



General Assembly

January Session, 2015

Raised Bill No. 881

LCO No. 3313



Referred to Committee on PLANNING AND DEVELOPMENT

Introduced by:
(PD)

AN ACT CONCERNING THE TAKING OF INTANGIBLE PERSONAL PROPERTY BY THE COMMISSIONER OF TRANSPORTATION.

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

1 Section 1. Section 13b-36 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2015*):

3 (a) The commissioner may purchase or take and, in the name of the
4 state, may acquire title in fee simple to, or any lesser estate, interest or
5 right in, any land, buildings, equipment or facilities, exclusive of
6 intangible personal property, which the commissioner finds necessary
7 for the operation or improvement of transportation services. The
8 determination by the commissioner that such purchase or taking is
9 necessary shall be conclusive. Such taking shall be in the manner
10 prescribed in subsection (b) of section 13a-73 for the taking of land for
11 state highways.

12 (b) The commissioner may sell, lease, convey or enter into any other
13 arrangement for the use of such property for the operation of
14 transportation services, or for such other purposes as the

15 commissioner determines to be consistent with the best interests of the
16 state.

17 (c) Any company or corporation which conducts or has conducted
18 rail operations in the state shall not, except as provided for in this
19 subsection, sell, lease, transfer or otherwise dispose of any railroad
20 properties and related facilities within the state that are abandoned,
21 inactive or currently being used for railroad purposes to any party,
22 without first offering such properties and facilities for sale to the
23 Commissioner of Transportation. This provision shall not apply to any
24 rail related facility that is to be replaced as a result of a rehabilitation
25 program or emergency or routine maintenance programs. Such offer
26 shall be made in writing and shall be sent by certified mail to the
27 Commissioner of Transportation. Such offer shall include a map and
28 description of the subject properties or facilities, the price, if available,
29 for such properties or facilities, a description of the present or past
30 railroad use of the subject property or facilities, and any other terms or
31 conditions said company or corporation proposes to include as part of
32 such sale. The commissioner, upon receipt of such offer, shall within
33 forty-five days notify said company or corporation, in writing by
34 certified mail, whether he is interested in acquiring the subject
35 properties or facilities. Within one hundred thirty-five days of such
36 written notice, the commissioner shall notify said company or
37 corporation in writing by certified mail either that he has made an
38 express finding in accordance with section 13b-35 and shall acquire
39 such properties or facilities or that he shall not accept such offer and
40 shall not acquire such properties or facilities. In no event shall said
41 company or corporation offer to sell any railroad properties or related
42 facilities which were the subject of negotiations between the
43 commissioner and said company or corporation to any other party on
44 terms more favorable to said party than the final terms offered to the
45 commissioner during negotiations. Nothing in this section shall be
46 construed to prevent a railroad company from transferring rail
47 facilities within its own system or from selling, leasing or transferring

48 or otherwise disposing of railroad properties or related facilities
49 currently in use to another party provided that in no event shall the
50 sale, lease, transfer or other disposition of such properties or facilities
51 result in the discontinuance of existing rail service in the state. For the
52 purposes of this section, the terms railroad properties and related
53 facilities shall mean all the land, structures, buildings, rails, ties,
54 ballast, signals and materials that have been or are used for rail
55 transportation purposes and that are located either within the right-of-
56 way as defined by railroad valuation maps or other suitable maps or
57 abutting such right-of-way.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	13b-36

Statement of Purpose:

To clarify that intangible property is not considered a facility in the context of a taking by the Commissioner of Transportation for the operation or improvement of transportation services.

[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.]