



# STATE OF CONNECTICUT

## DEPARTMENT OF TRANSPORTATION

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Office of the  
Commissioner

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### **Public Hearing – March 17, 2015 Energy and Technology Committee**

#### **Testimony Submitted by Commissioner James P. Redeker Department of Transportation**

#### **H.B. 7009 - AN ACT CONCERNING ELECTRIC AND ZERO-EMISSION VEHICLES.**

The Department of Transportation (CTDOT) welcomes the opportunity to offer the following comments pursuant to Sections 1, 2 and 4 of H.B. 7009, AAC Electric and Zero-Emission Vehicles.

There appears to be inconsistent language use in the bill when defining and inventorying Zero Emission Vehicles as well as inconsistent and inaccurate language for State agencies to permit and enforce the use of Zero-Emission vehicles on HOV facilities.

Section 1 defines a Zero Emission Vehicle as “Any battery electric vehicle, hybrid electric vehicle, or range extended battery electric vehicle, and any vehicle that meets the requirements pursuant to Section 22a-174-36 of the regulations of Connecticut state agencies.”

Section 22a-174-36 of the regulations of Connecticut state agencies defines Zero-Emission Vehicles as “Any vehicle which is certified by the Executive Officer to produce zero emissions of any criteria pollutants under any and all possible operational modes and conditions. Incorporation of fuel fired heater shall not preclude a vehicle from being certified as zero emission vehicle, provided the fuel fired heater cannot be operated at ambient temperatures above 40 degrees Fahrenheit and the heater is demonstrated to have zero evaporative emissions under any and all possible operating conditions.”

Section 4 calls for the Connecticut Department of Motor Vehicles (DMV) to create a program exempting zero emission vehicles from high occupant vehicle (HOV) lane restrictions. As a point of clarification, the operating agency responsible for HOV facilities in Connecticut is the CTDOT. At this time, the CTDOT’s opinion regarding the use of zero emission vehicles on the HOV lanes requires further investigation and consideration. However, allowing an exemption for one use, opens the door for potentially more users which would negate the original purpose and intent of HOV lanes - to carry more people in fewer vehicles without congestion, increasing travel time.

In Connecticut, there is a total of 19 miles of HOV lanes: 10 miles on I-84 between East Hartford and Vernon, 7 miles on I-91 between Hartford and Windsor and 2 miles on I-384 between East Hartford and Manchester. All HOV facilities in Connecticut were built with Federal funds and all are subject to Federal statutes and regulations on how they may be used.

Until it expires on September 30<sup>th</sup>, 2017, current Federal law gives operating agencies responsible for HOV facilities, in Connecticut this the CTDOT, the option of allowing three specific vehicle classes to travel on HOV facilities and exempt from the posted vehicle occupancy requirements - defined as a vehicle with minimum of two or more occupants or a motorcycle. The exceptions are:

- Public transportation vehicles that are not in service;
- High Occupancy Toll or HOT vehicles. (These are vehicles that do not meet the minimum occupancy requirement but are allowed to use the HOV facility if they pay a toll to do so, providing the increase use does not significantly degrade service for high occupant vehicles); and
- Low emission and energy-efficient vehicles such as hybrids.

In addition, under current Federal law, a State agency that allows any of the exempt vehicles to use an HOV facility must annually certify that operational performance monitoring programs and enforcement programs are in-place to ensure that the performance of the subject facility is not degraded and is operated in accordance with the restrictions and requirements of Federal Law. In Connecticut, this would be the responsibility of the CTDOT. As part of the certification, the State must document that the performance of the facility is not currently degraded and must further document the actions that will be taken to guarantee that operational performance will not become degraded in the future. If the operation of an HOV facility open to low emission and energy-efficient vehicles becomes degraded, States must take necessary actions, such as limiting or discontinuing the use of HOV facilities by the subject vehicles.

The annual certification is a point of concern for CTDOT as it would require additional resources for reporting as well as working with the State Police to monitor and enforce the usage of the existing HOV facilities. Unlike monitoring and enforcement of the current usage of an HOV facility which is limited to identifying whether a vehicle with a minimum of two or more occupants or a motorcycle is using the facility, new monitoring and enforcement will also require identification of whether a particular vehicle using the HOV facility is on the certified list of Inherently Low Emission Vehicles (ILEV) administered by the United States Environmental Protection Agency (EPA) and also whether the vehicle meets the definition of a zero-emission vehicle outlined in Section 1 of the proposed bill.

Section 4, of the bill also calls for the DMV to issue a certification sticker for all approved zero emission vehicles to make it easier to identify whether they should or should not be allowed to use the HOV lane. As mentioned earlier, the operating agency responsible for HOV facilities in Connecticut is DOT. Although, the usage of special operating stickers or license plates may make it easier for law enforcement to visually identify approved users of the HOV facilities, the proposed bill only requires the DMV to generate an inventory of electric vehicles rather than an inventory of zero emission vehicles which the state police would be required to enforce.

For further information or questions, please contact Pam Sucato ([pamela.sucato@ct.gov](mailto:pamela.sucato@ct.gov)) or CJ Strand ([carl.strand@ct.gov](mailto:carl.strand@ct.gov)) at the Department of Transportation, (860) 594-3013.