



House of Representatives

File No. 774

General Assembly

February Session, 2008

(Reprint of File No. 241)

Substitute House Bill No. 5746
As Amended by House Amendment Schedule
"A"

Approved by the Legislative Commissioner
May 2, 2008

AN ACT CONCERNING THE DEPARTMENT OF TRANSPORTATION.

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

1 Section 1. Section 14-212a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2008*):

3 (a) The Superior Court shall impose an additional fee equivalent to
4 one hundred per cent of the fine established or imposed for the
5 violation of the provisions of section 14-213, 14-213b, 14-214, 14-215 of
6 the 2008 supplement to the general statutes, 14-216, 14-218a, 14-219, 14-
7 220, 14-221, 14-222, 14-222a of the 2008 supplement to the general
8 statutes, 14-223, 14-224, 14-225, 14-227a, 14-230, 14-230a, 14-231, 14-232,
9 as amended by this act, 14-233, 14-235, 14-236, 14-237, 14-238, 14-238a,
10 14-239, 14-240, 14-240a, 14-241, 14-242, 14-243, 14-244, 14-245, 14-246a,
11 14-247, 14-247a, 14-248a, 14-249, 14-250, 14-250a, 14-257, 14-261, 14-266,
12 14-271, 14-273, 14-279, 14-281a, subsection (e) or (g) of section 14-283,
13 section 14-289a of the 2008 supplement to the general statutes or 14-
14 289b for any such violation committed while construction work is
15 ongoing within a highway construction zone designated in a

16 conspicuous manner by the Department of Transportation, [or] while
17 utility work is ongoing within a utility work zone designated in a
18 conspicuous manner by a public service company, as defined in
19 section 16-1 of the 2008 supplement to the general statutes, [or] by a
20 water company, as defined in section 25-32a, or while activities are
21 ongoing in a traffic incident management zone.

22 (b) (1) The Department of Transportation shall post a sign at the
23 beginning of a highway construction zone which shall read as follows:
24 "ROAD WORK AHEAD FINES DOUBLED", and at the end of such
25 zone which shall read as follows: "END ROAD WORK".

26 (2) A public service company or water company shall post a sign at
27 the beginning of a utility work zone which shall read as follows:
28 "UTILITY WORK AHEAD FINES DOUBLED", and at the end of such
29 zone which shall read as follows: "END UTILITY WORK".

30 (3) As used in this section, "traffic incident management zone" refers
31 to an area of a highway where temporary traffic controls or measures
32 are installed under the authority of the Commissioner of
33 Transportation, Commissioner of Public Safety, or local "traffic
34 authority", as defined in section 14-297, in response to a motor vehicle
35 incident, natural disaster, hazardous material spill or other unplanned
36 incident. The traffic incident management zone shall be delineated by
37 the use of one or more temporary traffic control devices or measures
38 such as signs, cones, flares or visible flashing or revolving lights which
39 meet the requirements of sections 14-96p and 14-96q.

40 (c) The state or any agency or employee of the state shall not be
41 civilly liable for any injuries or damages to any person or property
42 which may result, either directly or indirectly, from failure on the part
43 of the Department of Transportation to post any sign required under
44 subsection (b) of this section.

45 Sec. 2. Section 13b-53 of the general statutes is repealed and the
46 following is substituted in lieu thereof (*Effective from passage*):

47 The commissioner may, on behalf of the state, acquire, own,
48 construct, maintain or operate, upon, at or near the seaboard or any
49 navigable waterway, land, or any harbor, wharf, dock, pier, quay,
50 canal, slip or basin, or any appropriate harbor facility, shed, warehouse
51 of any kind, vault, railroad track, yard, terminal or equipment, or such
52 other facility related to the transportation of goods or people by water
53 as he deems necessary to the fulfillment of the purposes of this
54 chapter. The commissioner, [may make any such facility available for
55 use by] with the approval of the State Properties Review Board, the
56 Office of Policy and Management and the Attorney General, may lease
57 or grant any interest at the State Pier in New London or any navigation
58 property owned or under the control of the Department of
59 Transportation to any person and in any manner, as he deems
60 appropriate, [in order to promote the efficient interchange of traffic
61 between modes of transportation by water, and modes of
62 transportation other than by water, including but not limited to
63 transportation by rail, air and land] except that after initiating such
64 approval, the commissioner may temporarily lease any such interest. A
65 temporary lease shall be effective only until a final decision is made by
66 the State Properties Review Board and the Attorney General. Leases of
67 land of the state shall be for periods determined by the commissioner
68 with the approval of the State Properties Review Board and may
69 provide for the construction of buildings on the land. The
70 commissioner may confer the privilege of concessions of supplying,
71 upon such facilities, goods, commodities, service and facilities.

72 Sec. 3. Section 13b-344 of the general statutes is repealed and the
73 following is substituted in lieu thereof (*Effective October 1, 2008*):

74 (a) Each town, city or borough shall place, inspect and maintain
75 warning signs and pavement markings consisting of stop lines and
76 advance warning markings on each highway approaching a crossing at
77 grade of such highway and the tracks of any railroad within the
78 respective limits of such town, city or borough. Such signs shall be
79 furnished by the railroad company crossing such highway. Such signs
80 and pavement markings shall conform with the Federal Highway

81 Administration's Manual on Uniform Traffic Control Devices and shall
82 be placed in a manner that conforms with said manual. If in the case of
83 any such crossing it appears that the placing of the signs prescribed by
84 this section is impracticable or unnecessary, the Commissioner of
85 Transportation may release such municipality from the obligation of
86 placing and maintaining such signs on the highway near such
87 crossing. The [railroad company operating over such crossing, or the
88 private party or corporation owning a railroad right-of-way,]
89 Department of Transportation shall annually notify in writing the
90 appropriate town, city [,] or borough [or, in the case of a state highway,
91 the Commissioner of Transportation] of the location of all railroad
92 crossings within the respective limits of such town, city or borough
93 and the obligations of such town, city or borough under the provisions
94 of this subsection. [The commissioner shall provide each such railroad
95 company, private party or corporation with a list of the towns, cities
96 and boroughs to be notified in accordance with this subsection. Such
97 list shall include the name and address of the official to whom such
98 notification shall be delivered.]

99 (b) Each town, city or borough, upon receipt of a report of a
100 malfunctioning grade crossing gate or signal shall dispatch local police
101 or firemen to the crossing who shall, upon consultation with the
102 railroad company crossing such highway, either direct traffic across
103 the crossing or to an alternate route until such time as the railroad
104 company crossing such highway repairs the gate or signal or assumes
105 responsibility for directing traffic.

106 Sec. 4. Section 4b-15b of the 2008 supplement to the general statutes
107 is repealed and the following is substituted in lieu thereof (*Effective*
108 *October 1, 2008*):

109 (a) Prior to acceptance of all or part of any building under a lease,
110 lease renewal or purchase, where such premises are to be occupied by
111 state employees or others, each state department shall provide for an
112 inspection of the premises and shall develop a protocol for periodic
113 assessment and remediation of indoor air quality issues in such

114 facility. Such protocol shall include the best practices for commercial
115 office space and shall include all applicable provisions of the
116 Environmental Protection Agency's Indoor Air Quality Tools for
117 Schools Program.

118 (b) Each lease agreement entered into on and after July 1, 2007, by
119 any state department to lease all or part of any building to be occupied
120 by state employees or others shall contain a provision requiring the
121 lessor to make all necessary efforts during the term of the lease
122 agreement to maintain the structure and mechanical systems of the
123 building as necessary to sustain the indoor air quality in the building
124 to the levels in existence at the time the premises were accepted and to
125 carry out the indoor air quality protocol established under subsection
126 (a) of this section.

127 (c) The provisions of this section shall not apply to any building
128 leased or owned by the Department of Transportation that the
129 department does not use for office space.

130 Sec. 5. Section 14-262a of the general statutes is repealed and the
131 following is substituted in lieu thereof (*Effective October 1, 2008*):

132 [Licensed repair tow trucks] A wrecker, as defined in section 14-1
133 and operated in accordance with section 14-66, may tow or haul a
134 motor vehicle, without regard to the limitations of length contained in
135 section 14-262, [tow disabled trucks and trailers] if such vehicle was
136 involved in an accident or became disabled and remains within the
137 limits of a highway, or is being towed or hauled by order of a traffic or
138 law enforcement authority, from [highways] a highway to the nearest
139 [garage] licensed repair facility or motor carrier terminal of such
140 vehicle, where such [disabled] vehicle can be properly repaired, but
141 not more than twenty-five miles. Violation of any provision of this
142 section shall be an infraction.

143 Sec. 6. Subsection (c) of section 14-290 of the general statutes is
144 repealed and the following is substituted in lieu thereof (*Effective*
145 *October 1, 2008*):

146 (c) Any wrecker, as defined in section 14-1 of the 2008 supplement
147 to the general statutes and operated in accordance with section 14-66,
148 shall be exempt from the provisions of section 14-267a of the 2008
149 supplement to the general statutes, provided such wrecker is [in the
150 course of] towing or hauling a [disabled] motor vehicle [from the point
151 where such vehicle became disabled] that was involved in an accident
152 or became disabled and remains within the limits of a highway, or is
153 being towed or hauled by order of a traffic or law enforcement
154 authority and does not exceed [any of the weight limits provided in
155 section 14-267a by more than twenty per cent] a gross vehicle weight of
156 eighty thousand pounds on five or more axles. Any wrecker towing or
157 hauling such a motor vehicle in a combination that exceeds a gross
158 vehicle weight of eighty thousand pounds on five or more axles shall
159 be exempt from the provisions of section 14-267a, provided such
160 wrecker is operated in accordance with section 14-270, as amended by
161 this act, and has been issued an annual permit as described in
162 subsection (d) of section 14-270.

163 Sec. 7. Subsection (c) of section 14-270 of the general statutes is
164 repealed and the following is substituted in lieu thereof (*Effective July*
165 *1, 2008*):

166 (c) Any permit issued under this section or a legible copy or
167 facsimile shall be retained in the possession of the operator of the
168 vehicle or combination of vehicles or vehicle and trailer for which such
169 permit was issued, except that [a telegraphic] an electronic
170 confirmation of the existence of such permit or the use of the special
171 number plates described in section 14-24 and any regulations adopted
172 thereunder shall be sufficient to fulfill the requirements of this section.

173 Sec. 8. Section 13b-57 of the general statutes is repealed and the
174 following is substituted in lieu thereof (*Effective from passage*):

175 The state, acting by and in the discretion of the Commissioner of
176 Transportation, may enter into a contract with a municipality, acting
177 by its harbor improvement agency, for state financial assistance for a

178 harbor improvement project pursuant to a harbor improvement plan
179 approved by the Commissioner of Transportation in the form of a state
180 grant-in-aid. [equal to two-thirds of the net cost of the project as
181 approved by the Commissioner of Transportation, provided state
182 financial assistance to any municipality for such purposes shall not
183 exceed one million dollars.] Any such application for state financial
184 assistance under this section shall be submitted by the Commissioner
185 of Transportation to the Commissioner of Environmental Protection
186 for his review. Said Commissioner of Environmental Protection shall
187 submit a written report to the Commissioner of Transportation, setting
188 forth his findings regarding such application.

189 Sec. 9. (NEW) (*Effective from passage*) (a) In addition to municipal
190 requests for a grant-in-aid pursuant to section 13b-57 of the general
191 statutes, as amended by this act, harbor improvement projects may be
192 initiated by the Commissioner of Transportation on behalf of the state
193 or for the state on behalf of the federal government. Recommendations
194 on the prioritization or inclusion of projects shall be submitted to the
195 commissioner by the Connecticut Maritime Commission. The
196 department shall contract for the provision of goods and services to
197 harbors and waterways for such improvements, and shall provide the
198 funding required under such contracts, except that the commissioner
199 may enter into agreements with other state agencies or municipalities
200 for such agencies or municipalities to provide the funding for any of
201 such contracts. The department shall administer all contracts entered
202 into under this section.

203 (b) All contracts are subject to final negotiation of the scope and
204 budget for a given project. Contracting periods may vary depending
205 on each project. Payments shall be made on a reimbursement basis for
206 deliverables completed no later than the dates of service of an executed
207 contract. Appropriate back-up information shall be included with each
208 payment request indicating that services have been rendered. The
209 department may elect to provide part or all of the funds necessary as
210 an upfront payment, provided funds are held in a separate, noninterest
211 bearing account and are expended not later than sixty days after such

212 funds are provided.

213 (c) Harbor improvement projects include the preparation of plans,
214 studies and construction for the alteration and improvement of various
215 state, municipal and other properties in or adjacent to the waters of the
216 state, for the purpose of improving the economy and infrastructure of
217 the state.

218 Sec. 10. (NEW) (*Effective from passage*) (a) There is established an
219 account to be known as the "harbor improvement account" which shall
220 be a separate, nonlapsing account within the General Fund. There shall
221 be deposited in the account: (1) The proceeds of notes, bonds or other
222 obligations issued by the state for the purpose of deposit therein and
223 use in accordance with the permissible uses thereof; (2) funds
224 appropriated by the General Assembly for the purpose of deposit
225 therein and use in accordance with the permissible uses thereof; and
226 (3) any other funds required or permitted by law to be deposited in the
227 account. The funds in said account shall be expended by the
228 Commissioner of Transportation for the purpose of initiating harbor
229 improvement projects in accordance with section 9 of this act and for
230 the purposes described in subsection (b) of this section.

231 (b) The harbor improvement account may be used for federal
232 dredging projects (1) to support, in full or in part, local and state
233 matching requirements for such projects; (2) to cover the incremental
234 costs associated with applicable environmental regulatory
235 requirements or management practices, including beneficial use; and
236 (3) to cover part or all of the costs of such projects in the absence of
237 adequate federal funds. If any account funds are used for the purpose
238 described in subdivision (3) of this subsection, the commissioner shall
239 pursue reimbursement to the account from the federal government.

240 Sec. 11. Section 13b-101 of the general statutes is repealed and the
241 following is substitute in lieu thereof (*Effective October 1, 2008*):

242 The term "motor vehicle in livery service" includes every motor
243 vehicle used by any person, association, limited liability company or

244 corporation which represents itself to be in the business of transporting
245 passengers for hire, except (1) any motor bus and any taxicab operated
246 under a certificate of public convenience and necessity issued by the
247 Department of Transportation, (2) any school bus, as defined in section
248 14-275 of the 2008 supplement to the general statutes, or student
249 transportation vehicle, as defined in section 14-212, when used for the
250 transportation of children under the age of twenty-one years, [and] (3)
251 any school bus, as defined in section 14-275 of the 2008 supplement to
252 the general statutes, when used for the transportation of passengers
253 (A) by virtue of a contract with any public or private institution of
254 higher education, (B) pursuant to a contract for service to a special
255 event held at a location or facility which is not open for business on a
256 daily basis throughout the year, not to exceed a period of ten days, or
257 (C) pursuant to a contract with a municipality for which the carrier
258 provides school transportation service, and (4) any motor vehicle
259 operated by or through a community-based regional transportation
260 system for the elderly established pursuant to section 55 of public act
261 05-280.

262 Sec. 12. Subsection (e) of section 13a-123 of the general statutes is
263 repealed and the following is substituted in lieu thereof (*Effective*
264 *October 1, 2008*):

265 (e) The following types of signs, displays and devices may, with the
266 approval of and subject to regulations [promulgated] adopted by the
267 commissioner, be permitted within the six-hundred-sixty-foot area of
268 interstate, primary and other limited access state highways, except as
269 prohibited by state statute, local ordinance or zoning regulation: (1)
270 Directional and other official signs or notices, which signs and notices
271 shall include, but not be limited to, signs and notices pertaining to
272 natural wonders and scenic and historical attractions which are
273 required or authorized by law; (2) signs, displays and devices
274 advertising the sale or lease of the property upon which they are
275 located; (3) signs, displays and devices advertising activities conducted
276 on the property on which they are located; and (4) signs, displays or
277 advertising devices which are in place for sixty days or less. Subject to

278 regulations [promulgated] adopted by the commissioner and except
279 as prohibited by state statute, local ordinance or zoning regulation
280 signs, displays and devices may be erected and maintained within six
281 hundred [and] sixty feet of primary and other limited access state
282 highways in areas which are zoned for industrial or commercial use
283 under authority of law or located in unzoned commercial or industrial
284 areas which areas shall be determined from actual land uses and
285 defined by regulations of the commissioner. The regulations of the
286 commissioner in regard to size, spacing and lighting shall apply to any
287 segments of the interstate system which traverse commercial or
288 industrial zones wherein the use of real property adjacent to the
289 interstate system is subject to municipal regulation or control, or which
290 traverse other areas where the land use, as of September 21, 1959, was
291 clearly established under state law as industrial or commercial.

292 Sec. 13. Section 14-232 of the general statutes is repealed and the
293 following is substituted in lieu thereof (*Effective October 1, 2008*):

294 (a) Except as provided in sections 14-233 and 14-234, (1) the driver
295 of a vehicle overtaking another vehicle proceeding in the same
296 direction shall pass to the left thereof at a safe distance and shall not
297 again drive to the right side of the highway until safely clear of the
298 overtaken vehicle; and (2) the driver of an overtaken vehicle shall give
299 way to the right in favor of the overtaking vehicle and shall not
300 increase the speed of his vehicle until completely passed by the
301 overtaking vehicle. For the purposes of this subsection, "safe distance"
302 means not less than three feet when the driver of a vehicle overtakes
303 and passes a person riding a bicycle.

304 (b) No vehicle shall be driven to the left side of the center of the
305 highway in overtaking and passing another vehicle proceeding in the
306 same direction unless the left side is clearly visible and is free of
307 oncoming traffic for a sufficient distance ahead to permit such
308 overtaking and passing to be completely made without interfering
309 with the safe operation of any vehicle approaching from the opposite
310 direction or any vehicle overtaken.

311 (c) Violation of any provision of this section shall be an infraction.

312 Sec. 14. Subsection (a) of section 13b-79p of the 2008 supplement to
313 the general statutes is amended by adding subdivision (22) as follows
314 (*Effective October 1, 2008*):

315 (NEW) (22) Improving bicycle and pedestrian access throughout the
316 state transportation system.

317 Sec. 15. (NEW) (*Effective October 1, 2008*) The Commissioner of
318 Transportation shall, within available appropriations and in
319 consultation with groups advocating on behalf of bicyclists, develop
320 and implement a state-wide "Share the Road" public awareness
321 campaign to educate the public concerning the rights and
322 responsibilities of both motorists and bicyclists as they jointly use the
323 highways of this state.

324 Sec. 16. Section 54 of public act 07-232 is amended to read as follows
325 (*Effective from passage*):

326 The Department of Transportation shall suspend the realignment of
327 Route 113 between Access Road and Dorne Drive in Stratford, known
328 as Main Street, until [April 15, 2008] April 15, 2009. If, on that date, no
329 agreement has been reached between Stratford and Bridgeport
330 regarding the disposition of Sikorsky Memorial Airport, the
331 Department of Transportation shall conduct at least one public hearing
332 in [both] Stratford and one public hearing in Bridgeport concerning the
333 proposed realignment of Route 113.

334 Sec. 17. (NEW) (*Effective October 1, 2008*) Upon the completion of a
335 highway or bridge project, a certification shall be signed by each of the
336 following individuals involved with the project: The general
337 contractor; the Department of Transportation project engineer; and
338 either the Department of Transportation chief inspector, consultant
339 resident engineer or chief inspector, or the municipal chief inspector or
340 official. Such certification shall be on forms prepared by the
341 Commissioner of Transportation and shall state that such individual

342 certifies, to such individual's best knowledge, information and belief,
343 that the completed project has been constructed in substantial
344 compliance with the contract plans, specifications and any approved
345 change orders for such project.

346 Sec. 18. Section 10 of public act 07-232 is repealed and the following
347 is substituted in lieu thereof (*Effective from passage*):

348 Bridge number [03405] 01083 on Route 71 overpassing [Route 372 in
349 New Britain] Route 571 in the town of Berlin shall be designated the
350 "Lieutenant Sherrod E. Skinner memorial Bridge".

351 Sec. 19. Section 23 of public act 07-232 is repealed and the following
352 is substituted in lieu thereof (*Effective from passage*):

353 Bridge number [03149] 01349 on Route 136 over the Saugatuck River
354 in Westport shall be designated the "William F. Cribari Memorial
355 Bridge".

356 Sec. 20. Section 25 of public act 07-232 is repealed and the following
357 is substituted in lieu thereof (*Effective from passage*):

358 [The segment from Route 37 center from Sawmill Road to the
359 intersection of Route 39 north and] Route 39 from the intersection of
360 Route 37 north to the intersection of Spring Lake Road in Sherman
361 shall be designated "Veterans Way".

362 Sec. 21. Section 26 of public act 07-232 is repealed and the following
363 is substituted in lieu thereof (*Effective from passage*):

364 The segment of Route 341 from [the intersection of] Elizabeth Street
365 [and Route 341] to Route 7 [to Cobble Lane] in Kent shall be
366 designated "Veterans Way".

367 Sec. 22. Section 34 of public act 07-232 is repealed and the following
368 is substituted in lieu thereof (*Effective from passage*):

369 The Department of Transportation shall erect a sign on the Metro

370 North overpass in Milford designating the location of the [Milford Fine
371 Arts Council] Milford Center for the Arts.

372 Sec. 23. Section 37 of public act 07-232 is repealed and the following
373 is substituted in lieu thereof (*Effective from passage*):

374 The segment of Route 190 [East] in Suffield from [Route 75] the
375 beginning of Thompsonville Road at Mapleton easterly to Route 159
376 shall be designated the "Corporal Stephen R. Bixler Memorial
377 Highway".

378 Sec. 24. Section 38 of public act 07-232 is repealed and the following
379 is substituted in lieu thereof (*Effective from passage*):

380 The segment of Route 4 [East] from State Road 508 [to The
381 University of Connecticut Health Center] in Farmington easterly to the
382 intersection of Boulevard in West Hartford shall be designated the
383 "Lance Corporal Lawrence Robert Philippon Memorial Highway".

384 Sec. 25. Section 43 of public act 07-232 is repealed and the following
385 is substituted in lieu thereof (*Effective from passage*):

386 Bridge number 0057 on I-95 overpassing West Avenue in Norwalk
387 shall be designated the "Spc. Wilfredo Perez, Jr. Memorial [Highway]
388 Bridge".

389 Sec. 26. Section 48 of public act 07-232 is repealed and the following
390 is substituted in lieu thereof (*Effective from passage*):

391 [A segment of road in South Windsor] Route 74 from Route 194
392 easterly to the South Windsor/Ellington town line shall be designated
393 the "Officer Harvey R. Young Memorial Highway".

394 Sec. 27. Section 49 of public act 07-232 is repealed and the following
395 is substituted in lieu thereof (*Effective from passage*):

396 Route 6 [in Bethel, from the Vail Road intersection to] from the
397 Danbury line [,] east to the intersection of Old Hawleyville Road shall

398 be designated the "Trooper James W. Lambert Memorial Highway".

399 Sec. 28. Section 53 of public act 07-232 is repealed and the following
400 is substituted in lieu thereof (*Effective from passage*):

401 The segment of Route 73 [at the intersection with Aurora Street] in
402 Waterbury from the Waterbury/Watertown town line to East Aurora
403 Street shall be designated the "Captain John Keane Memorial
404 Highway".

405 Sec. 29. Section 84 of public act 03-115 is repealed and the following
406 is substituted in lieu thereof (*Effective from passage*):

407 Bridge number 3485 located in the town of West Hartford on
408 Interstate 84 overpassing Woodruff Road shall be designated the
409 "Firefighter Patrick L. Brooks Memorial Bridge".

410 Sec. 30. (*Effective from passage*) Section 32 of public act 07-232 is
411 repealed.

412 Sec. 31. (*Effective October 1, 2008*) Section 31-56 of the general statutes
413 is repealed.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	14-212a
Sec. 2	<i>from passage</i>	13b-53
Sec. 3	<i>October 1, 2008</i>	13b-344
Sec. 4	<i>October 1, 2008</i>	4b-15b
Sec. 5	<i>October 1, 2008</i>	14-262a
Sec. 6	<i>October 1, 2008</i>	14-290(c)
Sec. 7	<i>July 1, 2008</i>	14-270(c)
Sec. 8	<i>from passage</i>	13b-57
Sec. 9	<i>from passage</i>	New section
Sec. 10	<i>from passage</i>	New section
Sec. 11	<i>October 1, 2008</i>	13b-101
Sec. 12	<i>October 1, 2008</i>	13a-123(e)
Sec. 13	<i>October 1, 2008</i>	14-232

Sec. 14	<i>October 1, 2008</i>	13b-79p(a)
Sec. 15	<i>October 1, 2008</i>	New section
Sec. 16	<i>from passage</i>	PA 07-232, Sec. 54
Sec. 17	<i>October 1, 2008</i>	New section
Sec. 18	<i>from passage</i>	PA 07-232, Sec. 10
Sec. 19	<i>from passage</i>	PA 07-232, Sec. 23
Sec. 20	<i>from passage</i>	PA 07-232, Sec. 25
Sec. 21	<i>from passage</i>	PA 07-232, Sec. 26
Sec. 22	<i>from passage</i>	PA 07-232, Sec. 34
Sec. 23	<i>from passage</i>	PA 07-232, Sec. 37
Sec. 24	<i>from passage</i>	PA 07-232, Sec. 38
Sec. 25	<i>from passage</i>	PA 07-232, Sec. 43
Sec. 26	<i>from passage</i>	PA 07-232, Sec. 48
Sec. 27	<i>from passage</i>	PA 07-232, Sec. 49
Sec. 28	<i>from passage</i>	PA 07-232, Sec. 53
Sec. 29	<i>from passage</i>	PA 03-115, Sec. 84
Sec. 30	<i>from passage</i>	Repealer section
Sec. 31	<i>October 1, 2008</i>	Repealer section

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 09 \$	FY 10 \$
Department of Transportation	TF - Cost	208,400	210,000
Department of Transportation	TF - Revenue Gain	Potential Minimal	Potential Minimal

Note: TF=Transportation Fund

Municipal Impact: None

Explanation

A section by section fiscal impact of the bill is presented below.

Sections 1 and 2 establish a new fee equal to the fine imposed for certain motor vehicle violations; the bill's fee would be imposed when these violations occur in a traffic incident management zone. Based on estimated revenues generated under existing laws that double fines for violations that occur in utility and construction zones, as well as school zones, it is anticipated that the bill would generate less than \$200,000 annually.

Sections 8 through 10 establish a grant-in-aid program for harbor improvement projects but does not provide any funding resources.

The Department of Transportation has established and filled two positions (one Maritime Manager and one Dredging Project Coordinator) for this program as outlined in the provisions of the bill. Therefore, at this time, the agency does not require additional staff and can perform the requirements in the bill within existing resources.

Section 15 results in a cost to the Department of Transportation (DOT) to develop and implement a statewide "Share the Road" public awareness campaign. The cost in FY 09 is estimated to be \$200,000 to

develop and implement the campaign.

The requirement that the “Share the Road” public awareness campaign be developed within available appropriations will likely result in one of four outcomes: (1) DOT will proceed with the development of the campaign, and will require a deficiency appropriation during FY 09; (2) DOT will delay the implementation of the campaign pending the approval of additional appropriations to meet this mandate in future fiscal years; (3) DOT will shift administrative resources from other department priorities, thereby impacting existing departmental programs; or (4) DOT will not implement the campaign. In the event that the department does not implement the “Share the Road” public awareness campaign, it is not clear to what extent the lack of the campaign will impede the implementation of the other aspects of the bill.

Sections 18 through 29 make various corrections to renaming of bridges and roads enacted in previous sessions. There is a potential cost of up to \$8,400 to the DOT to replace signs already installed with the correct information. A pair of signs, on the average, cost \$700, one for each side of the road.

Other sections in this bill are not anticipated to result in a fiscal impact to the Department of Transportation.

House “A” struck the original bill language and eliminated any fiscal impact stated in the file copy. It results in the fiscal impact stated above.

The Out Years

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

OLR Bill Analysis**sHB 5746 (as amended by House "A")*****AN ACT CONCERNING THE DEPARTMENT OF TRANSPORTATION.****SUMMARY:**

This bill:

1. establishes an enhanced penalty for certain traffic violations that occur in traffic incident management zones, and defines these zones;
2. authorizes the Department of Transportation (DOT) to enter temporary leases for use of the State Pier or other navigation property DOT owns or controls, pending the required approval of other state officials, and makes related changes;
3. authorizes the DOT commissioner to initiate harbor improvement projects on behalf of the state, creates a special account to fund the projects, and removes limits on state grants-in-aid to municipalities for harbor improvement projects;
4. requires certain key individuals involved in a completed highway or bridge project to certify in writing that it has been constructed in substantial compliance to the project's plans and specifications;
5. makes several changes relating to bicyclist safety and funding bicycle and pedestrian access projects;
6. makes the transportation commissioner rather than railroads responsible for notifying municipalities about certain issues

relating to rail crossings;

7. exempts buildings DOT acquires but does not use for office space from indoor air quality protocols enacted for state-owned or-leased buildings in 2007;
8. expands exemptions from certain state laws for tow trucks that are towing disabled trucks from the highway;
9. exempts vehicles operated by or through a community-based regional transportation system for the elderly established pursuant to PA 05-280 from regulation as livery motor vehicles (§ 11);
10. authorizes DOT to permit temporary signs, displays, or other devices along state highways if they remain in place for 60 days or less (§ 12);
11. extends for one year, until April 15, 2009, a requirement that DOT suspend the realignment of Route 113 between Access Road and Dorne Drive in Stratford (§ 16);
12. allows DOT to issue vehicle over-dimension permits (length, width, height, and weight) electronically and eliminates the requirement that the permit holder have a paper copy, facsimile, or telegraphic confirmation of the permit in his possession (§ 7); and
13. repeals an obsolete statute requiring all DOT contracts for work on a state bridge to contain a provision that prohibits anyone from working more than 48 hours in any week on the work specified in the contract, except in case of emergency (§ 31).

The bill also makes several technical changes and modifications to commemorative road and bridges designations previously adopted by the legislature, and repeals one prior designation.

*House Amendment "A" (1) deletes provisions (a) codifying DOT's

cost-sharing responsibility for utility relocations necessitated by highway projects, (b) requiring DOT regulations prohibiting highway construction during rush hours, and (c) increasing civil fines assessed for violation of taxi laws and regulations; (2) adds the provisions on (a) harbor improvement projects, (b) certification of completed highway and bridge projects, (c) bicycle-related laws, (d) the exemption for community-based elderly transportation vehicles, (e) temporary duration highway signs, (f) the extension of the prohibition on the Route 113 realignment project in Stratford, and (g) the road and bridge name corrections and modifications; and (3) revises the provision exempting tow trucks from certain maximum length and weight restrictions.

EFFECTIVE DATE: October 1, 2008; except the provision for electronic transmission of DOT permits, which is effective on July 1, 2008; and the temporary State Pier lease, harbor improvement project, and road and bridge name correction provisions, which are effective upon passage.

ENHANCED FINE FOR TRAFFIC OFFENSE IN TRAFFIC INCIDENT MANAGEMENT ZONE (§ 1)

By law, the court must impose an additional fee equal to 100% of the fine it imposes for certain designated traffic violations when they occur in a clearly designated and marked state highway construction zone or utility work zone. The bill establishes a similar requirement when they are committed in a “traffic incident management zone.”

It defines a traffic incident management zone as an area of the highway where temporary traffic controls or measures are installed under the authority of the transportation or public safety commissioner, or a local traffic authority, in response to a motor vehicle incident, natural disaster, hazardous material spill, or other unplanned incident. The zone must be delineated by signs, cones, flares, or flashing or revolving lights.

TEMPORARY AGREEMENTS FOR STATE PIER (§ 2)

The bill authorizes the transportation commissioner to lease or grant any interest at the State Pier in New London or any navigation property the state owns or controls with the approval of the State Properties Review Board (SPRB), the Office of Policy and Management (OPM), and the attorney general. It allows the commissioner to execute a temporary lease after requesting SPRB and attorney general approval that would be effective only until the full agreement has received final approval. The bill specifies that any leases, with the approval of the SPRB, may provide for building construction and that the commissioner may confer concessions privileges for goods, commodities, services, and facilities at the State Pier.

HARBOR IMPROVEMENT PROJECTS (§§ 8-10)

New Projects

The bill authorizes the DOT commissioner to initiate harbor improvement projects on behalf of the state, or for the state on behalf of the federal government. The bill specifies that harbor improvement projects include the preparation of plans, studies, and construction to alter or improve state, municipal, and other properties in or adjacent to Connecticut waters, for the purpose of improving the state economy and infrastructure. These initiatives may be undertaken in addition to the municipal grants for harbor improvement projects authorized under existing law.

The bill requires the Connecticut Maritime Commission to recommend and rank projects and submit them to the commissioner. DOT must contract to provide goods and services to harbors and waterways for these projects, and fund these contracts. The commissioner may enter into agreements with other state agencies or municipalities to provide this funding.

DOT must administer all the contracts. The contracts are subject to final negotiation regarding the project's scope and budget. Under the bill, contract periods may vary by contract; payments must be made on a reimbursement basis no later than the dates of service of an executed contract; and appropriate documentation indicating that services have

been rendered must be provided with payment requests. DOT may choose to release all or part of the funds as an upfront payment, provided funds are held in a non-interest-bearing account and spent no later than 60 days after it provides them.

Harbor Improvement Account

The bill creates the harbor improvement account, as a separate, non-lapsing account within the General Fund. Deposits to the account must include (1) the proceeds of notes, bonds, or other obligations issued by the state for the purpose of harbor improvement or dredging projects; (2) funds appropriated by the General Assembly for such projects; and (3) any other funds required or permitted by law.

The commissioner must use the account to fund harbor improvement projects and for federal dredging projects. Funds used for the latter must (1) support, in full or in part, local or state matching requirements; (2) cover incremental costs for environmental regulatory requirements or management practices, including beneficial use; or (3) cover all or part of the costs where federal funds are inadequate. If the account is used to cover inadequate federal funds, the commissioner must pursue reimbursement from the federal government.

Removal of Limits on Municipal Grants

The bill removes two restrictions on the state's existing program for grants-in-aid to municipalities for harbor improvement projects, specifically: (1) a per-project requirement of two-thirds of the net cost of the project as approved by the commissioner and (2) a \$1 million limit on the total allowable state funding per municipality.

CERTIFICATION OF COMPLETED HIGHWAY AND BRIDGE PROJECTS (§ 17)

Upon completion of a highway or bridge project, the bill requires a signed certification from any of the following individuals involved in the project:

1. the general contractor;

2. the DOT project engineer; and
3. either the DOT chief inspector, consultant resident engineer or chief inspector, or the municipal chief inspector or official.

The certification must be on a DOT prepared form and must state that the individual certifies, to his or her best knowledge, information, and belief, that the completed project has been constructed in substantial compliance with the project's contract plans, specifications, and any approved change orders.

BICYCLE-RELATED PROVISIONS (§§ 13-15)

Funding Bicycle and Pedestrian Access Projects

The bill makes improving bicycle and pedestrian access throughout the state transportation system eligible for funding previously authorized by law for implementing priority transportation strategy projects and initiatives (i.e., "Tier 1" strategy projects).

Public Awareness Campaign

The bill requires the transportation commissioner, within available appropriations and in consultation with groups advocating on behalf of bicyclists, to develop and implement a statewide "Share the Road" public awareness campaign to educate the public about the rights and responsibilities of motorists and bicyclists using the highways together.

Safe Passing of Bicyclists

By law, any vehicle overtaking another vehicle proceeding in the same direction must pass to its left at a safe distance and not move right until safely clear of the overtaken vehicle. The bill specifies that in the case of a vehicle overtaking and passing a bicyclist, a safe distance is at least three feet.

NOTIFICATION REGARDING RAIL CROSSINGS (§ 3)

Current law requires railroads to notify the appropriate municipality or DOT annually, in writing, with regard to rail crossings

within the town and the obligations of the town to inspect and correct any malfunctioning gates, signals, or pavement markings that it is the town's responsibility to maintain. The bill makes the DOT, instead of the railroads, responsible for this notification. It eliminates a requirement that DOT provide a list of municipalities to be notified to each railroad, private party, or corporation since DOT becomes responsible for notifying the towns directly.

INDOOR AIR QUALITY PROTOCOL EXEMPTION (§ 4)

The bill exempts DOT-leased or -owned buildings that it does not use for office space from provisions of a 2007 law that requires development of protocols for periodic indoor air quality assessment and possible remediation. In practice, DOT frequently acquires structures as part of a proposed transportation improvement and leases them until completion of the construction when final disposition of the building is made. The leases make the tenant responsible for maintaining the buildings' mechanical systems.

TOW TRUCK EXEMPTIONS (§ 5 & 6)

Currently, licensed tow trucks (i.e., wreckers) are exempt from the state's maximum vehicle length law when towing disabled trucks and trailers to the nearest garage where they can be serviced, up to a distance of 25 miles. They also may exceed the state's maximum vehicle weight laws by up to 20% if towing or hauling a disabled vehicle. The bill modifies the length law exemption to apply to (1) hauling as well as towing (some wreckers haul disabled vehicles on flatbeds rather than tow them) and (2) includes vehicles that have been involved in an accident and are in the highway limits or are being removed by order of law enforcement personnel. The bill also specifies that the vehicle must be hauled to the nearest licensed repair facility or, if there is one, to the motor carrier's terminal. The 25-mile maximum distance remains unchanged by the bill.

The bill revises the weight law exemption to include vehicles involved in accidents or being removed by order of law enforcement personnel. It also eliminates the 20% allowance over the statutory

weight limits and, instead, allows the wreckers to tow or haul any vehicle that does not exceed a gross vehicle weight of 80,000 pounds on five or more axles. A wrecker removing such a vehicle or vehicle combination that exceeds 80,000 pounds on five or more axles may do so and be exempt from the maximum weigh laws as long as the wrecker has been issued a DOT annual overweight permit and it is operated in accordance the restrictions that apply to such permit holders.

ROAD AND BRIDGE NAME CORRECTIONS AND MODIFICATIONS (§§ 18-30)

The corrections and modifications for the previously designated commemorative names for various state roads and bridges are shown below.

<i>Commemorative Name</i>	<i>Correction or Modification</i>
§ 18 – Lieutenant Sherrod E. Skinner Memorial Bridge	Changes bridge from Bridge 3405 over Route 372 in New Britain to Bridge 1083 on Route 71 over Route 571 in Berlin
§ 19 – William F. Cribari Memorial Bridge in Westport	Corrects bridge number designation from 3149 to 1349
§ 20 – Veterans Way in Sherman	Changes road segment from Route 37 center from Sawmill Road to Route 39 to Route 39 from Route 37 north to Spring Lake Road
§ 21 – Veterans Way in Kent	Changes designation “the intersection of Elizabeth Street and Route 341 to Route 7 to Cobble Lane” to Route 341 from Elizabeth Street to Route 7
§ 22 – Sign for Milford Fine Arts Council	Changes sign designation from “Milford Fine Arts Council” to “Milford Center for the Arts”
§ 23 – Corporal Stephen R. Bixler Memorial Highway in Suffield	Changes designation from Route 190 in Suffield from Route 75 to Route 159 to Route 190 from the beginning of Thompsonville Road at Mapleton easterly to Route 159
§ 24 – Lance Corporal Lawrence Robert Philippon Memorial Highway in	Changes segment designation from “Route 4 from State Road 508 to the University of Connecticut Health Center” to Route 4 from State Road 508 in Farmington easterly to the

Farmington	intersection of Boulevard in West Hartford
§ 25 – Wilfredo Perez Memorial Highway in Norwalk	Corrects designation for Bridge 0057 to “Sp. Wilfredo Perez Jr. Memorial Bridge”
§ 26 – Officer Harvey R. Young Memorial Highway in South Windsor	Identifies previously unidentified road segment in South Windsor as Route 74 from Route 194 east to the South Windsor-Ellington town line
§ 27 – Trooper James W. Lambert Memorial Highway	Changes road segment designation from “Route 6 in Bethel from Vail Road intersection to the Danbury line” to Route 6 from the Danbury line east to the intersection with Old Hawleyville Road
§ 28 – Captain John Keane Memorial Highway in Waterbury	Changes road segment designation from Route 73 at the intersection with Aurora Street to Route 73 from the Waterbury-Watertown town line to East Aurora Street
§ 29 – Patrick L. Brooks Memorial Bridge in West Hartford	Changes designation to “Firefighter Patrick L. Brooks Memorial Bridge”
§ 30 – Vincent R. T. Arduini Memorial Bridge on Route 20 over Salmon Brook	Repeals designation

BACKGROUND

Connecticut Maritime Commission (CMC)

The 15-member CMC in DOT must (1) advise the commissioner, governor, and legislature on maritime policy and operations; (2) develop and recommend maritime policy to the governor and legislature; (3) support development of Connecticut’s maritime commerce and industries, including its deep water ports; (4) recommend investments and actions, including dredging, required to preserve and enhance them; (5) conduct studies to make recommendations on maritime issues; and (6) support Connecticut port development, including identifying new opportunities, analyzing the potential for and encouraging private port investment, and recommending policies that support port operation.

COMMITTEE ACTION

Transportation Committee

Joint Favorable Substitute

Yea 31 Nay 0 (03/07/2008)

Judiciary Committee

Joint Favorable

Yea 29 Nay 1 (04/11/2008)

Energy and Technology Committee

Joint Favorable

Yea 16 Nay 0 (04/21/2008)