



General Assembly

January Session, 2019

**Committee Bill No. 423**

LCO No. 6115



Referred to Committee on TRANSPORTATION

Introduced by:  
(TRA)

***AN ACT CONCERNING FUNDING FOR CONNECTICUT'S  
TRANSPORTATION FUTURE.***

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

1 Section 1. (NEW) (*Effective from passage*) (a) There is established an  
2 account to be known as the "Transportation Priority Projects account"  
3 which will be a separate, nonlapsing account within the Special  
4 Transportation Fund, established pursuant to section 13b-68 of the  
5 general statutes and section 19 of article third of the Constitution of the  
6 state. The account shall contain any moneys required by law to be  
7 deposited into the account. Moneys in the account shall be expended  
8 by the Commissioner of Transportation, with the approval of the  
9 Secretary of the Office of Policy and Management, for the payment of  
10 any and all capital costs incurred in furtherance of the purposes set  
11 forth in subsection (b) of section 13b-74 of the general statutes with  
12 regard to the projects described in subsection (b) of this section. Such  
13 expenditures shall be an eligible use of toll revenue pursuant to the  
14 provisions of 23 USC 129(a)(3), as amended from time to time.

15 (b) The funds in the Transportation Priority Projects account shall be  
16 expended for the following projects:

- 17 (1) Operational improvements to Interstate Route 95;
- 18 (2) Replacement of the viaduct on Interstate Route 84 in the town of  
19 Hartford;
- 20 (3) Improvements to exits 3 to 8, inclusive, on Interstate Route 84 in  
21 the town of Danbury;
- 22 (4) Improvements to the mixmaster on Interstate Route 84 in the  
23 town of Waterbury;
- 24 (5) Operational improvements to the interchange between Interstate  
25 Route 84 and Interstate Route 91;
- 26 (6) Replacement of movable bridges on the New Haven Line;
- 27 (7) Rail car procurements;
- 28 (8) Improvements to the Hartford Line;
- 29 (9) Improvements to the New Haven Line, including, but not  
30 limited to: (A) Expanding the Danbury branch to include the town of  
31 New Milford, (B) increasing the number of trains and frequency of  
32 service on the Waterbury branch and expanding such branch to  
33 include the towns of Seymour, Shelton and Derby, (C) adding a roof or  
34 canopy covering at the Talmadge Hill commuter rail station in the  
35 town of New Canaan to protect commuters from rain and snow, (D)  
36 adding a passing siding at the New Canaan commuter rail station in  
37 the town of New Canaan, (E) expanding the northbound side of the  
38 parking lot and the train platforms at the Stratford commuter rail  
39 station in the town of Stratford, and (F) improving parking and rail  
40 structures;
- 41 (10) Removal of the traffic signal from Connecticut Route 9;
- 42 (11) Operational improvements to the interchange between  
43 Connecticut Route 7 and Connecticut Route 15;
- 44 (12) Improvements to Heroes Tunnel in the town of New Haven;

45 (13) Operational improvements to the interchange between  
46 Interstate Route 91, Interstate Route 691 and Connecticut Route 15;

47 (14) Improvements to the rail yards in the towns of New Haven and  
48 Stamford;

49 (15) A new commuter rail station in the town of Newington and on  
50 New Park Avenue in the town of West Hartford; and

51 (16) Replacement of the Gold Star Memorial Bridge in the town of  
52 New London.

53 (c) At the end of each fiscal year commencing with the fiscal year  
54 ending June 30, 2023, and each fiscal year thereafter, the Comptroller  
55 shall transfer any unappropriated surplus in the Special  
56 Transportation Fund in excess of five per cent of total expenditures for  
57 the most recently completed fiscal year to the Transportation Priority  
58 Projects account within such fund.

59 Sec. 2. (NEW) (*Effective from passage*) As used in this section and  
60 sections 3 to 8, inclusive, of this act:

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

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

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

71 Sec. 3. (NEW) (*Effective from passage*) (a) The department may  
72 construct, maintain and operate electronic tolling systems on Interstate  
73 Route 84, Interstate Route 91, Interstate Route 95 and portions of  
74 Connecticut Route 15. The department may enter into an agreement

75 with a toll operator to operate such systems.

76 (b) To carry out its duties and responsibilities under this section and  
77 sections 4 to 7, inclusive, of this act, and any regulations adopted  
78 under section 8 of this act, the department may enter into tolling  
79 agreements with the Federal Highway Administration and  
80 coordination agreements, intergovernmental agreements or other  
81 implementation agreements with any other federal, state or municipal  
82 entity or agency.

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

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

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

103 (2) The department and the Department of Motor Vehicles may  
104 enter into, or authorize a toll operator on behalf of the departments to  
105 enter into, reciprocal agreements with other states, jurisdictions and

106 operators of toll facilities in other states for the efficient collection of  
107 tolls incurred by residents of states other than this state.

108       Sec. 4. (NEW) (*Effective from passage*) (a) The department may charge,  
109 collect, retain, fix and change the toll rates for transit over or use of any  
110 tolled highways. The department shall not increase the toll rates for ten  
111 years after the commencement of an electronic tolling system on any  
112 highway.

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

127       (c) Prior to commencing construction of an electronic tolling system  
128 on any highway of this state, the department shall hold at least one  
129 public informational meeting in the general vicinity of each proposed  
130 toll corridor.

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

134       (e) Upon presentation of a transponder or similar device issued by  
135 the department or a toll operator, the operator of any of the following  
136 vehicles may use tolled highways without paying tolls while in the

137 performance of his or her official duties: (1) A motor vehicle leased or  
138 owned by the state, (2) a motor vehicle used by a sworn member of the  
139 Division of State Police within the Department of Emergency Services  
140 and Public Protection, (3) a fire department vehicle, (4) an ambulance  
141 or motor vehicle operated by a member of an emergency medical  
142 service organization, and (5) a motor vehicle used to provide public  
143 transit services.

144 (f) All revenues received by the department from tolls and the  
145 imposition of civil penalties associated with toll nonpayment, toll  
146 evasion or other toll-related violations shall be deposited into the  
147 Special Transportation Fund, established pursuant to section 13b-68 of  
148 the general statutes and section 19 of article third of the Constitution of  
149 the state. Such revenues shall be expended in accordance with the (1)  
150 provisions of 23 USC 129(a)(3), as amended from time to time,  
151 including, but not limited to, the payment of debt service on  
152 obligations incurred for projects on tolled highways, the costs of  
153 improving, operating and maintaining tolled highways and any other  
154 project eligible for federal funding under Title 23 of the United States  
155 Code, as amended from time to time, and (2) requirements of the  
156 Value Pricing Pilot Program, established pursuant to section 1012(b) of  
157 the Intermodal Surface Transportation Efficiency Act, including, but  
158 not limited to, the cost of mitigation measures to address potential  
159 effects of tolled highways on low-income motor vehicle operators.

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

163 Sec. 5. (NEW) (*Effective from passage*) Any electronic tolling system  
164 operated by the department or a toll operator shall be interoperable  
165 with all other electronic tolling systems in this state and shall comply  
166 with all state and federal interoperability requirements and standards.  
167 Such tolling system interoperability shall extend to system technology  
168 and the transfer of funds. The Commissioners of Transportation and

169 Motor Vehicles, in consultation with the Commissioner of  
170 Administrative Services, shall ensure the coordination and  
171 compatibility of information system technology and data of any  
172 electronic tolling system. The provisions of chapters 58 and 61 of the  
173 general statutes shall not apply to this section.

174 Sec. 6. (NEW) (*Effective from passage*) (a) Except as provided in  
175 subsection (b) of this section, neither the department nor any toll  
176 operator shall sell or use any toll customer information or other data  
177 for commercial purposes unrelated to the charging, collection and  
178 enforcement of tolls, administrative fees and penalties.

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

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

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

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

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

198 Sec. 7. (NEW) (*Effective from passage*) (a) Any person who contests

199 the amount of a toll or an associated charge shall be afforded an  
200 opportunity for a hearing with the department in accordance with the  
201 provisions of chapter 54 of the general statutes.

202 (b) The department, after notice and hearing, may impose a civil  
203 penalty of not more than twenty-five dollars for a first violation, not  
204 more than fifty dollars for a second violation and not more than one  
205 hundred dollars for a third or subsequent violation of a provision of  
206 the regulations adopted pursuant to section 8 of this act on any of the  
207 following persons with respect to toll nonpayment, toll evasion or  
208 related fees: (1) The operator of a motor vehicle on a tolled highway;  
209 (2) the registered owner of a motor vehicle operated on a tolled  
210 highway, if other than the operator, if such vehicle was used or  
211 operated with the express or implied permission of the registered  
212 owner at the time of the tolling transaction; (3) the lessee of a motor  
213 vehicle operated on a tolled highway, if other than the operator, if such  
214 vehicle was used or operated with the express or implied permission  
215 of the lessee at the time of the tolling transaction; and (4) the lessor of a  
216 motor vehicle operated on a tolled highway.

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

226 (d) The Department of Motor Vehicles shall provide the Department  
227 of Transportation and any toll operator with the information necessary  
228 to collect tolls and enforce penalties for toll nonpayment, toll evasion  
229 or other toll-related violations, including, but not limited to,  
230 information regarding the registered owner of a motor vehicle that was



231 operated on a tolled highway and the make of the motor vehicle, the  
232 motor vehicle's number plate and the name and address of the  
233 registered owner of the motor vehicle.

234 Sec. 8. (NEW) (*Effective from passage*) (a) The Commissioner of  
235 Transportation shall adopt regulations, in accordance with the  
236 provisions of chapter 54 of the general statutes, to implement the  
237 provisions of sections 3 to 7, inclusive, of this act. Such regulations  
238 may include, but need not be limited to: (1) Establishment of variable  
239 toll rates that take into consideration the day of the week, level of  
240 congestion or anticipated congestion; (2) establishment of different fees  
241 based on the type of vehicle classification, size, weight, number of  
242 axles or vehicle occupancy; (3) establishment of discounts and credits  
243 to a toll customer account for persons with a transponder or similar  
244 device issued by the department or a toll operator; (4) the imposition  
245 of surcharges, premiums or additional fees for designated users or  
246 classes of users of a tolled highway who travel on such highway  
247 without a transponder or similar device issued by the department or a  
248 toll operator; (5) the imposition of administrative charges and penalties  
249 for the late payment of tolls and toll evasion; (6) provisions to protect  
250 and appropriately limit access to toll customer information and other  
251 data collected, received, maintained, archived, accessed and disclosed  
252 by the department; and (7) the manner in which a transponder or  
253 similar device shall be located in or on a motor vehicle entering an  
254 electronic tolling system if such system uses a transponder or similar  
255 device.

256 (b) The Commissioner of Motor Vehicles, in consultation with the  
257 Commissioner of Transportation, shall adopt regulations, in  
258 accordance with the provisions of chapter 54 of the general statutes, to  
259 implement the provisions of sections 3 to 7, inclusive, of this act. Such  
260 regulations shall include restrictions on issuing a registration to the  
261 owner of a motor vehicle who owes tolls for transit over or use of a  
262 tolled highway or owes administrative charges or penalties for the late  
263 payment of tolls or toll evasion.

264       Sec. 9. (NEW) (*Effective from passage*) On August first of the full fiscal  
 265 year following the collection of tolls for transit over or use of any tolled  
 266 highway, and annually thereafter, the Commissioner of Transportation  
 267 shall submit a report, in accordance with the provisions of section 11-  
 268 4a of the general statutes, to the joint standing committee of the  
 269 General Assembly having cognizance of matters relating to  
 270 transportation. Such report shall include all expenditures from the  
 271 Transportation Priority Projects account, established pursuant to  
 272 subsection (a) of section 1 of this act, and the status of the projects  
 273 listed in subsection (b) of section 1 of this act.

|   |                     |             |
|---|---------------------|-------------|
| 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 |
| Sec. 8  | <i>from passage</i> | New section |
| Sec. 9  | <i>from passage</i> | New section |

**Statement of Purpose:**

To authorize the Commissioner of Transportation to construct, maintain and operate electronic tolling systems on Interstate 84, Interstate 91, Interstate 95 and portions of Connecticut Route 15 to fund transportation projects.

*[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.]*

Co-Sponsors:     SEN. LOONEY, 11th Dist.; SEN. DUFF, 25th Dist.  
                           SEN. ABRAMS, 13th Dist.; SEN. MARONEY, 14th Dist.  
                           SEN. MOORE, 22nd Dist.; SEN. BRADLEY, 23rd Dist.  
                           SEN. KUSHNER, 24th Dist.; SEN. HASKELL, 26th Dist.  
                           SEN. NEEDLEMAN, 33rd Dist.; SEN. OSTEN, 19th Dist.  
                           REP. ELLIOTT, 88th Dist.; REP. PERONE, 137th Dist.

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