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

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

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

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

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

(3) "Toll operator" means a private entity that operates an electronic tolling system pursuant to an agreement with the department and
whose duties may include, but need not be limited to, collecting tolls, administrative charges and penalties.

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

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

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

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

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

(f) (1) The department and the Department of Motor Vehicles, either jointly or separately, may enter into reciprocal agreements with other
states, jurisdictions and operators of toll facilities in other states to obtain and share any toll operator information regarding an out-of-state registered owner of a vehicle that has used a tolled highway, including the make of the motor vehicle, the motor vehicle's number plate and the name and address of the registered owner of the motor vehicle.

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

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

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

(b) Toll amounts shall be fixed and changed by the department, so as to provide, at a minimum, funding that is sufficient to: (1) Pay costs related to tolled highways in this state, including, but not limited to, the cost of owning, maintaining, repairing, reconstructing, improving, rehabilitating, using, administering, controlling and operating such highways; (2) pay the principal of, redemption premium, if any, and interest on notes or bonds relating to tolled highways, as such principal, premium or interest become due and payable; and (3) create and maintain reserves established for any of the department's highway
and bridge responsibilities under titles 13a and 13b of the general statutes for the operation and maintenance of tolled highways. Such sufficiency of funding may take into account the availability of funds from other sources.

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

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

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

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

Sec. 4. (NEW) (Effective from passage) Any electronic tolling system operated by the department or a toll operator shall be interoperable with all other electronic tolling systems in this state and shall comply with all state and federal interoperability requirements and standards. Such tolling system interoperability shall extend to system technology and the transfer of funds. The Commissioners of Transportation and Motor Vehicles, in consultation with the Commissioner of Administrative Services, shall ensure the coordination and compatibility of information system technology and data of any
electronic tolling system. The provisions of chapters 58 and 61 of the general statutes shall not apply to this section.

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

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

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

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

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

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

Sec. 6. (NEW) (Effective from passage) (a) Any person who contests the amount of a toll or an associated charge shall be afforded an opportunity for a hearing with the department in accordance with the provisions of chapter 54 of the general statutes.
(b) The department, after notice and hearing, may impose a civil penalty of not more than twenty-five dollars for a first violation, not more than fifty dollars for a second violation and not more than one hundred dollars for a third violation of a provision of the regulations adopted pursuant to section 7 of this act on any of the following persons with respect to toll nonpayment, toll evasion or related fees:
(1) The operator of a motor vehicle on a tolled highway; (2) the registered owner of a motor vehicle operated on a tolled highway, if other than the operator, if such vehicle was used or operated with the express or implied permission of the registered owner at the time of the tolling transaction; (3) the lessee of a motor vehicle operated on a tolled highway, if other than the operator, if such vehicle was used or operated with the express or implied permission of the lessee at the time of the tolling transaction; and (4) the lessor of a motor vehicle operated on a tolled highway.

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

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

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

(b) The Commissioner of Motor Vehicles, in consultation with the Commissioner of Transportation, shall adopt regulations, in accordance with the provisions of chapter 54 of the general statutes, to implement the provisions of sections 2 to 6, inclusive, of this act. Such regulations shall include restrictions on issuing a registration to the owner of a motor vehicle who owes tolls for transit over or use of a
tolled highway or owes administrative charges or penalties for the late
payment of tolls or toll evasion.

This act shall take effect as follows and shall amend the following
sections:

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**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.]