated on a way in violation of any provision of 700 CMR 11.00 or any other regulation or law of Massachusetts, and the identity of the operator of the motor vehicle cannot be determined, the person in whose name the motor vehicle is registered is deemed *prima facie* responsible for the tolls, fees, fines and other penalties except as otherwise provided in 700 CMR 11.04(8).

(3) Fines.

(a) Fines by Reference to Sections of 700 CMR 11.00. Whoever violates any provision of 700 CMR 11.00 is subject to a fine not exceeding the amount indicated in 700 CMR 11.06 and below in addition to other penalties as the laws of Massachusetts or federal law may provide. The section and general subject matter headings are provided for

convenience only and do not amend or in any way affect the substance of the provisions to which they refer.

Table 3

Section Title	Section	General Subject Matter	Fine
Tolls	700 CMR 11.04(5)	Unauthorized Use of E-ZPass MA and EZDriveMA System	See Table 2
	700 CMR 11.04(7)	Evasion of Toll	\$250
Traffic Operations; Safety; Limitations and Prohibitions on Use of Tobin Memorial Bridge	700 CMR 11.05(2)	Compliance with Order, Direction, Signage	\$50
	700 CMR 11.05(3)	Prohibited Traffic	\$50
	700 CMR 11.05(4)	Prohibited Vehicles	\$100
	700 CMR 11.05(5)	Prohibited Use of Way	\$100
	700 CMR 11.05(5)(a)	Hitch-hiking	\$50
	700 CMR 11.05(5)(b)	Trash	\$50
	700 CMR 11.05(5)(c)	Travel on Designated Areas	\$50
	700 CMR 11.05(5)(d)	Advertising, Solicitation	\$50
	700 CMR 11.05(5)(e)	Vehicle Propelled by Muscle Power	\$100
	700 CMR 11.05(5)(f)	Improperly Confined Animal	\$100
	700 CMR 11.05(5)(g)	Improper Loading	\$100
	700 CMR 11.05(6)	Wrong Way Travel - Direction of Traffic	\$100
	700 CMR 11.05(7)	Reasonable Care; Not Driving So as to Endanger	\$50
	700 CMR 11.05(8)	Stopping or Parking	\$50
	700 CMR 11.05(9)	Removal of Vehicle	\$50
	700 CMR 11.05(10)	Driving Under the Influence	\$50
	700 CMR 11.05(11)	Speeding	\$50 - see 700 CMR 11.07(3)(c)
	700 CMR 11.05(12)	Emergency Vehicles	\$50

(b) Fines for Speeding. Any individual convicted of a violation of the maximum speed limit in violation of 700 CMR 11.05(11) is subject to punishment by a fine of not less than \$50.00. Where such conviction is for operating a motor vehicle at a rate of speed exceeding ten miles per hour over the speed limit, an additional fine of \$10.00 for each mile per hour in excess of the ten miles per hour is assessed, to a maximum fine of \$500.00. The fine for speeding in a construction zone may be doubled in accordance with M.G.L. c. 90, § 17.

(c) Fines for Other Violations.

1. A police officer may warn or fine an operator or person for violating a provision of 700 CMR 11.00 upon determination that the operator or person has violated one or more of the provisions of 700 CMR 11.00.
2. A violation of 700 CMR 11.05(4)(a) shall be punished by a fine of \$100.00.
3. A violation of 700 CMR 11.05(11) shall be punished by a fine of \$50.00. An additional fine of \$10.00 for each mile per hour in excess of ten miles per hour over the posted speed limit shall be assessed.
4. All other violations of 700 CMR shall be punished as follows:
 - a. First offense: warning or fine not to exceed \$50.00.
 - b. Second offense within 12 months of the first offense: fine not less than \$50.00 and not more than \$150.00.
 - c. Third or any subsequent offense within 12 months of the first offense: fine not less than \$150.00 and not more than \$250.00.

(e) Fines for Other Violations Not Listed in 700 CMR 11.07: Table 3. Whoever violates any provision of 700 CMR 11.00 not listed in 700 CMR 11.07: Table 3 is subject to a fine not exceeding \$500.00 for every such offense.

700 CMR 11.00: St. 2009, c. 25; M.G.L. c. 6C, § 3(1).

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