



General Assembly

Substitute Bill No. 6649

January Session, 2009

* HB06649TRA 031609 *

AN ACT CONCERNING THE PROGRAMS AND ACTIVITIES OF THE DEPARTMENT OF TRANSPORTATION.

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

1 Section 1. Section 13b-20 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) The [commissioner] Commissioner of Transportation shall keep
4 a record of all proceedings and orders pertaining to the matters under
5 [his] said commissioner's direction and copies of all plans,
6 specifications and estimates submitted to [him] said commissioner.
7 Said commissioner shall furnish to any court in this state without
8 charge certified copies of any document or record pertaining to the
9 operation of the department, and any certified document or record of
10 the commissioner, attested as a true copy by the commissioner, the
11 [Deputy Commissioner of Transportation] deputy commissioner, the
12 chief engineer of the department, or any deputy commissioner for an
13 operating bureau, shall be competent evidence in any court of this
14 state of the facts [therein] contained in such document or record. The
15 commissioner may delegate to the [Deputy Commissioner of
16 Transportation] deputy commissioner, the chief engineer, and the
17 deputy commissioners for operating bureaus, the authority to sign any
18 agreement, contract, document or instrument which [he] the
19 commissioner is authorized to sign and any such signature shall be

20 binding and valid.

21 (b) The Executive Director of the State Traffic Commission may
22 certify copies of any document or record pertaining to the operation of
23 the State Traffic Commission, and any certified document or record of
24 said commission, attested as a true copy by said executive director,
25 shall be competent evidence in any court of this state of the facts
26 contained in such document or record.

27 Sec. 2. Subsection (a) of section 13b-251 of the general statutes is
28 repealed and the following is substituted in lieu thereof (*Effective from*
29 *passage*):

30 (a) The minimum overhead clearance for any structure crossing
31 over railroad tracks for which construction is begun on or after
32 October 1, 1986, shall be twenty feet, six inches, except that, (1) if the
33 construction includes only deck replacement or minor widening of the
34 structure, and the existing piers or abutments remain in place, the
35 minimum overhead clearance shall be the structure's existing overhead
36 clearance; (2) the minimum overhead clearance for any structure
37 crossing any railroad tracks on which trains are operated that are
38 attached to or powered by means of overhead electrical wires shall be
39 twenty-two feet, six inches; (3) the minimum overhead clearance for
40 the structure that carries (A) Route 372 over railroad tracks in New
41 Britain, designated state project number 131-156, (B) U.S. Route 1 over
42 railroad tracks in Fairfield, designated state project number 50-6H05,
43 (C) Route 729 over railroad tracks in North Haven, designated state
44 project number 100-149, (D) Grove Street over railroad tracks in
45 Hartford, designated state project number 63-376, (E) Route 1 over
46 railroad tracks in Milford, designated state project number 173-117, (F)
47 Ingham Hill Road over railroad tracks in Old Saybrook, designated
48 state project number 105-164, (G) Ellis Street over railroad tracks in
49 New Britain, designated state project number 88-114, (H) Route 100
50 over the railroad tracks in East Haven, bridge number 01294, and (I)
51 Church Street Extension over certain railroad storage tracks located in
52 the New Haven Rail Yard, designated state project number 92-526,

53 shall be eighteen feet; (4) the minimum overhead clearance for those
54 structures carrying (A) Fair Street, bridge number 03870, (B) Crown
55 Street, bridge number 03871, and (C) Chapel Street, bridge number
56 03872, over railroad tracks in New Haven shall be seventeen feet, six
57 inches; (5) the minimum overhead clearance for the structure carrying
58 State Street railroad station pedestrian bridge over railroad tracks in
59 New Haven shall be nineteen feet, ten inches; (6) the overhead
60 clearance for the structure carrying Woodland Street over the Griffins
61 Industrial Line in Hartford, designated state project number 63-501,
62 shall be fifteen feet, nine inches, with new foundations placed at
63 depths which may accommodate an overhead clearance to a maximum
64 of seventeen feet, eight inches; (7) the Department of Transportation
65 may replace the Hales Road Highway Bridge over railroad tracks in
66 Westport, [Bridge Number] bridge number 03852, with a new bridge
67 that provides a minimum overhead clearance over the railroad tracks
68 that shall be eighteen feet, five inches; [and] (8) the Department of
69 Transportation may replace the Pearl Street Highway Bridge over
70 railroad tracks in Middletown, [Bridge Number] bridge number 04032,
71 with a new bridge that provides a minimum overhead clearance over
72 the railroad tracks that shall be seventeen feet, eleven inches; and (9)
73 the Department of Transportation may replace the Broad Street
74 highway bridge over the AMTRAK railroad in Hartford, bridge
75 number 03629, with a new bridge that provides a minimum overhead
76 clearance over the railroad tracks that shall be nineteen feet, four
77 inches.

78 Sec. 3. Section 13b-20g of the general statutes is repealed and the
79 following is substituted in lieu thereof (*Effective from passage*):

80 Whenever there is a need to engage a consultant, the Commissioner
81 of Transportation shall notify all firms that are prequalified in
82 accordance with section 13b-20e in the category of services being
83 sought by the department. If the prequalified list contains fewer than
84 five consulting firms or does not include the area of expertise required
85 by the department, the commissioner shall publish a notice in

86 appropriate professional magazines, professional newsletters [and
87 newspapers] or on-line professional web sites, indicating the general
88 scope of the assignment and requesting responses in accordance with
89 subsection (b) of section 13b-20e, and at least once in one or more
90 newspapers having a circulation in each county of the state. Responses
91 shall be received at the Department of Transportation not later than
92 fourteen days after the last date on which the notice is published,
93 unless additional time is specifically authorized by the commissioner,
94 or not later than any specific date set forth in such notice. For certain
95 specialized projects the notice may also solicit a full work proposal in
96 addition to the technical qualifications of a firm.

97 Sec. 4. Section 13b-102 of the general statutes is repealed and the
98 following is substituted in lieu thereof (*Effective from passage*):

99 (a) (1) Each person, association, limited liability company or
100 corporation owning or operating a motor vehicle in livery service shall
101 be subject to the jurisdiction of the Department of Transportation, and
102 the department may prescribe adequate service and reasonable rates
103 and charges and prescribe and establish such reasonable regulations
104 with respect to fares, service, operation and equipment as it deems
105 necessary for the convenience, protection, safety and best interests of
106 passengers and the public. (2) Notwithstanding the provisions of
107 subdivision (1) of this subsection with respect to reasonable rates and
108 charges, each person, association, limited liability company or
109 corporation operating a motor vehicle in livery service having a
110 seating capacity of ten or more adults shall file a schedule of
111 reasonable maximum rates and charges with the Department of
112 Transportation. The provisions of subdivision (1) of this subsection
113 with respect to rates and charges shall not apply to any person,
114 association, limited liability company or corporation operating a motor
115 vehicle engaged in the transportation of passengers for hire by virtue
116 of a contract with, or a lower tier contract for, any federal, state or
117 municipal agency.

118 (b) Each person, association, limited liability company or

119 corporation operating a motor vehicle that carries eight or more
120 passengers by virtue of authorization issued by the Federal Highway
121 Administration for charter and special operation shall register such
122 authorization for interstate operation with the Department of
123 Transportation if such person, association, limited liability company or
124 corporation maintains a domicile or principal office in the state.

125 Sec. 5. Section 13a-85b of the general statutes is repealed and the
126 following is substituted in lieu thereof (*Effective July 1, 2009*):

127 [(a) The Commissioner of Transportation shall not sell, or use in any
128 manner that is incompatible with transportation purposes, the existing
129 right-of-way acquired for potential use as the Route 7 limited access
130 highway from Danbury to Norwalk.] Should any properties situated
131 within [said] the existing right-of-way acquired for potential use as a
132 limited access highway from Danbury to Norwalk which are not
133 currently owned by the Department of Transportation be offered for
134 sale to the state, the [commissioner] Commissioner of Transportation
135 may, within available funds, acquire said properties upon terms and
136 conditions which are equitable to both the property owner and the
137 state. The commissioner may, within available funds, acquire any
138 properties not currently owned by the Department of Transportation
139 that are situated within such right-of-way when such properties come
140 onto the market for sale and if such purchase would (1) alleviate
141 particular hardship to a property owner, on his request, in contrast to
142 others because of an inability to sell his property; or (2) prevent
143 imminent development and increased costs of a parcel which would
144 tend to limit the choice of highway alternatives.

145 [(b) The Commissioner of Transportation shall not sell, or use in any
146 manner that is incompatible with transportation purposes, any
147 property currently under his control in Danbury adjacent to Route 7
148 and south of Wooster Heights Road.]

149 Sec. 6. (NEW) (*Effective from passage*) The Department of
150 Transportation shall not begin any phase of the project for the

151 demolition of the parking garage at the Stamford Transportation
152 Center unless the Department of Transportation makes alternative
153 parking spaces available in the vicinity of the Stamford Transportation
154 Center before such phase of the project for such demolition begins. The
155 number of such alternative parking spaces shall equal or exceed the
156 number of parking spaces to be lost by such phase of the project for
157 such demolition.

158 Sec. 7. (*Effective from passage*) The Department of Transportation and
159 the Transportation Strategy Board shall submit a joint report to the
160 joint standing committee of the General Assembly having cognizance
161 of matters relating to transportation, not later than fifteen days
162 following the effective date of this section, and monthly thereafter,
163 concerning (1) actions taken by the department and the board in order
164 to qualify state, regional or municipal projects for the receipt of federal
165 funds pursuant to the American Recovery and Reinvestment Act of
166 2009, P.L. 111-5, (2) the amount of any state matching funds necessary
167 to qualify for federal funds and the availability of such funds, and (3) a
168 description of all applications submitted for federal funds and the
169 status of such applications. Such reports shall be submitted in
170 accordance with the provisions of section 11-4a of the general statutes.

171 Sec. 8. (*Effective July 1, 2009*) The sum of five million dollars is
172 appropriated from the General Fund, for each fiscal year of the
173 biennium ending June 30, 2011, to the Department of Transportation
174 for the implementation of an agreement among East Haven, New
175 Haven and the Tweed New Haven Airport Authority regarding the
176 operation of Tweed New Haven Airport.

177 Sec. 9. (*Effective from passage*) The Department of Transportation,
178 within existing budgetary resources, shall conduct a study to
179 determine the feasibility of providing commuter bus service for
180 suburban residents from commuter parking lots to the Bridgeport
181 Train Station via Route 8 and Housatonic Avenue and shall submit a
182 report of its findings and recommendations to the joint standing
183 committee of the General Assembly having cognizance of matters

184 relating to the Department of Transportation, in accordance with the
185 provisions of section 11-4a of the general statutes, on or before
186 February 1, 2010.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	13b-20
Sec. 2	<i>from passage</i>	13b-251(a)
Sec. 3	<i>from passage</i>	13b-20g
Sec. 4	<i>from passage</i>	13b-102
Sec. 5	<i>July 1, 2009</i>	13a-85b
Sec. 6	<i>from passage</i>	New section
Sec. 7	<i>from passage</i>	New section
Sec. 8	<i>July 1, 2009</i>	New section
Sec. 9	<i>from passage</i>	New section

TRA *Joint Favorable Subst.*