



# House of Representatives

General Assembly

**File No. 371**

January Session, 2015

Substitute House Bill No. 6821

*House of Representatives, April 1, 2015*

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 DEPARTMENT OF TRANSPORTATION  
RECOMMENDATIONS REGARDING MAXIMIZATION OF FEDERAL  
FUNDS, RIGHTS-OF-WAY, ALTERNATIVE PROJECT DELIVERY,  
COMMUTER PARKING, AMTRAK INDEMNIFICATION, AUTHORITY TO  
CONDEMN PROPERTY, MAINTENANCE OF BRIDGES, WORK ZONE  
SAFETY FUNDS, MARINE PILOT'S LICENSES, CERTAIN STUDIES,  
QUALIFIED PIPE MATERIAL AND ROAD AND BRIDGE  
DESIGNATIONS.***

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

1 Section 1. Subsection (c) of section 4a-59 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective from*  
3 *passage*):

4 (c) All open market orders or contracts shall be awarded to (1) the  
5 lowest responsible qualified bidder, the qualities of the articles to be  
6 supplied, their conformity with the specifications, their suitability to  
7 the requirements of the state government and the delivery terms being  
8 taken into consideration and, at the discretion of the Commissioner of  
9 Administrative Services, life-cycle costs and trade-in or resale value of

10 the articles may be considered where it appears to be in the best  
11 interest of the state, (2) the highest scoring bidder in a multiple criteria  
12 bid, in accordance with the criteria set forth in the bid solicitation for  
13 the contract, or (3) the proposer whose proposal is deemed by the  
14 awarding authority to be the most advantageous to the state, in  
15 accordance with the criteria set forth in the request for proposals,  
16 including price and evaluation factors. Notwithstanding any provision  
17 of the general statutes to the contrary, each state agency awarding a  
18 contract through competitive negotiation shall include price as an  
19 explicit factor in the criteria in the request for proposals and for the  
20 contract award. In considering past performance of a bidder for the  
21 purpose of determining the "lowest responsible qualified bidder" or  
22 the "highest scoring bidder in a multiple criteria bid", the  
23 commissioner shall evaluate the skill, ability and integrity of the  
24 bidder in terms of the bidder's fulfillment of past contract obligations  
25 and the bidder's experience or lack of experience in delivering  
26 supplies, materials, equipment or contractual services of the size or  
27 amount for which bids have been solicited. In determining the lowest  
28 responsible qualified bidder for the purposes of this section, the  
29 commissioner may give a price preference of up to ten per cent for (A)  
30 the purchase of goods made with recycled materials or the purchase of  
31 recyclable or remanufactured products if the commissioner determines  
32 that such preference would promote recycling or remanufacturing. As  
33 used in this subsection, "recyclable" means able to be collected,  
34 separated or otherwise recovered from the solid waste stream for  
35 reuse, or for use in the manufacture or assembly of another package or  
36 product, by means of a recycling program which is reasonably  
37 available to at least seventy-five per cent of the state's population,  
38 "remanufactured" means restored to its original function and thereby  
39 diverted from the solid waste stream by retaining the bulk of  
40 components that have been used at least once and by replacing  
41 consumable components and "remanufacturing" means any process by  
42 which a product is remanufactured; (B) the purchase of motor vehicles  
43 powered by a clean alternative fuel; (C) the purchase of motor vehicles  
44 powered by fuel other than a clean alternative fuel and conversion

45 equipment to convert such motor vehicles allowing the vehicles to be  
46 powered by either the exclusive use of clean alternative fuel or dual  
47 use of a clean alternative fuel and a fuel other than a clean alternative  
48 fuel. As used in this subsection, "clean alternative fuel" means natural  
49 gas, electricity, hydrogen or propane when used as a motor vehicle  
50 fuel; or (D) the purchase of goods or services from micro businesses.  
51 As used in this subsection, "micro business" means a business with  
52 gross revenues not exceeding three million dollars in the most recently  
53 completed fiscal year. All other factors being equal, preference shall be  
54 given to supplies, materials and equipment produced, assembled or  
55 manufactured in the state and services originating and provided in the  
56 state. [If] Except with regard to contracts that may be paid for with  
57 United States Department of Transportation funds, if any such bidder  
58 refuses to accept, within ten days, a contract awarded to such bidder,  
59 such contract may be awarded to the next lowest responsible qualified  
60 bidder or the next highest scoring bidder in a multiple criteria bid,  
61 whichever is applicable, and so on until such contract is awarded and  
62 accepted. [If] Except with regard to contracts that may be paid for with  
63 United States Department of Transportation funds, if any such  
64 proposer refuses to accept, within ten days, a contract awarded to such  
65 proposer, such contract shall be awarded to the next most  
66 advantageous proposer, and so on until the contract is awarded and  
67 accepted. There shall be a written evaluation made of each bid. This  
68 evaluation shall identify the vendors and their respective costs and  
69 prices, document the reason why any vendor is deemed to be  
70 nonresponsive and recommend a vendor for award. A contract valued  
71 at one million dollars or more shall be awarded to a bidder other than  
72 the lowest responsible qualified bidder or the highest scoring bidder in  
73 a multiple criteria bid, whichever is applicable, only with written  
74 approval signed by the Commissioner of Administrative Services and  
75 by the Comptroller. The commissioner shall post on the department's  
76 Internet web site all awards made pursuant to the provisions of this  
77 section.

78 Sec. 2. Subsections (a) to (c), inclusive, of section 13a-73 of the  
79 general statutes are repealed and the following is substituted in lieu

80 thereof (*Effective July 1, 2015*):

81 (a) "Real property", as used in this section, includes land and  
82 buildings and any estate, interest or right in land.

83 (b) The commissioner may take any land [he] the commissioner  
84 finds necessary for the layout, alteration, extension, widening, change  
85 of grade or other improvement of any state highway or for a highway  
86 maintenance storage area or garage and the owner of such land shall  
87 be paid by the state for all damages, and the state shall receive from  
88 such owner the amount or value of all benefits [,] resulting from such  
89 taking, layout, alteration, extension, widening, change of grade or  
90 other improvement. The use of any site acquired for highway  
91 maintenance storage area or garage purposes by condemnation shall  
92 conform to any zoning ordinance or development plan in effect for the  
93 area in which such site is located, provided the commissioner may be  
94 granted any variance or special exception as may be made pursuant to  
95 the zoning ordinances and regulations of the town in which any such  
96 site is to be acquired. The assessment of such damages and of such  
97 benefits shall be made by the commissioner and filed by [him] the  
98 commissioner with the clerk of the superior court for the judicial  
99 district in which the land affected is located. The commissioner shall  
100 give notice of such assessment to each person having an interest of  
101 record therein by mailing to each a copy of the same, postage prepaid,  
102 and, at any time after such assessment has been made by the  
103 commissioner, the physical construction of such layout, alteration,  
104 extension, widening, maintenance storage area or garage, change of  
105 grade or other improvement may be made. If notice cannot be given to  
106 any person entitled thereto because [his] such person's whereabouts or  
107 existence is unknown, notice may be given by publishing a notice at  
108 least twice in a newspaper published in the judicial district and having  
109 a daily or weekly circulation in the town in which the property  
110 affected is located. Any such published notice shall state that it is a  
111 notice to the last owner of record or [his] such owner's surviving  
112 spouse, heirs, administrators, assigns, representatives or creditors if he  
113 or she is deceased, and shall contain a brief description of the property

114 taken. Notice shall also be given by mailing to each such person at his  
115 or her last-known address, by registered or certified mail, a copy of  
116 such notice. If, after a search of the land and probate records, the  
117 address of any interested party cannot be found, an affidavit stating  
118 such facts and reciting the steps taken to establish the address of any  
119 such person shall be filed with the clerk of the court and accepted in  
120 lieu of service of such notice by mailing the same to the last known  
121 address of such person. Upon filing an assessment with the clerk of the  
122 court, the commissioner shall forthwith sign and file for record with  
123 the town clerk of the town in which such real property is located a  
124 certificate setting forth the fact of such taking, a description of the real  
125 property so taken and the names and residences of the owners from  
126 whom it was taken. Upon the filing of such certificate, title to such real  
127 property in fee simple shall vest in the state of Connecticut, except  
128 that, if it is so specified in such certificate, a lesser estate, interest or  
129 right shall vest in the state. The commissioner shall permit the last  
130 owner of record of such real property upon which [a residence] an  
131 owner-occupied residence or owner-operated business is situated to  
132 remain in such residence or operate such business, rent free, for a  
133 period of [one hundred twenty] ninety days after the filing of such  
134 certificate.

135 (c) The commissioner may purchase any land and take a deed  
136 thereof in the name of the state when such land is needed in  
137 connection with the layout, construction, repair, reconstruction or  
138 maintenance of any state highway or bridge, and any land or buildings  
139 or both, necessary, in the commissioner's opinion, for the efficient  
140 accomplishment of the foregoing purpose, and may further, when the  
141 commissioner determines that it is in the best interests of the state,  
142 purchase, lease or otherwise arrange for the acquisition or exchange of  
143 land or buildings or both, [for use as a highway maintenance storage  
144 area or garage,] provided any purchase of such land or land and  
145 buildings in an amount in excess of the sum of one hundred thousand  
146 dollars shall be approved by a state referee. The commissioner, with  
147 the advice and consent of the Attorney General, may settle and  
148 compromise any claim by any person, firm or corporation claiming to

149 be aggrieved by such layout, construction, reconstruction, repair or  
150 maintenance by the payment of money, the transfer of other land  
151 acquired for or in connection with highway purposes, or otherwise.  
152 The commissioner shall permit the last owner of record of such real  
153 property upon which an owner-occupied residence or owner-operated  
154 business is situated to remain in such residence or operate such  
155 business, rent free, for a period of ninety days from the filing of such  
156 deed.

157 Sec. 3. Subsection (b) of section 13a-80 of the general statutes is  
158 repealed and the following is substituted in lieu thereof (*Effective July*  
159 *1, 2015*):

160 (b) The Department of Transportation shall obtain a full appraisal  
161 on excess property prior to its sale and shall hold a public bid or  
162 auction for all properties determined to be legal lots of record. If the  
163 department does not receive any bids at the initial public bid or  
164 auction, the department may continue to market the property and  
165 accept offers for sale or hold another bid or auction. Transfers to other  
166 state agencies and municipalities for purposes specified by the  
167 department shall be exempt from the appraisal requirement. The  
168 department shall offer parcels that are legal lots of record to other state  
169 agencies [, and to any municipality in which any such parcel is located,  
170 before holding] prior to a public bid or auction and shall offer parcels  
171 that are not legal lots of record to all abutting landowners in  
172 accordance with department regulations. If the sale or transfer of  
173 property pursuant to this section results in the existing property of an  
174 abutting landowner becoming a nonconforming use, pursuant to local  
175 zoning requirements, the commissioner may sell or transfer the  
176 property to such abutting landowner without public bid or auction.  
177 The department shall obtain a second appraisal if the value of such  
178 property is more than two hundred fifty thousand dollars and is to be  
179 sold to an abutting landowner or in accordance with the provisions of  
180 subsection (c) of this section. Any appraisals shall be obtained prior to  
181 the determination of a sale price of the excess property.

182 Sec. 4. Section 13a-95b of the general statutes is repealed and the  
183 following is substituted in lieu thereof (*Effective July 1, 2015*):

184 (a) The Commissioner of Transportation may, as an alternative to  
185 using a design-bid-build contract, designate specific projects to be  
186 completed using a (1) construction-manager-at-risk contract with a  
187 guaranteed maximum price, or (2) design-build contract.

188 (b) If the commissioner designates a project to use a construction-  
189 manager-at-risk contract with a guaranteed maximum price, the  
190 commissioner may have the project designed by department personnel  
191 or enter into a [single] contract with an architect or engineer for the  
192 project design, [as well as a single] and may also enter into a contract  
193 with a construction-manager-at-risk contractor who will provide input  
194 during the design process and may be responsible for the construction  
195 of the project. [by selecting trade subcontractors using a low sealed bid  
196 process.] The commissioner may permit the contractor to self-perform  
197 a portion of the construction work if the commissioner determines that  
198 the construction manager general contractor can perform the work  
199 more cost-effectively than a subcontractor. All work not performed by  
200 the construction manager general contractor shall be performed by  
201 trade subcontractors selected by a process approved by the  
202 commissioner. The construction-manager-at-risk contract shall have an  
203 established guaranteed maximum price. In the event that a guaranteed  
204 maximum price cannot be agreed upon, the commissioner may elect to  
205 call for bids on the project as provided for pursuant to section 13a-95.  
206 The commissioner may select the architect, engineer or contractor from  
207 among the contractors selected and recommended by a selection panel.  
208 Any such contract for such project shall be based upon competitive  
209 proposals received by the commissioner, who shall give notice of the  
210 project, by advertising at least once, in a newspaper having a  
211 substantial circulation in the area in which the project is located, and  
212 may give notice on the Department of Administrative Services State  
213 Contracting Portal, or use other advertising methods likely to reach  
214 qualified construction manager general contractors. Award of any  
215 such contract shall be based upon the general conditions and staff costs

216 plus qualitative criteria. The commissioner shall establish all criteria,  
217 requirements and conditions of such proposals and award and shall  
218 have sole responsibility for all other aspects of the project. Any  
219 contract shall clearly state the responsibilities of the contractor to  
220 deliver a completed and acceptable project on a date certain, the  
221 maximum cost of the project, and, if applicable, as a separate item, the  
222 cost of property acquisition.

223 (c) If the commissioner designates a project to use a design-build  
224 contract, the commissioner may enter into a single contract with the  
225 design-builder, who the commissioner may select from among the  
226 design-builders selected and recommended by a selection panel. The  
227 contract shall (1) include, but not be limited to, such project elements  
228 as site acquisition, permitting, engineering design and construction,  
229 and (2) be based on competitive proposals received by the  
230 commissioner, who shall give notice of the project and specifications  
231 for the project, by advertising, at least once, in a newspaper having a  
232 substantial circulation in the area in which the project is located, and,  
233 at the commissioner's discretion, on the Department of Administrative  
234 Services State Contracting Portal, and may use other advertising  
235 methods likely to reach qualified design-build contractors. Award of  
236 the design-build contract shall be based on a predetermined metric  
237 provided to proposers in advance of technical proposal development.  
238 This metric may be unique to each project, but shall consist of a  
239 combined score of qualifications and past performance of the proposer,  
240 technical merit of the proposal and cost. The commissioner shall  
241 establish a selection panel for each project to score the qualifications  
242 and past performance and technical portion of the proposal using the  
243 predefined scoring metric. The sealed cost portion of the proposal shall  
244 be opened in a public ceremony only after the qualifications and past  
245 performance and technical portions of the proposals have been scored.  
246 The commissioner shall determine all criteria, requirements and  
247 conditions for such proposals and award and shall have sole  
248 responsibility for all other aspects of the contract. Such contract shall  
249 state clearly the responsibilities of the design-builder to deliver a  
250 completed and acceptable project on a date certain, the maximum cost

251 of the project, and, if applicable, as a separate item, the cost of property  
252 acquisition.

253 Sec. 5. Section 13a-95c of the general statutes is repealed and the  
254 following is substituted in lieu thereof (*Effective July 1, 2015*):

255 (a) For any contract entered into pursuant to section 13a-95b, as  
256 amended by this act, the Commissioner of Transportation shall: (1)  
257 Perform project development services. Such services may include, but  
258 need not be limited to, the size, type and desired design character of  
259 the project, performance specifications, quality of materials,  
260 equipment, workmanship, preliminary plans or any other information  
261 necessary for the department to issue a [bid package] request for  
262 proposals, and (2) perform oversight of projects and provide  
263 inspection services, which shall include, but need not be limited to,  
264 inspection of construction, surveying, testing, monitoring of  
265 environmental compliance, quality control inspection and quality  
266 assurance audits.

267 (b) (1) After the first two projects performed with contracts  
268 authorized pursuant to section 13a-95b, as amended by this act, the  
269 Commissioner of Transportation shall perform all development and  
270 inspection work, as described in subsection (a) of this section, using  
271 department employees. If the commissioner determines that the  
272 department lacks the technical expertise required to perform the  
273 design of a project designated to be constructed by a construction-  
274 manager-at-risk, the commissioner may utilize consultants to perform  
275 the design of the project. For projects designated to be constructed  
276 using the design-build contracting method, the responsibility to  
277 perform detailed design work shall remain with the contractor. The  
278 Commissioner of Administrative Services shall place the positions  
279 required for this work on continuous recruitment pursuant to the  
280 provisions of section 5-216. In addition, employees may be appointed  
281 to durational positions to reduce the need for inspection or  
282 development work to be performed by consultants. Such employees  
283 may be appointed as engineers if they have met the education,

284 knowledge and training requirements required by the Department of  
285 Administrative Services job classification to durational positions  
286 without examination to reduce the need for inspection or development  
287 work to be performed by consultants. Any contract entered into with a  
288 consultant for the initial project bid in accordance with section 13a-95b,  
289 as amended by this act, shall contain a provision that provides for  
290 training the employees of the Department of Transportation in the  
291 process for bidding and managing projects entered into in accordance  
292 with section 13a-95b, as amended by this act.

293 (2) Notwithstanding the provisions of subdivision (1) of this  
294 subsection, there shall be a transition period during which the  
295 Commissioner of Transportation may authorize the continued use of  
296 consultants if necessary to complete contracts authorized pursuant to  
297 section 13a-95b, as amended by this act. During this period, the  
298 commissioner shall make all reasonable efforts to perform  
299 development and inspection work as described in subsection (a) of this  
300 section using, where such employees are available, department  
301 employees and reducing, and where possible eliminating, the  
302 dependency on outside consultants. The authority granted by this  
303 subsection to use consultants on contracts entered into pursuant to  
304 section 13a-95b, as amended by this act, shall be subject to a  
305 termination date which shall be the [earlier of (A) the] date that the  
306 Governor transmits to the joint standing committee of the General  
307 Assembly having cognizance of matters relating to transportation a  
308 letter certifying that the use of consultants is no longer necessary to  
309 complete projects authorized pursuant to section 13a-95b, as amended  
310 by this act. [or (B) January 1, 2019. This authority shall not continue  
311 beyond such termination date unless affirmatively reauthorized by the  
312 action of both houses of the General Assembly.]

313 Sec. 6. Section 13b-2 of the general statutes is repealed and the  
314 following is substituted in lieu thereof (*Effective July 1, 2015*):

315 The following terms, when used in this chapter shall have the  
316 following meanings, unless the context otherwise requires:

317 (1) "Aeronautics", "air navigation facility", "airport" and "restricted  
318 landing area" have the meanings provided in section 15-34;

319 (2) "Bureau" means any of the operating bureaus established in the  
320 department pursuant to the provisions of section 4-8;

321 (3) "Commissioner" means the Commissioner of Transportation  
322 appointed pursuant to this chapter;

323 (4) "Department" means the Department of Transportation  
324 established pursuant to this chapter;

325 (5) "Highway", "state highway" and "limited access state highway"  
326 have the meanings provided in section 13a-1;

327 (6) "Motor carrier" means any person who operates motor vehicles  
328 over the highways of this state, whether over regular or irregular  
329 routes, in the transportation of passengers or property, or any class or  
330 classes thereof, for hire by the general public or for hire under special  
331 and individual contracts;

332 (7) "Person" may include the United States, any state, or any agency,  
333 instrumentality, department or officer thereof;

334 (8) "State highway system" has the meaning provided in sections  
335 13a-14 and 13a-15;

336 (9) "Transportation" means any form of transportation for persons  
337 or goods within, to or from the state, whether by highway, air, water,  
338 rail or any other means;

339 (10) "Fare inspector" means an employee of (A) the department  
340 designated by the commissioner, or (B) a third-party contractor  
341 employed by the department, whose duties are to inspect tickets,  
342 passes or other documentation required to show compliance by the  
343 passenger with the fare payment requirements of state-owned or  
344 controlled bus public transportation service when the fare payment is  
345 off board or a combination of off board and on board such bus; [.]

346 (11) "Parking inspector" means an employee of (A) the department,  
347 designated by the commissioner, or (B) a third-party contractor  
348 employed by the department, whose duties are to monitor compliance  
349 with parking regulation and payment requirements in commuter  
350 parking areas supporting public transportation services.

351 Sec. 7. Subsection (a) of section 13b-29 of the general statutes is  
352 repealed and the following is substituted in lieu thereof (*Effective July*  
353 *1, 2015*):

354 (a) Notwithstanding the provisions of any other statute, the  
355 commissioner may develop plans for, construct and maintain  
356 commuter parking facilities at locations along automobile routes that  
357 will reduce peak traffic demands on highway systems and at locations  
358 that will encourage the use of carpools, vanpools and mass  
359 transportation facilities such as, but not limited to, bus or railroad  
360 lines. Any such parking facilities [which] that are not regulated by  
361 municipalities on October 1, 1983, may be used only for routine,  
362 temporary parking by persons using carpool or vanpool vehicles or  
363 mass transportation facilities. The commissioner may establish and  
364 collect reasonable parking fees at rail commuter parking areas. The  
365 commissioner or any parking inspector may issue citations for any  
366 violation of posted rules within commuter parking areas. The  
367 commissioner shall establish a process to hear appeals of fines assessed  
368 for such violations. The commissioner shall adopt regulations in  
369 accordance with the provisions of chapter 54 governing the use of such  
370 parking facilities and areas. Violation of any provision of any such  
371 regulations, or failure to pay assessed penalties for such violations,  
372 shall be an infraction. Any fine or assessed penalties imposed pursuant  
373 to this section shall be deposited into the Special Transportation Fund.

374 Sec. 8. Subsection (b) of section 13b-61 of the general statutes is  
375 repealed and the following is substituted in lieu thereof (*Effective July*  
376 *1, 2015*):

377 (b) Notwithstanding any provision of subsection (a) of this section,  
378 there shall be paid promptly to the State Treasurer and thereupon,

379 unless required to be applied by the terms of any lien, pledge or  
380 obligation created by or pursuant to the 1954 declaration, part III (C) of  
381 chapter 240, credited to the Special Transportation Fund:

382 (1) On and after July 1, 1984, all moneys received or collected by the  
383 state or any officer thereof on account of, or derived from, sections 12-  
384 458 and 12-479, provided the State Comptroller is authorized to record  
385 as revenue to the General Fund for the fiscal year ending June 30, 1984,  
386 the amount of tax levied in accordance with said sections 12-458 and  
387 12-479, on all fuel sold or used prior to the end of said fiscal year and  
388 which tax is received no later than July 31, 1984;

389 (2) On and after July 1, 1984, all moneys received or collected by the  
390 state or any officer thereof on account of, or derived from, motor  
391 vehicle receipts;

392 (3) On and after July 1, 1984, all moneys received or collected by the  
393 state or any officer thereof on account of, or derived from, (A)  
394 subsection (a) of section 14-192, and (B) royalty payments for retail  
395 sales of gasoline pursuant to section 13a-80, as amended by this act;

396 (4) On and after July 1, 1985, all moneys received or collected by the  
397 state or any officer thereof on account of, or derived from, license,  
398 permit and fee revenues as defined in section 13b-59, as amended by  
399 this act, except as provided under subdivision (3) of this subsection;

400 (5) On or after July 1, 1989, all moneys received or collected by the  
401 state or any officer thereof on account of, or derived from, section 13b-  
402 70;

403 (6) On and after July 1, 1984, all transportation-related federal  
404 revenues of the state;

405 (7) On and after July 1, 1997, all moneys received or collected by the  
406 state or any officer thereof on account of, or derived from, fees for the  
407 relocation of a gasoline station under section 14-320;

408 (8) On and after July 1, 1997, all moneys received or collected by the

409 state or any officer thereof on account of, or derived from, section 14-  
410 319;

411 (9) On and after July 1, 1997, all moneys received or collected by the  
412 state or any officer thereof on account of, or derived from, fees  
413 collected pursuant to section 14-327b for motor fuel quality registration  
414 of distributors;

415 (10) On and after July 1, 1997, all moneys received or collected by  
416 the state or any officer thereof on account of, or derived from, annual  
417 registration fees for motor fuel dispensers and weighing or measuring  
418 devices pursuant to section 43-3;

419 (11) On and after July 1, 1997, all moneys received or collected by  
420 the state or any officer thereof on account of, or derived from, fees for  
421 the issuance of identity cards pursuant to section 1-1h;

422 (12) On and after July 1, 1997, all moneys received or collected by  
423 the state or any officer thereof on account of, or derived from, safety  
424 fees pursuant to subsection (w) of section 14-49;

425 (13) On and after July 1, 1997, all moneys received or collected by  
426 the state or any officer thereof on account of, or derived from, late fees  
427 for the emissions inspection of motor vehicles pursuant to subsection  
428 (k) of section 14-164c;

429 (14) On and after July 1, 1997, all moneys received or collected by  
430 the state or any officer thereof on account of, or derived from, the sale  
431 of information by the Commissioner of Motor Vehicles pursuant to  
432 subsection (b) of section 14-50a;

433 (15) On and after October 1, 1998, all moneys received by the state  
434 or any officer thereof on account of, or derived from, section 14-212b;

435 (16) On and after July 1, 2009, all moneys received or collected by  
436 the state or any officer thereof on account of, or derived from, any  
437 direct federal subsidy pursuant to Section 6431 of the Internal Revenue  
438 Code of 1986, or any subsequent corresponding internal revenue code

439 of the United States, as amended from time to time, and relating to  
440 bonds or bond anticipation notes issued by the state pursuant to  
441 sections 13b-74 to 13b-77, inclusive;

442 (17) On and after July 1, 2011, all moneys received or collected by  
443 the state or any officer thereof on account of, or derived from, sections  
444 13b-61a to 13b-61c, inclusive; [and]

445 (18) On and after July 1, 2015, all moneys received or collected by  
446 the state or any officer thereof on account of, or derived from,  
447 subsection (a) of section 13b-29, as amended by this act; and

448 ~~[(18)]~~ (19) On and after July 1, 2011, any other funds, moneys and  
449 receipts of the state required by law to be deposited, transferred or  
450 paid into the Special Transportation Fund, other than proceeds of  
451 bonds or other securities of the state or of federal grants under the  
452 provisions of federal law.

453 Sec. 9. Subsection (a) of section 13b-34 of the general statutes is  
454 repealed and the following is substituted in lieu thereof (*Effective July*  
455 *1, 2015*):

456 (a) The commissioner shall have power, in order to aid or promote  
457 the operation, whether temporary or permanent, of any transportation  
458 service operating to, from or in the state, to contract in the name of the  
459 state with any person, including, but not limited to, any common  
460 carrier, any transit district formed under chapter 103a or any special  
461 act, or any political subdivision or entity, or with the United States or  
462 any other state, or any agency, instrumentality, subdivision,  
463 department or officer thereof, for purposes of initiating, continuing,  
464 developing, providing or improving any such transportation service.  
465 Such contracts may include provision for arbitration of disputed  
466 issues. The commissioner, in order to aid or promote the operation of  
467 any transportation service operating outside the state, may contract in  
468 the name of the state with any person, including, but not limited to,  
469 any common carrier, or with the United States or any other state, or  
470 any agency, instrumentality, subdivision, department or officer

471 thereof, for purposes of providing any transportation service in the  
472 event such assistance is required in the case of an emergency or a  
473 special event. The state, acting by and through the commissioner, may,  
474 by itself or in concert with others, provide all or a portion of any such  
475 service, share in the costs of or provide funds for such service, or  
476 furnish equipment or facilities for use in such service upon such terms  
477 and conditions as the commissioner may deem necessary or advisable,  
478 and any such contracts may include, without limitation thereto,  
479 arrangements under which the state shall so provide service, share  
480 costs, provide funds or furnish equipment or facilities. To these ends,  
481 the commissioner may in the name of the state acquire or obtain the  
482 use of facilities and equipment employed in providing any such  
483 service by gift, purchase, lease or other arrangements and may own  
484 and operate any such facilities and equipment and establish, charge  
485 and collect such fares and other charges or arrange for such collection  
486 for the use or services thereof as [he] the commissioner may deem  
487 necessary, convenient or desirable. The commissioner or any fare  
488 inspector [, as defined in section 13b-2, shall have the authority to] may  
489 issue citations for any violation of section 13b-38i. The commissioner  
490 or any parking inspector may issue citations for any violation of  
491 section 13b-29, as amended by this act. The commissioner may also  
492 acquire title in fee simple to, or any lesser estate, interest or right in,  
493 any rights-of-way, properties or facilities, including properties used on  
494 or before October 1, 1969, for rail or other forms of transportation  
495 services. The commissioner may hold such properties for future use by  
496 the state and may enter into agreements for interim use of such  
497 properties for other purposes. Any person contracting with the state  
498 pursuant to this section for the provision of any transportation service  
499 shall not be considered an arm or agent of the state. Any damages  
500 caused by the operation of such transportation service by such person  
501 may be recovered in a civil action brought against such person in the  
502 superior court and such person may not assert the defense of sovereign  
503 immunity in such action.

504 Sec. 10. Section 13b-34 of the general statutes is amended by adding  
505 subsections (j) and (k) as follows (*Effective July 1, 2015*):

506 (NEW) (j) If the commissioner deems it to be in the best interest of  
507 the state, the commissioner may indemnify and hold harmless the  
508 Metro-North Commuter Railroad Company for claims brought by the  
509 National Railroad Passenger Corporation or other third parties against  
510 the Metro-North Commuter Railroad Company relative to the  
511 operation of M-8 rail cars on the Shoreline East railroad line, provided  
512 such indemnification does not relieve the Metro-North Commuter  
513 Railroad Company from liability for its wilful or negligent acts or  
514 omissions.

515 (NEW) (k) The commissioner may indemnify and hold harmless  
516 any operator selected pursuant to section 13b-79u to operate on the  
517 New Haven-Hartford-Springfield rail line if the commissioner finds  
518 that (1) it is in the best interest of the state to do so, and (2) the  
519 National Rail Passenger Corporation requires such operator to  
520 indemnify and hold harmless said corporation.

521 Sec. 11. Section 13b-36 of the general statutes is repealed and the  
522 following is substituted in lieu thereof (*Effective from passage*):

523 (a) The commissioner may purchase or take and, in the name of the  
524 state, may acquire title in fee simple to, or any lesser estate, interest or  
525 right in, any land, buildings, equipment or facilities, or other property,  
526 tangible or intangible, including, but not limited to, any licenses or  
527 certificates, which the commissioner finds necessary for the operation  
528 or improvement of transportation services. The determination by the  
529 commissioner that such purchase or taking is necessary shall be  
530 conclusive. Such taking shall be in the manner prescribed in subsection  
531 (b) of section 13a-73, as amended by this act, for the taking of land for  
532 state highways.

533 (b) The commissioner may sell, lease, convey or enter into any other  
534 arrangement for the use of such property for the operation of  
535 transportation services, or for such other purposes as the  
536 commissioner determines to be consistent with the best interests of the  
537 state.

538 (c) Any company or corporation which conducts or has conducted  
539 rail operations in the state shall not, except as provided for in this  
540 subsection, sell, lease, transfer or otherwise dispose of any railroad  
541 properties and related facilities within the state that are abandoned,  
542 inactive or currently being used for railroad purposes to any party,  
543 without first offering such properties and facilities for sale to the  
544 Commissioner of Transportation. This provision shall not apply to any  
545 rail related facility that is to be replaced as a result of a rehabilitation  
546 program or emergency or routine maintenance programs. Such offer  
547 shall be made in writing and shall be sent by certified mail to the  
548 Commissioner of Transportation. Such offer shall include a map and  
549 description of the subject properties or facilities, the price, if available,  
550 for such properties or facilities, a description of the present or past  
551 railroad use of the subject property or facilities, and any other terms or  
552 conditions said company or corporation proposes to include as part of  
553 such sale. The commissioner, upon receipt of such offer, shall within  
554 forty-five days notify said company or corporation, in writing by  
555 certified mail, whether [he] the commissioner is interested in acquiring  
556 the subject properties or facilities. Within one hundred thirty-five days  
557 of such written notice, the commissioner shall notify said company or  
558 corporation in writing by certified mail either that he or she has made  
559 an express finding in accordance with section 13b-35 and shall acquire  
560 such properties or facilities or that he or she shall not accept such offer  
561 and shall not acquire such properties or facilities. In no event shall said  
562 company or corporation offer to sell any railroad properties or related  
563 facilities which were the subject of negotiations between the  
564 commissioner and said company or corporation to any other party on  
565 terms more favorable to said party than the final terms offered to the  
566 commissioner during negotiations. Nothing in this section shall be  
567 construed to prevent a railroad company from transferring rail  
568 facilities within its own system or from selling, leasing or transferring  
569 or otherwise disposing of railroad properties or related facilities  
570 currently in use to another party provided that in no event shall the  
571 sale, lease, transfer or other disposition of such properties or facilities  
572 result in the discontinuance of existing rail service in the state. For the

573 purposes of this section, the terms railroad properties and related  
574 facilities shall mean all the land, structures, buildings, rails, ties,  
575 ballast, signals and materials that have been or are used for rail  
576 transportation purposes and that are located either within the right-of-  
577 way as defined by railroad valuation maps or other suitable maps or  
578 abutting such right-of-way.

579 Sec. 12. Section 13b-80 of the general statutes is repealed and the  
580 following is substituted in lieu thereof (*Effective from passage*):

581 No person, association, limited liability company or corporation  
582 shall operate a motor bus without having obtained a certificate from  
583 the Department of Transportation or from the Federal Highway  
584 Administration pursuant to the Bus Regulatory Reform Act of 1982,  
585 P.L. 97-261, specifying the route and certifying that public convenience  
586 and necessity require the operation of a motor bus or motor buses over  
587 such route. Such certificate shall be issued only after written  
588 application for the same has been made. Upon receipt of such  
589 application, said department shall promptly give written notice of the  
590 pendency of such application to the mayor of each city, the warden of  
591 each borough or the first selectman of each town in or through which  
592 the applicant desires to operate, and to any common carrier operating  
593 over any portion of such route or over a route substantially parallel  
594 thereto. Any town, city or borough within which, or between which  
595 and any other town, city or borough in this state, any such common  
596 carrier is furnishing service may bring a written petition to the  
597 department in respect to routes, fares, speed, schedules, continuity of  
598 service and the convenience and safety of passengers and the public.  
599 Thereupon the department may fix a time and place for a hearing  
600 upon such petition and mail notice thereof to the parties in interest at  
601 least one week prior to such hearing. No such certificate shall be sold  
602 or transferred until the department, upon written application to it,  
603 setting forth the purpose, terms and conditions thereof and after  
604 investigation, approves the same. The application shall be  
605 accompanied by a fee of one hundred seventy-six dollars. The  
606 department may amend or, for sufficient cause shown, may suspend

607 or revoke any such certificate. The department may impose a civil  
608 penalty on any person or any officer of any association, limited liability  
609 company or corporation who violates any provision of any regulation  
610 adopted under section 13b-86 with respect to routes, fares, speed,  
611 schedules, continuity of service or the convenience and safety of  
612 passengers and the public, in an amount not to exceed one hundred  
613 dollars per day for each violation. The owner or operator of every  
614 motor bus shall display in a conspicuous place therein a memorandum  
615 of such certificate. Notwithstanding any provision of chapter 285, such  
616 certificate shall include authority to transport baggage, express, mail  
617 and newspapers for hire in the same vehicle with passengers under  
618 such regulations as the department may prescribe. Any certificate  
619 issued pursuant to this section by the Division of Public Utility Control  
620 within the Department of Business Regulation prior to October 1, 1979,  
621 shall remain valid unless suspended or revoked by the Department of  
622 Transportation. Nothing in this section shall prevent, or be construed  
623 as prohibiting or limiting, the exercise of the commissioner's authority  
624 pursuant to section 13b-36, as amended by this act, to purchase or take  
625 certificates issued pursuant to this section. The exercise of such  
626 authority shall extinguish certificates issued under this section.

627 Sec. 13. Section 13b-283 of the general statutes is repealed and the  
628 following is substituted in lieu thereof (*Effective from passage*):

629 (a) Railroad companies shall keep in repair all structures under their  
630 tracks at any highway crossing. The state shall maintain and repair any  
631 structure (1) which spans a railroad and which supports a municipal  
632 road or (2) which spans any rail right-of-way which has been  
633 purchased by any state agency. The Commissioner of Transportation  
634 shall adopt regulations in accordance with the provisions of chapter  
635 54, and may enter into an agreement with any municipality, as  
636 provided in subsection (f) of this section, establishing a method by  
637 which the cost of repairing and maintaining any structure provided for  
638 in subdivision (1) of this subsection shall be apportioned between the  
639 state and the municipality in which such structure is located. Any  
640 [town, city or borough] municipality may repair such structures over

641 the tracks of a railroad company located within such [town, city or  
642 borough] municipality. For the purpose of obtaining liability insurance  
643 coverage insuring against any losses or injuries suffered during the  
644 performance of such repairs, such [town, city or borough] municipality  
645 may, in lieu of purchasing a separate policy of insurance naming such  
646 railroad company as an additional insured, purchase a rider to be  
647 attached to any existing insurance policy providing such liability  
648 coverage, naming such railroad company as an additional insured. The  
649 state shall maintain and repair the structures over any railroad on  
650 state-maintained highways constructed after January 1, 1955.

651 (b) The Commissioner of Transportation may expend up to the  
652 amount available annually from funds provided by specific  
653 appropriation from the Special Transportation Fund or other state  
654 funds in addition to any available federal funds to reconstruct, repair  
655 or replace with a new structure, together with the minimum approach  
656 work required for replacement, any existing structure carrying a town-  
657 maintained road or highway over a railroad when such structure is  
658 deemed critical from a traffic safety or load-carrying standpoint. The  
659 expense of any roadway construction on the approaches beyond what  
660 is required to build the new structure shall be paid by the [town]  
661 municipality, if the work is done by or approved by the [town]  
662 municipality.

663 (c) The Commissioner of Transportation may expend up to the  
664 amount made available from funds provided by specific  
665 appropriations from the Special Transportation Fund or other state  
666 funds in addition to any available federal funds to eliminate highway-  
667 railroad grade crossings by construction of grade separation structures  
668 and necessary approaches or by relocation of [town-maintained] roads  
669 or highways maintained by a municipality to provide access to existing  
670 grade separation structures.

671 (d) The Commissioner of Transportation, as [he] said commissioner  
672 deems necessary, may acquire land or rights of ingress to and egress  
673 from land abutting any project which he or she undertakes pursuant to

674 this section in the same manner and with like powers as authorized  
675 and exercised by said commissioner in acquiring land for state  
676 highway purposes.

677 (e) The Commissioner of Transportation, as [he] said commissioner  
678 deems necessary, may issue an order to any utility, as defined in  
679 section 13a-98f, to readjust, relocate or remove its facility, at its own  
680 expense, from any structure or road abutting a structure in order to  
681 perform maintenance or repairs pursuant to this section and such  
682 utility shall readjust, relocate or remove its facility promptly in  
683 accordance with such order, except that the cost of readjusting,  
684 relocating, or removing any municipal utility shall be apportioned on  
685 the same basis as the cost of constructing such structure or road  
686 abutting such structure. The cost of readjusting, relocating or removing  
687 any public service facility which abuts or is within, on, over or under  
688 any state highway shall be apportioned in accordance with the  
689 provisions of section 13a-126.

690 (f) The Commissioner of Transportation may enter into an  
691 agreement with the authorized official or officials of a municipality for  
692 the maintenance and removal of snow and ice from a footpath or  
693 sidewalk on any structure provided for in subdivisions (1) and (2) of  
694 subsection (a) of this section.

695 Sec. 14. Section 14-212g of the general statutes is repealed and the  
696 following is substituted in lieu thereof (*Effective from passage*):

697 (a) There is established an account to be known as the "work zone  
698 safety account" which shall be a separate, nonlapsing account within  
699 the Special Transportation Fund. The account shall contain any  
700 moneys required by law to be deposited in the account. Moneys in the  
701 account shall be expended by the Department of Transportation for the  
702 [purposes of] purpose of protecting the safety of workers in highway  
703 work zones, as defined in section 14-212d, through (1) highway traffic  
704 enforcement, including, but not limited to, the expansion of the  
705 "Operation Big Orange" program, [to protect the safety of workers in  
706 highway work zones, as defined in section 14-212d] (2) the purchase

707 and implementation of technology and equipment, and (3) highway  
708 work zone training and education.

709 (b) Upon receipt of the moneys paid pursuant to subdivisions (4)  
710 and (5) of subsection (b) of section 13b-61, as amended by this act, the  
711 State Treasurer shall transfer nine thousand dollars of such moneys  
712 monthly to the work zone safety account established in subsection (a)  
713 of this section.

714 Sec. 15. Section 15-13 of the general statutes is repealed and the  
715 following is substituted in lieu thereof (*Effective July 1, 2015*):

716 (a) The Commissioner of Transportation shall license as many  
717 residents of this state and any other state as said commissioner deems  
718 necessary and finds qualified to act as pilots for one year in any of the  
719 ports and waters of this state including the Connecticut waters of Long  
720 Island Sound. A license shall be denied to any person holding a license  
721 or authority under the laws of any other state [which] that does not  
722 issue a license or authority to pilots licensed by the Connecticut  
723 Department of Transportation. Except as [hereinafter] provided in this  
724 section, no person shall be so licensed unless [he] such person  
725 possesses a federal masters license and has procured a federal first  
726 class pilot's license of unlimited tonnage issued by the United States  
727 Coast Guard covering the sections of the waters of this state for which  
728 application is being made to said commissioner. Each applicant for a  
729 license to act as a pilot for any port or waterway of the state, including  
730 the Connecticut waters of Long Island Sound, shall document that [he]  
731 such person has made the following passages on ocean-going vessels  
732 of not less than four thousand gross tons, through the port or  
733 waterway for which application is being made during the thirty-six  
734 months immediately preceding [his] such application: (1) Twelve  
735 round trips on American vessels under enrollment as pilot of record,  
736 on which the applicant is not a crew member; or (2) twenty-four round  
737 trips as observing pilot on foreign or registered vessels during which  
738 the applicant does the piloting work under the supervision and  
739 authority of a pilot licensed by this state, provided the applicant

740 possesses a first class pilot's license issued by the United States Coast  
741 Guard for the port or waterway; or (3) any combination of the above  
742 requirements for trips, substituting two observer trips for each trip as  
743 pilot of record.

744 (b) An extension of route for waters of this state including the  
745 Connecticut waters of Long Island Sound, for which application is  
746 being made by a pilot currently licensed by the commissioner for  
747 eastern Long Island Sound and at least one of the ports of New  
748 London, New Haven or Bridgeport, shall be granted provided the  
749 applicant (1) has procured a federal first class pilot's license of  
750 unlimited tonnage issued by the United States Coast Guard covering  
751 the sections of the waters of this state including the Connecticut waters  
752 of Long Island Sound, for which application for an extension of route  
753 is being made, and (2) can document that, within the thirty-six months  
754 immediately preceding such application, the applicant has made six  
755 round trips through the port or waterway for which application is  
756 being made as observing pilot on vessels under enrollment or vessels  
757 under register subject to compulsory pilotage under sections 15-15 and  
758 15-15c, during which the applicant does the piloting work under the  
759 supervision and authority of a pilot licensed by this state.

760 [(b)] (c) Each pilot shall, upon the granting of [his] a license, pay a  
761 fee of thirty dollars to said commissioner and shall give a bond of one  
762 thousand dollars to the [State] Treasurer and [his] the Treasurer's  
763 successors in office, with surety, to the acceptance of the commissioner,  
764 conditioned for the faithful performance of his or her duties as a pilot,  
765 upon which bond suit may be brought in the name of said Treasurer  
766 for the benefit of any person who may suffer loss or damage, by reason  
767 of the ignorance, neglect or misconduct of such pilot in the discharge  
768 of [his] such pilot's duties. The commissioner shall increase such fee by  
769 fifty per cent July 1, 1985, by an additional fifty per cent effective July  
770 1, 1989, by an additional twenty-five per cent effective July 1, 1991, and  
771 by an additional twenty-five per cent effective July 1, 1993.

772 [(c)] (d) Each license shall expire on the last day of December

773 following its issuance and may be renewed upon application and  
774 payment of the fee required by subsection [(b)] (c) of this section,  
775 renewal of the bond required under subsection [(b)] (c) of this section  
776 and proof of current federal licensure as required in subsection (a) of  
777 this section.

778 [(d)] (e) The Commissioner of Transportation shall keep a record of  
779 each license and, if requested, shall furnish a certificate of such license.

780 [(e)] (f) Said commissioner may suspend or revoke any pilot's  
781 license for (1) incompetence, (2) neglect of duty, (3) misconduct, or (4)  
782 using a vessel owned or operated by a person who has not obtained a  
783 certificate of compliance under the provisions of section 15-15e for the  
784 purpose of embarking or disembarking another vessel in open and  
785 unprotected waters. Any person aggrieved by the action of said  
786 commissioner under the provisions of this subsection may appeal  
787 therefrom in accordance with the provisions of section 4-183.

788 [(f)] (g) Any pilot who has been away from duty for a period of not  
789 less than six months, or who has not completed a passage through any  
790 port or waterway for which [he] such pilot is licensed during such  
791 period, shall be placed on inactive status. [Said] Such pilot shall  
792 complete at least one round trip over the port or waterway for which  
793 [he] such pilot is licensed before resuming his or her duties as a pilot.  
794 The refresher passages shall be made in the company of an active pilot  
795 licensed by the state. [Said] Such pilot, before resuming [his] pilotage  
796 duties, shall submit to the commissioner a list of completed refresher  
797 passages, including the name, gross tons and draft of each vessel  
798 involved, a description and date of each passage and the name of the  
799 attending pilot.

800 [(g)] (h) The commissioner may issue limited licenses pursuant to  
801 this section. Such licenses may be limited according to a pilot's  
802 qualifications for operating a vessel, which shall include, but not be  
803 limited to, the type, size, gross tonnage or draft of a vessel.

804 [(h)] (i) The commissioner shall adopt regulations, in accordance

805 with the provisions of chapter 54, to carry out the purposes of this  
806 section.

807 Sec. 16. Subsection (d) of section 13b-59 of the general statutes is  
808 repealed and the following is substituted in lieu thereof (*Effective July*  
809 *1, 2015*):

810 (d) "License, permit and fee revenues" means (1) all fees and other  
811 charges required by, or levied pursuant to sections 12-487, 13b-80, as  
812 amended by this act, and 13b-97, subsection (b) of section 14-12,  
813 sections 14-16a, 14-21c, 14-44h and 14-44i, subsection (v) of section 14-  
814 49, subsections (b) and (f) of section 14-50, subdivisions (7) to (9),  
815 inclusive, of subsection (a) of section 14-50a, sections 14-52, 14-58, 14-  
816 67l and 14-69, subsection (e) of section 14-73, sections 14-96q and 14-  
817 103a, subsection (a) of section 14-164a, subsection (a) of section 14-192,  
818 subsection (d) of section 14-270, sections 14-319 and 14-320 and  
819 sections 13b-410a to 13b-410c, inclusive; (2) all aeronautics, waterways,  
820 and other fees and charges required by, or levied pursuant to sections  
821 13a-80, as amended by this act, and 13a-80a, subsection (b) of section  
822 13b-42 and subsections [(b) and] (c) and (d) of section 15-13, as  
823 amended by this act; and (3) all motor vehicle related fines, penalties  
824 or other charges as defined in subsection (g) of this section;

825 Sec. 17. (*Effective from passage*) (a) The Department of Transportation  
826 shall take all steps necessary to cover the deteriorated Amtrak  
827 overpass that is next to a bridge on the Hartford-New Britain busway  
828 project in the town of West Hartford. Such steps shall include, on the  
829 east side of the Amtrak overpass, design, construction and installation  
830 of an overhead sign that spans state Route 529, New Britain Avenue,  
831 and covers the Amtrak overpass.

832 (b) Not later than July 15, 2015, the Commissioner of Transportation  
833 shall report to the joint standing committee of the General Assembly  
834 having cognizance of matters relating to transportation, on steps taken  
835 to comply with subsection (a) of this section. Thereafter, on November  
836 15, 2015, March 15, 2016, and July 15, 2016, the commissioner shall  
837 provide updates to such committee on the work completed as required

838 by subsection (a) of this section.

839 Sec. 18. (*Effective from passage*) The Commissioner of Transportation  
840 shall conduct a study comparing the cost of installing rumble strips to  
841 the efficacy of rumble strips in reducing the incidence of traffic  
842 accidents. Such study shall consider the cost benefits of rumble strips  
843 on the centerline of a highway and on the shoulder of the road. Not  
844 later than January 15, 2016, the commissioner shall report, in  
845 accordance with the provisions of section 11-4a of the general statutes,  
846 to the joint standing committee of the General Assembly having  
847 cognizance of matters relating to transportation, on the findings.

848 Sec. 19. (*Effective from passage*) The Commissioner of Transportation  
849 shall conduct an analysis of the process used to approve and carry out  
850 projects undertaken jointly by the department and one or more  
851 municipalities. Such analysis shall consider the current process,  
852 determine the reason for, and the value added, by each step, and  
853 whether the process could be streamlined. Not later than January 15,  
854 2016, the commissioner shall report, in accordance with the provisions  
855 of section 11-4a of the general statutes, to the joint standing committee  
856 of the General Assembly having cognizance of matters relating to  
857 transportation, on the analysis. Such report shall contain any  
858 recommendations for legislative or regulatory changes.

859 Sec. 20. (*Effective from passage*) (a) The Commissioner of  
860 Transportation shall conduct a study of options for operation of the  
861 state rail lines. Such study shall include: (1) Outreach to a variety of  
862 companies that operate rail lines, including Metro North Commuter  
863 Railroad, to ascertain, for each company, such company's (A) past  
864 experience in the field of rail line operation, (B) terms of the contracts  
865 under which such companies operate and mechanisms used to enforce  
866 such terms, (C) quality of service and safety provided, and (D)  
867 experience in working with other stakeholders to respond promptly  
868 and effectively to concerns about the operation of a rail line; and (2) the  
869 feasibility of, and costs involved in, contracting with a new company  
870 to operate the state rail lines.

871 (b) Not later than March 1, 2016, the commissioner shall report, in  
872 accordance with the provisions of section 11-4a of the general statutes,  
873 to the joint standing committee of the General Assembly having  
874 cognizance of matters relating to transportation, on the results of the  
875 study required pursuant to subsection (a) of this section.

876 Sec. 21. (NEW) (*Effective October 1, 2015*) (a) For purposes of this  
877 section, "AASHTO" means the American Association of State Highway  
878 and Transportation Officials and "LRFD" means load and resistance  
879 factor design.

880 (b) The Department of Transportation shall implement a policy of  
881 competitive bidding and procurement among qualifying pipe material  
882 types in storm drainage applications for all roadway classifications.

883 (c) A pipe material is qualified if it meets the following  
884 specifications:

885 (1) Pipe materials shall be manufactured in accordance with  
886 specifications issued by AASHTO for transportation materials and  
887 methods of sampling and testing.

888 (2) When intended to be used in bridge construction, pipes shall be  
889 designed according to AASHTO LRFD bridge design specifications.  
890 The pipe manufacturer shall supply tabulated values for minimum  
891 and maximum cover to support anticipated highway traffic loads. The  
892 design assumptions made for use in the development of such  
893 tabulated values shall include pipe trench excavation, allowable soils,  
894 bedding, backfill and compaction requirements in accordance with  
895 such bridge design specifications.

896 (3) Pipe construction shall be in accordance with AASHTO LRFD  
897 bridge construction specifications.

898 (4) The design service life for storm drain and cross drain  
899 applications shall be seventy-five years and the design service life for  
900 side drain applications shall be fifty years.

901       Sec. 22. (*Effective from passage*) Route 272 in Torrington from the  
902 intersection of Route 4 traveling in a northerly direction to the  
903 intersection of Hodges Hill Road shall be designated the "Richard W.  
904 Nardine Memorial Highway".

905       Sec. 23. (*Effective from passage*) Route 219 in New Hartford from the  
906 intersection of Route 202 traveling in a northerly direction to the  
907 northern intersection of Hoppen Road shall be designated the "Brian  
908 Phillips Memorial Highway".

909       Sec. 24. (*Effective from passage*) Route 173 in Newington from the  
910 intersection of Richard Street traveling in a northerly direction to the  
911 intersection of Route 174 shall be designated the "Robert J. Seiler  
912 Memorial Highway".

913       Sec. 25. (*Effective from passage*) Route 106 in Wilton from the New  
914 Canaan-Wilton town line traveling in an easterly direction to the  
915 intersection of Route 53 shall be designated the "Air Force First  
916 Lieutenant Charles M. Baffo Memorial Highway".

917       Sec. 26. (*Effective from passage*) The access driveway to the  
918 Department of Transportation's Colchester Repair and Electrical  
919 Facility located at 80 New London Road shall be designated the "Lisa  
920 Maynard Memorial Access Road".

921       Sec. 27. (*Effective from passage*) Route 63 in Watertown from the  
922 intersection of Bunker Hill Road traveling in a northerly direction to  
923 the intersection of Route 6 shall be designated the "Guy E. Buzzannco  
924 Memorial Highway".

925       Sec. 28. (*Effective from passage*) Route 35, located in Ridgefield,  
926 running in a generally northerly direction from the intersection of  
927 Limestone Road to the intersection with Route 7 shall be designated  
928 the "Maurice Sendak Memorial Highway".

929       Sec. 29. (*Effective from passage*) Route 160 in Rocky Hill from the  
930 intersection of Route 3 traveling in an easterly direction to the  
931 intersection of Gilbert Avenue shall be designated the "James Vicino

932 Memorial Highway".

933       Sec. 30. (*Effective from passage*) Route 196 in East Hampton from the  
934 intersection of Main Street and Skinner Street in a southerly direction  
935 to the Haddam town line shall be designated the "Chief George C.  
936 Fowler Memorial Highway".

937       Sec. 31. (*Effective from passage*) Route 127, East Main Street, in  
938 Bridgeport, from the intersection of Route 130 traveling in a northerly  
939 direction to the intersection of US Route 1 shall be designated the "65<sup>th</sup>  
940 Infantry Regiment, 'The Borinqueneers' Memorial Highway".

941       Sec. 32. (*Effective from passage*) Route 196 from Route 66 to Main  
942 Street in the town of East Hampton shall be designated the "Russell  
943 Oakes Memorial Highway".

944       Sec. 33. (*Effective from passage*) Bridge number 00649 on Interstate 84  
945 westbound overpassing Route 10 in Southington shall be designated  
946 the "Lieutenant Michael J. Shanley Memorial Bridge".

947       Sec. 34. (*Effective from passage*) Bridge number 05349 on Route 82  
948 eastbound over the Yantic River in Norwich shall be designated the  
949 "Benjamin Demond Memorial Bridge".

950       Sec. 35. (*Effective from passage*) Bridge number 0429 on Route 4 in  
951 Farmington overpassing the Farmington River shall be designated the  
952 "Albert M. Glenn Memorial Bridge".

953       Sec. 36. (*Effective from passage*) Bridge number 00049 on Interstate 95  
954 over Richards Avenue in the town of Norwalk shall be designated the  
955 "Army Specialist David R. Fahey, Jr. Memorial Bridge".

956       Sec. 37. (*Effective from passage*) Route 243 in Woodbridge shall be  
957 designated the "Joseph Anastasio Memorial Highway".

958       Sec. 38. (*Effective from passage*) Bridge number 00638 in Middletown  
959 shall be designated the "Jewish War Veterans' Major General Maurice  
960 Rose, Post 51 Memorial Bridge".

961 Sec. 39. (*Effective from passage*) Route 1 Mianus River Bridge between  
 962 the Cos Cob and Riverside sections of Greenwich shall be designated  
 963 the "Honorable David N. Theis Memorial Bridge".

964 Sec. 40. (*Effective from passage*) Route 138 in Lisbon shall be  
 965 designated the "Aaron Dwight Stevens Memorial Highway".

966 Sec. 41. Section 21 of public act 11-256 is repealed and the following  
 967 is substituted in lieu thereof (*Effective from passage*):

968 The portion of State Road 702 from Exit 13 of I-91 westerly to the  
 969 junction of Route 5 in Wallingford shall be designated the ["Major  
 970 Raoul Lufbery Highway"] "Major Gervais Raoul Lufbery Highway".

971 Sec. 42. Section 46 of public act 11-256 is repealed and the following  
 972 is substituted in lieu thereof (*Effective from passage*):

973 [A portion of I-84] Bridge number 3372 A and B on Interstate 84 in  
 974 Hartford shall be designated the ["Tuskegee Airmen Highway"]  
 975 "Tuskegee Airmen Memorial Bridge".

976 Sec. 43. Section 44 of public act 13-277 is repealed and the following  
 977 is substituted in lieu thereof (*Effective from passage*):

978 Bridge number 00648 on Interstate 84 eastbound in Southington  
 979 overpassing Route 10 shall be designated the ["John A. Dolan  
 980 Memorial Bridge"] "Trooper John A. Dolan Memorial Bridge".

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	4a-59(c)
Sec. 2	<i>July 1, 2015</i>	13a-73(a) to (c)
Sec. 3	<i>July 1, 2015</i>	13a-80(b)
Sec. 4	<i>July 1, 2015</i>	13a-95b
Sec. 5	<i>July 1, 2015</i>	13a-95c
Sec. 6	<i>July 1, 2015</i>	13b-2
Sec. 7	<i>July 1, 2015</i>	13b-29(a)
Sec. 8	<i>July 1, 2015</i>	13b-61(b)

Sec. 9	<i>July 1, 2015</i>	13b-34(a)
Sec. 10	<i>July 1, 2015</i>	13b-34
Sec. 11	<i>from passage</i>	13b-36
Sec. 12	<i>from passage</i>	13b-80
Sec. 13	<i>from passage</i>	13b-283
Sec. 14	<i>from passage</i>	14-212g
Sec. 15	<i>July 1, 2015</i>	15-13
Sec. 16	<i>July 1, 2015</i>	13b-59(d)
Sec. 17	<i>from passage</i>	New section
Sec. 18	<i>from passage</i>	New section
Sec. 19	<i>from passage</i>	New section
Sec. 20	<i>from passage</i>	New section
Sec. 21	<i>October 1, 2015</i>	New section
Sec. 22	<i>from passage</i>	New section
Sec. 23	<i>from passage</i>	New section
Sec. 24	<i>from passage</i>	New section
Sec. 25	<i>from passage</i>	New section
Sec. 26	<i>from passage</i>	New section
Sec. 27	<i>from passage</i>	New section
Sec. 28	<i>from passage</i>	New section
Sec. 29	<i>from passage</i>	New section
Sec. 30	<i>from passage</i>	New section
Sec. 31	<i>from passage</i>	New section
Sec. 32	<i>from passage</i>	New section
Sec. 33	<i>from passage</i>	New section
Sec. 34	<i>from passage</i>	New section
Sec. 35	<i>from passage</i>	New section
Sec. 36	<i>from passage</i>	New section
Sec. 37	<i>from passage</i>	New section
Sec. 38	<i>from passage</i>	New section
Sec. 39	<i>from passage</i>	New section
Sec. 40	<i>from passage</i>	New section
Sec. 41	<i>from passage</i>	PA 11-256, Sec. 21
Sec. 42	<i>from passage</i>	PA 11-256, Sec. 46
Sec. 43	<i>from passage</i>	PA 13-277, Sec. 44

**Statement of Legislative Commissioners:**

In Section 7, changes were made to clarify the difference between parking "facilities" at commuter lots and parking "areas" at rails commuter lots.

**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 16 \$	FY 17 \$
Department of Transportation	TF - Cost	up to \$50,000	None
Department of Transportation	Work Zone Safety Account - Potential Revenue Gain	Potential	Potential

Note: TF=Transportation Fund

**Municipal Impact:** None

**Explanation**

A section by section fiscal impact is presented below. The other sections of the bill have no fiscal impact because they make technical, clarifying, or conforming changes to current practice or federal regulations.

Section 1 expands the Department of Transportation’s (DOT) ability to use Federal funds on contract bids through the Department of Administrative Services’ (DAS) process for competitively bid contracts. The fiscal impact will be dependent on (1) the type of project and (2) the level of federal funding associated with the project. It is anticipated that DOT would realize a reduction in the use of state bond funding associated with these projects that would subsequently be reallocated for other projects.

Section 2 reduces the length of time a homeowner can live rent-free on DOT condemned property from 120 days to 90 days, which may allow DOT to move forward with projects at an earlier timeframe.

Section 4 allows the Commissioner of DOT to use DOT personnel to

perform design work for contracts under “construction manager at risk” (CMAR) rather than contract with an architect or engineer. The fiscal impact is uncertain because projects have not been identified as candidates. The future net fiscal impact will depend on: (1) the total cost to hire employees to perform the design work, and (2) the level of savings realized from the reduction in contracted service costs.

Section 5 allows the DOT commissioner to (1) continue to use consultants until the governor notifies the Transportation Committee that they are no longer needed and (2) to continue to use consultants to design a CMAR project if the Commissioner decides DOT lacks the technical expertise for the project. The fiscal impact is uncertain because projects have not been identified as candidates.

Sections 6-9 authorizes DOT to regulate commuter parking areas by charging parking fees and imposing penalties which will result in a revenue gain to the Special Transportation Fund (STF). The fiscal impact will be dependent on: (1) the number of parking areas, (2) the parking fee structure and (3) the number of penalties.

Section 10 allows DOT to: (1) indemnify Metro North for claims brought by Amtrak or other third parties for the operation of M-8 rail cars on the Shore Line East rail line (SLE) and (2) indemnify and hold harmless the operator of the new rail passenger service on the New Haven-Hartford-Springfield (NHHS) rail line. The bill would preclude future claims brought against Metro North or DOT on the SLE and the NHHS rail line.

Section 11 and 12 expand DOT’s eminent domain powers to include tangible or intangible property to specifically include licenses or certificates which may result in DOT acquiring more property through eminent domain. Currently motor bus companies must obtain a certificate of public convenience and necessity from DOT or the Federal Highway Administration (FHWA) to operate on a particular route which is identified as intangible property.

Section 13 allows the Department of Transportation (DOT) to enter

into an agreement with individual municipalities to: 1) share costs associated with the repair of certain rail structures; and, 2) maintain and remove snow and ice from sidewalks located along such structures. It is not known how DOT would change cost sharing regulations currently in place as a result of the bill. The bill grants DOT the flexibility to require municipalities to share more of the cost, or less of the cost, of maintaining these structures.

Section 14 allows DOT to use funds in the Work Zone Safety Account for technology, equipment and education related to work zones which would reduce the available balance of the Work Zone Safety Account.

Sections 15 and 16 create an alternative path for applicants to get a marine pilot license and are not anticipated to result in fiscal impact.

Section 17 requires DOT to install an overhead sign spanning Rt. 529 (New Britain Avenue) and covering the bridge overpass. The bridge is currently owned by Amtrak and it is unclear if the state or Amtrak would be responsible for installing the sign. The cost of the sign could range from \$100,000-\$500,000 dependent upon the type of sign.

Section 18 requires DOT to conduct a study of rumble strips and does not result in a fiscal impact as it is anticipated DOT has the expertise in this area.

Section 20 requires DOT to study options for the operations of the state rail lines and does not result in a fiscal impact as it is anticipated DOT has the expertise in this area.

Section 21 requires DOT to implement a competitive bidding and procurement process for qualifying pipe materials used in storm drains for all roadways. The future net fiscal impact will depend on the number of pipes used and the number of projects.

Sections 22-43 require DOT to assign names to certain roads and bridges and replace signs in various municipalities. This will result in a one-time cost in FY 16 of up to \$50,000 to DOT for the cost of the signs.

***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

**OLR Bill Analysis****sHB 6821**

***AN ACT CONCERNING DEPARTMENT OF TRANSPORTATION RECOMMENDATIONS REGARDING MAXIMIZATION OF FEDERAL FUNDS, RIGHTS-OF-WAY, ALTERNATIVE PROJECT DELIVERY, COMMUTER PARKING, AMTRAK INDEMNIFICATION, AUTHORITY TO CONDEMN PROPERTY, MAINTENANCE OF BRIDGES, WORK ZONE SAFETY FUNDS, MARINE PILOT'S LICENSES, CERTAIN STUDIES, QUALIFIED PIPE MATERIAL AND ROAD AND BRIDGE DESIGNATIONS.***

**SUMMARY:**

This bill allows the Department of Transportation (DOT) to use its eminent domain powers to acquire licenses and certificates, including certificates allowing buses to operate on certain state routes (§§ 11 & 12). It also:

1. allows DOT to charge and collect parking fees in commuter rail parking areas (§§ 6- 9);
2. authorizes DOT to continue to use consultants for certain project work under certain conditions (§ 4);
3. eliminates a 2019 deadline for DOT to stop using consultants, thereby allowing DOT to continue to use them until the governor says they are no longer needed (§ 5);
4. authorizes DOT to indemnify (a) Metro North Railroad for claims brought by Amtrak or others for the use of M-8 cars on Shore Line East and (b) the operator of the New Haven-Hartford-Springfield passenger rail service (§ 10);
5. expands DOT's ability to use federal funds on contracts bid through the Department of Administrative Services (§ 1);

6. expands DOT's ability to buy land for highway and bridge purposes (§ 2);
7. requires DOT to study (a) operators for state rail lines; and (b) the effectiveness and cost of rumble strips on roadways (§§ 20 & 18);
8. requires a competitive bidding process for storm drain pipes (§ 21); and
9. makes other changes to laws affecting marine pilots, highway workers, and municipal roads, including the naming of roads and bridges.

EFFECTIVE DATES: Various, see below.

### **§1 – COMPETITIVE BIDS ON CONTRACTS PAID FOR WITH U.S. DEPARTMENT OF TRANSPORTATION FUNDS**

The bill exempts from the Department of Administrative Services' (DAS) 10-day deadline and selection process for competitively bid contracts any contract that may be paid for with U.S. Department of Transportation funds. This effectively means such contracts must be awarded to the lowest responsible qualified bidder (see BACKGROUND).

By law, DAS generally awards contracts, for which it goes out to bid, to the lowest responsible qualified bidder. If, within 10 days, that bidder refuses to accept the contract, DAS may award the contract to the next lowest responsible qualified bidder. A similar 10-day deadline and selection process applies to a person, firm, or corporation submitting a proposal in response to a DAS request for proposals.

EFFECTIVE DATE: Upon passage

### **§ 2 – DOT LAND ACQUISITION STATUTES.**

The law allows DOT to acquire land for state highways, bridges, state highway maintenance storage areas, and garages through condemnation or purchase.

Under current law, the commissioner, if he determines it is in the state's best interest, may buy, lease, or otherwise arrange to acquire or exchange land, buildings, or both, for use as a highway maintenance storage area or garage. The bill eliminates language that restricts this authority only to properties sought for use as storage areas or garages, thus allowing the commissioner to buy, lease, acquire, or exchange land or buildings or both, for broader highway or bridge purposes. As under existing law, a state referee must approve a purchase of land or buildings that is more than \$100,000.

The bill also (1) reduces (from 120 days to 90 days) the length of time a property owner can continue to live rent-free on land DOT has condemned, and (2) limits this rent-free occupancy to owner-occupied homes. It expands the law to also allow owner-operated businesses to operate on these properties rent-free for 90 days. The bill applies these provisions to land the DOT purchases, as well as condemns.

EFFECTIVE DATE: July 1, 2015

### **§ 3 – MUNICIPAL RIGHT OF FIRST REFUSAL**

The bill eliminates a provision requiring DOT, when preparing to sell certain excess property, to offer it first to the town where it is located before putting it out for bid or auction. (But DOT must continue to offer these properties to other state agencies before going to bid.)

Existing law, unchanged by the bill, requires all state agencies, selling land, (including DOT) to first notify, in writing, the chief executive officer or officers of the municipality in which the land is located, as well as the affected legislators, of their intention to sell the land. The town has 45 days in which to express its intention to buy the property (CGS § 3-14b).

EFFECTIVE DATE: July 1, 2015

### **§§ 4 & 5 – ALTERNATIVE CONSTRUCTION PROJECTS**

By law, the DOT commissioner may designate certain projects to be

built using alternatives to the traditional “design-bid-build” construction process. Such alternatives include the “construction manager at risk” (CMAR) and “design-build” processes.

In a CMAR contract, an owner (e.g., DOT) contracts with a construction manager who works with the project designer and provides labor, material, and project management during construction. By law, a CMAR contract must guarantee that the project price will not exceed a certain amount.

The bill allows the commissioner, when he designates a project to be built with CMAR, to have DOT personnel do the design work, rather than contract with an architect or engineer to do so. As under current law, it requires the CMAR contractor to provide input during the design process.

Under current law, the CMAR contractor (1) is responsible for the project’s construction and (2) must select subcontractors for this work through a sealed bid process. The bill allows, rather than requires, the CMAR contractor to be responsible for construction, and eliminates the CMAR’s responsibility to select subcontractors through sealed bids.

The bill instead allows the DOT commissioner to permit the CMAR contractor to undertake a portion of the construction itself if the commissioner finds the construction manager general contractor (presumably the CMAR contractor) is able to perform this work more cost-effectively than a subcontractor. It requires trade subcontractors, selected through a process the commissioner approves, to perform all the work the general contractor does not perform.

The bill allows the commissioner to put the project out to bid under DOT’s traditional bid process if he and the CMAR cannot agree on a guaranteed maximum price limit.

By law, the commissioner must obtain competitive proposals by advertising the project at least once in a newspaper with substantial circulation in the area where the project is located. The bill allows him

to also provide this notice on DAS's State Contracting Portal or other advertising methods likely to reach CMAR general contractors. He may similarly advertise projects for which he is using the design-build method.

EFFECTIVE DATE: July 1, 2015

#### **§ 5 – USE OF CONSULTANTS FOR PROJECTS USING ALTERNATIVE CONSTRUCTION METHODS**

The law seeks to have DOT gradually reduce the use of consultants and, where possible, have its employees perform development and inspection work.

By law, the commissioner must use DOT employees for development and inspection work after the first two projects are performed using alternative construction methods (although he may continue to use consultants after this time if needed to complete work on projects authorized for alternative construction contracts). Development services include the size, type, and design of the project and preliminary plans needed for DOT to issue a bid package.

The bill allows the commissioner, after the first two projects are performed, to continue to use consultants to design a CMAR project if he finds DOT lacks the technical expertise to do so.

It specifies that detailed design work on design-build contracts remains the contractor's responsibility. It also requires the department to issue a request for proposal, rather than bid package, when using alternative construction methods.

Under current law the commissioner's authority to use consultants ends on the earlier of two dates: (1) when the governor notifies the Transportation Committee that consultants are no longer needed to complete alternative construction projects or (2) January 1, 2019 (unless the legislature reauthorizes their use). The bill eliminates the January 1, 2019 deadline, thus allowing DOT to continue using consultants until the governor notifies the Transportation Committee that they are

no longer needed.

EFFECTIVE DATE: July 1, 2015

### **§ 6-9 – PARKING IN COMMUTER RAIL PARKING AREAS**

The bill allows the commissioner to set and collect reasonable parking fees at commuter rail parking areas, issue citations for violations of posted rules, and establish a process to hear appeals of assessed fines. The commissioner must adopt regulations governing the use of the parking areas. Currently, DOT has numerous lease agreements for many of these sites under which municipal entities set parking fees.

The bill makes a violation of the regulations or failure to pay any penalty imposed an infraction (see BACKGROUND) and requires that all fines and penalties be deposited in the Special Transportation Fund (STF), starting July 1, 2015.

The bill creates the position of parking inspector, who may be (1) a DOT employee the commissioner designates or (2) a third-party contractor the department employs. In either case the parking inspector may issues citations for violations of posted rules in the parking areas, and monitor compliance with parking regulations and payment requirements. It also makes conforming changes.

EFFECTIVE DATE: July 1, 2015

### **§ 10 – INDEMNIFICATION OF METRO NORTH AND THE OPERATOR OF THE HARTFORD LINE**

The bill allows the commissioner, if he finds it is in the state's best interest, to indemnify and hold harmless Metro North Railroad for claims brought by Amtrak or other third parties against Metro North for the operation of M-8 rail cars on Amtrak's Shore Line East line, provided the indemnification does not relieve Metro North of liability for its willful or negligent acts or omissions. Shore Line East (SLE) trains are owned and operated by DOT under contract with Amtrak, which owns the tracks and right of way. Shore Line East extends from

New Haven to New London.

The bill also allows the commissioner to indemnify and hold harmless the operator of the new rail passenger service on the New Haven-Hartford-Springfield line if (1) he finds it is in the state's best interest to do so and (2) Amtrak requires the operator to indemnify it and hold it harmless. DOT is currently seeking an operator for this service.

EFFECTIVE DATE: July 1, 2015

### **§§ 11 & 12 – DOT'S EMINENT DOMAIN POWERS**

The bill expands the DOT's eminent domain powers (its ability to acquire property by condemnation) to include tangible or intangible property and specifically to include licenses or certificates.

By law, motor bus companies must obtain from either DOT or the Federal Highway Administration (FHWA) a certificate of public convenience and necessity to operate on a particular route. The bill (1) explicitly prohibits anyone from construing the law governing certificates of public convenience and necessity in a way that prevents the commissioner from buying or condemning them and (2) states that such a purchase or condemnation extinguishes those certificates (See BACKGROUND, Related Court Case). It does not appear that the commissioner's eminent domain authority would extend to an FHWA certificate.

EFFECTIVE DATE: Upon passage

### **§ 13 – REPAIRING AND MAINTAINING CERTAIN STRUCTURES**

By law, the state must maintain and repair any structure, such as a bridge, that spans a (1) railroad line and supports a municipal road or (2) rail right-of-way a state agency has purchased. The law requires the commissioner to adopt regulations establishing a method for the state to share a structure's maintenance and repair costs with the municipality where the structure is located.

The bill authorizes the commissioner to enter into an agreement with a municipality to share those costs, and also authorizes him to enter an agreement with a municipality's authorized officials to maintain, and remove snow and ice from, a footpath or sidewalk on any such structure. It also makes conforming changes.

EFFECTIVE DATE: Upon passage

#### **§ 14 – HIGHWAY WORK ZONE SAFETY**

Current law requires the commissioner to spend money from the work zone safety account, a separate nonlapsing account in the STF, to protect workers in highway work zones. He may do this by using the money for highway traffic enforcement, including expansion of the "Operation Big Orange" program. The bill allows him to also spend money from this account to protect highway workers through the purchase and implementation of technology and equipment, and for work zone training and education.

EFFECTIVE DATE: Upon passage

#### **§§ 15 & 16 – MARINE PILOTS**

The bill creates an alternative path for applicants to get marine pilot licenses. Current law requires applicants for a pilot's license for any state port or waterway, including the Connecticut waters of Long Island Sound, to have a certain number of passages on ocean-going vessels of at least 4,000 gross tons during the 36 months before they apply.

The bill adds an alternative "extension of route" in which a license applicant already licensed by DOT for eastern Long Island Sound and at least one of the ports of Bridgeport, New Haven, or New London may obtain a license for state waters, including the Connecticut waters of the Sound.

In such a case, the applicant (1) must have obtained a federal first class pilot's license of unlimited tonnage issued by the U.S. Coast Guard covering Connecticut waters, including the Sound, for which

the individual has applied for an extension of route, and (2) can document that, within the 36 months immediately preceding his or her application, the applicant has made six round trips through the port or waterway for which he or she is applying. He or she must have done so as an observing pilot on vessels under enrollment or register subject to state compulsory pilotage laws, during which time the applicant piloted the vessel under the supervision and authority of a state-licensed pilot. It also makes conforming changes.

EFFECTIVE DATE: July 1, 2015

### **§ 17 – AMTRAK OVERPASS**

The bill requires DOT to take all necessary steps to cover a deteriorated Amtrak overpass in West Hartford next to a bridge on the Hartford-New Britain busway. DOT must, for the east side of the overpass, design, build, and install an overhead sign spanning Rt. 529 (New Britain Avenue) and covering the overpass.

The commissioner must report to the Transportation Committee by July 15, 2015 on steps DOT has taken to comply, and he must update the committee on this work on November 15, 2015, March 15, 2016, and July 15, 2016.

EFFECTIVE DATE: Upon passage

### **§ 18 – RUMBLE STRIP STUDY**

The bill requires the commissioner to conduct a study of rumble strips. The department must (1) compare the cost of installing rumble strips to their efficacy in reducing traffic accident frequency and (2) consider the cost benefits of installing them on highway centerlines and shoulders. The commissioner must report to the Transportation Committee on DOT's findings by January 15, 2016.

EFFECTIVE DATE: Upon passage

### **§ 19 – STREAMLINING OF JOINT DOT-MUNICIPAL PROJECTS**

The commissioner must analyze the process used to approve and

carry out joint projects of the department and one or more municipalities. The analysis must consider the current process, determine the reason for, and the value added, by each step, and whether the process can be streamlined. It must report to the Transportation Committee by January 15, 2016 on its findings and any recommendations for legislative or regulatory changes.

EFFECTIVE DATE: Upon passage

### **§ 20 – STATE RAIL LINE STUDY**

The bill requires the commissioner to study options for the operation of state rail lines. The study must include the feasibility of, and costs involved in, contracting with a new company to operate them. The commissioner must report to the Transportation Committee on the study's findings by March 1, 2016.

The study must include contacting rail line operators, including Metro North, to ascertain, for each company:

1. its experience in rail line operation;
2. the terms of the contracts under which it operates, and the mechanisms used to enforce the contract terms;
3. the quality and safety of the service it provides; and
4. its experience working with other stakeholders in responding promptly and effectively to concerns about rail line operations.

EFFECTIVE DATE: Upon passage

### **§ 21 – COMPETITIVE BIDDING PROCESS FOR STORM DRAIN PIPES**

The bill requires DOT to implement a competitive bidding and procurement process for qualifying pipe materials used in storm drains for all roadways.

To qualify, a pipe material must meet the following criteria:

1. it must be manufactured according to specifications the American Association of State Highway and Transportation Officials (AASHTO) issues for transportation materials and sampling and testing methods;
2. when intended for use in bridges, and apparently for all applications under the bill, the pipe must be designed according to AASHTO load and resistance factor design (LRFD) bridge design specifications;
3. pipe manufacturers must supply tabulated values for minimum and maximum cover to support anticipated highway traffic loads. The design assumptions made for use in developing these tabulated values must include pipe trench excavation, allowable soils, bedding, backfill, and compaction requirements according to the bridge design specifications; and
4. the design service life for storm drain and cross drain applications must be 75 years, and the design service life for side drain applications must be 50 years.

EFFECTIVE DATE: October 1, 2015

### **§§ 22 – 43 – BRIDGE AND ROAD NAMING**

The bill designates:

§ 22. Route 272 in Torrington from the intersection of Route 4 north to the intersection of Hodges Hill Road the "Richard W. Nardine Memorial Highway";

§ 23. Route 219 in New Hartford from the intersection of Route 202 north to the northern intersection of Hoppen Road the "Brian Phillips Memorial Highway";

§ 24. Route 173 in Newington from the intersection of Richard Street north to the intersection of Route 174 the "Robert J. Seiler Memorial Highway";

§ 25. Route 106 in Wilton from the New Canaan-Wilton town line east to the intersection of Route 53 the "Air Force First Lieutenant Charles M. Baffo Memorial Highway";

§ 26. The access driveway to the DOT's Colchester Repair and Electrical Facility located at 80 New London Road the "Lisa Maynard Memorial Access Road";

§ 27. Route 63 in Watertown from the intersection of Bunker Hill Road north to the intersection of Route 6 the "Guy E. Buzzancco Memorial Highway";

§ 28. Route 35, located in Ridgefield, running in a generally northerly direction from the intersection of Limestone Road to the intersection with Route 7 the "Maurice Sendak Memorial Highway";

§ 29. Route 160 in Rocky Hill from the intersection of Route 3 east to the intersection of Gilbert Avenue the "James Vicino Memorial Highway";

§ 30. Route 196 in East Hampton from the intersection of Main Street and Skinner Street south to the Haddam town line "Chief George C. Fowler Memorial Highway";

§ 31. Route 127, East Main Street, in Bridgeport, from the intersection of Route 130 north to the intersection of US Route 1 the "65<sup>th</sup> Infantry Regiment, 'The Borinqueneers' Memorial Highway";

§ 32. Route 196 from Route 66 to Main Street in East Hampton the "Russell Oakes Memorial Highway";

§ 33. Bridge number 00649 on I-84 west passing over Route 10 in Southington the "Lieutenant Michael J. Shanley Memorial Bridge";

§ 34. Bridge number 05349 on Route 82 east over the Yantic River in Norwich the "Benjamin Demond Memorial Bridge";

§ 35. Bridge number 0429 on Route 4 in Farmington passing over the Farmington River the "Albert M. Glenn Memorial Bridge";

§ 36. Bridge number 00049 on I-95 over Richards Avenue in Norwalk the "Army Specialist David R. Fahey, Jr. Memorial Bridge";

§ 37. Route 243 in Woodbridge the "Joseph Anastasio Memorial Highway";

§ 38. Bridge number 00638 in Middletown the "Jewish War Veterans' Major General Maurice Rose, Post 51 Memorial Bridge";

§ 39. Route 1 Mianus River Bridge between the Cos Cob and Riverside sections of Greenwich the "Honorable David N. Theis Memorial Bridge";

§ 40. Route 138 in Lisbon the "Aaron Dwight Stevens Memorial Highway";

§ 41. The bill renames the "Major Raoul Lufbery Highway" as the "Major Gervais Raoul Lufbery Highway";

§ 42. The bill designates Bridge number 3372 A and B on I-84 in Hartford the "Tuskegee Airmen Memorial Bridge," and repeals a law naming a portion of I-84 the "Tuskegee Airmen Highway"; and

§ 43. The bill renames the "John A. Dolan Memorial Bridge" as the "Trooper John A. Dolan Memorial Bridge."

EFFECTIVE DATE: Upon passage

## **BACKGROUND**

### ***Competitive Bidding Requirements under the Federal Aid Highway Program - § 1***

Federal law requires state and local governments receiving federal highway grant funds to use competitive bidding in awarding highway construction contracts. "For a bidding process to be competitive, the state transportation department must award contracts for projects 'only on the basis of the lowest responsive bid submitted by a bidder meeting established criteria of responsibility,' " (23 USC § 112 and August 23, 2013 Memorandum Opinion for the Acting General

Counsel Department of Transportation).

**Infraction**

An infraction is not a crime and the fine can be paid by mail without making a court appearance.

**Related Court Case - §§ 11 & 12**

In December 2014, a Hartford Judicial District Superior Court judge ruled that DOT has the authority, under its power to take “land, buildings, equipment, or facilities,” to condemn bus companies’ certificates of public convenience and necessity, subject to payment of just compensation for the companies’ interests in the certificates. The case is on appeal (*Collins Bus Service, Inc. v. Redeker*, Docket No. CV 14-6052771).

**COMMITTEE ACTION**

Transportation Committee

Joint Favorable Substitute

Yea 18 Nay 13 (03/18/2015)