



# Senate

General Assembly

**File No. 970**

January Session, 2009

Substitute Senate Bill No. 735

*Senate, May 18, 2009*

The Committee on Appropriations reported through SEN. HARP of the 10th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

## **AN ACT IMPROVING BICYCLE AND PEDESTRIAN ACCESS.**

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

1 Section 1. (NEW) (*Effective July 1, 2009*) (a) For the purposes of this  
2 section:

3 (1) "Department" means the Department of Transportation;

4 (2) "Funds" means any funds from the Special Transportation Fund,  
5 bond allocations and any other source that is available for the  
6 construction, maintenance and repair of roads in this state;

7 (3) "User" means a motorist, transit user, pedestrian or bicyclist;

8 (4) "Bikeway" means any road, street, path or way which in some  
9 manner is specifically designated for bicycle travel, including the  
10 provision of a bicycle lane, regardless of whether such facility is  
11 designated for the exclusive use of bicycles or is to be shared with  
12 other modes of transportation; and

13 (5) "Total project cost" means the cost of the entire corridor plan  
14 project.

15 (b) Accommodations for all users shall be a routine part of the  
16 planning, design, construction and operating activities of all highways,  
17 roads and streets in this state.

18 (c) From funds received by the department or any municipality for  
19 the construction, resurfacing, restoration, rehabilitation or relocation of  
20 highways, roads or streets, a reasonable amount shall be expended to  
21 provide facilities for all users including, but not limited to, bikeways  
22 and sidewalks with appropriate curb cuts and ramps, provided in no  
23 event shall less than one per cent of the total amount of funds received  
24 in any fiscal year be so expended. The department or municipality  
25 shall take future transit expansion plans into account where  
26 appropriate.

27 (d) The provision of facilities pursuant to subsection (c) of this  
28 section shall not be required if the Commissioner of Transportation or  
29 the municipal project manager demonstrates and documents with  
30 respect to a highway, road or street that: (1) Nonmotorized usage is  
31 prohibited; (2) there is a demonstrated absence of need; or (3) the  
32 accommodation of all users would be excessively expensive to the total  
33 project cost.

34 Sec. 2. (NEW) (*Effective July 1, 2009*) (a) There is established a  
35 Connecticut Bicycle and Pedestrian Advisory Board which shall be  
36 within the Department of Transportation for administrative purposes  
37 only.

38 (b) The board shall consist of eleven members appointed as follows:  
39 The Governor shall appoint five members and the speaker of the  
40 House of Representatives, the president pro tempore of the Senate, the  
41 majority leader of the House of Representatives, the majority leader of  
42 the Senate, the minority leader of the House of Representatives and the  
43 minority leader of the Senate shall each appoint one member. The  
44 members shall be electors of the state and have a background and

45 interest in issues pertaining to walking and bicycling, one of whom  
46 shall be a representative of an organization interested in the promotion  
47 of bicycling, one of whom shall be a representative of an organization  
48 interested in the promotion of walking, one of whom shall be an owner  
49 or manager of a business engaged in the sale or repair of bicycles, one  
50 of whom shall be a representative of visually-impaired persons, one of  
51 whom shall be a representative of mobility-impaired persons, one of  
52 whom shall be a representative of transit workers and one of whom  
53 shall be a person sixty years of age or older.

54 (c) All members shall serve for a term of four years, except that of  
55 the members first appointed by the Governor, three members shall  
56 serve for an initial term of two years and two members shall serve for  
57 an initial term of three years. Any vacancy in the membership of the  
58 board shall be filled by the appointing authority for the unexpired  
59 term. Members shall receive no compensation for their services.

60 (d) The board shall, at its first meeting and annually thereafter,  
61 select a chairperson from among its members. The board shall meet at  
62 least once during each calendar quarter and at such other times as the  
63 chairperson deems necessary.

64 (e) The duties of the board shall include, but not be limited to,  
65 promoting programs and facilities for bicycles and pedestrians in this  
66 state, and advising appropriate agencies of the state on policies,  
67 programs and facilities for bicycles and pedestrians.

68 (f) The board may apply for and accept grants, gifts and bequests of  
69 funds from other states, federal and interstate agencies, independent  
70 authorities and private firms, individuals and foundations, for the  
71 purpose of carrying out its responsibilities.

72 (g) The Department of Transportation shall assist the board in  
73 carrying out its responsibilities by making available department  
74 reports and records related to the board's responsibilities, printing the  
75 board's annual report or distributing copies thereof as may be required  
76 and mailing notices of the board's meetings as may be required.

77 (h) Not later than January 1, 2010, and annually thereafter, the board  
78 shall submit a report, in accordance with section 11-4a of the general  
79 statutes, to the Governor, the Commissioner of Transportation and the  
80 joint standing committee of the General Assembly having cognizance  
81 of matters relating to transportation on (1) the progress made by state  
82 agencies in improving the environment for bicycling and walking in  
83 this state, (2) recommendations for improvements to state policies and  
84 procedures related to bicycling and walking, and (3) specific actions  
85 taken by the Department of Transportation in the preceding year that  
86 affect the bicycle and pedestrian environment.

87 Sec. 3. (NEW) (*Effective July 1, 2009*) (a) On and after January 1, 2010,  
88 the Commissioner of Motor Vehicles shall issue, within existing  
89 budgetary resources, Share the Road commemorative number plates of  
90 a design to enhance public awareness of the rights and responsibilities  
91 of both motorists and bicyclists while jointly using the highways of  
92 this state. The design shall be determined by agreement between the  
93 Department of Transportation and the Commissioner of Motor  
94 Vehicles, in consultation with an organization advocating on behalf of  
95 bicyclists. No use shall be made of such plates except as official  
96 registration marker plates.

97 (b) A fee of sixty dollars shall be charged for Share the Road  
98 commemorative number plates, in addition to the regular fee or fees  
99 prescribed for the registration of a motor vehicle. Fifteen dollars of  
100 such fee shall be deposited in an account controlled by the Department  
101 of Motor Vehicles to be used for the cost of producing, issuing,  
102 renewing and replacing such number plates and forty-five dollars of  
103 such fee shall be deposited in the account established under subsection  
104 (d) of this section. No additional fee shall be charged in connection  
105 with the renewal of such number plates. No transfer fee shall be  
106 charged for transfer of an existing registration to or from a registration  
107 with Share the Road commemorative number plates. Such number  
108 plates shall have letters and numbers selected by the Commissioner of  
109 Motor Vehicles. The commissioner may establish a higher fee for: (1)  
110 Number plates that contain the numbers and letters from a previously

111 issued number plate; (2) number plates that contain letters in place of  
112 numbers as authorized by section 14-49 of the general statutes, in  
113 addition to the fee or fees prescribed for registration under said  
114 section; and (3) number plates that are low number plates issued in  
115 accordance with section 14-160 of the general statutes, in addition to  
116 the fee or fees prescribed for registration under said section. All fees  
117 established and collected pursuant to this section, except the amount  
118 deposited in the account controlled by the department, shall be  
119 deposited in the Share the Road account established under subsection  
120 (d) of this section.

121 (c) The Commissioner of Motor Vehicles, in consultation with the  
122 Commissioner of Transportation, may adopt regulations, in  
123 accordance with the provisions of chapter 54 of the general statutes, to  
124 establish standards and procedures for the issuance, renewal and  
125 replacement of Share the Road commemorative number plates.

126 (d) There is established a Share the Road account which shall be a  
127 separate, nonlapsing account within the General Fund. The account  
128 shall contain any moneys required by law to be deposited in the  
129 account. The funds in the account shall be expended by the  
130 Department of Transportation to enhance public awareness of the  
131 rights and responsibilities of bicyclists and motorists while jointly  
132 using the highways of this state and to promote bicycle use and safety  
133 in this state. The Commissioner of Transportation may receive private  
134 donations to said account and any such receipts shall be deposited in  
135 said account.

136 (e) The Commissioner of Motor Vehicles may provide for the  
137 reproduction and marketing of the Share the Road commemorative  
138 number plate image for use on clothing, recreational equipment,  
139 posters, mementoes or other products or programs deemed by the  
140 commissioner to be suitable as a means of supporting the  
141 Share the Road account established under subsection (d) of this  
142 section. Any moneys received by the commissioner from such  
143 marketing shall be deposited in said account.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2009</i>	New section
Sec. 2	<i>July 1, 2009</i>	New section
Sec. 3	<i>July 1, 2009</i>	New section

**APP**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 10 \$	FY 11 \$
Department of Motor Vehicles	TF - Cost	100,000	100,000
Comptroller Misc. Accounts (Fringe Benefits) <sup>1</sup>	TF - Cost	25,430	25,430
Department of Transportation	TF - Cost	None	None

Note: TF=Transportation Fund

**Municipal Impact:** None

**Explanation**

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

Section 2 establishes a Connecticut Bicycle and Pedestrian Advisory Board within the Department of Transportation (DOT). DOT will be able to accommodate any additional administrative functions within their normal anticipated budgetary resources.

Section 3 requires the Department of Motor Vehicles (DMV) to issue and market within existing budgetary resources a commemorative license plate with the words "Share the Road" and appropriate image. The DMV will require 2 additional Program Coordinators at \$50,000 each plus fringes in order to develop and market the Share the Road program. The requirement that DMV to issue and market the "Share

<sup>1</sup> The fringe benefit costs for state employees are budgeted centrally in the Miscellaneous Accounts administered by the Comptroller on an actual cost basis. The following is provided for estimated costs associated with additional personnel. The estimated non-pension fringe benefit rate as a percentage of payroll is 25.43%. Fringe benefit costs for new positions do not initially include pension costs as the state's pension contribution is based upon the 6/30/08 actuarial valuation for the State Employees Retirement System (SERS) which certifies the contribution for FY 10 and FY 11. Therefore, new positions will not impact the state's pension contribution until FY 12 after the next scheduled certification on 6/30/2010.

the Road” commemorative plate within existing budgetary resources will likely result in one of four outcomes: (1) DMV will proceed with hiring staff and will require a deficiency appropriation during FY 10; (2) DMV will delay the hiring staff and issuance and marketing of the commemorative plate pending the approval of additional appropriations in future fiscal years; (3) DMV will shift administrative resources from other department priorities, thereby impacting existing departmental programs; or (4) DMV will not issue and market the “Share the Road” commemorative plate per provision of this bill.

Section 3 establishes a separate, non-lapsing account within the General Fund to be known as the “Share the Road Account”. Since the number of requests for the plate is unknown, the revenue to be deposited in the special, non-lapsing account within the General Fund is indeterminate.

Section 1 is technical and has no fiscal impact.

### **The Out Years**

#### **State Impact:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 12 \$</b>	<b>FY 13 \$</b>	<b>FY 14 \$</b>
Department of Motor Vehicles	TF - Cost*	103,000	106,090	109,273
Comptroller Misc. Accounts (Fringe Benefits)	TF - Cost*	26,193	26,979	27,788
Department of Transportation	TF - Cost	None	None	None

Note: TF=Transportation Fund

\*These figures have been adjusted for inflation at a rate of 3%

**Municipal Impact:** None

**OLR Bill Analysis****sSB 735*****AN ACT IMPROVING BICYCLE AND PEDESTRIAN ACCESS.*****SUMMARY:**

This bill:

1. requires a minimum of 1% of the total amount of funds received in any fiscal year by the Department of Transportation (DOT) and any municipality for construction, resurfacing, restoration, rehabilitation, or relocation of any highway or street to be spent to provide facilities for “all users” including, at least, bikeways and sidewalks with curb cuts or ramps;
2. establishes an 11-member Connecticut Bicycle and Pedestrian Advisory Board to report to the governor, transportation commissioner, and the Transportation Committee on actions, policies, and procedures that improve the bicycling and walking environment in Connecticut; and
3. requires the motor vehicle commissioner to issue, within existing budgetary resources, a special “Share the Road” license plate with additional fees paid by those who request the plate used by the DOT to enhance public awareness of the relative responsibilities of bicyclists and motorists and to promote bicycle use and safety in Connecticut.

EFFECTIVE DATE: July 1, 2009

**MANDATORY EXPENDITURES**

The bill requires a reasonable amount of any funds received by the DOT or any municipality for construction, resurfacing, restoration, rehabilitation, or relocation of roads to be spent for facilities for “all

users” including, at least, bikeways and sidewalks with curb cuts and ramps. This cannot be less than 1% of the total funds received in any fiscal year. It defines “funds” as any funds from the Special Transportation Fund, bond allocations, and any other source available for the construction, maintenance, and repair of roads. This appears to include virtually any funds the state or municipalities appropriate or bond for roads and includes federal funds and, in the case of municipalities, state town road aid grants and funding from the Local Capital Improvement Program (LoCIP). The bill also requires the DOT and every municipality to take “future transit expansion plans” into account where appropriate.

The bill does not require these mandatory expenditures if the DOT commissioner or a municipal project manager demonstrates and documents with respect to a highway, road, or street that (1) non-motorized usage is prohibited, (2) there is an absence of need, or (3) the accommodation of all users would be excessively expensive. However, the bill does not define excessive expense or how or to whom a demonstration must be made; nor does it specify that these things must be determined through regulations.

## **ADVISORY BOARD**

### ***Membership***

The Connecticut Bicycle and Pedestrian Advisory Board is located in the DOT for administrative purposes only. Five members must be appointed by the governor with the other six members appointed, one each, by the House speaker, Senate president, House and Senate majority leaders, and House and Senate minority leaders. All members must be electors and have a background and interest in issues pertaining to walking and bicycling. Seven of the members must be appointed from the following constituencies:

1. a representative of an organization interested in promoting bicycling,
2. a representative of an organization interested in promoting

- walking,
3. an owner or manager of a business engaged in bicycle sales or repair,
  4. a representative of visually-impaired persons,
  5. a representative of mobility-impaired persons,
  6. a representative of transit workers, and
  7. a person who is at least age 60.

The bill does not specify which of the appointing authorities is responsible for appointing the members from the special constituencies.

Members serve four-year terms, except that, of the governor's initial five appointees, three must serve for two years and two for three years. Vacancies must be filled by the appointing authority for the unexpired term. All members must serve without compensation.

The members must select a chairperson at the first meeting and annually thereafter. The board must meet at least once each calendar quarter and any other time the chairperson deems necessary.

### ***Duties and Responsibilities***

The bill specifies the board's duties to include, (1) promoting programs and facilities for bicycles and pedestrians and (2) advising appropriate state agencies on policies, programs, and facilities for bicycles and pedestrians. It may also apply for and accept grants, gifts, and bequests from other states; federal and interstate agencies; independent authorities; and private firms, individuals, and foundations.

The bill requires DOT to assist the board by making available DOT reports and records related to the board's responsibilities, printing its annual report or distributing copies of it as required, and mailing

notices of meetings if requested.

### ***Annual Report***

By January 1, 2010, and annually thereafter, the board must submit a report to the governor, DOT commissioner, and the Transportation Committee. The report must include (1) progress made by state agencies in improving the environment for bicycling and walking in Connecticut, (2) recommendations for improvement to state policies and procedures related to bicycling and walking, and (3) actions taken by DOT in the preceding year that affect the bicycle and walking environment.

### **“SHARE THE ROAD” LICENSE PLATE**

#### ***Issuance of Plates***

Beginning January 1, 2010, the bill requires the Department of Motor Vehicles (DMV) to issue, within existing budgetary resources, special “Share the Road” license plates to anyone requesting them. DMV must charge a fee of \$60 for the plates in addition to any registration fee otherwise required for the vehicle, and can retain \$15 of the \$60 fee for the costs of producing, issuing, renewing, and replacing the plates. DMV may not charge a registration transfer fee for anyone who switches to the Share the Road plates from another plate.

The DMV commissioner may charge a higher fee for (1) plates that contain numbers and letters from someone’s previously issued plate, (2) plates that contain letters in place of numbers (“vanity plates”), and (3) low-number plates issued in accordance with state law. The transportation and motor vehicle commissioners must determine the design of the plates by agreement, in consultation with an organization that advocates on behalf of bicyclists.

#### ***Share the Road Account***

The bill establishes a special, nonlapsing account in the General Fund into which must be deposited \$45 of the \$60 special fee for issuing the plates. Funds in the account must be spent by DOT to

enhance public awareness of the rights and responsibilities of bicyclists and motorists jointly using the highway and to promote bicycle use and safety. The DOT commissioner must deposit any private donations he receives into the account.

The DMV commissioner may provide for the reproduction and marketing of the Share the Road plate image for clothing, recreational equipment, posters, mementoes, or other products or programs he finds suitable. Any money received through such marketing must go into the special account.

**BACKGROUND**

***Legislative History***

The Senate referred the bill (File 394) to the Planning and Development Committee which reported it favorably. It was then referred to the Government Administration and Elections Committee, which also reported it favorably. The Senate referred it to the Appropriations Committee which reported a substitute bill adding the requirement that DMV issue the Share the Road license plates within existing budgetary resources.

**COMMITTEE ACTION**

Transportation Committee

Joint Favorable Substitute  
Yea 36 Nay 0 (03/16/2009)

Planning and Development Committee

Joint Favorable  
Yea 12 Nay 5 (04/13/2009)

Government Administration and Elections Committee

Joint Favorable  
Yea 9 Nay 2 (04/23/2009)

Appropriations Committee

Joint Favorable Substitute

Yea 42 Nay 9 (05/05/2009)