

Transportation Committee JOINT FAVORABLE REPORT

Bill No.: HB-6484

AN ACT CONCERNING RECOMMENDATIONS BY THE DEPARTMENT OF

Title: TRANSPORTATION.

Vote Date: 3/24/2021

Vote Action: Joint Favorable Substitute

PH Date: 3/3/2021

File No.:

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SPONSORS OF BILL:

Rep. Mitch Bolinsky, 106th Dist.

REASONS FOR BILL:

To implement the recommendations of the Department of Transportation—in aggregate: reflect national best practices for legislation pertaining to Connecticut's public roadways and the safety of those who use them, increase efficiency measures by removing obsolete or unused programs and initiatives, streamline contracting, and update legislation pertaining to Connecticut's railways.

RESPONSE FROM ADMINISTRATION/AGENCY:

[STATE OF CONNECTICUT DEPARTMENT OF TRANSPORTATION](#)

The state of Connecticut DOT presented and submitted testimony in support of this bill. The testimony begins with an overview of the legislative language, elaborating upon each section and offering justification for its inclusion. A summary of the aforementioned is as follows: **1.** "increase[ing] the minimum value requiring SPRB approval from values exceeding \$5,000 to values exceeding \$10,000 of real property"; **2.** "clarify[ing] and strengthen[ing] language regarding overweight vehicle travel across bridges or structures posted for a restricted weight by amending three sections of statute"; **3.** "shift[ing] the annual submittal date for consultants seeking to do business with the Department from November 15th to October 15th; and (2) chang[ing] the frequency of consultant evaluations by the Department from every six months to once a year"; **4.** "requir[ing] the use of consultants to support our use of alternative contracting project delivery methods (e.g. construction-manager-at-risk and design-build)"; **5.** "remov[ing] the three-month waiting period before a complete taxi application can be noticed for a hearing"; **6.** Streamlin[ing] the revocation process of stagnant livery permits and will assist the Department's Regulatory and Compliance unit expediently revoke livery permits

that have been stagnant, by removing the hearing component from the process"; **7.** "streamlin[ing] the application process and remove barriers to enter the HHG industry by (1) removing the hearing requirement for new HHG applications; and (2) removing the traffic and roadway criteria from the HHG certificate requirement"; **8.** "clarify[ing] that smoking is prohibited on both enclosed and non-enclosed rail platforms and bus shelters"; **9.** "modify[ing] Special Act 91-32 language for use of an active public railroad crossing on Portland Street in Middletown from emergency vehicles and pedestrian traffic only, to all vehicle and pedestrian traffic"; **10.** "authoriz[ing] a state contracting agency to audit the records of a contractor or any subcontractor related to its performance under any negotiated contract or subcontract and establish[ing] a three-year record retention period for contractors and subcontractors under negotiated contracts"; **11.** "requir[ing] all passengers in a motor vehicle to wear seatbelts"; and **12.** "streamlin[ing] and moderniz[ing] two existing sign programs into one combined program - the Specific Service Sign program - following MUTCD (Manual on Uniform Traffic Control Devices) federal standards." The text concludes by noting that these recommendations will also incentive automated driving system adoption in Connecticut by way of abiding by national best practices.

NATURE AND SOURCES OF SUPPORT:

[Jennifer Homendy, Board Member of the National Transportation Safety Board](#)

Jennifer Homendy presented and submitted testimony in support of sections 16 and 17. The testimony offers background on the NTSB's history and operations, then offers statistics pertaining to the risk of unrestrained passengers and the benefits which would come by implanting back-seat seatbelt laws. The text concludes with the following: "The NTSB believes that a significant number of lives can be saved, and injuries prevented if Connecticut closes the loophole in its occupant restraint law. The NTSB therefore strongly supports expanding the current seat belt use law to cover all seating positions in all vehicles. This lifesaving measure will improve safety for the people of Connecticut."

[Rep. Mary Mushinsky, 85th Assembly District of Connecticut](#)

Representative Mary Mushinsky presented and submitted testimony in support of an amendment to this bill. The testimony states as follows: "This proposal would allow residents who are pulled over for an expired motor vehicle registration to pay the renewal through their cellphone rather than have their vehicle towed away. This proposed amendment is necessary because Department of Motor Vehicles no longer sends reminders of motor vehicle registration expiration by mail, and constituents busy with work and home responsibilities have missed the deadline for renewal." The text then concludes with an anecdote of a constituent, which was the impetus for the aforementioned amendment.

[State of Connecticut Judicial Branch, External Affairs Division](#)

The State of Connecticut Judicial Branch presented and submitted testimony in support of an amendment to this bill. The testimony states as follows: "We would like to request a technical change in Section 3 (b) of the bill. In line 45, we suggest replacing the word "infraction" with "violation" because infractions cannot exceed \$90."

[Joy Avallone, General Counsel of the Insurance Association of Connecticut \(IAC\)](#)

Joy Avallone presented and submitted testimony in support of sections 16 and 17. The testimony referenced statistics from both the Center for Disease Control and the National Conference of State Legislatures to support their following proposal: "the inclusion of an additional

amendment to allow evidence relating to a party's seat belt nonuse and failure to comply with the state's seat belt law [should] be introduced into evidence for the purpose of mitigating damages in a civil action, provided the party introducing such evidence has pleaded such noncompliance as an affirmative defense." The testimony goes on to support sections 16 and 17.

[Chuck Bell, Programs Director at Advocacy Consumer Reports](#)

Chuck Bell presented and submitted testimony in support of sections 8, 9, 16, and 17, stating: "Unrestrained passengers are at higher risk of injury or death, no matter where they are in the vehicle, and are also more likely to become a projectile and injure others. Connecticut's front seatbelt law has saved many lives, and we encourage legislators to build on this success and enact a mandatory rear seatbelt law." The testimony proceeds to justify their position by referencing a series of statistics pertaining to automobile deaths—specifically, those that were caused by individuals not wearing seatbelts while seated in the backseat. Cited agencies and associations are as follows: the National Highway Traffic Safety Administration (NHTSA), Consumer Reports, and the Governors Highway Safety Association.

[Kevin Borrup; DrPH, JD, MPA, Executive Director of the Injury Prevention Center at Connecticut Children's Medical Center](#)

Kevin Borrup presented and submitted testimony in support of section 16. The testimony provides background for the Connecticut Children's Medical Center and their work, then states the following: "Each year about 300 people die on Connecticut's roadways, many of them are unrestrained passengers of all ages. Requiring every person seated in a motor vehicle to be appropriately restrained is a commonsense solution to save lives." The text concludes with an explanation as to why it is dangerous to be seated in the backseat of a vehicle without a seatbelt.

[Matthew Cassavechia, Director of Emergency Medical Services](#)

Matthew Cassavechia presented and submitted testimony in support of sections 16 and 17. The testimony notes that "unrestrained passengers are at higher risk of injury or death," then notes the lives saved by the law which requires seat belts for front-seat riders.

[Connecticut Hospital Association](#)

The Connecticut Hospital Association presented and submitted testimony in support of sections 16 and 17. The testimony begins by noting that the recent COVID-19 pandemic "confirm[ed] the value of strong hospitals in Connecticut's public health infrastructure and economy and reinforces the need for a strong partnership between the state and hospitals." The text then references the risk associated with "unrestrained passengers," and notes that "all too often, caregivers in hospital emergency departments and trauma centers are called on to treat patients injured in both minor and serious traffic accidents. HB 6484 would align Connecticut statute with the Centers for Disease Control and Prevention's guidelines for passenger safety, which recommends that seat belts be worn by every person in the vehicle, on every trip."

[Alec Slatky, Director of Public and Government Affairs for AAA Northeast](#)

Alec Slatky presented and submitted testimony in support of sections 16 and 17 "on behalf of both AAA clubs in Connecticut, AAA Northeast and the AAA Allied Group, which collectively represent over a million members statewide." The testimony references the lives that seatbelt laws have hitherto saved, then states as follows: "But Connecticut, once a leader in occupant protection, has fallen behind. Thirty-one states and the District of Columbia require that all back-seat passengers buckle up; in Connecticut, only those under 16 years old must do so." The text concludes by offering statistics from various studies pertaining to the danger of being an unrestrained passenger, and by offering an anecdote as to how an unrestrained individual may become a projectile (if involved in a collision).

[Daniel Freess, M.D., Past President & Legislative Chair of the Connecticut College of Emergency Physicians](#)

Daniel Freess presented and submitted testimony in support of the bill. The testimony references the mortality rate of unrestrained passengers as "4 to 5 times higher," then states as follows: "While we appreciate the personal autonomy allowed by the current law, we feel that the proposed change conveys a significant public health benefit both to individuals and society as a whole."

[Julie Peters; CBIS, Executive Director Brain Injury Alliance of Connecticut](#)

Julie Peters presented and submitted testimony in support of sections 16 and 17. The testimony offers an extensive, bulleted list of statistics pertaining to automobile accidents and the danger posed to unrestrained passengers, then states as follows: "The facts are clear. Seatbelts save lives and should be worn by all occupants of a vehicle. [...] Brain injuries can't be cured, and they don't go away. If we can prevent a few more brain injuries in Connecticut by requiring the use of seatbelts by all occupants of motor vehicles, we will truly be saving lives."

NATURE AND SOURCES OF OPPOSITION:

[Jeffrey Berger, State of Connecticut Propriety Review Board](#)

Jeffrey Berger, accompanied by the Board Director and other Board Members, presented and submitted testimony in opposition to sections 13a-73, which would "increase the [monetary] threshold [...] from five thousand dollars to ten thousand dollars." The following is a summary of the bulleted list the review board offered in defense of their opposition: **1.** the Board provides an independent oversight of the proposals from the Department as the legislature had intended; **2.** the average review time taken by the Board per proposal for this timeframe was about less than 30 calendar days; **3.** the impact of the Board review time is negligible compared to the timeframe the Department takes in processing and getting other approvals; **4.** there should not be any fiscal impacts to the Department as it currently submits proposals for the Board review; **5.** The Board's review is very critical during these difficult fiscal times. It is the goal of the Board to provide an oversight, accountability, transparency, and uniformity by reviewing proposals from the Department receiving state tax payers' funds as directed by the Legislature.

[Parker Rodriguez; Associate General Counsel, Chairman of the Connecticut Railroad Association](#)

Parker Rodriguez presented and submitted testimony in opposition to section 19. The testimony states that "there are two provisions which adversely change important policies

established by the General Assembly in the initial legislation, and which CRA believes should be eliminated." The stated issue pertains to "RB 6484 seek[ing] to amend C.G.S. 12b-237 in several important respects," which are summarized as follows: **1.** "Proposed Section 19(a)(1) changes the original language describing the track material [...]" and **2.** " Proposed Section 19(b) would impose a new cost upon the freight railroads." The innate details as to how these instances are detrimental to the railroads are offered alongside proposed amendments which are designed to combat said detriments.

[Jean Cronin, Executive Director of the Connecticut Bus Association](#)

Jean Cronin presented and submitted testimony in opposition to sections 7 and 8. The testimony references the history of the CBA as well as the legislative laws and restrictions the association has been obliged to follow throughout their existence—then states as follows: "Section 7 and 8 of this bill would allow DOT to decide that a company they are contracting with (CT Transit) does not need to comply with the laws everyone else must abide by in order to operate a public motor bus in Connecticut. It allows the department to contract with operators without demonstrating need for the public and without allowing towns and others the opportunity to comment on public need. As to present owners of these certificates, like these three bus companies, enacting this legislation would in essence deprive the present certificate holders of their rights in the certificates without compensating them for the deprivation."

[Dominic Fulco III; Esq. Counsel to Dattco, Inc. and The New Britain Transportation Company](#)

Dominic Fulco III presented and submitted testimony in opposition to sections 7 and 8. The testimony notes that "the proposed amendments are the Department's latest attempt to deprive the Companies of their constitutionally protected property rights in their Certificates, as those rights were found by the Connecticut Supreme Court in one of the lawsuits brought by the Companies against the Department over their Certificates. Moreover, these proposed amendments will also deprive any other holders of Certificates of Public Convenience and Necessity for motor buses of their constitutionally protected property rights. This should not be sanctioned by this Committee by moving forward with the proposed amendments—" then elaborates in detail, offering their opposition to specific legislative language, statistics and anecdotes as to how the language is a detriment to companies' constitutionality, and a history of similar legislative efforts that inevitably failed.

Reported by: Ian Bond

Date: 4/6/2021