



# House of Representatives

General Assembly

**File No. 363**

February Session, 2018

Substitute House Bill No. 5314

*House of Representatives, April 10, 2018*

The Committee on Transportation reported through REP. GUERRERA of the 29th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

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

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

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 Section 13a-175j of the general statutes is repealed and the  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

3 Any balance of appropriations in excess of that required to be  
4 distributed to the towns, under the formulas set forth in sections 13a-  
5 175a to 13a-175d, inclusive, as of June 30, 1977, and annually thereafter,  
6 may be made available by the Governor, upon application of the  
7 selectman or other authority having charge of highways in any town,  
8 to be used to defray, in whole or part, the cost of repairs,  
9 improvements, alteration or replacement of roads, bridges and dams in  
10 such town which, in the opinion of the Governor, with the advice of  
11 the Commissioner of Transportation, in the case of roads or bridges,  
12 and the Commissioner of Energy and Environmental Protection, in the  
13 case of dams, constitute a threat to public safety as a result of damage  
14 resulting from a natural disaster. [Any] On or after June 30, 2018, any

15 such balance shall [not] lapse [but shall continue to be available] to the  
16 resources of the Special Transportation Fund and shall not be  
17 transferred to the General Fund.

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19 general statutes is repealed and the following is substituted in lieu  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

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

32 Sec. 3. Section 13b-34 of the general statutes is repealed and the  
33 following is substituted in lieu thereof (*Effective from passage*):

34 (a) The commissioner shall have power, in order to aid or promote  
35 the operation, whether temporary or permanent, of any transportation  
36 service operating to, from or in the state, to contract in the name of the  
37 state with any person, including but not limited to any common  
38 carrier, any transit district formed under chapter 103a or any special  
39 act, or any political subdivision or entity, or with the United States or  
40 any other state, or any agency, instrumentality, subdivision,  
41 department or officer thereof, for purposes of initiating, continuing,  
42 developing, providing or improving any such transportation service.  
43 Such contracts may include provision for arbitration of disputed  
44 issues. If the commissioner deems it to be in the best interest of the  
45 state, the commissioner may include in any such contract with a  
46 common carrier or any transit district formed under chapter 103a or  
47 any special act, a provision for the state to indemnify and hold

48 harmless said entity and for such purpose to provide for the state to  
49 purchase insurance with a deductible clause. The commissioner, in  
50 order to aid or promote the operation of any transportation service  
51 operating outside the state, may contract in the name of the state with  
52 any person, including, but not limited to, any common carrier, or with  
53 the United States or any other state, or any agency, instrumentality,  
54 subdivision, department or officer thereof, for purposes of providing  
55 any transportation service in the event such assistance is required in  
56 the case of an emergency or a special event. The state, acting by and  
57 through the commissioner, may, by itself or in concert with others,  
58 provide all or a portion of any such service, share in the costs of or  
59 provide funds for such service, or furnish equipment or facilities for  
60 use in such service upon such terms and conditions as the  
61 commissioner may deem necessary or advisable, and any such  
62 contracts may include, without limitation thereto, arrangements under  
63 which the state shall so provide service, share costs, provide funds or  
64 furnish equipment or facilities. To these ends, the commissioner may  
65 in the name of the state acquire or obtain the use of facilities and  
66 equipment employed in providing any such service by gift, purchase,  
67 lease or other arrangements and may own and operate any such  
68 facilities and equipment and establish, charge and collect such fares  
69 and other charges or arrange for such collection for the use or services  
70 thereof as he may deem necessary, convenient or desirable. The  
71 commissioner or any fare inspector, as defined in section 13b-2, shall  
72 have the authority to issue citations for any violation of section 13b-38i.  
73 The commissioner may also acquire title in fee simple to, or any lesser  
74 estate, interest or right in, any rights-of-way, properties or facilities,  
75 including properties used on or before October 1, 1969, for rail or other  
76 forms of transportation services. The commissioner may hold such  
77 properties for future use by the state and may enter into agreements  
78 for interim use of such properties for other purposes. Any person  
79 contracting with the state pursuant to this section for the provision of  
80 any transportation service shall not be considered an arm or agent of  
81 the state. Any damages caused by the operation of such transportation  
82 service by such person may be recovered in a civil action brought

83 against such person in the superior court and such person may not  
84 assert the defense of sovereign immunity in such action.

85 (b) The commissioner shall, in the name of the state, have power to  
86 apply for and to receive and accept grants of property, money and  
87 services and other assistance offered or made available by any person,  
88 any transit district or political subdivision or entity, or any other  
89 agency, governmental or private, including the United States or any of  
90 its agencies and instrumentalities, which he may use to meet capital or  
91 operating expenses and for any other purpose in furtherance of his  
92 powers and duties under sections 13b-34 to 13b-36, inclusive, and 13b-  
93 38, and to negotiate for and contract regarding the same upon such  
94 terms and conditions as he may deem necessary or advisable.

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

103 (d) The commissioner may be assisted in the performance of his  
104 powers and duties under this section by the Connecticut  
105 Transportation Authority, and may delegate specific powers and  
106 duties to it.

107 (e) The commissioner shall have the power to aid and assist transit  
108 districts pursuant to section 13b-38.

109 (f) Repealed by P.A. 84-254, S. 61, 62.

110 (g) Repealed by P.A. 81-421, S. 8, 9.

111 (h) The commissioner, in the name of the state, shall have the power  
112 to enter into leases with respect to transportation equipment and  
113 facilities for the purpose of obtaining payments based on the tax

114 benefits associated with the ownership or leasing of such equipment  
115 and facilities. In connection with any such lease, the commissioner, in  
116 the name of the state, shall have the power to sell, repurchase and  
117 sublease any such equipment or facilities, to place deposits or  
118 investments with financial institutions to defease rental or repurchase  
119 obligations and to enter into related agreements with parties selected  
120 by and on terms deemed reasonable by the commissioner. All net  
121 payments received by the state pursuant to any such lease or related  
122 agreement shall be credited to the Special Transportation Fund, the  
123 Infrastructure Improvement Fund, the Department of Transportation  
124 operating accounts, or to the Department of Transportation as required  
125 pursuant to United States Department of Transportation approval of  
126 the lease. Any such lease or related agreement may include provisions  
127 for the state, as lessee, to indemnify and hold harmless the lessors or  
128 other parties to any such lease or related agreement. Any such lease or  
129 related agreement may provide for the state to purchase insurance or  
130 surety bonds or to obtain letters of credit from financial institutions  
131 when deemed in the best interests of the state by the commissioner.  
132 Any such lessor or other party to any such related agreement may  
133 bring a civil action to recover damages arising directly from and  
134 subject to any such lease or related agreement. No such action shall be  
135 brought except within one year from the date the right of action  
136 accrues. Any such civil action shall be brought in the superior court for  
137 the judicial district of Hartford. The jurisdiction conferred upon the  
138 Superior Court by this section includes any set-off, claim or demand  
139 whatever on the part of the state against any plaintiff commencing an  
140 action under this section. Such action shall be tried to the court without  
141 a jury. All legal defenses except governmental immunity shall be  
142 reserved to the state. Any such lease or related agreement shall be  
143 subject to the approval of the Attorney General.

144 (i) If the commissioner deems it to be in the best interest of the state,  
145 the commissioner may include in any contract with the National  
146 Railroad Passenger Corporation pursuant to subsection (a) of this  
147 section, provisions for the state to indemnify and hold harmless said  
148 corporation, and for such purpose to provide for the state to purchase

149 insurance with a deductible clause, surety bonds or to obtain letters of  
150 credit from financial institutions. Said corporation may bring a civil  
151 action based on the contract to recover damages arising directly from  
152 and subject to any such contract. Notwithstanding the provisions of  
153 section 52-576, no such action shall be brought except within one year  
154 from the date the right of action accrues. Any such civil action shall be  
155 brought in the superior court for the judicial district of Hartford. The  
156 jurisdiction conferred on the Superior Court by this section includes  
157 any set-off, claim or demand on the part of the state against the said  
158 corporation commencing such action. Such action shall be tried to the  
159 court without a jury. All legal defenses except governmental immunity  
160 shall be reserved to the state.

161 (j) If the commissioner deems it to be in the best interest of the state,  
162 the commissioner may indemnify and hold harmless the Metro-North  
163 Commuter Railroad Company for claims brought by the National  
164 Railroad Passenger Corporation or other third parties against the  
165 Metro-North Commuter Railroad Company relative to the operation of  
166 M-8 rail cars on National Railroad Passenger Corporation property,  
167 provided such indemnification does not relieve the Metro-North  
168 Commuter Railroad Company from liability for its wilful or negligent  
169 acts or omissions.

170 (k) The commissioner may indemnify and hold harmless any  
171 operator selected pursuant to section 13b-79u to operate on the New  
172 Haven-Hartford-Springfield rail line if the commissioner finds that (1)  
173 it is in the best interest of the state to do so, and (2) the National Rail  
174 Passenger Corporation requires such operator to indemnify and hold  
175 harmless said corporation.

176 Sec. 4. Section 13b-36 of the general statutes is repealed and the  
177 following is substituted in lieu thereof (*Effective October 1, 2018*):

178 (a) The commissioner may purchase or take and, in the name of the  
179 state, may acquire title in fee simple to, or any lesser estate, interest or  
180 right in, any land, buildings, equipment or facilities which the  
181 commissioner finds necessary for the operation or improvement of

182 transportation services. The determination by the commissioner that  
183 such purchase or taking is necessary shall be conclusive. Such taking  
184 shall be in the manner prescribed in subsection (b) of section 13a-73 for  
185 the taking of land for state highways.

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

191 (c) Any company or corporation which conducts or has conducted  
192 rail operations in the state shall not, except as provided for in this  
193 subsection, sell, lease, transfer or otherwise dispose of any railroad  
194 properties and related facilities within the state that are abandoned,  
195 inactive or currently being used for railroad purposes to any party,  
196 without first offering such properties and facilities for sale to the  
197 Commissioner of Transportation. This provision shall not apply to any  
198 rail related facility that is to be replaced as a result of a rehabilitation  
199 program or emergency or routine maintenance programs. Such offer  
200 shall be made in writing and shall be sent by certified mail to the  
201 Commissioner of Transportation. Such offer shall include a map and  
202 description of the subject properties or facilities, the price, if available,  
203 for such properties or facilities, a description of the present or past  
204 railroad use of the subject property or facilities, and any other terms or  
205 conditions said company or corporation proposes to include as part of  
206 such sale. The commissioner, upon receipt of such offer, shall within  
207 forty-five days notify said company or corporation, in writing by  
208 certified mail, whether he is interested in acquiring the subject  
209 properties or facilities. Within one hundred thirty-five days of such  
210 written notice, the commissioner shall notify said company or  
211 corporation in writing by certified mail either that he has made an  
212 express finding [in accordance with section 13b-35] and shall acquire  
213 such properties or facilities or that he shall not accept such offer and  
214 shall not acquire such properties or facilities. In no event shall said  
215 company or corporation offer to sell any railroad properties or related

216 facilities which were the subject of negotiations between the  
217 commissioner and said company or corporation to any other party on  
218 terms more favorable to said party than the final terms offered to the  
219 commissioner during negotiations. Nothing in this section shall be  
220 construed to prevent a railroad company from transferring rail  
221 facilities within its own system or from selling, leasing or transferring  
222 or otherwise disposing of railroad properties or related facilities  
223 currently in use to another party provided that in no event shall the  
224 sale, lease, transfer or other disposition of such properties or facilities  
225 result in the discontinuance of existing rail service in the state. For the  
226 purposes of this section, the terms railroad properties and related  
227 facilities shall mean all the land, structures, buildings, rails, ties,  
228 ballast, signals and materials that have been or are used for rail  
229 transportation purposes and that are located either within the right-of-  
230 way as defined by railroad valuation maps or other suitable maps or  
231 abutting such right-of-way.

232 Sec. 5. Subsection (b) of section 13b-102 of the general statutes is  
233 repealed and the following is substituted in lieu thereof (*Effective from*  
234 *passage*):

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

248 Sec. 6. Section 13b-109 of the general statutes is repealed and the



249 following is substituted in lieu thereof (*Effective from passage*):

250 A printed advertisement concerning a motor vehicle in livery  
251 service shall conspicuously state the number of the permit issued to  
252 the operator of such vehicle by the Department of Transportation  
253 pursuant to section 13b-103 and shall conspicuously state the number  
254 of any permit or registration issued to such operator by the [Federal  
255 Highway Administration] Federal Motor Carrier Safety  
256 Administration.

257 Sec. 7. Section 14-250 of the general statutes is repealed and the  
258 following is substituted in lieu thereof (*Effective October 1, 2018*):

259 (a) [The] Except as provided in subdivision (3) of subparagraph (b)  
260 of 49 CFR 392.10, the operator of each commercial motor vehicle  
261 transporting passengers, service bus or motor vehicle used for the  
262 transportation of school children and the operator of each commercial  
263 motor vehicle with a cargo tank or carrying hazardous materials, as  
264 defined in section 14-1, whether loaded or empty, before crossing at  
265 grade any track or tracks of a railroad, shall stop such vehicle not less  
266 than fifteen feet or more than fifty feet from the nearest rail of such  
267 track, and, while so stopped, shall listen and look in each direction  
268 along such track or tracks for approaching locomotives or trains before  
269 crossing such track or tracks; and such operator shall not, in any event,  
270 cross such track or tracks when warned by automatic signal, crossing  
271 gates, flagman, law enforcement officer or otherwise of the approach  
272 of a railroad locomotive or train.

273 (b) The operator of any commercial motor vehicle shall not attempt  
274 to cross a railroad grade crossing if such vehicle cannot be driven  
275 completely through such crossing, without shifting gears, on account  
276 of insufficient undercarriage clearance.

277 (c) The operator of any commercial motor vehicle shall not attempt  
278 to cross a railroad grade crossing if such vehicle does not have  
279 sufficient space to drive completely through such crossing and to clear  
280 the tracks without stopping.

281 [(d) The commissioner may adopt regulations, in accordance with  
282 the provisions of chapter 54, to implement the provisions of this  
283 section, including exemptions for certain crossings and vehicles that  
284 are allowed by the provisions of 49 CFR 392.10.]

285 [(e)] (d) Any person who violates any provision of subsection (a) of  
286 this section shall be fined not less than one hundred fifty dollars or  
287 more than two hundred fifty dollars. Violation of any provision of  
288 subsection (b) or (c) of this section shall be an infraction.

289 Sec. 8. Section 14-251 of the 2018 supplement to the general statutes  
290 is repealed and the following is substituted in lieu thereof (*Effective*  
291 *from passage*):

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

314 highways under the jurisdiction of the city of New Haven. No vehicle  
315 shall be permitted to remain stationary upon the traveled portion of  
316 any highway at any curve or turn or at the top of any grade where a  
317 clear view of such vehicle may not be had from a distance of at least  
318 one hundred fifty feet in either direction. The Commissioner of  
319 Transportation may post signs upon any highway at any place where  
320 the keeping of a vehicle stationary is dangerous to traffic, and the  
321 keeping of any vehicle stationary contrary to the directions of such  
322 signs shall be a violation of this section. No vehicle shall be permitted  
323 to remain stationary upon the traveled portion of any highway within  
324 fifty feet of the point where another vehicle, which had previously  
325 stopped, continues to remain stationary on the opposite side of the  
326 traveled portion of the same highway. No vehicle shall be permitted to  
327 remain stationary within the limits of a public highway in such a  
328 manner as to constitute a traffic hazard or obstruct the free movement  
329 of traffic thereon, provided a vehicle which has become disabled to  
330 such an extent that it is impossible or impracticable to remove it may  
331 be permitted to so remain for a reasonable time for the purpose of  
332 making repairs thereto or of obtaining sufficient assistance to remove  
333 it. Nothing in this section shall be construed to apply to emergency  
334 vehicles and to maintenance vehicles displaying flashing lights or to  
335 prohibit a vehicle from stopping, or being held stationary by any  
336 officer, in an emergency to avoid accident or to give a right-of-way to  
337 any vehicle or pedestrian as provided in this chapter, or from stopping  
338 on any highway within the limits of an incorporated city, town or  
339 borough where the parking of vehicles is regulated by local  
340 ordinances. Violation of any provision of this section shall be an  
341 infraction.

342 Sec. 9. Subsection (b) of section 19a-342 of the 2018 supplement to  
343 the general statutes is repealed and the following is substituted in lieu  
344 thereof (*Effective October 1, 2018*):

345 (b) (1) Notwithstanding the provisions of section 31-40q, no person  
346 shall smoke: (A) In any building or portion of a building or bus shelter  
347 owned and operated or leased and operated by the state or any

348 political subdivision thereof; (B) in any area of a health care institution;  
349 (C) in any area of a retail food store; (D) in any restaurant; (E) in any  
350 area of an establishment with a permit issued for the sale of alcoholic  
351 liquor pursuant to section 30-20a, 30-21, 30-21b, 30-22, 30-22c, 30-28,  
352 30-28a, 30-33a, 30-33b, 30-35a, 30-37a, 30-37e or 30-37f, in any area of an  
353 establishment with a permit for the sale of alcoholic liquor pursuant to  
354 section 30-23 issued after May 1, 2003, and, on and after April 1, 2004,  
355 in any area of an establishment with a permit issued for the sale of  
356 alcoholic liquor pursuant to section 30-22a or 30-26 or the bar area of a  
357 bowling establishment holding a permit pursuant to subsection (a) of  
358 section 30-37c; (F) within a school building while school is in session or  
359 student activities are being conducted; (G) in any passenger elevator,  
360 provided no person shall be arrested for violating this subsection  
361 unless there is posted in such elevator a sign which indicates that  
362 smoking is prohibited by state law; (H) in any dormitory in any public  
363 or private institution of higher education; or (I) on and after April 1,  
364 2004, in any area of a dog race track or a facility equipped with screens  
365 for the simulcasting of off-track betting race programs or jai alai  
366 games. For purposes of this subsection, "restaurant" means space, in a  
367 suitable and permanent building, kept, used, maintained, advertised  
368 and held out to the public to be a place where meals are regularly  
369 served to the public.

370 (2) This section shall not apply to (A) correctional facilities; (B)  
371 designated smoking areas in psychiatric facilities; (C) public housing  
372 projects, as defined in subsection (b) of section 21a-278a; (D) any  
373 classroom where demonstration smoking is taking place as part of a  
374 medical or scientific experiment or lesson; (E) smoking rooms  
375 provided by employers for employees, pursuant to section 31-40q; (F)  
376 notwithstanding the provisions of subparagraph (E) of subdivision (1)  
377 of this subsection, the outdoor portion of the premises of any permittee  
378 listed in subparagraph (E) of subdivision (1) of this subsection,  
379 provided, in the case of any seating area maintained for the service of  
380 food, at least seventy-five per cent of the outdoor seating capacity is an  
381 area in which smoking is prohibited and which is clearly designated  
382 with written signage as a nonsmoking area, except that any temporary

383 seating area established for special events and not used on a regular  
384 basis shall not be subject to the smoking prohibition or signage  
385 requirements of this subparagraph; (G) any medical research site  
386 where smoking is integral to the research being conducted; or (H) any  
387 tobacco bar, provided no tobacco bar shall expand in size or change its  
388 location from its size or location as of December 31, 2002. For purposes  
389 of this subdivision, "outdoor" means an area which has no roof or  
390 other ceiling enclosure, "tobacco bar" means an establishment with a  
391 permit for the sale of alcoholic liquor to consumers issued pursuant to  
392 chapter 545 that, in the calendar year ending December 31, 2002,  
393 generated ten per cent or more of its total annual gross income from  
394 the on-site sale of tobacco products and the rental of on-site humidors,  
395 and "tobacco product" means any substance that contains tobacco,  
396 including, but not limited to, cigarettes, cigars, pipe tobacco or  
397 chewing tobacco.

398 Sec. 10. (NEW) (*Effective October 1, 2018*) The Commissioner of  
399 Transportation shall, on Interstate 95 between the towns of Old  
400 Saybrook and East Lyme, erect and maintain speed warning signs for  
401 the guidance of persons traveling thereon and shall erect and maintain  
402 such speed signs as approved by the Office of State Traffic  
403 Administration.

404 Sec. 11. Section 2 of public act 17-69 is repealed and the following is  
405 substituted in lieu thereof (*Effective from passage*):

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

- 416 (b) The task force shall consist of the following members:
- 417 (1) One appointed by the speaker of the House of Representatives;
- 418 (2) One appointed by the president pro tempore of the Senate;
- 419 (3) One appointed by the majority leader of the House of  
420 Representatives;
- 421 (4) One appointed by the majority leader of the Senate;
- 422 (5) One appointed by the minority leader of the House of  
423 Representatives;
- 424 (6) One appointed by the minority leader of the Senate;
- 425 (7) One appointed by the Senate chairperson of the joint standing  
426 committee of the General Assembly having cognizance of matters  
427 relating to transportation;
- 428 (8) One appointed by the Senate ranking member of the joint  
429 standing committee of the General Assembly having cognizance of  
430 matters relating to transportation;
- 431 (9) One appointed by the House chairperson of the joint standing  
432 committee of the General Assembly having cognizance of matters  
433 relating to transportation;
- 434 (10) Two appointed by the Governor, one of whom has expertise in  
435 autonomous vehicles and one of whom has expertise in insurance;
- 436 (11) The Secretary of the Office of Policy and Management, or the  
437 secretary's designee;
- 438 (12) The Commissioner of Motor Vehicles, or the commissioner's  
439 designee;
- 440 (13) The Commissioner of Transportation, or the commissioner's  
441 designee; and

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

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

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

450 (e) The speaker of the House of Representatives and the president  
451 pro tempore of the Senate shall select the chairpersons of the task force  
452 from among the members of the task force. Such chairpersons shall  
453 schedule the first meeting of the task force, which shall be held not  
454 later than sixty days after [the effective date of this section] June 27,  
455 2017. If such chairpersons are not selected or do not schedule the first  
456 meeting within such time period, any chair of the joint standing  
457 committee of the General Assembly having cognizance of matters  
458 relating to transportation shall schedule the first meeting of the task  
459 force, act as chairperson of the task force and schedule other meetings  
460 of the task force as deemed necessary until the speaker of the House of  
461 Representatives and the president pro tempore of the Senate select the  
462 chairpersons of the task force and such chairpersons schedule a  
463 meeting of the task force.

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

467 (g) The task force shall submit, in accordance with section 11-4a of  
468 the general statutes, the following reports regarding its findings and  
469 any recommendations for proposed legislation to the joint standing  
470 committee of the General Assembly having cognizance of matters  
471 relating to transportation: (1) An interim report not later than January  
472 1, 2018; (2) an interim report not later than July 1, 2018; and (3) a final  
473 report not later than January 1, 2019. The task force shall terminate on

474 the date that it submits the final report or January 1, 2019, whichever is  
475 later.

476 Sec. 12. Section 13b-35 of the general statutes is repealed. (*Effective*  
477 *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>from passage</i>	13b-34
Sec. 4	<i>October 1, 2018</i>	13b-36
Sec. 5	<i>from passage</i>	13b-102(b)
Sec. 6	<i>from passage</i>	13b-109
Sec. 7	<i>October 1, 2018</i>	14-250
Sec. 8	<i>from passage</i>	14-251
Sec. 9	<i>October 1, 2018</i>	19a-342(b)
Sec. 10	<i>October 1, 2018</i>	New section
Sec. 11	<i>from passage</i>	PA 17-69, Sec. 2
Sec. 12	<i>October 1, 2018</i>	Repealer section

**Statement of Legislative Commissioners:**

In Section 1, "On or after June 30, 2018, any" was added and "as of June 30, 2018," was deleted for accuracy and in Section 3, Subsecs. (b) to (k), inclusive, were added in conformity with Section 12.

**TRA**      *Joint Favorable Subst.*



The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 19 \$	FY 20 \$
Department of Transportation	TF - Revenue Gain	approximately \$150,000	approximately \$150,000
Resources of the General Fund	GF - Potential Revenue Gain	Minimal	Minimal
Department of Transportation	TF - Potential Cost	Minimal	Minimal

Note: TF=Transportation Fund; GF=General Fund

**Municipal Impact:** None

Explanation

Section 1 of the bill eliminates the Department of Transportation's (DOT) Town Aid Road emergency account which is currently \$871,792. The bill requires this amount to be used as part of the underlying balance of the Special Transportation Fund.

Section 2 allows DOT to adopt regulations establishing reasonable fees for state highway right-of-way encroachment permits as outlined in section 673 of PA 17-2 JSS. This is anticipated to result in a revenue gain of approximately \$150,000.

Section 9 adds bus shelters to the list of state-owned and -operated or state-leased and -operated property where smoking is prohibited and results in a potential minimal revenue gain from fines. In FY 17, the current statute prohibiting smoking in various locations resulted in 6 fines totaling \$472.

Section 10 requires the Department of Transportation (DOT) to erect

speed warning signs on I-95 between Old Saybrook and East Lyme. If these signs are approved by the State Traffic Administration there will be a minimal cost to DOT to make the signs.

It should be noted that the other sections of the bill are technical or do not have a fiscal impact.

***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of fines related to smoking in bus shelters and encroachment permits.

*Sources: Department of Transportation License, Permits and Fees*

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**OLR Bill Analysis****sHB 5314****AN ACT CONCERNING RECOMMENDATIONS BY THE  
DEPARTMENT OF TRANSPORTATION.**

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§ 11 — AUTONOMOUS VEHICLE (AV) TASK FORCE

Allows a Transportation Committee chair to act as the AV task force's chair until the task force's chairs are appointed

**SUMMARY**

This bill makes various unrelated changes related in the transportation statutes. Among other things, the bill:

1. authorizes the Department of Transportation (DOT) to indemnify transit operators in order to provide insurance coverage (§ 3);
2. reinstates DOT's ability to charge fees for most highway right-of-way encroachment permits (§ 2);
3. lapses, to the Special Transportation Fund, the balance of certain Town Aid Road (TAR) funds (§ 1);
4. eliminates a requirement that the DOT commissioner draft an "express finding" in order to exercise his public transportation-related powers (§ 12); and
5. allows a Transportation Committee chair to act as the autonomous vehicle (AV) task force's chair until the task force's chairs are appointed (§ 11).

EFFECTIVE DATE: Upon passage, unless otherwise noted below

**§ 1 — LAPSE OF CERTAIN TOWN AID ROAD FUNDS**

*Lapses, to the Special Transportation Fund, the balance of certain Town Aid Road funds*

Existing law requires the balance of TAR appropriations that exceeds the amount distributed as TAR grants to be made available to towns to fund the replacement of or repairs to roads, bridges, and dams that are considered a threat to public safety due to a natural

disaster. Under current law, this balance does not lapse at the end of the fiscal year and must continue to be available to towns for emergency funding. Beginning June 30, 2018, the bill instead requires this balance to go the Special Transportation Fund.

## **§ 2 — ENCROACHMENT PERMIT FEES**

*Reinstates DOT's ability to charge fees for most highway right-of-way encroachment permits*

The bill reinstates DOT's authority to charge for most right-of-way encroachment permits by allowing DOT to adopt regulations establishing reasonable fees for state highway right-of-way encroachment permit applications. The FY 18-19 budget act repealed such authority while requiring DOT to generally increase the fees it charges for encroachment permits awarded for certain large developments in order to mirror the fees charged by Massachusetts (PA 17-2, June Special Session, § 673).

EFFECTIVE DATE: October 1, 2018

## **§ 3 — INSURANCE COVERAGE FOR TRANSIT VEHICLES**

*Authorizes the Department of Transportation (DOT) to indemnify transit operators in order to provide for transit vehicle insurance coverage*

The bill authorizes the commissioner, if he determines it is in the state's best interest, to include in contracts with common carriers or transit districts a provision for the state to indemnify the entities and hold them harmless for the purpose of allowing the state to purchase insurance with a deductible clause. In practice, DOT maintains a "Statewide Insurance Consortium," which provides transit vehicle insurance coverage on behalf of eligible public transit entities.

## **§§ 4 & 12 — EXPRESS FINDING**

*Eliminates a requirement that the DOT commissioner draft an "express finding" in order to exercise his public transportation-related powers, with one exception*

The bill repeals the broad requirement that the DOT commissioner, before exercising his public transportation-related powers, draft an express finding that:

1. a specific transportation facility may be discontinued,

disrupted, or abandoned, which would be detrimental to the state's welfare, and exercising the powers is essential to continue such facilities;

2. a specific transportation facility may not be operated in the manner required by the general welfare of the state, or that additional transportation facilities are needed, and exercising his powers is necessary to improve transportation facilities or services; or
3. the state's future growth and needs require state acquisition or control of transportation rights-of-way, property, or other facilities.

The bill retains a provision requiring that the commissioner send an express finding to a rail company if he decides to acquire a rail company's abandoned or inactive properties. However, it eliminates the requirement that the express finding meet the conditions described above.

EFFECTIVE DATE: October 1, 2018

#### **§§ 5 & 6 — TECHNICAL CHANGES**

*Makes technical changes to correct references to federal agencies*

The bill makes technical changes to correct statutes that incorrectly refer to the Federal Highway Administration instead of the Federal Motor Carrier Safety Administration.

#### **§ 7 — RAILROAD CROSSINGS AND CERTAIN COMMERCIAL AND PASSENGER-CARRYING VEHICLES**

*Incorporates a federal exception to certain railroad crossing laws for crossings equipped with traffic signal devices*

Existing state and federal laws require operators of specified commercial and passenger-carrying vehicles, before crossing railroad tracks, to (1) stop their vehicles within 15 to 50 feet from the track's nearest rail and (2) listen and look in each direction for approaching trains. This requirement applies to operators of service buses, vehicles transporting school children, and commercial vehicles with cargo

tanks, carrying passengers, or hazardous materials.

The bill incorporates an exception to this requirement, as provided under federal law (49 C.F.R. § 392.10), which allows operators of such vehicles to cross without stopping if the railroad crossing is controlled by a functioning highway traffic signal transmitting a green light.

The bill additionally eliminates the commissioner's authority to adopt regulations related to railroad crossings by such vehicles, which may include exemptions allowed under federal law.

EFFECTIVE DATE: October 1, 2018

### **§ 8 — NEW HAVEN TRAFFIC LAWS**

*Specifies that the exception to the law on parking near intersections that applies to certain New Haven intersections applies only to intersections entirely under the city's jurisdiction*

By law, motor vehicles generally cannot park within 25 feet of an intersection, marked crosswalk at an intersection, or a stop sign. PA 17-230, § 16, created exceptions for certain intersections in New Haven, allowing a vehicle to be parked (1) as close as 10 feet from an intersection that has a curb extension as wide as or wider than the parking lane and (2) within 25 feet of a stop sign at the intersection of one-way streets in New Haven where permitted by its traffic authority.

Under the bill, these exceptions apply only at intersections comprised entirely of highways under New Haven's jurisdiction.

### **§ 9 — SMOKING AT BUS SHELTERS**

*Prohibits smoking in bus shelters*

The bill adds bus shelters to the list of state-owned and -operated or state-leased and -operated property where smoking is prohibited. Under existing law, smoking in such prohibited areas is an infraction.

EFFECTIVE DATE: October 1, 2018

### **§ 10 — SPEED WARNING SIGNS ON I-95**

*Requires DOT to erect speed warning signs on certain portions of I-95*

The bill requires the DOT commissioner to erect and maintain speed

warning signs on I-95 between Old Saybrook and East Lyme, as approved by the Office of State Traffic Administration, in order to guide people traveling on that highway.

EFFECTIVE DATE: October 1, 2018

## § 11 — AUTONOMOUS VEHICLE (AV) TASK FORCE

*Allows a Transportation Committee chair to act as the AV task force's chair until the task force's chairs are appointed*

PA 17-69 established a task force to, among other things, study AVs and make recommendations to the legislature on AV regulation. Under the act, the Senate president pro tempore and the House speaker must select the task force's chairs from the task force members, and the chairs must schedule and hold the task force's first meeting by August 26, 2017 (i.e., 60 days after the act's effective date.)

Under the bill, if the chairs are not selected or do not schedule the first meeting within the timeframe, any Transportation Committee chair must schedule the task force's first meeting, act as the task force's chair, and schedule other meetings deemed necessary until (1) the Senate president pro tempore and House speaker select the chairs and (2) the chairs schedule a task force meeting.

### COMMITTEE ACTION

Transportation Committee

Joint Favorable Substitute

Yea 36 Nay 0 (03/23/2018)