



House of Representatives

General Assembly

File No. 295

January Session, 2007

Substitute House Bill No. 7367

House of Representatives, April 3, 2007

The Committee on Transportation reported through REP. GUERRERA of the 29th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE ADMINISTRATION OF THE DEPARTMENT OF TRANSPORTATION.

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

1 Section 1. Subsection (c) of section 13a-80 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (c) Notwithstanding the provisions of sections 3-14b and 4b-21, no
5 residential property upon which a single-family dwelling is situated at
6 the time it is obtained by the department for highway purposes may be
7 sold or transferred pursuant to this section within twenty-five years of
8 the date of its acquisition without the [department] department's first
9 offering the owner or owners of the property at the time of its
10 acquisition a right of first refusal to purchase the property at the
11 amount of its appraised value as determined in accordance with the
12 provisions of subsection (b) of this section, except for property offered
13 for sale to municipalities prior to July 1, 1988. Notice of such offer shall
14 be sent to each such owner by registered or certified mail, return

15 receipt requested, within one year of the date a determination is made
16 that such property is not necessary for highway purposes. Any such
17 offer shall be terminated by the department if it has not received
18 written notice of the owner's acceptance of the offer within sixty days
19 of the date it was mailed. Whenever the offer is not so accepted, the
20 department shall offer parcels which meet local zoning requirements
21 for residential or commercial use to other state agencies and shall offer
22 parcels which do not meet local zoning requirements for residential or
23 commercial use to all abutting landowners in accordance with
24 department regulations. If the sale or transfer of the property pursuant
25 to this section results in the existing property of an abutting landowner
26 becoming a nonconforming use as to local zoning requirements, the
27 Commissioner of Transportation may sell or transfer the property to
28 that abutter without public bid or auction. The commissioner shall
29 adopt regulations, in accordance with the provisions of chapter 54,
30 establishing procedures for the disposition of excess property pursuant
31 to the provisions of this subsection in the event such property is
32 owned by more than one person.

33 Sec. 2. Subsection (b) of section 15-11a of the general statutes is
34 repealed and the following is substituted in lieu thereof (*Effective from*
35 *passage*):

36 (b) Prior to removing and taking such derelict vessel into custody,
37 the Commissioner of Transportation, a duly authorized harbor master
38 or a duly authorized representative of a municipality shall make a
39 reasonable attempt to notify the owner, agent or operator of the vessel
40 and shall allow such owner, agent or operator to make arrangements
41 for removal of the vessel. Such notification shall inform the owner,
42 agent or operator that, pursuant to this section, if the vessel is not
43 removed within twenty-four hours of notification, it shall be removed,
44 taken into custody and stored at the [owner, agent] owner's, agent's or
45 operator's expense.

46 Sec. 3. Subsection (f) of section 15-11a of the general statutes is
47 repealed and the following is substituted in lieu thereof (*Effective from*

48 *passage*):

49 (f) Ninety days or more after written notice has been given pursuant
50 to subsection (e) of this section, the Commissioner of Transportation, a
51 duly authorized harbor master or a duly authorized representative of a
52 municipality may sell a derelict vessel at public auction in accordance
53 with the provisions of this section. The commissioner, harbor master or
54 authorized agent of a municipality shall apply the proceeds of such
55 sale toward the payment of its charges, any storage charges and the
56 payment of any debt or obligation incurred by the commissioner,
57 harbor master or agent who placed the vessel in storage. Such sale
58 shall be advertised twice in a newspaper published or having a
59 circulation in the town where such vessel is stored or is located,
60 commencing at least five days before such sale; and, if the last place of
61 abode of the owner, agent or operator of such vessel is known to or
62 ascertained by the commissioner, harbor master or agent by the
63 exercise of reasonable diligence, notice of the time and place of sale
64 shall be given to such owner, agent or operator by sending such notice
65 to the owner, agent or operator, by certified mail, return receipt
66 requested, at such last place of abode at least five days before the day
67 of the sale. The proceeds of such sale, after deducting any amount due
68 for removal and storage charges and all expenses connected with such
69 sale, shall be paid to the owner, agent or operator of such vessel or the
70 [owner, agent] owner's, agent's or operator's legal representatives, if
71 claimed by the owner, agent or operator or the [owner, agent] owner's,
72 agent's or operator's legal representative at any time within one year
73 from the date of such sale. If such balance is not claimed within said
74 period, it shall escheat to the municipality from which the vessel was
75 removed. If the expenses incurred by the commissioner, harbor master
76 or agent for such removal and storage and sale of such vessel and any
77 fines exceed the proceeds of such sale, the owner, agent or operator of
78 the vessel shall be liable for such excess expenses.

79 Sec. 4. Subsection (e) of section 15-13c of the general statutes is
80 repealed and the following is substituted in lieu thereof (*Effective from*
81 *passage*):

82 (e) The commission shall, subject to the approval of the
83 commissioner in his sole discretion, set: (1) The required qualifications
84 of pilots for eligibility for licensure, including background, training,
85 length of service and apprenticeship; (2) examination requirements for
86 obtaining a pilot's or other type of operating license; and (3) the
87 appropriate number of state-licensed pilots necessary for the safe,
88 efficient and proper operations in the ports and waters of the state,
89 including the waters of Long Island Sound. [; (4) in] In setting these
90 requirements, the commission may not consider the licenses of pilots
91 by other jurisdictions as a disqualifying factor.

92 Sec. 5. Subsection (g) of section 15-13c of the general statutes is
93 repealed and the following is substituted in lieu thereof (*Effective from*
94 *passage*):

95 (g) The commission shall: (1) Assist in the preparation of
96 examinations for pilot licensure and other operating certificates; (2)
97 evaluate the examination results of applicants for a pilot license and
98 make appropriate recommendations concerning such applicants'
99 qualifications; (3) assist in the review and monitoring of the
100 performance of pilots, including compliance with state policies,
101 procedures and regulations; (4) review applications for reciprocal
102 licensure and make appropriate recommendations concerning such
103 [pilot's] pilots' qualifications; (5) recommend the duties of pilots for the
104 reporting of faulty pilot boarding and disembarkation systems and of
105 violations of any state laws; (6) review and investigate any marine
106 incident or casualty and conduct hearings to determine the causes of
107 any such incident; (7) investigate and make recommendations on
108 disciplinary measures, including such measurers as letters of caution,
109 admonition or reprimand and licensure suspension or forfeiture,
110 including disciplinary matters relative to alcohol or drug abuse; (8)
111 retain an independent investigator to compile a comprehensive factual
112 record of any marine incident or casualty; (9) assist in the review of
113 complaints filed with the commissioner; and (10) assist in the
114 preparation of any report or matter relative to pilotage.

115 Sec. 6. Section 14-260n of the general statutes is amended by adding
116 subdivision (18) as follows (*Effective July 1, 2007*):

117 (NEW) (18) "Articulated bus" means a motor vehicle designed and
118 used for the purposes of carrying public transit passengers, with two
119 separate passenger compartments connected by a kingpin or similar
120 joint, and may be composed of a tractor section and a trailer section, or
121 a forward portion with no motive power and a trailer section with a
122 power unit.

123 Sec. 7. (NEW) (*Effective October 1, 2007*) The recipient of a permit
124 pursuant to section 13b-89 of the general statutes, who owns or
125 operates a motor bus, as defined in subdivision (47) of section 14-1 of
126 the general statutes, which has an upper and lower deck, may register
127 such motor bus in this state, provided such motor bus complies with
128 manufacturing and safety standards for motor buses established under
129 federal statutes and regulations. The Commissioner of Transportation
130 shall adopt regulations in accordance with this section.

131 Sec. 8. Subsection (a) of section 13b-4d of the general statutes is
132 repealed and the following is substituted in lieu thereof (*Effective from*
133 *passage*):

134 (a) Notwithstanding any other provision of the general statutes, the
135 Commissioner of Transportation may declare a state of emergency and
136 may employ, in any manner, such assistance as he may require to
137 restore any railroad owned by the state or any of its subdivisions or the
138 facilities, equipment or service of such railroad, or any transit system
139 or its facilities, equipment or service, or any airport when: (1) A
140 railroad system owned by the state or any of its subdivisions or any of
141 the facilities or equipment of such railroad system is deemed by the
142 commissioner to be in an unsafe condition or when there is an
143 interruption of essential railroad services, whether or not such system
144 or any of its facilities or equipment is physically damaged; [or] (2) a
145 transit facility owned by the state or any of its subdivisions or the
146 equipment of such facility is damaged as a result of a natural disaster
147 or incurs substantial casualty loss which results in what is deemed by

148 the commissioner to be an unsafe condition or when there is an
149 interruption of essential transit services; or (3) an airport owned or
150 operated by the state or any of its subdivisions or the equipment of
151 such airport is damaged as a result of a natural disaster or incurs
152 substantial casualty loss which results in what is deemed by the
153 commissioner to be an unsafe condition or when there is an
154 interruption of essential transit services.

155 Sec. 9. (NEW) (*Effective July 1, 2007*) The Commissioner of
156 Transportation shall develop procedures, in accordance with the
157 general statutes, for the leasing of naming rights of transit stations and
158 other transit-owned property to private corporations and
159 organizations. The commissioner shall establish criteria for the leasing
160 of such naming rights. Such criteria shall be submitted to the joint
161 standing committee of the General Assembly having cognizance of
162 matters relating to transportation, not later than January 30, 2008, and
163 be approved by said committee not later than the close of the 2008
164 session of the General Assembly.

165 Sec. 10. (*Effective from passage*) The Route 372 overpass bridge in
166 New Britain shall be designated the "Lieutenant Sherrod E. Skinner
167 Memorial Bridge".

168 Sec. 11. (*Effective from passage*) The segment of Route 71 in New
169 Britain, from the intersection of South Main Street and Rockwell
170 Avenue to the Berlin town line, shall be designated the "Marine Corps
171 League Memorial Highway".

172 Sec. 12. (*Effective from passage*) The segment of Interstate 91
173 southbound near the Colt Building in Hartford shall be designated the
174 "Sergeant Matthew D. Arace Memorial Highway".

175 Sec. 13. (*Effective from passage*) The segment of Route 66 from State
176 Road 545 to Route 17 in Middletown shall be designated the "Charles
177 E. Rau Memorial Highway".

178 Sec. 14. (*Effective from passage*) A segment of a road or bridge located

179 in New Britain shall be named in honor of Representative Anthony
180 Tercyak.

181 Sec. 15. (*Effective from passage*) A segment of a road or bridge located
182 in New Britain shall be named in honor of Lieutenant Colonel Vincent
183 J. Bracha.

184 Sec. 16. (*Effective from passage*) The segment of Route 16 westbound
185 from Route 85 to Route 66 in Colchester shall be designated the "PFC
186 William 'Jimmy' Johnston Congressional Medal of Honor Recipient
187 Memorial Highway".

188 Sec. 17. (*Effective from passage*) Bridge number 05994 on southbound
189 Interstate 91 in Hartford shall be designated the "Officers' Club of
190 Connecticut Memorial Bridge".

191 Sec. 18. (*Effective from passage*) Bridge number 05307 on eastbound
192 Interstate 84 in Danbury shall be designated the "Association of the
193 United States Army Memorial Bridge".

194 Sec. 19. (*Effective from passage*) The segment of Route 174 from the
195 New Britain border to Maple Hill Avenue in Newington shall be
196 designated the "Master Police Officer Peter Lavery Memorial
197 Highway".

198 Sec. 20. (*Effective from passage*) The segment of Route 44 from the
199 intersection of Simsbury Road to Route 167 shall be designated the
200 "Avon Veterans' Memorial Highway".

201 Sec. 21. (*Effective from passage*) The "In Honor of the United States
202 Army's First Infantry Division Bridge" shall be re-designated the
203 "United States Army's First Infantry Division Bridge".

204 Sec. 22. (*Effective from passage*) The Route 140 bridge in Warehouse
205 Point shall be designated the "World War I Bridge".

206 Sec. 23. (*Effective from passage*) The Route 136 bridge over the
207 Saugatuck River in Westport shall be designated the "William F.

208 Cribari Memorial Bridge".

209 Sec. 24. (*Effective from passage*) The segment of road from Memorial
210 Field to the intersection of Route 37 to Overbrook Road in New
211 Fairfield shall be designated "Veteran's Way".

212 Sec. 25. (*Effective from passage*) The segment of Route 39 from Route
213 37 north to Spring Lake Road in Sherman shall be designated
214 "Veteran's Way".

215 Sec. 26. (*Effective from passage*) The segment of road from the
216 intersection of School Street and Route 341 to Route 7 in Kent shall be
217 designated "Veteran's Way".

218 Sec. 27. (*Effective from passage*) A segment of the Connecticut
219 Turnpike shall be designated "AMVETS Post 1".

220 Sec. 28. (*Effective from passage*) Route 116 in Ridgefield shall be
221 designated the "Elizabeth M. Leonard Memorial Highway".

222 Sec. 29. (*Effective from passage*) Route 35 in Ridgefield shall be
223 designated the "Richard E. Venus Memorial Highway".

224 Sec. 30. (*Effective from passage*) The segment of Route 85 in Salem
225 from Route 82 to the Colchester town line shall be designated the
226 "Officer H. David Cordell Memorial Highway".

227 Sec. 31. (*Effective from passage*) The segment of Route 4 eastbound
228 from Brickyard Road to Route 10 in Farmington shall be designated
229 the "Lieutenant Colonel Warren Lane Memorial Highway".

230 Sec. 32. (*Effective from passage*) The segment of Route 5 from Route
231 150 to the Meriden border in Wallingford shall be designated the
232 "VFW CT Ladies Auxiliary Highway".

233 Sec. 33. (*Effective from passage*) The Route 20 Bridge over the Salmon
234 Brook at the intersection of Route 20 and Canal Road shall be
235 designated the "Vincent R. T. Arduini Memorial Bridge".

236 Sec. 34. (*Effective from passage*) The Department of Transportation
237 shall erect a sign in Oakdale designating the location of The Dinosaur
238 Place at Nature's Art.

239 Sec. 35. (*Effective from passage*) The Department of Transportation
240 shall erect a sign on the Metro North overpass in Milford designating
241 the location of the Milford Fine Arts Council.

242 Sec. 36. (*Effective from passage*) The Department of Transportation
243 shall erect a sign on Route 8 northbound in Watertown designating the
244 location of the Watertown Business Park.

245 Sec. 37. (*Effective from passage*) The Department of Transportation
246 shall erect a sign on both the northbound and southbound sides of
247 Interstate 95 at Exit 74 designating the location of the Niantic Bay
248 Boardwalk.

249 Sec. 38. (NEW) (*Effective July 1, 2007*) (a) The Commissioner of
250 Transportation, with the advice and consent of the Secretary of the
251 Office of Policy and Management and the State Properties Review
252 Board, may sell, lease and convey, in the name of the state, or
253 otherwise dispose of, or enter into agreements concerning, any land
254 and buildings owned by the state and obtained for or in connection
255 with the Route 6 Expressway, which real property is not necessary for
256 such purposes. The commissioner shall notify the state representative
257 and the state senator representing the municipality in which said
258 property is located not later than one year after the date a
259 determination is made that the property is not necessary for highway
260 purposes and that the department intends to dispose of the property.

261 (b) The Department of Transportation shall obtain a full appraisal
262 on excess property prior to its sale. Except as provided in subsection
263 (c) of this section, transfers to other state agencies and municipalities
264 for purposes specified by the department shall be exempt from the
265 appraisal requirement. The department shall obtain a second appraisal
266 if such property is valued over one hundred thousand dollars and is
267 not to be sold through public bid or auction. If a second appraisal is

268 obtained, the sale price shall be the average of the two appraisals. Any
269 appraisals or value reports shall be obtained prior to the determination
270 of a sale price of the excess property.

271 (c) Notwithstanding the provisions of sections 3-14b and 4b-21 of
272 the general statutes, no property, whether or not a structure is situated
273 upon it at the time it is obtained by the department for highway
274 purposes, may be sold or transferred pursuant to this section not later
275 than twenty-five years after the date of its acquisition without the
276 department first offering the owner or owners of the property at the
277 time of its acquisition a right of first refusal to purchase the property at
278 the amount of its appraised value as determined in accordance with
279 the provisions of subsection (b) of this section, except for property
280 offered for sale to municipalities prior to the effective date of this
281 section. Notice of such offer shall be sent to each such owner by
282 registered or certified mail, return receipt requested, not later than one
283 year after the date a determination is made that such property is not
284 necessary for highway purposes. Any such offer shall be terminated by
285 the department if it has not received written notice of the owner's
286 acceptance of the offer not later than ninety days after the date it was
287 mailed. Whenever the offer is not so accepted, the department shall
288 offer parcels which meet local zoning requirements for residential or
289 commercial use to other state agencies and shall offer parcels which do
290 not meet local zoning requirements for residential or commercial use
291 to all abutting landowners in accordance with department regulations.
292 If the sale or transfer of the property pursuant to this section results in
293 the existing property of an abutting landowner becoming a
294 nonconforming use as to local zoning requirements, the commissioner
295 may sell or transfer the property to that abutter without public bid or
296 auction. The commissioner shall adopt regulations, in accordance with
297 the provisions of chapter 54 of the general statutes, establishing
298 procedures for the disposition of excess property pursuant to the
299 provisions of this subsection in the event such property is owned by
300 more than one person.

301 (d) Where the department has in good faith and with reasonable

302 diligence attempted to ascertain the identity of persons entitled to
303 notice under subsection (c) of this section and mailed notice to the last-
304 known address of record of those ascertained, the failure to in fact
305 notify those persons entitled thereto shall not invalidate any
306 subsequent disposition of property pursuant to this section.

307 Sec. 39. (*Effective October 1, 2007*) The Commissioner of
308 Transportation shall install crossing gates and electric signals at the
309 Route 203 crossing and the Manning Bridge Road crossing in
310 Windham.

311 Sec. 40. Section 13b-343 of the general statutes is repealed and the
312 following is substituted in lieu thereof (*Effective October 1, 2007*):

313 The Commissioner of Transportation, when requested in writing by
314 the selectmen of any town, the mayor and common council of any city
315 or the warden and burgesses of any borough to order gates, a flagman
316 or electric signals or other signal device to be installed and maintained
317 at any railroad crossing where a railroad crosses a public highway at
318 grade within such town, city or borough, shall hold a hearing thereon
319 or may, of his own motion, hold such hearing, first giving the town,
320 city or borough wherein the crossing is located, and the company
321 operating the railroad, reasonable notice thereof. If the commissioner
322 upon such hearing finds that public safety requires it, the
323 commissioner shall order such company to install and maintain, at
324 such crossing, gates, a flagman or such electric signals or other signal
325 device as may be approved by the commissioner, or to do any other act
326 deemed necessary for the protection of the public. The commissioner
327 may rescind, alter or amend any such order, whenever the
328 commissioner deems it necessary, upon first giving the municipality
329 wherein the crossing is located and the railroad company an
330 opportunity to be heard thereon. If any such company fails to comply
331 with any order of the commissioner made pursuant to this section, it
332 shall forfeit to the state fifty dollars for each day of such failure. The
333 commissioner shall notify state and municipal officials of the
334 reactivation of any railroad line within such official's political

335 jurisdiction twelve months before such reactivation. The commissioner
 336 shall hold a public hearing on the safety of the crossing twelve months
 337 before the reactivation of such railroad line, and shall incorporate any
 338 safety recommendations received from state and municipal officials
 339 regarding such railroad crossing.

340 Sec. 41. Sections 4 and 31 of public act 05-279 are repealed. (*Effective*
 341 *from passage*)

342 Sec. 42. Section 6 of special act 99-17 is repealed. (*Effective from*
 343 *passage*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	13a-80(c)
Sec. 2	<i>from passage</i>	15-11a(b)
Sec. 3	<i>from passage</i>	15-11a(f)
Sec. 4	<i>from passage</i>	15-13c(e)
Sec. 5	<i>from passage</i>	15-13c(g)
Sec. 6	<i>July 1, 2007</i>	14-260n
Sec. 7	<i>October 1, 2007</i>	New section
Sec. 8	<i>from passage</i>	13b-4d(a)
Sec. 9	<i>July 1, 2007</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>	New section
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>from passage</i>	New section
Sec. 25	<i>from passage</i>	New section

Sec. 26	<i>from passage</i>	New section
Sec. 27	<i>from passage</i>	New section
Sec. 28	<i>from passage</i>	New section
Sec. 29	<i>from passage</i>	New section
Sec. 30	<i>from passage</i>	New section
Sec. 31	<i>from passage</i>	New section
Sec. 32	<i>from passage</i>	New section
Sec. 33	<i>from passage</i>	New section
Sec. 34	<i>from passage</i>	New section
Sec. 35	<i>from passage</i>	New section
Sec. 36	<i>from passage</i>	New section
Sec. 37	<i>from passage</i>	New section
Sec. 38	<i>July 1, 2007</i>	New section
Sec. 39	<i>October 1, 2007</i>	New section
Sec. 40	<i>October 1, 2007</i>	13b-343
Sec. 41	<i>from passage</i>	Repealer section
Sec. 42	<i>from passage</i>	Repealer section

Statement of Legislative Commissioners:

In subsection (c) of section 38, "the effective date of this section" was substituted for "July 1, 1988" for accuracy. In section 39, the section was made a special act section and "Windham" was substituted for "Wilton" for accuracy.

TRA *Joint Favorable Subst.*

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

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 08 \$	FY 09 \$
Department of Transportation	TF - Cost	520,300	None
Department of Transportation	GF - Revenue Impact	See Below	See Below

Note: TF=Transportation Fund; GF=General Fund

Municipal Impact:

Municipalities	Effect
Various Municipalities	See Below

Explanation

Sections 1 through 9 and 40 of the bill are not anticipated to result in any fiscal impact to the Department of Transportation.

Sections 10 through 37 and 39 of the bill results in a cost to the Department of Transportation of \$20,300 in FY 08 as a result of renaming various bridges and roadways. A pair of signs, on the average, cost \$800, one for each side of the road.

Section 38 of the bill is permissive. It allows DOT to sell, lease or convey land obtained in connection with the Route 6 Expressway. The fiscal impact of this is: (1) a loss in asset value to the Transportation Fund for land that is conveyed and (2) a revenue gain to the Transportation Fund for land that is sold at fair market value or leased. The cost to the General Fund for making land conveyances is minimal (less than \$1,000 each). There is also a minimal General Fund savings to the state for payments-in-lieu-of-taxes (PILOT) for state owned property.

Land conveyances are subject to the review and approval of the State Properties Review Board, which is required to review each

conveyance within 30 days. Deeds or any other instruments necessary for the conveyances must be executed and delivered by the State Treasurer. These activities are part of the respective agencies normal operations and can be accomplished with existing staff and resources.

Section 39 of the bill is estimated to cost the Department of Transportation \$500,000 for the purchase and installation of electric signals and gates at a certain railroad crossing.

Municipal

Municipalities that receive land by conveyance will experience: (1) a gain in asset value; (2) a minimal revenue loss for PILOT payments to the degree that the parcels are eligible for PILOT; and (3) a potential revenue gain for those properties that are used for economic development purposes and become fully taxable.

Sections 41 and 42 of the bill repeal the three property conveyances authorized in prior years that are listed in the table below. The fiscal impact of these two sections is to preclude a loss in asset value of \$32,500 to the Transportation Fund.

Property Conveyances repealed in Sections 41 and 42					
<u>Sec.</u>	<u>From</u>	<u>To/Location</u>	<u>Acres</u>	<u>Estimated Value</u>	<u>Use Restriction</u>
PA 05-279 Sec. 4	DOT	Town of Sprague	1.65 acres	\$7,500	Recreation
PA 05-279 Sec. 31	DOT	M. Ramos, Milford	N/A	Fair market value	None
PA 99-17 Sec. 6	DOT	Meriden	.56 acres	<u>\$25,000</u>	Open space
Transportation Fund				\$32,500	

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis

sHB 7367

***AN ACT CONCERNING THE ADMINISTRATION OF THE
DEPARTMENT OF TRANSPORTATION.***

SUMMARY:

This bill:

1. requires the Department of Transportation (DOT) to develop criteria for leasing naming rights for transit stations and other transit-property;
2. establishes procedures for DOT to follow should it dispose of any property acquired for the Route 6 expressway project, including a right of first refusal for the property's former owner;
3. extends the transportation commissioner's authority to declare transportation emergencies to cover state- or municipally-owned airports;
4. authorizes the operation of articulated and double deck buses on Connecticut roads;
5. repeals three previously enacted transfers of DOT property because the entity to whom the property was being transferred either does not want it or declined to purchase it;
6. requires DOT to notify and take recommendations from state and local officials before any railroad line is reactivated in their jurisdiction;
7. designates commemorative names for 15 road segments, six bridges, two that may be either roads or bridges, and rewords a

previous designation; and

8. requires informational signs identifying four locations.

The bill also requires the DOT to install crossing gates and electric signals at the Route 203 crossing and the Manning Bridge Road crossing in Windham. These are railroad-highway grade crossings.

EFFECTIVE DATE: Upon passage; except the articulated bus, transit property naming rights, and Route 6 land disposition provisions are effective July 1, 2007; and the double deck bus and rail crossing provisions are effective October 1, 2007.

NAMING RIGHTS FOR TRANSIT STATIONS AND PROPERTY

The bill requires the transportation commissioner to develop procedures, in accordance with the general statutes, for leasing naming rights to transit stations and transit-owned property to private corporations and organizations. The commissioner must establish the criteria for leasing these rights and submit them to the Transportation Committee by January 30, 2008. They must be approved by the committee by the close of the 2008 legislative session.

ROUTE 6 RIGHT-OF-WAY DISPOSAL PROCEDURES

The bill establishes procedures the transportation commissioner must follow should he determine that property acquired for or in connection with the Route 6 expressway project is no longer necessary for this purpose. State law already governs how DOT must dispose of excess property acquired for highway purposes, but the bill establishes some different requirements that are specific to the disposal of Route 6 expressway property.

The bill requires DOT to notify the state legislators representing the municipality in which any such property is located to be notified by the department within one year from the time it determines its intent to dispose of any such property as unnecessary for highway purposes. It gives the commissioner the authority, with the advice and consent of the Office of Policy and Management secretary and the State Properties

Review Board, to sell, lease, convey, otherwise dispose of, or enter any agreements concerning land or buildings it has acquired with respect to the Route 6 expressway project.

Appraisal Requirements

The bill requires DOT to get a full appraisal of any excess property prior to sale, unless it will be transferring it to another state agency or municipality. DOT must get a second appraisal if the property is valued at more than \$100,000 and is not to be sold through public bid or auction. If a second appraisal is made, the sale price of the property must be the average of the two appraisals. Any appraisals or value reports must be obtained before the sale price is determined.

Right of First Refusal for Former Owner

If any property is sold or transferred within 25 years of its acquisition by DOT, whether or not there was a building on it when DOT first acquired it, it must first be offered for purchase to the property's former owners at its appraised value as determined above. This does not apply to properties DOT has offered for sale to municipalities prior to July 1, 2007. Notice of an offer to sell property to a prior owner must be made by DOT by registered or certified mail with return receipt within one year of its determination that the property is unnecessary for the project. The offer terminates if DOT does not receive notice of acceptance of its offer by the former owner within 90 days of mailing its notice.

If the former owner does not accept the offer, DOT must offer parcels that meet local zoning requirements for residential or commercial use to other state agencies. If parcels do not meet such local zoning requirements, DOT must offer them to all abutting landowners according to its regulations. If the sale or transfer results in the existing property of an abutting landowner becoming a nonconforming use under local zoning requirements, the commissioner may sell or transfer it to that abutter without public bid or auction.

The commissioner must adopt regulations establishing procedures that address how such property will be disposed in the event it previously had multiple owners.

Failure to notify former owners entitled to notice under the first refusal provisions does not invalidate any subsequent disposition of the property as long as the DOT has made a good faith effort with reasonable diligence to determine who they are and mails notice to their last know addresses.

TRANSPORTATION EMERGENCY DECLARATIONS AT AIRPORTS

By law, the transportation commissioner may declare a state of emergency with regard to state- or municipally-owned railroad and transit systems and facilities. If he does, he may employ, in any manner, any assistance he requires to restore the railroad or transit system, equipment, or service. A declaration may be made for any such railroad system when an unsafe condition is found to exist or when there is an interruption of essential rail services, whether or not the system, its facilities, or its equipment is physically damaged. A declaration may be made with respect to a transit system when a transit facility is damaged as a result of a natural disaster or incurs substantial casualty loss which results in an unsafe condition or there is an interruption of essential services.

The bill applies the commissioner's emergency authority to situations where a state- or municipally-owned airport or its equipment is damaged by a natural disaster, incurs a substantial casualty loss that results in an unsafe condition, or when there is an interruption of essential services. The state owns and operates six airports (Bradley International, Brainard, Groton-New London, Waterbury-Oxford, Windham, and Danielson). There are four municipally-owned airports in Connecticut (Tweed-New Haven, Sikorsky Memorial, Danbury, and Meriden Markham).

ARTICULATED AND DOUBLE DECK BUSES

The bill defines an articulated bus as a motor vehicle designed to

carry public transit passengers that has two separate passenger compartments connected by a kingpin or other similar joint. It may be composed of a tractor section and a trailer section or a forward unpowered unit and a powered trailer unit. Association of this definition with the maximum motor vehicle width and length law makes it clear that they can be legally operated under the statutory maximum 65-foot length limit without a special DOT permit, although it appears that they may have been able to do that anyway.

The bill also allows anyone who holds a DOT permit to operate interstate motor bus service to register and operate a bus in Connecticut that has two decks as long as the double deck bus complies with federal manufacturing and safety standards. It requires the transportation commissioner to adopt regulations. This would override certain provisions of bus standards that were adopted by the former Connecticut Public Utilities Commission in 1952 that have the effect of preventing this style of bus from being legally operated in the state.

REACTIVATED RAIL LINES

The bill requires the transportation commissioner to notify state and municipal officials 12 months before any railroad line is reactivated within their jurisdiction. It requires the commissioner to hold a hearing on “the safety of the crossing” 12 months before reactivation of the rail line. It also requires the commissioner to “incorporate” any safety recommendations he receives from state or municipal officials “regarding such railroad crossing.”

The meaning of this provision of the bill is unclear. It appears to relate to either a railroad grade crossing that may be reopened on an active rail line or a rail line that is being reopened that may result in reopening of a former grade crossing. It is also unclear what the commissioner’s responsibility to incorporate recommendations of the state and local officials may entail.

REPEAL OF PRIOR DOT PROPERTY TRANSFERS

The bill repeals three transfers of DOT property previously authorized by the legislature, but not consummated because the designated recipient chose not to acquire the property. These involve:

1. a 1.65 acre parcel in Sprague (PA 05-279 § 4);
2. a parcel in Milford (PA 05-279 § 31); and
3. a 0.56 acre parcel in Meriden (SA 99-17 § 6).

COMMEMORATIVE ROAD AND BRIDGE NAMES AND DESTINATION SIGNS

Commemorative Names

The bill designates commemorative names for 15 state road segments and six state bridges. It also requires two commemorative designations to be made in New Britain that may be either road segments or bridges. However, in five instances, the road or bridge designated for a commemorative name has already been previously named. These potential conflicts are noted in the list. The designations are as follows:

1. the Route 372 overpass bridge in New Britain as the "Lieutenant Sherrod E. Skinner Memorial Bridge";
2. Route 71 in New Britain from the intersection of South Main Street and Rockwell Avenue to the Berlin town line as the "Marine Corps League Memorial Highway";
3. I-91 southbound near the Colt Building in Hartford as the "Sergeant Matthew D. Arace Memorial Highway" (this section of highway is already named the "Conland Highway");
4. Route 66 in Middletown from State Road 545 to Route 17 as the "Charles E. Rau Memorial Highway";
5. Route 16 westbound in Colchester from Route 85 to Route 66 as the "PFC William 'Jimmy' Johnston Congressional Medal of Honor Recipient Memorial Highway" (This section of highway

- is already named the "Henry Champion Highway." In 2005, Bridge No. 03391 in Colchester on Route 16 over Route 2 was named the "William 'Jimmy' Johnston Memorial Bridge.");
6. Bridge No. 05994 on I-91 southbound in Hartford as the "Officers' Club of Connecticut Memorial Bridge";
 7. Bridge No. 05307 in I-84 eastbound in Danbury as the "Association of the United States Army Memorial Bridge";
 8. Route 174 in Newington from the New Britain border to Maple Hill Avenue as the "Master Police Officer Peter Lavery Memorial Highway"(it appears that road segment was already named the "Officer Peter Lavery Memorial Highway' in 2005);
 9. Route 44 from the intersection with Simsbury Road to Route 167 as the "Avon Veterans' Memorial Highway"(this segment of highway is already named the "Jonathan Trumbull Highway");
 10. the Route 140 bridge in Warehouse Point as the "World War I Bridge";
 11. the Route 136 bridge over the Saugatuck river in Westport as the "William F. Cribari Memorial Bridge";
 12. the segment of road in New Fairfield from Memorial Field to the intersection of Route 37 to Overbrook Road as "Veteran's Way";
 13. Route 39 in Sherman from Route 37 north to Spring Lake Road as "Veteran's Way";
 14. the segment of road in Kent from the intersection of School Street and Route 341 to Route 7 as "Veteran's Way";
 15. a segment of the Connecticut Turnpike as "AMVETS Post 1"(the Connecticut Turnpike is already named the "Governor John Lodge Turnpike");
 16. Route 116 in Ridgefield as the "Elizabeth M. Leonard Memorial

Highway”;

17. Route 35 in Ridgefield as the “Richard E. Venus Memorial Highway”;
18. Route 85 in Salem from Route 82 to the Colchester town line as the “Officer H. David Cordell Memorial Highway” (this segment of highway is already named the “Jonathan Trumbull Highway”);
19. Route 4 eastbound in Farmington from Brickyard Road to Route 10 in Farmington as the “Lieutenant Colonel Warren Lane Memorial Highway”;
20. Route 5 in Wallingford from Route 150 to the Meriden town line as the “VFW CT Ladies Auxiliary Highway”;
21. a segment of road or a bridge in New Britain to be named in honor of Representative Anthony Tercyak; and
22. a segment of road or a bridge in New Britain to be named in honor of Lieutenant Colonel Vincent J. Bracha.

The bill also changes the designation of State Bridge Nos. 4320A and 4320B on I-84 over Washington Street in Waterbury that was named in 2006 “In Honor of the United States Army’s First Infantry Division” to the “United States Army’s First Infantry Division Bridge.”

Location Signs

The bill requires DOT to erect signs for specific locations in the following locations:

1. in Oakdale designating the location of The Dinosaur Place at Nature’s Art;
2. on the Metro North overpass in Milford designating the location of the Milford Fine Arts Council;
3. on Route 8 northbound in Watertown designating the location of

the Watertown Business Park; and

4. on both sides of I-95 at exit 74 designating the location of the Niantic Bay Boardwalk.

COMMITTEE ACTION

Transportation Committee

Joint Favorable Substitute

Yea 30 Nay 0 (03/16/2007)