



General Assembly

Substitute Bill No. 6720

January Session, 2005

* HB06720ET 052305 *

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 174 from
2 Route 71 Easterly to East Street in New Britain shall be designated the
3 "Destroyer USS Braine Memorial Highway".

4 Sec. 2. (*Effective from passage*) The segment of the I-95 southbound
5 bridge over the Thames River in Groton shall be designated the "U.S.
6 Submarine Veterans World War II Memorial Bridge".

7 Sec. 3. (*Effective from passage*) The segment of Route 71 from the
8 Routes 71A and 71 intersection northerly to Main Street in Berlin shall
9 be designated the "Officer Jeffery G. Casner Highway".

10 Sec. 4. (*Effective from passage*) Bridge number 1491 in Canton, in the
11 Collinsville section, shall be designated the "Sergeant Michael Dubiel
12 Bridge".

13 Sec. 5. (*Effective from passage*) The road to the Firemen Memorial at
14 Bradley International Airport shall be designated "Firefighter
15 Memorial Drive".

16 Sec. 6. (*Effective from passage*) The segment of Route 10 from the
17 intersection of Route 10 and the Farmington Canal Greenway overpass

18 eastward to its junction with Whitney Avenue in Hamden shall be
19 designated the "Hamden Veterans' Memorial Highway".

20 Sec. 7. (*Effective from passage*) The segment of Route 110 from the
21 town of Stratford to the town of Monroe shall be designated the
22 "Veterans Memorial Highway".

23 Sec. 8. (*Effective from passage*) Bridge number 00157 located on I-95 in
24 West Haven shall be designated the "Nacca Memorial Bridge".

25 Sec. 9. (*Effective from passage*) The segment of Route 174 from New
26 Britain - Newington town line to Maple Hill Avenue in Newington
27 shall be designated the "Officer Peter Lavery Memorial Highway".

28 Sec. 10. (*Effective from passage*) Bridge number 03391 in Colchester on
29 Route 16 over Route 2 shall be designated the "William "Jimmy"
30 Johnston Memorial Bridge".

31 Sec. 11. (*Effective from passage*) The segment of Route 618 from Route
32 85 easterly to the Colchester - Lebanon town line shall be designated
33 the "Major Peter M. Cleary Memorial Highway".

34 Sec. 12. (*Effective from passage*) Route 5 in North Haven between
35 Washington Avenue and State Street shall be designated the "Officer
36 Timothy W. Laffin Memorial Highway".

37 Sec. 13. (*Effective from passage*) The segment of Route 195 in
38 Mansfield running in a northerly direction to I-84 in Tolland shall be
39 designated "UCONN Husky Way".

40 Sec. 14. (*Effective from passage*) The segment of Route 78 in
41 Stonington from Route 2, running in an easterly direction, to the
42 Connecticut-Rhode Island state line shall be designated "Veterans
43 Way".

44 Sec. 15. Section 2 of public act 03-115 is repealed and the following is
45 substituted in lieu thereof (*Effective from passage*):

46 Route 796 in Milford, currently known as the "Milford Parkway
47 Connector" shall be redesignated the ["Daniel S. Wasson Connector"]
48 "Officer Daniel S. Wasson, Milford Police Department, Connector".

49 Sec. 16. (*Effective from passage*) The segment of Route 2A in Montville
50 running in a easterly direction from I-395 to the beginning of bridge
51 number 3426 shall be designated the "Officer Joseph N. Sachatello, III
52 Memorial Highway".

53 Sec. 17. (*Effective from passage*) The segment of Route 287 in
54 Wethersfield running easterly from the Newington - Wethersfield
55 town line to Route 3 shall be designated the "Bohdan "Bo" Kolinsky
56 Memorial Highway".

57 Sec. 18. (*Effective from passage*) The segment of Route 71 in West
58 Hartford running easterly from Ridgewood Road to Route 173 shall be
59 designated the "Eric N. Jefferson Memorial Highway".

60 Sec. 19. (*Effective from passage*) Bridge number 1744 on I-84
61 eastbound over Berkshire Road in West Hartford shall be designated
62 the "Lt. Colonel Charles E. Spencer Memorial Bridge".

63 Sec. 20. (*Effective from passage*) The segment of the I-91 northbound
64 rest area in Middletown shall be designated the "Jennifer Hodges
65 Memorial Rest Area".

66 Sec. 21. (*Effective from passage*) Bridge number 1477 on Route 173 in
67 Newington shall be designated the "Stanley Sobieski Memorial
68 Bridge".

69 Sec. 22. (*Effective from passage*) Bridge number 5801 on Route 9
70 southbound over Route 372 in Berlin shall be designated the "Steven
71 Douglas Smart Memorial Bridge".

72 Sec. 23. (*Effective from passage*) The Route 25 bridge crossing the Still
73 River in Brookfield shall be designated the "Nancy DuBois Hagmayer
74 Memorial Bridge".

75 Sec. 24. Section 14-212 of the general statutes is repealed and the
76 following is substituted in lieu thereof (*Effective July 1, 2005*):

77 Terms used in this chapter shall be construed as follows, unless
78 another construction is clearly apparent from the language or context
79 in which the term is used or unless the construction is inconsistent
80 with the manifest intention of the General Assembly:

81 (1) The following terms shall be construed as they are defined in
82 section 14-1: "Authorized emergency vehicle", "commissioner",
83 "driver", "fuels", "gross weight", "head lamp", "high-mileage vehicle",
84 "highway", "light weight", "limited access highway", "maintenance
85 vehicle", "motor bus", "motorcycle", "motor vehicle registration",
86 "nonresident", "nonskid device", "number plate", "officer", "operator",
87 "owner", "passenger motor vehicle", "passenger and commercial motor
88 vehicle", "person", "pneumatic tires", "pole trailer", "registration",
89 "registration number", "second offense", "semitrailer", "shoulder",
90 "solid tires", "stop", "subsequent offense", "tail lamp", "tractor", "tractor-
91 trailer unit", "trailer", "truck" and "vanpool vehicle";

92 (2) "Carrier" means (A) any local or regional school district, any
93 educational institution providing elementary or secondary education
94 or any person, firm or corporation under contract to such district or
95 institution engaged in the business of transporting school children; (B)
96 any person, firm or corporation providing transportation for
97 compensation exclusively to persons under the age of twenty-one
98 years; or (C) any corporation, institution or nonprofit organization
99 providing transportation as an ancillary service primarily to persons
100 under the age of eighteen years;

101 (3) "Curb" includes the boundary of the traveled portion of any
102 highway, whether or not the boundary is marked by a curbstone;

103 (4) "Intersection" means the area embraced within the prolongation
104 of the lateral curb lines of two or more highways which join one
105 another at an angle, whether or not one of the highways crosses the
106 other;

107 (5) "Motor vehicle" includes all vehicles used on the public
108 highways;

109 (6) "Parking area" means lots, areas or other accommodations for the
110 parking of motor vehicles off the street or highway and open to public
111 use with or without charge;

112 (7) ["Rotary traffic island"] "Rotary" or "roundabout" means a
113 physical barrier legally placed or constructed at an intersection to
114 cause traffic to move in a circuitous course;

115 (8) "Student transportation vehicle" means any motor vehicle other
116 than a registered school bus used by a carrier for the transportation of
117 students, including children requiring special education; and

118 (9) "Vehicle" is synonymous with "motor vehicle".

119 Sec. 25. Section 14-239 of the general statutes is repealed and the
120 following is substituted in lieu thereof (*Effective July 1, 2005*):

121 (a) The State Traffic Commission may designate any state highway
122 and local traffic authorities may designate streets and highways under
123 their jurisdiction for one-way traffic and shall erect signs, devices or
124 markings conforming to State Traffic Commission standards giving
125 notice thereof. Upon any highway so designated a vehicle shall be
126 driven only in the direction indicated.

127 (b) A vehicle passing around a rotary [traffic island] or roundabout
128 shall have the right of way over entering vehicles and shall be driven
129 only to the right of such [island] rotary or roundabout, unless
130 otherwise directed by signs. [or unless the length of the vehicle makes
131 such movement impracticable.]

132 (c) Violation of any of the provisions of this section shall be an
133 infraction.

134 Sec. 26. Section 14-241 of the general statutes is repealed and the
135 following is substituted in lieu thereof (*Effective July 1, 2005*):

136 (a) Both the approach for a right turn and a right turn shall be made
137 as close as practicable to the right-hand curb or edge of the highway.

138 (b) At any intersection where traffic is permitted to move in both
139 directions on each highway entering the intersection, an approach for a
140 left turn shall be made in that portion of the right half of the highway
141 nearest the center line thereof and by passing to the right of such
142 center line where it enters the intersection, and after entering the
143 intersection the left turn shall be made so as to leave the intersection to
144 the right of the center line of the highway being entered.

145 (c) At any intersection where traffic is restricted to one direction on
146 one or more of the highways, the driver of a vehicle intending to turn
147 left shall approach the intersection in the extreme left-hand lane
148 lawfully available to traffic moving in the direction of travel of such
149 vehicle, and after entering the intersection the left turn shall be made
150 so as to leave the intersection, as nearly as practicable, in the left-hand
151 lane lawfully available to traffic moving in such direction upon the
152 highway being entered.

153 (d) "Deceleration lane" means an added outside lane of a highway
154 laned for traffic which immediately precedes an exit road from such
155 highway, and "acceleration lane" means an added outside lane of a
156 highway laned for traffic which immediately follows an entrance road
157 into such highway. Where deceleration and acceleration lanes exist, all
158 turns made to leave or enter the highway shall be made from or into
159 such lanes.

160 (e) On any state highway the State Traffic Commission, and, on
161 highways under their jurisdiction, local traffic authorities, may cause
162 [rotary traffic islands] rotaries or roundabouts, signs or other devices
163 conforming to the manual on uniform traffic control devices to be
164 placed within or adjacent to intersections and thereby direct that a
165 different course from that specified in this section be traveled by
166 vehicles turning at an intersection, and when [rotary traffic islands]
167 rotaries or roundabouts, signs or other devices are so placed, no driver

168 shall turn a vehicle otherwise than as directed thereby.

169 (f) Violation of any of the provisions of this section shall be an
170 infraction.

171 Sec. 27. Section 14-297 of the general statutes is repealed and the
172 following is substituted in lieu thereof (*Effective July 1, 2005*):

173 Terms used in this chapter shall be construed as follows, unless
174 another construction is clearly apparent from the language or context
175 in which the term is used or unless the construction is inconsistent
176 with the manifest intention of the General Assembly:

177 (1) The following terms shall be construed as they are defined in
178 section 14-1: "Authorized emergency vehicle", "driver", "head lamp",
179 "highway", "intersection", "limited access highway", "motor vehicle",
180 "number plate", "operator", "person", ["rotary traffic island"] "rotary" or
181 "roundabout", "shoulder", "stop", "truck", "vehicle";

182 (2) "Crosswalk" means that portion of a highway ordinarily
183 included within the prolongation or connection of the lateral lines of
184 sidewalks at intersections, or any portion of a highway distinctly
185 indicated, by lines or other markings on the surface, as a crossing for
186 pedestrians, except such prolonged or connecting lines from an alley
187 across a street;

188 (3) "Official traffic control devices" means all signs, signals,
189 markings and devices consistent with the provisions of this chapter
190 and placed or erected, for the purpose of regulating, warning or
191 guiding traffic, by authority of a public body or official having
192 jurisdiction;

193 (4) "Parking" means the standing of a vehicle, whether occupied or
194 not, on a highway, except it shall not include the temporary standing
195 of a vehicle for the purpose of and while engaged in receiving or
196 discharging passengers or loading or unloading merchandise or while
197 in obedience to traffic regulations or traffic signs or signals;

198 (5) "Traffic" means pedestrians, vehicles and other conveyances
199 while using any highway for the purpose of travel;

200 (6) "Traffic authority" means the board of police commissioners of
201 any city, town or borough, or the city or town manager, the chief of
202 police, the superintendent of police or any legally elected or appointed
203 official or board, or any official having similar powers and duties, of
204 any city, town or borough that has no board of police commissioners
205 but has a regularly appointed force, or the board of selectmen of any
206 town in which there is no city or borough with a regularly appointed
207 police force, except that, with respect to state highways and bridges,
208 "traffic authority" means the State Traffic Commission, provided
209 nothing contained in this section shall be construed to limit or detract
210 from the jurisdiction or authority of the State Traffic Commission to
211 adopt regulations establishing a uniform system of traffic control
212 signals, devices, signs and markings as provided in section 14-298, and
213 the requirement that no installation of any traffic control signal light
214 shall be made by any city, town or borough until the installation has
215 been approved by the State Traffic Commission as provided in section
216 14-299;

217 (7) "Traffic control sign" means any sign bearing a message with
218 respect to the stopping or to the rate of speed of vehicles; and

219 (8) "Traffic control signal" means any device, whether operated
220 manually, electrically or mechanically, by which traffic is alternately
221 directed to stop and to proceed.

222 Sec. 28. (NEW) (*Effective July 1, 2005*) (a) On or before October 1,
223 2006, the Commissioner of Transportation shall, by regulations
224 adopted pursuant to chapter 54 of the general statutes, establish design
225 criteria to govern the aesthetic illumination of new bridges,
226 rehabilitated historical or signature bridges, principal and minor
227 arterial roads, collector roads and local roads and streets. The criteria
228 shall take into account (1) safety, durability and economy of
229 maintenance; (2) the constructed and natural environment of the area;

230 (3) maximization of energy conservation; (4) minimization of light
231 pollution, glare and light trespass; (5) impacts on individuals residing
232 in the design area and on wildlife in the design area; (6) impacts on the
233 scenic, aesthetic and historic nature of local communities and impact
234 on preservation activities; (7) access for other modes of transportation,
235 including those that promote physically active communities; and (8)
236 implementation of the operational scheduling of such aesthetic
237 illumination.

238 (b) In establishing the criteria required under subsection (a) of this
239 section, the commissioner shall consider the views of chief elected
240 officials and organizations, including, but not limited to, regional
241 councils of governments, rural development councils, the Connecticut
242 Commission on Culture and Tourism and the Federal Highway
243 Administration and organizations with expertise in environmental
244 protection, historic preservation, scenic conservation and bicycle and
245 pedestrian transportation.

246 (c) The commissioner may, as a condition for installing aesthetic
247 illumination requested by a municipality, require such municipality to
248 pay for any increased costs of power consumption and maintenance
249 attributable to the aesthetic illumination installed.

250 Sec. 29. (*Effective July 1, 2005*) Notwithstanding the provisions of the
251 general statutes, the Department of Transportation shall convey to the
252 town of Westbrook approximately 5.05 acres of property located on
253 Route 145 in the town of Westbrook, formerly used by said department
254 as a maintenance facility, in exchange for approximately 2.087 acres of
255 property owned by said town and used by said town on March 15,
256 2005, as a maintenance facility.

257 Sec. 30. Section 19 of special act 03-19 is amended to read as follows
258 (*Effective from passage*):

259 (a) Notwithstanding any provision of the general statutes, the
260 Commissioner of Transportation shall convey to the [Wickham Park
261 Trust] Bank of America, as Trustee of the Clarence H. Wickham Trust

262 under will, a parcel of land located in the town of Manchester, at a cost
263 equal to the administrative costs of making such conveyance. Said
264 parcel of land has an area of approximately [5.1] 6.27 acres and is
265 identified as the parcel of land designated by the Department of
266 Transportation as acquisition number 76-147-8A. The conveyance shall
267 be subject to the approval of the State Properties Review Board.

268 (b) The [Wickham Park Trust] Bank of America, as Trustee of the
269 Clarence H. Wickham Trust under will, shall use said parcel of land for
270 open space purposes. If the [Wickham Park Trust:] Bank of America, as
271 Trustee of the Clarence H. Wickham Trust under will,

- 272 (1) Does not use said parcel for said purposes;
273 (2) Does not retain ownership of all of said parcel; or
274 (3) Leases all or any portion of said parcel,

275 the parcel shall revert to the state of Connecticut.

276 (c) The State Properties Review Board shall complete its review of
277 the conveyance of said parcel of land not later than thirty days after it
278 receives a proposed agreement from the Department of
279 Transportation. The land shall remain under the care and control of
280 said department until a conveyance is made in accordance with the
281 provisions of this section. The State Treasurer shall execute and deliver
282 any deed or instrument necessary for a conveyance under this section,
283 which deed or instrument shall include provisions to carry out the
284 purposes of subsection (b) of this section. The Commissioner of
285 Transportation shall have the sole responsibility for all other incidents
286 of such conveyance.

287 Sec. 31. Section 37 of public act 03-4 of the June 30 special session is
288 repealed and the following is substituted in lieu thereof (*Effective from*
289 *passage*):

290 (a) Notwithstanding any provision of the general statutes, the
291 Commissioner of Transportation shall convey to the town of Bethel a
292 parcel of land located on Depot Place and Greenwood Avenue in the

293 town of Bethel, at a cost equal to the administrative costs of making
294 such conveyance. Said parcel of land has an area of approximately .542
295 acres and is situated within the railroad right-of-way, on the
296 northeasterly side of the Danbury Branch Rail Line, with
297 appurtenances thereon known as the former Bethel Train Station, as
298 shown on the sketch entitled Town of Bethel Sketch showing land and
299 building leased to the town of Bethel by the State of Connecticut,
300 Valuation Map 58-70-4, Scale 1" = 100', September 1996, Bureau of
301 Public Transportation-Office of Rail, Town No. 09, Project No. 7001-
302 MISC., Serial No. 135, Sheet 1 of 1. The conveyance shall be subject to
303 the approval of the State Properties Review Board.

304 (b) The town of Bethel shall use said parcel of land for the municipal
305 use, maintenance or improvement of the appurtenances thereon or if
306 the Town of Bethel shall lease or charge any fee for any portion of the
307 building located thereon or for the land itself, the funds collected shall
308 be used solely for the purpose of maintaining, repairing, renovating,
309 and upgrading the building located thereon and maintaining,
310 repairing, and upgrading the remaining land and appurtenances
311 thereon. If the town of Bethel:

- 312 (1) Does not use said parcel for said purposes; or
313 (2) Does not retain ownership of all of said parcel, [; or
314 (3) Leases all or any portion of said parcel,]

315 the parcel with building and improvements thereon shall revert to the
316 state of Connecticut.

317 (c) The State Properties Review Board shall complete its review of
318 the conveyance of said parcel of land not later than thirty days after it
319 receives a proposed agreement from the Department of
320 Transportation. The land shall remain under the care and control of
321 said department until a conveyance is made in accordance with the
322 provisions of this section. The State Treasurer shall execute and deliver
323 any deed or instrument necessary for a conveyance under this section,
324 which deed or instrument shall include provisions to carry out the

325 purposes of subsection (b) of this section. The Commissioner of
326 Transportation shall have the sole responsibility for all other incidents
327 of such conveyance.

328 Sec. 32. Section 13a-126 of the general statutes is repealed and the
329 following is substituted in lieu thereof (*Effective from passage*):

330 As used in this section, "public service facility" includes all
331 privately, publicly or cooperatively owned lines, facilities and systems
332 for producing, transmitting or distributing communications, cable
333 television, power, electricity, light, heat, gas, oil, crude products,
334 water, steam, waste, storm water not connected with highway
335 drainage and any other similar commodities, including fire and police
336 signal systems and street lighting systems which directly or indirectly
337 serve the public. Whenever the commissioner determines that any
338 public service facility located within, on, along, over or under any land
339 comprising the right-of-way of a state highway or any other public
340 highway when necessitated by the construction or reconstruction of a
341 state highway shall be readjusted or relocated in or removed from such
342 right-of-way, the commissioner shall issue an appropriate order to the
343 company, corporation or municipality owning or operating such
344 facility, and such company, corporation or municipality shall readjust,
345 relocate or remove the same promptly in accordance with such order;
346 provided an equitable share of the cost of such readjustment,
347 relocation or removal, including the cost of installing and constructing
348 a facility of equal capacity in a new location, shall be borne by the
349 state, except that the state shall not bear any share of the cost of a
350 project to readjust, relocate or remove any public service facility used
351 for transmitting electricity or as an electric trunkline. The Department
352 of Transportation shall evaluate the total costs of such a project,
353 including department costs for construction or reconstruction and
354 electric distribution company costs for readjusting, relocating or
355 removing the public service facility used for transmitting electricity or
356 as an electric trunkline, so as to minimize the overall costs incurred by
357 the state and the electric distribution company. With respect to such a
358 public service facility, the electric distribution company shall provide

359 the department with proposed alternatives to relocation, readjustment
360 or removal and shall be responsible for any increased project costs
361 resulting from relocation or alternative designs for such project. Such
362 equitable share, in the case of or in connection with the construction or
363 reconstruction of any limited access highway, shall be the entire cost,
364 less the deductions provided in this section, and, in the case of or in
365 connection with the construction or reconstruction of any other state
366 highway, shall be such portion or all of the entire cost, less the
367 deductions provided in this section, as may be fair and just under all
368 the circumstances, but shall not be less than fifty per cent of such cost
369 after the deductions provided in this section. In establishing the
370 equitable share of the cost to be borne by the state, there shall be
371 deducted from the cost of the readjusted, relocated or removed
372 facilities a sum based on a consideration of the value of materials
373 salvaged from existing installations, the cost of the original installation,
374 the life expectancy of the original facility and the unexpired term of
375 such life use. When any facility is removed from the right-of-way of a
376 public highway to a private right-of-way, the state shall not pay for
377 such private right-of-way, provided, when a municipally-owned
378 facility is thus removed from a municipally-owned highway, the state
379 shall pay for the private right-of-way needed by the municipality for
380 such relocation. If the commissioner and the company, corporation or
381 municipality owning or operating such facility cannot agree upon the
382 share of the cost to be borne by the state, either may apply to the
383 superior court for the judicial district within which such highway is
384 situated, or, if said court is not in session, to any judge thereof, for a
385 determination of the cost to be borne by the state, and said court or
386 such judge, after causing notice of the pendency of such application to
387 be given to the other party, shall appoint a state referee to make such
388 determination. Such referee, having given at least ten days' notice to
389 the parties interested of the time and place of the hearing, shall hear
390 both parties, shall view such highway, shall take such testimony as
391 such referee deems material and shall thereupon determine the
392 amount of the cost to be borne by the state and immediately report to
393 the court. If the report is accepted by the court, such determination

394 shall, subject to right of appeal as in civil actions, be conclusive upon
395 both parties.

396 Sec. 33. Section 13a-126c of the general statutes is repealed and the
397 following is substituted in lieu thereof (*Effective from passage*):

398 Notwithstanding any provision of the general statutes, the
399 Commissioner of Transportation may enter into an agreement with the
400 owner or operator of a public service facility, as such facility is defined
401 in section 13a-126, as amended by this act, desiring the longitudinal
402 use of the right-of-way of a state highway to accommodate trunkline
403 or transmission type utility facilities and to fix the terms, conditions
404 and rates and charges for use of such right-of-way; provided, no such
405 agreement shall exempt a public service facility from the provisions of
406 chapter 277a. In the case of public service companies, as defined in
407 subdivision (1) of subsection (a) of section 16-1, such charges or rates
408 shall not exceed the actual administrative, construction, operation and
409 maintenance costs of the department incurred as a result of the public
410 service company's use of a nonlimited access state highway. The
411 department may estimate such charges or rates and require
412 prepayment of such charges or rates provided any amount in excess of
413 the actual amount is refunded to the public service company.

414 Sec. 34. Section 16-19b of the general statutes is repealed and the
415 following is substituted in lieu thereof (*Effective from passage*):

416 (a) No adjustment clause of any kind whatsoever shall be
417 authorized by the Department of Public Utility Control if such a clause
418 operates automatically to permit charges, assessments or amendments
419 to existing rate schedules to be made which have not been first
420 approved by the department.

421 (b) If the department finds that the changed price of purchased gas
422 required for distribution by a gas company substantially threatens the
423 ability of the company to earn a reasonable rate of return, or will cause
424 the company to have an excessive rate of return, the department shall,
425 after investigation and public hearing, approve a suitable purchased

426 gas adjustment clause to be superimposed upon the existing rate
427 schedule of the company. The department shall design any such
428 purchased gas adjustment clause to allow the gas company to charge
429 or to reimburse the consumer only for the changes in the cost of
430 purchased gas which occur when the actual price of purchased gas
431 differs from the price reflected in the base rates of the company. The
432 department may establish an efficiency factor in the purchased gas
433 adjustment clause of each gas company, which may provide for less
434 than one hundred per cent recovery of the gross earnings tax imposed
435 by section 12-264 on the revenues from such purchased gas. A
436 purchased gas adjustment clause approved pursuant to this section
437 shall apply to all gas companies similarly affected by the costs which
438 form the basis for the adjustment clause.

439 (c) If the department, after notice and hearing, determines that the
440 adoption of an energy adjustment clause would protect the interests of
441 ratepayers of an electric company, ensure economy and efficiency in
442 energy production and purchase by the electric company and achieve
443 the objectives set forth in subsection (a) of section 16-19 and in section
444 16-19e better than would the continued operation of a fuel adjustment
445 clause and a generation utilization adjustment clause, the department
446 shall approve an energy adjustment clause to be superimposed upon
447 the existing rate schedule of the electric company. The department
448 shall design any such energy adjustment clause to reflect cost-efficient
449 energy resource procurement and to recover the costs of energy that
450 are proper for rate-making purposes and for which the department has
451 not authorized recovery through base rates. These costs, reflecting
452 prudent and efficient management and operations, may include, but
453 are not limited to, the costs of oil, gas, coal, nuclear fuel, wood or other
454 fuels, and energy transactions with other utilities, nonutility generators
455 or power pools, all or part of the cost of conservation and load
456 management, and the gross earnings tax imposed by section 12-264 on
457 the revenues from the energy sources subject to the energy adjustment
458 clause. The department shall design the energy adjustment clause to
459 provide for recovery of energy costs prudently incurred by an electric

460 company in accordance with section 16-19e. Notwithstanding the
461 provisions of section 16-19, the department shall make any changes to
462 an energy adjustment clause in accordance with the provisions of
463 subsections [(d)] (e) and [(g)] (h) of this section. An energy adjustment
464 clause approved pursuant to this section shall apply to all electric
465 companies similarly affected by the costs which form the basis for the
466 adjustment clause.

467 (d) The rate charged by each electric distribution company for
468 electric transmission services shall be adjusted periodically to recover
469 all costs incurred by each electric distribution company pursuant to
470 Federal Energy Regulatory Commission approved wholesale
471 transmission rates, tariffs and charges. The department, after notice
472 and hearing, shall design the transmission rate to provide for recovery
473 of transmission costs prudently incurred by an electric distribution
474 company in accordance with section 16-19e. Notwithstanding the
475 provisions of section 16-19, the department shall make any changes to
476 the electric transmission services rate in accordance with the
477 provisions of subsections (e) and (h) of this section. A transmission rate
478 adjustment clause approved pursuant to this section shall apply to all
479 electric distribution companies similarly affected by transmission
480 costs.

481 [(d)] (e) No proposed purchased gas adjustment, [or] energy
482 adjustment charge or credit or transmission rate shall become effective
483 until the Department of Public Utility Control has approved such
484 charges or credits pursuant to an administrative proceeding. Such an
485 administrative proceeding shall be open to the public and shall be
486 convened within ten days of the filing of an application by an electric
487 or gas company requesting such a proceeding. Notice of such
488 application and proceeding shall be published at least five days prior
489 to such proceeding in a newspaper of general circulation in the area
490 served by such company. The department shall receive and consider
491 comments of interested persons and members of the public at such a
492 proceeding, which shall not be considered a contested case for
493 purposes of title 4, this title or any regulation adopted thereunder. Any

494 approval or denial of the department pursuant to this subsection shall
495 not be deemed an order, authorization or decision of the department
496 for purposes of section 16-35. After notice and hearing, the department
497 shall adopt regulations, in accordance with chapter 54, which shall
498 include the requirements of the filing to support the requested charge
499 or credit. Notwithstanding the provisions of this section, in the event
500 that the department has not rendered an approval or denial concerning
501 any such application within five days of the day the administrative
502 proceeding shall have been convened, the proposed charges or credits
503 (1) shall become effective at the option of the company pending the
504 department's finding with respect to such charges, or (2) in the
505 discretion of the department, may become effective upon the filing by
506 the company with the department of an assurance. Such assurance
507 may include a bond with surety, and shall satisfy the department of
508 the company's ability and willingness to refund to its customers any
509 such amounts as the company may collect from them in excess of the
510 charges approved by the department in its finding.

511 [(e)] (f) Each company subject to a purchased gas adjustment clause
512 or an energy adjustment clause shall disclose in its customer bills the
513 per unit rate of the charges or credits made under the clause and the
514 actual amount thereof in dollars and cents.

515 [(f)] (g) The department shall not suspend or discontinue a
516 purchased gas adjustment clause or an energy adjustment clause
517 which it has approved except (1) after general rate hearings for the
518 companies affected by the clause, and (2) upon a finding by the
519 Department of Public Utility Control that the market prices of
520 purchased gas or the costs of energy have stabilized and are likely to
521 remain stable.

522 [(g)] (h) The Department of Public Utility Control shall continually
523 monitor and oversee the application of the purchased gas adjustment
524 clause, [and] the energy adjustment clause, and the transmission rate
525 adjustment clause. The department shall hold a public hearing thereon
526 whenever the department deems it necessary, but no less frequently

527 than once every six months, and undertake such other proceeding
528 thereon to determine whether charges or credits made under such
529 clauses reflect the actual prices paid for purchased gas, [or] energy [,]
530 or transmission and are computed in accordance with the applicable
531 clause. If the department finds that such charges or credits do not
532 reflect the actual prices paid for purchased gas or energy, or are not
533 computed in accordance with the applicable clause, it shall recompute
534 such charges or credits and shall direct the company to take such
535 action as may be required to insure that such charges or credits
536 properly reflect the actual prices paid for purchased gas, [or] energy or
537 transmission and are computed in accordance with the applicable
538 clause for the applicable period.

539 [(h)] (i) The department shall establish procedures conforming to
540 the requirements of this section after notice and opportunity for a
541 public hearing.

542 [(i)] (j) Any purchased gas adjustment clause or energy adjustment
543 clause approved by the department may include a provision designed
544 to allow the electric or gas company to charge or reimburse the
545 customer for any under-recovery or over-recovery of overhead and
546 fixed costs due solely to the deviation of actual retail sales of electricity
547 or gas from projected retail sales of electricity or gas. The department
548 shall include such provision in any energy adjustment clause approved
549 for an electric company if it determines (1) that a significant cause of
550 excess earnings by the electric company is an increase in actual retail
551 sales of electricity over projected retail sales of electricity as
552 determined at the time of the electric company's most recent rate
553 amendment, and (2) that such provision is likely to benefit the
554 customers of the electric company.

555 [(j)] (k) Notwithstanding the provisions of this section, an approved
556 fossil fuel adjustment clause or generation utilization adjustment
557 clause in effect for an electric company on July 1, 1995, shall remain in
558 effect in its form and method of operation as of said date until the
559 department has approved an energy adjustment clause for the

560 company and the approved energy adjustment clause is in effect.

561 [(k)] (l) Notwithstanding the provisions of this section, upon the
562 application of any gas company, the department may modify, suspend
563 or discontinue a purchased gas adjustment clause for one or more gas
564 companies if the department determines that as part of an overall
565 performance-based rate plan, such modification, suspension or
566 discontinuance will ensure safety and reliability, will provide
567 substantial financial benefits to ratepayers at least equal to those
568 provided to the gas company and will lower the rates below what they
569 would be without such modification, suspension or discontinuance, as
570 determined by the department.

571 Sec. 35. Section 16-245d of the general statutes is repealed and the
572 following is substituted in lieu thereof (*Effective from passage*):

573 (a) The Department of Public Utility Control shall, by regulations
574 adopted pursuant to chapter 54, develop a standard billing format that
575 enables customers to compare pricing policies and charges among
576 electric suppliers. Not later than January 1, 2005, the department shall
577 adopt regulations, in accordance with the provisions of chapter 54, to
578 provide that an electric supplier may provide direct billing and
579 collection services for electric generation services and related federally
580 mandated congestion costs that such supplier provides to its
581 customers that use a demand meter or have a maximum demand of
582 not less than five hundred kilowatts and that choose to receive a bill
583 directly from such supplier. An electric company, electric distribution
584 company or electric supplier that provides direct billing of the electric
585 generation service component and related federally mandated
586 congestion costs, as the case may be, shall, in accordance with the
587 billing format developed by the department, include the following
588 information in each customer's bill, as appropriate: (1) The total
589 amount owed by the customer, which shall be itemized to show, (A)
590 the electric generation services component and any additional charges
591 imposed by the electric supplier, if applicable, (B) the [electric
592 transmission and] distribution charge, including all applicable taxes

593 and the systems benefits charge, as provided in section 16-245l, (C) the
594 transmission rate as adjusted pursuant to subsection (d) of section 16-
595 19b, as amended by this act, (D) the competitive transition assessment,
596 as provided in section 16-245g, [(D)] (E) federally mandated congestion
597 costs, and [(E)] (F) the conservation and renewable energy charge,
598 consisting of the conservation and load management program charge,
599 as provided in section 16-245m, and the renewable energy investment
600 charge, as provided in section 16-245n; (2) any unpaid amounts from
601 previous bills which shall be listed separately from current charges; (3)
602 except for customers subject to a demand charge, the rate and usage
603 for the current month and each of the previous twelve months in the
604 form of a bar graph or other visual form; (4) the payment due date; (5)
605 the interest rate applicable to any unpaid amount; (6) the toll-free
606 telephone number of the electric distribution company to report power
607 losses; (7) the toll-free telephone number of the Department of Public
608 Utility Control for questions or complaints; (8) the toll-free telephone
609 number and address of the electric supplier; and (9) a statement about
610 the availability of information concerning electric suppliers pursuant
611 to section 16-245p.

612 (b) The regulations shall provide guidelines for determining the
613 billing relationship between the electric distribution company and
614 electric suppliers, including but not limited to, the allocation of partial
615 bill payments and late payments between the electric distribution
616 company and the electric supplier. An electric distribution company
617 that provides billing services for an electric supplier shall be entitled to
618 recover from the electric supplier all reasonable transaction costs to
619 provide such billing services as well as a reasonable rate of return, in
620 accordance with the principles in subsection (a) of section 16-19e.

621 Sec. 36. Section 14-270 of the general statutes is repealed and the
622 following is substituted in lieu thereof (*Effective October 1, 2005*):

623 (a) The Commissioner of Transportation or other authority having
624 charge of the repair or maintenance of any highway or bridge is
625 authorized to grant permits for transporting vehicles or combinations

626 of vehicles or vehicles and load, or other objects not conforming to the
627 provisions of sections 14-98, 14-262, 14-264, 14-267a and 14-269 but, in
628 the case of motor vehicles, only the Commissioner of Transportation
629 shall be authorized to issue such permits. Such permits shall be
630 written, and may limit the highways or bridges which may be used,
631 the time of such use and the maximum rate of speed at which such
632 vehicles or objects may be operated, and may contain any other
633 condition considered necessary by the authority granting the same,
634 provided the Department of Transportation shall not suffer any loss of
635 revenue granted or to be granted from any agency or department of
636 the federal government for the federal interstate highway system or
637 any other highway system.

638 (b) Any permit issued in respect to any vehicle or combination of
639 vehicles or vehicle and trailer on account of its excessive weight shall
640 be limited to the gross weight shown or to be shown on the
641 registration certificate. A permit granted under this section for a
642 vehicle or load, greater than twelve feet, but no greater than thirteen
643 feet six inches in width and traveling on undivided highways, shall
644 require a single escort motor vehicle to precede such vehicle or load.
645 No escort motor vehicle shall be required to follow such vehicle or
646 load on such highways.

647 (c) Any permit issued under this section or a legible copy or
648 facsimile shall be retained in the possession of the operator of the
649 vehicle or combination of vehicles or vehicle and trailer for which such
650 permit was issued, except that a telegraphic confirmation of the
651 existence of such permit or the use of the special number plates
652 described in section 14-24 and any regulations adopted thereunder
653 shall be sufficient to fulfill the requirements of this section.

654 (d) (1) The owner or lessee of any vehicle may pay either a fee of
655 twenty-three dollars for each permit issued for such vehicle under this
656 section or a fee as described in subdivision (3) of this subsection for
657 such vehicle, payable to the Department of Transportation. (2) An
658 additional transmittal fee of three dollars shall be charged for each

659 permit issued under this section and transmitted via transceiver or
660 facsimile equipment. (3) The commissioner may issue an annual
661 permit for any vehicle transporting (A) a divisible load, (B) an
662 overweight or oversized-overweight indivisible load, or (C) an
663 oversize indivisible load. The owner or lessee shall pay an annual fee
664 of seven dollars per thousand pounds or fraction thereof for each such
665 vehicle. A permit may be issued in any increment up to one year,
666 provided the owner or lessee shall pay a fee of one-tenth of the annual
667 fee for such vehicle for each month or fraction thereof. (4) The annual
668 permit fee for any vehicle transporting an oversize indivisible load
669 shall not be less than five hundred dollars. (5) The commissioner may
670 issue permits for divisible loads in the aggregate not exceeding fifty-
671 three feet in length.

672 (e) The Commissioner of Transportation shall adopt regulations in
673 accordance with chapter 54 prescribing standards for issuance of
674 permits for vehicles with divisible or indivisible loads not conforming
675 to the provisions of section 14-267a.

676 (f) The provisions of subsection (d) of this section shall not apply to
677 the federal government, the state, municipalities or fire departments.

678 (g) Any person who violates the provisions of any permit issued
679 under this section or fails to obtain such a permit, when operating a
680 commercial motor vehicle under the provisions of section 14-163c,
681 shall be subject to the following penalties:

682 (1) A person operating a vehicle with a permit issued under this
683 section that exceeds the weight specified in such permit shall be subject
684 to a penalty calculated by subtracting the permitted weight from the
685 actual vehicle weight and the rate of the fine shall be fifteen dollars per
686 one hundred pounds or fraction thereof of such excess weight;

687 (2) A person who fails to obtain a permit issued under section 14-
688 262 or 14-264 and who is operating a vehicle at a weight that exceeds
689 the statutory limit for weight shall be subject to a penalty calculated by
690 subtracting the statutory limit for weight from the actual vehicle

691 weight and the rate of the fine shall be fifteen dollars per one hundred
692 pounds or fraction thereof of such excess weight;

693 (3) A person operating a vehicle with a permit issued under this
694 section that exceeds the length specified in such permit shall be subject
695 to a minimum fine of three hundred dollars;

696 (4) A person operating a vehicle with a permit issued under this
697 section that exceeds the width specified in such permit shall be subject
698 to a minimum fine of three hundred dollars;

699 (5) A person operating a vehicle with a permit issued under this
700 section that exceeds the height specified in such permit shall be subject
701 to a minimum fine of one thousand dollars;

702 (6) A person operating a vehicle with a permit issued under this
703 section on routes not specified in such permit, shall be fined (A) one
704 thousand five hundred dollars for each violation of the statutory limit
705 for length, width, height or weight, and (B) shall be subject to a penalty
706 calculated by subtracting the statutory weight limit of subsection (b) of
707 section 14-267a from the actual vehicle weight and such weight
708 difference shall be fined at the rate provided for in subparagraph (G)
709 of subdivision (2) of subsection (f) of section 14-267a; or

710 (7) A person (A) operating a vehicle with an indivisible load and
711 violating one or more of the provisions of subdivisions (1) to (6),
712 inclusive, of this subsection shall be required to obtain a permit, or (B)
713 operating a vehicle with a divisible load and violating one or more of
714 the provisions of subdivisions (1) to (6), inclusive, of this subsection
715 shall be required to be off loaded to the permit limit.

716 (h) (1) If the origin, destination, load description, tractor
717 registration, trailer registration, hours of travel, number of escorts,
718 signs or flags of a vehicle with a permit issued under this section differ
719 from those stated on such permit or required by regulations adopted
720 pursuant to this section, a minimum fine of two hundred dollars shall
721 be assessed for each such violation.

722 (2) If the days of travel of a vehicle with a permit issued under this
723 section differ from those stated on such permit or the vehicle is
724 operated under a false or fraudulent permit, a minimum fine of one
725 thousand five hundred dollars shall be assessed for such violation in
726 addition to any other penalties assessed.

727 Sec. 37. Section 52-557q of the general statutes is repealed and the
728 following is substituted in lieu thereof (*Effective October 1, 2005*):

729 No claim for damages shall be made against a broadcaster, as
730 defined in subsection (l) of section 12-218, or an outdoor advertising
731 establishment, as described in the United States Department of Labor
732 Standard Industrial Classification System Code 7312, that, pursuant to
733 a voluntary program between broadcasters and law enforcement
734 agencies, or between law enforcement agencies and outdoor
735 advertising establishment, broadcasts or disseminates an emergency
736 alert and information provided by a law enforcement agency
737 concerning the abduction of a child including, but not limited to, a
738 description of the abducted child, a description of the suspected
739 abductor and the circumstances of the abduction. Nothing in this
740 section shall be construed to (1) limit or restrict in any way any legal
741 protection a broadcaster or outdoor advertising establishment may
742 have under any other law for broadcasting, outdoor advertising or
743 otherwise disseminating any information, or (2) relieve a law
744 enforcement agency from acting reasonably in providing information
745 to the broadcaster or outdoor advertising establishment.

746 Sec. 38. (NEW) (*Effective October 1, 2005*) No person shall cross
747 railroad tracks at a designated railroad grade crossing when warned
748 by an automatic signal, crossing gates, flagman or law enforcement
749 officer of the approach of a railroad locomotive, railroad car or train or
750 when otherwise warned of the approach of such a locomotive, car or
751 train. Violation of this section shall be an infraction.

752 Sec. 39. Section 21-50 of the general statutes is repealed and the
753 following is substituted in lieu thereof (*Effective July 1, 2005*):

754 (a) No person, firm or corporation shall erect or maintain any
755 outdoor advertising structure, device or display until a permit for the
756 erection of such structure, device or display has been obtained from
757 the Commissioner of Transportation. Application for such permit shall
758 be in writing, signed by the applicant or [his] the applicant's
759 authorized agent, upon blanks furnished by the commissioner in such
760 form and requiring such information as [he] the commissioner
761 prescribes. Each application shall have attached thereto the written
762 consent of the owners of the property on which such structure, device
763 or display is to be erected or maintained. Each application shall be
764 accompanied by a fee as provided in subsection (a) of section 21-52.
765 The fee for such permit shall be as provided in subsection (b) of said
766 section and shall be payable upon the granting of such permit and
767 annually thereafter on the first day of August.

768 (b) The permittee shall complete construction of such outdoor
769 advertising structure, device or display and have it ready to display
770 advertising no later than one year after the date the permit was issued.
771 The permittee shall notify the commissioner, on a form and containing
772 such information as the commissioner requires, that the structure,
773 device or display is complete and ready to display advertising. If the
774 notice is received by the commissioner later than one year after the
775 permit was issued or if the commissioner finds that the information in
776 the notice is inaccurate or incomplete or that such information is
777 insufficient to allow a determination that the structure, device or
778 display is complete and ready to display advertising, the permit will
779 be deemed revoked.

780 Sec. 40. Section 21-63 of the general statutes is repealed and the
781 following is substituted in lieu thereof (*Effective July 1, 2005*):

782 Any person who erects, maintains, displays or allows to remain in
783 view an advertisement, sign or billboard or any structure designed for
784 the display of advertising matter contrary to any provision of this
785 chapter shall be [fined not more than one hundred dollars for each sign
786 so displayed] in violation of a provision of this chapter. The

787 Commissioner of Transportation shall impose a civil penalty in an
 788 amount of one hundred dollars for each day on which the violation
 789 occurs. Any such violation that continues for more than sixty
 790 consecutive days shall be cause for revocation of the permit granted
 791 pursuant to this chapter with which the violation is associated.

792 Sec. 41. Subsection (k) of section 13a-123 of the general statutes is
 793 repealed and the following is substituted in lieu thereof (*Effective July*
 794 *1, 2005*):

795 (k) Any person violating any provision of this section [shall be fined
 796 not more than one hundred dollars for each such violation] or of any
 797 regulation, license, permit or order adopted or issued pursuant to this
 798 section shall be subject to a civil penalty in the amount of one hundred
 799 dollars for each day on which the violation occurs. Any such violation
 800 that continues for more than sixty consecutive days shall be cause for
 801 revocation of the permit granted pursuant to this chapter with which
 802 the violation is associated.

803 Sec. 42. Subsection (a) of section 6 of special act 99-17, section 23 of
 804 public act 00-168, section 8 of special act 97-20, as amended by section
 805 2 of special act 01-6, sections 14 and 32 of special act 03-19 and section
 806 17 of public act 04-186 are repealed. (*Effective from passage*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>from passage</i>	New section
Sec. 6	<i>from passage</i>	New section
Sec. 7	<i>from passage</i>	New section
Sec. 8	<i>from passage</i>	New section
Sec. 9	<i>from passage</i>	New section
Sec. 10	<i>from passage</i>	New section
Sec. 11	<i>from passage</i>	New section

Sec. 12	<i>from passage</i>	New section
Sec. 13	<i>from passage</i>	New section
Sec. 14	<i>from passage</i>	New section
Sec. 15	<i>from passage</i>	PA 03-11, Sec. 2
Sec. 16	<i>from passage</i>	New section
Sec. 17	<i>from passage</i>	New section
Sec. 18	<i>from passage</i>	New section
Sec. 19	<i>from passage</i>	New section
Sec. 20	<i>from passage</i>	New section
Sec. 21	<i>from passage</i>	New section
Sec. 22	<i>from passage</i>	New section
Sec. 23	<i>from passage</i>	New section
Sec. 24	<i>July 1, 2005</i>	14-212
Sec. 25	<i>July 1, 2005</i>	14-239
Sec. 26	<i>July 1, 2005</i>	14-241
Sec. 27	<i>July 1, 2005</i>	14-297
Sec. 28	<i>July 1, 2005</i>	New section
Sec. 29	<i>July 1, 2005</i>	New section
Sec. 30	<i>from passage</i>	SA 03-19, Sec. 19
Sec. 31	<i>from passage</i>	PA 03-4 of the June 30 Sp. Sess., Sec. 37
Sec. 32	<i>from passage</i>	13a-126
Sec. 33	<i>from passage</i>	13a-126c
Sec. 34	<i>from passage</i>	15-19b
Sec. 35	<i>from passage</i>	16-245d
Sec. 36	<i>October 1, 2005</i>	14-270
Sec. 37	<i>October 1, 2005</i>	52-557q
Sec. 38	<i>October 1, 2005</i>	New section
Sec. 39	<i>July 1, 2005</i>	21-50
Sec. 40	<i>July 1, 2005</i>	21-63
Sec. 41	<i>July 1, 2005</i>	13a-123(k)
Sec. 42	<i>from passage</i>	Repealer section

TRA *Joint Favorable Subst.*

JUD *Joint Favorable*

GAE *Joint Favorable*

ET *Joint Favorable*

