



# House of Representatives

General Assembly

**File No. 283**

February Session, 2010

Substitute House Bill No. 5455

*House of Representatives, April 1, 2010*

The Committee on Transportation reported through REP. GUERRERA of the 29th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

**AN ACT CONCERNING THE MASTER TRANSPORTATION PLAN,  
THE TRANSPORTATION FACILITIES ASSESSMENT REPORT, THE  
CONNECTICUT PILOT COMMISSION AND THE CONNECTICUT  
MARITIME COMMISSION.**

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

1 Section 1. Section 13b-15 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) The commissioner shall develop and revise biennially a  
4 comprehensive, [long-range,] master transportation plan designed to  
5 fulfill the present and future needs of the state and to assure the  
6 development and maintenance of an adequate, safe and efficient  
7 transportation system. In developing the plan, the commissioner shall  
8 [investigate and study all existing transportation facilities and services  
9 in the state and shall examine the feasibility of planning a long-term  
10 commercial transportation system, with the goal of coordinating all  
11 transportation services, including airports, seaports, rail, freight and  
12 transit systems] consider the department's statutory responsibilities,

13 the guiding principles and transportation strategies adopted by the  
14 Governor and the General Assembly, the state conservation and  
15 development plan adopted by the General Assembly pursuant to  
16 chapter 297, the federally mandated factors specified in the current  
17 federal surface transportation authorization legislation, and the  
18 department's assessment of existing transportation facilities carried out  
19 under section 13b-16, as amended by this act. The commissioner shall  
20 also give [particular] consideration to: [reports] (1) Reports and studies  
21 [prepared under the auspices of the Connecticut interregional  
22 planning program] relating to the planning and development of the  
23 state; [and] (2) any existing reports, surveys, plans or studies relating  
24 to transportation prepared for or by any agency, board or commission  
25 of the state; and (3) regional long-range transportation plans prepared  
26 by regional planning organizations in this state.

27 (b) In such master transportation plan the commissioner shall: (1)  
28 Set forth the commissioner's recommendations for planning,  
29 engineering, acquisition of rights-of-way, construction and  
30 reconstruction and rehabilitation and modernization of transportation  
31 facilities; (2) consider, among other things, federal air quality  
32 standards, conservation and cost of energy supplies, present and  
33 projected travel volumes, reduction in travel volumes due to the  
34 implementation of transportation management programs, safety,  
35 maintenance costs and other sufficiency factors where appropriate, as  
36 well as long-range land use, environmental impact, energy impact and  
37 economic development patterns of the state; (3) indicate the order of  
38 priority of need for improvements within each mode of transportation,  
39 according to the commissioner's judgment; and (4) indicate the  
40 priorities for the next [two and five-year periods] five-year period,  
41 both by need and by fiscal capability, [in the area of public  
42 transportation] for each mode of transportation. The indication of such  
43 priorities [for public transportation] shall include an individual  
44 accounting of the amount and source of all funding for each potential  
45 program and an approximate timetable, including the starting and  
46 completion dates for each potential program.

47 (c) The commissioner shall, relative to the [Transportation Equity  
48 Act for the 21st Century] current federal surface transportation  
49 authorization legislation: (1) Identify the funds to be received annually  
50 in the [following categories: Interstate construction, interstate  
51 maintenance, national highway system, bridge, surface transportation  
52 program, interstate transfer, congestion mitigation and air quality,  
53 metropolitan planning, special projects and any other category  
54 designation under the act] federal program funding categories; (2)  
55 identify the projects to be funded annually through each funding  
56 category; (3) identify the projects to be funded annually through each  
57 category continued or established by such legislation, as a result of the  
58 change in formulas and new flexibility allowed under the  
59 [Transportation Equity Act for the 21st Century] current federal  
60 surface transportation authorization legislation; (4) identify which  
61 projects will require the expenditure of state funds to leverage federal  
62 funds; (5) identify the amount and percentage of state funds that must  
63 be expended for each project in order to leverage federal funds; (6)  
64 identify the amount of federal funds that may be expended annually to  
65 repair local bridges identified as being in poor condition; (7) identify  
66 the economic impact of the federal funds allocated to the state in terms  
67 of job creation or retention; (8) identify the mass transit projects to be  
68 funded; and (9) identify the manner in which the department intends  
69 to comply with the requirements of the Clean Air Act, as amended by  
70 P.L. 101-549, and how the department intends to expend any funds  
71 allocated to the department to achieve the goals of the act. [; and (10)  
72 identify with specificity the expenditures to be made from funds  
73 received in the congestion mitigation and air quality grant in relation  
74 to the needs identified by employers in their compliance plans  
75 submitted pursuant to substitute house bill 5659 of the February, 1992,  
76 regular session.]

77 (d) In such plan the commissioner shall identify the amount of  
78 funds and projects to be undertaken pursuant to the Americans with  
79 Disabilities Act of 1990.

80 (e) The plan shall be completed and submitted biennially to the

81 Governor on or before January thirty-first of each odd-numbered year.  
82 The commissioner shall, biennially, on or before January thirty-first of  
83 each odd-numbered year, notify all members of the General Assembly  
84 of the availability of the plan. The commissioner shall send a written  
85 copy or electronic storage media of the plan to any member requesting  
86 the plan.

87 (f) In developing and revising the plan, the commissioner may: (1)  
88 Conduct public hearings; (2) consult and cooperate with officials and  
89 representatives of the federal government, neighboring states,  
90 interstate commissions and authorities, local agencies and authorities,  
91 interested corporations and other organizations concerning problems  
92 affecting transportation in the state; (3) request and receive from any  
93 agency or other unit of the government of the state or of any political  
94 subdivision of the state, or from any public authority, such assistance  
95 and data as may be necessary to enable the commissioner to carry out  
96 the commissioner's responsibilities under this section; (4) to the extent  
97 the commissioner may deem appropriate, make use of, and  
98 incorporate in the plan, any existing long-range transportation plan,  
99 survey or report developed by any public or private agency or person;  
100 and (5) employ consultants.

101 (g) Copies of the plan, as revised, shall be kept on file as a public  
102 record in the office of the commissioner.

103 Sec. 2. Section 13b-16 of the general statutes is repealed and the  
104 following is substituted in lieu thereof (*Effective from passage*):

105 (a) On or before September first [~~annually~~] in the even-numbered  
106 year of each biennium, the commissioner shall conduct and complete  
107 an [~~investigation and study~~] assessment of the several modes of  
108 transportation in the state, in which the commissioner shall evaluate  
109 the adequacy of the facilities and services connected with each such  
110 mode and shall determine the needs of the state transportation system.  
111 The commissioner shall [~~consult with the Connecticut Public~~  
112 ~~Transportation Commission which shall advise the commissioner in~~  
113 ~~matters pertaining to rail and motor carrier facilities and services~~]

114 consider the plans and recommendations prepared by the various  
115 boards, councils and commissions that have statutory responsibilities  
116 pertaining to the various modes of transportation in Connecticut. The  
117 commissioner shall also consider reports, studies, findings and  
118 recommendations presented in reports, plans, surveys, and studies  
119 relating to transportation prepared for or by any state agency or for or  
120 by the state's regional planning organizations. The [studies]  
121 assessment shall be used in the biennial revision of the department's  
122 comprehensive [long-range] master transportation plan.

123 (b) The commissioner may engage in experimental projects relating  
124 to any available or future mode of transportation, including but not  
125 limited to, high speed rail service, the development of heliports and  
126 any means of improving existing transportation facilities and services.  
127 The commissioner may be assisted by the [commission] boards,  
128 councils, commissions, state agencies and regional planning  
129 organizations referred to in subsection (a) of this section, in connection  
130 with any such project.

131 Sec. 3. Subsections (a) and (b) of section 15-13c of the general  
132 statutes are repealed and the following is substituted in lieu thereof  
133 (*Effective from passage*):

134 (a) There is created within the Department of Transportation, for  
135 administrative purposes only, the Connecticut Pilot Commission to  
136 assist and advise the Commissioner of Transportation on matters  
137 relating to the licensure of pilots, the safe conduct of vessels and the  
138 protection of the ports and waters of the state, including the waters of  
139 Long Island Sound.

140 (b) The commission shall consist of nine members, one of whom  
141 shall be the Commissioner of Transportation or the commissioner's  
142 designee and one of whom shall be an active licensed pilot in this state  
143 operating on the Connecticut side of the rotation system for the  
144 assignment of pilots. The pilot member shall be designated by a simple  
145 majority vote of pilots operating on the Connecticut side of the rotation  
146 system for the assignment of pilots. The remaining seven members

147 shall be appointed as follows: The Governor shall appoint one member  
148 representing a maritime-related industry, which industry shall not  
149 include a recreational industry; the president pro tempore of the  
150 Senate shall appoint one member representing the public with an  
151 interest in the environment who does not have an economic interest in  
152 the subject matters of the commission; the majority leader of the Senate  
153 shall appoint one member representing the public with an interest in  
154 the environment who does not have an economic interest in the subject  
155 matters of the commission; the minority leader of the Senate shall  
156 appoint one member who shall be a retired ship's master or captain;  
157 the speaker of the House of Representatives shall appoint one member  
158 representing a maritime-related industry, which industry shall not  
159 include a recreational industry; the majority leader of the House of  
160 Representatives shall appoint one member representing a maritime-  
161 related industry from a shipping agent perspective; the minority leader  
162 of the House of Representatives shall appoint one member with an  
163 expertise in the area of admiralty law. Each member shall be a resident  
164 of the state, provided no member shall be an active licensed pilot,  
165 except the one active Connecticut licensed pilot operating in and  
166 designated by a simple majority of pilots operating on the Connecticut  
167 side of the rotation system for the assignment of pilots. Members shall  
168 [be reimbursed for necessary expenses incurred in the performance of  
169 their duties] receive no compensation for the performance of their  
170 duties.

171 Sec. 4. Subsections (a) to (c), inclusive, of section 13b-51a of the  
172 general statutes are repealed and the following is substituted in lieu  
173 thereof (*Effective from passage*):

174 (a) There shall be in the Department of Transportation a Connecticut  
175 Maritime Commission which shall consist of fifteen members, as  
176 follows: (1) The Commissioners of Transportation, Economic and  
177 Community Development and Environmental Protection, the Secretary  
178 of the Office of Policy and Management and the chairman of the  
179 Transportation Strategy Board, established pursuant to section 13b-  
180 57e, or their respective designees; (2) four members appointed by the

181 Governor; and (3) one member each appointed by the president pro  
182 tempore of the Senate, the speaker of the House of Representatives, the  
183 majority leader of the Senate, the minority leader of the Senate, the  
184 majority leader of the House of Representatives and the minority  
185 leader of the House of Representatives. All appointed members shall  
186 serve for terms coterminous with their appointing authority and until  
187 their successor is appointed and has qualified. Vacancies on said  
188 commission shall be filled for the remainder of the term in the same  
189 manner as original appointments.

190 (b) Appointed members of the commission shall be qualified by  
191 experience or training and shall include members of the public and (1)  
192 a representative of business and industry that is a regular user of  
193 Connecticut port freight services; (2) a member or employee of a local  
194 port authority; (3) a Connecticut port operator; (4) an operator of a  
195 marine passenger service; (5) an elected or appointed official from a  
196 coastal community; (6) a user or provider of recreational maritime  
197 services; and (7) a working member of a port labor union.

198 (c) The chairman shall be selected by the Governor from among the  
199 appointed members of the commission. The members shall annually  
200 elect one of their numbers as secretary. The commission may elect such  
201 other officers as it deems proper. Members shall receive no  
202 compensation for the performance of their duties, [ but shall be  
203 reimbursed for necessary expenses incurred in the performance  
204 thereof.]

205 Sec. 5. Section 13b-51b of the general statutes is repealed and the  
206 following is substituted in lieu thereof (*Effective from passage*):

207 There shall be, within the Department of Transportation, a State  
208 Maritime Office which shall: (1) Be responsible for maritime  
209 operations, including the State Pier in New London, the Connecticut  
210 River ferries and such other operational responsibilities as shall be  
211 assigned to it; (2) serve as the Governor's principal maritime policy  
212 advisor; (3) serve as the liaison between the state and federal, local and  
213 private entities involved in maritime policy activities; (4) coordinate

214 the state's maritime policy activities; (5) encourage year-round use of  
 215 water-related industries; (6) work with the Department of Economic  
 216 and Community Development and other state, local and private  
 217 entities to maximize the economic potential of Connecticut's ports and  
 218 other maritime resources; (7) conduct necessary research and planning  
 219 activities; (8) assess potential state investments in ports and other  
 220 maritime facilities; (9) provide staff support to the Connecticut  
 221 Maritime Commission, created in section 13b-51a, as amended by this  
 222 act; (10) provide staff support to the Connecticut Pilot Commission  
 223 created by section 15-13c, as amended by this act; and [(10)] (11)  
 224 undertake such other responsibilities as may be assigned to it by the  
 225 commissioner or the Governor.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	13b-15
Sec. 2	<i>from passage</i>	13b-16
Sec. 3	<i>from passage</i>	15-13c(a) and (b)
Sec. 4	<i>from passage</i>	13b-51a(a) to (c)
Sec. 5	<i>from passage</i>	13b-51b

**TRA**      *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 11 \$	FY 12 \$
Department of Transportation	TF - Savings	2,500,000	2,500,000

Note: TF=Transportation Fund

**Municipal Impact:** None

**Explanation**

A section by section fiscal impact is presented below.

Sections 1 and 2: The reporting requirements mandated by the bill will not result in additional cost to the agency.

Sections 3 and 4: Eliminating the reimbursements requirement for expenses incurred by members of the Connecticut Pilot and Connecticut Maritime commissions will result in an annual cost savings to DOT of \$2.5 million.

Section 5 conforms statutory language to current practice into statute which has no fiscal impact.

**The Out Years**

**State Impact:**

Agency Affected	Fund-Effect	FY 13 \$	FY 14 \$	FY 15 \$
Department of Transportation	TF - Savings	2,500,000	2,500,000	2,500,000

Note: TF=Transportation Fund

**Municipal Impact:** None

Sources: Department of Transportation

**OLR Bill Analysis****sHB 5455*****AN ACT CONCERNING THE MASTER TRANSPORTATION PLAN,  
THE TRANSPORTATION FACILITIES ASSESSMENT REPORT,  
THE CONNECTICUT PILOT COMMISSION AND THE  
CONNECTICUT MARITIME COMMISSION.*****SUMMARY:**

This bill modifies the scope of the Department of Transportation's (DOT) master transportation plan and the factors the DOT commissioner must consider in preparing it. It requires DOT to prepare an assessment of existing transportation facilities every even numbered year, rather than annually, and specifies the factors the commissioner must consider in developing this assessment.

The bill eliminates reimbursement of necessary expenses for members of the Connecticut Pilot and Connecticut Maritime commissions. By law, the former advises the commissioner on the licensure of pilots, the safe conduct of vessels, and the protection of the ports and waters of the state, including Long Island Sound. The latter advises the commissioner, the governor, and the legislature on the state's maritime policy and operations and various other issues.

Finally, the bill requires DOT's State Maritime Office to provide staff support to the Pilot Commission; it already supports the Maritime Commission.

EFFECTIVE DATE: Upon passage

**MASTER TRANSPORTATION PLAN**

The bill eliminates the requirement that the DOT commissioner in developing this plan investigate and study all existing transportation facilities and services in the state and examine the feasibility of

planning a long-term commercial transportation system, with the goal of coordinating all transportation services. Instead, it requires the commissioner to consider DOT's statutory responsibilities, the guiding principles and transportation strategies adopted by the governor and legislature, the state Plan of Conservation and Development, the factors that are required to be considered under the current federal surface transportation authorization legislation, and DOT's assessment of existing transportation facilities (described below).

The bill requires the commissioner in preparing the plan, to consider all reports and studies relating to the planning and development of the state, rather than just those prepared under the Connecticut interregional planning program. It additionally requires him to consider regional long-range transportation plans prepared by regional planning organizations in the state.

As under current law, the bill requires that the plan indicate the priorities for the next five years, both by need and by fiscal capability, but for each mode of transportation rather than just public transportation. It eliminates the requirement that the plan indicate these priorities for the next two years for public transportation.

By law, the commissioner must identify the federal funds to be received by DOT annually by category. The bill eliminates the reference to obsolete federal transportation legislation and instead refers to the current federal surface transportation authorization legislation. It also eliminates references to specific funding programs under the former federal legislation.

#### **ASSESSMENT OF TRANSPORTATION FACILITIES**

The bill eliminates the requirement that the commissioner consult with the Connecticut Public Transportation Commission, in developing this assessment (CPTC), which must advise him on rail and motor carrier facilities and services. Instead, it requires him to consider the plans and recommendations prepared by the various boards, councils, and commissions that have statutory responsibilities

for the various modes of transportation in Connecticut. It also requires him to consider reports, plans, surveys, and studies relating to transportation prepared for or by any state agency or for or by the state's regional planning organizations. The bill expands who can help the commissioner prepare this plan from CPTC to all state agencies, boards, councils, commissions, and regional planning organizations.

**COMMITTEE ACTION**

Transportation Committee

Joint Favorable Substitute

Yea 36 Nay 0 (03/16/2010)