



# STATE OF CONNECTICUT

## DEPARTMENT OF TRANSPORTATION

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Office of the  
Commissioner

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Public Hearing – February 29, 2016  
Transportation Committee

Testimony Submitted by Commissioner James Redeker  
Department of Transportation

**HB 5411 – AAC Department of Transportation Recommendations Regarding the Local Bridge Program, the Administration of Public Transit, Work Zone Safety Funds, the Transit-Oriented Development Project, Commuter Parking Areas, Revisions to Statutes Related to Transportation and Outdated Reporting Mandates**

The Department of Transportation (CTDOT) would like to thank the Transportation Committee for raising several legislative proposals that represent ongoing efforts to streamline and create efficiencies within CTDOT that ultimately facilitate the implementation and management of the State's multi-modal transportation program.

### **Section 1: Increased Participation in the Local Bridge Program**

This proposal amends Local Bridge Program (the Program) statutes to reduce the municipal share of the costs for municipal bridge projects and increase municipal participation in the Program by providing a flat 50 percent grant payment, as well as to reduce the number of functionally obsolete and scour susceptible municipal bridges, and extend the life of municipal bridges currently in a state of good repair to avoid major rehabilitation or replacement costs.

A municipality's grant percentage is currently limited to between 15 and 50 percent, based upon its ranking according to its adjusted equalized net grant list per capita (AENGLC). This requires a yearly computation of the grant rate, which yields different results for every municipality every year and places an administrative burden on the Department in computing the grant percentage and makes it difficult to successfully advertise the Program. Municipalities find it difficult to budget and plan their bridge projects without knowing the anticipated grant percentage in advance, which poses challenges to municipal legislative bodies in approving project budgets in advance of an application for funding in the program. In a typical year, the median grant percentage is around 47.76 percent, with only about 10 towns eligible for grants of less than 40 percent. Therefore, by removing the tie to AENGLC and providing all eligible projects with a 50 percent grant rate, while a few towns will see a substantial increase to their grant payment, for most towns the increase would be relatively small. The biggest benefits will be grant certainty and administrative streamlining for municipalities and the State.

The second half of this proposal makes a change to the factors considered in determining the physical condition of a bridge. Current factors are based on "its structural deficiencies [and] sufficiency rating," based on old federal guidance and direct funding almost exclusively to the repair or replacement of bridges once they decayed to poor condition. Routine maintenance, which could extend the life of a bridge by correcting small problems before they became large problems, is not made a priority. To

better determine maintenance needs, as well as to better quantify anticipated project costs, a new system of bridge inspection which divides a bridge into smaller components called National Bridge Elements (NBE) has been adopted nationwide. The Department seeks to bring the Program in line with evolving practices for state bridges and federal guidance by removing "its structural deficiencies, sufficiency rating" and replacing those factors with "the condition of its components and elements, functional adequacy, scour susceptibility." This will empower the Program to address the concerns of municipalities that are confronted with some intolerable bridge conditions that ultimately affect the safety of the traveling public.

#### **Section 2: Administration of Public Transit**

CTDOT is trying to bring the entire public transit operations into the 21<sup>st</sup> century and ensure improved services to the public. Currently, some public transit providers operate under both very old certificates of public convenience and necessity issued under section 13b-80 and contracts with the Department pursuant to section 13b-34. The latter results in the subsidization of the service provided under certificates and contract. Routes, however, need to be changed to reflect changing demographics, and changes in employment centers, roads and other development patterns. This amendment will allow for these important changes to be made in a competitive procurement environment that will have common performance criteria for all service providers and the provision of improved service for the citizens of Connecticut and the visiting public as an overriding goal. Further, the Department will be able to implement the General Assembly's mandate for the commissioner to improve, innovate and achieve a more efficient public transportation system. This system will also provide constituents with more scheduling and destination options and enable the department to better manage the subsidy taxpayers currently pay to support our program.

#### **Section 3: Work Zone Safety Account**

CGS Sec. 14-212g(a) limits the type of expenditures primarily to enforcement activity. The Department seeks to broaden the types of expenditures that may be used from the Work Zone Safety Account to include physical equipment, such as illuminated arrow boards on trailers, message boards on trailers, new reflective signing, as well as training and a media campaign, to protect workers in highway work zones.

#### **Section 4: Slow Moving Emergency Vehicles**

Current law requires motor vehicles on a highway, when approaching one or more stationary emergency vehicles on the shoulder, lane or breakdown lane, to reduce speed to reasonable level below the posted speed limit and move over one lane if it is safe to do so. This proposal extends that level of protection to emergency vehicles "traveling significantly below the posted speed limit", such as the Department's street sweepers and other maintenance vehicles. The potential great disparity in the posted speed limit and the limit at which these vehicles must travel to accomplish its work create the same effective hazard as a stationary emergency vehicle.

#### **Section 5: Work Zone Safety Enforcement Pilot Program**

This proposal allows CTDOT to conduct a pilot program using speed enforcement technology to encourage safe driver behavior in work zones. Construction and maintenance crews are exposed to dangerous conditions while doing their part to build and improve the roads and bridges that motorists depend on. This technology is already used in other parts of the country and has the potential to reduce speeds and increase safety in the work zone, without risk to additional persons on the road and subject to limitations on enforcement.

#### **Section 6: Transit Oriented Development Statutes**

The existing transit-oriented development (TOD) statute allows the Department to undertake TODs in three circumstances: (1) where the Department competitively selects a developer; (2) where the Department participates in a TOD; and (3) where the developer is an abutting property owner. The proposal adds an important fourth circumstance: where someone holds an exercisable option recorded on the land records to purchase abutting property. With the advent of CTfastrak, the anticipation of the Hartford Line, and with continuing and expanded use of the New Haven Line and the branch lines, it is anticipated that individuals will see the potential for TODs but will want to determine the realistic possibility of such a development being possible before they become a fee owner of abutting real estate.

#### **Sections 7-10: Commissioner's Authority to Enforce Parking at Rail Stations**

This proposal seeks to amend current transportation statutes to define "parking inspector" and authorize a parking inspector to issue citations for parking violations. This change will provide the Commissioner the authority needed to effectively implement open commuter rail parking systems at state-run rail parking facilities. Without these changes, the Department is unable to control the use of parking spaces within these state-run parking areas.

#### **Sections 11 & 12: Rights of Way Revisions**

Currently, CGS 13a-73(h) requires that the purchase of property rights for highways, bridges and mass transit in excess of \$5,000.00 be reviewed and approved by the State Properties Review Board (SPRB). However, 13a-73(c) requires that (purchase) acquisitions necessary for highways and bridges that are in excess of \$100,000.00 must also be approved by a state referee. This proposal eliminates the requirement for state referee approval under 13a-73(c).

SPRB's existing authority, in addition to the controls related to the acquisition process via state and federal requirements, provides adequate oversight of the Commissioner's acquisition process. This revision will reduce the time associated with property acquisitions in excess of \$100,000 for highway and bridge projects by two months, while maintaining the necessary oversight of an independent approval body (SPRB). In the past, this two month delay period has inhibited property owners from having access to the funds needed to secure a replacement property in a time sensitive real estate market. Further to the point, there has been no instance in over 30 years wherein a state referee has disapproved a proposed acquisition. This revision will reduce state costs by reducing the case load in the court system and make the property acquisition process more efficient.

It should be noted that CGS 13a-74 requires that if the assessment of damages deposited with the clerk of superior court pursuant to CGS 13a-73(b) (condemnation) is in excess of \$100,000, a state referee must approve the damages as reasonable, should the owner wish to subsequently accept the amount. This statute will continue to provide the oversight of an independent approval authority in the absence of a SPRB approval requirement.

CGS 13a-80 was revised in 2013 to allow for consideration of all existing requirements for the disposition of excess state property; including appraisals, right of first refusal to former owners, legal lots of record, and public bids, while providing more clarity and flexibility to the state's requirements. The Costs for appraisal and advertising for bids were reduced and the process should have become more streamlined for faster processing time. The original proposed language was changed and erroneously included

language to offer the municipality legal lots of record prior to a public bid. This language has created redundant work and is not necessary as CGS 3-14b requires that municipalities be offered the right of first refusal on all properties, subject to conditions of sale acceptable to the state. The public bid process is critical in establishing a key condition of sale: sales price. If the Department was to offer property to the municipality prior to a public bid and it was refused, the Department would be required to offer it again under 3-14b (e) after the terms of the sale have been determined. After each offer the municipality is allowed 45 days for consideration. This only serves to delay the process. The proposed language would allow DOT to obtain an appraisal, hold a public bid, establish terms acceptable to the state, and then offer the municipality right of first refusal under 3-14b. This procedure satisfies all language in 13a-80 while providing the most efficient process.

### **Section 13: Minimum Overhead Clearance Exemption**

CGS 13b-251 requires the minimum overhead clearance for any structure crossing over railroad tracks be 20-feet 6-inches. Section 13 of the bill authorizes the Commissioner to replace the existing Bridge No. 03993 with a new structure while maintaining the existing 18-feet 1-inch of vertical clearance between the bridge and the tracks. Existing bridge No. 03993 is a four-span structure that supports West Street in Middletown. Span 2 supports the bridge over the Providence and Worcester Railroad. The existing bridge is structurally deficient due to the poor condition of the superstructure. The proposed bridge replacement footings will be designed to accommodate a future lowering of the track which would allow for the required 20-feet 6-inch vertical clearance if the track is lowered in the future.

CGS 13b-251 further requires any legislative exemption from this minimum clearance be accompanied by documentation from the Department assessing the impacts and cost of achieving the minimum clearance. *Documentation is attached that determines, as part of the design phase, that it is not desirable to achieve an even greater clearance on this bridge.*

### **Sections 14-23: Repealing Duplicative and Outdated Reporting Mandates**

Pursuant to a recent State Auditor's Report, the Department is proposing repeal of several state legislatively mandate reporting requirements, many of which were passed almost 50 years ago, were never funded, refer to Boards that no longer exist, or are duplicative of other Department publications. This would include documents such as the 5-Year Capital Plan which is posted online annually and includes all state and federally funded projects, and details, by year, all projects that are expected to be funded.