



General Assembly

Amendment

February Session, 2018

LCO No. 5833



Offered by:

REP. GUERRERA, 29th Dist.
SEN. LEONE, 27th Dist.
SEN. BOUCHER, 26th Dist.

REP. CARNEY, 23rd Dist.
REP. ROSE, 118th Dist.
REP. CONLEY, 40th Dist.

To: Subst. House Bill No. 5314

File No. 363

Cal. No. 237

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

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

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 Section 13a-175j of the general statutes is repealed and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

5 Any balance of appropriations in excess of that required to be
6 distributed to the towns, under the formulas set forth in sections 13a-
7 175a to 13a-175d, inclusive, as of June 30, 1977, and annually thereafter,
8 may be made available by the Governor, upon application of the
9 selectman or other authority having charge of highways in any town,
10 to be used to defray, in whole or part, the cost of repairs,
11 improvements, alteration or replacement of roads, bridges and dams in
12 such town which, in the opinion of the Governor, with the advice of
13 the Commissioner of Transportation, in the case of roads or bridges,
14 and the Commissioner of Energy and Environmental Protection, in the

15 case of dams, constitute a threat to public safety as a result of damage
16 resulting from a natural disaster. [Any] On or after June 30, 2018, any
17 such balance shall [not] lapse [but shall continue to be available] to the
18 resources of the Special Transportation Fund and shall not be
19 transferred to the General Fund.

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21 general statutes is repealed and the following is substituted in lieu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

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

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

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

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

47 commissioner determines to be consistent with the best interests of the
48 state.

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

81 currently in use to another party provided that in no event shall the
82 sale, lease, transfer or other disposition of such properties or facilities
83 result in the discontinuance of existing rail service in the state. For the
84 purposes of this section, the terms railroad properties and related
85 facilities shall mean all the land, structures, buildings, rails, ties,
86 ballast, signals and materials that have been or are used for rail
87 transportation purposes and that are located either within the right-of-
88 way as defined by railroad valuation maps or other suitable maps or
89 abutting such right-of-way.

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

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

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

108 A printed advertisement concerning a motor vehicle in livery
109 service shall conspicuously state the number of the permit issued to
110 the operator of such vehicle by the Department of Transportation
111 pursuant to section 13b-103 and shall conspicuously state the number
112 of any permit or registration issued to such operator by the [Federal

113 Highway Administration] Federal Motor Carrier Safety
114 Administration.

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

118 No vehicle shall be permitted to remain stationary within ten feet of
119 any fire hydrant, or upon the traveled portion of any highway except
120 upon the right-hand side of such highway in the direction in which
121 such vehicle is headed; and, if such highway is curbed, such vehicle
122 shall be so placed that its right-hand wheels, when stationary, shall,
123 when safety will permit, be within a distance of twelve inches from the
124 curb, except if a bikeway, as defined in section 13a-153f, or such
125 bikeway's buffer area, as described in the federal Manual on Uniform
126 Traffic Control Devices, is in place between the parking lane and the
127 curb, such vehicle shall be so placed that its right-hand wheels, when
128 stationary, shall, when safety will permit, be within a distance of
129 twelve inches from the edge of such bikeway or buffer area. No vehicle
130 shall be permitted to remain parked within twenty-five feet of an
131 intersection or a marked crosswalk at such intersection, except within
132 ten feet of such intersection if such intersection has a curb extension
133 treatment with a width equal to or greater than the width of the
134 parking lane and such intersection is located in and comprised entirely
135 of highways under the jurisdiction of the city of New Haven, or within
136 twenty-five feet of a stop sign caused to be erected by the traffic
137 authority in accordance with the provisions of section 14-301, except
138 where permitted by the traffic authority of the city of New Haven at
139 the intersection of one-way streets located in and comprised entirely of
140 highways under the jurisdiction of the city of New Haven. No vehicle
141 shall be permitted to remain stationary upon the traveled portion of
142 any highway at any curve or turn or at the top of any grade where a
143 clear view of such vehicle may not be had from a distance of at least
144 one hundred fifty feet in either direction. The Commissioner of
145 Transportation may post signs upon any highway at any place where
146 the keeping of a vehicle stationary is dangerous to traffic, and the

147 keeping of any vehicle stationary contrary to the directions of such
148 signs shall be a violation of this section. No vehicle shall be permitted
149 to remain stationary upon the traveled portion of any highway within
150 fifty feet of the point where another vehicle, which had previously
151 stopped, continues to remain stationary on the opposite side of the
152 traveled portion of the same highway. No vehicle shall be permitted to
153 remain stationary within the limits of a public highway in such a
154 manner as to constitute a traffic hazard or obstruct the free movement
155 of traffic thereon, provided a vehicle which has become disabled to
156 such an extent that it is impossible or impracticable to remove it may
157 be permitted to so remain for a reasonable time for the purpose of
158 making repairs thereto or of obtaining sufficient assistance to remove
159 it. Nothing in this section shall be construed to apply to emergency
160 vehicles and to maintenance vehicles displaying flashing lights or to
161 prohibit a vehicle from stopping, or being held stationary by any
162 officer, in an emergency to avoid accident or to give a right-of-way to
163 any vehicle or pedestrian as provided in this chapter, or from stopping
164 on any highway within the limits of an incorporated city, town or
165 borough where the parking of vehicles is regulated by local
166 ordinances. Violation of any provision of this section shall be an
167 infraction.

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

171 (b) (1) Notwithstanding the provisions of section 31-40q, no person
172 shall smoke: (A) In any building or portion of a building, partially
173 enclosed shelter on a rail platform or bus shelter owned and operated
174 or leased and operated by the state or any political subdivision thereof;
175 (B) in any area of a health care institution; (C) in any area of a retail
176 food store; (D) in any restaurant; (E) in any area of an establishment
177 with a permit issued for the sale of alcoholic liquor pursuant to section
178 30-20a, 30-21, 30-21b, 30-22, 30-22c, 30-28, 30-28a, 30-33a, 30-33b, 30-
179 35a, 30-37a, 30-37e or 30-37f, in any area of an establishment with a
180 permit for the sale of alcoholic liquor pursuant to section 30-23 issued

181 after May 1, 2003, and, on and after April 1, 2004, in any area of an
182 establishment with a permit issued for the sale of alcoholic liquor
183 pursuant to section 30-22a or 30-26 or the bar area of a bowling
184 establishment holding a permit pursuant to subsection (a) of section
185 30-37c; (F) within a school building while school is in session or
186 student activities are being conducted; (G) in any passenger elevator,
187 provided no person shall be arrested for violating this subsection
188 unless there is posted in such elevator a sign which indicates that
189 smoking is prohibited by state law; (H) in any dormitory in any public
190 or private institution of higher education; or (I) on and after April 1,
191 2004, in any area of a dog race track or a facility equipped with screens
192 for the simulcasting of off-track betting race programs or jai alai
193 games. For purposes of this subsection, "restaurant" means space, in a
194 suitable and permanent building, kept, used, maintained, advertised
195 and held out to the public to be a place where meals are regularly
196 served to the public.

197 (2) This section shall not apply to (A) correctional facilities; (B)
198 designated smoking areas in psychiatric facilities; (C) public housing
199 projects, as defined in subsection (b) of section 21a-278a; (D) any
200 classroom where demonstration smoking is taking place as part of a
201 medical or scientific experiment or lesson; (E) smoking rooms
202 provided by employers for employees, pursuant to section 31-40q; (F)
203 notwithstanding the provisions of subparagraph (E) of subdivision (1)
204 of this subsection, the outdoor portion of the premises of any permittee
205 listed in subparagraph (E) of subdivision (1) of this subsection,
206 provided, in the case of any seating area maintained for the service of
207 food, at least seventy-five per cent of the outdoor seating capacity is an
208 area in which smoking is prohibited and which is clearly designated
209 with written signage as a nonsmoking area, except that any temporary
210 seating area established for special events and not used on a regular
211 basis shall not be subject to the smoking prohibition or signage
212 requirements of this subparagraph; (G) any medical research site
213 where smoking is integral to the research being conducted; or (H) any
214 tobacco bar, provided no tobacco bar shall expand in size or change its

215 location from its size or location as of December 31, 2002. For purposes
216 of this subdivision, "outdoor" means an area which has no roof or
217 other ceiling enclosure, "tobacco bar" means an establishment with a
218 permit for the sale of alcoholic liquor to consumers issued pursuant to
219 chapter 545 that, in the calendar year ending December 31, 2002,
220 generated ten per cent or more of its total annual gross income from
221 the on-site sale of tobacco products and the rental of on-site humidors,
222 and "tobacco product" means any substance that contains tobacco,
223 including, but not limited to, cigarettes, cigars, pipe tobacco or
224 chewing tobacco.

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

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

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

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

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

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

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

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

- 245 (6) One appointed by the minority leader of the Senate;
- 246 (7) One appointed by the Senate chairperson of the joint standing
247 committee of the General Assembly having cognizance of matters
248 relating to transportation;
- 249 (8) One appointed by the Senate ranking member of the joint
250 standing committee of the General Assembly having cognizance of
251 matters relating to transportation;
- 252 (9) One appointed by the House chairperson of the joint standing
253 committee of the General Assembly having cognizance of matters
254 relating to transportation;
- 255 (10) Two appointed by the Governor, one of whom has expertise in
256 autonomous vehicles and one of whom has expertise in insurance;
- 257 (11) The Secretary of the Office of Policy and Management, or the
258 secretary's designee;
- 259 (12) The Commissioner of Motor Vehicles, or the commissioner's
260 designee;
- 261 (13) The Commissioner of Transportation, or the commissioner's
262 designee; and
- 263 (14) The Commissioner of Emergency Services and Public
264 Protection, or the commissioner's designee.
- 265 (c) Any member of the task force appointed under subdivisions (1)
266 to (10), inclusive, of subsection (b) of this section may be a member of
267 the General Assembly.
- 268 (d) All appointments to the task force shall be made not later than
269 thirty days after the effective date of this section. Any vacancy shall be
270 filled by the appointing authority.
- 271 (e) The speaker of the House of Representatives and the president
272 pro tempore of the Senate shall select the chairpersons of the task force

273 from among the members of the task force. Such chairpersons shall
274 schedule the first meeting of the task force, which shall be held not
275 later than sixty days after [the effective date of this section] June 27,
276 2017. If such chairpersons are not selected or do not schedule the first
277 meeting within such time period, any chair of the joint standing
278 committee of the General Assembly having cognizance of matters
279 relating to transportation shall schedule the first meeting of the task
280 force, act as chairperson of the task force and schedule other meetings
281 of the task force as deemed necessary until the speaker of the House of
282 Representatives and the president pro tempore of the Senate select the
283 chairpersons of the task force and such chairpersons schedule a
284 meeting of the task force.

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

288 (g) The task force shall submit, in accordance with section 11-4a of
289 the general statutes, the following reports regarding its findings and
290 any recommendations for proposed legislation to the joint standing
291 committee of the General Assembly having cognizance of matters
292 relating to transportation: (1) An [interim report not later than January
293 1, 2018; (2) an] interim report not later than July 1, [2018] 2019; and [(3)]
294 (2) a final report not later than January 1, [2019] 2020. The task force
295 shall terminate on the date that it submits the final report or January 1,
296 [2019] 2020, whichever is later.

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

300 (c) When necessary or desirable in the performance of his powers
301 and duties under this section and sections [13b-35] 13b-36, as amended
302 by this act, to 13b-38, inclusive, the commissioner shall, in the name of
303 the state, have power (1) to hire, lease, acquire and dispose of property
304 to the extent necessary to carry out his powers and duties hereunder,

305 and (2) to contract to perform services for any person, any transit
306 district or other political subdivision or entity, or with any other
307 agency, governmental or private, and to accept compensation or
308 reimbursement therefor.

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

316 (b) During the period of the pilot program, the department may
317 grant permits for travel during the hours of 10:00 a.m. and 2:00 p.m. on
318 Mondays through Thursdays, provided any such permit shall require
319 three police vehicle escorts for each vehicle, and provided such travel
320 does not obstruct the construction or maintenance activities of the
321 department or any municipality. The department may limit the
322 granting of permits to one permit per day in the state during the hours
323 of 10:00 a.m. and 2:00 p.m. on Mondays through Thursdays. The police
324 vehicle escorting such vehicle shall be responsible for assuring
325 compliance with such permit.

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

333 Sec. 11. (NEW) (*Effective October 1, 2018*) (a) A person is guilty of
334 aggravated assault of a public transit employee when such person (1)
335 commits assault of a person who is a public transit employee, as
336 provided in section 53a-167c of the general statutes, and (2) in the

337 commission of such offense, uses or is armed with and threatens the
338 use of, or displays or represents by such person's words or conduct,
339 that such person possesses a knife or box-cutter, or a pistol, revolver,
340 shotgun, rifle, machine gun or other firearm.

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

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

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

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

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

364 (d) A person, firm or corporation engaged in the business of renting
365 bicycles shall provide [a bicycle helmet] protective headgear
366 conforming to the minimum specifications established by the
367 American National Standards Institute or the Snell Memorial

368 Foundation's Standard for Protective Headgear for Use in Bicycling, as
369 amended from time to time, to any person under sixteen years of age
370 who will operate the bicycle if such person does not have [a helmet]
371 protective headgear in his or her possession. A fee may be charged for
372 the [helmet] protective headgear rental. Violation of any of the
373 provisions of this subsection shall be an infraction.

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

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

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

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

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

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

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

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	13a-175j
Sec. 2	<i>October 1, 2018</i>	13b-17(b)
Sec. 3	<i>October 1, 2018</i>	13b-36
Sec. 4	<i>from passage</i>	13b-102(b)
Sec. 5	<i>from passage</i>	13b-109
Sec. 6	<i>from passage</i>	14-251
Sec. 7	<i>October 1, 2018</i>	19a-342(b)
Sec. 8	<i>from passage</i>	PA 17-69, Sec. 2
Sec. 9	<i>October 1, 2018</i>	13b-34(c)
Sec. 10	<i>from passage</i>	New section
Sec. 11	<i>October 1, 2018</i>	New section
Sec. 12	<i>October 1, 2018</i>	14-286d
Sec. 13	<i>from passage</i>	PA 17-230, Sec. 33
Sec. 14	<i>from passage</i>	PA 17-230, Sec. 34
Sec. 15	<i>from passage</i>	PA 17-230, Sec. 51
Sec. 16	<i>October 1, 2018</i>	Repealer section