



House of Representatives

File No. 775

General Assembly

January Session, 2001

(Reprint of File No. 373)

Substitute House Bill No. 5914
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 18, 2001

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 Airport Rescue Fire Fighting Unit of Bradley
2 International Airport is established as a fire department that shall have
3 jurisdiction within Bradley International Airport for aircraft and
4 structural fire protection and emergency medical services and shall not
5 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 all other 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18 repealed and the following is substituted in lieu thereof: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.

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 Section 13b-281 of the general statutes is repealed and the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

35 If the view of that portion of the tracks of any railroad, crossing a
36 highway at grade, which adjoins such crossing, is obstructed by trees,
37 shrubbery or embankments of earth, the Commissioner of
38 Transportation may, after a hearing upon such notice as the
39 commissioner deems reasonable to the company or companies owning
40 or operating such railroad or railroads and to the selectmen of the
41 town, mayor of the city or warden of the borough wherein such
42 crossing is situated and to the owners of the land adjoining such
43 crossing, make such orders for or concerning the removal of any such
44 obstruction as will afford an unobstructed view of such railroad tracks
45 and such highway [for a distance of at least one hundred and fifty feet
46 in each direction from such crossing. For the purposes of this section,
47 land or easements in land may be taken in the manner provided in

48 section 13b-256 provided such orders are] in accordance with current
49 American Association of State Highway and Transportation Officials'
50 Policy for vehicles to safely traverse a railroad crossing from a stopped
51 position. All orders of the commissioner pursuant to the provisions of
52 this section shall specifically set forth the limits within which land may
53 be taken and the nature, purposes and specific limits of the easements
54 so authorized to be taken. The expense occasioned by any order of said
55 commissioner under the provisions of this section shall be paid by the
56 owner of the land upon which the obstruction is located.

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

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

77 (a) The minimum overhead clearance for any structure crossing
78 over railroad tracks for which construction is begun on or after
79 October 1, 1986, shall be twenty feet, six inches, except that, (1) if the
80 construction includes only deck replacement or minor widening of the

81 structure, and the existing piers or abutments remain in place, the
82 minimum overhead clearance shall be the structure's existing overhead
83 clearance; (2) the minimum overhead clearance for any structure
84 crossing any railroad tracks on which trains are operated that are
85 attached to or powered by means of overhead electrical wires shall be
86 twenty-two feet, six inches; (3) the minimum overhead clearance for
87 the structure that carries (A) Route 372 over railroad tracks in New
88 Britain, designated state project number 131-156, (B) U.S. Route 1 over
89 railroad tracks in Fairfield, designated state project number 50-6H05,
90 (C) Route 729 over railroad tracks in North Haven, designated state
91 project number 100-149, (D) Grove Street over railroad tracks in
92 Hartford, designated state project number 63-376, (E) Route 1 over
93 railroad tracks in Milford, designated state project number 173-117, (F)
94 Ingham Hill Road over railroad tracks in Old Saybrook, designated
95 state project number 105-164, (G) Ellis Street over railroad tracks in
96 New Britain, designated state project number 88-114, (H) Route 100
97 over the railroad tracks in East Haven, bridge number 01294, and (I)
98 Church Street Extension over certain railroad storage tracks located in
99 the New Haven Rail Yard, designated state project number 92-526,
100 shall be eighteen feet; (4) the minimum overhead clearance for those
101 structures carrying (A) Fair Street, bridge number 03870, (B) Crown
102 Street, bridge number 03871, and (C) Chapel Street, bridge number
103 03872, over railroad tracks in New Haven shall be seventeen feet, six
104 inches; (5) the minimum overhead clearance for the structure carrying
105 State Street railroad station pedestrian bridge over railroad tracks in
106 New Haven shall be nineteen feet, ten inches; [and] (6) the overhead
107 clearance for the structure carrying Woodland Street over the Griffins
108 Industrial Line in Hartford, designated state project number 63-501,
109 shall be fifteen feet, nine inches, with new foundations placed at
110 depths which may accommodate an overhead clearance to a maximum
111 of seventeen feet, eight inches; and (7) the Department of
112 Transportation may replace the Hales Road Highway Bridge over
113 railroad tracks in Westport, Bridge Number 03852, with a new bridge
114 that provides a minimum overhead clearance over the railroad tracks
115 that shall be eighteen feet, five inches.

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

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

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

145 (a) (1) No person, association, limited liability company or
146 corporation shall operate a motor vehicle in livery service until such
147 person, association, limited liability company or corporation has
148 obtained a permit from the Department of Transportation, specifying

149 the nature and extent of the service to be rendered and certifying that
150 public convenience and necessity will be improved by the operation
151 and conduct of such livery service. Such permits shall be issued only
152 after a written application for the same has been made and a public
153 hearing has been held thereon. Upon receipt of such application,
154 together with the payment of a fee of two hundred dollars, the
155 department shall fix a time and place of hearing thereon, within a
156 reasonable time, and shall promptly give written notice of the
157 pendency of such application and of the time and place of such
158 hearing to each applicant, the mayor of each city, the warden of each
159 borough and the first selectman of each town, within which any such
160 applicant desires to maintain an office or headquarters, to any carrier
161 legally operating motor vehicles in livery service within the same
162 territory and to other interested parties as determined by the
163 department. (2) Notwithstanding [any provision] the provisions of
164 subdivision (1) of this subsection, [to the contrary,] the department
165 may issue a permit for the operation of vehicles (A) having a capacity
166 of less than eleven adults or to be used exclusively at funerals,
167 weddings, christenings, processions or celebrations, without holding a
168 hearing and certifying that public convenience and necessity would be
169 improved by the operation of such vehicles, or (B) having a capacity of
170 not less than eleven or more than fourteen adults and used for
171 sightseeing and related purposes, without holding a hearing, provided
172 the department issues a legal notice, as provided under section 1-2, of
173 such application and no objection is filed with the department within
174 thirty days of publication of such notice. (3) Notwithstanding [any
175 provision] the provisions of subdivision (1) of this subsection, [to the
176 contrary,] the department may issue a temporary or permanent permit
177 to any person, association, limited liability company or corporation
178 operating a motor vehicle engaged in the transportation of passengers
179 for hire by virtue of a contract with, or a lower tier contract for, any
180 federal, state or municipal agency that (A) is in effect on July 1, 1997,
181 with or without hearing, after a written application for the same has
182 been made and the department has determined that the applicant
183 meets the requirements of subsection (b) of this section except with

184 respect to public convenience and necessity, or (B) becomes effective
185 after July 1, 1997, with or without hearing, after a written application
186 for the same has been made and the department has determined that
187 the applicant meets the requirements of subsection (b) of this section.
188 Any such permit issued under the provisions of this subdivision (i)
189 shall be limited to service provided under any such contract, and (ii)
190 with respect to any contract under the provisions of subparagraph (A)
191 of this subdivision, shall not authorize a total number of motor
192 vehicles exceeding the number required to provide service existing
193 under such contract on July 1, 1997. (4) Notwithstanding the
194 provisions of subdivision (1) of this subsection, the department shall
195 issue to any person who has an intrastate livery permit for at least one
196 year, upon the application of such person, up to two additional vehicle
197 authorizations each year without a hearing and without written notice
198 of the pendency of the application, if all the existing permits held by
199 such person are registered and in use and if there are no outstanding
200 violations or matters pending adjudication against such person. The
201 department shall have thirty calendar days to issue such amended
202 permit.

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

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

218 September 30, 2000, and each calendar quarter thereafter, the
219 commissioner shall deposit into the Special Transportation Fund []
220 eleven million five hundred thousand dollars of the amount of such
221 funds received by the state from the tax imposed under said section 12-
222 587, on the gross earnings from the sales of petroleum products
223 attributable to sales of motor vehicle fuel.

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

226 (b) The commissioner shall adopt regulations, in accordance with
227 the provisions of chapter 54, setting forth the content of safe boating
228 operation courses. Such regulations may include provisions for
229 examinations, issuance of safe boating certificates and establishment of
230 reasonable fees for the course and examination and for issuing
231 certificates, temporary certificates [] and duplicate certificates. Any
232 fees collected pursuant to such regulations shall be deposited in the
233 boating account established pursuant to section 15-155.

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

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

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

244 If any railroad company acting under the authority of the laws of
245 this state has acquired more than three-fourths of the capital stock of
246 any steamboat, bridge, wharf or railroad corporation, and cannot agree
247 with the holders of outstanding stock for the purchase of the same,
248 such railroad company may, upon a finding by a judge of the Superior

249 Court that such purchase will be for the public interest, cause such
250 outstanding stock to be appraised, [in the same manner as is provided
251 in section 13b-256.] When the amount of such appraisal has been paid
252 or deposited, [as provided in said section,] the stockholder or
253 stockholders whose stock has been so appraised shall cease to have
254 any interest therein and, on demand, shall surrender all certificates for
255 such stock, with duly executed powers of attorney for transfer thereon,
256 to the corporation applying for such appraisal.

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

259 If any person holding a minority of the shares of stock in any
260 corporation referred to in section 13b-218, as amended by this act,
261 cannot agree with the railroad company owning three-fourths of such
262 stock for the purchase of [his] such person's shares, [he] such person
263 may cause the same to be appraised. [in the same manner as is
264 provided in section 13b-256.] When such appraisal has been made and
265 recorded in the office of the clerk of the superior court for any judicial
266 district where such railroad company operates a railroad, and the
267 certificates for such stock, with duly executed powers of attorney for
268 transfer thereon, have been deposited with such clerk for such railroad
269 company, such appraisal shall have the effect of a judgment against
270 such company and in favor of the holder of such stock and, at the end
271 of sixty days, unless such judgment is paid, execution may be issued.

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

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

281 or by the company constructing the same, or by a sharing of the cost
282 between the town, city or borough and the company, as the
283 commissioner directs.

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

286 The selectmen of any town, the mayor and common council of any
287 city or the warden and burgesses of any borough, within which a
288 highway crosses or is crossed by a railroad, or the directors of any
289 railroad company whose road crosses or is crossed by a highway, may
290 bring their petition in writing to the Commissioner of Transportation,
291 alleging that public safety requires an alteration in such crossing, its
292 approaches, the method of crossing, the location of the highway or
293 crossing, the closing of a highway crossing and the substitution of
294 another therefor, not at grade, or the removal of obstructions to the
295 sight at such crossing, and praying that the same may be ordered.
296 Thereupon said commissioner shall appoint a time and place for
297 hearing the petition, and shall give such notice thereof to such
298 petitioners, the company, the municipality or municipalities in which
299 such crossing is situated and the owners of the land adjoining such
300 crossing and adjoining that part of the highway to be changed in
301 grade, as [he] said commissioner judges reasonable; and, after such
302 notice and hearing, said commissioner shall determine what
303 alterations or removals, if any, shall be made and by whom made. If
304 such petition is brought by the directors of a railroad company or in
305 behalf of any such company, said commissioner shall order the
306 expense of such alterations or removals, including the damages to any
307 person whose land is taken and the special damages which the owner
308 of any land adjoining the public highway sustains by reason of any
309 such change in the grade of such highway, to be paid by the company
310 owning or operating the railroad in whose behalf the petition is
311 brought; and, if such petition is brought by the selectmen of any town,
312 the mayor and common council of any city or the warden and
313 burgesses of any borough, [he] said commissioner may, if the highway
314 affected by such determination was in existence when the railroad was

315 constructed over it at grade or if the layout of the highway was
316 changed for the benefit of the railroad after the layout of the railroad,
317 order an amount not exceeding one-quarter of the whole expense of
318 such alteration or removal, including the damages, to be paid by the
319 town, city or borough in whose behalf the petition is brought, and the
320 remainder of the expense shall be paid by the company owning or
321 operating the road which crosses such public highway. If the highway
322 affected by such last-mentioned order has been constructed since the
323 railroad which it crosses at grade, said commissioner may order an
324 amount not exceeding one-half of the whole expense of such alteration
325 or removal, including the damages, to be paid by the town, city or
326 borough in whose behalf the application is brought, and the remainder
327 of the expense shall be paid by the company owning or operating the
328 road which crosses such public highway. Railroad companies may
329 take land for the purpose of this section. [in the manner provided by
330 section 13b-256.]

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

333 The Commissioner of Transportation may, in the absence of any
334 application therefor, when in [his] the commissioner's opinion public
335 safety requires an alteration in any highway crossed at grade by a
336 railroad or by railroads belonging to or operated by more than one
337 company, after a hearing had upon such notice as [he] the
338 commissioner deems reasonable to the company or companies owning
339 or operating such railroad or railroads and to the selectmen of the
340 town, mayor of the city or warden of the borough within which such
341 highway is situated and to the owners of the land adjoining such
342 crossing, order such alterations in such highway as [he] the
343 commissioner deems best, and shall determine and direct by whom
344 such alterations shall be made, at whose expense and within what
345 time; provided, in all cases arising under this section, one-fourth of the
346 expense, including damages and special damages as aforesaid, shall be
347 paid by the state and the remainder shall be assessed upon the railroad
348 company or companies benefited by such order; and provided such

349 alterations as are thus made at the primary instance of the
350 commissioner shall not be ordered so as to direct the construction of
351 more than one bridge in any one year on any one railroad. Railroad
352 companies may take land for the purpose of this section, [in the
353 manner provided by section 13b-256.] No land shall be taken by any
354 railroad company for the purpose mentioned in this section, except
355 such as the commissioner finds to be necessary for such purpose; but
356 no such taking need be based upon any special finding that public
357 necessity and convenience require such taking.

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

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

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

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

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

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

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

416 When any highway passes over or under a railroad, if the
417 convenience and necessity of the public require a change in such
418 highway, the town, city or borough in which such highway is located
419 may bring a petition to the Commissioner of Transportation in the
420 manner prescribed in section 13b-270, and, after the notice prescribed
421 by said section, said commissioner shall proceed to a hearing on such
422 matter and may make such order as [he] the commissioner deems
423 necessary for the convenience and necessity of the public or the safe
424 and suitable operation of the railroad. For the purposes of this section,
425 said commissioner shall have and exercise all powers of said
426 commissioner concerning the removal of grade crossings, and land
427 may be taken. [in the manner provided in section 13b-256.] The party
428 upon whom is imposed, by such order, the duty of making such
429 changes in such highway may use the material and abutments of any
430 existing bridge in the old highway in the construction of a bridge in
431 the substituted or changed highway. The expense of any changes
432 ordered as hereinbefore provided shall be apportioned, among the
433 railroad company and the town, city or borough interested therein, in
434 such manner as the commissioner deems equitable; but in no case shall
435 an amount in excess of one-half of the expense of such alteration,
436 including land damages or special damages, be assessed upon any
437 such town, city or borough.

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

440 Upon petition brought by any railroad company, the Commissioner
441 of Transportation may order the location of any canal or watercourse
442 to be changed by such company for the purpose of enabling its
443 railroad to be more advantageously constructed, maintained or
444 operated, reasonable notice of such application having first been given
445 to the owner or owners of such canal or watercourse; and such
446 company shall have power, for the purpose of carrying out any order

447 of the commissioner under this section, to take real estate, [in the
448 manner provided in section 13b-256.] Whenever the location of a canal
449 or watercourse is changed as provided herein, the flow of water
450 therein shall not in anywise be interrupted, diminished or impaired,
451 and the cost of making such change and of providing a new channel
452 for such canal or watercourse, together with the cost of the walls,
453 embankments, headgates, flumes and other structures necessary to
454 render such canal or watercourse as safe and efficient as before such
455 change, shall be entirely borne by the railroad company which
456 petitioned for such change. The provisions of this section shall not
457 apply to the canal of any corporation required by its charter to
458 maintain its canals, or any of them, in a condition for navigation, nor to
459 the canal of any corporation chartered for the purpose of improving
460 the boat navigation of the Connecticut River or for the purpose of
461 widening and deepening the channel of said river; but in such cases
462 the provisions of this section shall apply when the written consent of
463 any such corporation to the proposed change has first been obtained.

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

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

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

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

478 Sec. 26. A segment of Interstate Route I-91, running in a generally

479 northerly direction, from the Meriden-Middletown town line to the
480 Cromwell-Middletown town line, shall be designated the "Sergeant
481 George Ross Dingwall Memorial Highway".

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

484 Sec. 28. The segment of Route 176, in Newington, running in a
485 generally northerly direction from the intersection of Route 5-15 to
486 Route 175 shall be designated the "Patricia M. Genova Memorial
487 Highway".

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

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

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

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

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

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

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

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

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

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

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

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

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

532 Sec. 42. (NEW) A printed advertisement concerning a household
533 goods carrier shall conspicuously state the number of the certificate
534 issued to such household goods carrier by the Department of
535 Transportation pursuant to section 13b-391 of the general statutes, and
536 shall conspicuously state the number of any permit or registration
537 issued to such carrier by the United States Department of
538 Transportation.

539 Sec. 43. A sign shall be placed east bound on Route I-84 before exit
540 39 and a sign shall be placed west bound on Route I-84 before exit 40
541 designating the location of the "Holy Family Passionist Retreat Center".

542 Sec. 44. Bridge Number 6277, located in Manchester, running in a
543 generally easterly direction on Interstate Route 291, and passing over
544 the Tolland Turnpike, shall be designated the "Jules M. Hollander
545 Memorial Bridge".

546 Sec. 45. This act shall take effect from its passage, except that
547 sections 1 to 5, inclusive, and sections 7 to 21, inclusive, shall take
548 effect October 1, 2001.

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: Absorbable Costs, Administrative Efficiencies, Minimal Workload Increase, Potential Bond Fund Savings, Potential Minimal Revenue Gain

Affected Agencies: Department of Transportation

Municipal Impact: None

Explanation

State Impact:

This bill consists of 44 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 result in absorbable costs, minimal workload increase, create potential minimal revenue gain or administrative efficiencies. Other sections are technical.

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.

Section 43 which requires the placement of one sign east bound on I-84 before Exit 39 and one sign west bound on I-84 before Exist 40

designating the location of the “Holy Family Passionist Retreat Center” would have absorbable costs. Costs will depend on the size of the signs. However, further information is required from the agency to determine whether or not the signs conform with federal guidelines.

Section 44 which names a bridge in Manchester on I-291, passing over the Tolland Turnpike, the “Jules M. Hollander Memorial Bridge” would have an absorbable cost. The cost would depend on the size of the sign.

House “A” would have absorbable costs for the placement of signs. However, information has been requested from the agency to determine whether or not the sign designating the “Holy Family Passionist Retreat Center” conforms with federal guidelines. The other changes in the amendment either have a minimal workload increase or no fiscal impact at all.

OLR AMENDED BILL ANALYSIS

sHB 5914 (as amended by House "A")*

AN ACT REVISING CERTAIN TRANSPORTATION LAWS.**SUMMARY:**

This bill:

1. establishes the Airport Rescue and Fire Fighting Unit at Bradley International Airport as the fire department with 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 Department of Transportation (DOT) commissioner to designate the Hartford-New Britain Busway project as a total cost basis or "design-build" project;
4. 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;
5. requires, within 30 calendar days, DOT to issue someone who for at least one year holds a DOT permit for intrastate operation of 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 are no outstanding violations or matters pending adjudication against him;

6. conforms two laws to changes previously made by the legislature in related laws;
7. names the building designated as the new terminal at Bradley International Airport the "Robert F. Juliano Terminal Building";
8. designates memorial or commemorative names for 13 state highway segments and seven state bridges;
9. requires signs to be placed on I-84 (presumably by the DOT commissioner since by law no one else can legally place signs on a state highway right-of-way) eastbound before exit 39 and westbound before exit 40 designating the location of the "Holy Family Passionist Retreat Center";
10. requires any printed advertisement concerning a household goods carrier to conspicuously show its state DOT certificate number and federal DOT permit or registration number; and
11. makes various technical changes.

*House Amendment "A" (1) makes it clear that it is establishing the Bradley Airport Fire and Rescue Unit's jurisdiction at the airport rather than requiring the commissioner to establish a new fire department; (2) eliminates a provision that would have allowed DOT to take peaceable possession of property it purchased for a project rather than having to follow a summary eviction process; (3) revises the livery vehicle amended permit authorization provision to apply it to anyone who holds a permit, for at least one year rather than anyone currently holding a permit, requires the commissioner to issue such amended permits within 30 calendar days, and adds the additional condition that the applicant cannot have any matters pending adjudication against him; and (4) adds the provisions on household goods carriers' printed advertisements, the I-84 signs for the retreat center, and the Hollander Memorial Bridge naming.

EFFECTIVE DATE: October 1, 2001, except for the bridge clearance waiver, household goods carrier advertisement, I-84 retreat center sign, and the terminal, road, and bridge naming provisions, which are effective upon passage.

FIRE JURISDICTION AT BRADLEY INTERNATIONAL AIRPORT

The bill gives the fire chief of the airport fire department 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 establishing jurisdiction for the Bradley Fire and Rescue Unit 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.

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 seven 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”;
 19. Bridge No. 3162 on West Street in Rocky Hill running east and passing over I-91 as the “John L. Levitow Memorial Bridge,” and
 20. Bridge No. 6277 on I-291 in Manchester running east and passing over the Tolland Turnpike as the “Jules M. Hollander Memorial Bridge.”

BACKGROUND

Legislative History

The House referred the bill to the Public Safety Committee on April 24, and the Judiciary Committee on May 4. The committees reported the bill favorably without changes on May 2 and May 9 respectively.

COMMITTEE ACTION

Transportation Committee

Joint Favorable Substitute
Yea 28 Nay 0

Public Safety Committee

Joint Favorable Report
Yea 22 Nay 0

Judiciary Committee

Joint Favorable Report
Yea 32 Nay 0