



House of Representatives

General Assembly

File No. 373

January Session, 2001

Substitute House Bill No. 5914

House of Representatives, April 19, 2001

The Committee on Transportation reported through REP. COCCO of the 127th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT REVISING CERTAIN TRANSPORTATION LAWS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) The Commissioner of Transportation shall
2 establish a fire department for Bradley International Airport that shall
3 have jurisdiction within Bradley International Airport for aircraft and
4 structural fire protection and emergency medical services, and shall
5 not be considered to be within the jurisdiction of any municipality.

6 Sec. 2. (NEW) Notwithstanding any provision of the general statutes
7 or a municipal ordinance, the fire chief of the fire department at
8 Bradley International Airport, or any member serving in the capacity
9 of the fire officer-in-charge shall, when any fire department or
10 company is responding to or operating at a fire, service call or other
11 emergency at Bradley International Airport, (1) control and direct
12 emergency activities at such scene, (2) order any person to leave any
13 building, aircraft or place in the vicinity of such fire for the purpose of
14 protecting such person from injury, and (3) have the authority

15 provided to a fire chief or a fire officer-in-charge pursuant to section 7-
16 313e of the general statutes.

17 Sec. 3. Subsection (c) of section 13a-73 of the general statutes is
18 repealed and the following is substituted in lieu thereof:

19 (c) The commissioner may purchase any land and take a deed
20 thereof in the name of the state when such land is needed in
21 connection with the layout, construction, repair, reconstruction or
22 maintenance of any state highway or bridge, and any land or buildings
23 or both, necessary, in [his] the commissioner's opinion, for the efficient
24 accomplishment of the foregoing purpose, provided any purchase of
25 such land or land and buildings in an amount in excess of the sum of
26 one hundred thousand dollars shall be approved by a state referee. The
27 commissioner, with the advice and consent of the Attorney General,
28 may settle and compromise any claim by any person, firm or
29 corporation claiming to be aggrieved by such layout, construction,
30 reconstruction, repair or maintenance by the payment of money, the
31 transfer of other land acquired for or in connection with highway
32 purposes, or otherwise. When the commissioner has purchased land
33 pursuant to this section, made payment and accepted a deed for the
34 property, any judge of the Superior Court may, upon application and
35 proof of such purchase and payment, issue an execution commanding
36 a state marshal to put the parties entitled thereto into peaceable
37 possession of the land so purchased.

38 Sec. 4. Section 13b-281 of the general statutes is repealed and the
39 following is substituted in lieu thereof:

40 If the view of that portion of the tracks of any railroad, crossing a
41 highway at grade, which adjoins such crossing, is obstructed by trees,
42 shrubbery or embankments of earth, the Commissioner of
43 Transportation may, after a hearing upon such notice as the
44 commissioner deems reasonable to the company or companies owning
45 or operating such railroad or railroads and to the selectmen of the

46 town, mayor of the city or warden of the borough wherein such
47 crossing is situated and to the owners of the land adjoining such
48 crossing, make such orders for or concerning the removal of any such
49 obstruction as will afford an unobstructed view of such railroad tracks
50 and such highway [for a distance of at least one hundred and fifty feet
51 in each direction from such crossing. For the purposes of this section,
52 land or easements in land may be taken in the manner provided in
53 section 13b-256 provided such orders are] in accordance with current
54 American Association of State Highway and Transportation Officials'
55 Policy for vehicles to safely traverse a railroad crossing from a stopped
56 position. All orders of the commissioner pursuant to the provisions of
57 this section shall specifically set forth the limits within which land may
58 be taken and the nature, purposes and specific limits of the easements
59 so authorized to be taken. The expense occasioned by any order of said
60 commissioner under the provisions of this section shall be paid by the
61 owner of the land upon which the obstruction is located.

62 Sec. 5. (NEW) The Commissioner of Transportation may designate
63 the Hartford-New Britain busway project to be accomplished on a total
64 cost basis. If the commissioner designates the Hartford-New Britain
65 busway project as a total cost basis project, the commissioner may
66 enter into a single contract with a private developer, which includes
67 such project elements as engineering design and construction. The
68 contract for said project shall be based on competitive proposals
69 received by the commissioner, who shall give notice of the project and
70 specifications for the project, by advertising, at least once, in a
71 newspaper having a substantial circulation in the Hartford-New
72 Britain area. Award of the total cost contract shall be based on
73 qualifications, technical merit of the proposals and cost. The
74 commissioner shall determine all criteria, requirements and conditions
75 for such proposals and award and shall have sole responsibility for all
76 other aspects of the contract. If applicable, the contract shall state
77 clearly the responsibilities of the developer to deliver a completed and
78 acceptable project on a date certain and the maximum cost of the

79 project.

80 Sec. 6. Subsection (a) of section 13b-251 of the general statutes is
81 repealed and the following is substituted in lieu thereof:

82 (a) The minimum overhead clearance for any structure crossing
83 over railroad tracks for which construction is begun on or after
84 October 1, 1986, shall be twenty feet, six inches, except that, (1) if the
85 construction includes only deck replacement or minor widening of the
86 structure, and the existing piers or abutments remain in place, the
87 minimum overhead clearance shall be the structure's existing overhead
88 clearance; (2) the minimum overhead clearance for any structure
89 crossing any railroad tracks on which trains are operated that are
90 attached to or powered by means of overhead electrical wires shall be
91 twenty-two feet, six inches; (3) the minimum overhead clearance for
92 the structure that carries (A) Route 372 over railroad tracks in New
93 Britain, designated state project number 131-156, (B) U.S. Route 1 over
94 railroad tracks in Fairfield, designated state project number 50-6H05,
95 (C) Route 729 over railroad tracks in North Haven, designated state
96 project number 100-149, (D) Grove Street over railroad tracks in
97 Hartford, designated state project number 63-376, (E) Route 1 over
98 railroad tracks in Milford, designated state project number 173-117, (F)
99 Ingham Hill Road over railroad tracks in Old Saybrook, designated
100 state project number 105-164, (G) Ellis Street over railroad tracks in
101 New Britain, designated state project number 88-114, (H) Route 100
102 over the railroad tracks in East Haven, bridge number 01294, and (I)
103 Church Street Extension over certain railroad storage tracks located in
104 the New Haven Rail Yard, designated state project number 92-526,
105 shall be eighteen feet; (4) the minimum overhead clearance for those
106 structures carrying (A) Fair Street, bridge number 03870, (B) Crown
107 Street, bridge number 03871, and (C) Chapel Street, bridge number
108 03872, over railroad tracks in New Haven shall be seventeen feet, six
109 inches; (5) the minimum overhead clearance for the structure carrying
110 State Street railroad station pedestrian bridge over railroad tracks in

111 New Haven shall be nineteen feet, ten inches; [and] (6) the overhead
112 clearance for the structure carrying Woodland Street over the Griffins
113 Industrial Line in Hartford, designated state project number 63-501,
114 shall be fifteen feet, nine inches, with new foundations placed at
115 depths which may accommodate an overhead clearance to a maximum
116 of seventeen feet, eight inches; and (7) the Department of
117 Transportation may replace the Hales Road Highway Bridge over
118 railroad tracks in Westport, Bridge Number 03852, with a new bridge
119 that provides a minimum overhead clearance over the railroad tracks
120 that shall be eighteen feet, five inches.

121 Sec. 7. Section 13a-74 of the general statutes is repealed and the
122 following is substituted in lieu thereof:

123 After the assessment of damages and benefits provided for in
124 subsection (b) of section 13a-73 has been filed with the clerk of the
125 superior court, the property owner affected may file with said clerk
126 [his] written acceptance thereof. Said clerk shall thereupon notify the
127 Comptroller and the commissioner of such acceptance. If the amount
128 to be paid by the state for such land, after deducting any benefits
129 which have been assessed, does not exceed [fifteen] one hundred
130 thousand dollars, said clerk shall send a certified copy of the
131 assessment and the acceptance thereof to the commissioner and the
132 Comptroller, and the Comptroller shall, upon receipt thereof, draw
133 [his] an order [upon] on the Treasurer in favor of such property owner
134 for the amount due [him] the property owner under such assessment.
135 If the amount of such assessment, after deducting any such benefits,
136 exceeds [fifteen] one hundred thousand dollars, said clerk shall not
137 certify the same to the Comptroller until the assessment has been
138 approved as reasonable in amount by a state referee. If such state
139 referee approves such assessment, said clerk shall thereupon send a
140 certified copy of the assessment and the acceptance thereof and a
141 certificate that the same has been so approved to the commissioner and
142 to the Comptroller, and the Comptroller shall, upon receipt thereof,

143 draw [his] an order [upon] on the Treasurer in favor of such property
144 owner for the amount due [him] the property owner on such
145 assessment. If such state referee does not approve such assessment,
146 said clerk shall notify the Attorney General and the commissioner and
147 the latter may file an amended assessment.

148 Sec. 8. Subsection (a) of section 13b-103 of the general statutes is
149 repealed and the following is substituted in lieu thereof:

150 (a) (1) No person, association, limited liability company or
151 corporation shall operate a motor vehicle in livery service until such
152 person, association, limited liability company or corporation has
153 obtained a permit from the Department of Transportation, specifying
154 the nature and extent of the service to be rendered and certifying that
155 public convenience and necessity will be improved by the operation
156 and conduct of such livery service. Such permits shall be issued only
157 after a written application for the same has been made and a public
158 hearing has been held thereon. Upon receipt of such application,
159 together with the payment of a fee of two hundred dollars, the
160 department shall fix a time and place of hearing thereon, within a
161 reasonable time, and shall promptly give written notice of the
162 pendency of such application and of the time and place of such
163 hearing to each applicant, the mayor of each city, the warden of each
164 borough and the first selectman of each town, within which any such
165 applicant desires to maintain an office or headquarters, to any carrier
166 legally operating motor vehicles in livery service within the same
167 territory and to other interested parties as determined by the
168 department. (2) Notwithstanding [any provision] the provisions of
169 subdivision (1) of this subsection, [to the contrary,] the department
170 may issue a permit for the operation of vehicles (A) having a capacity
171 of less than eleven adults or to be used exclusively at funerals,
172 weddings, christenings, processions or celebrations, without holding a
173 hearing and certifying that public convenience and necessity would be
174 improved by the operation of such vehicles, or (B) having a capacity of

175 not less than eleven or more than fourteen adults and used for
176 sightseeing and related purposes, without holding a hearing, provided
177 the department issues a legal notice, as provided under section 1-2, of
178 such application and no objection is filed with the department within
179 thirty days of publication of such notice. (3) Notwithstanding [any
180 provision] the provisions of subdivision (1) of this subsection, [to the
181 contrary,] the department may issue a temporary or permanent permit
182 to any person, association, limited liability company or corporation
183 operating a motor vehicle engaged in the transportation of passengers
184 for hire by virtue of a contract with, or a lower tier contract for, any
185 federal, state or municipal agency that (A) is in effect on July 1, 1997,
186 with or without hearing, after a written application for the same has
187 been made and the department has determined that the applicant
188 meets the requirements of subsection (b) of this section except with
189 respect to public convenience and necessity, or (B) becomes effective
190 after July 1, 1997, with or without hearing, after a written application
191 for the same has been made and the department has determined that
192 the applicant meets the requirements of subsection (b) of this section.
193 Any such permit issued under the provisions of this subdivision (i)
194 shall be limited to service provided under any such contract, and (ii)
195 with respect to any contract under the provisions of subparagraph (A)
196 of this subdivision, shall not authorize a total number of motor
197 vehicles exceeding the number required to provide service existing
198 under such contract on July 1, 1997. (4) Notwithstanding the
199 provisions of subdivision (1) of this subsection, the department shall
200 issue to any person who already holds a permit, upon the application
201 of such person, up to two additional permits each year without a
202 hearing and without written notice of the pendency of the application,
203 if all the existing permits held by such person are registered and in use
204 and if there are no outstanding violations against such person.

205 Sec. 9. Section 13b-61a of the general statutes is repealed and the
206 following is substituted in lieu thereof:

207 Notwithstanding the provisions of section 13b-61, for calendar
208 quarters ending on or after September 30, 1998, and prior to September
209 30, 1999, the Commissioner of Revenue Services shall deposit into the
210 Special Transportation Fund established under section 13b-68 five
211 million dollars of the amount of funds received by the state from the
212 tax imposed under section 12-587 on the gross earnings from the sales
213 of petroleum products attributable to sales of motor vehicle fuel, for
214 calendar quarters ending September 30, 1999, and prior to September
215 30, 2000, the commissioner shall deposit into the Special
216 Transportation Fund nine million dollars of the amount of such funds
217 received by the state from the tax imposed under said section 12-587
218 on the gross earnings from the sales of petroleum products attributable
219 to sales of motor vehicle fuel; [] and for the calendar quarter ending
220 September 30, 2000, and each calendar quarter thereafter, the
221 commissioner shall deposit into the Special Transportation Fund []
222 eleven million five hundred thousand dollars of the amount of of such
223 funds received by the state from the tax imposed under said section 12-
224 587, on the gross earnings from the sales of petroleum products
225 attributable to sales of motor vehicle fuel.

226 Sec. 10. Subsection (b) of section 15-140f of the general statutes is
227 repealed and the following is substituted in lieu thereof:

228 (b) The commissioner shall adopt regulations₂ in accordance with
229 the provisions of chapter 54₂ setting forth the content of safe boating
230 operation courses. Such regulations may include provisions for
231 examinations, issuance of safe boating certificates and establishment of
232 reasonable fees for the course and examination and for issuing
233 certificates, temporary certificates [] and duplicate certificates. Any
234 fees collected pursuant to such regulations shall be deposited in the
235 boating account established pursuant to section 15-155.

236 Sec. 11. Section 13b-205 of the general statutes is repealed and the
237 following is substituted in lieu thereof:

238 When any highway, or portion thereof, in which are located tracks
239 of any railroad is lawfully discontinued, the company owning or
240 operating such railroad shall have the right, with the approval of the
241 Commissioner of Transportation, to take land for its railroad within
242 the limits of such highway or part thereof discontinued. [, in the
243 manner provided in section 13b-256.]

244 Sec. 12. Section 13b-218 of the general statutes is repealed and the
245 following is substituted in lieu thereof:

246 If any railroad company acting under the authority of the laws of
247 this state has acquired more than three-fourths of the capital stock of
248 any steamboat, bridge, wharf or railroad corporation, and cannot agree
249 with the holders of outstanding stock for the purchase of the same,
250 such railroad company may, upon a finding by a judge of the Superior
251 Court that such purchase will be for the public interest, cause such
252 outstanding stock to be appraised. [in the same manner as is provided
253 in section 13b-256.] When the amount of such appraisal has been paid
254 or deposited, [as provided in said section,] the stockholder or
255 stockholders whose stock has been so appraised shall cease to have
256 any interest therein and, on demand, shall surrender all certificates for
257 such stock, with duly executed powers of attorney for transfer thereon,
258 to the corporation applying for such appraisal.

259 Sec. 13. Section 13b-219 of the general statutes is repealed and the
260 following is substituted in lieu thereof:

261 If any person holding a minority of the shares of stock in any
262 corporation referred to in section 13b-218, as amended by this act,
263 cannot agree with the railroad company owning three-fourths of such
264 stock for the purchase of [his] such person's shares, [he] such person
265 may cause the same to be appraised. [in the same manner as is
266 provided in section 13b-256.] When such appraisal has been made and
267 recorded in the office of the clerk of the superior court for any judicial
268 district where such railroad company operates a railroad, and the

269 certificates for such stock, with duly executed powers of attorney for
270 transfer thereon, have been deposited with such clerk for such railroad
271 company, such appraisal shall have the effect of a judgment against
272 such company and in favor of the holder of such stock and, at the end
273 of sixty days, unless such judgment is paid, execution may be issued.

274 Sec. 14. Subsection (a) of section 13b-268 of the general statutes is
275 repealed and the following is substituted in lieu thereof:

276 (a) When a new highway is constructed across a railroad, such
277 highway shall pass over or under the railroad as the Commissioner of
278 Transportation directs. The company operating such railroad shall
279 construct such crossing to the approval of the commissioner and may
280 take land for the purposes of this section. [in the manner provided by
281 section 13b-256.] The expense of such crossing construction shall be
282 borne by either the town, city or borough constructing such highway,
283 or by the company constructing the same, or by a sharing of the cost
284 between the town, city or borough and the company, as the
285 commissioner directs.

286 Sec. 15. Section 13b-270 of the general statutes is repealed and the
287 following is substituted in lieu thereof:

288 The selectmen of any town, the mayor and common council of any
289 city or the warden and burgesses of any borough, within which a
290 highway crosses or is crossed by a railroad, or the directors of any
291 railroad company whose road crosses or is crossed by a highway, may
292 bring their petition in writing to the Commissioner of Transportation,
293 alleging that public safety requires an alteration in such crossing, its
294 approaches, the method of crossing, the location of the highway or
295 crossing, the closing of a highway crossing and the substitution of
296 another therefor, not at grade, or the removal of obstructions to the
297 sight at such crossing, and praying that the same may be ordered.
298 Thereupon said commissioner shall appoint a time and place for
299 hearing the petition, and shall give such notice thereof to such

300 petitioners, the company, the municipality or municipalities in which
301 such crossing is situated and the owners of the land adjoining such
302 crossing and adjoining that part of the highway to be changed in
303 grade, as [he] said commissioner judges reasonable; and, after such
304 notice and hearing, said commissioner shall determine what
305 alterations or removals, if any, shall be made and by whom made. If
306 such petition is brought by the directors of a railroad company or in
307 behalf of any such company, said commissioner shall order the
308 expense of such alterations or removals, including the damages to any
309 person whose land is taken and the special damages which the owner
310 of any land adjoining the public highway sustains by reason of any
311 such change in the grade of such highway, to be paid by the company
312 owning or operating the railroad in whose behalf the petition is
313 brought; and, if such petition is brought by the selectmen of any town,
314 the mayor and common council of any city or the warden and
315 burgesses of any borough, [he] said commissioner may, if the highway
316 affected by such determination was in existence when the railroad was
317 constructed over it at grade or if the layout of the highway was
318 changed for the benefit of the railroad after the layout of the railroad,
319 order an amount not exceeding one-quarter of the whole expense of
320 such alteration or removal, including the damages, to be paid by the
321 town, city or borough in whose behalf the petition is brought, and the
322 remainder of the expense shall be paid by the company owning or
323 operating the road which crosses such public highway. If the highway
324 affected by such last-mentioned order has been constructed since the
325 railroad which it crosses at grade, said commissioner may order an
326 amount not exceeding one-half of the whole expense of such alteration
327 or removal, including the damages, to be paid by the town, city or
328 borough in whose behalf the application is brought, and the remainder
329 of the expense shall be paid by the company owning or operating the
330 road which crosses such public highway. Railroad companies may
331 take land for the purpose of this section, [in the manner provided by
332 section 13b-256.]

333 Sec. 16. Section 13b-274 of the general statutes is repealed and the
334 following is substituted in lieu thereof:

335 The Commissioner of Transportation may, in the absence of any
336 application therefor, when in [his] the commissioner's opinion public
337 safety requires an alteration in any highway crossed at grade by a
338 railroad or by railroads belonging to or operated by more than one
339 company, after a hearing had upon such notice as [he] the
340 commissioner deems reasonable to the company or companies owning
341 or operating such railroad or railroads and to the selectmen of the
342 town, mayor of the city or warden of the borough within which such
343 highway is situated and to the owners of the land adjoining such
344 crossing, order such alterations in such highway as [he] the
345 commissioner deems best, and shall determine and direct by whom
346 such alterations shall be made, at whose expense and within what
347 time; provided, in all cases arising under this section, one-fourth of the
348 expense, including damages and special damages as aforesaid, shall be
349 paid by the state and the remainder shall be assessed upon the railroad
350 company or companies benefited by such order; and provided such
351 alterations as are thus made at the primary instance of the
352 commissioner shall not be ordered so as to direct the construction of
353 more than one bridge in any one year on any one railroad. Railroad
354 companies may take land for the purpose of this section. [in the
355 manner provided by section 13b-256.] No land shall be taken by any
356 railroad company for the purpose mentioned in this section, except
357 such as the commissioner finds to be necessary for such purpose; but
358 no such taking need be based upon any special finding that public
359 necessity and convenience require such taking.

360 Sec. 17. Section 13b-281 of the general statutes is repealed and the
361 following is substituted in lieu thereof:

362 If the view of that portion of the tracks of any railroad, crossing a
363 highway at grade, which adjoins such crossing, is obstructed by trees,

364 shrubbery or embankments of earth, the Commissioner of
365 Transportation may, after a hearing upon such notice as the
366 commissioner deems reasonable to the company or companies owning
367 or operating such railroad or railroads and to the selectmen of the
368 town, mayor of the city or warden of the borough wherein such
369 crossing is situated and to the owners of the land adjoining such
370 crossing, make such orders for or concerning the removal of any such
371 obstruction as will afford an unobstructed view of such railroad tracks
372 and such highway for a distance of at least one hundred and fifty feet
373 in each direction from such crossing. For the purposes of this section,
374 land or easements in land may be taken, [in the manner provided in
375 section 13b-256] provided such orders are in accordance with current
376 American Association of State Highway and Transportation Officials'
377 Policy for vehicles to safely traverse a railroad crossing from a stopped
378 position. All orders of the commissioner pursuant to the provisions of
379 this section shall specifically set forth the limits within which land may
380 be taken and the nature, purposes and specific limits of the easements
381 so authorized to be taken. The expense occasioned by any order of said
382 commissioner under the provisions of this section shall be paid by the
383 owner of the land upon which the obstruction is located.

384 Sec. 18. Section 13b-287 of the general statutes is repealed and the
385 following is substituted in lieu thereof:

386 Whenever the Commissioner of Transportation orders a change in
387 the location of a highway under the provisions of section 13b-285 or
388 13b-286, and the parties ordered by the commissioner to do the work
389 cannot obtain the necessary land by agreement, the company, or the
390 town, city or borough ordered to do the work, may take the land
391 necessary for carrying out the orders of the commissioner. [in the
392 manner provided in section 13b-256.]

393 Sec. 19. Section 13b-293 of the general statutes is repealed and the
394 following is substituted in lieu thereof:

395 When the Commissioner of Transportation, in accepting the layout
396 of any railroad company, has in such acceptance provided that
397 portions of such railroad shall not be constructed until certain
398 highways have been relocated or changed by such company, and the
399 obligation of repairing or maintaining the whole or any part of such
400 highways is imposed upon any person or corporation other than the
401 town, city or borough within which such highway may be located,
402 such provision shall be binding upon the company and it shall
403 maintain and repair such highway in the same manner and to the same
404 extent that such other person or corporation was bound to repair and
405 maintain the same before such relocation or change. [For the purposes
406 of this section, land may be acquired in the manner provided by
407 section 13b-256.] Any such company may use the material and
408 abutments of any existing bridge in the old highway in the
409 construction of a bridge in the substituted highway and shall provide
410 suitable temporary accommodations for public travel over the old
411 highway until the new highway is completed and shall be solely
412 responsible for injuries resulting from its negligence in the matter of
413 such temporary accommodations. The selectmen of any such town
414 may discontinue such parts of the old highway as in their judgment
415 are not of public convenience and necessity.

416 Sec. 20. Section 13b-282 of the general statutes is repealed and the
417 following is substituted in lieu thereof:

418 When any highway passes over or under a railroad, if the
419 convenience and necessity of the public require a change in such
420 highway, the town, city or borough in which such highway is located
421 may bring a petition to the Commissioner of Transportation in the
422 manner prescribed in section 13b-270, and, after the notice prescribed
423 by said section, said commissioner shall proceed to a hearing on such
424 matter and may make such order as [he] the commissioner deems
425 necessary for the convenience and necessity of the public or the safe
426 and suitable operation of the railroad. For the purposes of this section,

427 said commissioner shall have and exercise all powers of said
428 commissioner concerning the removal of grade crossings, and land
429 may be taken. [in the manner provided in section 13b-256.] The party
430 upon whom is imposed, by such order, the duty of making such
431 changes in such highway may use the material and abutments of any
432 existing bridge in the old highway in the construction of a bridge in
433 the substituted or changed highway. The expense of any changes
434 ordered as hereinbefore provided shall be apportioned, among the
435 railroad company and the town, city or borough interested therein, in
436 such manner as the commissioner deems equitable; but in no case shall
437 an amount in excess of one-half of the expense of such alteration,
438 including land damages or special damages, be assessed upon any
439 such town, city or borough.

440 Sec. 21. Section 13b-307 of the general statutes is repealed and the
441 following is substituted on lieu thereof:

442 Upon petition brought by any railroad company, the Commissioner
443 of Transportation may order the location of any canal or watercourse
444 to be changed by such company for the purpose of enabling its
445 railroad to be more advantageously constructed, maintained or
446 operated, reasonable notice of such application having first been given
447 to the owner or owners of such canal or watercourse; and such
448 company shall have power, for the purpose of carrying out any order
449 of the commissioner under this section, to take real estate. [in the
450 manner provided in section 13b-256.] Whenever the location of a canal
451 or watercourse is changed as provided herein, the flow of water
452 therein shall not in anywise be interrupted, diminished or impaired,
453 and the cost of making such change and of providing a new channel
454 for such canal or watercourse, together with the cost of the walls,
455 embankments, headgates, flumes and other structures necessary to
456 render such canal or watercourse as safe and efficient as before such
457 change, shall be entirely borne by the railroad company which
458 petitioned for such change. The provisions of this section shall not

459 apply to the canal of any corporation required by its charter to
460 maintain its canals, or any of them, in a condition for navigation, nor to
461 the canal of any corporation chartered for the purpose of improving
462 the boat navigation of the Connecticut River or for the purpose of
463 widening and deepening the channel of said river; but in such cases
464 the provisions of this section shall apply when the written consent of
465 any such corporation to the proposed change has first been obtained.

466 Sec. 22. The building designated as the new terminal at Bradley
467 International Airport in Windsor Locks shall be named the "Robert F.
468 Juliano Terminal Building".

469 Sec. 23. SR 543 in Wethersfield, running in a generally northerly
470 direction from Route 314 to the Wethersfield-Hartford town line shall
471 be designated the "Vartan Mamigonian Memorial Highway".

472 Sec. 24. The segment of Route 20, located in East Granby, running in
473 a generally easterly direction from the Granby-East Granby town line
474 to the junction SSR 401, shall be designated the "Connecticut Air
475 National Guard Memorial Highway".

476 Sec. 25. The segment of Route 10, located in Simsbury, running in a
477 generally northerly direction, from the intersection of Route 167 to the
478 Simsbury-Granby town line shall be designated the "Simsbury
479 Veterans Memorial Highway".

480 Sec. 26. A segment of Interstate Route I-91, running in a generally
481 northerly direction, from the Meriden-Middletown town line to the
482 Cromwell-Middletown town line, shall be designated the "Sergeant
483 George Ross Dingwall Memorial Highway".

484 Sec. 27. Route 5, in Wallingford, shall be designated the "American
485 Legion Shaw-Sinon Post 73 Memorial Highway".

486 Sec. 28. The segment of Route 176, in Newington, running in a
487 generally northerly direction from the intersection of Route 5-15 to

488 Route 175 shall be designated the "Patricia M. Genova Memorial
489 Highway".

490 Sec. 29. A segment of Route 71, in Meriden, running in a northerly
491 direction from the overpass of the Interstate 691 to the Meriden-Berlin
492 town line shall be designated the "State Trooper Joseph M. Stoba
493 Memorial Highway".

494 Sec. 30. The segment of Route 207 located in Franklin, running a
495 generally easterly direction, shall be designated the "Paul Henry
496 Bienvenue Memorial Highway".

497 Sec. 31. The segment of Route 1, running in a generally easterly
498 direction, from the Branford-East Haven town line to the Branford-
499 Guilford town line shall be designated the "Branford Fire Department
500 Memorial Highway".

501 Sec. 32. Route 146, located in Branford shall be designated as the
502 "Edward Ramos Memorial Highway".

503 Sec. 33. A segment of Route 624 located in the towns of Waterford
504 and New London running in an easterly direction from I-95 eastbound
505 to U.S. Route 1 eastbound shall be designated the "American Ex-
506 Prisoners of War Memorial Highway".

507 Sec. 34. Bridge Number 1460, located on Interstate Route I-91 in
508 Wethersfield, running in a generally northerly direction, and passing
509 over the Wethersfield Cove, shall be designated the "Veterans of the
510 Battle of the Bulge Memorial Highway".

511 Sec. 35. Bridge Number 5337, located on Route 175 in Newington,
512 running in a generally easterly direction, passing over Mill Brook, shall
513 be designated the "Andrew J. McCusker Memorial Bridge".

514 Sec. 36. Bridge Number 1628, located on Prospect Avenue in
515 Hartford, passing over SR 598, shall be designated the "Major John

516 Caldwell Memorial Bridge".

517 Sec. 37. Bridge Number 1629, located on Columbus Boulevard in
518 Hartford, passing over SR 598, shall be designated the "Major Thomas
519 Y. Seymour Memorial Bridge".

520 Sec. 38. Bridge Number 4326, located on Route 175 in Newington,
521 passing over the Amtrak Railroad, shall be designated the "Lieutenant
522 James T. Hall Memorial Bridge".

523 Sec. 39. Bridge Number 3162 located on West Street in Rocky Hill,
524 running in a generally easterly direction, passing over Interstate 91,
525 shall be designated "John L. Levitow Memorial Bridge".

526 Sec. 40. Route 302, located in Newtown, running in a generally
527 easterly direction from the Danbury-Newtown town line to Route 25
528 shall be designated the "Second Company Governor's Horse Guard
529 Memorial Highway".

530 Sec. 41. A segment of Interstate 91, running in a generally northerly
531 direction from the intersection of Interstate 95 to the North Haven-
532 New Haven town line shall be designated the "Second Company's
533 Governor's Foot Guard Memorial Highway".

534 Sec. 42. This act shall take effect from its passage, except that
535 sections 1 to 5, inclusive, and sections 7 to 21, inclusive, shall take
536 effect October 1, 2001.

TRA JOINT FAVORABLE SUBST.

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: Cost, Administrative Efficiencies, Cost Savings, Potential Bond Fund Savings, Potential Minimal Revenue Gain

Affected Agencies: Department of Transportation, Attorney General’s Office, Judicial Department

Municipal Impact: None

Explanation

State Impact:

This bill consists of 42 sections which mostly affect the Department of Transportation (DOT). Most sections do not have a fiscal impact. None has a significant impact. Some sections would create cost savings, potential minimal revenue gain or administrative efficiencies. Others are technical.

Section 4, results in administrative efficiencies by establishing a simplified process when acquiring property on a friendly basis, --a process which is similar to the current process on property acquired by eminent domain.

Authorizing the commissioner to designate the Hartford-New Britain Busway project a “total cost basis” project or “design-build” project (Section 5) could reduce the overall project schedule and could

result in reduced administrative costs. The agency does not expect changes in project costs as a result of the "total cost" approach. The project cost ranges from \$76 million to \$122 million (80/20 federal/state share). The estimated completion date is April, 2006 if "design-build" approach is adopted; if not, the estimated completion date would be May, 2007.

By statute the required minimum clearance for bridges over electrified railroad tracks is 22 feet, six inches. Under Section 6 of the bill, the commissioner would be allowed to replace the Hales Road highway bridge with a new bridge which would have an 18 feet, five inches clearance. If this request is not granted, project costs would increase for the construction of a bridge which would satisfy the statutorily-mandated requirement. Depending on the construction alternative adopted, bond fund savings could range from \$1.9 million to \$4.5 million; an associated debt service reduction could also be anticipated.

Section 7 raises the threshold for property acquired by the DOT from \$15,000 to \$100,000 before requiring approval by a state referee. The DOT and the Attorney General's Office would experience administrative efficiencies/cost savings by attending fewer referee approval proceedings. The DOT estimates cost savings of approximately \$20,000. The Judicial Department would also experience administrative efficiencies by holding fewer proceedings.

Section 8 requires the DOT to issue to any person who already holds a permit to operate a livery service two additional permits (upon application) without a hearing or written notice. According to the DOT, the applicants do not receive two new permits, instead they receive two new authorizations for vehicles within the existing permit. A minimal revenue gain from the \$200 application fee is anticipated.

Sections 9 through 21 are technical.

Section 22 names the new terminal at Bradley International Airport the “Robert F. Juliano Terminal Building” and Sections 23 through 41 names 13 state highway segments and six state bridges. The total cost for the naming signs, including installation segments, under these sections is \$22,840. This cost can be absorbed within available resources.

OLR Bill Analysis

sHB 5914

AN ACT REVISING CERTAIN TRANSPORTATION LAWS.

SUMMARY:

This bill:

1. requires the commissioner of the Department of Transportation (DOT) to establish a fire department for Bradley International airport, gives it jurisdiction within the airport for aircraft and structural fire protection and emergency medical services, and specifically excludes it from the jurisdiction of any municipality;
2. gives the Bradley fire chief or Bradley fire officer in charge the authority to control and direct emergency activities at a fire or emergency at the airport;
3. allows the DOT commissioner to designate the Hartford-New Britain Busway project as a total cost basis or "design-build" project;
4. allows DOT to take peaceable possession of property it purchased for a project rather than having to follow a summary eviction process;
5. allows DOT to replace the Hales Road highway bridge (#03852) over the railroad tracks in Westport with a new bridge at a minimum clearance over the tracks of 18 feet, five inches, instead of the statutorily required minimum clearance for bridges over electrified railroad tracks of 22 feet, six inches;
6. requires DOT to issue someone who already holds a DOT permit to operate motor vehicles in livery service and applies, up to two additional vehicle permits each year without a hearing or written notice to other affected parties of the pendency of the application that the law requires, provided all the applicant's existing permits

are registered and in use and there is no outstanding violations against him;

7. conforms two laws to changes previously made by the legislature in related laws;
8. names the building designated as the new terminal at Bradley International Airport the "Robert F. Juliano Terminal Building";
9. designates memorial or commemorative names for 13 state highway segments and six state bridges; and
10. makes various technical changes.

EFFECTIVE DATE: October 1, 2001 except the bridge clearance waiver and the terminal, road, and bridge namings are effective upon passage.

FIRE JURISDICTION AT BRADLEY INTERNATIONAL AIRPORT

The bill gives the fire chief of the airport fire department it creates, or any member of the department serving as officer-in-charge when the company is responding to or operating at a fire, service call, or other emergency at the airport the power to (1) control and direct emergency activities at the scene; (2) order someone to leave a building, aircraft, or place in the vicinity of the fire in order to protect him from injury; and (3) do all other things the law allows a municipal fire chief or officer-in-charge to do at a fire scene.

In creating the Bradley International Airport fire department and giving it these powers, the bill gives it, rather than the first municipal fire department responding to a fire on airport property, jurisdiction over how the fire or emergency scene must be managed.

HARTFORD-NEW BRITAIN BUSWAY PROJECT

The bill authorizes the commissioner to designate the proposed Hartford-New Britain Busway project as a total cost basis project. This is also commonly referred to as a "design-build" project. If it is so designated, the commissioner may enter into a single contract with a private developer that includes project elements such as engineering

design and construction. Under normal competitive bidding requirements, these project elements are usually bid separately.

Any such total cost contract must be based on competitive proposals. The commissioner must give notice of the project and project specifications at least once through advertising in a newspaper with substantial circulation in the Hartford-New Britain area. The contract award must be based on the developers' qualifications, the technical merits of their proposals, and cost.

The commissioner must determine the criteria, requirements, and conditions for the proposals and award, and he has sole responsibility for all other contract aspects. If applicable, the contract must clearly state the developer's responsibilities to deliver a completed and acceptable project on a date certain and the maximum project cost.

PEACEABLE POSSESSION OF ACQUIRED PROPERTY

Currently, when DOT acquires property through condemnation under its eminent domain authority, the law allows it to take peaceable possession of the property by following an established statutory process. However, this authority does not extend to property acquired by purchase through a voluntary agreement with the property owner. In this case, DOT must follow a more complex process of summary eviction.

The bill establishes a parallel process for taking peaceable possession of property acquired by purchase. When the commissioner has purchased land, made payment, and accepted the deed, he may apply to a Superior court judge who can issue an order commanding a state marshal to give DOT peaceable possession of the land.

CONFORMING CHANGES

In prior years, the legislature changed two laws, one raising the threshold for property acquisitions by DOT that require approval of a state referee from \$15,000 to \$100,000 and the other changing minimum sightline requirements at rail-highway grade crossings. The bill conforms the related statute governing payment of the damages for such acquired property to the higher threshold for state referee

approval previously applied to approval of the acquisition. With respect to grade crossing sight lines, it changes several statutes that were overlooked when the changes were made to make them consistent with one another.

ROAD AND BRIDGE NAMINGS

The bill names 13 state highway segments and six state highway bridges as follows:

1. State Road 543 in Wethersfield running north from Route 314 to the Wethersfield-Hartford town line as the "Vartan Mamigonian Memorial Highway";
2. Route 20 in East Granby running east from the Granby-East Granby town line to the junction of SSR 401 as the "Connecticut Air National Guard Memorial Highway";
3. Route 10 in Simsbury running north from the intersection of Route 167 to the Simsbury-Granby town line as the "Simsbury Veterans Memorial Highway";
4. I-91 running north from the Meriden-Middletown town line to the Cromwell-Middletown town line as the "Sergeant George Ross Dingwall Memorial Highway";
5. Route 5 in Wallingford as the "American Legion Shaw-Sinon Post 73 Memorial Highway";
6. Route 176 in Newington running north from the intersection of Routes 5 and 15 to Route 175 as the "Patricia M. Genova Memorial Highway";
7. Route 71 in Meriden running north from the I-691 overpass to the Meriden-Berlin town line as the "State Trooper Joseph M. Stoba Memorial Highway";
8. Route 207 in Franklin running east as the "Paul Henry Bienvenue Memorial Highway";

9. Route 1 running east from the Branford-East Haven town line to the Branford-Guilford town line as the "Branford Fire Department Memorial Highway";
10. Route 146 in Branford as the "Edward Ramos Memorial Highway";
11. Route 624 in Waterford and New London running east from I-95 eastbound to Route 1 eastbound as the "American Ex-Prisoners of War Memorial Highway";
12. Route 302 in Newtown running east from the Danbury-Newtown town line to Route 25 as the "Second Company Governor's Horse Guard Memorial Highway";
13. I-91 running north from the intersection with I-95 to the North Haven-New Haven town line as the "Second Company Governor's Foot Guard Memorial Highway";
14. Bridge No. 1460 on I-91 running north in Wethersfield over Wethersfield Cove as the "Veterans of the Battle of the Bulge Memorial Highway";
15. Bridge No. 5337 on route 175 in Newington running east over Mill Brook as the "Andrew J. McCusker Memorial Bridge";
16. Bridge No. 1628 on Prospect Avenue in Hartford passing over SR 598 as the "Major John Caldwell Memorial Bridge";
17. Bridge No. 1629 on Columbus Boulevard in Hartford passing over SR 598 as the "Major Thomas Y. Seymour Memorial Bridge";
18. Bridge No. 4236 on route 175 in Newington over the Amtrak railroad tracks as the "Lieutenant James T. Hall Memorial Bridge";
and
19. Bridge No. 3162 on West Street in Rocky Hill running east and passing over I-91 as the "John L. Levitow Memorial Bridge."

COMMITTEE ACTION

Transportation Committee

Joint Favorable Substitute

Yea 28 Nay 0