



**Substitute House Bill No. 5314**

**Public Act No. 18-167**

**AN ACT CONCERNING RECOMMENDATIONS BY THE DEPARTMENT OF TRANSPORTATION.**

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

Section 1. Section 13a-175j of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Any balance of appropriations in excess of that required to be distributed to the towns, under the formulas set forth in sections 13a-175a to 13a-175d, inclusive, as of June 30, 1977, and annually thereafter, may be made available by the Governor, upon application of the selectman or other authority having charge of highways in any town, to be used to defray, in whole or part, the cost of repairs, improvements, alteration or replacement of roads, bridges and dams in such town which, in the opinion of the Governor, with the advice of the Commissioner of Transportation, in the case of roads or bridges, and the Commissioner of Energy and Environmental Protection, in the case of dams, constitute a threat to public safety as a result of damage resulting from a natural disaster. [Any] On or after June 30, 2018, any such balance shall [not] lapse [but shall continue to be available] to the resources of the Special Transportation Fund and shall not be transferred to the General Fund.

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Sec. 2. Subsection (b) of section 13b-17 of the 2018 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2018*):

(b) The commissioner may adopt regulations in accordance with the provisions of chapter 54 establishing reasonable fees for any application submitted to the Department of Transportation or the Office of the State Traffic Administration for (1) a state highway right-of-way encroachment permit, or (2) a certificate of operation for an open air theater, shopping center or other development generating large volumes of traffic pursuant to section 14-311, provided the fees so established shall not exceed one hundred twenty-five per cent of the estimated administrative costs related to such applications. The commissioner may exempt municipalities from any fees imposed pursuant to this subsection.

Sec. 3. Section 13b-36 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2018*):

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

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

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

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sale, lease, transfer or other disposition of such properties or facilities result in the discontinuance of existing rail service in the state. For the purposes of this section, the terms railroad properties and related facilities shall mean all the land, structures, buildings, rails, ties, ballast, signals and materials that have been or are used for rail transportation purposes and that are located either within the right-of-way as defined by railroad valuation maps or other suitable maps or abutting such right-of-way.

Sec. 4. Subsection (b) of section 13b-102 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) Each person, association, limited liability company or corporation operating a motor vehicle by virtue of authorization issued by the [Federal Highway Administration] Federal Motor Carrier Safety Administration for charter and special operation shall register such authorization for interstate operation with the Department of Transportation if such person, association, limited liability company or corporation maintains a domicile or principal office in the state. Each person operating a motor vehicle by virtue of authorization issued by the [Federal Highway Administration] Federal Motor Carrier Safety Administration for charter and special operation shall, prior to such registration, submit to a state and national criminal history records check, conducted in accordance with section 29-17a, and provide the results of such records check to the Department of Transportation.

Sec. 5. Section 13b-109 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

A printed advertisement concerning a motor vehicle in livery service shall conspicuously state the number of the permit issued to the operator of such vehicle by the Department of Transportation pursuant to section 13b-103 and shall conspicuously state the number

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of any permit or registration issued to such operator by the [Federal Highway Administration] Federal Motor Carrier Safety Administration.

Sec. 6. Section 14-251 of the 2018 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

No vehicle shall be permitted to remain stationary within ten feet of any fire hydrant, or upon the traveled portion of any highway except upon the right-hand side of such highway in the direction in which such vehicle is headed; and, if such highway is curbed, such vehicle shall be so placed that its right-hand wheels, when stationary, shall, when safety will permit, be within a distance of twelve inches from the curb, except if a bikeway, as defined in section 13a-153f, or such bikeway's buffer area, as described in the federal Manual on Uniform Traffic Control Devices, is in place between the parking lane and the curb, such vehicle shall be so placed that its right-hand wheels, when stationary, shall, when safety will permit, be within a distance of twelve inches from the edge of such bikeway or buffer area. No vehicle shall be permitted to remain parked within twenty-five feet of an intersection or a marked crosswalk at such intersection, except within ten feet of such intersection if such intersection has a curb extension treatment with a width equal to or greater than the width of the parking lane and such intersection is located in and comprised entirely of highways under the jurisdiction of the city of New Haven, or within twenty-five feet of a stop sign caused to be erected by the traffic authority in accordance with the provisions of section 14-301, except where permitted by the traffic authority of the city of New Haven at the intersection of one-way streets located in and comprised entirely of highways under the jurisdiction of the city of New Haven. No vehicle shall be permitted to remain stationary upon the traveled portion of any highway at any curve or turn or at the top of any grade where a

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clear view of such vehicle may not be had from a distance of at least one hundred fifty feet in either direction. The Commissioner of Transportation may post signs upon any highway at any place where the keeping of a vehicle stationary is dangerous to traffic, and the keeping of any vehicle stationary contrary to the directions of such signs shall be a violation of this section. No vehicle shall be permitted to remain stationary upon the traveled portion of any highway within fifty feet of the point where another vehicle, which had previously stopped, continues to remain stationary on the opposite side of the traveled portion of the same highway. No vehicle shall be permitted to remain stationary within the limits of a public highway in such a manner as to constitute a traffic hazard or obstruct the free movement of traffic thereon, provided a vehicle which has become disabled to such an extent that it is impossible or impracticable to remove it may be permitted to so remain for a reasonable time for the purpose of making repairs thereto or of obtaining sufficient assistance to remove it. Nothing in this section shall be construed to apply to emergency vehicles and to maintenance vehicles displaying flashing lights or to prohibit a vehicle from stopping, or being held stationary by any officer, in an emergency to avoid accident or to give a right-of-way to any vehicle or pedestrian as provided in this chapter, or from stopping on any highway within the limits of an incorporated city, town or borough where the parking of vehicles is regulated by local ordinances. Violation of any provision of this section shall be an infraction.

Sec. 7. Subsection (b) of section 19a-342 of the 2018 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2018*):

(b) (1) Notwithstanding the provisions of section 31-40q, no person shall smoke: (A) In any building or portion of a building, partially enclosed shelter on a rail platform or bus shelter owned and operated

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or leased and operated by the state or any political subdivision thereof; (B) in any area of a health care institution; (C) in any area of a retail food store; (D) in any restaurant; (E) in any area of an establishment with a permit issued for the sale of alcoholic liquor pursuant to section 30-20a, 30-21, 30-21b, 30-22, 30-22c, 30-28, 30-28a, 30-33a, 30-33b, 30-35a, 30-37a, 30-37e or 30-37f, in any area of an establishment with a permit for the sale of alcoholic liquor pursuant to section 30-23 issued after May 1, 2003, and, on and after April 1, 2004, in any area of an establishment with a permit issued for the sale of alcoholic liquor pursuant to section 30-22a or 30-26 or the bar area of a bowling establishment holding a permit pursuant to subsection (a) of section 30-37c; (F) within a school building while school is in session or student activities are being conducted; (G) in any passenger elevator, provided no person shall be arrested for violating this subsection unless there is posted in such elevator a sign which indicates that smoking is prohibited by state law; (H) in any dormitory in any public or private institution of higher education; or (I) on and after April 1, 2004, in any area of a dog race track or a facility equipped with screens for the simulcasting of off-track betting race programs or jai alai games. For purposes of this subsection, "restaurant" means space, in a suitable and permanent building, kept, used, maintained, advertised and held out to the public to be a place where meals are regularly served to the public.

(2) This section shall not apply to (A) correctional facilities; (B) designated smoking areas in psychiatric facilities; (C) public housing projects, as defined in subsection (b) of section 21a-278a; (D) any classroom where demonstration smoking is taking place as part of a medical or scientific experiment or lesson; (E) smoking rooms provided by employers for employees, pursuant to section 31-40q; (F) notwithstanding the provisions of subparagraph (E) of subdivision (1) of this subsection, the outdoor portion of the premises of any permittee listed in subparagraph (E) of subdivision (1) of this subsection,

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provided, in the case of any seating area maintained for the service of food, at least seventy-five per cent of the outdoor seating capacity is an area in which smoking is prohibited and which is clearly designated with written signage as a nonsmoking area, except that any temporary seating area established for special events and not used on a regular basis shall not be subject to the smoking prohibition or signage requirements of this subparagraph; (G) any medical research site where smoking is integral to the research being conducted; or (H) any tobacco bar, provided no tobacco bar shall expand in size or change its location from its size or location as of December 31, 2002. For purposes of this subdivision, "outdoor" means an area which has no roof or other ceiling enclosure, "tobacco bar" means an establishment with a permit for the sale of alcoholic liquor to consumers issued pursuant to chapter 545 that, in the calendar year ending December 31, 2002, generated ten per cent or more of its total annual gross income from the on-site sale of tobacco products and the rental of on-site humidors, and "tobacco product" means any substance that contains tobacco, including, but not limited to, cigarettes, cigars, pipe tobacco or chewing tobacco.

Sec. 8. Section 2 of public act 17-69 is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) There is established a task force to study fully autonomous vehicles. Such study shall include, but need not be limited to, (1) an evaluation of the standards established by the National Highway Traffic Safety Administration regarding state responsibilities for regulating fully autonomous vehicles, (2) an evaluation of laws, legislation and regulations proposed or enacted by other states to regulate fully autonomous vehicles, (3) recommendations on how the state should regulate fully autonomous vehicles through legislation and regulation, and (4) an evaluation of the pilot program established pursuant to section 1 of [this act] public act 17-69.



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(b) The task force shall consist of the following members:

(1) One appointed by the speaker of the House of Representatives;

(2) One appointed by the president pro tempore of the Senate;

(3) One appointed by the majority leader of the House of Representatives;

(4) One appointed by the majority leader of the Senate;

(5) One appointed by the minority leader of the House of Representatives;

(6) One appointed by the minority leader of the Senate;

(7) One appointed by the Senate chairperson of the joint standing committee of the General Assembly having cognizance of matters relating to transportation;

(8) One appointed by the Senate ranking member of the joint standing committee of the General Assembly having cognizance of matters relating to transportation;

(9) One appointed by the House chairperson of the joint standing committee of the General Assembly having cognizance of matters relating to transportation;

(10) Two appointed by the Governor, one of whom has expertise in autonomous vehicles and one of whom has expertise in insurance;

(11) The Secretary of the Office of Policy and Management, or the secretary's designee;

(12) The Commissioner of Motor Vehicles, or the commissioner's designee;

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(13) The Commissioner of Transportation, or the commissioner's designee; and

(14) The Commissioner of Emergency Services and Public Protection, or the commissioner's designee.

(c) Any member of the task force appointed under subdivisions (1) to (10), inclusive, of subsection (b) of this section may be a member of the General Assembly.

(d) All appointments to the task force shall be made not later than thirty days after the effective date of this section. Any vacancy shall be filled by the appointing authority.

(e) The speaker of the House of Representatives and the president pro tempore of the Senate shall select the chairpersons of the task force from among the members of the task force. Such chairpersons shall schedule the first meeting of the task force, which shall be held not later than sixty days after [the effective date of this section] June 27, 2017. If such chairpersons are not selected or do not schedule the first meeting within such time period, any chair of the joint standing committee of the General Assembly having cognizance of matters relating to transportation shall schedule the first meeting of the task force, act as chairperson of the task force and schedule other meetings of the task force as deemed necessary until the speaker of the House of Representatives and the president pro tempore of the Senate select the chairpersons of the task force and such chairpersons schedule a meeting of the task force.

(f) The administrative staff of the joint standing committee of the General Assembly having cognizance of matters relating to transportation shall serve as administrative staff of the task force.

(g) The task force shall submit, in accordance with section 11-4a of the general statutes, the following reports regarding its findings and

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any recommendations for proposed legislation to the joint standing committee of the General Assembly having cognizance of matters relating to transportation: (1) An [interim report not later than January 1, 2018; (2) an] interim report not later than July 1, [2018] 2019; and [(3)] (2) a final report not later than January 1, [2019] 2020. The task force shall terminate on the date that it submits the final report or January 1, [2019] 2020, whichever is later.

Sec. 9. Subsection (c) of section 13b-34 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2018*):

(c) When necessary or desirable in the performance of his powers and duties under this section and sections [13b-35] 13b-36, as amended by this act, to 13b-38, inclusive, the commissioner shall, in the name of the state, have power (1) to hire, lease, acquire and dispose of property to the extent necessary to carry out his powers and duties hereunder, and (2) to contract to perform services for any person, any transit district or other political subdivision or entity, or with any other agency, governmental or private, and to accept compensation or reimbursement therefor.

Sec. 10. (*Effective from passage*) (a) Within available appropriations, the Department of Transportation shall establish a pilot program to permit vehicles to transport motor homes, modular homes, house trailers or sectional houses greater than fourteen feet in length, but not more than sixteen feet in length, on limited access highways, except Interstate 95, during daylight hours from July 1, 2018, to July 1, 2019, inclusive.

(b) During the period of the pilot program, the department may grant permits for travel during the hours of 10:00 a.m. and 2:00 p.m. on Mondays through Thursdays, provided any such permit shall require three police vehicle escorts for each vehicle, and provided such travel

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does not obstruct the construction or maintenance activities of the department or any municipality. The department may limit the granting of permits to one permit per day in the state during the hours of 10:00 a.m. and 2:00 p.m. on Mondays through Thursdays. The police vehicle escorting such vehicle shall be responsible for assuring compliance with such permit.

(c) Not later than February 1, 2019, the department, in consultation with the Department of Emergency Services and Public Protection and the Department of Motor Vehicles shall report to the joint standing committee of the General Assembly having cognizance of matters relating to transportation (1) the number of permits issued, (2) the time periods that such permits were issued for, and (3) any recommendations for statutory changes.

Sec. 11. (NEW) (*Effective October 1, 2018*) (a) A person is guilty of aggravated assault of a public transit employee when such person (1) commits assault of a person who is a public transit employee, as provided in section 53a-167c of the general statutes, and (2) in the commission of such offense, uses or is armed with and threatens the use of, or displays or represents by such person's words or conduct, that such person possesses a knife or box-cutter, or a pistol, revolver, shotgun, rifle, machine gun or other firearm.

(b) Aggravated assault of a public transit employee is a class C felony, except that such person shall be fined not more than twenty thousand dollars.

Sec. 12. Section 14-286d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2018*):

(a) For the purposes of this section and section 14-286e, "bicycle" means any vehicle propelled by the person riding the same by foot or hand power.

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(b) No child fifteen years of age or under shall operate a bicycle, nonmotorized scooter or skateboard or wear roller skates or in-line skates on the traveled portion of any highway, at a skateboarding park or any park unless such child is wearing properly fitted and fastened protective headgear which conforms to the minimum specifications established by the American National Standards Institute or the Snell Memorial [Foundation's Standard for Protective Headgear for Use in Bicycling] Foundation, as amended from time to time. Failure to comply with this section shall not be a violation or an offense. Failure to wear protective headgear as required by this subsection shall not be considered to be contributory negligence on the part of the parent or the child nor shall such failure be admissible in any civil action.

(c) A law enforcement officer may issue a verbal warning to the parent or guardian of a child that such child has failed to comply with the provisions of subsection (b) of this section.

(d) A person, firm or corporation engaged in the business of renting bicycles shall provide [a bicycle helmet] protective headgear conforming to the minimum specifications established by the American National Standards Institute or the Snell Memorial Foundation's Standard for Protective Headgear for Use in Bicycling, as amended from time to time, to any person under sixteen years of age who will operate the bicycle if such person does not have [a helmet] protective headgear in his or her possession. A fee may be charged for the [helmet] protective headgear rental. Violation of any of the provisions of this subsection shall be an infraction.

(e) The Commissioner of Consumer Protection [may establish, within available appropriations, a public awareness campaign to educate the public] shall post on the Department of Consumer Protection's Internet web site information concerning the dangers of riding bicycles, skateboarding, roller skating and in-line skating without [helmets] protective headgear and [to promote] promoting the

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use of [safety helmets] protective headgear while riding bicycles, skateboarding, roller skating and in-line skating.

Sec. 13. Section 33 of public act 17-230 is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The bridge on Route 229 in Southington, overpassing Interstate 84, shall be designated the "Detective Bruce [Boisland] Boislard Memorial Bridge".

Sec. 14. Section 34 of public act 17-230 is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Bridge number 01228 carrying Scott Road over Interstate 84 in Waterbury shall be designated the "Najla G. Noujaim Memorial [Highway] Bridge".

Sec. 15. Section 51 of public act 17-230 is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The Department of Transportation shall install a sign prior to exit 21 on Interstate 95 for the Fairfield [Theater] Theatre Company.

Sec. 16. Section 13b-35 of the general statutes is repealed. (*Effective October 1, 2018*)

Approved June 14, 2018