



General Assembly

January Session, 2015

Raised Bill No. 6821

LCO No. 3960



Referred to Committee on TRANSPORTATION

Introduced by:
(TRA)

**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, PASSENGER
SEAT BELTS, WORK ZONE SAFETY FUNDS AND MARINE PILOT'S
LICENSES.**

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2 repealed and the following is substituted in lieu thereof (*Effective from*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 construction-manager-at-risk contract shall have an
197 established guaranteed maximum price. In the event that a guaranteed
198 maximum price cannot be agreed upon, the commissioner may elect to
199 call for bids on the project as provided for pursuant to section 13a-95.
200 The commissioner may select the architect, engineer or contractor from
201 among the contractors selected and recommended by a selection panel.
202 Any such contract for such project shall be based upon competitive
203 proposals received by the commissioner, who shall give notice of the
204 project, by advertising [at least once, in a newspaper having a
205 substantial circulation in the area in which the project is located] on the
206 Department of Administrative Services State Contracting Portal, and
207 may use other advertising methods likely to reach qualified
208 construction manager contractors. Award of any such contract shall be
209 based upon the general conditions and staff costs plus qualitative

210 criteria. The commissioner shall establish all criteria, requirements and
211 conditions of such proposals and award and shall have sole
212 responsibility for all other aspects of the project. Any contract shall
213 clearly state the responsibilities of the contractor to deliver a completed
214 and acceptable project on a date certain, the maximum cost of the
215 project, and, if applicable, as a separate item, the cost of property
216 acquisition.

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

243 state clearly the responsibilities of the design-builder to deliver a
244 completed and acceptable project on a date certain, the maximum cost
245 of the project, and, if applicable, as a separate item, the cost of property
246 acquisition.

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

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

261 (b) (1) After the first two projects performed with contracts
262 authorized pursuant to section 13a-95b, as amended by this act, the
263 Commissioner of Transportation shall perform all development and
264 inspection work, as described in subsection (a) of this section, using
265 department employees. If the commissioner determines that the
266 department lacks the technical expertise required to perform the
267 design of a project designated to be constructed by a construction-
268 manager-at-risk, the commissioner may utilize consultants to perform
269 the design of the project. For projects designated to be constructed
270 using the design-build contracting method, the responsibility to
271 perform detailed design work shall remain with the contractor. The
272 Commissioner of Administrative Services shall place the positions
273 required for this work on continuous recruitment pursuant to the
274 provisions of section 5-216. In addition, employees may be appointed

275 to durational positions to reduce the need for inspection or
276 development work to be performed by consultants. Such employees
277 may be appointed as engineers if they have met the education,
278 knowledge and training requirements required by the Department of
279 Administrative Services job classification to durational positions
280 without examination to reduce the need for inspection or development
281 work to be performed by consultants. Any contract entered into with a
282 consultant for the initial project bid in accordance with section 13a-95b,
283 as amended by this act, shall contain a provision that provides for
284 training the employees of the Department of Transportation in the
285 process for bidding and managing projects entered into in accordance
286 with section 13a-95b, as amended by this act.

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

307 Sec. 6. Section 13b-2 of the general statutes is repealed and the

308 following is substituted in lieu thereof (*Effective July 1, 2015*):

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

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

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

315 (3) "Commissioner" means the Commissioner of Transportation
316 appointed pursuant to this chapter;

317 (4) "Department" means the Department of Transportation
318 established pursuant to this chapter;

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

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

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

328 (8) "State highway system" has the meaning provided in sections
329 13a-14 and 13a-15;

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

333 (10) "Fare inspector" means an employee of (A) the department
334 designated by the commissioner, or (B) a third-party contractor

335 employed by the department, whose duties are to inspect tickets,
336 passes or other documentation required to show compliance by the
337 passenger with the fare payment requirements of state-owned or
338 controlled bus public transportation service when the fare payment is
339 off board or a combination of off board and on board such bus; [.]

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

345 Sec. 7. Subsection (a) of section 13b-29 of the general statutes is
346 repealed and the following is substituted in lieu thereof (*Effective July*
347 *1, 2015*):

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

367 Sec. 8. Subsection (b) of section 13b-61 of the general statutes is
368 repealed and the following is substituted in lieu thereof (*Effective July*
369 *1, 2015*):

370 (b) Notwithstanding any provision of subsection (a) of this section,
371 there shall be paid promptly to the State Treasurer and thereupon,
372 unless required to be applied by the terms of any lien, pledge or
373 obligation created by or pursuant to the 1954 declaration, part III (C) of
374 chapter 240, credited to the Special Transportation Fund:

375 (1) On and after July 1, 1984, all moneys received or collected by the
376 state or any officer thereof on account of, or derived from, sections 12-
377 458 and 12-479, provided the State Comptroller is authorized to record
378 as revenue to the General Fund for the fiscal year ending June 30, 1984,
379 the amount of tax levied in accordance with said sections 12-458 and
380 12-479, on all fuel sold or used prior to the end of said fiscal year and
381 which tax is received no later than July 31, 1984;

382 (2) 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, motor
384 vehicle receipts;

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

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

393 (5) On or after July 1, 1989, all moneys received or collected by the
394 state or any officer thereof on account of, or derived from, section 13b-
395 70;

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

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

401 (8) On and after July 1, 1997, all moneys received or collected by the
402 state or any officer thereof on account of, or derived from, section 14-
403 319;

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

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

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

415 (12) 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, safety
417 fees pursuant to subsection (w) of section 14-49;

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

422 (14) 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, the sale
424 of information by the Commissioner of Motor Vehicles pursuant to

425 subsection (b) of section 14-50a;

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

428 (16) On and after July 1, 2009, all moneys received or collected by
429 the state or any officer thereof on account of, or derived from, any
430 direct federal subsidy pursuant to Section 6431 of the Internal Revenue
431 Code of 1986, or any subsequent corresponding internal revenue code
432 of the United States, as amended from time to time, and relating to
433 bonds or bond anticipation notes issued by the state pursuant to
434 sections 13b-74 to 13b-77, inclusive;

435 (17) On and after July 1, 2011, all moneys received or collected by
436 the state or any officer thereof on account of, or derived from, sections
437 13b-61a to 13b-61c, inclusive; [and]

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

441 ~~[(18)]~~ (19) On and after July 1, 2011, any other funds, moneys and
442 receipts of the state required by law to be deposited, transferred or
443 paid into the Special Transportation Fund, other than proceeds of
444 bonds or other securities of the state or of federal grants under the
445 provisions of federal law.

446 Sec. 9. Subsection (a) of section 13b-34 of the general statutes is
447 repealed and the following is substituted in lieu thereof (*Effective July*
448 *1, 2015*):

449 (a) The commissioner shall have power, in order to aid or promote
450 the operation, whether temporary or permanent, of any transportation
451 service operating to, from or in the state, to contract in the name of the
452 state with any person, including, but not limited to, any common
453 carrier, any transit district formed under chapter 103a or any special

454 act, or any political subdivision or entity, or with the United States or
455 any other state, or any agency, instrumentality, subdivision,
456 department or officer thereof, for purposes of initiating, continuing,
457 developing, providing or improving any such transportation service.
458 Such contracts may include provision for arbitration of disputed
459 issues. The commissioner, in order to aid or promote the operation of
460 any transportation service operating outside the state, may contract in
461 the name of the state with any person, including, but not limited to,
462 any common carrier, or with the United States or any other state, or
463 any agency, instrumentality, subdivision, department or officer
464 thereof, for purposes of providing any transportation service in the
465 event such assistance is required in the case of an emergency or a
466 special event. The state, acting by and through the commissioner, may,
467 by itself or in concert with others, provide all or a portion of any such
468 service, share in the costs of or provide funds for such service, or
469 furnish equipment or facilities for use in such service upon such terms
470 and conditions as the commissioner may deem necessary or advisable,
471 and any such contracts may include, without limitation thereto,
472 arrangements under which the state shall so provide service, share
473 costs, provide funds or furnish equipment or facilities. To these ends,
474 the commissioner may in the name of the state acquire or obtain the
475 use of facilities and equipment employed in providing any such
476 service by gift, purchase, lease or other arrangements and may own
477 and operate any such facilities and equipment and establish, charge
478 and collect such fares and other charges or arrange for such collection
479 for the use or services thereof as [he] the commissioner may deem
480 necessary, convenient or desirable. The commissioner or any fare
481 inspector [, as defined in section 13b-2, shall have the authority to] may
482 issue citations for any violation of section 13b-38i. The commissioner
483 or any parking inspector may issue citations for any violation of
484 section 13b-29, as amended by this act. The commissioner may also
485 acquire title in fee simple to, or any lesser estate, interest or right in,
486 any rights-of-way, properties or facilities, including properties used on
487 or before October 1, 1969, for rail or other forms of transportation

488 services. The commissioner may hold such properties for future use by
489 the state and may enter into agreements for interim use of such
490 properties for other purposes. Any person contracting with the state
491 pursuant to this section for the provision of any transportation service
492 shall not be considered an arm or agent of the state. Any damages
493 caused by the operation of such transportation service by such person
494 may be recovered in a civil action brought against such person in the
495 superior court and such person may not assert the defense of sovereign
496 immunity in such action.

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

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

507 (NEW) (k) If the commissioner deems it to be in the best interest of
508 the state, the commissioner may indemnify and hold harmless the
509 operator or operators selected pursuant to section 13b-4d or 13b-79u,
510 provided, except as may be otherwise provided by law, such
511 indemnification does not relieve such operator or operators from
512 liability for its negligent acts or omissions.

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

515 (a) The commissioner may purchase or take and, in the name of the
516 state, may acquire title in fee simple to, or any lesser estate, interest or
517 right in, any land, buildings, equipment or facilities, or other property,
518 tangible or intangible, including, but not limited to, any licenses or

519 certificates, which the commissioner finds necessary for the operation
520 or improvement of transportation services. The determination by the
521 commissioner that such purchase or taking is necessary shall be
522 conclusive. Such taking shall be in the manner prescribed in subsection
523 (b) of section 13a-73, as amended by this act, for the taking of land for
524 state highways.

525 (b) The commissioner may sell, lease, convey or enter into any other
526 arrangement for the use of such property for the operation of
527 transportation services, or for such other purposes as the
528 commissioner determines to be consistent with the best interests of the
529 state.

530 (c) Any company or corporation which conducts or has conducted
531 rail operations in the state shall not, except as provided for in this
532 subsection, sell, lease, transfer or otherwise dispose of any railroad
533 properties and related facilities within the state that are abandoned,
534 inactive or currently being used for railroad purposes to any party,
535 without first offering such properties and facilities for sale to the
536 Commissioner of Transportation. This provision shall not apply to any
537 rail related facility that is to be replaced as a result of a rehabilitation
538 program or emergency or routine maintenance programs. Such offer
539 shall be made in writing and shall be sent by certified mail to the
540 Commissioner of Transportation. Such offer shall include a map and
541 description of the subject properties or facilities, the price, if available,
542 for such properties or facilities, a description of the present or past
543 railroad use of the subject property or facilities, and any other terms or
544 conditions said company or corporation proposes to include as part of
545 such sale. The commissioner, upon receipt of such offer, shall within
546 forty-five days notify said company or corporation, in writing by
547 certified mail, whether [he] the commissioner is interested in acquiring
548 the subject properties or facilities. Within one hundred thirty-five days
549 of such written notice, the commissioner shall notify said company or
550 corporation in writing by certified mail either that he or she has made
551 an express finding in accordance with section 13b-35 and shall acquire

552 such properties or facilities or that he or she shall not accept such offer
553 and shall not acquire such properties or facilities. In no event shall said
554 company or corporation offer to sell any railroad properties or related
555 facilities which were the subject of negotiations between the
556 commissioner and said company or corporation to any other party on
557 terms more favorable to said party than the final terms offered to the
558 commissioner during negotiations. Nothing in this section shall be
559 construed to prevent a railroad company from transferring rail
560 facilities within its own system or from selling, leasing or transferring
561 or otherwise disposing of railroad properties or related facilities
562 currently in use to another party provided that in no event shall the
563 sale, lease, transfer or other disposition of such properties or facilities
564 result in the discontinuance of existing rail service in the state. For the
565 purposes of this section, the terms railroad properties and related
566 facilities shall mean all the land, structures, buildings, rails, ties,
567 ballast, signals and materials that have been or are used for rail
568 transportation purposes and that are located either within the right-of-
569 way as defined by railroad valuation maps or other suitable maps or
570 abutting such right-of-way.

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

573 No person, association, limited liability company or corporation
574 shall operate a motor bus without having obtained a certificate from
575 the Department of Transportation or from the Federal Highway
576 Administration pursuant to the Bus Regulatory Reform Act of 1982,
577 P.L. 97-261, specifying the route and certifying that public convenience
578 and necessity require the operation of a motor bus or motor buses over
579 such route. Such certificate shall be issued only after written
580 application for the same has been made. Upon receipt of such
581 application, said department shall promptly give written notice of the
582 pendency of such application to the mayor of each city, the warden of
583 each borough or the first selectman of each town in or through which
584 the applicant desires to operate, and to any common carrier operating

585 over any portion of such route or over a route substantially parallel
586 thereto. Any town, city or borough within which, or between which
587 and any other town, city or borough in this state, any such common
588 carrier is furnishing service may bring a written petition to the
589 department in respect to routes, fares, speed, schedules, continuity of
590 service and the convenience and safety of passengers and the public.
591 Thereupon the department may fix a time and place for a hearing
592 upon such petition and mail notice thereof to the parties in interest at
593 least one week prior to such hearing. No such certificate shall be sold
594 or transferred until the department, upon written application to it,
595 setting forth the purpose, terms and conditions thereof and after
596 investigation, approves the same. The application shall be
597 accompanied by a fee of one hundred seventy-six dollars. The
598 department may amend or, for sufficient cause shown, may suspend
599 or revoke any such certificate. The department may impose a civil
600 penalty on any person or any officer of any association, limited liability
601 company or corporation who violates any provision of any regulation
602 adopted under section 13b-86 with respect to routes, fares, speed,
603 schedules, continuity of service or the convenience and safety of
604 passengers and the public, in an amount not to exceed one hundred
605 dollars per day for each violation. The owner or operator of every
606 motor bus shall display in a conspicuous place therein a memorandum
607 of such certificate. Notwithstanding any provision of chapter 285, such
608 certificate shall include authority to transport baggage, express, mail
609 and newspapers for hire in the same vehicle with passengers under
610 such regulations as the department may prescribe. Any certificate
611 issued pursuant to this section by the Division of Public Utility Control
612 within the Department of Business Regulation prior to October 1, 1979,
613 shall remain valid unless suspended or revoked by the Department of
614 Transportation. Nothing in this section shall prevent, or be construed
615 as prohibiting or limiting, the exercise of the commissioner's authority
616 pursuant to section 13b-36, as amended by this act, to purchase or take
617 certificates issued pursuant to this section. The exercise of such
618 authority shall extinguish certificates issued under this section.

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

621 (a) Railroad companies shall keep in repair all structures under their
622 tracks at any highway crossing. The state shall maintain and repair any
623 structure (1) which spans a railroad and which supports a municipal
624 road or (2) which spans any rail right-of-way which has been
625 purchased by any state agency. The Commissioner of Transportation
626 shall adopt regulations in accordance with the provisions of chapter
627 54, and may enter into an agreement with any municipality, as
628 provided in subsection (f) of this section, establishing a method by
629 which the cost of repairing and maintaining any structure provided for
630 in subdivision (1) of this subsection shall be apportioned between the
631 state and the municipality in which such structure is located. Any
632 [town, city or borough] municipality may repair such structures over
633 the tracks of a railroad company located within such [town, city or
634 borough] municipality. For the purpose of obtaining liability insurance
635 coverage insuring against any losses or injuries suffered during the
636 performance of such repairs, such [town, city or borough] municipality
637 may, in lieu of purchasing a separate policy of insurance naming such
638 railroad company as an additional insured, purchase a rider to be
639 attached to any existing insurance policy providing such liability
640 coverage, naming such railroad company as an additional insured. The
641 state shall maintain and repair the structures over any railroad on
642 state-maintained highways constructed after January 1, 1955.

643 (b) The Commissioner of Transportation may expend up to the
644 amount available annually from funds provided by specific
645 appropriation from the Special Transportation Fund or other state
646 funds in addition to any available federal funds to reconstruct, repair
647 or replace with a new structure, together with the minimum approach
648 work required for replacement, any existing structure carrying a town-
649 maintained road or highway over a railroad when such structure is
650 deemed critical from a traffic safety or load-carrying standpoint. The
651 expense of any roadway construction on the approaches beyond what

652 is required to build the new structure shall be paid by the [town]
653 municipality, if the work is done by or approved by the [town]
654 municipality.

655 (c) The Commissioner of Transportation may expend up to the
656 amount made available from funds provided by specific
657 appropriations from the Special Transportation Fund or other state
658 funds in addition to any available federal funds to eliminate highway-
659 railroad grade crossings by construction of grade separation structures
660 and necessary approaches or by relocation of [town-maintained] roads
661 or highways maintained by a municipality to provide access to existing
662 grade separation structures.

663 (d) The Commissioner of Transportation, as [he] said commissioner
664 deems necessary, may acquire land or rights of ingress to and egress
665 from land abutting any project which he or she undertakes pursuant to
666 this section in the same manner and with like powers as authorized
667 and exercised by said commissioner in acquiring land for state
668 highway purposes.

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

682 (f) The Commissioner of Transportation may enter into an

683 agreement with the authorized official or officials of a municipality for
684 the maintenance and removal of snow and ice from a footpath or
685 sidewalk on any structure provided for in subdivisions (1) and (2) of
686 subsection (a) of this section.

687 Sec. 14. Subsection (c) of section 14-100a of the general statutes is
688 repealed and the following is substituted in lieu thereof (*Effective*
689 *October 1, 2015*):

690 (c) (1) The operator of and any [front seat] passenger in any motor
691 vehicle or fire fighting apparatus originally equipped with seat safety
692 belts complying with the provisions of 49 CFR 571.209, as amended
693 from time to time, shall wear such seat safety belt while the vehicle is
694 being operated on any highway, except as follows:

695 (A) A child six years of age and under shall be restrained as
696 provided in subsection (d) of this section;

697 (B) The operator of such vehicle shall secure or cause to be secured
698 in a seat safety belt any passenger seven years of age or older and
699 under sixteen years of age; and

700 (C) If the operator of such vehicle is under eighteen years of age,
701 such operator and each passenger in such vehicle shall wear such seat
702 safety belt while the vehicle is being operated on any highway.

703 (2) The provisions of subdivision (1) of this subsection shall not
704 apply to (A) any person whose physical disability or impairment
705 would prevent restraint in such safety belt, provided such person
706 obtains a written statement from a licensed physician containing
707 reasons for such person's inability to wear such safety belt and
708 including information concerning the nature and extent of such
709 condition. Such person shall carry the statement on his or her person
710 or in the motor vehicle at all times when it is being operated, or (B) an
711 authorized emergency vehicle, other than fire fighting apparatus,
712 responding to an emergency call or a motor vehicle operated by a rural

713 letter carrier of the United States postal service while performing his or
714 her official duties or by a person engaged in the delivery of
715 newspapers.

716 (3) Failure to wear a seat safety belt shall not be considered as
717 contributory negligence nor shall such failure be admissible evidence
718 in any civil action.

719 (4) Any operator of a motor vehicle, who is eighteen years of age or
720 older, and any passenger in such motor vehicle, who violates any
721 provision of this subsection shall have committed an infraction and
722 shall be fined fifty dollars. Any operator of a motor vehicle who is
723 under eighteen years of age and any passenger in such motor vehicle
724 who violates any provision of this subsection shall have committed an
725 infraction and shall be fined seventy-five dollars. Points may not be
726 assessed against the operator's license of any person convicted of such
727 violation.

728 Sec. 15. Section 14-212g of the general statutes is repealed and the
729 following is substituted in lieu thereof (*Effective from passage*):

730 (a) There is established an account to be known as the "work zone
731 safety account" which shall be a separate, nonlapsing account within
732 the Special Transportation Fund. The account shall contain any
733 moneys required by law to be deposited in the account. Moneys in the
734 account shall be expended by the Department of Transportation for the
735 [purposes of] purpose of protecting the safety of workers in highway
736 work zones, as defined in section 14-212d, through (1) highway traffic
737 enforcement, including, but not limited to, the expansion of the
738 "Operation Big Orange" program, [to protect the safety of workers in
739 highway work zones, as defined in section 14-212d] (2) the purchase
740 and implementation of technology and equipment, and (3) highway
741 work zone training and education.

742 (b) Upon receipt of the moneys paid pursuant to subdivisions (4)
743 and (5) of subsection (b) of section 13b-61, as amended by this act, the

744 State Treasurer shall transfer nine thousand dollars of such moneys
745 monthly to the work zone safety account established in subsection (a)
746 of this section.

747 Sec. 16. Section 15-13 of the general statutes is repealed and the
748 following is substituted in lieu thereof (*Effective July 1, 2015*):

749 (a) The Commissioner of Transportation shall license as many
750 residents of this state and any other state as said commissioner deems
751 necessary and finds qualified to act as pilots for one year in any of the
752 ports and waters of this state including the Connecticut waters of Long
753 Island Sound. A license shall be denied to any person holding a license
754 or authority under the laws of any other state [which] that does not
755 issue a license or authority to pilots licensed by the Connecticut
756 Department of Transportation. Except as [hereinafter] provided in this
757 section, no person shall be so licensed unless [he] such person
758 possesses a federal masters license and has procured a federal first
759 class pilot's license of unlimited tonnage issued by the United States
760 Coast Guard covering the sections of the waters of this state for which
761 application is being made to said commissioner. Each applicant for a
762 license to act as a pilot for any port or waterway of the state, including
763 the Connecticut waters of Long Island Sound, shall document that [he]
764 such person has made the following passages on ocean-going vessels
765 of not less than four thousand gross tons, through the port or
766 waterway for which application is being made during the thirty-six
767 months immediately preceding [his] such application: (1) Twelve
768 round trips on American vessels under enrollment as pilot of record,
769 on which the applicant is not a crew member; or (2) twenty-four round
770 trips as observing pilot on foreign or registered vessels during which
771 the applicant does the piloting work under the supervision and
772 authority of a pilot licensed by this state, provided the applicant
773 possesses a first class pilot's license issued by the United States Coast
774 Guard for the port or waterway; or (3) any combination of the above
775 requirements for trips, substituting two observer trips for each trip as
776 pilot of record.

777 (b) An extension of route for waters of this state including the
778 Connecticut waters of Long Island Sound, for which application is
779 being made by a pilot currently licensed by the commissioner for
780 eastern Long Island Sound and at least one of the ports of New
781 London, New Haven or Bridgeport, shall be granted provided the
782 applicant (1) has procured a federal first class pilot's license of
783 unlimited tonnage issued by the United States Coast Guard covering
784 the sections of the waters of this state including the Connecticut waters
785 of Long Island Sound, for which application for an extension of route
786 is being made, and (2) can document that, within the thirty-six months
787 immediately preceding such application, the applicant has made six
788 round trips through the port or waterway for which application is
789 being made as observing pilot on vessels under enrollment or vessels
790 under register subject to compulsory pilotage under sections 15-15 and
791 15-15c, during which the applicant does the piloting work under the
792 supervision and authority of a pilot licensed by this state.

793 [(b)] (c) Each pilot shall, upon the granting of [his] a license, pay a
794 fee of thirty dollars to said commissioner and shall give a bond of one
795 thousand dollars to the [State] Treasurer and [his] the Treasurer's
796 successors in office, with surety, to the acceptance of the commissioner,
797 conditioned for the faithful performance of his or her duties as a pilot,
798 upon which bond suit may be brought in the name of said Treasurer
799 for the benefit of any person who may suffer loss or damage, by reason
800 of the ignorance, neglect or misconduct of such pilot in the discharge
801 of [his] such pilot's duties. The commissioner shall increase such fee by
802 fifty per cent July 1, 1985, by an additional fifty per cent effective July
803 1, 1989, by an additional twenty-five per cent effective July 1, 1991, and
804 by an additional twenty-five per cent effective July 1, 1993.

805 [(c)] (d) Each license shall expire on the last day of December
806 following its issuance and may be renewed upon application and
807 payment of the fee required by subsection [(b)] (c) of this section,
808 renewal of the bond required under subsection [(b)] (c) of this section
809 and proof of current federal licensure as required in subsection (a) of

810 this section.

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

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

821 [(f)] (g) Any pilot who has been away from duty for a period of not
822 less than six months, or who has not completed a passage through any
823 port or waterway for which [he] such pilot is licensed during such
824 period, shall be placed on inactive status. [Said] Such pilot shall
825 complete at least one round trip over the port or waterway for which
826 [he] such pilot is licensed before resuming his or her duties as a pilot.
827 The refresher passages shall be made in the company of an active pilot
828 licensed by the state. [Said] Such pilot, before resuming [his] pilotage
829 duties, shall submit to the commissioner a list of completed refresher
830 passages, including the name, gross tons and draft of each vessel
831 involved, a description and date of each passage and the name of the
832 attending pilot.

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

837 [(h)] (i) The commissioner shall adopt regulations, in accordance
838 with the provisions of chapter 54, to carry out the purposes of this
839 section.

840 Sec. 17. Subsection (d) of section 13b-59 of the general statutes is
 841 repealed and the following is substituted in lieu thereof (*Effective July*
 842 *1, 2015*):

843 (d) "License, permit and fee revenues" means (1) all fees and other
 844 charges required by, or levied pursuant to sections 12-487, 13b-80 and
 845 13b-97, subsection (b) of section 14-12, sections 14-16a, 14-21c, 14-44h
 846 and 14-44i, subsection (v) of section 14-49, subsections (b) and (f) of
 847 section 14-50, subdivisions (7) to (9), inclusive, of subsection (a) of
 848 section 14-50a, sections 14-52, 14-58, 14-67l and 14-69, subsection (e) of
 849 section 14-73, sections 14-96q and 14-103a, subsection (a) of section 14-
 850 164a, subsection (a) of section 14-192, subsection (d) of section 14-270,
 851 sections 14-319 and 14-320 and sections 13b-410a to 13b-410c, inclusive;
 852 (2) all aeronautics, waterways, and other fees and charges required by,
 853 or levied pursuant to sections 13a-80, as amended by this act, and 13a-
 854 80a, subsection (b) of section 13b-42 and subsections [(b) and] (c) and
 855 (d) of section 15-13, as amended by this act; and (3) all motor vehicle
 856 related fines, penalties or other charges as defined in subsection (g);

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>October 1, 2015</i>	14-100a(c)
Sec. 15	<i>from passage</i>	14-212g

Sec. 16	<i>July 1, 2015</i>	15-13
Sec. 17	<i>July 1, 2015</i>	13b-59(d)

Statement of Purpose:

To carry out the Department of Transportation's proposals regarding maximization of federal funds, a revision of the right-of-way process, alternative project delivery, the commissioner's authority to enforce parking at commuter parking areas, indemnification of Amtrak, the power to condemn intangible property, maintenance agreements for certain bridges, passenger seat belts, work zone safety funds and marine pilot licensing.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]