



General Assembly

Substitute Bill No. 7367

January Session, 2007

* HB07367TRA 031907 *

**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2 repealed and the following is substituted in lieu thereof (*Effective from*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 measures 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 40, the section was made a special act section and "Windham" was substituted for "Wilton" for accuracy.

TRA *Joint Favorable Subst.*