



General Assembly

**Substitute Bill No. 5746**

February Session, 2008

\*            HB05746TRA            031008            \*

**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2 statutes is repealed and the following is substituted in lieu thereof  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 Public  
86 Utilities Control Authority shall, upon the request of the company,  
87 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 14-212a of the general statutes is repealed and the  
105 following is substituted in lieu thereof (*Effective October 1, 2008*):

106       (a) The Superior Court shall impose an additional fee equivalent to  
107 one hundred per cent of the fine established or imposed for the  
108 violation of the provisions of section 14-213, 14-213b, 14-214, 14-215 of  
109 the 2008 supplement to the general statutes, 14-216, 14-218a, 14-219, 14-  
110 220, 14-221, 14-222, 14-222a of the 2008 supplement to the general  
111 statutes, 14-223, 14-224, 14-225, 14-227a, 14-230, 14-230a, 14-231, 14-232,  
112 14-233, 14-235, 14-236, 14-237, 14-238, 14-238a, 14-239, 14-240, 14-240a,  
113 14-241, 14-242, 14-243, 14-244, 14-245, 14-246a, 14-247, 14-247a, 14-248a,  
114 14-249, 14-250, 14-250a, 14-257, 14-261, 14-266, 14-271, 14-273, 14-279,  
115 14-281a, subsection (e) or (g) of section 14-283, section 14-289a of the  
116 2008 supplement to the general statutes or 14-289b for any such  
117 violation committed while construction work is ongoing within a  
118 highway construction zone designated in a conspicuous manner by the  
119 Department of Transportation, [or] while utility work is ongoing  
120 within a utility work zone designated in a conspicuous manner by a  
121 public service company, as defined in section 16-1 of the 2008

122 supplement to the general statutes, [or] by a water company, as  
123 defined in section 25-32a, or while activities are ongoing in a traffic  
124 incident management zone.

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

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

133 (3) As used in this section, "traffic incident management zone" refers  
134 to an area of a highway where temporary traffic controls or measures  
135 are installed under the authority of the Commissioner of  
136 Transportation, Commissioner of Public Safety, or local "traffic  
137 authority", as defined in section 14-297, in response to a motor vehicle  
138 incident, natural disaster, hazardous material spill or other unplanned  
139 incident. The traffic incident management zone shall be delineated by  
140 the use of one or more temporary traffic control devices or measures  
141 such as signs, cones, flares or visible flashing or revolving lights which  
142 meet the requirements of sections 14-96p and 14-96q.

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

148 Sec. 3. Section 13b-53 of the general statutes is repealed and the  
149 following is substituted in lieu thereof (*Effective from passage*):

150 The commissioner may, on behalf of the state, acquire, own,  
151 construct, maintain or operate, upon, at or near the seaboard or any  
152 navigable waterway, land, or any harbor, wharf, dock, pier, quay,

153 canal, slip or basin, or any appropriate harbor facility, shed, warehouse  
154 of any kind, vault, railroad track, yard, terminal or equipment, or such  
155 other facility related to the transportation of goods or people by water  
156 as he deems necessary to the fulfillment of the purposes of this  
157 chapter. The commissioner, [may make any such facility available for  
158 use by] with the approval of the State Properties Review Board, the  
159 Office of Policy and Management and the Attorney General, may lease  
160 or grant any interest at the State Pier in New London or any navigation  
161 property owned or under the control of the Department of  
162 Transportation to any person and in any manner, as he deems  
163 appropriate, [in order to promote the efficient interchange of traffic  
164 between modes of transportation by water, and modes of  
165 transportation other than by water, including but not limited to  
166 transportation by rail, air and land] except that after initiating such  
167 approval, the commissioner may temporarily lease any such interest. A  
168 temporary lease shall be effective only until a final decision is made by  
169 the State Properties Review Board and the Attorney General. Leases of  
170 land of the state shall be for periods determined by the commissioner  
171 with the approval of the State Properties Review Board and may  
172 provide for the construction of buildings on the land. The  
173 commissioner may confer the privilege of concessions of supplying,  
174 upon such facilities, goods, commodities, service and facilities.

175 Sec. 4. Section 13b-344 of the general statutes is repealed and the  
176 following is substituted in lieu thereof (*Effective October 1, 2008*):

177 (a) Each town, city or borough shall place, inspect and maintain  
178 warning signs and pavement markings consisting of stop lines and  
179 advance warning markings on each highway approaching a crossing at  
180 grade of such highway and the tracks of any railroad within the  
181 respective limits of such town, city or borough. Such signs shall be  
182 furnished by the railroad company crossing such highway. Such signs  
183 and pavement markings shall conform with the Federal Highway  
184 Administration's Manual on Uniform Traffic Control Devices and shall  
185 be placed in a manner that conforms with said manual. If in the case of  
186 any such crossing it appears that the placing of the signs prescribed by

187 this section is impracticable or unnecessary, the Commissioner of  
188 Transportation may release such municipality from the obligation of  
189 placing and maintaining such signs on the highway near such  
190 crossing. The [railroad company operating over such crossing, or the  
191 private party or corporation owning a railroad right-of-way,]  
192 Department of Transportation shall annually notify in writing the  
193 appropriate town, city [,] or borough [or, in the case of a state highway,  
194 the Commissioner of Transportation] of the location of all railroad  
195 crossings within the respective limits of such town, city or borough  
196 and the obligations of such town, city or borough under the provisions  
197 of this subsection. [The commissioner shall provide each such railroad  
198 company, private party or corporation with a list of the towns, cities  
199 and boroughs to be notified in accordance with this subsection. Such  
200 list shall include the name and address of the official to whom such  
201 notification shall be delivered.]

202 (b) Each town, city or borough, upon receipt of a report of a  
203 malfunctioning grade crossing gate or signal shall dispatch local police  
204 or firemen to the crossing who shall, upon consultation with the  
205 railroad company crossing such highway, either direct traffic across  
206 the crossing or to an alternate route until such time as the railroad  
207 company crossing such highway repairs the gate or signal or assumes  
208 responsibility for directing traffic.

209 Sec. 5. Section 4b-15b of the 2008 supplement to the general statutes  
210 is repealed and the following is substituted in lieu thereof (*Effective*  
211 *October 1, 2008*):

212 (a) Prior to acceptance of all or part of any building under a lease,  
213 lease renewal or purchase, where such premises are to be occupied by  
214 state employees or others, each state department shall provide for an  
215 inspection of the premises and shall develop a protocol for periodic  
216 assessment and remediation of indoor air quality issues in such  
217 facility. Such protocol shall include the best practices for commercial  
218 office space and shall include all applicable provisions of the  
219 Environmental Protection Agency's Indoor Air Quality Tools for

220 Schools Program.

221 (b) Each lease agreement entered into on and after July 1, 2007, by  
222 any state department to lease all or part of any building to be occupied  
223 by state employees or others shall contain a provision requiring the  
224 lessor to make all necessary efforts during the term of the lease  
225 agreement to maintain the structure and mechanical systems of the  
226 building as necessary to sustain the indoor air quality in the building  
227 to the levels in existence at the time the premises were accepted and to  
228 carry out the indoor air quality protocol established under subsection  
229 (a) of this section.

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

233 Sec. 6. Subsection (c) of section 13b-97 of the general statutes is  
234 repealed and the following is substituted in lieu thereof (*Effective*  
235 *October 1, 2008*):

236 (c) No certificate shall be sold or transferred until the department,  
237 upon written application to it setting forth the purpose, terms and  
238 conditions thereof, and after investigation, finds that the purchaser or  
239 transferee is suitable to operate a taxicab service after consideration of  
240 the factors specified in subsection (a) of this section and approves the  
241 same. The application shall be accompanied by a fee of eighty-eight  
242 dollars. The department may amend or, for sufficient cause shown,  
243 may suspend or revoke any such certificate. The department may  
244 impose a civil penalty on any person or any officer of any association,  
245 limited liability company or corporation who violates any provision of  
246 this chapter or any regulation adopted under section 13b-96 with  
247 respect to fares, service, operation or equipment, in an amount not to  
248 exceed [one hundred] one thousand dollars per day for each violation.  
249 Any such certificate issued by the department shall remain valid  
250 unless suspended or revoked by the department. Any such certificate  
251 issued by the Division of Public Utility Control within the Department



252 of Business Regulation prior to October 1, 1979, or by any transit  
253 district prior to March 1, 1997, shall remain valid unless suspended or  
254 revoked by the Department of Transportation.

255 Sec. 7. (NEW) (*Effective October 1, 2008*) The Commissioner of  
256 Transportation shall adopt regulations, in accordance with the  
257 provisions of chapter 54 of the general statutes, regulating or  
258 prohibiting road construction activities during rush hour. The purpose  
259 of such regulations shall be to increase public safety, avoid traffic  
260 delays, decrease road congestion, reduce pollution and reduce fuel  
261 consumption by motorists during rush hour.

262 Sec. 8. Section 14-262a of the general statutes is repealed and the  
263 following is substituted in lieu thereof (*Effective October 1, 2008*):

264 Licensed repair tow trucks may, without regard to the limitations of  
265 length or width contained in section 14-262, or the limitations of  
266 weight contained in section 14-267a, tow disabled trucks and trailers  
267 from highways to the nearest garage where such disabled vehicle can  
268 be properly repaired, but not more than [twenty-five] fifty miles,  
269 without incurring a penalty. Violation of any provision of this section  
270 shall be an infraction.

271 Sec. 9. Subsection (c) of section 14-270 of the general statutes is  
272 repealed and the following is substituted in lieu thereof (*Effective July*  
273 *1, 2008*):

274 (c) Any permit issued under this section [or a legible copy or  
275 facsimile shall be retained in the possession of the operator of the  
276 vehicle or combination of vehicles or vehicle and trailer for which such  
277 permit was issued, except that a telegraphic confirmation of] may be  
278 electronically issued and the existence of such permit or the use of the  
279 special number plates described in section 14-24 and any regulations  
280 adopted thereunder shall be sufficient to fulfill the requirements of this  
281 section.

282 Sec. 10. (*Effective October 1, 2008*) Section 31-56 of the general statutes

283 is repealed.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	13a-126
Sec. 2	<i>October 1, 2008</i>	14-212a
Sec. 3	<i>from passage</i>	13b-53
Sec. 4	<i>October 1, 2008</i>	13b-344
Sec. 5	<i>October 1, 2008</i>	4b-15b
Sec. 6	<i>October 1, 2008</i>	13b-97(c)
Sec. 7	<i>October 1, 2008</i>	New section
Sec. 8	<i>October 1, 2008</i>	14-262a
Sec. 9	<i>July 1, 2008</i>	14-270(c)
Sec. 10	<i>October 1, 2008</i>	Repealer section

**Statement of Legislative Commissioners:**

In section 1(c)(4) the reference to "Department of Public Utility Control" was changed to "Public Utilities Control Authority" for accuracy, and in section 2(b)(3) "will" was changed to "shall" for accuracy.

**TRA**      *Joint Favorable Subst.*