AN ACT CONCERNING FUNDING FOR CONNECTICUT'S TRANSPORTATION FUTURE.

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

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

(b) The funds in the Transportation Priority Projects account shall be expended for the following projects:
(1) Operational improvements to Interstate Route 95;

(2) Replacement of the viaduct on Interstate Route 84 in the town of Hartford;

(3) Improvements to exits 3 to 8, inclusive, on Interstate Route 84 in the town of Danbury;

(4) Improvements to the mixmaster on Interstate Route 84 in the town of Waterbury;

(5) Operational improvements to the interchange between Interstate Route 84 and Interstate Route 91;

(6) Replacement of movable bridges on the New Haven Line;

(7) Rail car procurements;

(8) Improvements to the Hartford Line;

(9) Improvements to the New Haven Line, including, but not limited to: (A) Expanding the Danbury branch to include the town of New Milford, (B) increasing the number of trains and frequency of service on the Waterbury branch and expanding such branch to include the towns of Seymour, Shelton and Derby, (C) adding a roof or canopy covering at the Talmadge Hill commuter rail station in the town of New Canaan to protect commuters from rain and snow, (D) adding a passing siding at the New Canaan commuter rail station in the town of New Canaan, (E) expanding the northbound side of the parking lot and the train platforms at the Stratford commuter rail station in the town of Stratford, and (F) improving parking and rail structures;

(10) Removal of the traffic signal from Connecticut Route 9;

(11) Operational improvements to the interchange between Connecticut Route 7 and Connecticut Route 15;

(12) Improvements to Heroes Tunnel in the town of New Haven;
(13) Operational improvements to the interchange between Interstate Route 91, Interstate Route 691 and Connecticut Route 15;

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

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


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

Sec. 2. (NEW) (Effective from passage) As used in this section and sections 3 to 8, 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. 3. (NEW) (Effective from passage) (a) The department may construct, maintain and operate electronic tolling systems on Interstate Route 84, Interstate Route 91, Interstate Route 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 4 to 7, inclusive, of this act, and any regulations adopted under section 8 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) (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 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.

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

(b) Subject to the limitations of subsection (a) of this section, toll
rates 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 of this state, the department shall hold at least one
public informational meeting in the general vicinity of each proposed
toll corridor.

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

(e) Upon presentation of a transponder or similar device issued by
the department or a toll operator, the operator of any of the following
vehicles may use tolled highways without paying tolls while in the
performance of his or her official duties: (1) A motor vehicle leased or
owned by the state, (2) a motor vehicle used by a sworn member of the
Division of State Police within the Department of Emergency Services
and Public Protection, (3) a fire department vehicle, (4) an ambulance
or motor vehicle operated by a member of an emergency medical
service organization, and (5) a motor vehicle used to provide public
transit services.

(f) 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. Such revenues shall be expended in accordance with the (1)
provisions of 23 USC 129(a)(3), as amended from time to time,
including, but not limited to, the payment of debt service on
obligations incurred for projects on tolled highways, the costs of
improving, operating and maintaining tolled highways and any other
project eligible for federal funding under Title 23 of the United States
Code, as amended from time to time, and (2) requirements of the
Value Pricing Pilot Program, established pursuant to section 1012(b) of
the Intermodal Surface Transportation Efficiency Act, including, but
not limited to, the cost of mitigation measures to address potential
effects of tolled highways on low-income motor vehicle operators.

(g) 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. 5. (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. 6. (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. 7. (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 or subsequent violation of a provision of
the regulations adopted pursuant to section 8 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
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operated on a tolled highway and 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.

Sec. 8. (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 3 to 7, 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
device issued by the department or a toll operator; (4) 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 device issued by the department or a
toll operator; (5) the imposition of administrative charges and penalties
for the late payment of tolls and toll evasion; (6) 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 (7) 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 3 to 7, 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.
Sec. 9. (NEW) (Effective from passage) On August first of the full fiscal year following the collection of tolls for transit over or use of any tolled highway, and annually thereafter, the Commissioner of Transportation shall submit a report, in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committee of the General Assembly having cognizance of matters relating to transportation. Such report shall include all expenditures from the Transportation Priority Projects account, established pursuant to subsection (a) of section 1 of this act, and the status of the projects listed in subsection (b) of section 1 of this act.

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

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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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