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April 14, 2026

The Honorable Marvin L. Abney, Chairperson
House Finance Committee
State House
Providence, RI 02903

RE: 2026 H 8181 – AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- THE RHODE ISLAND BRIDGE REPLACEMENT, RECONSTRUCTION, AND MAINTENANCE FUND -- EXEMPTIONS FROM TOLLING FOR WASTE MANAGEMENT VEHICLES UNDER CONTRACT WITH MUNICIPALITIES

Dear Chairman Abney:

Thank you for the opportunity to allow the Rhode Island Department of Transportation (RIDOT) to submit this letter of opposition on H 8181, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- THE RHODE ISLAND BRIDGE REPLACEMENT, RECONSTRUCTION, AND MAINTENANCE FUND -- EXEMPTIONS FROM TOLLING FOR WASTE MANAGEMENT VEHICLES UNDER CONTRACT WITH MUNICIPALITIES.

As drafted, this bill proposes to create an exemption in the RhodeWorks tolling law as follows: "All large commercial trucks . . . operating on a contract with any municipality . . . which is transporting solid waste to the central landfill. . . shall be exempt from any tolls established by this chapter. . ."

The RhodeWorks tolling law only applies to large commercial trucks in Classes 8 or above of the Federal Highway Administration's vehicle classification scheme and as defined in RI Gen Laws §42-13.1-3(3). Pursuant to RI Gen Laws §42-13.1-5, Classes 7 or below, which include many vehicles used for local curbside refuse and recycling collection, are already exempt from the RhodeWorks tolling law.

After an expensive and lengthy legal battle defending the RhodeWorks tolling law, on December 06, 2024, the United States Court of Appeals for the First Circuit, upheld the overall constitutionality of the statute and ruled against the American Trucking Association. However, the Court also determined that certain limitations on tolling (or "caps") under R.I. Gen. Laws § 42-13.1-4(b), (c), & (d) were unconstitutional and violated the federal Dormant Commerce Clause. Consequently, the Court allowed the RhodeWorks tolling law to "go into effect (absent the caps) without offending the Dormant Commerce Clause," thus allowing for the tolling of all large commercial trucks Classes 8 or above in the same manner.

For these reasons, RIDOT opposes H 8181, which would amend a statute that, after years of litigation, and the careful scrutiny of its classes and exemptions, has been declared constitutional by the First Circuit; however, there was also the severing from the statute of a provision related to "caps," which were deemed unconstitutional.

RIDOT is concerned that the proposed exemption could lead to a constitutional challenge arguing that it suffers from a similar form of perceived protectionism which caused the First Circuit to rule that the prior "caps" were unconstitutional. RIDOT believes it is imperative that after years of litigation, it is time for the constitutional tolling of Class 8 and above trucks to resume to protect our bridges and roadways, and any proposed exemption could unnecessarily lead to uncertainty and legal challenges.

We thank you for your review and consideration.

Sincerely,

A handwritten signature in black ink that reads "Robert Rocchio". The signature is written in a cursive, slightly slanted style.

Robert Rocchio, P.E.
Director, Rhode Island Department of Transportation (Acting)

cc: The Honorable Members of the House Finance Committee
The Honorable John G. Edwards
Nicole McCarty, Esq., Chief Legal Counsel