



House of Representatives

File No. 717

General Assembly

January Session, 2003

(Reprint of File No. 644)

Substitute House Bill No. 6404
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 19, 2003

AN ACT CONCERNING THE DEPARTMENT OF TRANSPORTATION.

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

1 Section 1. (*Effective from passage*) The segment of Route 40 in
2 Hamden running in a generally northerly direction from the North
3 Haven/Hamden town line to the junction of Route 10 in Hamden shall
4 be designated as the "Edward Armeno Memorial Highway".

5 Sec. 2. (*Effective from passage*) Route 796 in Milford, currently known
6 as the "Milford Parkway Connector" shall be redesignated the "Daniel
7 S. Wasson Connector".

8 Sec. 3. (*Effective from passage*) The segment of Route 142 in Branford
9 eastbound and westbound from the junction of Route 1 to Double
10 Beach Road shall be designated as the "William E. Keish, Jr. Memorial
11 Highway".

12 Sec. 4. (*Effective from passage*) Bridge number 007773, commonly
13 known as the West Rock Tunnel in New Haven shall be designated the
14 "Hero's Tunnel".

15 Sec. 5. (*Effective from passage*) The bridge over the Saugatuck River in
16 Westport shall be designated as the "Ruth Steinkraus Cohen Memorial
17 Bridge".

18 Sec. 6. (*Effective from passage*) Footbridge Number 827OR located in
19 Seymour, crossing the railroad tracks, shall be designated as "Kisson's
20 Crossing".

21 Sec. 7. (*Effective from passage*) A segment of Route 349 in Groton shall
22 be redesignated as the "William J. Snyder, Sr. Memorial Highway".

23 Sec. 8. (*Effective from passage*) The segment of Route 101 between
24 Abington and East Killingly shall be designated as the "Leif Erickson
25 Highway".

26 Sec. 9. (*Effective from passage*) A segment of Route 15 through Derby,
27 Ansonia and Seymour shall be designated as the "Veteran's Memorial
28 Highway".

29 Sec. 10. (*Effective from passage*) Bridge number 1751, passing over
30 Quaker Lane and Trout Brook on Interstate 84 eastbound in West
31 Hartford, shall be designated "The 76th Division Memorial Bridge".

32 Sec. 11. (*Effective from passage*) A segment of Route 174 in
33 Newington, running in an easterly direction from Route 173 east to
34 Route 176, shall be designated the "Francis Kochanowicz Memorial
35 Highway".

36 Sec. 12. (*Effective from passage*) A segment of Route 173 in West
37 Hartford, running in a northerly direction from the Newington-West
38 Hartford town line to the junction of SR 529, shall be designated the
39 "Roger Fissette Hannon-Hatch VFW Post 9929 Memorial Highway".

40 Sec. 13. (*Effective from passage*) Bridge number 00233, on Route 166
41 passing over Interstate 95 in Old Saybrook, shall be designated the
42 "Rosario J. Aloisio Memorial Bridge".

43 Sec. 14. (*Effective from passage*) A segment of Route 69 from

44 Washington Street to East Main Street in Waterbury, shall be
45 designated the "Officer Walter T. Williams III Memorial Highway".

46 Sec. 15. (*Effective from passage*) A segment of Route 69 from East
47 Main Street to SR 844 in Waterbury, shall be designated the "Officer
48 Bruce Hanley Memorial Highway".

49 Sec. 16. (*Effective from passage*) A segment of Route 314 from SR 543
50 to Jordan Lane in Wethersfield, shall be designated the "Antranig
51 Ozanian Memorial Highway".

52 Sec. 17. (*Effective from passage*) A segment of SSR 411 from Route 3 to
53 Route 99 in Rocky Hill, shall be designated the "Nicholas LaRosa
54 Memorial Highway".

55 Sec. 18. (*Effective from passage*) Bridge number 00024, passing over
56 Interstate 95 at Wilson Avenue in Stamford, shall be designated the
57 "Stamford Firefighters L786 World Trade Center Memorial Bridge".

58 Sec. 19. (*Effective from passage*) Bridge number 02430, passing over
59 Fenn Brook on Route 67 in Roxbury, shall be designated the "Hurlbut
60 Bridge".

61 Sec. 20. (*Effective from passage*) Bridge number 01747, passing over
62 Interstate 84 on Route 173 in West Hartford, shall be designated the
63 "Thomas DeAngelis Memorial Bridge".

64 Sec. 21. (*Effective from passage*) A segment of Route 130 in the city of
65 Bridgeport from the Fairfield town line to the Stratford town line shall
66 be designated the "Alvin W. Penn Memorial Highway".

67 Sec. 22. (*Effective from passage*) Bridge number 1748 on Mayflower
68 Road, passing over Interstate 84 in West Hartford, shall be designated
69 the "Joseph Lenihan Memorial Bridge".

70 Sec. 23. (*Effective from passage*) SSR 403 located in the town of
71 Windsor Locks running in a generally westerly direction from the
72 eastern junction of SSR 401 to the western junction of SSR 401, shall be

73 designated the "Robert F. Juliano Highway".

74 Sec. 24. (NEW) (*Effective October 1, 2003*) Any vehicle used for
75 landscaping purposes that has a caged trailer shall display an orange
76 triangular caution sign on the rear of the trailer.

77 Sec. 25. Section 13a-1 of the general statutes is repealed and the
78 following is substituted in lieu thereof (*Effective October 1, 2003*):

79 (a) As used in this title: [,]

80 (1) ["commissioner"] "Commissioner" means the Commissioner of
81 Transportation and includes each [and all of his successors] successor
82 in office or authority;

83 (2) ["highway"] "Highway" includes streets and roads;

84 (3) ["limited access state highway"] "Limited access state highway"
85 means any state highway so designated under the provisions of section
86 13b-27; [,] and

87 (4) ["state highway"] "State highway" means a highway, bridge or
88 appurtenance to a highway or bridge designated as part of the state
89 highway system within the provisions of chapter 237, or a highway,
90 bridge or appurtenance to a highway or bridge specifically included in
91 the state highway system by general statute.

92 (b) Wherever in the general statutes or special acts pertaining to
93 highways the word "town" is used, it shall include city or borough. The
94 word "selectmen", wherever the same occurs in the general statutes
95 which relate to the care and maintenance of highways, shall, in relation
96 to towns having a consolidated town and city government and bound
97 to care for and maintain the highways [therein] in such towns, be
98 construed to mean the board, officer or commission having charge of
99 the care and maintenance of such highways.

100 Sec. 26. Section 13a-9 of the general statutes is repealed and the
101 following is substituted in lieu thereof (*Effective October 1, 2003*):

102 A superintendent of highways and bridges shall possess practical
103 and technical qualifications for the duties of such office and shall hold
104 no other office in the town government. [He] The superintendent shall
105 be bonded, in an amount fixed by the board of finance if the town has
106 such a board, otherwise by the board of selectmen, by a reliable surety
107 company, conditioned for the faithful discharge of the duties of [his]
108 such office. [, and the] The premium on such bond shall be a charge
109 against the town and shall be paid upon the requisition of such
110 superintendent. [He] The superintendent shall receive such salary as is
111 fixed by the board of finance, or by the town in town meeting when
112 there is no such board, the appropriation therefor to be made in the
113 same manner as other appropriations are made in such town. Such
114 salary shall be paid by the treasurer of the town out of the general
115 funds of the town raised by taxation, upon the requisition of the
116 superintendent, countersigned by the selectmen of the town.

117 Sec. 27. Section 13a-57 of the general statutes is repealed and the
118 following is substituted in lieu thereof (*Effective October 1, 2003*):

119 The commissioner [is authorized to] may lay out any road as a state
120 highway either by using existing highways or by acquiring by
121 purchase or condemnation new rights-of-way. The layout shall be
122 made in the following manner: The commissioner shall develop a map
123 or maps of the layout of a state highway by ground survey or aerial
124 photogrammetric methods. Such map or maps shall show the limits of
125 the right-of-way, all existing roads, buildings, fences and other
126 topographic features which will clearly establish the location of the
127 highway. The commissioner shall file in the town clerk's office in each
128 town in which such layout or portion thereof is established a map
129 showing such portions of such layout within the limits of any such
130 town in which such map is filed. When such maps of any section or
131 sections of such highway have been so filed, the commissioner shall
132 cause a notice to be inserted in a newspaper having a general
133 circulation within each of such towns describing the action of the
134 commissioner concerning the layout of such highway. When such
135 maps have been placed on file and such notice given, such portion or

136 section shall be deemed to have been legally laid out as a state
137 highway and all provisions of the general statutes relating to state
138 highways shall apply to such layout or highway. This section shall not
139 affect the authority of the commissioner to relocate any section of any
140 state highway as provided in section 13a-56.

141 Sec. 28. Subsection (a) of section 13a-80 of the general statutes is
142 repealed and the following is substituted in lieu thereof (*Effective*
143 *October 1, 2003*):

144 (a) The commissioner, with the advice and consent of the Secretary
145 of the Office of Policy and Management and the State Properties
146 Review Board may sell, lease and convey, in the name of the state, or
147 otherwise dispose of, or enter into agreements concerning, any land
148 and buildings owned by the state and obtained for or in connection
149 with highway purposes or for the efficient accomplishment of the
150 foregoing purposes or formerly used for highway purposes, which real
151 property is not necessary for such purposes. The commissioner shall
152 notify the state representative and the state senator representing the
153 municipality in which said property is located within one year of the
154 date a determination is made that the property is not necessary for
155 highway purposes and that the department intends to dispose of the
156 property.

157 Sec. 29. Section 13a-84 of the general statutes is repealed and the
158 following is substituted in lieu thereof (*Effective October 1, 2003*):

159 If the selectmen of any town and any person interested in the
160 layout, opening, grading or alteration of any highway or private way
161 [therein] in such town cannot agree as to the damages sustained by, or
162 the benefits accruing to, such person thereby, the selectmen shall apply
163 to any judge of the Superior Court who, having caused reasonable
164 notice to be given to the parties interested, shall appoint a committee
165 of three disinterested electors to estimate and assess each person
166 injured or benefited the damages sustained by or the benefits accruing
167 to [him] such person by such layout, opening, grading [,] or alteration

168 of such way. Such committee, having thereupon given at least ten
169 days' notice to the parties interested of the time and place of its
170 meeting, shall, under oath, make such estimate and assessment and
171 [forthwith] immediately report its [doings] actions to the superior
172 court in the judicial district in which the land is situated. Notice of the
173 time and place of the meeting of such committee may be given to the
174 parties interested, if they are residents of the state, personally, or by
175 leaving written notices at their respective places of abode, or by
176 depositing in the post office, postage paid, notices addressed to them
177 respectively; or, if they are nonresidents, by like notice to the person
178 having charge of the land. Any person interested in such estimate or
179 assessment may appear before said court and remonstrate against the
180 acceptance of such report for any irregularity or improper conduct;
181 and thereupon the same proceedings shall be had by said court in
182 accepting or rejecting such report, and in ordering a jury to reassess
183 the damages and benefits, or either, as provided in the case of
184 applications brought to said court against towns for the layout or
185 alteration of highways; and such jury, and the court in acting upon the
186 report of such jury, shall proceed as in the case of such applications.

187 Sec. 30. Section 13a-95 of the general statutes is repealed and the
188 following is substituted in lieu thereof (*Effective October 1, 2003*):

189 The commissioner may, at any time, call for bids to construct, alter,
190 reconstruct, improve, relocate, widen or change the grade of sections
191 of state highways or bridges. All bids shall be submitted on forms
192 provided by the commissioner and shall comply with the rules and
193 regulations provided in the bid specifications. The commissioner shall
194 state the amount of the bond which shall accompany each bid and
195 shall name the place where bids shall be received and the time and
196 place for opening the same. Each bid shall be accompanied by a surety
197 company bond satisfactory to the commissioner and in such sum as
198 [he] the commissioner determines, and shall be so conditioned that, if
199 the contract is awarded to the bidder, [he] such bidder shall, when
200 required by the commissioner, execute an agreement in writing, to be
201 prepared by said commissioner, with such bond as shall be acceptable

202 to the commissioner, conditioned as provided in section 49-41. The
203 commissioner may reject any and all bids if, in [his] the commissioner's
204 opinion, cause exists therefor; but otherwise [he] the commissioner
205 shall award the contract to the lowest bidder [whom he deems]
206 deemed to be responsible. The successful bidder shall give evidence
207 satisfactory to said commissioner of [his] such bidder's ability to
208 perform the contract. When such contract is executed by the
209 commissioner and the successful bidder, a copy of the contract, with
210 an estimate of the cost of the work, shall be [forthwith] immediately
211 filed with the commissioner.

212 Sec. 31. Section 13a-101 of the general statutes is repealed and the
213 following is substituted in lieu thereof (*Effective October 1, 2003*):

214 Any bridge or passageway over any artificial watercourse on a
215 highway which it is not the duty of the commissioner to maintain shall
216 be constructed and maintained by the person owning or controlling
217 such watercourse and shall be of such width and carrying capacity as
218 are approved by the board of selectmen of the town, provided, if at
219 any time the board of selectmen finds that any such existing bridge or
220 passageway has become insufficient to permit the traveling public to
221 use it with safety, the board of selectmen shall cause such bridge or
222 passageway to be reconstructed so as to make it sufficient or shall
223 cause a new sufficient bridge or passageway to be constructed. The
224 town and the person owning or controlling the watercourse shall each
225 pay an equitable portion of the cost of reconstructing such existing
226 bridge or passageway or of constructing a new sufficient bridge or
227 passageway, which equitable apportionment shall be based upon the
228 respective needs of the town and the person for such change in such
229 bridge or passageway, and the board of selectmen [is authorized to]
230 may enter into an agreement with such person determining the portion
231 to be paid by each, provided, if the board of selectmen and such
232 person cannot agree upon an equitable apportionment of such cost,
233 either may apply to the superior court in the judicial district within
234 which such bridge or passageway is situated, or, if said court is not in
235 session, to any judge thereof, for a determination of the portion of the

236 cost to be borne by each, and said court or such judge, after causing
237 notice of the pendency of such application to be given to the other
238 party, shall appoint a state referee to make such determination. Such
239 referee, having given at least ten days' notice to the parties interested
240 of the time and place of the hearing, shall hear both parties, shall view
241 the bridge or passageway and take such testimony as such referee
242 deems material, and shall thereupon determine the portion of the cost
243 to be borne by each and [forthwith] immediately report to the court. If
244 the report is accepted by the court, such determination shall, subject to
245 right of appeal as in civil actions, be conclusive upon both parties.

246 Sec. 32. Section 13a-123 of the general statutes is repealed and the
247 following is substituted in lieu thereof (*Effective October 1, 2003*):

248 (a) The erection of outdoor advertising structures, signs, displays or
249 devices within six hundred sixty feet of the edge of the right-of-way,
250 the advertising message of which is visible from the main traveled way
251 of any portion of the National System of Interstate and Defense
252 Highways, hereinafter referred to as interstate highways, the primary
253 system of federal-aid highways or other limited access state highways,
254 is prohibited except as otherwise provided in or pursuant to this
255 section, and except that those outdoor advertising signs, displays and
256 devices which are more than six hundred sixty feet off the nearest edge
257 of the right-of-way, located outside of urban areas, visible from the
258 main traveled way of the system and erected with the purpose of their
259 message being read from such main traveled way are prohibited.

260 (b) The Commissioner of Transportation may enter into agreements
261 with the Secretary of Commerce on behalf of the state or any of its
262 agencies to comply with Title I of the Highway Beautification Act of
263 1965 and do such things as are necessary to enable the state to be
264 eligible for the bonus payments as set forth in an agreement between
265 the state and the Secretary of Commerce dated June 23, 1961.

266 (c) The commissioner may promulgate regulations for the control of
267 outdoor advertising structures, signs, displays and devices along

268 interstate highways, the primary system of federal-aid highways and
269 other limited access state highways. Such regulations shall be as, but
270 not more, restrictive than the controls required by Title I of the
271 Highway Beautification Act of 1965 and any amendments thereto with
272 respect to the interstate and primary systems of federal-aid highways
273 or the national standards of the Secretary of Commerce in respect to
274 the interstate highways, in effect November 13, 1958, and any
275 amendments thereto.

276 (d) The regulations promulgated by the commissioner shall, in the
277 case of such other limited access state highways, exclude any area
278 along either side of such highways which is zoned for industrial or
279 commercial use under local ordinance or zoning regulation and which,
280 upon application, is determined by the commissioner to be in actual
281 use as an industrial or commercial area at the time of application,
282 provided such exclusion shall remain operative only so long as such
283 area remains so zoned.

284 (e) The following types of signs, displays and devices may, with the
285 approval of and subject to regulations promulgated by the
286 commissioner, be permitted within the six hundred sixty-foot area of
287 interstate, primary and other limited access state highways, except as
288 prohibited by state statute, local ordinance or zoning regulation: (1)
289 Directional and other official signs or notices, which signs and notices
290 shall include, but not be limited to, signs and notices pertaining to
291 natural wonders and scenic and historical attractions which are
292 required or authorized by law; (2) signs, displays and devices
293 advertising the sale or lease of the property upon which they are
294 located; (3) signs, displays and devices advertising activities conducted
295 on the property on which they are located. Subject to regulations
296 promulgated by the commissioner and except as prohibited by state
297 statute, local ordinance or zoning regulation signs, displays and
298 devices may be erected and maintained within six hundred and sixty
299 feet of primary and other limited access state highways in areas which
300 are zoned for industrial or commercial use under authority of law or
301 located in unzoned commercial or industrial areas which areas shall be

302 determined from actual land uses and defined by regulations of the
303 commissioner. The regulations of the commissioner in regard to size,
304 spacing and lighting shall apply to any segments of the interstate
305 system which traverse commercial or industrial zones wherein the use
306 of real property adjacent to the interstate system is subject to municipal
307 regulation or control, or which traverse other areas where the land use,
308 as of September 21, 1959, was clearly established under state law as
309 industrial or commercial.

310 (f) Notwithstanding the provisions of subsections (a) and (e) of this
311 section, signage that may be changed at intervals by electronic or
312 mechanical process or by remote control shall be permitted within six
313 hundred sixty feet of the edge of the right-of-way of any interstate,
314 federal-aid primary or other limited access state highway, except as
315 prohibited by state statute, local ordinance or zoning regulation,
316 provided such signage (1) has a static display lasting no less than six
317 seconds, (2) achieves a message change with all moving parts or
318 illumination moving or changing simultaneously over a period of
319 three seconds or less, and (3) does not display any illumination that
320 moves, appears to move or changes in intensity during the static
321 display period.

322 ~~[(f)]~~ (g) (1) Whenever the commissioner deems it in the best interest
323 of the state, [he] the commissioner may acquire by purchase, gift or
324 condemnation, in accordance with part IV of this chapter, the right to
325 advertise or regulate advertising in an area adjacent to the right-of-
326 way of a project on the interstate or primary system or any limited
327 access state highway. (2) The commissioner may also acquire by
328 purchase, gift or condemnation, and shall pay just compensation upon
329 the removal of the following outdoor advertising structures, signs,
330 displays and devices adjacent to interstate and federal-aid primary
331 highways which (A) were lawfully in existence on October 22, 1965, (B)
332 were lawfully on a highway made part of the interstate or primary
333 system on or after October 22, 1965, and before January 1, 1968, and (C)
334 were lawfully erected on or after January 1, 1968. Just compensation
335 for the removal of structures, signs, displays and devices along the

336 interstate and primary systems shall be paid only for the following: (i)
337 The taking from the owner of such sign, display or device of all right,
338 title, leasehold and interest in such structure, sign, display or device;
339 and (ii) the taking, from the owner of the real property on which the
340 structure, sign, display or device is located, of the right to erect and
341 maintain such structures, signs, displays and devices thereon.

342 ~~[(g)]~~ (h) Licenses or permits for outdoor structures, signs, displays
343 or devices adjacent to interstate, primary federal-aid or other limited
344 access state highways issued by the Commissioner of Public Safety in
345 accordance with chapter 411 shall be consistent with regulations and
346 standards adopted under this section.

347 ~~[(h)]~~ (i) In order to provide information in the specific interest of the
348 traveling public the Commissioner of Transportation may maintain
349 maps and may permit informational directories and advertising
350 pamphlets to be made available at safety areas, and, subject to the
351 approval of the Secretary of Commerce, may establish information
352 centers at safety rest areas for the purpose of informing the public of
353 places of interest within the state and providing such other
354 information as the commissioner may consider desirable. In addition
355 to being subject to the provisions of this section, all outdoor
356 advertising structures, signs, displays or devices shall continue to be
357 subject to the provisions of any municipal ordinance or regulation.

358 ~~[(i)]~~ (j) The commissioner may order the removal of any advertising
359 structure, sign, display or device along any interstate, federal-aid
360 primary, or other limited access state highway erected in violation of
361 this section. Any advertising structure, sign, display or device in
362 existence on September 1, 1965, within six hundred and sixty feet of
363 the right-of-way of any interstate, federal-aid primary, or other limited
364 access state highway may continue to be maintained until July 1, 1970,
365 but may not be replaced or relocated on such highway except (1) in
366 areas where otherwise allowed by statute or regulations adopted
367 thereunder, or (2) if such sign is removed from a building to which it is
368 attached for purposes of repair or reconstruction of the building, the

369 identical sign may be returned to its original position. Any advertising
370 structure, sign, display or device lawfully erected since September 1,
371 1965, within six hundred sixty feet of the right-of-way of any interstate,
372 federal-aid primary, or other limited access state highway and before
373 June 21, 1967, may continue to be maintained until the end of the fifth
374 year after it becomes nonconforming, but may not be replaced or
375 relocated on such highway except in areas where otherwise allowed by
376 statute or regulations adopted thereunder. If the person, firm or
377 corporation in control of or owning a structure, sign, display or device
378 or whose name appears thereon does not remove it within fourteen
379 days after an order of removal has been sent to such person, firm or
380 corporation by registered or certified mail, said commissioner may
381 cause such structure, sign, display or device to be removed and the
382 expense of such removal may be collected from the person, firm or
383 corporation owning or controlling the same in an action based on the
384 provisions of this section, or from the sureties on the bond filed by a
385 nonresident person, firm or corporation pursuant to section 21-54.

386 [(j)] (k) Any person violating any provision of this section shall be
387 fined not more than one hundred dollars for each such violation.

388 Sec. 33. Section 13a-126 of the general statutes is repealed and the
389 following is substituted in lieu thereof (*Effective October 1, 2003*):

390 As used in this section, "public service facility" [means and] includes
391 all privately, publicly or cooperatively owned lines, facilities and
392 systems for producing, transmitting or distributing communications,
393 cable television, power, electricity, light, heat, gas, oil, crude products,
394 water, steam, waste, storm water not connected with highway
395 drainage and any other similar commodities, including fire and police
396 signal systems and street lighting systems which directly or indirectly
397 serve the public. Whenever the commissioner determines that any
398 public service facility located within, on, along, over or under any land
399 comprising the right-of-way of a state highway or any other public
400 highway when necessitated by the construction or reconstruction of a
401 state highway shall be readjusted or relocated in or removed from such

402 right-of-way, [he] the commissioner shall issue an appropriate order to
403 the company, corporation or municipality owning or operating such
404 facility, and such company, corporation or municipality shall readjust,
405 relocate or remove the same promptly in accordance with such order;
406 provided an equitable share of the cost of such readjustment,
407 relocation or removal, including the cost of installing and constructing
408 a facility of equal capacity in a new location, shall be borne by the
409 state. Such equitable share, in the case of or in connection with the
410 construction or reconstruction of any limited access highway, shall be
411 the entire cost, less the deductions [hereinafter] provided in this
412 section, and, in the case of or in connection with the construction or
413 reconstruction of any other state highway, shall be such portion or all
414 of the entire cost, less the deductions [hereinafter] provided in this
415 section, as may be fair and just under all the circumstances, but shall
416 not be less than fifty per cent of such cost after the deductions
417 [hereinafter] provided in this section. In establishing the equitable
418 share of the cost to be borne by the state, there shall be deducted from
419 the cost of the readjusted, relocated or removed facilities a sum based
420 on a consideration of the value of materials salvaged from existing
421 installations, the cost of the original installation, the life expectancy of
422 the original facility and the unexpired term of such life use. When any
423 facility is removed from the right-of-way of a public highway to a
424 private right-of-way, the state shall not pay for such private right-of-
425 way, provided, when a municipally-owned facility is thus removed
426 from a municipally-owned highway, the state shall pay for the private
427 right-of-way needed by the municipality for such relocation. If the
428 commissioner and the company, corporation or municipality owning
429 or operating such facility cannot agree upon the share of the cost to be
430 borne by the state, either may apply to the superior court for the
431 judicial district within which such highway is situated, or, if said court
432 is not in session, to any judge thereof, for a determination of the cost to
433 be borne by the state, and said court or such judge, after causing notice
434 of the pendency of such application to be given to the other party, shall
435 appoint a state referee to make such determination. Such referee,
436 having given at least ten days' notice to the parties interested of the

437 time and place of the hearing, shall hear both parties, shall view such
438 highway, shall take such testimony as such referee deems material and
439 shall thereupon determine the amount of the cost to be borne by the
440 state and [forthwith] immediately report to the court. If the report is
441 accepted by the court, such determination shall, subject to right of
442 appeal as in civil actions, be conclusive upon both parties.

443 Sec. 34. Section 13a-129 of the general statutes is repealed and the
444 following is substituted in lieu thereof (*Effective October 1, 2003*):

445 Upon twelve days' notice of such petition to such town or towns
446 and to all owners of land abutting on such highways and to such other
447 persons as the court orders, served and returned in the same manner
448 as in civil process, said court shall hear and decide such petition and,
449 upon finding the allegations to be true, shall grant the discontinuance
450 or alteration of such highways, prescribing in its judgment any
451 modifications of such discontinuance or alteration [prayed for]
452 requested in such petition, or any layout of a new highway or
453 highways in lieu thereof, as said court deems to be required by public
454 convenience and necessity. Said court shall, in such judgment, appoint
455 a committee of three disinterested persons to make a survey and
456 layout in accordance [therewith] with such judgment and, upon such
457 notice to the parties in interest as the court orders, to estimate the
458 damages sustained by any person and to report in writing their
459 [doings] actions to said court. Upon acceptance of such report by said
460 court and payment of damages by the petitioner to the parties found to
461 be entitled thereto or deposit of the same in said court for their use,
462 such discontinuance, alteration or new layout shall become effectual,
463 and the applicant shall [forthwith] immediately construct such
464 highway as altered or laid out, at its own expense and in the manner
465 determined by said court, and shall cause a certified copy of such
466 judgment and of the report of such committee as accepted to be
467 recorded in the land records of each town in which any part of such
468 highway so discontinued, altered or laid out is situated. Appeal from
469 the judgment granting such petition or from the judgment of the court
470 accepting such report may be taken by any party in interest in the

471 same manner as is prescribed by law for appeals in civil actions.

472 Sec. 35. Section 13a-133 of the general statutes is repealed and the
473 following is substituted in lieu thereof (*Effective October 1, 2003*):

474 The commissioner [is authorized to] may enter into agreements with
475 railroad corporations for the purpose of performing any work which
476 may be necessary in connection with the construction of highways,
477 bridges and other public works undertaken by the Department of
478 Transportation whenever such construction or work would entail
479 relocation, alteration or other work on the tracks, bridges or other
480 property of such corporations. Any such agreement, subject to the
481 approval of the State Treasurer, may provide for the monthly
482 advancement of funds to a special bank account administered jointly
483 by the railroad corporations and the State Treasurer, for the purpose of
484 covering the cost of such work, whenever it appears that otherwise
485 delay would result in the reasonable progress of such work which
486 would unreasonably obstruct and impede the construction of
487 highways and disrupt the free flow of public transportation.

488 Sec. 36. Section 13a-135 of the general statutes is repealed and the
489 following is substituted in lieu thereof (*Effective October 1, 2003*):

490 The commissioner [is authorized to] may take, under the provisions
491 of the general statutes relating to the taking of land for highway
492 purposes, the ties, track appurtenances and rails of any disbanded or
493 defunct street railway company, as defined in section 16-1, in state
494 highways or bridges or, by agreement with any operating street
495 railway company, [to] take title to and possession of, on behalf of the
496 state, any ties, rails or other track appurtenances in such highways or
497 bridges, and thereupon such street railway company shall be relieved
498 of all obligations with respect to construction, reconstruction, repair
499 and maintenance of any part of such highways or bridges or with
500 respect to the removal of such ties, rails and other track appurtenances.

501 Sec. 37. Section 13a-198c of the general statutes is repealed and the
502 following is substituted in lieu thereof (*Effective October 1, 2003*):

503 The Commissioner of Transportation [is authorized and directed]
504 shall, subject to approval by the Governor of allotment of funds
505 therefor, [to] undertake and proceed with the projects described in
506 section 13a-198b, and, [to that end] for such purpose, the
507 Commissioner of Transportation with respect to any such project [is
508 authorized to] may do and perform any act or thing regarding the
509 projects which are [mentioned or] referred to in [said] section 13a-198b.

510 Sec. 38. Section 13a-198d of the general statutes is repealed and the
511 following is substituted in lieu thereof (*Effective October 1, 2003*):

512 Subject to the limitations referred to in section 13a-198c, as amended
513 by this act, and in order to effectuate the purposes of [said] sections
514 13a-198a to 13a-198j, inclusive, as amended by this act, the
515 Commissioner of Transportation [is authorized (a) to] may (1) plan,
516 design, lay out, construct, reconstruct, relocate, improve, maintain and
517 operate the projects, and reconstruct and relocate existing highways,
518 sections of highways, bridges or structures and incorporate or use the
519 same, whether or not so reconstructed or relocated or otherwise
520 changed or improved, as parts of such projects; [(b) to] (2) retain and
521 employ consultants and assistants on a contract or other basis for
522 rendering professional, legal, fiscal, engineering, technical or other
523 assistance and advice; and [(c) to] (3) do all things necessary or
524 convenient to carry out the purposes and duties and exercise the
525 powers expressly given in sections 13a-198a to 13a-198j, inclusive, as
526 amended by this act. Except as otherwise stated in section 13a-198c, as
527 amended by this act, nothing contained in sections 13a-198a to 13a-
528 198j, inclusive, as amended by this act, shall be construed to limit or
529 restrict, with respect to the projects, any power, right or authority of
530 the Commissioner of Transportation existing under or pursuant to any
531 other law.

532 Sec. 39. Section 13a-247 of the general statutes is repealed and the
533 following is substituted in lieu thereof (*Effective October 1, 2003*):

534 (a) No person, firm or corporation shall excavate within or under, or

535 place any obstruction or substruction within, under, upon or over, or
536 interfere with construction, reconstruction or maintenance of or
537 drainage from, any state highway without the written permission of
538 the commissioner. [, and said] Said commissioner may fill in or close
539 any such excavation or remove or alter any such obstruction or
540 substruction, and the expense incurred by the commissioner in such
541 filling or removing or altering shall be paid by the person, firm or
542 corporation making such excavation or placing such obstruction or
543 substruction, provided any excavation, obstruction or substruction
544 existing within, under, upon or over any such highway on July 1, 1925,
545 or, at the discretion of said commissioner, any excavation, obstruction
546 or substruction made after said date without a permit or in violation of
547 the provisions of a permit shall be removed or altered by the person,
548 firm or corporation making or maintaining the same within thirty days
549 from the date when said commissioner sends by registered or certified
550 mail, postage prepaid, a notice to such person, firm or corporation,
551 ordering such removal or alteration.

552 (b) Any person, firm or corporation violating any provision of
553 subsection (a) of this section shall be fined not more than one hundred
554 dollars for a first offense and not less than one hundred dollars nor
555 more than five hundred dollars for each subsequent offense.

556 Sec. 40. Section 13a-249 of the general statutes is repealed and the
557 following is substituted in lieu thereof (*Effective October 1, 2003*):

558 The commissioner [is authorized to] may erect temporary buildings
559 upon land owned by the state and under the jurisdiction of the
560 Department of Transportation for purposes incidental to the
561 construction and maintenance of highways.

562 Sec. 41. Section 13a-250 of the general statutes is repealed and the
563 following is substituted in lieu thereof (*Effective October 1, 2003*):

564 The warden of the Connecticut Correctional Institution, Somers, the
565 warden of the John R. Manson Youth Institution, Cheshire or the
566 Community Correctional Center Administrator, upon the requisition

567 of the commissioner, may permit any inmate of any institution under
568 [his] said warden's or administrator's charge, other than a person
569 serving a life sentence, to be employed in the construction of any
570 highway or bridge, under the direction of said commissioner. Said
571 warden or Community Correctional Center Administrator shall
572 furnish necessary guards over prisoners while out of the custody of
573 any such institution.

574 Sec. 42. Section 13a-251 of the general statutes is repealed and the
575 following is substituted in lieu thereof (*Effective October 1, 2003*):

576 The commissioner [is authorized to] may maintain, from funds
577 available to the Department of Transportation, the James H.
578 MacDonald Memorial Park in the town of Avon.

579 Sec. 43. Section 13a-254 of the general statutes is repealed and the
580 following is substituted in lieu thereof (*Effective October 1, 2003*):

581 When a state highway which has been given a name by act of the
582 General Assembly has been reconstructed, relocated or renumbered,
583 the commissioner may apply such name to such reconstructed,
584 relocated or renumbered section except when [he] the commissioner
585 determines that such name applies exclusively, because of personal or
586 historical association, to the highway as originally constructed.

587 Sec. 44. Subsection (a) of section 13a-255 of the general statutes is
588 repealed and the following is substituted in lieu thereof (*Effective from*
589 *passage*):

590 (a) The systems of plane coordinates which have been established
591 by the National Geodetic Survey created by the National Ocean
592 Service, formerly the United States Coast and Geodetic Survey, or its
593 successors, or the Connecticut Geodetic Survey for purposes of
594 defining and stating the geographic positions or locations of points on
595 the surface of the earth within the state of Connecticut shall hereafter
596 be known and designated as the Connecticut Coordinate System of
597 1927 and the Connecticut Coordinate System of 1983. In any land

598 description in which such system is used, it shall be designated the
599 "Connecticut Coordinate System of 1927" or the "Connecticut
600 Coordinate System of 1983", whichever is applicable. A detailed
601 description of each system shall be published by the Commissioner of
602 Transportation.

603 Sec. 45. Section 13a-256 of the general statutes is repealed and the
604 following is substituted in lieu thereof (*Effective October 1, 2003*):

605 For each fiscal year, there may be allocated two hundred [and] fifty
606 thousand dollars out of funds available to the commissioner not
607 otherwise specifically allocated, to be used for a continuing joint
608 highway research program. The commissioner and the president of
609 The University of Connecticut [are authorized to] may make
610 agreements to establish such controls as may be mutually agreeable for
611 the determination of the research to be undertaken in accordance with
612 such program and to determine their respective responsibilities
613 relative to administration, financing and the publication of findings. If
614 suitable agreements can be entered into prior to the time that allocation
615 of funds for any fiscal year is made, said commissioner may furnish
616 the funds to continue such program from funds next to be allocated.
617 Funds remaining unexpended at the end of each fiscal year shall revert
618 to the unappropriated funds available to the commissioner.

619 Sec. 46. Section 13a-258 of the general statutes is repealed and the
620 following is substituted in lieu thereof (*Effective October 1, 2003*):

621 The Commissioner of Transportation shall maintain any sidewalk,
622 including the removal of snow and ice, abutting property acquired for
623 highway purposes, from the date of acquisition until the section of
624 highway for which the property was acquired is completed. [He] The
625 commissioner may agree with the municipality in which such
626 sidewalk is located that it perform such maintenance of, and removal
627 of snow and ice from, such sidewalk as [he] the commissioner deems
628 necessary and reimburse the municipality for the expense thereof;
629 provided such agreement shall not, for the purposes of section 13a-144,

630 release the commissioner from the duty to maintain such sidewalk.
631 Any person using such sidewalk shall do so at [his] such person's own
632 risk when such sidewalk is posted in accordance with section 13a-115.

633 Sec. 47. Section 13b-2 of the general statutes is repealed and the
634 following is substituted in lieu thereof (*Effective October 1, 2003*):

635 The following terms, when used in this chapter shall have the
636 following meanings, unless the context otherwise requires:

637 [(a)] (1) "Aeronautics", "air navigation facility", "airport" and
638 "restricted landing area" shall have the meanings prescribed in section
639 15-34;

640 [(b)] (2) "Bureau" means any of the operating bureaus established in
641 the department pursuant to the provisions of section 4-8;

642 [(c)] (3) "Commissioner" means the Commissioner of Transportation
643 appointed pursuant to this chapter;

644 [(d)] (4) "Department" means the Department of Transportation
645 established pursuant to this chapter;

646 [(e)] (5) "Highway", "state highway" and "limited access state
647 highway" shall have the meanings prescribed in section 13a-1, as
648 amended by this act;

649 [(f)] (6) "Motor carrier" means any person who operates motor
650 vehicles over the highways of this state, whether over regular or
651 irregular routes, in the transportation of passengers or property, or any
652 class or classes thereof, for hire by the general public or for hire under
653 special and individual contracts;

654 [(g)] (7) "Person" may include the United States, any state, or any
655 agency, instrumentality, department or officer thereof;

656 [(h)] (8) "State highway system" shall have the meaning prescribed
657 in sections 13a-14 and 13a-15;

658 [(i)] (9) "Transportation" means any form of transportation for
659 people or goods within, to or from the state, whether by highway, air,
660 water, rail or any other means.

661 Sec. 48. Section 13b-4 of the general statutes is repealed and the
662 following is substituted in lieu thereof (*Effective October 1, 2003*):

663 The commissioner shall have the following general powers, duties
664 and responsibilities:

665 (1) To coordinate and develop comprehensive, integrated
666 transportation policy and planning to include a long-range master plan
667 of transportation for the state;

668 (2) To coordinate and assist in the development and operation of a
669 modern, safe, efficient and energy-conserving system of highway,
670 mass transit, marine and aviation facilities and services;

671 (3) To promote the coordinated and efficient use of all available and
672 future modes of transportation;

673 (4) To study commuter and urban travel and in cooperation with
674 federal, regional and local agencies and persons to formulate and
675 implement plans and programs to improve such travel;

676 (5) To study means of providing facilities for parking motor vehicles
677 so as to encourage travel by the combination of motor vehicle and
678 other modes of transportation and in cooperation with federal,
679 regional and local agencies and persons to formulate and implement
680 plans and programs for this purpose;

681 (6) To study means of improving transportation safety and to
682 formulate and implement plans and programs and [promulgate] adopt
683 regulations, in accordance with chapter 54, for this purpose;

684 (7) To study the operations of existing airports, to determine the
685 need for changes in such airports and the need for future airports, and
686 to formulate and implement plans and programs to improve aviation

687 facilities and services;

688 (8) To cooperate with federal, state, interstate and local agencies,
689 organizations and persons performing activities relating to
690 transportation;

691 (9) To exercise and perform such other duties and responsibilities as
692 may be conferred under this chapter and title 13a or as may otherwise
693 be conferred by law;

694 (10) To prepare a plan setting forth [his] a recommendation for a
695 restructured system of regional transit districts within the state. Said
696 plan shall be based on: (A) Established patterns of commuter traffic
697 within the state; (B) federal requirements for receiving aid under the
698 Urban Mass Transportation Act of 1964, and (C) present planning
699 regions. On or before February 1, 1978, the commissioner shall present
700 such plan to the General Assembly;

701 (11) To prepare pertinent reports, including, but not limited to,
702 detailed reports of energy use analysis by mode of transportation; and

703 (12) To provide for the planning and construction of any capital
704 improvements and the remodeling, alteration, repair or enlargement of
705 any real asset that may be required for the development and operation
706 of a safe, efficient system of highway, mass transit, marine and
707 aviation transportation, provided the acquisition, other than by
708 condemnation, or the sale or lease, of any property that is used for
709 such purposes shall be subject to the review and approval of the State
710 Properties Review Board in accordance with the provisions of
711 subsection (f) of section 4b-3.

712 Sec. 49. Section 13b-16a of the general statutes is repealed and the
713 following is substituted in lieu thereof (*Effective October 1, 2003*):

714 (a) As used in this section:

715 (1) "Public transportation" includes, but is not limited to, rail service
716 and fixed route bus service;

717 (2) "Paratransit" includes, but is not limited to, carpooling and
718 vanpooling; and

719 (3) "Traffic management program" includes, but is not limited to,
720 employer incentives to promote carpooling, vanpooling and public
721 transportation.

722 (b) The Department of Transportation shall include, as part of its
723 alternative analysis for all new multilaned expressways on new
724 locations, an analysis of public transportation, paratransit [,] or traffic
725 management program options as part of each alternative. [As used in
726 this section, public transportation shall include, but not be limited to,
727 rail service and fixed route bus service; paratransit shall include, but
728 not be limited to, carpooling and vanpooling; and traffic management
729 programs shall include, but not be limited to, employer incentives to
730 promote carpooling, vanpooling, and public transportation.]

731 Sec. 50. Section 13b-39d of the general statutes is repealed and the
732 following is substituted in lieu thereof (*Effective October 1, 2003*):

733 The owner shall pay a fee to the municipal registration official for
734 each aircraft so numbered or registered in accordance with the
735 following schedule:

T1	Gross Weight (lbs.)	Fee
T2	Less than 3,000	\$ 90.00
T3	3,001 - 4,500	250.00
T4	4,501 - 8,000	700.00
T5	8,001 - 12,500	1,500.00
T6	12,501 and over	2,500.00

736 Aircraft manufactured before 1946 shall pay the lesser of one hundred
737 dollars or the fee as required on the basis of gross weight as set forth in
738 this section. The commissioner may establish, by regulations adopted

739 in accordance with the provisions of chapter 54, a uniform schedule for
740 the expiration and renewal of registrations and may prorate the fees in
741 this section accordingly. Any person or firm that acquires ownership
742 of an aircraft shall [be required to] obtain a new registration in the
743 name of such owner within thirty days of the date of such acquisition,
744 provided no additional registration fee shall be payable in cases where
745 one or more new ownership interests are being added to the
746 registration or in cases of legal change of name of the registrant. All
747 registrations [must] shall be renewed within thirty days of the date of
748 expiration as stated in the certificate. If a valid certificate or number
749 decal is lost, mutilated or destroyed, the aircraft owner shall notify the
750 municipal registration official within fifteen days, and such owner
751 shall be issued a duplicate certificate or number decal upon payment
752 of a fee of five dollars.

753 Sec. 51. Section 13b-44 of the general statutes is repealed and the
754 following is substituted in lieu thereof (*Effective October 1, 2003*):

755 (a) The state may establish, maintain and operate, and may expand,
756 an airport at any location within the state in the following manner. The
757 commissioner shall conduct and complete a study of the adequacy of
758 existing airports, which study may be based upon the study
759 authorized under section 13b-16, and shall determine the necessity for
760 the establishment of additional airports or the expansion of existing
761 airports. The commissioner shall, within one year of the completion of
762 such study, formulate and adopt a plan of development which shall
763 incorporate the findings of such study, showing the necessity for such
764 establishment or expansion, in a manner consistent with the
765 comprehensive long-range master transportation plan. The plan of
766 development shall specify the lands or interests [therein] in such lands
767 the acquisition of which the commissioner deems necessary for such
768 establishment or expansion and a copy of such plan of development
769 shall be filed in the office of the town clerk of each municipality in
770 which such establishment or expansion is proposed.

771 (b) The commissioner shall cause a public hearing to be held at the

772 expense of the department in each municipality in which such lands or
773 interests [therein] in such lands are located. At such hearing the
774 commissioner shall present and explain the plan of development, and
775 any persons who are opposed to such plan may be heard and may
776 state their reasons [therefor] for such opposition. Such hearing shall be
777 held not earlier than thirty days after such plan has been filed in the
778 office of the town clerk of the municipality. Notice of the time and
779 place of such hearing shall be published in a newspaper having a
780 substantial circulation in such municipality at least twice, at intervals
781 of not less than two days, the first not more than fifteen days nor less
782 than ten days and the second not less than two days before such
783 hearing.

784 (c) Upon the completion of such hearing, the commissioner shall
785 consider all the evidence relevant to the proposed plan of
786 development, and if [he] the commissioner determines that the airport
787 establishment or expansion provided in the plan is necessary, shall
788 make such changes or modifications in the plan as are in the public
789 interest. The commissioner shall file a copy of the revised plan,
790 showing the changes or modifications made, in the office of the town
791 clerk of the municipality and shall notify and send a copy of such
792 revised plan to the chief executive officer or first selectman of such
793 municipality. Such notice shall contain the request that the
794 municipality approve the proposed establishment or expansion, which
795 approval shall be by vote of a town or borough, and by vote of the city
796 council of a city.

797 (d) If the municipality fails or neglects to act upon a request for
798 approval within sixty days after the receipt [thereof] of such request by
799 its chief executive officer or first selectman, the municipality shall be
800 deemed to have approved of such establishment or expansion. If the
801 municipality by vote disapproves of the establishment or expansion,
802 the commissioner may, within thirty days following such vote, appeal
803 to the superior court for the judicial district in which the municipality
804 is located and the appeal shall be accorded a privileged status. The
805 court shall, after hearing, determine whether the commissioner has

806 proven the necessity for the establishment or expansion of an airport
807 within the municipality and the burden of proving such necessity shall
808 be upon the commissioner. If the court, after hearing, determines that
809 the commissioner has not sustained such burden of proof, the court
810 shall enter judgment for, and may award reasonable costs to, the
811 municipality. If the court, after hearing, determines that the
812 commissioner has sustained such burden of proof, the court may set
813 aside the action of the municipality disapproving the establishment or
814 expansion and may enter such order upon such terms and conditions
815 as it deems appropriate to safeguard the rights of the parties and the
816 public.

817 (e) After a plan has been legally approved, or its disapproval has
818 been set aside by the Superior Court, the state may take any lands or
819 interests [therein] in such lands contained in the plan upon paying just
820 compensation to the owner. In case the state cannot agree with such
821 owner [upon] on the amount of such compensation, the amount shall
822 be determined in the manner prescribed in section 48-12. An appeal
823 from the amount so determined shall not act as a stay of the taking of
824 such land, provided no facility or land or interest [therein] in such land
825 held by a public service company for service to the public shall be so
826 taken or removed unless, at the expense of the state, an adequate and
827 equal substitute approved by the Department of Public Utility Control
828 shall first be provided.

829 Sec. 52. Section 13b-45 of the general statutes is repealed and the
830 following is substituted in lieu thereof (*Effective October 1, 2003*):

831 Before exercising any of the powers conferred in sections 13b-43 and
832 13b-44, as amended by this act, the commissioner shall establish and
833 publish in detailed form, available to the public, the standards [he] the
834 commissioner has adopted and will apply in making a determination
835 that public convenience and necessity require the taking of any parcel
836 of land or interest [therein] in such land.

837 Sec. 53. Section 13b-48 of the general statutes is repealed and the

838 following is substituted in lieu thereof (*Effective October 1, 2003*):

839 Upon receipt of any application for a certificate of approval of an
840 airport, heliport or restricted landing area, or an original license to use
841 or operate an airport, heliport, restricted landing area or other air
842 navigation facility, the commissioner shall send notice thereof by
843 registered or certified mail to the chief executive officer or first
844 selectman of the municipality or municipalities in which the proposed
845 airport, heliport, restricted landing area or other air navigation facility
846 is proposed to be located. If the applicant, or such municipality within
847 fifteen days after receipt of such notice, requests a public hearing, the
848 commissioner shall set a time and place [therefor] for such hearing in
849 the municipality in which the proposed airport, heliport, restricted
850 landing area or other air navigation facility is proposed to be situated,
851 at which hearing interested parties shall have an opportunity to be
852 heard. The commissioner may [in his discretion] hold a public hearing
853 in any case where no such request is made. Notice of any such hearing
854 shall be published by the commissioner in a newspaper of general
855 circulation in such municipality at least twice, the first publication to
856 be at least fifteen days prior to the date of the hearing. Upon the
857 conclusion of such hearing, the commissioner shall consider all the
858 relevant evidence and shall issue an order granting or denying such
859 application, written notice of which shall be sent by registered or
860 certified mail to the applicant and to the chief executive officer or the
861 first selectman of the municipality or municipalities in which the
862 proposed airport, heliport, restricted landing area or other air
863 navigation facility is to be located. Orders issued pursuant to this
864 section shall comply with the requirements of section 15-66 and shall
865 be subject to appeal as provided in section 15-67.

866 Sec. 54. Section 13b-49 of the general statutes is repealed and the
867 following is substituted in lieu thereof (*Effective October 1, 2003*):

868 The commissioner may revoke temporarily or permanently any
869 certificate of approval or license upon a determination that an airport,
870 heliport, restricted landing area or other navigation facility is not being

871 maintained or used in accordance with the provisions of this chapter,
872 or chapter 266, or any regulations [promulgated] adopted pursuant
873 [thereto] to said chapters.

874 Sec. 55. Section 13b-55 of the general statutes is repealed and the
875 following is substituted in lieu thereof (*Effective October 1, 2003*):

876 The commissioner [is authorized to] may sell and convey any land,
877 right in land, riparian right or other property or right in property, of
878 whatever kind, that [he] the commissioner may acquire pursuant to
879 section 13b-53, which is in excess of the quantity [thereof] required for
880 the purpose for which it was acquired, and to execute and deliver
881 appropriate conveyances of such property in behalf of the state. No
882 such sale or conveyance shall be made without the prior consent of the
883 Secretary of the Office of Policy and Management and the
884 Commissioner of Public Works and the State Properties Review Board.

885 Sec. 56. Section 13b-57e of the general statutes is repealed and the
886 following is substituted in lieu thereof (*Effective October 1, 2003*):

887 (a) There is [created] established the Connecticut Transportation
888 Strategy Board, the members of which shall be appointed as follows:

889 (1) Five members from the private sector who have expertise in
890 transportation, business, finance or law as follows: (A) The Governor
891 shall appoint one member, who shall be the chairperson, and whose
892 first term shall expire on June 30, 2005, (B) the president pro tempore
893 of the Senate shall appoint one member whose first term shall expire
894 on June 30, 2004, (C) the speaker of the House of Representatives shall
895 appoint one member whose first term shall expire on June 30, 2003, (D)
896 the minority leader of the Senate shall appoint one member whose first
897 term shall expire on June 30, 2003, and (E) the minority leader of the
898 House of Representatives shall appoint one member whose first term
899 shall expire on June 30, 2002;

900 (2) One member from each TIA, for which position the chairpersons
901 of the board of the local planning agencies in such TIA, after

902 consulting with the participants in such TIA, shall nominate, for
903 consideration by the appointing authority, three individuals who live
904 in such TIA and who have significant experience in and knowledge of
905 local, regional and state governmental processes, including at least one
906 chief elected official in a town in such TIA, and who shall be appointed
907 as follows: (A) The chairpersons of the joint standing committee of the
908 General Assembly having cognizance of matters relating to
909 transportation shall appoint one member from the southeast corridor
910 TIA, whose first term shall expire on June 30, 2002, (B) the president
911 pro tempore of the Senate shall appoint one member from the I-91
912 corridor TIA, whose first term shall expire on June 30, 2003, (C) the
913 speaker of the House of Representatives shall appoint one member
914 from the coastal corridor TIA, whose first term shall expire on June 30,
915 2004, (D) the majority leader of the Senate shall appoint one member
916 from the I-395 corridor TIA, whose first term shall expire on June 30,
917 2005, and (E) the majority leader of the House of Representatives shall
918 appoint one member from the I-84 corridor TIA, whose first term shall
919 expire on June 30, 2005; and

920 (3) The Commissioners of Transportation, Environmental
921 Protection, Economic and Community Development and Public Safety,
922 and the Secretary of the Office of Policy and Management. [; and]

923 (b) Upon the expiration of the term of a member of the board who is
924 appointed as provided in subdivision (1) or (2) of subsection (a) of this
925 section, each subsequent appointee to the board shall serve for a term
926 of four years. No person shall serve as a member of the board for more
927 than two consecutive terms. A vacancy in the position of an appointed
928 board member shall be filled by the appointing authority for the
929 remainder of the term.

930 (c) The board may [create] establish such subcommittees as it deems
931 appropriate and appoint the members of such subcommittees from
932 among its members. Ten members of the board shall be present to
933 constitute a quorum.

934 (d) The members of the board shall not be compensated for their
935 service as members of the board.

936 (e) The board may issue guidelines for coordination and
937 organization to the TIAs. These guidelines shall not constitute
938 regulations, as defined in subdivision (13) of section 4-166.

939 (f) The [staff of the] Department of Transportation, the Office of
940 Policy and Management and the Department of Economic and
941 Community Development shall provide staff assistance to the board.
942 Within available appropriations, the board may hire consultants with
943 approval by the Secretary of the Office of Policy and Management and
944 such consultants shall be procured through the Department of
945 Transportation.

946 (g) The Transportation Strategy Board is a public agency, as defined
947 in section 1-200, for purposes of the Freedom of Information Act, and
948 is a quasi-public agency, as defined in section 1-79, for purposes of
949 chapter 10.

950 Sec. 57. Subsection (i) of section 13b-59 of the general statutes is
951 repealed and the following is substituted in lieu thereof (*Effective*
952 *October 1, 2003*):

953 (i) "Treasurer" means the State Treasurer and includes each [and all
954 of his successors] successor in office or authority.

955 Sec. 58. Section 13b-68 of the general statutes is repealed and the
956 following is substituted in lieu thereof (*Effective October 1, 2003*):

957 There is established [and created] a fund to be known as the "Special
958 Transportation Fund". The fund may contain any moneys required or
959 permitted by law to be deposited in the fund and any moneys
960 recovered by the state for overpayments, improper payments or
961 duplicate payments made by the state relating to any transportation
962 infrastructure improvements which have been financed by special tax
963 obligation bonds issued pursuant to sections 13b-74 to 13b-77,

964 inclusive, and shall be held by the State Treasurer separate and apart
965 from all other moneys, funds and accounts. Investment earnings
966 credited to the assets of said fund shall become part of the assets of
967 said fund. Any balance remaining in said fund at the end of any fiscal
968 year shall be carried forward in said fund for the fiscal year next
969 succeeding.

970 Sec. 59. Subsection (l) of section 13b-76 of the general statutes is
971 repealed and the following is substituted in lieu thereof (*Effective*
972 *October 1, 2003*):

973 (l) Any bonds issued under the provisions of sections 13b-74 to 13b-
974 77, inclusive, and any general obligation bonds of the state issued for
975 transportation purposes, as defined in subsection (c) of section 13b-69,
976 and at any time outstanding may, at any time and from time to time,
977 be refunded by the state by the issuance of its refunding bonds in such
978 amounts as the State Bond Commission may deem necessary, but not
979 to exceed an amount sufficient to refund the principal of the bonds to
980 be so refunded, to pay any unpaid interest [thereon] on such bonds
981 and any premiums and commissions necessary to be paid in
982 connection [therewith] with such bonds and to pay costs and expenses
983 which the Treasurer may deem necessary or advantageous in
984 connection with the authorization, sale and issuance of refunding
985 bonds. Any such refunding may be effected whether the bonds to be
986 refunded shall have matured or shall thereafter mature. All refunding
987 bonds issued [hereunder] under this subsection shall be payable solely
988 from the revenues or other receipts, funds or moneys out of which the
989 bonds to be refunded thereby are payable and shall be subject to and
990 may be secured in accordance with the provisions of this section.

991 Sec. 60. Subsection (a) of section 13b-83 of the general statutes is
992 repealed and the following is substituted in lieu thereof (*Effective*
993 *October 1, 2003*):

994 (a) Upon the granting of a certificate of public convenience and
995 necessity, the holder [thereof] of such certificate may apply for the

996 registration of any motor bus of which [he] such holder is the owner or
997 lessee and which is to be used as specified in such certificate, [, and
998 the] The Commissioner of Motor Vehicles shall have jurisdiction over
999 the registration of any motor bus, [and] its exterior lighting equipment
1000 and [over] the licensing of its operator.

1001 Sec. 61. Subsection (d) of section 13b-89 of the general statutes is
1002 repealed and the following is substituted in lieu thereof (*Effective*
1003 *October 1, 2003*):

1004 (d) Upon the granting of a permit, the holder [thereof] of such
1005 permit may apply for the registration of any motor bus of which [he]
1006 such holder is the owner or lessee and which is to be used as specified
1007 in such permit, [, and the] The Commissioner of Motor Vehicles shall
1008 have jurisdiction over the registration of any such motor bus, [and] its
1009 exterior lighting equipment and [over] the licensing of its operator.

1010 Sec. 62. Section 13b-95 of the general statutes is repealed and the
1011 following is substituted in lieu thereof (*Effective October 1, 2003*):

1012 The term "taxicab" [means and] includes any motor vehicle operated
1013 upon any street or highway or on call or demand accepting or
1014 soliciting passengers indiscriminately for transportation for hire
1015 between such points along streets or highways as may be directed by
1016 the passenger or passengers [so] being transported, provided nothing
1017 in this chapter shall be construed to include, as a taxicab, a motor bus,
1018 as defined in section 14-1, or a motor vehicle in livery service when
1019 such motor vehicle is hired for a specific trip or trips and is subject to
1020 the direction of the person hiring the same.

1021 Sec. 63. Section 13b-101 of the general statutes is repealed and the
1022 following is substituted in lieu thereof (*Effective October 1, 2003*):

1023 The term "motor vehicle in livery service" [means and] includes
1024 every motor vehicle used by any person, association, limited liability
1025 company or corporation which represents itself to be in the business of
1026 transporting passengers for hire, except (1) any motor bus and any

1027 taxicab operated under a certificate of public convenience and
1028 necessity issued by the Department of Transportation, (2) any school
1029 bus, as defined in section 14-275, or student transportation vehicle, as
1030 defined in section 14-212, when used for the transportation of children
1031 under the age of twenty-one years, and (3) any school bus, as defined
1032 in section 14-275, when used for the transportation of passengers (A)
1033 by virtue of a contract with any public or private institution of higher
1034 education, (B) pursuant to a contract for service to a special event held
1035 at a location or facility which is not open for business on a daily basis
1036 throughout the year, not to exceed a period of ten days, or (C)
1037 pursuant to a contract with a municipality for which the carrier
1038 provides school transportation service.

1039 Sec. 64. Subsection (d) of section 13b-103 of the general statutes is
1040 repealed and the following is substituted in lieu thereof (*Effective*
1041 *October 1, 2003*):

1042 (d) The owner or operator of each motor vehicle in livery service
1043 shall display [therein] in such vehicle such permit or a memorandum
1044 thereof.

1045 Sec. 65. Section 13b-106 of the general statutes is repealed and the
1046 following is substituted in lieu thereof (*Effective October 1, 2003*):

1047 Upon the issuance of a permit as [hereinbefore] provided in section
1048 13b-103, as amended by this act, or 13b-105, the holder [thereof] of
1049 such permit may apply to the Commissioner of Motor Vehicles for the
1050 registration of any motor vehicle of which [he] such holder is the
1051 owner or lessee, to be used as specified in such permit, any provision
1052 of section 14-12 to the contrary notwithstanding. [, and the] The
1053 Commissioner of Motor Vehicles shall have jurisdiction over such
1054 registration, [and] the exterior lighting equipment of such motor
1055 vehicle and [over] the licensing of its operator. An operator of a motor
1056 vehicle which has a capacity of less than ten adults shall conspicuously
1057 display the assigned livery registration while the motor vehicle is
1058 operating in livery service. Said commissioner may suspend such

1059 registration and the license of such operator for the violation of any
1060 provision of this chapter or any order or regulation prescribed or
1061 established under such provision, for such term as [he] the
1062 commissioner deems advisable.

1063 Sec. 66. Subsection (a) of section 13b-108a of the general statutes is
1064 repealed and the following is substituted in lieu thereof (*Effective*
1065 *October 1, 2003*):

1066 (a) The Commissioner of Transportation [is authorized to] may
1067 enter into reciprocal agreements or plans on behalf of the state of
1068 Connecticut with the appropriate authorities of any state of the United
1069 States, or any political subdivision thereof, or the District of Columbia,
1070 granting reciprocity to motor vehicles in livery services, as defined in
1071 section 13b-101, as amended by this act. Any such reciprocal
1072 agreement or plan may include, but not be limited to, the following: (1)
1073 Full reciprocity in accordance with such agreement or plan for livery
1074 services not based in Connecticut in exchange for equivalent
1075 reciprocity for Connecticut-based livery services; (2) reciprocal
1076 exchange of audits of records of the owners of livery services by the
1077 states participating in any such agreement or plan; (3) any other
1078 matters which would facilitate the administration of such agreement or
1079 plan, including exchange of information for audits, enforcement
1080 activities and collection and disbursement of proportional registration
1081 fees for other jurisdictions in the case of Connecticut-based livery
1082 services.

1083 Sec. 67. Section 13b-234 of the general statutes is repealed and the
1084 following is substituted in lieu thereof (*Effective October 1, 2003*):

1085 When the facilities of a railroad are acquired, and operation
1086 [thereof] of such railroad is continued, by any person, trustee, receiver,
1087 railroad company, public authority or other authority constituting a
1088 body corporate and politic, the on-train employees of such railroad
1089 shall retain all of their employees' rights and benefits to which they
1090 were entitled prior to such acquisition. [On-train] For the purposes of

1091 this section, on-train employees [should be defined as] means
1092 trainmen, firemen [and] or engineers. [This] The provisions of this
1093 section [should] do not apply to the sale or lease of individual parcels
1094 of land such as stations or parking lots.

1095 Sec. 68. Subsection (a) of section 13b-251 of the general statutes is
1096 repealed and the following is substituted in lieu thereof (*Effective from*
1097 *passage*):

1098 (a) The minimum overhead clearance for any structure crossing
1099 over railroad tracks for which construction is begun on or after
1100 October 1, 1986, shall be twenty feet, six inches, except that, (1) if the
1101 construction includes only deck replacement or minor widening of the
1102 structure, and the existing piers or abutments remain in place, the
1103 minimum overhead clearance shall be the structure's existing overhead
1104 clearance; (2) the minimum overhead clearance for any structure
1105 crossing any railroad tracks on which trains are operated that are
1106 attached to or powered by means of overhead electrical wires shall be
1107 twenty-two feet, six inches; (3) the minimum overhead clearance for
1108 the structure that carries (A) Route 372 over railroad tracks in New
1109 Britain, designated state project number 131-156, (B) U.S. Route 1 over
1110 railroad tracks in Fairfield, designated state project number 50-6H05,
1111 (C) Route 729 over railroad tracks in North Haven, designated state
1112 project number 100-149, (D) Grove Street over railroad tracks in
1113 Hartford, designated state project number 63-376, (E) Route 1 over
1114 railroad tracks in Milford, designated state project number 173-117, (F)
1115 Ingham Hill Road over railroad tracks in Old Saybrook, designated
1116 state project number 105-164, (G) Ellis Street over railroad tracks in
1117 New Britain, designated state project number 88-114, (H) Route 100
1118 over the railroad tracks in East Haven, bridge number 01294, and (I)
1119 Church Street Extension over certain railroad storage tracks located in
1120 the New Haven Rail Yard, designated state project number 92-526,
1121 shall be eighteen feet; (4) the minimum overhead clearance for those
1122 structures carrying (A) Fair Street, bridge number 03870, (B) Crown
1123 Street, bridge number 03871, and (C) Chapel Street, bridge number
1124 03872, over railroad tracks in New Haven shall be seventeen feet, six

1125 inches; (5) the minimum overhead clearance for the structure carrying
1126 State Street railroad station pedestrian bridge over railroad tracks in
1127 New Haven shall be nineteen feet, ten inches; (6) the overhead
1128 clearance for the structure carrying Woodland Street over the Griffins
1129 Industrial Line in Hartford, designated state project number 63-501,
1130 shall be fifteen feet, nine inches, with new foundations placed at
1131 depths which may accommodate an overhead clearance to a maximum
1132 of seventeen feet, eight inches; [and] (7) the Department of
1133 Transportation may replace the Hales Road Highway Bridge over
1134 railroad tracks in Westport, Bridge Number 03852, with a new bridge
1135 that provides a minimum overhead clearance over the railroad tracks
1136 that shall be eighteen feet, five inches; and (8) the Department of
1137 Transportation may replace the Pearl Street Highway Bridge over
1138 railroad tracks in Middletown, Bridge Number 04032, with a new
1139 bridge that provides a minimum overhead clearance over the railroad
1140 tracks that shall be seventeen feet, eleven inches.

1141 Sec. 69. Subsection (c) of section 13b-251 of the general statutes is
1142 repealed and the following is substituted in lieu thereof (*Effective*
1143 *October 1, 2003*):

1144 (c) Any proposed legislation which grants an exemption from the
1145 minimum overhead clearance requirements in subsection (a) of this
1146 section shall be accompanied by a written statement from the
1147 Department of Transportation which shall include the following
1148 information: (1) The impacts associated with raising the bridge to meet
1149 the clearance requirements; (2) the estimated cost of raising the bridge
1150 to meet the clearance requirements; and (3) an assessment, including
1151 the estimated cost, of the feasibility of increasing the clearance by
1152 undercutting at least one track of the railroad or by a combination of
1153 undercutting and raising the bridge to meet the clearance
1154 requirements.

1155 Sec. 70. Section 13b-252 of the general statutes is repealed and the
1156 following is substituted in lieu thereof (*Effective October 1, 2003*):

1157 [Section 13b-251] The provisions of section 13b-251, as amended by
1158 this act, shall not apply to any structure for which construction is
1159 authorized by or begun pursuant to any special act.

1160 Sec. 71. Section 13b-271 of the general statutes is repealed and the
1161 following is substituted in lieu thereof (*Effective October 1, 2003*):

1162 The Commissioner of Transportation, on the application in writing
1163 of the [the] selectmen of any town, the mayor and common council of
1164 any city or the warden and burgesses of any borough or on [his] the
1165 commissioner's own motion, may make all necessary orders
1166 concerning the establishment of a temporary grade crossing over the
1167 tracks of any railway during the period of construction of a permanent
1168 grade separation structure which will carry a highway over or under
1169 such tracks, provided the state, town, city or borough making such
1170 application shall bear the cost of any necessary signs, signals, gates,
1171 flagmen or other protective devices.

1172 Sec. 72. Subsections (b) and (c) of section 13b-283 of the general
1173 statutes are repealed and the following is substituted in lieu thereof
1174 (*Effective October 1, 2003*):

1175 (b) The Commissioner of Transportation may expend up to the
1176 amount available annually from funds provided by specific
1177 appropriation from the Special Transportation Fund or other state
1178 funds in addition to any available federal funds to reconstruct, repair
1179 or replace with a new structure, together with the minimum approach
1180 work required for replacement, any existing structure carrying a town-
1181 maintained road or highway over a railroad when such structure is
1182 deemed critical from a traffic safety or load-carrying standpoint. The
1183 expense of any roadway construction on the approaches beyond what
1184 is required to build the new structure shall be paid by the town, if the
1185 work is done by or approved by the town.

1186 (c) The Commissioner of Transportation may expend up to the
1187 amount made available from funds provided by specific
1188 appropriations from the Special Transportation Fund or other state

1189 funds in addition to any available federal funds to eliminate highway-
1190 railroad grade crossings by construction of grade separation structures
1191 and necessary approaches or by relocation of town-maintained roads
1192 or highways to provide access to existing grade separation structures.

1193 Sec. 73. Section 13b-285 of the general statutes is repealed and the
1194 following is substituted in lieu thereof (*Effective October 1, 2003*):

1195 When a railroad has been laid out, located or constructed so near a
1196 highway as, in the opinion of the selectmen of any town, the mayor of
1197 any city or the warden of any borough within which such highway is
1198 situated, to endanger public travel, such selectmen, mayor or warden
1199 may bring [his] a petition to the Commissioner of Transportation,
1200 setting forth the facts; and the commissioner, after reasonable notice to
1201 the railroad company to appear and be heard in relation thereto, shall,
1202 if [in his opinion] public safety so requires and a change of the location
1203 of such highway is practicable, [forthwith] immediately order such
1204 company to make such change, in such manner as the commissioner
1205 may determine. The expense of such change, including the cost of
1206 fencing such relocated highway, shall, if such railroad has not been
1207 constructed at the time of bringing such petition, be paid by the
1208 company, but, if the railroad has been constructed at such time, one-
1209 half of such expense shall be paid by the company and one-half by
1210 such town, city or borough.

1211 Sec. 74. Section 13b-292 of the general statutes is repealed and the
1212 following is substituted in lieu thereof (*Effective October 1, 2003*):

1213 (a) [A] For the purposes of this section, private crossing [is defined
1214 as] means any private way, private drive or any facility other than a
1215 public highway for the use of pedestrians, motor vehicles or other
1216 types of conveyances, which crosses at grade any railroad track. [On
1217 and after June 20, 1961, no] No private crossing shall be established,
1218 except that the Commissioner of Transportation may authorize the
1219 establishment of a private crossing if it is deemed necessary for the
1220 economic welfare of the community but only after imposing specific

1221 requirements for the protection of persons using the crossing. The cost
1222 of meeting such protection requirements shall be borne by the party
1223 requesting such private crossing or the town, city or borough in which
1224 such crossing is located may, in its discretion, assume all or part of
1225 such cost. [This] The provisions of this section shall not apply to a
1226 private crossing [to be] used by a railroad company in connection with
1227 its operation or for access to its facilities.

1228 (b) Each town, city or borough shall erect and maintain traffic
1229 control devices within the limits of the railroad right-of-way at each
1230 private crossing, or each town, city or borough shall require the
1231 person, association or corporation that owns or has the right to use
1232 such crossing to erect and maintain such traffic control devices at each
1233 private crossing. Such order shall specify the time within which such
1234 protective measures shall be installed. Upon failure of a person,
1235 association or corporation to comply with an order issued pursuant to
1236 this subsection, the required installation shall be made by the authority
1237 issuing such order and the expense [thereof] of such installation shall
1238 be a lien on premises owned by such person, association or
1239 corporation. If under the provisions of subsection (d) of this section the
1240 Commissioner of Transportation and the State Traffic Commission
1241 order the erection of traffic control devices at a private crossing and
1242 the town, city or borough within which such crossing is located fails to
1243 erect or have erected such devices within one hundred [and] eighty
1244 days of such order, the Commissioner of Transportation and the State
1245 Traffic Commission shall order the railroad to erect such devices and
1246 the expense [thereof] of such erection shall be a lien on premises
1247 owned by the person, association or corporation that owns or has the
1248 right to use such crossing. If the Commissioner of Transportation and
1249 the State Traffic Commission prescribe traffic control measures in
1250 addition to traffic control devices, the town, city or borough shall
1251 invoke the provisions of this subsection for the purpose of complying
1252 with such order, and the cost [thereof] of such compliance, if one
1253 thousand dollars or less, shall be borne one-half by the town, city or
1254 borough and one-half by the property owner and, if over one thousand

1255 dollars, shall be borne one-sixth by the town, city or borough, one-
1256 sixth by the state, one-third by the property owner, and one-third by
1257 the railroad.

1258 (c) The town, city or borough within which any private way leads to
1259 a private crossing from a town, city or borough highway, and the
1260 Commissioner of Transportation, in the case of any private way which
1261 leads to a private crossing from a state highway, shall erect and
1262 maintain at the entrance to such private way a suitable sign warning of
1263 the railroad grade crossing.

1264 (d) The State Traffic Commission and the Commissioner of
1265 Transportation shall prescribe the nature of traffic control devices and
1266 traffic control measures to be erected at each private crossing and at
1267 approaches [thereto] to such private crossings.

1268 (e) The Commissioner of Transportation shall make all necessary
1269 orders for the closing of any private crossing if [he] the commissioner
1270 finds that the necessity for such crossing has ceased or that such
1271 private crossing constitutes a hazard to public safety. The
1272 commissioner may order the consolidation into one crossing of two or
1273 more private crossings located in close proximity to each other.

1274 (f) The provisions of section 13b-281 shall apply to private crossings.

1275 (g) Representatives of towns, cities, boroughs, railroads and state
1276 agencies [are authorized to] may enter private ways, drives or other
1277 facilities to the extent required to perform their duties pursuant to this
1278 section.

1279 (h) Any person who fails to comply with traffic control measures
1280 installed pursuant to this section shall be fined not more than one
1281 hundred dollars.

1282 Sec. 75. Section 13b-300 of the general statutes is repealed and the
1283 following is substituted in lieu thereof (*Effective October 1, 2003*):

1284 The Commissioner of Transportation shall make a special

1285 investigation as to the condition of the fences on the line of any
1286 railroad, when so requested in writing, and, if [he] the commissioner
1287 deems it necessary, shall issue [his] an order directing the company
1288 operating such railroad to erect or repair such fences. Such order shall
1289 specify the place or places at which, the manner in which and the time
1290 within which the fences are to be erected or repaired and shall be
1291 served upon the company. Such service may be made by mailing a
1292 registered or certified letter addressed to the secretary of the company.

1293 Sec. 76. Section 13b-302 of the general statutes is repealed and the
1294 following is substituted in lieu thereof (*Effective October 1, 2003*):

1295 When it is the duty of the owner of land adjoining any railroad to
1296 erect or maintain a fence between such land and such railroad and
1297 such owner has neglected to erect or maintain [the same] such fence
1298 and it has been erected or maintained by the railroad company in
1299 conformity to the order of the Commissioner of Transportation, such
1300 company may collect the cost of erecting and maintaining such fence
1301 from such owner. Such cost shall be a lien in favor of such company on
1302 such land, and such lien shall take precedence [of] over any other lien
1303 or encumbrance on such land and may be foreclosed in the same
1304 manner as a mortgage lien, but shall not continue in force unless such
1305 company, within sixty days after the completion of such fence, [lodges]
1306 files a certificate with the town clerk of the town in which such land is
1307 situated, describing such land and specifying the amount claimed as a
1308 lien [thereon] on such land and the dates of the commencement and
1309 completion of such fence, which certificate shall be recorded by such
1310 clerk on the land records of such town.

1311 Sec. 77. Section 13b-312 of the general statutes is repealed and the
1312 following is substituted in lieu thereof (*Effective October 1, 2003*):

1313 Any person, firm or corporation owning a railroad station in use as
1314 such in this state shall comply with all structural guidelines and
1315 standards for railroad stations, established by the [state] Department of
1316 Transportation, concerned with, but not limited to, the health, safety

1317 and security of all individuals using such stations.

1318 Sec. 78. Section 13b-337 of the general statutes is repealed and the
1319 following is substituted in lieu thereof (*Effective October 1, 2003*):

1320 (a) Each person, firm or corporation operating or controlling any
1321 railroad running through or within this state shall equip each of its
1322 track motor cars with [(a)] (1) a windshield and a device for cleaning
1323 rain, snow and other moisture from such windshield, which device
1324 shall be maintained in good order and so constructed as to be
1325 controlled or operated by the operator of such track motor car, and
1326 [(b)] (2) a canopy or top of such construction as to adequately protect
1327 the occupants thereof from the rays of the sun, rain, snow or other
1328 inclement weather.

1329 (b) Any person, firm or corporation operating or controlling any
1330 railroad running through or within this state using or permitting to be
1331 used on its lines in this state a track motor car in violation of the
1332 provisions of subsection (a) of this section shall be fined one hundred
1333 dollars for each violation.

1334 Sec. 79. Subsection (c) of section 13b-354a of the general statutes is
1335 repealed and the following is substituted in lieu thereof (*Effective*
1336 *October 1, 2003*):

1337 (c) The Department of Transportation shall adopt regulations, in
1338 accordance with chapter 54₂ to carry out the provisions of this section.

1339 Sec. 80. Subsection (c) of section 14-262 of the general statutes is
1340 repealed and the following is substituted in lieu thereof (*Effective from*
1341 *passage*):

1342 (c) The maximum length of a single unit vehicle shall be forty-five
1343 feet and the maximum length of the semitrailer portion of a tractor-
1344 trailer unit shall be forty-eight feet. A trailer greater than forty-eight
1345 feet and less than or equal to fifty-three feet in length, that has a
1346 distance of no more than forty-three feet between the kingpin and the

1347 center of the rearmost axle with wheels in contact with the road
1348 surface, may be operated on (1) unless posted otherwise, United States
1349 and Connecticut routes numbered from 1 to 399, inclusive, 450, 476,
1350 508, 693 and 695 and the national system of interstate and defense
1351 highways, and (2) state and local roads for up to one mile from the
1352 routes and system specified in subdivision (1) of this subsection for
1353 access to terminals, facilities for food, fuel, repair and rest, and points
1354 of loading and unloading. The Commissioner of Transportation shall
1355 permit additional routes upon application of carriers or shippers
1356 provided the proposed additional routes meet the permit criteria of the
1357 Department of Transportation. Such length limitation shall be
1358 exclusive of safety and energy conservation devices, such as
1359 refrigeration units, air compressors or air shields and other devices,
1360 which the Secretary of the federal Department of Transportation may
1361 interpret as necessary for the safe and efficient operation of such
1362 vehicles, provided no such device has by its design or use the
1363 capability to carry cargo.

1364 Sec. 81. Section 21-52 of the general statutes is repealed and the
1365 following is substituted in lieu thereof (*Effective July 1, 2003*):

1366 (a) The fee for an application for a permit to erect or maintain any
1367 outdoor advertising structure, device or display shall be as follows: For
1368 each panel, bulletin, or sign containing less than three hundred square
1369 feet of advertising space, [~~twenty-five~~] fifty dollars; and for each panel,
1370 bulletin or sign containing three hundred square feet or more of
1371 advertising space, [~~fifty~~] one hundred dollars.

1372 (b) The annual fee for such permit shall be as follows: For each
1373 panel, bulletin or sign containing three hundred square feet or less of
1374 advertising space, [~~ten~~] twenty dollars; for each panel, bulletin or sign
1375 containing more than three hundred and not more than six hundred
1376 square feet of advertising space, [~~twenty~~] forty dollars; and for each
1377 panel, bulletin or sign containing more than six hundred square feet
1378 and not more than nine hundred square feet of advertising space,
1379 [~~thirty~~] sixty dollars. No sign shall be erected which contains more

1380 than nine hundred square feet of advertising space. A fee shall be paid
1381 for each side of each panel, bulletin or sign used for advertising,
1382 provided, if two panels, bulletins or signs advertising the same
1383 products or services are attached to the same support or supports, only
1384 one annual permit fee shall be paid for each side thereof and the total
1385 advertising space on each side thereof shall be used for computing the
1386 annual permit fee of each panel, bulletin or sign. The annual permit fee
1387 for any part of a year shall bear the same proportion to the annual
1388 permit fee for an entire year that the number of months in such part
1389 bears to the entire year.

1390 Sec. 82. Section 47-34a of the general statutes is repealed and the
1391 following is substituted in lieu thereof (*Effective from passage*):

1392 (a) Any person who knowingly injures, destroys, disturbs or
1393 removes any marker properly placed on any tract of land or street or
1394 highway line by a surveyor, or by any person at the direction of a
1395 surveyor, for the purpose of designating any point, course or line in
1396 the boundary of such tract of land, street or highway, shall be fined not
1397 less than [one hundred fifty] five hundred dollars nor more than [five
1398 hundred] one thousand dollars.

1399 (b) Notwithstanding the provisions of subsection (a) of this section,
1400 a surveyor licensed under chapter 391, or a person acting at the
1401 direction of any such licensed surveyor, may remove an existing
1402 marker in order to place an upgraded marker in the same location.

1403 (c) Any person who knowingly injures, destroys, disturbs or
1404 removes any monument that has been established by the National
1405 Geodetic Survey or Connecticut Geodetic Survey for use in the
1406 determination of spatial location relative to the Connecticut coordinate
1407 systems specified in section 13a-255, as amended by this act, or precise
1408 elevation datum shall be fined not less than two thousand dollars nor
1409 more than five thousand dollars.

1410 Sec. 83. (*Effective from passage*) Bridge number 1392 located on Route
1411 156 in the town of Old Lyme overpassing the Lieutenant River shall be

1412 designated the "John A. Fox Memorial Bridge".

1413 Sec. 84. (*Effective from passage*) Bridge number 3485 located in the
1414 town of West Hartford on Interstate 84 overpassing Woodruff Road
1415 shall be designated the "Patrick L. Brooks Memorial Bridge".

1416 Sec. 85. (*Effective from passage*) Route 5 in the town of North Haven
1417 from the Hamden/North Haven town line northerly to SR 720 shall be
1418 designated the "Korean War Veterans Chapter 204 Memorial
1419 Highway".

1420 Sec. 86. (*Effective from passage*) Route 5 in the town of North Haven
1421 from SR 720 northerly to Route 22 shall be designated the "VFW Post
1422 10128 Memorial Highway".

1423 Sec. 87. (*Effective from passage*) Route 190 from the Suffield/Enfield
1424 town line easterly to Elm Street shall be designated the "Sergeant Elijah
1425 Churchill Memorial Highway".

1426 Sec. 88. (*Effective from passage*) Route 108 in the town of Trumbull
1427 from the Stratford/Trumbull town line northerly to SR 711 shall be
1428 designated the "Trooper Ernest Morse Memorial Highway".

1429 Sec. 89. (*Effective from passage*) Route 173 in the town of West
1430 Hartford from SR 529 northerly to the junction for Route 4 shall be
1431 designated the "Trooper Carl P. Moller Memorial Highway".

1432 Sec. 90. Section 13b-103 of the general statutes is amended by
1433 adding subsection (e) as follows (*Effective October 1, 2003*):

1434 (e) Any person, other than an operator who has received a permit,
1435 who holds him or herself out to be a motor vehicle in livery service
1436 with the intent to obtain a benefit or to injure or defraud another shall
1437 be guilty of a class B misdemeanor.

1438 Sec. 91. (*Effective from passage*) Section 13b-37 of the general statutes
1439 and section 22 of public act 01-105 are repealed.

This act shall take effect as follows:	
Section 1	<i>from passage</i>
Sec. 2	<i>from passage</i>
Sec. 3	<i>from passage</i>
Sec. 4	<i>from passage</i>
Sec. 5	<i>from passage</i>
Sec. 6	<i>from passage</i>
Sec. 7	<i>from passage</i>
Sec. 8	<i>from passage</i>
Sec. 9	<i>from passage</i>
Sec. 10	<i>from passage</i>
Sec. 11	<i>from passage</i>
Sec. 12	<i>from passage</i>
Sec. 13	<i>from passage</i>
Sec. 14	<i>from passage</i>
Sec. 15	<i>from passage</i>
Sec. 16	<i>from passage</i>
Sec. 17	<i>from passage</i>
Sec. 18	<i>from passage</i>
Sec. 19	<i>from passage</i>
Sec. 20	<i>from passage</i>
Sec. 21	<i>from passage</i>
Sec. 22	<i>from passage</i>
Sec. 23	<i>from passage</i>
Sec. 24	<i>October 1, 2003</i>
Sec. 25	<i>October 1, 2003</i>
Sec. 26	<i>October 1, 2003</i>
Sec. 27	<i>October 1, 2003</i>
Sec. 28	<i>October 1, 2003</i>
Sec. 29	<i>October 1, 2003</i>
Sec. 30	<i>October 1, 2003</i>
Sec. 31	<i>October 1, 2003</i>
Sec. 32	<i>October 1, 2003</i>
Sec. 33	<i>October 1, 2003</i>
Sec. 34	<i>October 1, 2003</i>
Sec. 35	<i>October 1, 2003</i>
Sec. 36	<i>October 1, 2003</i>
Sec. 37	<i>October 1, 2003</i>
Sec. 38	<i>October 1, 2003</i>

Sec. 39	<i>October 1, 2003</i>
Sec. 40	<i>October 1, 2003</i>
Sec. 41	<i>October 1, 2003</i>
Sec. 42	<i>October 1, 2003</i>
Sec. 43	<i>October 1, 2003</i>
Sec. 44	<i>from passage</i>
Sec. 45	<i>October 1, 2003</i>
Sec. 46	<i>October 1, 2003</i>
Sec. 47	<i>October 1, 2003</i>
Sec. 48	<i>October 1, 2003</i>
Sec. 49	<i>October 1, 2003</i>
Sec. 50	<i>October 1, 2003</i>
Sec. 51	<i>October 1, 2003</i>
Sec. 52	<i>October 1, 2003</i>
Sec. 53	<i>October 1, 2003</i>
Sec. 54	<i>October 1, 2003</i>
Sec. 55	<i>October 1, 2003</i>
Sec. 56	<i>October 1, 2003</i>
Sec. 57	<i>October 1, 2003</i>
Sec. 58	<i>October 1, 2003</i>
Sec. 59	<i>October 1, 2003</i>
Sec. 60	<i>October 1, 2003</i>
Sec. 61	<i>October 1, 2003</i>
Sec. 62	<i>October 1, 2003</i>
Sec. 63	<i>October 1, 2003</i>
Sec. 64	<i>October 1, 2003</i>
Sec. 65	<i>October 1, 2003</i>
Sec. 66	<i>October 1, 2003</i>
Sec. 67	<i>October 1, 2003</i>
Sec. 68	<i>from passage</i>
Sec. 69	<i>October 1, 2003</i>
Sec. 70	<i>October 1, 2003</i>
Sec. 71	<i>October 1, 2003</i>
Sec. 72	<i>October 1, 2003</i>
Sec. 73	<i>October 1, 2003</i>
Sec. 74	<i>October 1, 2003</i>
Sec. 75	<i>October 1, 2003</i>
Sec. 76	<i>October 1, 2003</i>
Sec. 77	<i>October 1, 2003</i>
Sec. 78	<i>October 1, 2003</i>

Sec. 79	<i>October 1, 2003</i>
Sec. 80	<i>from passage</i>
Sec. 81	<i>July 1, 2003</i>
Sec. 82	<i>from passage</i>
Sec. 83	<i>from passage</i>
Sec. 84	<i>from passage</i>
Sec. 85	<i>from passage</i>
Sec. 86	<i>from passage</i>
Sec. 87	<i>from passage</i>
Sec. 88	<i>from passage</i>
Sec. 89	<i>from passage</i>
Sec. 90	<i>October 1, 2003</i>
Sec. 91	<i>from passage</i>

Statement of Legislative Commissioners:

The effective date of section 70 was changed from October 1, 2002, to October 1, 2003, for accuracy.

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:

Agency Affected	Fund-Type	FY 04 \$	FY 05 \$
Transportation, Dept.	TF - Cost	24,000	2,000
Transportation, Dept.	TF - Revenue Gain	50,000	50,000
Correction, Dept.; Judicial Dept.	GF - Cost	Potential	Potential
Judicial Dept.	GF - Revenue Gain	Less than 10,000	Less than 10,000

Note: TF=Transportation Fund; GF=General Fund

Municipal Impact: None

Explanation

Sections 1 through 23 and sections 83 through 89 of the bill as amended results in a cumulative cost of \$21,000 in FY 04 to the DOT as a result of renaming various bridges and roadways. A pair of signs cost \$700, one for each side of the road.

Section 24 of the bill results in a cost of \$1,000 in FY 04 to the DOT to retrofit all of its landscaping trailers with an orange triangular sign attached to the rear of each trailer.

Section 28 of the bill results in an annual cost of \$2,000 per year beginning in FY 04 to provide written notice prior to any sale of state land. The annual cost for notices on approximately 100 parcels of land is estimated at \$2,000.

Section 68 of the bill precludes a cost as a result of reducing the minimum overhead clearance over railroad tracks requirements from 20 feet, 6 inches to 17 feet, 11 inches for the replacement of Pearl Street Bridge located in Middletown. Under current law, the additional cost to facilitate replacement of the bridge is anticipated to be between

\$600,000 to \$1.4 million, in order to meet the mandatory clearances. This project is being funded in part by the Federal Highway Administration under the Highway Bridge Rehabilitation and Replacement Program (80% of funds) plus matching funds from the Town of Middletown (15%) and the State Orphan Bridge Program (5%).

Section 81 of the bill results in an annual revenue gain of \$50,000 per year beginning in FY 04 to the Transportation Fund by doubling current application and annual permit fees for outdoor advertising structures.

Sections 44 and 82 of the bill result in a potential minimal revenue gain to the Transportation Fund as a result of increasing existing fines and establishing new fines for disturbing survey monuments or markers.

Section 90 of the bill makes impersonating a licensed livery service provider a crime punishable by up to 6 months' imprisonment and/or a fine of up to \$1,000. The average cost to incarcerate someone for 6 months is \$13,140 (\$72/day) not including capital or staff fringe benefit costs. Alternatively, the average cost of monitoring by the court for 6 months can range from \$22 to \$130, depending upon the type of community supervision needed for offenders under the bill. Any revenue gain from the imposition of fines is expected to be minimal.

The other sections of the bill are technical in nature and do not have a fiscal impact.

House "A" renamed seven more bridges and roadways resulting in an additional cumulative cost of \$4,900 in FY04 to the DOT. It also made impersonating a licensed livery service provider a crime punishable by imprisonment and/or fines resulting in a potential cost to the Correction and Judicial Departments and a potential revenue gain to the General Fund from imposition of fines.

House "A" also made various changes to the bill that were technical in nature and do not have a fiscal impact.

OLR Bill Analysis

sHB 6404 (as amended by House "A")*

**AN ACT CONCERNING THE DEPARTMENT OF
TRANSPORTATION****SUMMARY:**

This bill:

1. authorizes changeable message outdoor advertising signs with certain characteristics and doubles current fees for Department of Transportation (DOT) outdoor advertising sign permits;
2. establishes a fine for knowingly injuring, destroying, removing, or disturbing monuments established by the national or Connecticut geodetic surveys used for the Connecticut coordinate system, increases the fine for such acts with respect to surveyors' property markers, and includes in the latter offense such acts when done to surveyors' markers for street or highway lines;
3. makes it a class B misdemeanor (up to a \$1,000 fine, up to six months imprisonment, or both) for someone who has not received a DOT-issued livery service permit to hold himself out to be a motor vehicle in livery service operator with the intent to obtain benefit or injure or defraud another person;
4. requires the DOT commissioner to notify the local state legislators within one year from the date he has determined that property previously acquired in a municipality they represent is no longer required for highway purposes and will be disposed of according to state law governing surplus state property;
5. allows DOT to replace the Pearl Street Bridge over the railroad tracks in Middletown with a new bridge that has a minimum overhead clearance over the tracks of 17 feet, 11 inches, instead of the 20-foot, six inch minimum clearance that state law would otherwise require;
6. specifies that the 43-foot maximum distance between the kingpin

and the rearmost axle on a 53-foot trailer that allows it to be legally operated on designated state highways is measured from the kingpin to the rearmost axle that is actually in contact with the ground;

7. requires any vehicle used for landscaping purposes that has a caged trailer to display an orange triangular caution sign on the rear of the trailer;
8. designates commemorative or memorial names for 19 state highway segments, 10 bridges, and one tunnel;
9. repeals an obsolete statutory reference to the DOT commissioner participating in motor carrier regulatory hearings before the Department of Public Utilities Control (this regulatory authority was transferred to the DOT in 1988); and
10. makes numerous technical changes.

*House Amendment "A" (1) makes the changeable message outdoor advertising sign provision effective October 1, 2003 instead of July 1, 2003; (2) adds the provision making it a class B misdemeanor to perform as a motor vehicle in livery service without a DOT-issued permit; (3) removes a provision in the bill that would have allowed certain entities receiving public funding and providing welfare-to-work transportation services to charge a "minimal" fee for these services without having to get a DOT livery license or permit; (4) removes a bill provision that would have reduced the size of the Operation Lifesaver Committee by two members and authorized the commissioners serving on the committee to jointly appoint the remaining public members instead of legislative leaders; (5) designates memorial or commemorative names for five additional state road segments and two additional state bridges; and (6) deletes several provisions of the bill, some of which contained technical changes, but some of which could possibly have been read to require DOT to readopt certain of its regulations that were adopted before enactment of the Uniform Administrative Procedure Act.

EFFECTIVE DATE: Upon passage except (1) outdoor advertising structure permit fee provisions are effective July 1, 2003 and (2) the changeable message advertising sign, slow moving vehicle warning

sign, legislator notification provisions, and the technical changes are effective October 1, 2003.

CHANGEABLE MESSAGE ADVERTISING SIGNS AND DOT PERMIT FEES

Changeable Message Signs

The bill allows outdoor advertising signs that may legally be within 660 feet of a state highway right-of-way to display a changing message board produced by electronic or mechanical means or by remote control as long as (1) the static display lasts at least six seconds, (2) the message change occurs with all moving parts or illumination moving or changing simultaneously over a period of three seconds or less, and (3) the message has no illumination that moves, appears to move, or changes intensity during the static display period of the message.

Outdoor Advertising Structure Permit Fees

The bill doubles current fees for DOT outdoor advertising structure permits.

1. The application fee for a panel that is less than 300 sq. ft. increases from \$25 to \$50.
2. The application fee for a panel that is 300-900 sq. ft. increases from \$50 to \$100.
3. The annual permit fee for a panel that is 300 sq. ft. or less increases from \$10 to \$20.
4. The annual permit fee for a panel that is 301-600 sq. ft. increases from \$20 to \$40.
5. The annual permit fee for a panel that is 601-900 sq. ft. increases from \$30 to \$60.

DAMAGING, REMOVING, OR DISTURBING SURVEYORS' MARKERS AND SURVEY MONUMENTS

The bill prohibits knowingly injuring, destroying, disturbing, or removing any monument established by the National Geodetic Survey

or Connecticut Geodetic Survey for use in determining spatial locations under the Connecticut coordinate system or precise elevation data. It establishes a fine of \$2,000 to \$5,000 for such acts.

The bill increases the fine for such acts when done to any surveyors' property line markers from a \$150 to \$500 fine to a \$500 to \$1,000 fine. It also includes such acts done to surveyors' markers that delineate street or highway lines in the prohibition.

KINGPIN TO REAR AXLE DISTANCE FOR 53-FOOT TRAILERS

By law, the maximum length of the semitrailer portion of a tractor-trailer unit is 48 feet, except that trailers up to 53 feet in length may be operated legally on designated state routes as long as the distance between the kingpin (the articulation point where the semitrailer attaches to the tractor) and the rearmost axle is not more than 43 feet. The bill specifies that this kingpin-to-rear-axle distance must be determined based on the rearmost axle that is actually in contact with the road. (Some trailers are equipped with a liftable rear axle that is only used when it is required for proper weight distribution. Under the bill, this lift axle would only be used to determine the maximum distance when it is actually in the lowered position and being used.)

COMMEMORATIVE AND MEMORIAL NAMES

The bill repeals the designation of the new terminal at Bradley International Airport as the "Robert F. Juliano Terminal Building" and, instead, names Special Service Road 403 in Windsor Locks between the eastern and western junctions of Special Service Road 401 as the "Robert F. Juliano Highway."

The bill names 18 other highway segments, 10 bridges, and one tunnel as follows:

1. Route 40 in Hamden from the North Haven-Hamden town line to the junction of Route 10 in Hamden as the "Edward Armeno Memorial Highway";
2. Route 796 in Milford, currently known as the "Milford Parkway Connector," as the "Daniel S. Wasson Connector";
3. Route 142 in Branford from the junction of Route 1 to Double Bench

- Road as the "William E. Keish, Jr. Memorial Highway";
4. Route 349 in Groton as the "William J. Snyder, Sr. Memorial Highway";
 5. Route 101 between Abington and East Killingly as the "Leif Erickson Highway";
 6. Route 15 through Derby, Ansonia, and Seymour as the "Veteran's Memorial Highway";
 7. Route 174 in Newington from Route 173 east to Route 176 as the "Francis Kochanowicz Memorial Highway";
 8. Route 173 in West Hartford from the Newington-West Hartford town line to the junction of State Road 529 as the "Roger Fissette Hannon-Hatch VFW Post 9929 Memorial Highway";
 9. Route 69 in Waterbury from Washington Street to East Main Street as the "Officer Walter T. Williams III Memorial Highway";
 10. Route 69 in Waterbury from East Main Street to State Road 844 as the "Officer Bruce Hanley Memorial Highway";
 11. Route 314 from State Road 543 to Jordan Lane in Wethersfield as the "Antranig Ozanian Memorial Highway";
 12. Special Service Road 411 from Route 3 to Route 99 in Rocky Hill as the "Nicholas LaRosa Memorial Highway";
 13. Route 130 in Bridgeport from the Fairfield town line to the Stratford town line as the "Alvin W. Penn Memorial Highway";
 14. Route 5 in North Haven from the Hamden-North Haven town line to State Road 720 as the "Korean War Veterans Chapter 204 Memorial Highway";
 15. Route 5 in North Haven from State Road 720 to Route 22 as the "VFW Post 10128 Memorial Highway";
 16. Route 190 from the Suffield-Enfield town line easterly to Elm Street as the "Sergeant Elijah Churchill Memorial Highway";

17. Route 108 in Trumbull from the Stratford-Trumbull town line to State Road 711 as the "Trooper Ernest Morse Memorial Highway";
18. Route 173 in West Hartford from State Road 529 to the junction for Route 4 as the "Trooper Carl P. Moller Memorial Highway";
19. the "bridge over the Saugatuck River" in Westport as the "Ruth Steinkraus Cohen Memorial Bridge" (there are several bridges over the Saugatuck River in Westport, it is not clear to which bridge the bill refers);
20. Footbridge No. 827OR over the railroad tracks in Seymour as "Kisson's Crossing";
21. Bridge No. 1751 over Quaker Lane and Trout Brook on I-84 in West Hartford as "The 76th Division Memorial Bridge";
22. Bridge No. 00233 on Route 166 passing over I-95 in Old Saybrook as the "Rosario J. Aloisio Memorial Bridge";
23. Bridge No. 00024 passing over I-95 at Wilson Avenue in Stamford as the "Stamford Firefighters L786 World Trade Center Memorial Bridge";
24. Bridge No. 02430 passing over Fenn Brook on Route 67 in Roxbury as the "Hurlbut Bridge";
25. Bridge No. 01747 passing over I-84 on Route 173 in West Hartford as the "Thomas DeAngelis Memorial Bridge";
26. Bridge No. 1748 on Mayflower Road passing over I-84 in West Hartford as the "Joseph Lenihan Memorial Bridge";
27. Bridge No. 1392 on Route 156 in Old Lyme crossing over the Lieutenant River as the "John A. Fox Memorial Bridge";
28. Bridge No. 3485 on I-84 in West Hartford crossing over Woodruff Road as the "Patrick L. Brooks Memorial Bridge"; and
29. Bridge No. 007773, commonly known as the "West Rock Tunnel" as the "Hero's Tunnel."

BACKGROUND***Minimum Overhead clearance Requirements for Bridges over Railroad Tracks***

By law, any structure constructed over railroad tracks must have a minimum overhead clearance above the tracks of 20 feet, six inches, or, if it crosses track where trains are powered by overhead electrical wires, a minimum clearance of 22 feet, six inches. However, if construction involves only deck replacement or minor widening and the existing piers or abutments remain in place, the minimum overhead clearance can be the structure's existing clearance. Any construction at other than these mandatory clearances must be approved by legislative act. Proposed legislation granting an exemption to these requirements must be accompanied by a DOT statement identifying the impact of raising the bridge to the statutory clearance heights; the estimated costs of doing this, and an assessment, including costs, of the feasibility of increasing the clearance by undercutting at least one track or by a combination of undercutting and raising the bridge to meet the statutory requirement.

BACKGROUND***Legislative History***

The House referred the bill (File 644) to the Judiciary Committee on May 10 and the committee reported it favorably without changes on May 12.

COMMITTEE ACTION

Transportation Committee

Joint Favorable Substitute Change of Reference

Yea 26 Nay 0

Finance, Revenue and Bonding Committee

Joint Favorable Report

Yea 42 Nay 0

Judiciary Committee

Joint Favorable Report
Yea 33 Nay 1