

# Hausfeld Files Class Action on Behalf of Hot Lanes Users Against Transurban

Related Lawyers: **James J. Pizzirusso, Nathaniel C. Giddings, Walter D. Kelley Jr.**

Related Practice Areas: **Consumer Claims**

Washington, DC (April 14, 2015) - Users of High-Occupancy Toll Lanes (“HOT Lanes”) filed a class action lawsuit today in Virginia federal court alleging that toll road operator Transurban, Faneuil, and their partners assessed unfair, illegal, and unconscionable administrative fees and civil penalties on area drivers for allegedly failing to pay HOT Lanes tolls.

The Plaintiffs are represented by Hausfeld and Tycko & Zavareei LLP, Washington, DC-based law firms with substantial experience in class action litigation, along with other co-counsel.

Drivers who use the HOT Lanes on I-495 and I-95/I-395 are charged tolls ranging from \$0.20 to \$1.25 per mile each way via an E-Z Pass transponder mounted on the driver’s windshield. The lawsuit alleges that when the E-Z Pass is not read and a minimal toll violation occurs, often due to no fault of the driver, Transurban fails to give adequate notice, and then assesses and attempts to collect thousands of dollars in illegal penalties and fees against the driver. The Plaintiffs allege that these penalties and fees violate the E-Z Pass contract, state law, the Due Process and Equal Protection Clauses of the United States Constitution, and the federal Fair Debt Collection Practices Act.

Among a number of allegedly illegal activities, the Plaintiffs contend that Transurban assesses a \$100 “administrative fee” for each toll violation that bears no relation to any true cost of administration and initiates collection lawsuits by illegally “robo-signing” summonses after the statute of limitations has expired. In addition, Transurban assesses civil penalties of up to \$1,000 per violation for supposed repeat violations—but does so without a court finding of even a single violation. The lawsuit further alleges that Transurban seeks these illegal costs due to the fact that the HOT lanes are not as lucrative as the company initially projected.

Transurban and the related Defendants have charged exorbitant sums to the Plaintiffs in the lawsuit. For example, according to the Complaint, Plaintiff Mary Elise Pizarro of Alexandria used the I-495 HOT Lanes without incident for her round trip to work. Then, in May, 2013, Transurban registered “toll violations” during a few of Ms. Pizarro’s trips for no apparent reason. Indeed, during the same period, Ms. Pizarro’s E-Z Pass transponder correctly registered her toll payments for half of her round trip commute. Unbeknownst to Ms. Pizarro, over a two-week period, Ms. Pizarro purportedly missed about \$20 in tolls. Over a year later, Transurban sued Ms. Pizarro for a staggering \$9,440.90 in fees and penalties—nearly 500 times the purported missed tolls.

The Plaintiffs seek to represent all individuals who had an E-Z Pass, used the HOT Lanes in Virginia, and who were assessed administrative fees or civil penalties by Transurban. In addition, the plaintiffs also seek to represent all individuals who received correspondence from Transurban’s debt collector, Law Enforcement Systems, arising from the individual’s use of HOT Lanes.

James Pizzirusso, a partner at Hausfeld, remarked, "Transurban has filed thousands of lawsuits against DC area drivers in the past year alone seeking to collect exorbitant and illegal administrative fees and civil penalties. Area drivers are finally standing up to Transurban's bullying tactics."

Jeffrey Kalief, a partner with Tycko & Zavareei, stated, "Inadvertent missed tolls can happen to anyone, whether because the toll gate malfunctions, or because an E-Z Pass battery dies. When that happens, everyone agrees the driver should pay the missed toll. But this private toll-road operator must not be allowed to ruin a driver's finances with thousands of dollars in devastating fees and penalties for a \$1 or \$2 toll."

Hausfeld and Tycko & Zavareei are representing the Plaintiffs, along with co-counsel DiMuroGinsberg, PC; Wade, Friedman & Sutter P.C.; and Zimmerman Reed, PLLP.

Washington, DC-area drivers are urged to contact the firms to learn more about their legal rights. For additional inquiries, please contact Nathaniel Giddings (Hausfeld) at 202-540-7200 or Jeffrey Kalief (Tycko & Zavareei) at 202-973-0900.

## **NOTE TO EDITORS**

### **About Hausfeld**

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