

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

PROVIDENCE, S.C.

RHODE ISLAND TRAFFIC TRIBUNAL

CITY OF PAWTUCKET

v.

ZSOLT LASZKI

:
:
:
:
:

C.A. No. T08-0137

09 MAR 30 AM 10:44

STATE OF RHODE ISLAND
TRAFFIC TRIBUNAL
FILED

DECISION

PER CURIAM: Before this Panel on March 5, 2009—Magistrate Noonan (Chair, presiding) and Judge Almeida and Magistrate DiSandro sitting—is Zsolt Laszki’s (Appellant) appeal from a decision of Judge Ciullo, sustaining the charged violation of G.L. 1956 § 31-13-4, “Obedience to devices.” The Appellant was represented by counsel before this Panel. Jurisdiction is pursuant to G.L. 1956 § 31-41.1-8.

Facts and Travel

On June 12, 2008, the General Assembly made it “unlawful to transport or operate over or upon the Pawtucket River Bridge or the Sakonnet River Bridge, any single vehicle equipped with more than two (2) axles or any combination vehicle equipped with more than two (2) axles per unit except those listed” elsewhere in G.L. 1956 § 31-25-30. Pursuant to § 31-25-30, the director of the Department of Transportation was “directed to post signs to limit access” to these structurally-deficient bridges. Section 31-25-30 further provides that “[a]ny carrier operating a vehicle or combination of vehicles in violation of this section shall be fined three thousand dollars (\$3,000) for the first offense, not to exceed five thousand dollars (\$5,000) for each and every subsequent offense.” The statute defines a “carrier” as “any company or person who furthers their commercial or private enterprise by use of the vehicle.”

On July 28, 2008, Appellant, the operator of a tractor-trailer owned by Faf, Inc., drove over the Pawtucket River Bridge without heeding the sign posted by the director of the Department of Transportation. The Appellant was stopped by a trooper of the Rhode Island State Police (Trooper) and was charged with violating § 31-13-4.¹ The Appellant contested the charge, and the matter proceeded to trial.

At trial, the Trooper testified that Appellant was charged with violating § 31-13-4 because he did not obey the “traffic control device” posted by the director of the Department of Transportation regarding axle restrictions on the Pawtucket River Bridge. (Tr. at 1.) In turn, counsel for Appellant argued that the “traffic control device” posted in the vicinity of the bridge did not apply to Appellant’s vehicle. (Tr. at 2.)

The Trooper then testified that Appellant’s vehicle was a “2004 Freightliner five axle tractor trailer,” a vehicle the Trooper characterized as “definitely not exempt” from the axle restriction of § 31-25-30. Id. However, counsel for Appellant maintained that the tractor and the trailer portions of a tractor-trailer should be treated as two separate “vehicles” for the purpose of computing the number of axles. Id. According to counsel’s line of reasoning, the sign posted before the bridge did not apply to Appellant because the trailer portion was not “equipped with more than two axles” and because the tractor portion, as a “truck tractor,”² was expressly exempt from the statutory prohibition, despite the fact that it has three axles. Id.

The Trooper disagreed with counsel’s characterization of Appellant’s vehicle, arguing that “the reason for these axle limits is to focus on mainly these five axle large

¹ Section 31-13-4 reads, in pertinent part: “The driver of any vehicle shall obey the instructions of any official traffic control device applicable to him or her placed in accordance with the provisions of chapters 12 - 27 of this title, unless otherwise directed by a traffic or police officer”

² Section 31-1-4 defines a “truck tractor” as “a non-cargo-carrying power unit that operates in combination with a semi-trailer or trailer”

tractor trailer units, like this one that I pulled over. These are the biggest trucks on the road.” (Tr. at 4.) The trial judge agreed, stating that the tractor and trailer portions are not to be treated as “driving across the bridge separately.” (Tr. at 5.) As the trial judge explained, “if I have a tractor and I attach a trailer to it, it’s one unit.” Id. According to the trial judge, it would be absurd to construe § 31-25-30 to require the operator of a commercial vehicle to “stop on one side of the bridge, drive the tractor over, go back and push the trailer over” in order to comply with the weight and axle restrictions. (Tr. at 6.)

Following the trial, the trial judge sustained the charged violation of § 31-13-4. Aggrieved by this decision, Appellant has filed a timely appeal to this Panel. Forthwith is this Panel’s decision.

Standard of Review

Pursuant to G.L. 1956 § 31-41.1-8, the Appeals Panel of the Rhode Island Traffic Tribunal possesses appellate jurisdiction to review an order of a judge or magistrate of the Rhode Island Traffic Tribunal. Section 31-41.1-8(f) provides in pertinent part:

The appeals panel shall not substitute its judgment for that of the judge or magistrate as to the weight of the evidence on questions of fact. The appeals panel may affirm the decision of the judge or magistrate, or it may remand the case for further proceedings or reverse or modify the decision if the substantial rights of the appellant have been prejudicial because the judge's findings, inferences, conclusions or decisions are:

- (1) In violation of constitutional or statutory provisions;
- (2) In excess of the statutory authority of the judge or magistrate;
- (3) Made upon unlawful procedure;
- (4) Affected by other error of law;
- (5) Clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or

- (6) Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

In reviewing a hearing judge or magistrate's decision pursuant to § 31-41.1-8, this Panel "lacks the authority to assess witness credibility or to substitute its judgment for that of the hearing judge [or magistrate] concerning the weight of the evidence on questions of fact." Link v. State, 633 A.2d 1345, 1348 (R.I. 1993) (citing Liberty Mutual Insurance Co. v. Janes, 586 A.2d 536, 537 (R.I. 1991)). "The review of the Appeals Panel is confined to a reading of the record to determine whether the judge's [or magistrate's] decision is supported by legally competent evidence or is affected by an error of law." Link, 633 A.2d at 1348 (citing Environmental Scientific Corp. v. Durfee, 621 A.2d 200, 208 (R.I. 1993)). "In circumstances in which the Appeals Panel determines that the decision is clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record or is affected by error of law, it may remand, reverse, or modify the decision." Link, 633 A.2d at 1348. Otherwise, it must affirm the hearing judge's [or magistrate's] conclusions on appeal. See Janes, 586 A.2d at 537.

Analysis

On appeal, Appellant argues that the trial judge's decision is affected by error of law. Specifically, Appellant contends that the "official traffic control device" posted in the vicinity of the Pawtucket River Bridge pursuant to § 31-25-30 was inapplicable to Appellant, as the trailer portion of his vehicle was outside the ambit of the statute and the non-cargo-carrying tractor portion was expressly exempt as a "truck tractor." Accordingly, Appellant maintains that as he did not disobey a traffic control device applicable to him, the charged violation of § 31-13-4 cannot be sustained.

The central issue before this Panel is whether the term “vehicle,” as that term is employed in § 31-25-30, refers to the combination of a motorized “truck tractor” with a non-motorized “trailer,” or whether the tractor and trailer components constitute separate and distinct “vehicles” for the purpose of determining the number of axles.

Section 31-1-3, the section of the motor vehicle code defining the various “types of vehicles,” defines the term “vehicle” as “every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon stationary rails or tracks.” This definition is overly generalized and does not provide this Panel with guidance. However, turning to the more specific definitions of “truck tractor” and “trailer,” it appears that there is some support for Appellant’s position. Section 31-1-4 defines a “truck tractor” as “a non-cargo-carrying power unit that operates in combination with a semi-trailer or trailer” Section 31-1-5 defines a “trailer” as “every vehicle without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle, constructed so that none of its weight rests upon the towing vehicle.” (Emphasis added.) Reading these definitions in conjunction, it appears that the non-motorized “trailer” and the motorized “tractor” upon which its weight rests are separate and distinct “vehicles” under the motor vehicle code.

However, there is yet another, more specific definition in the motor vehicle code that more precisely captures the nature of the vehicle operated by Appellant on the date in question. Section 31-1-5 defines a “tractor-trailer combination” as “every combination of a tractor and a trailer, properly attached to the tractor to form an articulated vehicle.” Based on this definition, it is clear that when a non-motorized “trailer” is affixed to a

motorized “truck tractor,” the individual “vehicles” merge to form a single, articulated “vehicle.” Not only does this conception of a tractor-trailer as a single “vehicle” describe Appellant’s vehicle with a greater degree of precision, but it also comports with the legislative intent behind § 31-25-30. Furthermore, §§ 31-1-3 – 31-1-5 must be read together, as it is a well-established principle of statutory construction that “statutes relating to the same subject matter should be considered together so that they will harmonize with each other and be consistent” with their general objective scope. Such v. State, 950 A.2d 1150, 1156 (R.I. 2008) (quoting State ex rel. Webb v. Cianci, 591 A.2d 1193, 1203 (R.I.1991)). “Such statutes are considered to be in pari materia, which stands for the simple proposition that ‘statutes on the same subject . . . are, when enacted by the same jurisdiction, to be read in relation to each other.’” Id. (quoting Horn v. Southern Union Co., 927 A.2d 292, 294-295 (R.I. 2007)).

The General Assembly’s intent in passing § 31-25-30 was to ensure that vehicle traffic over the structurally-deficient Pawtucket River and Sakonnet River Bridges would continue in a safe and efficient manner without a corresponding risk that that traffic would further undermine structural integrity. To accomplish these ends, the General Assembly certainly intended that vehicles such as Appellant’s—a combination of a motorized “truck tractor” and non-motorized “trailer”—would not travel over these already-compromised spans, owing to their size and weight. To construe the term “vehicle” in § 31-25-30 to refer to the individual component parts of a “tractor-trailer combination” would not only frustrate the legislative intent of fostering public safety—an intent that is plain and clear on the face of the statute—but it would also result in absurdities. See Hanley v. State, 837 A.2d 707 (R.I. 2003) (court will not construe a

statute to reach an absurd result). The General Assembly simply did not envision a situation in which the tractor and trailer components of a tractor-trailer combination would cross one of the named bridges separately, particularly in light of the fact that trailers are, by definition, immobile. Further, the existence of an exemption for “truck tractors” indicates that the General Assembly did envision a situation in which a truck tractor, unencumbered by a trailer, would be able to cross the Pawtucket River Bridge or Sakonnet River Bridge safely. Accordingly, the members of this Panel are satisfied that the combination of a “truck tractor” and a “trailer” constitutes a “vehicle” for the purpose of determining the number of axles under § 31-25-30.

Having already concluded that Appellant’s tractor-trailer constitutes a “vehicle” within § 31-25-30 and that the signs posted on Route 95 northbound in the vicinity of the Pawtucket River Bridge were applicable to Appellant, this Panel must still consider whether there is competent record evidence to support the trial judge’s decision on the charged violation of § 31-13-4. The trial judge heard testimony from the Trooper that Appellant did not obey the “traffic control device” posted in the vicinity of the bridge, as he crossed the span in a vehicle with “too many axles” (Tr. at 1.) Further, as the signs were posted by the director of the Department of Transportation in accordance with chapter 25 of the general laws, and there is no evidence in the record that Appellant was told to ignore the signs at the direction of a law enforcement officer, this Panel is satisfied that there is reliable, probative, and substantial record evidence to support the charged violation of § 31-13-4.

Conclusion

This Panel has reviewed the entire record before it. Having done so, the members of this Panel are satisfied that the trial judge's decision is not in violation of statutory provisions, affected by error of law, or clearly erroneous in view of the reliable, probative, and substantial record evidence. Substantial rights of Appellant have not been prejudiced. Accordingly, Appellant's appeal is denied, and the charged violation sustained.