



General Assembly

**Amendment**

February Session, 2018

LCO No. 5751



Offered by:

REP. GUERRERA, 29<sup>th</sup> Dist.

SEN. LEONE, 27<sup>th</sup> Dist.

SEN. BOUCHER, 26<sup>th</sup> Dist.

REP. CARNEY, 23<sup>rd</sup> Dist.

REP. ROSE, 118<sup>th</sup> 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 Section 13a-175j of the general statutes is repealed and  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21 general statutes is repealed and the following is substituted in lieu  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 33 of public act 17-230 is repealed and the following  
345 is substituted in lieu thereof (*Effective from passage*):

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

349 Sec. 13. Section 34 of public act 17-230 is repealed and the following  
350 is substituted in lieu thereof (*Effective from passage*):

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

354 Sec. 14. Section 51 of public act 17-230 is repealed and the following  
355 is substituted in lieu thereof (*Effective from passage*):

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

358 Sec. 15. Section 13b-35 of the general statutes is repealed. (*Effective*  
359 *October 1, 2018*)"

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	13a-175j

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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>from passage</i>	PA 17-230, Sec. 33
Sec. 13	<i>from passage</i>	PA 17-230, Sec. 34
Sec. 14	<i>from passage</i>	PA 17-230, Sec. 51
Sec. 15	<i>October 1, 2018</i>	Repealer section