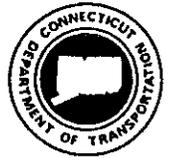




STATE OF CONNECTICUT

DEPARTMENT OF TRANSPORTATION

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Office of the
Commissioner

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Public Hearing – March 11, 2009 Transportation Committee

Testimony Submitted by Commissioner Joseph F. Marie Department of Transportation

S.B. 735 – An Act Improving Bicycle and Pedestrian Access.

The Department of Transportation (DOT) is supportive of S.B. 735, AA Improving Bicycle and Pedestrian Access with several language revisions and additions.

The Department is opposed to Section 3 of the bill which requires 25% of federal congestion mitigation and air quality (CMAQ) funds to be set aside for the enhancement of non-motorized transportation. Both DOT and the Metropolitan Planning Organizations (MPO) need discretion to program for the highest and best use of CMAQ dollars. The CMAQ program's objective is to provide funding for projects and programs in air quality non-attainment and maintenance areas for ozone, carbon monoxide, and particulate matter, which reduce transportation-related emissions. States and MPOs must give priority to projects involving diesel retrofits, rideshare and transit promotion, traffic signalization updates and other cost-effective emission reduction activities, as well as cost-effective congestion mitigation activities that provide air quality benefits.

At present, non-motorized transportation is financed as individual initiatives through dedicated (Enhancement) federal funds, or as a component of roadway or transit improvement projects. The Department actively pursues compliance to CGS 13a-57b, whenever possible, to encourage the inclusion of areas for bicycles and pedestrians when designing new roadways. This has resulted in the inclusion of sidewalks, pedestrian signals, bike paths, shoulder lanes, etc. in numerous DOT highway construction projects. Also, between 1991 and 2005 DOT spent \$58.5 million dollars on bicycle and pedestrian projects through our Enhancement program - a dollar amount that does not include those improvements as a result of compliance with CGS 13a-57b.

For the committee's information, the Department is currently updating the state Bicycle and Pedestrian Plan (Plan) and expects this initiative to be completed by the end of 2009. The Department has a full time Bicycle and Pedestrian Program Coordinator responsible for developing a statewide bicycle safety plan and coordinating and advocating bicycle planning activities. DOT also has a full time Safe Routes to School Program Coordinator responsible for assisting in the development of public educational opportunities and identifying infrastructural projects to improve access to schools.

The Plan, once completed, will provide an updated policy and direction for pursuing bicycle and pedestrian initiatives. The Department recognizes the demand for non-motorized transportation and will be working with various stakeholders to identify such priorities.

Attached are the Department's suggested revisions to the bill for your review and consideration. We look forward to working with the committee to advance a bill which will further assist in facilitating the many non-motorized transportation initiatives.

For further information or questions, please contact Pam Sucato, Legislative Program Manager for the Department of Transportation, at (860) 594-3013.

General Assembly
January Session, 2009

Committee Bill No. 735

LCO No. 4284

04284SB00735TRA

Referred to Committee on Transportation

Introduced by:

(TRA)

AN ACT IMPROVING BICYCLE AND PEDESTRIAN ACCESS.

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

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

- (1) "Department" means the Department of Transportation;
- (2) "Funds" means any funds from the Special Transportation Fund, bond allocations and any other source that is available for the construction, maintenance and repair of roads in this state;
- (3) "User" means a motorist, transit user, pedestrian, **EQUESTRIAN**, or bicyclist;
- (4) "Bikeway" means any road, street, path or way which in some manner is specifically designated for **NON-MOTORIZED TRANSPORTATION** [bicycle travel, including the provision of a bicycle lane], regardless of whether such facility is designated for the exclusive use of bicycles or is to be shared with other modes of transportation; and
- (5) ["Total project cost" means the costs of the entire corridor plan project.] **"NON-MOTORIZED TRANSPORTATION" MEANS WALKING, RUNNING, HORSE RIDING AND BICYCLING.**

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

(c) From **STATE OR FEDERAL** funds received by the department or any municipality for the construction, [resurfacing, restoration,] rehabilitation or relocation of highways, roads or streets **AND WHERE FEASIBLE AND PRUDENT**, a reasonable amount shall be expended to provide facilities for all users including, but not limited to, bikeways and sidewalks with appropriate curb cuts and ramps, provided in no event shall less than one per cent of the total amount of funds received in any fiscal year be so expended.] The department or municipality shall take future transit expansion plans into account where appropriate.

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

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

(b) The board shall consist of eleven members appointed as follows: The Governor shall appoint five members and the speaker of the House of Representatives, the president pro tempore of the Senate, the majority leader of the House of Representatives, the majority leader of the Senate, the minority leader of the House of Representatives and the minority leader of the Senate shall each appoint one member. The members shall be electors of the state and have a background and interest in issues pertaining to walking and bicycling, one of whom shall be a representative of an organization interested in the promotion of bicycling, one of whom shall be a representative of an organization interested in the promotion of walking **OR RUNNING**, one of whom shall be an owner or manager of a business engaged in the sale or repair of bicycles, one of whom shall be a representative of visually-impaired persons, one of whom shall be a representative of mobility-impaired persons, one of whom shall be a representative of transit workers and one of whom shall be a person sixty years of age or older. (Other members to consider: Equestrian representative, Metro-North New Haven Rail Commuter Council representative, Connecticut Public Transportation Commission member, etc.)

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

(d) The board shall, at its first meeting and annually thereafter, select a chairperson, **VICE CHAIRPERSON AND SECRETARY** from among its members. The board shall meet at least once during each calendar quarter and at such other times as the chairperson deems necessary **OR UPON THE REQUEST OF A MAJORITY OF THE MEMBERS. THE SECRETARY SHALL BE RESPONSIBLE FOR ALL ADMINISTRATIVE ACTIVITIES ASSOCIATED WITH THE PROPER FUNCTIONING OF THE BOARD. THIS INCLUDES THE PREPARATION AND DISTRIBUTION OF MEETING NOTICES, MINUTES AND REPORTS.**

(e) The duties of the board shall include, but not be limited to, **STUDYING AND INVESTIGATING ALL ASPECTS REGARDING THE NEEDS OF NON-MOTORIZED TRANSPORTATION**, promoting programs and facilities for [bicycles and pedestrians] **NON-MOTORIZED TRANSPORTATION** in this state, and advising appropriate agencies of the state on policies, programs and facilities for [bicycles and pedestrians] **NON-MOTORIZED TRANSPORTATION.**

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

(g) [The Department of Transportation shall assist the board in carrying out its responsibilities by making available department reports and records related to the board's responsibilities, printing the board's annual report or distributing copies thereof as may be required and mailing notices of the board's meetings as may be required.] **THE BOARD MAY REQUEST FROM ANY DEPARTMENT, DIVISION, BOARD, BUREAU, COMMISSION, AGENCY, PUBLIC AUTHORITY OF THE STATE**

OR ANY POLITICAL SUBDIVISION THEROF SUCH ASSISTANCE AND DATA AS IT REQUIRES AND WILL ENABLE IT TO PROPERLY CARRY OUT ITS ACTIVITIES FOR THE PURPOSES SET FORTH HEREIN.

(h) Not later than January [1] 15, 2010, and annually thereafter, the board shall submit a report, in accordance with section 11-4a of the general statutes, to the Governor, the Commissioner of Transportation and the joint standing committee of the General Assembly having cognizance of matters relating to transportation on **ITS FINDINGS AND RECOMMENDATIONS**. [(1) the progress made by state agencies in improving the environment for bicycling and walking in this state, (2) recommendations for improvements to state policies and procedures related to bicycling and walking, and (3) specific actions taken by the Department of Transportation in the preceding year that affect the bicycle and pedestrian environment.]

[Sec. 3. (NEW) (*Effective July 1, 2009*) Notwithstanding any provision of the general statutes, not less than twenty-five per cent of the funds received by the state from the federal government under the congestion mitigation and air quality improvement program and not less than twenty-five per cent of the funds received by the state from the federal government under the highway safety improvement program shall be dedicated by the Commissioner of Transportation to projects that address bicycle and pedestrian needs, including, but not limited to: (1) Safe routes to transit programs that improve pedestrian and bicycle access to transit, (2) safe routes to schools programs that improve safety on walking and bicycling routes to schools, (3) safe routes for seniors programs that improve pedestrian access to senior centers, senior housing and other locations frequented by elderly persons, and (4) safe streets and traffic calming programs that eliminate hazards and address safety deficiencies for bicyclists and pedestrians.]

Sec. 4. (NEW) (*Effective July 1, 2009*) (a) On and after January 1, 2010, the Commissioner of Motor Vehicles shall issue Share the Road commemorative number plates of a design to enhance public awareness of the rights and responsibilities of both motorists and bicyclists while jointly using the highways of this state. The design shall be determined by agreement between the Department of Transportation and the Commissioner of Motor Vehicles, in consultation with an organization advocating on behalf of bicyclists. No use shall be made of such plates except as official registration marker plates.

(b) A fee of sixty dollars shall be charged for Share the Road commemorative number plates, in addition to the regular fee or fees prescribed for the registration of a motor vehicle. Fifteen dollars of such fee shall be deposited in an account controlled by the Department of Motor Vehicles to be used for the cost of producing, issuing, renewing and replacing such number plates and forty-five dollars of such fee shall be deposited in the account established under subsection (d) of this section. No additional fee shall be charged in connection with the renewal of such number plates. No transfer fee shall be charged for transfer of an existing registration to or from a registration with Share the Road commemorative number plates. Such number plates shall have letters and numbers selected by the Commissioner of Motor Vehicles. The commissioner may establish a higher fee for: (1) Number plates that contain the numbers and letters from a previously issued number plate; (2) number plates that contain letters in place of numbers as authorized by section 14-49 of the general statutes, in addition to the fee or fees prescribed for registration under said section; and (3) number plates that are low number plates issued in accordance with section 14-160 of the general statutes, in addition to the fee or fees prescribed for registration under said section. All fees established and collected pursuant to

this section, except the amount deposited in the account controlled by the department, shall be deposited in the Share the Road account established under subsection (d) of this section.

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

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

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2009	New section
Sec. 2	July 1, 2009	New section
Sec. 3	July 1, 2009	New section
Sec. 4	July 1, 2009	New section

Statement of Purpose:

To enhance nonmotorized transportation alternatives, promote healthy lifestyles, encourage smart growth and reduce congestion by adopting a complete streets policy, establishing a permanent bicycle and pedestrian advisory committee, devoting a minimum percentage of funds to programs that improve bicycle and pedestrian access and authorizing the issuance of Share the Road number