



Substitute House Bill No. 5746

Public Act No. 08-101

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

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

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 Section 14-212a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2008*):

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

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section 16-1 of the 2008 supplement to the general statutes, [or] by a water company, as defined in section 25-32a, or while activities are ongoing in a traffic incident management zone.

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

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

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

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

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

The commissioner may, on behalf of the state, acquire, own,

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

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

(a) Each town, city or borough shall place, inspect and maintain warning signs and pavement markings consisting of stop lines and advance warning markings on each highway approaching a crossing at grade of such highway and the tracks of any railroad within the respective limits of such town, city or borough. Such signs shall be

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

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

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

(a) Prior to acceptance of all or part of any building under a lease,

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lease renewal or purchase, where such premises are to be occupied by state employees or others, each state department shall provide for an inspection of the premises and shall develop a protocol for periodic assessment and remediation of indoor air quality issues in such facility. Such protocol shall include the best practices for commercial office space and shall include all applicable provisions of the Environmental Protection Agency's Indoor Air Quality Tools for Schools Program.

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

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

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

[Licensed repair tow trucks] A wrecker, as defined in section 14-1 and operated in accordance with section 14-66, may tow or haul a motor vehicle, without regard to the limitations of length contained in section 14-262, [tow disabled trucks and trailers] if such vehicle was involved in an accident or became disabled and remains within the limits of a highway, or is being towed or hauled by order of a traffic or law enforcement authority, from [highways] a highway to the nearest [garage] licensed repair facility or motor carrier terminal of such

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vehicle, where such [disabled] vehicle can be properly repaired, but not more than twenty-five miles. Violation of any provision of this section shall be an infraction.

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

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

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

(c) Any permit issued under this section or a legible copy or facsimile shall be retained in the possession of the operator of the vehicle or combination of vehicles or vehicle and trailer for which such permit was issued, except that [a telegraphic] an electronic

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confirmation of the existence of such permit or the use of the special number plates described in section 14-24 and any regulations adopted thereunder shall be sufficient to fulfill the requirements of this section.

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

The state, acting by and in the discretion of the Commissioner of Transportation, may enter into a contract with a municipality, acting by its harbor improvement agency, for state financial assistance for a harbor improvement project pursuant to a harbor improvement plan approved by the Commissioner of Transportation in the form of a state grant-in-aid. [equal to two-thirds of the net cost of the project as approved by the Commissioner of Transportation, provided state financial assistance to any municipality for such purposes shall not exceed one million dollars.] Any such application for state financial assistance under this section shall be submitted by the Commissioner of Transportation to the Commissioner of Environmental Protection for his review. Said Commissioner of Environmental Protection shall submit a written report to the Commissioner of Transportation, setting forth his findings regarding such application.

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

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such contracts. The department shall administer all contracts entered into under this section.

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

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

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

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

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

The term "motor vehicle in livery service" includes every motor vehicle used by any person, association, limited liability company or corporation which represents itself to be in the business of transporting passengers for hire, except (1) any motor bus and any taxicab operated under a certificate of public convenience and necessity issued by the Department of Transportation, (2) any school bus, as defined in section 14-275 of the 2008 supplement to the general statutes, or student transportation vehicle, as defined in section 14-212, when used for the transportation of children under the age of twenty-one years, [and] (3) any school bus, as defined in section 14-275 of the 2008 supplement to the general statutes, when used for the transportation of passengers (A) by virtue of a contract with any public or private institution of higher education, (B) pursuant to a contract for service to a special event held at a location or facility which is not open for business on a daily basis throughout the year, not to exceed a period of ten days, or (C) pursuant to a contract with a municipality for which the carrier provides school transportation service, and (4) any motor vehicle operated by or through a community-based regional transportation system for the elderly established pursuant to section 55 of public act 05-280.

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

(e) The following types of signs, displays and devices may, with the approval of and subject to regulations [promulgated] adopted by the commissioner, be permitted within the six-hundred-sixty-foot area of interstate, primary and other limited access state highways, except as prohibited by state statute, local ordinance or zoning regulation: (1) Directional and other official signs or notices, which signs and notices shall include, but not be limited to, signs and notices pertaining to natural wonders and scenic and historical attractions which are required or authorized by law; (2) signs, displays and devices advertising the sale or lease of the property upon which they are located; (3) signs, displays and devices advertising activities conducted on the property on which they are located; and (4) signs, displays or advertising devices which are in place for sixty days or less. Subject to regulations [promulgated] adopted by the commissioner and except as prohibited by state statute, local ordinance or zoning regulation signs, displays and devices may be erected and maintained within six hundred [and] sixty feet of primary and other limited access state highways in areas which are zoned for industrial or commercial use under authority of law or located in unzoned commercial or industrial areas which areas shall be determined from actual land uses and defined by regulations of the commissioner. The regulations of the commissioner in regard to size, spacing and lighting shall apply to any segments of the interstate system which traverse commercial or industrial zones wherein the use of real property adjacent to the interstate system is subject to municipal regulation or control, or which traverse other areas where the land use, as of September 21, 1959, was clearly established under state law as industrial or commercial.

Sec. 13. Section 14-232 of the general statutes is repealed and the

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following is substituted in lieu thereof (*Effective October 1, 2008*):

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

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

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

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

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

Sec. 15. (NEW) (*Effective October 1, 2008*) The Commissioner of Transportation shall, within available appropriations and in consultation with groups advocating on behalf of bicyclists, develop and implement a state-wide "Share the Road" public awareness campaign to educate the public concerning the rights and

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responsibilities of both motorists and bicyclists as they jointly use the highways of this state.

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

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

Sec. 17. (NEW) (*Effective October 1, 2008*) Upon the completion of a highway or bridge project, a certification shall be signed by each of the following individuals involved with the project: The general contractor; the Department of Transportation project engineer; and either the Department of Transportation chief inspector, consultant resident engineer or chief inspector, or the municipal chief inspector or official. Such certification shall be on forms prepared by the Commissioner of Transportation and shall state that such individual certifies, to such individual's best knowledge, information and belief, that the completed project has been constructed in substantial compliance with the contract plans, specifications and any approved change orders for such project.

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

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

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

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

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

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

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

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

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

The Department of Transportation shall erect a sign on the Metro North overpass in Milford designating the location of the [Milford Fine Arts Council] Milford Center for the Arts.

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

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

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

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

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

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

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

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

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

Route 6 [in Bethel, from the Vail Road intersection to] from the Danbury line [] east to the intersection of Old Hawleyville Road shall be designated the "Trooper James W. Lambert Memorial Highway".

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

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

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

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

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

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

Approved May 27, 2008