



# STATE OF CONNECTICUT DEPARTMENT OF TRANSPORTATION



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Office of the  
Commissioner

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## **Public Hearing – March 5, 2018 Transportation Committee**

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

#### **HB 5314 – AAC Recommendations by the Department of Transportation**

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.

#### **Sec. 1: Town Aid Road Emergency Relief**

CTDOT distributes Town Aid Road (TAR) grants to the state's 169 municipalities and 5 boroughs, which can use these funds for a variety of transportation related purposes. The amount of TAR grants allocated to each municipality is based on several factors including population, miles of improved roads, and miles of unimproved roads. The calculation process that the Department had used to determine the proportionate amount to be allocated to each town historically resulted in a balance of undistributed funds in the TAR appropriation. Sec. 13a-175j provides for this undistributed balance to be made available to towns (upon application by the town and with the Governor's approval) for emergency aid for roads, bridges and dams to repair damage resulting from a natural disaster.

As of FY08, CTDOT's calculation process was modified so that all funds that are designated by the Legislature (in appropriations or bonds) for the purpose of TAR grants are fully distributed each fiscal year, so there is no longer an amount transferred to the "Town Aid - Emergency Relief" SID.

Over time, a balance has accumulated in the "Town Aid - Emergency Relief" SID. Over the past 33 fiscal years, there were only 7 years in which funds were distributed to towns. Natural disasters of a significant nature often result in eligibility for FEMA or other emergency relief funds, which may be why towns typically don't look to these funds.

This proposal would allow the current balance - \$871,792 - to lapse into the resources of the Special Transportation Fund.

#### **Sec. 2: Encroachment Permit Fee**

PA 17-2, Sec. 673(b), of the June 2017 Special Session, removed the Department's ability to charge for encroachment permits. This section would reinstate that ability.

#### **Sec. 3: Statewide Insurance Consortium**

There are thirteen statutorily authorized transit districts in Connecticut that are responsible for providing local fixed route bus service and/or Americans with Disabilities Act (ADA) paratransit services. These districts receive a majority of their funding from CTDOT, but operate largely as independent, locally-controlled entities. CTDOT has encouraged the districts to cooperate wherever possible to reduce operating expenses and achieve business efficiencies. One such area of cooperation has been the purchase of general liability insurance and administration of claims. CTDOT has awarded a contract to the Greater Hartford Transit District (GHTD) to purchase an insurance policy and administer claims for the thirteen transit districts.

While CTDOT has entered into this agreement with GHTD since the 1990s, a recent review by the Office of the Attorney General (OAG) determined that CTDOT requires statutory authority to enter into a contract with GHTD for the insurance program. Because OAG did not identify this issue until recently, it has provided a 6-month extension to allow time for CTDOT to pursue statutory authority.

Cessation of the Consortium would adversely impact statewide transit operators by placing a significant, undue financial obligation on their annual operating budgets should they seek to acquire their own insurance coverages.

#### **Sec. 4 & 12: Express Finding**

This would streamline public transportation contracting by eliminating the express finding requirement. Currently, once CTDOT has thoroughly deliberated a need and determined a course of action pursuant to powers already granted to the Commissioner in CGS 13b-34(a) and CTDOT's policies, funding, regulations, federal requirements, and state law, CGS 13b-35 requires that the Commissioner draft an express finding that must be attached to respective agreements prior to execution. This additional rote finding adds no value yet requires staff resources for drafting, legal staff review, the Commissioner's signature, compilation with the draft agreement, and review by the Attorney General along with all of the other agreement attachments. This occurs for many individual agreements and perpetually slows down the agreement process to no benefit to the State or agency.

#### **Sec. 5: Administration of Public Transportation**

CTDOT is trying to improve the quality of service and reduce costs to provide state-funded public transportation by increasing private sector competition for service contracts. Currently, some public transit routes are operated by private contractors possessing very old "certificates of public convenience and necessity" previously issued under CGS 13b-80. These routes are no longer profitable and are fully funded and subsidized by CTDOT under a contractual arrangement pursuant to CGS 13b-34. The outdated certificate authority limits the Department's ability to modify and reorganize bus service to address changing demographics, employment centers, and other community and economic development. The current arrangement also provides no incentive for the certificated-operator to deliver the best possible service for the least cost. This section would provide for competitive procurements which the Department anticipates will ensure improved quality of service for the citizens of Connecticut and the visiting public, and may reduce the amount of subsidy the State currently provides.

#### **Sec. 6 & 7: Federal Motor Carrier Safety Administration**

CGS 13b-102(b) and 13b-109 refer to the Federal Highway Administration (FHWA) in two instances which should refer to the Federal Motor Carrier Safety Administration (FMCSA).

#### **Sec. 8: Certain Motor Vehicles at Railroad Crossings**

This section would provide an exception, provided by Federal law, to the requirement that commercial motor vehicles transporting passengers or hazardous materials stop at a railroad grade crossing to listen and look, if the railroad grade crossing is controlled by a functioning highway traffic signal transmitting a green indication, which permits the commercial motor vehicle to proceed across the railroad tracks without slowing and stopping.

There are 30 public railroad grade crossings in the State of Connecticut that are interconnected to a nearby traffic control signal that has signal indications on each approach to the railroad crossing. The proximity of these railroad crossings to the nearby highway intersection cause traffic flow problems and potential hazardous concerns when commercial motor vehicles stop again at the railroad crossing after receiving a green indication from the traffic control signal. 8 of the 30 railroad crossings are on the Hartford Line, and increased train service could exacerbate the potential safety concern.

*Please note, CTDOT requests one change: bill language refers to "49 CFR 39.10," which should read "49 CFR 392.10".*

#### **Sec. 9: New Haven Parking Exception**

PA 17-230, Sec. 16, provided the city of New Haven with an exemption from parking requirements within 25 feet of a stop sign or crosswalk if there was a curb extension/bump out treatment. This section clarifies that this exemption only applies to roads under the jurisdiction of the city of New Haven, not on State roads.

#### **Sec. 10: Smoking on Rail Platforms**

Both New Jersey and New York have implemented smoke-free laws prohibiting smoking at rail station platforms. The State of Connecticut has posted "No Smoking" signs on platforms, but there is no ability to enforce the prohibition. Rail platforms and bus shelters hold groups of commuters in tight spaces as they wait for their train or bus, and without the ability to enforce a smoking prohibition, these commuters are at risk of secondhand smoke exposure. This section would add rail platforms and bus shelters to the list of locations where smoking is prohibited.

#### **Sec. 11: Affirmative Action Plans**

Currently, state agencies must comply with the competing affirmative action requirements of our federal funding sources and the Commission on Human Rights and Opportunities (CHRO). FHWA and the Federal Transit Administration (FTA) provided over \$691,300,000 in FFY 2017. Failure to fully comply with our federal partners could place the Department's funding at risk as both federal agencies are looking for full compliance with federal requirements for the composition of the Department's Federal affirmative action plan during this next Fiscal Year. However, because of the different data reporting requirements surrounding the methodology for the setting of numerical hiring and promotion goals, complying with both the Federal and State Regulations is not possible at the same time. The result would be conflicting goals placing the Department in an impossible situation where the Department will not be in compliance with one or the other.

The CHRO affirmative action plan requires numerous staff hours to craft and develop over a 3-month period. By eliminating this requirement, Equal Employment Opportunity staff could devote their time to proactive efforts for CTDOT via education/training, mediation, recruitment, the ability to investigate discrimination complaints in a timely manner, implementation of the plan as a whole, and the use of the current census data.

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.