



General Assembly

January Session, 2009

Raised Bill No. 1037

LCO No. 3839

03839_____PD_

Referred to Committee on Planning and Development

Introduced by:

(PD)

**AN ACT CONCERNING EXPEDITED APPROVAL OF
TRANSPORTATION PROJECTS AND ECONOMIC DEVELOPMENT
PROJECTS.**

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

1 Section 1. (NEW) (*Effective October 1, 2009*) (a) As used in this
2 section: (1) "Transportation engineering professional" means a person
3 who is qualified by reason of his knowledge, as specified in subsection
4 (e) of this section, to engage in activities associated with the work on
5 highways, roads and bridges including the rendering or offering to
6 render to clients professional services in connection with such
7 activities; and (2) "commissioner" means the Commissioner of
8 Transportation or the agent of such commissioner.

9 (b) There shall be within the Department of Transportation a State
10 Board of Examiners of Transportation Engineering Professionals. The
11 board shall consist of eleven members. One member, who shall be the
12 chairman of the board, shall be the Commissioner of Transportation, or
13 the commissioner's designee. The Governor shall appoint the other ten
14 members of the board who shall be licensed transportation

15 engineering professionals or, prior to the publication by the board of
16 the first roster of licensed transportation engineering professionals,
17 persons on the list maintained by the commissioner pursuant to
18 subsection (h) of this section. The members of the board shall
19 administer the provisions of this section as to licensure and issuance,
20 reissuance, suspension or revocation of licenses concerning
21 transportation engineering professionals. The Governor may remove
22 any member of the board for misconduct, incompetence or neglect of
23 duty. The members of the board shall receive no compensation for
24 their services but shall be reimbursed for necessary expenses incurred
25 in the performance of their duties. The board shall keep a true and
26 complete record of all its proceedings.

27 (c) A licensed transportation engineering professional shall perform
28 his duties in accordance with the standard of care applicable to
29 professionals engaged in such duties. The commissioner, with advice
30 and assistance from the board, may adopt regulations, in accordance
31 with the provisions of chapter 54 of the general statutes, concerning
32 professional ethics and conduct appropriate to establish and maintain
33 a high standard of integrity and dignity in the practice of a
34 transportation engineering professional and may make rules for the
35 conduct of the board's affairs and for the examination of applicants for
36 licenses.

37 (d) The commissioner shall receive and account for all moneys
38 derived under the provisions of this section and shall deposit such
39 moneys in the General Fund. The board shall keep a register of all
40 applications for licenses with the actions of the board thereon. A roster
41 showing the names of all licensees shall be prepared each year. A copy
42 of such roster shall be placed on file with the Secretary of the State.

43 (e) The board shall authorize the commissioner to issue a license to
44 any person who demonstrates to the satisfaction of the board that such
45 person: (1) Has, for a period of time established by the commissioner
46 in regulations adopted under chapter 54 of the general statutes and

47 this section, engaged in work on highways, roads and bridges and
48 holds a bachelor's or advanced degree from an accredited college or
49 university in a related engineering field or is a professional engineer
50 licensed in accordance with chapter 391 of the general statutes; (2) has
51 successfully passed a written examination, or a written and oral
52 examination, prescribed by the board and approved by the
53 commissioner, which shall test the applicant's knowledge of the
54 highways, roads and bridges; and (3) has paid an examination fee of
55 one hundred eighty-eight dollars to the commissioner. In considering
56 whether a degree held by an applicant for such license qualifies for the
57 educational requirements under this section, the board may consider
58 all undergraduate, graduate, postgraduate and other courses
59 completed by the applicant.

60 (f) The board shall authorize the commissioner to issue a license to
61 any applicant who, in the opinion of the board, has satisfactorily met
62 the requirements of this section. The issuance of a license by the
63 commissioner shall be evidence that the person named therein is
64 entitled to all the rights and privileges of a licensed transportation
65 engineering professional while such license remains unrevoked or
66 unexpired. A licensed transportation engineering professional shall
67 pay to the commissioner an annual fee of three hundred thirty-eight
68 dollars, due and payable on July first of every year beginning with July
69 first of the calendar year immediately following the year of license
70 issuance. The commissioner, with the advice and assistance of the
71 board, may adopt regulations, in accordance with the provisions of
72 chapter 54 of the general statutes, pertaining to the design and use of
73 seals by licensees under this section and governing the license issuance
74 and renewal process, including, but not limited to, procedures for
75 allowing the renewal of licenses when an application is submitted not
76 later than six months after the expiration of the license without the
77 applicant having to take the examination required under subsection (e)
78 of this section.

79 (g) The board may conduct investigations concerning the conduct of

80 any licensed transportation engineering professional. The
81 commissioner may conduct audits of any actions authorized by law to
82 be performed by a licensed transportation engineering professional.
83 The board shall authorize the commissioner to: (1) Revoke the license
84 of any transportation engineering professional; (2) suspend the license
85 of any transportation engineering professional; (3) impose any other
86 sanctions that the board deems appropriate; or (4) deny an application
87 for such licensure if the board, after providing such professional with
88 notice and an opportunity to be heard concerning such revocation,
89 suspension, other sanction or denial, finds that such professional has
90 submitted false or misleading information to the board or has engaged
91 in professional misconduct or violated any provision of this section or
92 regulations adopted under the provisions of this section.

93 (h) The board shall hold the first examination pursuant to this
94 section no later than eighteen months after the date the commissioner
95 adopts regulations pursuant to chapter 54 of the general statutes and
96 this section and shall publish the first roster of licensed transportation
97 engineering professionals no later than six months after the date of
98 such examination. Until such time as the board publishes the first
99 roster of licensed transportation engineering professionals, any person
100 who (1) has for a minimum number of years determined by the
101 commissioner engaged in work on highways, roads and bridges; (2)
102 holds a bachelor's or advanced degree from an accredited college or
103 university in a related science or related engineering field or is a
104 professional engineer licensed in accordance with chapter 391 of the
105 general statutes; and (3) pays a registration fee of two hundred twenty-
106 five dollars may apply to the commissioner to be placed on a list of
107 transportation engineering professionals. Any person on such list may
108 perform any duties authorized by law to be performed by a licensed
109 transportation engineering professional until such time as the first
110 roster of licensed transportation engineering professionals is published
111 by the board.

112 (i) Nothing in this section shall be construed to authorize a licensed

113 transportation engineering professional to engage in any profession or
114 occupation requiring a license under any other provisions of the
115 general statutes without such license.

116 Sec. 2. (NEW) (*Effective October 1, 2009*) (a) The Commissioner of
117 Transportation shall, by regulations adopted in accordance with
118 chapter 54 of the general statutes, define the scope of activities to be
119 engaged in by licensed transportation engineering professionals. Such
120 regulations shall be designed to expedite the process of issuing
121 approvals under any provision of the general statutes for highways,
122 roads and bridges. In developing such regulations, the commissioner
123 shall consult with municipalities, colleges and universities and
124 relevant professional engineering organizations.

125 (b) Each licensed transportation engineering professional shall
126 submit an action report submitted to the commissioner for such a
127 project which includes a proposed action for the commissioner. The
128 report shall be deemed approved unless, within sixty days of such
129 submittal, the commissioner determines, in his sole discretion, that
130 such action should not be taken. Such an audit shall be conducted
131 within six months of such determination. The commissioner may
132 disapprove the report provided the reasons therefore shall be stated in
133 writing and transmitted to the licensed professional engineer.

134 Sec. 3. (NEW) (*Effective October 1, 2009*) (a) The commissioner shall
135 publish, along with any list or roster of licensed transportation
136 engineering professionals published pursuant to section 1 of this act, a
137 record of any work performed by any licensed transportation
138 engineering professional pursuant to review or approval for work on
139 highways, roads and bridges which is submitted to the Commissioner
140 of Transportation and any action taken by the commissioner with
141 regard to such work.

142 (b) Any licensed transportation engineering professional who
143 performs any services pursuant to section 1 of this act or any
144 regulations adopted under section 2 of this act shall perform such

145 services with reasonable care and diligence and shall apply the
146 knowledge and skill ordinarily required of a professional in good
147 standing practicing in that field at the time the services are performed.

148 (c) Any licensed transportation engineering professional who
149 performs any services pursuant to a license issued under section 1 of
150 this act or any regulations adopted under section 2 of this act shall not
151 have, develop or acquire any business association or financial interest
152 which is substantial enough to create an impression of influencing his
153 judgment in connection with the performance of such services. No
154 licensed transportation engineering professional shall offer or render
155 such services under an arrangement whereby no fee will be charged if
156 a specified finding or result is attained, or where the payment of his fee
157 or the amount of the fee is otherwise dependent upon a specified
158 finding or result of such services.

159 (d) Any licensed transportation engineering professional who
160 violates any provision of subsection (b) or (c) of this section shall be
161 assessed a civil penalty of not more than twenty-five thousand dollars.
162 The Attorney General, upon complaint of the State Board of Examiners
163 of Transportation Engineering Professionals or the Commissioner of
164 Transportation, shall institute a civil action to recover such penalty.

165 Sec. 4. (NEW) (*Effective October 1, 2009*) (a) As used in this section:
166 (1) "Economic development engineering professional" means a person
167 who is qualified by reason of knowledge, as specified in subsection (e)
168 of this section, to engage in activities associated with work on
169 economic development projects, including the rendering or offering to
170 render to clients professional services in connection with such
171 activities; (2) "commissioner" means the Commissioner of Economic
172 and Community Development or the commissioner's designee; and (3)
173 "economic development project" has the same meaning as in section
174 32-23d of the general statutes.

175 (b) There shall be within the Department of Economic and
176 Community Development a State Board of Examiners of Economic

177 Development Engineering Professionals. The board shall consist of
178 eleven members. One member, who shall be the chairperson of the
179 board, shall be the Commissioner of Economic and Community
180 Development, or the commissioner's designee. The Governor shall
181 appoint the other ten members of the board, six of whom shall be
182 licensed economic development engineering professionals or, prior to
183 the publication by the board of the first roster of licensed economic
184 development engineering professionals, persons on the list maintained
185 by the commissioner pursuant to subsection (h) of this section. The
186 members of the board shall administer the provisions of this section as
187 to licensure and issuance, reissuance, suspension or revocation of
188 licenses concerning economic development engineering professionals.
189 The Governor may remove any member of the board for misconduct,
190 incompetence or neglect of duty. The members of the board shall
191 receive no compensation for their services but shall be reimbursed for
192 necessary expenses incurred in the performance of their duties. The
193 board shall keep a true and complete record of all its proceedings.

194 (c) A licensed economic development engineering professional shall
195 perform his duties in accordance with the standard of care applicable
196 to professionals engaged in such duties. The commissioner, with
197 advice and assistance from the board, may adopt regulations, in
198 accordance with the provisions of chapter 54 of the general statutes,
199 concerning professional ethics and conduct appropriate to establish
200 and maintain a high standard of integrity and dignity in the practice of
201 an economic development engineering professional and may make
202 rules for the conduct of the board's affairs and for the examination of
203 applicants for licenses.

204 (d) The commissioner shall receive and account for all moneys
205 derived under the provisions of this section and shall deposit such
206 moneys in the General Fund. The board shall keep a register of all
207 applications for licenses with the actions of the board thereon. A roster
208 showing the names of all licensees shall be prepared each year. A copy
209 of such roster shall be placed on file with the Secretary of the State.

210 (e) The board shall authorize the commissioner to issue a license to
211 any person who demonstrates to the satisfaction of the board that such
212 person: (1) Has, for a period of time established by the commissioner,
213 in regulations adopted under chapter 54 of the general statutes and
214 this section, engaged in work on economic development projects and
215 holds a bachelor's or advanced degree from an accredited college or
216 university in a related science or related engineering field or is a
217 professional engineer licensed in accordance with chapter 391 of the
218 general statutes; (2) has successfully passed a written examination, or a
219 written and oral examination, prescribed by the board and approved
220 by the commissioner, which shall test the applicant's knowledge of
221 economic development projects; and (3) has paid an examination fee of
222 one hundred eighty-eight dollars to the commissioner. In considering
223 whether a degree held by an applicant for such license qualifies for the
224 educational requirements under this section, the board may consider
225 all undergraduate, graduate, postgraduate and other courses
226 completed by the applicant.

227 (f) The board shall authorize the commissioner to issue a license to
228 any applicant who, in the opinion of the board, has satisfactorily met
229 the requirements of this section. The issuance of a license by the
230 commissioner shall be evidence that the person named therein is
231 entitled to all the rights and privileges of a licensed economic
232 development engineering professional while such license remains
233 unrevoked or unexpired. A licensed economic development
234 engineering professional shall pay to the commissioner an annual fee
235 of three hundred thirty-eight dollars, due and payable on July first of
236 every year beginning with July first of the calendar year immediately
237 following the year of license issuance. The commissioner, with the
238 advice and assistance of the board, may adopt regulations in
239 accordance with the provisions of chapter 54 of the general statutes,
240 pertaining to the design and use of seals by licensees under this section
241 and governing the license issuance and renewal process, including, but
242 not limited to, procedures for allowing the renewal of licenses when an
243 application is submitted not later than six months after the expiration

244 of the license without the applicant having to take the examination
245 required under subsection (e) of this section.

246 (g) The board may conduct investigations concerning the conduct of
247 any licensed economic development engineering professional. The
248 commissioner may conduct audits of any actions authorized by law to
249 be performed by a licensed engineering professional. The board shall
250 authorize the commissioner to: (1) Revoke the license of any economic
251 development engineering professional; (2) suspend the license of any
252 economic development engineering professional; (3) impose any other
253 sanctions that the board deems appropriate; or (4) deny an application
254 for such licensure if the board, after providing such professional with
255 notice and an opportunity to be heard concerning such revocation,
256 suspension, other sanction or denial, finds that such professional has
257 submitted false or misleading information to the board or has engaged
258 in professional misconduct, including, without limitation, knowingly
259 or recklessly making a false verification of a remediation under section
260 22a-134a of the general statutes or violating any provision of this
261 section or regulations adopted under the provisions of this section.

262 (h) The board shall hold the first examination pursuant to this
263 section not later than eighteen months after the date the commissioner
264 adopts regulations pursuant to chapter 54 of the general statutes and
265 this section, and shall publish the first roster of licensed economic
266 development engineering professionals not later than six months after
267 the date of such examination. Until such time as the board publishes
268 the first roster of licensed economic development engineering
269 professionals, any person who (1) has, for a minimum number of years
270 determined by the commissioner, engaged in work on economic
271 development projects; (2) holds a bachelor's or advanced degree from
272 an accredited college or university in a related science or related
273 engineering field or is a professional engineer licensed in accordance
274 with chapter 391 of the general statutes; and (3) pays a registration fee
275 of two hundred twenty-five dollars, may apply to the commissioner to
276 be placed on a list of engineering professionals. Any person on such

277 list may perform any duties authorized by law to be performed by a
278 licensed economic development engineering professional until such
279 time as the first roster of licensed economic development engineering
280 professionals is published by the board.

281 (i) Nothing in this section shall be construed to authorize a licensed
282 economic development engineering professional to engage in any
283 profession or occupation requiring a license under any other
284 provisions of the general statutes without such license.

285 Sec. 5. (NEW) (*Effective October 1, 2009*) (a) The Commissioner of
286 Economic and Community Development shall, by regulations adopted
287 in accordance with chapter 54 of the general statutes, define the scope
288 of activities to be engaged in by licensed economic development
289 engineering professionals. Such regulations shall be designed to
290 expedite the process of issuing approvals under any provision of the
291 general statutes for economic development projects. In developing
292 such regulations, the commissioner shall consult with municipalities,
293 colleges and universities and relevant professional engineering
294 organizations.

295 (b) Each licensed economic development engineering professional
296 shall submit an action report to the commissioner for such a project
297 which includes a proposed action for the commissioner. The report
298 shall be deemed approved unless, not later than sixty days after such
299 submittal, the commissioner determines, in his sole discretion, that
300 such action should not be taken. The commissioner may disapprove
301 the report provided the reasons therefore shall be stated, in writing,
302 and transmitted to the licensed economic development professional
303 engineer.

304 Sec. 6. (NEW) (*Effective October 1, 2009*) (a) The Commissioner of
305 Economic and Community Development shall publish, along with any
306 list or roster of licensed economic development engineering
307 professionals published pursuant to section 4 of this act, a record of
308 any work performed by any licensed economic development

309 engineering professional pursuant to review or approval for work on
310 economic development projects which is submitted to the
311 commissioner and any action taken by the commissioner with regard
312 to such work.

313 (b) Any licensed economic development engineering professional
314 who performs any services pursuant to section 4 of this act or any
315 regulations adopted under section 5 of this act shall perform such
316 services with reasonable care and diligence and shall apply the
317 knowledge and skill ordinarily required of a professional in good
318 standing practicing in that field at the time the services are performed.

319 (c) Any licensed economic development engineering professional
320 who performs any services pursuant to a license issued under section 4
321 of this act or any regulations adopted under section 5 of this act shall
322 not have, develop or acquire any business association or financial
323 interest which is substantial enough to create an impression of
324 influencing his judgment in connection with the performance of such
325 services. No licensed economic development engineering professional
326 shall offer or render such services under an arrangement whereby no
327 fee will be charged if a specified finding or result is attained, or where
328 the payment of his fee or the amount of the fee is otherwise dependent
329 upon a specified finding or result of such services.

330 (d) Any licensed economic development engineering professional
331 who violates any provision of subsection (b) or (c) of this section shall
332 be assessed a civil penalty of not more than twenty-five thousand
333 dollars. The Attorney General, upon complaint of the State Board of
334 Examiners of Economic Development Engineering Professionals or the
335 Commissioner of Economic and Community Development, shall
336 institute a civil action to recover such penalty.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	New section

Sec. 2	<i>October 1, 2009</i>	New section
Sec. 3	<i>October 1, 2009</i>	New section
Sec. 4	<i>October 1, 2009</i>	New section
Sec. 5	<i>October 1, 2009</i>	New section
Sec. 6	<i>October 1, 2009</i>	New section

Statement of Purpose:

To authorize licensed transportation engineering professionals to certify that work done on highways, roads and bridges is being done in accordance with state requirements in order to reduce the delay in approvals and the eventual completion of the project and to authorize licensed economic development engineering professionals to certify that work done on economic development projects is done in accordance with state requirements in order to expedite the completion of such projects.

[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.]