



General Assembly

January Session, 2019

**Governor's Bill No. 7202**

LCO No. 4362



Referred to Committee on TRANSPORTATION

Introduced by:

REP. ARESIMOWICZ, 30<sup>th</sup> Dist.

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***AN ACT CONCERNING THE SUSTAINABILITY OF CONNECTICUT'S  
TRANSPORTATION INFRASTRUCTURE.***

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

1 Section 1. (NEW) (*Effective from passage*) As used in this section and  
2 sections 2 to 7, inclusive, of this act:

3 (1) "Electronic tolling system" means an electronic system for  
4 recording, monitoring, collecting and paying for tolls on the highways  
5 of this state, including, but not limited to, video toll transaction  
6 systems, transponders or other electronic transaction or payment  
7 technology or devices;

8 (2) "Department" means the Department of Transportation; and

9 (3) "Toll operator" means a private entity that operates an electronic  
10 tolling system pursuant to an agreement with the department and

11 whose duties may include, but need not be limited to, collecting tolls,  
12 administrative charges and penalties.

13 Sec. 2. (NEW) (*Effective from passage*) (a) The department may  
14 construct, maintain and operate electronic tolling systems on Interstate  
15 84, Interstate 91, Interstate 95 and portions of Connecticut Route 15.  
16 The department may enter into an agreement with a toll operator to  
17 operate such systems.

18 (b) To carry out its duties and responsibilities under this section and  
19 sections 3 to 6, inclusive, of this act, and any regulations adopted  
20 under section 7 of this act, the department may enter into tolling  
21 agreements with the Federal Highway Administration and  
22 coordination agreements, intergovernmental agreements or other  
23 implementation agreements with any other federal, state or municipal  
24 entity or agency.

25 (c) The department may procure, retain and expend funds for  
26 technical, traffic, revenue and financial consultants, attorneys and  
27 other consultants and experts to assist in the development,  
28 implementation, maintenance and operation of electronic tolling  
29 systems.

30 (d) The department may procure, retain and expend funds for toll  
31 operators, vendors, suppliers, designers, engineers, software  
32 designers, installers, contractors, maintenance personnel, customer  
33 service personnel and other equipment, materials, personnel and  
34 services for the development, implementation, maintenance and  
35 operation of electronic tolling systems and for the collection and  
36 enforcement of tolls.

37 (e) The department may enter into agreements for the provision of  
38 any service specified in subsections (c) and (d) of this section, or any  
39 combination thereof, pursuant to an open, competitive process.

40 (f) (1) The department and the Department of Motor Vehicles, either  
41 jointly or separately, may enter into reciprocal agreements with other

42 states, jurisdictions and operators of toll facilities in other states to  
43 obtain and share any toll operator information regarding an out-of-  
44 state registered owner of a vehicle that has used a tolled highway,  
45 including the make of the motor vehicle, the motor vehicle's number  
46 plate and the name and address of the registered owner of the motor  
47 vehicle.

48 (2) The department and the Department of Motor Vehicles, either  
49 jointly or separately, may enter into, or authorize a toll operator on  
50 behalf of the departments to enter into, reciprocal agreements with  
51 other states, jurisdictions and operators of toll facilities in other states  
52 for the efficient collection of tolls incurred by residents of states other  
53 than this state.

54 (3) The department and the Department of Emergency Services and  
55 Public Protection may enter into an agreement for the provision of law  
56 enforcement assistance by the state police on tolled highways that are  
57 not otherwise provided by the state police on state roads and  
58 highways. All law enforcement officers of the state and any political  
59 subdivision of the state shall have the same powers within the limits of  
60 a tolled highway as such officers have in their respective areas of  
61 jurisdiction, including the roads and highways of this state.

62 Sec. 3. (NEW) (*Effective from passage*) (a) The department may charge,  
63 collect, retain, fix and change the amount of all tolls for transit over or  
64 use of the highways specified in subsection (a) of section 2 of this act.

65 (b) Toll amounts shall be fixed and changed by the department, so  
66 as to provide, at a minimum, funding that is sufficient to: (1) Pay costs  
67 related to tolled highways in this state, including, but not limited to,  
68 the cost of owning, maintaining, repairing, reconstructing, improving,  
69 rehabilitating, using, administering, controlling and operating such  
70 highways; (2) pay the principal of, redemption premium, if any, and  
71 interest on notes or bonds relating to tolled highways, as such  
72 principal, premium or interest become due and payable; and (3) create  
73 and maintain reserves established for any of the department's highway

74 and bridge responsibilities under titles 13a and 13b of the general  
75 statutes for the operation and maintenance of tolled highways. Such  
76 sufficiency of funding may take into account the availability of funds  
77 from other sources.

78 (c) Prior to commencing construction of an electronic tolling system  
79 on any highway, or portion thereof, of this state, the department shall  
80 hold at least one public informational meeting in the general vicinity of  
81 the proposed toll corridor to receive comments on the proposed toll,  
82 methodology for fixing and changing the tolls and user classifications.

83 (d) The department shall place and maintain signs in advance of any  
84 tolled highways to notify motor vehicle operators (1) that a toll will be  
85 charged on such highway, and (2) how to pay such toll.

86 (e) All revenues received by the department from tolls and the  
87 imposition of civil penalties associated with toll nonpayment, toll  
88 evasion or other toll-related violations shall be deposited into the  
89 Special Transportation Fund, established pursuant to section 13b-68 of  
90 the general statutes and section 19 of article third of the Constitution of  
91 the state, and shall not be commingled with other funds and revenues.  
92 Such revenues shall be expended only for the purposes and subject to  
93 the provisions of 23 USC 129(a)(3), as amended from time to time.

94 (f) Tolls shall not be subject to and shall be exempt from taxation of  
95 every kind by the state and by the municipalities and all other political  
96 subdivisions or special districts having taxing powers in the state.

97 Sec. 4. (NEW) (*Effective from passage*) Any electronic tolling system  
98 operated by the department or a toll operator shall be interoperable  
99 with all other electronic tolling systems in this state and shall comply  
100 with all state and federal interoperability requirements and standards.  
101 Such tolling system interoperability shall extend to system technology  
102 and the transfer of funds. The Commissioners of Transportation and  
103 Motor Vehicles, in consultation with the Commissioner of  
104 Administrative Services, shall ensure the coordination and  
105 compatibility of information system technology and data of any

106 electronic tolling system. The provisions of chapters 58 and 61 of the  
107 general statutes shall not apply to this section.

108 Sec. 5. (NEW) (*Effective from passage*) (a) Except as provided in  
109 subsection (b) of this section, neither the department nor any toll  
110 operator shall sell or use any toll customer information or other data  
111 for commercial purposes unrelated to the charging, collection and  
112 enforcement of tolls, administrative fees and penalties.

113 (b) The department may release toll customer information and other  
114 data that does not directly or indirectly identify a toll customer for  
115 research purposes authorized by the department.

116 (c) (1) Except as required by applicable law or in connection with an  
117 administrative or court proceeding, all information that specifically  
118 identifies a toll customer and relates to a specific tolling transaction  
119 shall be destroyed not later than one year after the later of the tolling  
120 transaction or the collection of the toll, whether through normal  
121 processes or enforcement.

122 (2) Except as required by applicable law or in connection with an  
123 administrative or court proceeding, all information relating to a toll  
124 customer account that specifically identifies a toll customer shall be  
125 destroyed not later than one year after the collection of all tolls and  
126 fees incurred by such toll customer, whether through normal  
127 processes, enforcement or closing of such account.

128 (d) Toll customer information and data shall not be deemed a public  
129 record, as defined in section 1-200 of the general statutes.

130 (e) Toll operators shall be subject to the provisions of chapter 62a of  
131 the general statutes.

132 Sec. 6. (NEW) (*Effective from passage*) (a) Any person who contests  
133 the amount of a toll or an associated charge shall be afforded an  
134 opportunity for a hearing with the department in accordance with the  
135 provisions of chapter 54 of the general statutes.

136 (b) The department, after notice and hearing, may impose a civil  
137 penalty of not more than twenty-five dollars for a first violation, not  
138 more than fifty dollars for a second violation and not more than one  
139 hundred dollars for a third violation of a provision of the regulations  
140 adopted pursuant to section 7 of this act on any of the following  
141 persons with respect to toll nonpayment, toll evasion or related fees:  
142 (1) The operator of a motor vehicle on a tolled highway; (2) the  
143 registered owner of a motor vehicle operated on a tolled highway, if  
144 other than the operator, if such vehicle was used or operated with the  
145 express or implied permission of the registered owner at the time of  
146 the tolling transaction; (3) the lessee of a motor vehicle operated on a  
147 tolled highway, if other than the operator, if such vehicle was used or  
148 operated with the express or implied permission of the lessee at the  
149 time of the tolling transaction; and (4) the lessor of a motor vehicle  
150 operated on a tolled highway.

151 (c) A copy of the motor vehicle rental agreement, lease, other  
152 contract document or affidavit identifying the lessee of the motor  
153 vehicle at the time of the tolling transaction shall be prima facie  
154 evidence that the person named in the rental agreement, lease, other  
155 contract document or affidavit was operating the motor vehicle at all  
156 relevant times relating to the tolling transaction. A lessor shall  
157 cooperate with the department or the toll operator, as the case may be,  
158 in providing the department or toll operator any requested  
159 information concerning the lessee contained in the lessor's record.

160 (d) The Department of Motor Vehicles shall provide the Department  
161 of Transportation and any toll operator with the information necessary  
162 to collect tolls and enforce penalties for toll nonpayment, toll evasion  
163 or other toll-related violations, including, but not limited to,  
164 information regarding the registered owner of a motor vehicle that was  
165 operated on a tolled highway and the make of the motor vehicle, the  
166 motor vehicle's license plate and the name and address of the  
167 registered owner of the motor vehicle.

168 Sec. 7. (NEW) (*Effective from passage*) (a) The Commissioner of

169 Transportation shall adopt regulations, in accordance with the  
170 provisions of chapter 54 of the general statutes, to implement the  
171 provisions of sections 2 to 6, inclusive, of this act. Such regulations  
172 may include, but need not be limited to: (1) Establishment of variable  
173 toll rates that take into consideration the day of the week, level of  
174 congestion or anticipated congestion; (2) establishment of different fees  
175 based on the type of vehicle classification, size, weight, number of  
176 axles or vehicle occupancy; (3) establishment of discounts and credits  
177 to a toll customer account for persons with a transponder or similar  
178 technology issued by the department or a toll operator; (4) exemptions  
179 for certain types of motor vehicles, including, but not limited to, high-  
180 occupancy vehicles, motor vehicles leased or owned by the state,  
181 motor vehicles used by a law enforcement unit, firefighter or a  
182 member of an emergency medical service organization and motor  
183 vehicles used to provide public transit services; (5) the imposition of  
184 surcharges, premiums or additional fees for designated users or classes  
185 of users of a tolled highway who travel on such highway without a  
186 transponder or similar technology issued by the department or a toll  
187 operator; (6) the imposition of administrative charges and penalties for  
188 the late payment of tolls and toll evasion, which shall be not more than  
189 twenty-five dollars for a first violation, not more than fifty dollars for a  
190 second violation and not more than one hundred dollars for a third  
191 violation; (7) provisions to protect and appropriately limit access to toll  
192 customer information and other data collected, received, maintained,  
193 archived, accessed and disclosed by the department; and (8) the  
194 manner in which a transponder or similar device shall be located in or  
195 on a motor vehicle entering an electronic tolling system if such system  
196 uses a transponder or similar device.

197 (b) The Commissioner of Motor Vehicles, in consultation with the  
198 Commissioner of Transportation, shall adopt regulations, in  
199 accordance with the provisions of chapter 54 of the general statutes, to  
200 implement the provisions of sections 2 to 6, inclusive, of this act. Such  
201 regulations shall include restrictions on issuing a registration to the  
202 owner of a motor vehicle who owes tolls for transit over or use of a

203 tolled highway or owes administrative charges or penalties for the late  
204 payment of tolls or toll evasion.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>from passage</i>	New section
Sec. 6	<i>from passage</i>	New section
Sec. 7	<i>from passage</i>	New section

**Statement of Purpose:**

To implement the Governor's budget recommendations.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*