



General Assembly

February Session, 2008

Raised Bill No. 5746

LCO No. 2534

02534_____TRA

Referred to Committee on Transportation

Introduced by:
(TRA)

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 13a-126 of the 2008 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective from passage*):

4 (a) As used in this section, "public service facility" includes all
5 privately, publicly or cooperatively owned lines, facilities and systems
6 for producing, transmitting or distributing communications, cable
7 television, power, electricity, light, heat, gas, oil, crude products,
8 water, steam, waste, storm water not connected with highway
9 drainage and any other similar commodities, including fire and police
10 signal systems and street lighting systems which directly or indirectly
11 serve the public.

12 (b) Whenever the commissioner determines that any public service
13 facility located within, on, along, over or under any land comprising
14 the right-of-way of a state highway or any other public highway when
15 necessitated by the construction or reconstruction of a state highway
16 shall be readjusted or relocated in or removed from such right-of-way,

17 the commissioner shall issue an appropriate order to the company,
18 corporation or municipality owning or operating such facility, and
19 such company, corporation or municipality shall, upon receipt of such
20 order, readjust, relocate or remove the same promptly in accordance
21 with such order. [; provided an equitable]

22 (c) (1) A share of the cost of such readjustment, relocation or
23 removal, including the cost of installing and constructing a public
24 service facility of equal capacity in a new location, shall be borne by
25 the state. [, except that the state shall not bear any share of the cost of a
26 project of an electric distribution company, as defined in section 16-1,
27 to readjust, relocate or remove any facility, as defined in subsection (a)
28 of section 16-50i, used for transmitting electricity or as an electric
29 transmission trunkline. The Department of Transportation shall
30 evaluate the total costs of such a project, including department costs
31 for construction or reconstruction and electric distribution company
32 costs for readjusting, relocating or removing such facility, so as to
33 minimize the overall costs incurred by the state and the electric
34 distribution company. The electric distribution company may provide
35 the department with proposed alternatives to the relocation,
36 readjustment or removal proposed by the department and shall be
37 responsible for any changes to project costs attributable to adoption of
38 the company's proposed alternative designs for such project, including
39 changes to the area of the relocation, readjustment or removal and any
40 incremental costs incurred by the department to evaluate such
41 alternatives. If such electric distribution company and the department
42 cannot agree on a plan for such project, the Commissioner of
43 Transportation and the chairperson of the Department of Public Utility
44 Control shall, on request of the company, jointly determine the
45 alternative for the project.]

46 (2) Such [equitable] share, in the case of or in connection with the
47 construction or reconstruction of any limited access highway, or for a
48 public service facility owned by a municipality, town, city, borough,
49 any municipal corporation or department thereof, whether or not

50 separately incorporated, shall be the entire cost, less the deductions
51 provided in this section, and, in the case of or in connection with the
52 construction or reconstruction of any other state highway, shall be
53 [such portion or all of the entire cost, less the deductions provided in
54 this section, as may be fair and just under all the circumstances, but
55 shall not be less than] fifty per cent of such cost, [after] less the
56 deductions provided in this section. In establishing the [equitable]
57 share of the cost to be borne by the state, there shall be deducted from
58 the cost of the readjusted, relocated or removed facilities a sum based
59 on a consideration of the value of materials salvaged from existing
60 installations, the cost of the original installation, the life expectancy of
61 the original facility and the unexpired term of such life use.

62 (3) When any facility is removed from the right-of-way of a public
63 highway to a private right-of-way, the state shall not pay for such
64 private right-of-way, provided, when a municipally-owned facility is
65 thus removed from a municipally-owned highway, the state shall pay
66 for the private right-of-way needed by the municipality for such
67 relocation.

68 (4) Notwithstanding any provision of this section, the state shall not
69 bear any share of the cost of a project to readjust, relocate or remove
70 any facility, as defined in subsection (a) of section 16-50i, used for
71 transmitting electricity or as an electric trunkline. The Department of
72 Transportation shall evaluate the total costs of such a project, including
73 department costs for construction or reconstruction and electric
74 distribution company costs for readjusting, relocating or removing
75 such facility, so as to minimize the overall costs incurred by the state
76 and the electric distribution company. The electric distribution
77 company may provide the department with proposed alternatives to
78 the relocation, readjustment or removal proposed by the department
79 and shall be responsible for any changes to project costs attributable to
80 adoption of the company's proposed alternative designs for such
81 project, including changes to the area of the relocation, readjustment or
82 removal, and any incremental costs incurred by the department to

83 evaluate such alternatives. If such electric distribution company and
84 the department cannot agree on a plan for such project, the
85 Commissioner of Transportation and the chairperson of the
86 Department of Public Utility Control shall, upon the request of the
87 company, jointly determine the alternative for the project.

88 (5) If the commissioner and the company, corporation or
89 municipality owning or operating such facility cannot agree upon the
90 share of the cost to be borne by the state, either may apply to the
91 superior court for the judicial district within which such highway is
92 situated, or, if said court is not in session, to any judge thereof, for a
93 determination of the cost to be borne by the state, and said court or
94 such judge, after causing notice of the pendency of such application to
95 be given to the other party, shall appoint a state referee to make such
96 determination. Such referee, having given at least ten days' notice to
97 the parties interested of the time and place of the hearing, shall hear
98 both parties, shall view such highway, shall take such testimony as
99 such referee deems material and shall thereupon determine the
100 amount of the cost to be borne by the state and immediately report to
101 the court. If the report is accepted by the court, such determination
102 shall, subject to right of appeal as in civil actions, be conclusive upon
103 both parties.

104 Sec. 2. Section 1-101nn of the 2008 supplement to the general
105 statutes is repealed and the following is substituted in lieu thereof
106 (*Effective July 1, 2008*):

107 (a) Notwithstanding any provision of the general statutes, no person
108 who (1) is, or is seeking to be, prequalified under section 4a-100 of the
109 2008 supplement to the general statutes, (2) is a party to a large state
110 construction or procurement contract or seeking to enter into such a
111 contract with a state agency, board, commission or institution or a
112 quasi-public agency, or (3) is a party to a consultant services contract
113 or seeking to enter into such a contract with a state agency, board,
114 commission or institution or a quasi-public agency, shall:

115 (A) With the intent to obtain a competitive advantage over other
116 bidders, solicit any information from a public official or state employee
117 that the contractor knows is not and will not be available to other
118 bidders for a large state construction or procurement contract that the
119 contractor is seeking;

120 (B) Intentionally, wilfully or with reckless disregard for the truth,
121 charge a state agency, board, commission or institution or quasi-public
122 agency for work not performed or goods not provided, including
123 submitting meritless change orders in bad faith with the sole intention
124 of increasing the contract price without authorization and, falsifying
125 invoices or bills or charging unreasonable and unsubstantiated rates
126 for services or unreasonable and unsubstantiated prices for goods to a
127 state agency, board, commission or institution or quasi-public agency;

128 (C) Intentionally or wilfully violate or attempt to circumvent state
129 competitive bidding and ethics laws; or

130 (D) With the intent to unduly influence the award of a state contract,
131 provide or direct another person to provide information concerning
132 the donation of goods and services to a state agency or quasi-public
133 agency, to the procurement staff of any state agency or quasi-public
134 agency or a member of a bid selection committee.

135 (b) No person or business with whom a state agency, board,
136 commission or institution or quasi-public agency has contracted to
137 provide consulting services to plan, [specifications for any contract and
138 no business with which the person is associated] design or develop a
139 project may serve as a consultant to any person or business seeking to
140 obtain such contract, serve as a contractor for such contract or serve as
141 a subcontractor or consultant to the person awarded such contract.
142 Nothing in this subsection shall be construed to bar consultants
143 engaged to provide quality control review of preconstruction
144 documents, including constructability and value engineering studies,
145 from participating in future phases of the project.

146 (c) Any person who violates any provision of this section may be
147 deemed a nonresponsible bidder by a state agency, board, commission
148 or institution or quasi-public agency.

149 Sec. 3. Section 14-212a of the general statutes is repealed and the
150 following is substituted in lieu thereof (*Effective October 1, 2008*):

151 (a) The Superior Court shall impose an additional fee equivalent to
152 one hundred per cent of the fine established or imposed for the
153 violation of the provisions of section 14-213, 14-213b, 14-214, 14-215 of
154 the 2008 supplement to the general statutes, 14-216, 14-218a, 14-219, 14-
155 220, 14-221, 14-222, 14-222a of the 2008 supplement to the general
156 statutes, 14-223, 14-224, 14-225, 14-227a, 14-230, 14-230a, 14-231, 14-232,
157 14-233, 14-235, 14-236, 14-237, 14-238, 14-238a, 14-239, 14-240, 14-240a,
158 14-241, 14-242, 14-243, 14-244, 14-245, 14-246a, 14-247, 14-247a, 14-248a,
159 14-249, 14-250, 14-250a, 14-257, 14-261, 14-266, 14-271, 14-273, 14-279,
160 14-281a, subsection (e) or (g) of section 14-283, section 14-289a of the
161 2008 supplement to the general statutes or 14-289b for any such
162 violation committed while construction work is ongoing within a
163 highway construction zone designated in a conspicuous manner by the
164 Department of Transportation, [or] while utility work is ongoing
165 within a utility work zone designated in a conspicuous manner by a
166 public service company, as defined in section 16-1 of the 2008
167 supplement to the general statutes, [or] by a water company, as
168 defined in section 25-32a, or while activities are ongoing in a traffic
169 incident management zone.

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

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

178 (3) As used in this section, "traffic incident management zone" refers
179 to an area of a highway where temporary traffic controls or measures
180 are installed under the authority of the Commissioner of
181 Transportation, Commissioner of Public Safety, or local "traffic
182 authority", as defined in section 14-297, in response to a motor vehicle
183 incident, natural disaster, hazardous material spill or other unplanned
184 incident. The traffic incident management zone will be delineated by
185 the use of one or more temporary traffic control devices or measures
186 such as signs, cones, flares or visible flashing or revolving lights which
187 meet the requirements of sections 14-96p and 14-96q.

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

193 Sec. 4. (NEW) (*Effective October 1, 2008*) (a) For the purposes of this
194 section:

195 (1) "Alcoholic beverage" has the same meaning as provided in
196 section 30-1 of the general statutes;

197 (2) "Highway" has the same meaning as provided in section 14-1 of
198 the general statutes;

199 (3) "Open alcoholic beverage container" means a bottle, can or other
200 receptacle (A) that contains any amount of an alcoholic beverage, and
201 (B) (i) that is open or has a broken seal, or (ii) the contents of which are
202 partially removed;

203 (4) "Passenger" means any occupant of a motor vehicle other than
204 the operator; and

205 (5) "Passenger area" means (A) the area designed to seat the
206 operator of and any passenger in a motor vehicle while such vehicle is
207 being operated on a highway, or (B) any area that is readily accessible

208 to such operator or passenger while such person is in such person's
209 seating position; except that, in a motor vehicle that is not equipped
210 with a trunk, "passenger area" does not include a locked glove
211 compartment, the area behind the last upright seat closest to the rear of
212 the motor vehicle or an area not normally occupied by the operator of
213 or passengers in such motor vehicle.

214 (b) No person shall possess an open alcoholic beverage container
215 within the passenger area of a motor vehicle while such motor vehicle
216 is on any highway in this state.

217 (c) The provisions of subsection (b) of this section shall not apply to:
218 (1) A passenger in a motor vehicle designed, maintained and primarily
219 used for the transportation of persons for hire, and (2) a passenger in
220 the living quarters of a recreational vehicle, as defined in section 14-1
221 of the general statutes.

222 (d) Any person who violates the provisions of subsection (b) of this
223 section shall be fined not more than five hundred dollars.

224 Sec. 5. Section 13b-53 of the general statutes is repealed and the
225 following is substituted in lieu thereof (*Effective from passage*):

226 The commissioner may, on behalf of the state, acquire, own,
227 construct, maintain or operate, upon, at or near the seaboard or any
228 navigable waterway, land, or any harbor, wharf, dock, pier, quay,
229 canal, slip or basin, or any appropriate harbor facility, shed, warehouse
230 of any kind, vault, railroad track, yard, terminal or equipment, or such
231 other facility related to the transportation of goods or people by water
232 as he deems necessary to the fulfillment of the purposes of this
233 chapter. The commissioner, [may make any such facility available for
234 use] with the approval of the State Properties Review Board, the Office
235 of Policy and Management and the Attorney General, may lease or
236 grant any interest at the State Pier in New London or any navigation
237 property owned or under the control of the Department of
238 Transportation by any person and in any manner, as he deems

239 appropriate, [in order to promote the efficient interchange of traffic
240 between modes of transportation by water, and modes of
241 transportation other than by water, including but not limited to
242 transportation by rail, air and land] except that after initiating such
243 approval, the commissioner may temporarily lease any such interest. A
244 temporary lease shall be effective only until a final decision is made by
245 the State Properties Review Board and the Attorney General. Leases of
246 land of the state shall be for periods determined by the commissioner
247 with the approval of the State Properties Review Board and may
248 provide for the construction of buildings on the land. The
249 commissioner may confer the privilege of concessions of supplying,
250 upon such facilities, goods, commodities, service and facilities.

251 Sec. 6. Section 13b-97 of the general statutes is amended by adding
252 subsection (e) as follows (*Effective from passage*):

253 (NEW) (e) For all taxi companies with permits for five or more
254 taxicab vehicles in a service area, the Department of Transportation
255 shall require the permit holder to provide undedicated, on demand
256 wheelchair-accessible service with a separate wheelchair-accessible
257 vehicle. A permit holder will be granted authority for one additional
258 wheelchair-accessible taxicab vehicle, without hearing, for every five
259 regular taxicab vehicles on their permit in each service area. An
260 exception to the above requirement may be granted by the department
261 if the permit holder elects not to place any additional wheelchair-
262 accessible vehicles if the permit holder otherwise has an entirely
263 accessible service in their service area. An exception may be approved
264 if the permit holder meets the following requirements: (1) Dispatching
265 an affiliated accessible vehicle, upon request, or (2) arranging for the
266 dispatch of an accessible vehicle affiliated with another licensed permit
267 holder, upon request, if the permit holder has entered into a
268 contractual or other arrangement with such permit holder for the
269 provision of accessible vehicles to persons with disabilities. The permit
270 holder shall be responsible for the provision of "equivalent service" to
271 persons with disabilities. This service equivalency requirement shall be

272 met only if the service available to persons with disabilities, when
273 viewed in its entirety, is provided in the most integrated setting to the
274 needs of such individual and is equivalent to the service provided to
275 other individuals with respect to the following service characteristics:
276 (A) Response time to request for service; (B) fares charged; (C) hours
277 and days of service availability; (D) ability to accept reservations; (E)
278 restrictions based upon trip purpose; and (F) other limitations on
279 capacity or service availability. The Department of Transportation may
280 approve vehicles for the provision of accessible service that deviate
281 from the requirements set forth in the Americans with Disabilities Act.
282 Failure to maintain a fully wheelchair-accessible service in the permit
283 holder's service area, such as a failure to meet any calls from the public
284 for a permit holder's wheelchair-accessible taxicab vehicle or an on-call
285 vehicle as described above, shall be considered a violation of the
286 chapter and shall make the permit holder subject to the penalties
287 under section 13b-100.

288 Sec. 7. Section 13b-344 of the general statutes is repealed and the
289 following is substituted in lieu thereof (*Effective October 1, 2008*):

290 (a) Each town, city or borough shall place, inspect and maintain
291 warning signs and pavement markings consisting of stop lines and
292 advance warning markings on each highway approaching a crossing at
293 grade of such highway and the tracks of any railroad within the
294 respective limits of such town, city or borough. Such signs shall be
295 furnished by the railroad company crossing such highway. Such signs
296 and pavement markings shall conform with the Federal Highway
297 Administration's Manual on Uniform Traffic Control Devices and shall
298 be placed in a manner that conforms with said manual. If in the case of
299 any such crossing it appears that the placing of the signs prescribed by
300 this section is impracticable or unnecessary, the Commissioner of
301 Transportation may release such municipality from the obligation of
302 placing and maintaining such signs on the highway near such
303 crossing. The [railroad company operating over such crossing, or the
304 private party or corporation owning a railroad right-of-way,]

305 Department of Transportation shall annually notify in writing the
306 appropriate town, city [,] or borough [or, in the case of a state highway,
307 the Commissioner of Transportation] of the location of all railroad
308 crossings within the respective limits of such town, city or borough
309 and the obligations of such town, city or borough under the provisions
310 of this subsection. [The commissioner shall provide each such railroad
311 company, private party or corporation with a list of the towns, cities
312 and boroughs to be notified in accordance with this subsection. Such
313 list shall include the name and address of the official to whom such
314 notification shall be delivered.]

315 (b) Each town, city or borough, upon receipt of a report of a
316 malfunctioning grade crossing gate or signal shall dispatch local police
317 or firemen to the crossing who shall, upon consultation with the
318 railroad company crossing such highway, either direct traffic across
319 the crossing or to an alternate route until such time as the railroad
320 company crossing such highway repairs the gate or signal or assumes
321 responsibility for directing traffic.

322 Sec. 8. Section 4b-15b of the 2008 supplement to the general statutes
323 is repealed and the following is substituted in lieu thereof (*Effective*
324 *October 1, 2008*):

325 (a) Prior to acceptance of all or part of any building under a lease,
326 lease renewal or purchase, where such premises are to be occupied by
327 state employees or others, each state department shall provide for an
328 inspection of the premises and shall develop a protocol for periodic
329 assessment and remediation of indoor air quality issues in such
330 facility. Such protocol shall include the best practices for commercial
331 office space and shall include all applicable provisions of the
332 Environmental Protection Agency's Indoor Air Quality Tools for
333 Schools Program.

334 (b) Each lease agreement entered into on and after July 1, 2007, by
335 any state department to lease all or part of any building to be occupied
336 by state employees or others shall contain a provision requiring the

337 lessor to make all necessary efforts during the term of the lease
338 agreement to maintain the structure and mechanical systems of the
339 building as necessary to sustain the indoor air quality in the building
340 to the levels in existence at the time the premises were accepted and to
341 carry out the indoor air quality protocol established under subsection
342 (a) of this section.

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

346 Sec. 9. Subsection (c) of section 13b-97 of the general statutes is
347 repealed and the following is substituted in lieu thereof (*Effective*
348 *October 1, 2008*):

349 (c) No certificate shall be sold or transferred until the department,
350 upon written application to it setting forth the purpose, terms and
351 conditions thereof, and after investigation, finds that the purchaser or
352 transferee is suitable to operate a taxicab service after consideration of
353 the factors specified in subsection (a) of this section and approves the
354 same. The application shall be accompanied by a fee of eighty-eight
355 dollars. The department may amend or, for sufficient cause shown,
356 may suspend or revoke any such certificate. The department may
357 impose a civil penalty on any person or any officer of any association,
358 limited liability company or corporation who violates any provision of
359 this chapter or any regulation adopted under section 13b-96 with
360 respect to fares, service, operation or equipment, in an amount not to
361 exceed [one hundred] one thousand dollars per day for each violation.
362 Any such certificate issued by the department shall remain valid
363 unless suspended or revoked by the department. Any such certificate
364 issued by the Division of Public Utility Control within the Department
365 of Business Regulation prior to October 1, 1979, or by any transit
366 district prior to March 1, 1997, shall remain valid unless suspended or
367 revoked by the Department of Transportation.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	13a-126
Sec. 2	<i>July 1, 2008</i>	1-101nn
Sec. 3	<i>October 1, 2008</i>	14-212a
Sec. 4	<i>October 1, 2008</i>	New section
Sec. 5	<i>from passage</i>	13b-53
Sec. 6	<i>from passage</i>	13b-97
Sec. 7	<i>October 1, 2008</i>	13b-344
Sec. 8	<i>October 1, 2008</i>	4b-15b
Sec. 9	<i>October 1, 2008</i>	13b-97(c)

Statement of Purpose:

To implement the 2008 legislative proposals of the Department of Transportation.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]