PA 23-135—sSB 904
Transportation Committee

AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE DEPARTMENT OF TRANSPORTATION AND CONCERNING STATE PARKWAYS, THE CONNECTICUT AIRPORT AUTHORITY, A TRANSPORTATION CARBON DIOXIDE REDUCTION TARGET, A TREE AND VEGETATION MANAGEMENT PLAN, MOTOR VEHICLE NOISE, THE ZERO-EMISSION TRUCK VOUCHER PROGRAM, STREET RACING, EMERGENCY LIGHTS AND THE NAMING OF CERTAIN ROADS AND BRIDGES

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SUMMARY: This act makes various changes in laws affecting the Department of Transportation (DOT), Department of Motor Vehicles (DMV), the Connecticut Airport Authority (CAA), highways, public transit, aviation, carbon emissions, noise pollution, and public safety. It also makes various minor, technical, and conforming changes.
EFFECTIVE DATE: Various, see below.

§§ 1 & 2 — TRAFFIC CONTROL SIGNALS AND PEDESTRIAN CONTROL SIGNALS

Requires OSTA approval before a municipality may revise a traffic control signal, conforms pedestrian control signal laws to federal standards, and modifies a driver's duty to yield under certain circumstances

Existing law requires approval by the Office of the State Traffic Administration (OSTA) before a town, city, or borough may install a traffic control signal light. The act expands this provision to also require OSTA approval before a signal light is revised.

It also explicitly permits the use of symbols (i.e., of a walking person to represent "Walk" and an upraised hand to represent "Don't Walk"), rather than only words, on pedestrian control signals. This conforms to the federal Manual on Uniform Traffic Control Devices (MUTCD).

The act also changes a driver's duty to yield to pedestrians and other traffic at signal-controlled intersections. Under the act, a driver must yield to any (1) pedestrians in a crosswalk when the driver is turning right on red or proceeding according to a green arrow or (2) pedestrians and other traffic in a crosswalk or intersection when the driver is proceeding through the intersection on a circular green light. Under prior law, this requirement applied only when the pedestrians and traffic were lawfully present in the intersection or crosswalk.
EFFECTIVE DATE: July 1, 2023

§§ 3 & 4 — MAJOR TRAFFIC GENERATOR CERTIFICATES

Prohibits local building officials from issuing a certificate of occupancy for major traffic generating developments until conditions of the OSTA certificate have been met

By law, entities building, expanding, or establishing a major traffic-generating development (i.e., one with at least 100,000 square feet of floor area or at least 200 parking spaces; see Conn. Agencies Regs., § 14-312-1) generally must get an OSTA certificate, and local building officials may not issue a building permit to them until they show their certificate. The act additionally prohibits local building officials from issuing a certificate of occupancy (CO) for these developments until the OSTA certificate's conditions have been met. By law, OSTA (1) must order entities who have not met conditions listed in the certificate to stop development (or operations) or meet the conditions within a reasonable time period it specifies and (2) may bring action in court if the entity does not stop work or the conditions are not met by the end of this time period.

The act also makes a conforming change similarly prohibiting local building officials from issuing a CO for traffic-generating developments that consist of separately owned parcels until the OSTA certificate's conditions have been met. It extends to these multi-parcel developments existing law's requirement for all entities who must apply for a certificate to attend a meeting with OSTA and DOT before applying (§ 4).

Additionally, the act specifies that OSTA may allow local building officials to issue building permits or COs to major traffic-generating developments that do not yet have a certificate or have not satisfied the conditions.

EFFECTIVE DATE: July 1, 2023

§ 5 — LOCAL TRAFFIC AUTHORITY TRAINING

Requires (1) LTAs to annually complete one training and (2) UConn to offer the training at least three times per year

The act requires UConn's Connecticut Training and Technical Assistance Center to provide mandatory training for local traffic authorities (LTAs) at least three times per year. The training must cover LTA powers and responsibilities, traffic control device installation, and applicable statutes and OSTA regulations. Starting by January 1, 2024, each LTA or its appointed representative must annually complete one training. The act requires the center to maintain records of training completion for each traffic authority.

EFFECTIVE DATE: Upon passage

§ 6 — LIMITED ACCESS HIGHWAY SPEED LIMITS

Gives OSTA discretion in setting speed limits on limited-access highways by eliminating the requirement that the speed limit be 65 mph on suitable multi-lane, limited access highways; instead allows the office to set speed limits up to 65 mph

The act gives OSTA more discretion in setting speed limits on limited access highways. Prior law required OSTA to establish a 65 mph speed limit on any multi-lane, limited access highways that are suitable for this speed limit, considering factors including design, area population, and traffic flow. The act instead requires the office to set speed limits that are suitable for each of these highways, up to 65

mph, taking into account the same relevant factors.
EFFECTIVE DATE: October 1, 2023

§§ 7-9 — CONNECTICUT PUBLIC TRANSPORTATION COUNCIL

Renames the Commuter Rail Council as the Connecticut Public Transportation Council and modifies its composition and charge to include public transit user representation and consideration

Organization

Under prior law, the 15-member Commuter Rail Council generally consisted of (1) commuters who regularly use the New Haven commuter rail line or Shore Line East rail line and (2) residents living in a municipality with a proposed new rail line or rail line commencing operation after July 1, 2013 (i.e., the Hartford line).

The act renames the council as the Connecticut Public Transportation Council, with the same number of members, all of whom must be residents who regularly use the New Haven, Shore Line East, or Hartford rail lines or state-funded public transit. The table below shows the act's changes to the additional specific member qualifications. The act also reduces the number of appointees for the Senate president pro tempore and House speaker from three to two each and adds one appointment each for the Senate majority leader and the House majority leader.

Council Membership

Appointing Authority	*Appointments and Qualifications Under Prior Law*	*Appointments and Qualifications Under the Act*
Senate president pro tempore	Three meeting the general qualification (i.e., certain rail commuters and residents; see above)	Two, including one resident who regularly uses state-funded public transit services and one who regularly uses the New Haven rail line
Senate majority leader	None	One meeting the general qualification (i.e., resident who regularly uses rail or state-funded public transit; see above)
House speaker	Three meeting the general qualification	Two, including one resident who regularly uses state-funded public transit services and one who regularly uses the Hartford rail line
House majority leader	None	One meeting the general qualification
Senate minority leader	One meeting the general qualification	One meeting the general qualification
House minority leader	One meeting the general qualification	One meeting the general qualification
Governor	Four, including three meeting the general qualification and one chief elected official of a municipality	Four meeting the general qualification

Appointing Authority	*Appointments and Qualifications Under Prior Law*	*Appointments and Qualifications Under the Act*
	located on an operating or proposed new rail line	
Transportation Committee co-chair	One resident of a municipality in which the DOT commissioner has proposed a new rail line or a rail line that has commenced operation after July 1, 2013	One resident who regularly uses state-funded public transit services
Transportation Committee co-chair	One resident of a municipality in which a Shoreline East rail line station is located	One resident who regularly uses the Shore Line East rail line
Transportation Committee ranking members	One resident of a municipality served by the Danbury or Waterbury branches of the New Haven commuter rail line	One resident who regularly uses state-funded public transit services

The act requires all initial appointments to the new council to be made by August 1, 2023, for four-year terms beginning on this date. But all existing rail council members appointed before July 1, 2023, and serving on June 30, 2023, are deemed appointed and may continue serving until their term expires and a successor has qualified. The act eliminates prior law's requirement that council appointments be approved by the General Assembly. The council chairperson must notify the relevant appointing authority within 10 days after a vacancy occurs on the new council or a member resigns.

Prior law charged the rail council with studying and investigating all aspects of state commuter rail lines' daily operation, monitoring their performance, and recommending changes to improve their efficiency and quality of service. To enable it to carry out these duties, the council could request and receive assistance and data from any state department, division, board, bureau, commission, agency, or public authority or any political subdivision.

Under the act, the Connecticut Public Transportation Council is more broadly charged with studying and investigating all aspects of the daily operation of commuter railroad systems and state-funded public transit services (e.g., bus transit), monitoring their performance, and recommending changes to improve the systems' and services' efficiency, equity, and quality. To enable it to carry out these duties, the new council may request and receive assistance and data, if available, from the entities required to provide assistance and data under prior law. While prior law required the council to work with DOT to advocate for commuter line customers and make recommendations for the lines' improvement, the act instead requires the new council to serve as an advocate for customers of all commuter railroad systems and state-funded public transit services.

The act adds specific information and assistance that DOT must give the new council. It requires DOT to (1) submit monthly reports with information and data about the commuter rail systems' and state-funded public transit services' on-time performance and ridership and (2) make quarterly presentations on these reports at council meetings and respond to reasonable council inquiries made in advance of

any council meeting. DOT must also maintain records, and denote the status, of each request for information and data it receives from the council.

New Reporting Requirements

By February 1, 2024, the Connecticut Public Transportation Council must submit a report on the council's organizational structure and any recommendations to improve or modify its structure and mission to the Transportation Committee. In addition to annually reporting on its findings and recommendations to various authorities (e.g., the governor, DOT, and the legislature), as required under existing law, the act also requires the new council to annually present its findings and recommendations to the Transportation Committee.
EFFECTIVE DATE: July 1, 2023, except the organizational structure reporting provision is effective upon passage.

§ 10 — SHORE LINE EAST RAIL LINE STUDY

Extends the deadline for a DOT Shore Line East study to December 1, 2023

The act extends the deadline, from January 1, 2023, to December 1, 2023, for the DOT commissioner to submit the results of a study on the feasibility of various Shore Line East rail line initiatives to the Transportation Committee. By law, unchanged by the act, he must study the feasibility of:

1. extending the rail line to Rhode Island,
2. establishing a new passenger rail service from New London to Norwich,
3. establishing a new train station in Groton and Stonington borough, and
4. extending ground transportation systems in the eastern Connecticut region and providing interconnection between them and rail lines.

EFFECTIVE DATE: Upon passage

§§ 11 & 12 — OVERSIGHT OF LIVERY VEHICLES

Allows livery permittees to apply for two additional vehicles annually through an expedited process under certain conditions and makes other changes to livery permit statutes

Existing law requires DOT to issue up to two additional livery vehicle authorizations each year, without a hearing or written notice to other affected parties, to each qualifying in-state livery service permittee that applies for them. (Livery service is for-hire transportation like limousines and black car service.) DOT must do so as long as the applicant has (1) held a livery permit for at least one year, (2) registered existing permits in use, and (3) no outstanding violations or matters pending adjudication against him or her. The act allows a permittee to submit a second application through this expedited process for up to two additional vehicles each year under the same terms. It specifies that DOT must issue the amended permit within 30 days after receiving an application and fee payment.

The act eliminates the requirement for owners or operators to display their livery permits in their vehicles. Under existing law, livery vehicles generally must

display their assigned livery registration while operating in livery service (CGS § 13b-106).

By law, DOT may make reasonable regulations and impose civil penalties for violations of them or the laws on livery vehicles' fares, service, operation, and equipment. The act expands this authority to include a livery's management and staffing. In addition to civil penalties, the act authorizes DOT to order corrective actions as it deems necessary, including attendance at a driver retraining program.
EFFECTIVE DATE: October 1, 2023

§ 13 — PARKWAY RESTRICTION EXCEPTIONS

Allows automobile club vehicles providing roadside assistance and vehicles weighing 7,500 pounds or less with branding, logos, or advertising on them to use the Merritt and Wilbur Cross parkways

By law, parkways in the state are devoted exclusively to the use of noncommercial traffic. State statutes and OSTA regulations and policies define what is considered noncommercial traffic and provide certain exceptions.

Under previous OSTA policy, a vehicle of any size bearing logos or branding, including passenger vehicles, was considered a commercial vehicle and prohibited from using the Merritt and Wilbur Cross parkways. The act specifies that all vehicles with a gross vehicle weight rating (GVWR) of 7,500 pounds or less are permitted on these parkways, even if they have branding, advertising, or logos on them.

The act also makes an exception for commercial motor vehicles used by licensed automobile clubs solely to provide roadside assistance to vehicles on the parkways. It allows these vehicles to use the parkways as long as they adhere to the parkways' established length, height, or width requirements.

Additionally, the act eliminates an obsolete provision.
EFFECTIVE DATE: Upon passage

§§ 14 & 15 — FINE FOR COMMERCIAL VEHICLES ON PARKWAYS

Increases the fine for driving commercial motor vehicles on state parkways to $500 for a first violation and $1,000 for a subsequent one; prohibits commercial vehicle owners or lessees from allowing these vehicles to be driven on these parkways

The act increases the fine for driving commercial motor vehicles on state parkways and codifies this prohibition in statute. Additionally, it prohibits commercial vehicle owners or lessees from allowing these vehicles to be driven on these parkways. Under the act, a "commercial motor vehicle" is any vehicle designed or used to transport merchandise or freight and bearing commercial registration.

Existing OSTA regulations prohibit commercial motor vehicles from entering and using limited access highways that are designated as parkways (i.e., the Merritt, Wilbur Cross, and Milford parkways), and a violation of this prohibition is an infraction (CGS § 14-314; Conn. Agencies Regs., § 14-298-249). (The prior fine

was set at $50 plus $42 in fees and surcharges.)

The act makes violations of its prohibitions punishable by a fine of $500 for a first violation and $1,000 for any subsequent violation. The fines must be assessed against the (1) commercial vehicle owner, when the owner, owner's agent, or owner's employee was the driver, or (2) commercial vehicle lessee, when the lessee, lessee's agent, or the lessee's employee was the driver.

The act specifically exempts from this commercial vehicle ban the new exceptions it establishes (see § 13) and retains existing regulatory exemptions. Violations are processed through the Centralized Infractions Bureau.

EFFECTIVE DATE: October 1, 2023

§§ 16-31 & 53 — CONNECTICUT AIRPORT AUTHORITY

Makes various changes in laws on airports, aircraft, and CAA, including requiring aircraft owners and operators to maintain insurance and generally eliminating CAA's role in aircraft registration

The act makes various changes in laws concerning airports, aircraft, and the Connecticut Airport Authority (CAA). Among other things, the act:

1. requires owners and operators of aircraft based or hangered in the state to maintain liability insurance meeting specified coverage criteria (§ 30);
2. generally eliminates CAA's role in aircraft registration, which is currently primarily handled by municipalities (§§ 16-19 & 22);
3. specifies documentation that must be given to CAA when seeking a certificate of approval or license for an air navigation facility (§ 21);
4. eliminates requirements that a taxi certificate holder be active for at least two years before it may provide taxi service at Bradley Airport (§ 29); and
5. requires publicly owned airport owners or operators, rather than CAA, to develop and revise the approach plans for their airports after considering specified criteria (§ 26).

The act also makes the following minor changes:

1. eliminates obsolete references to (a) federal airport grants being deposited in the state treasury before distribution, which is federally preempted, and (b) general fund appropriations for grants to municipal airports (§ 20);
2. allows, rather than requires, the state to fund capital improvements at private airports up to 90% of eligible costs (§ 23);
3. adds CAA special police to the list of officials who may enforce laws related to aeronautics (§ 24);
4. repeals obsolete language on budgeting and revenue at Bradley Airport originally adopted as part of a since completed project (§ 27);
5. eliminates the specific deadline for CAA to approve Bradley Airport's annual operating budget, which under prior law was 30 days before the beginning of the fiscal year (§ 28); and
6. repeals other provisions that are obsolete or federally preempted (§§ 16 & 53).

It also makes numerous technical and conforming changes, including in § 25.

EFFECTIVE DATE: July 1, 2023, except that the aircraft liability insurance and

approach plan provisions are effective October 1, 2023.

Aircraft Registration (§§ 16-19 & 22)

Under existing law and the act, owners must annually register their aircraft with the municipality in which it is based or primarily used. But under prior law, CAA was responsible for establishing the aircraft registration program and certain related tasks.

The act generally eliminates CAA's role in administering the registration program, specifically repealing requirements that CAA (1) establish the aircraft registration program and (2) adopt any necessary rules and procedures for implementing it. It retains requirements that CAA prepare and distribute registration decals and forms to municipalities, but it eliminates the specific information the forms must contain.

Fees. Existing law sets registration fees and allows municipalities to keep the fees for their own use and purposes as a grant in lieu of property taxes. The act eliminates a provision allowing CAA to (1) set a uniform schedule for aircraft registration expiration and renewal and (2) prorate the statutory fees accordingly.

Prior law required municipalities to report to CAA the amount of aircraft registration fees they collected, the number of registrations issued, registrants' names, and descriptions of registered aircraft. The act eliminates the requirement that they report the amount of fees collected and sets a specific deadline (by February 1 each year, starting in 2024) for reporting the remaining information from the last calendar year.

Information Reporting. The act also (1) expands the type of information that owners and operators of air navigation facilities must report to CAA on aircraft based or primarily used at their facilities and (2) requires that they additionally report this information directly to the municipality where the aircraft is based, rather than requiring the CAA executive director to forward the information to municipalities, as under prior law.

Under existing law, these facilities must report the owner's name and address, the type of aircraft, and the Federal Aviation Aircraft registration number. The act also requires that they report information previously required on registration forms, namely (1) the form of ownership, including whether the owner is an individual, partnership, corporation, or other entity, and (2) the aircraft's year of manufacture, the manufacturer, the model, and the certified gross weight. The act eliminates prior law's requirement that this information be in aircraft registration forms, but specifically requires municipalities to use the information reported to them to register aircraft.

CAA Certificates of Approval and Licenses (§ 21)

Under existing law, the CAA executive director is responsible for approving and licensing airports, heliports, restricted landing areas, and other air navigation facilities (CGS § 13b-46). The law establishes various factors that the executive director must consider when deciding whether to issue a certificate of approval or

license (e.g., its proposed size, location, and layout; the nature of the terrain; and planned uses of the proposed facility).

The act specifically requires that public and private air navigation facilities, when seeking a certificate of approval, license, or license renewal, give CAA documentation, in a form the executive director prescribes, showing that these factors demonstrate that the facility will provide or currently provides for safe aircraft operations.

The act also changes a reference to "commercial use" air navigation facility to a "public use" one, which conforms to the scope of CAA oversight authority under existing law.

Taxi Service at Bradley Airport (§ 29)

Prior law required taxi certificate holders, before they could provide service at Bradley Airport, to prove that they have been active, adequate within their specified territory, and in compliance with all relevant laws and regulations for at least two years. The act eliminates the requirement that they be adequate within their specified territory and the two-year minimum time period.

The act also (1) eliminates a requirement that the agreement under which taxis provide service at Bradley Airport may not take precedence over the taxi's obligation to provide service within their specified territory and (2) makes a conforming change to remove reference to the transportation commissioner.

Aircraft Liability Insurance (§ 30)

Beginning October 1, 2023, the act prohibits people from operating, or owners from allowing someone to operate, aircraft based or hangered in the state without liability insurance coverage. Specifically, the policy must cover the owner and pilot for claims by passengers or other people for bodily injuries, death, or property damage that may arise from the aircraft's operation in the amount of at least (1) $500,000 per accident and (2) $100,000 per passenger seat.

Under the act, these aircraft owners and operators must provide proof of insurance satisfying the act's requirements when requested by CAA's executive director, authority officials, or a law enforcement officer.

The act requires in-state air navigation facility owners and operators to keep a list of aircraft based or hangered at the facility. The list must include the following information for each aircraft:

1. its registration number, type, and model;
2. its owner's or operator's name and address;
3. how long it has been based or hangered at the facility;
4. the liability insurance policy or binder number;
5. the insurance company's name, as shown on the policy; and
6. the name of the liability insurance agent or broker.

The act's requirements do not apply to aircraft subject to federal liability insurance requirements.

Repealers (§§ 31 & 53)

The act repeals the following provisions:

1. a requirement that a copy of plans of development and other documents be filed with the State Properties Review Board (under CGS § 4b-3(f), CAA airports or airport sites are not subject to the board's review) (CGS § 13b-44a);
2. a program setting aside a portion of contracts for federally funded noise mitigation projects at airports for veterans (federal law requires that airports follow federal contracting rules when using federal funding) (CGS § 13b-50b); and
3. requirements related to a Bradley Airport terminal project that is already complete (CGS § 15-101t).

It also repeals statutes establishing two Bradley Airport advisory groups, which are not active. It repeals the Bradley International Community Advisory Board, which consists of the chief elected officials of Windsor, Windsor Locks, East Granby, and Suffield, and whose purpose is to communicate between the airport and the surrounding towns and advise on various airport issues (CGS § 15-101pp). It also repeals the six-member Bradley Advisory Committee, which generally consists of residents and businesses located in the Bradley Airport Development Zone and is charged with consulting on business related to the airport (§ 31, CGS § 15-120bb(n)). In practice, CAA regularly meets with the non-statutory Bradley Development League, which consists of the chief executive officers of the municipalities surrounding the airport, the MetroHartford Alliance, and local business representatives.

§ 32 — TRANSPORTATION SECTOR CARBON DIOXIDE REDUCTION TARGET

Starting by October 1, 2030, requires DOT, in consultation with DEEP, to biennially establish a transportation carbon dioxide reduction target for the state that sets the maximum amount of carbon dioxide emissions allowed from the transportation sector

Starting by October 1, 2030, the act requires the DOT commissioner, in consultation with the Department of Energy and Environmental Protection (DEEP) commissioner, to biennially establish a transportation carbon dioxide reduction target for the state that sets the maximum amount of carbon dioxide emissions allowed from the transportation sector. When setting the target, the commissioners must consider the state's long-term greenhouse gas emissions reductions requirements.

Under the act, the DOT commissioner must develop and implement a strategic plan to ensure that transportation projects included in the state transportation improvement program (STIP, see *Background — STIP*) do not exceed the emissions reduction target. The plan must at least include the following:

1. a definition of "transportation project" that excludes projects exempt from federal air quality standards (e.g., certain safety-related projects, pavement resurfacing, transit building renovations, new bus and rail car purchases, and bicycle and pedestrian facilities);

2. the methodology for calculating the carbon dioxide emissions expected from future transportation projects; and
3. a description of the carbon dioxide mitigation transportation projects, like public transportation improvements; bikeway, walkway, or other multiuse trail or path construction; and electric vehicle charging infrastructure installation.

Under the act, the DOT commissioner, in consultation with the DEEP commissioner, must implement a public outreach plan to sufficiently engage the public and stakeholders in developing the carbon dioxide reduction target and strategic plan. The DOT commissioner must submit the plan to the Transportation and Environment committees by July 1, 2028.

By January 1, 2025, and until 2030, the DOT commissioner must annually submit a report to the Transportation and Environment committees with (1) a status update on development of the carbon dioxide reduction target and strategic plan and (2) a description of the public outreach and its results. The act also requires the DOT commissioner, starting by October 1, 2030, to biennially give these committees a copy of the carbon dioxide reduction target and any legislative recommendations to implement it.

EFFECTIVE DATE: July 1, 2023

Background — STIP

The STIP is a DOT-prepared four-year planning document that lists all the projects expected to be funded in the four-year period with Federal Highway Administration (FHWA) and Federal Transit Administration funding. It is developed in compliance with federal law and in coordination with the Metropolitan Planning Organizations and Rural Planning Agencies. The STIP must be fiscally constrained and assessed for air quality impacts.

§ 33 — DOT VEGETATION MANAGEMENT PLAN

Requires DOT to develop, and revise as needed, guidelines on tree and vegetation management, removal, and replacement along state highways for its employees and contractors to use for maintenance and construction projects

The act requires DOT to develop, and revise as necessary, guidelines on tree and vegetation management, removal, and replacement along state highways for its employees and contractors to use for maintenance and construction projects. The guidelines must aim to ensure that maintenance and construction projects' impacts on the environment, landscape, and noise pollution are balanced or outweighed by measures taken to avoid and minimize them.

Under the act, the guidelines must at least address the following:

1. the safety of the traveling public;
2. DOT's general roadside vegetation management activities, including mowing, herbicide use, grassing, replanting with native species whenever practicable, limb management, and tree and debris removal;
3. beautification, enhancements, and the effect on scenic roads;

4. visibility enhancement; and
5. the work's environmental impact, including preventing invasive tree, brush, or plant species' growth and impact; stormwater run-off; erosion; vegetation species replanting to expand and improve pollinator habitats; and reduced mowing.

The guidelines apply to construction projects financed, wholly or partially, with federal funds to the extent that they do not conflict with federal laws and regulations. They do not apply to removing trees or vegetation that is (1) needed to maintain public safety or (2) due to a weather-related civil preparedness emergency.

By January 1, 2024, the DOT commissioner must submit the guidelines to the Transportation and Environment committees. The committees must hold a joint public hearing during which the commissioner must present the guidelines.
EFFECTIVE DATE: Upon passage

§ 34 — NOISE BARRIER STUDY

Requires DOT to study noise barriers for Type II projects (i.e., retrofit) and establish a project priority list

The act requires DOT to do a statewide evaluation to determine the feasibility and reasonableness of constructing noise barriers for Type II projects (i.e., retrofit; see *Background — Use of Noise Barriers*). The department must also establish a priority rating system to rank the projects and use the system to create a project priority list.

By February 1, 2024, DOT must report the evaluation's results, a description of the priority ranking system, and the priority list to the Transportation Committee.
EFFECTIVE DATE: Upon passage

Background — Use of Noise Barriers

State and federal regulation and policy separate noise barriers into two types, based on whether they are associated with an existing or new source of noise. Under federal regulations, noise barriers must mitigate increased traffic noise exceeding allowable levels resulting from new highway or bridge construction or reconstruction (i.e., Type I projects). The federal government generally pays most of the noise barrier costs as part of the approved project. Federal regulations allow federal funds to be used for retrofitting an area with noise barriers (i.e., Type II projects) if a state adopts a Type II program that includes a federally approved priority ranking system (23 C.F.R. § 772.7).

§§ 35-37 — DECIBEL LEVEL TESTING

Extends deadlines for DMV's decibel testing implementation plan and submission of maximum decibel regulations; requires DMV to implement a pilot program to test methods for inspecting a vehicle's maximum decibel level at emissions inspection stations

The act requires DMV to establish a one-year pilot program to test a vehicle's

maximum decibel level during an emissions inspection. It also extends two related deadlines for the DMV commissioner to:

1. submit to the General Assembly an implementation plan, as well as legislation and funding recommendations, for a statewide decibel level testing program at official emissions inspection stations, from January 1, 2023, to October 1, 2023 (§ 35); and
2. amend current regulations, with DEEP's advice, setting maximum vehicle decibel levels and related testing procedures and submit them to the Legislative Regulation Review Committee, from January 1, 2024, to October 1, 2024 (§ 36).

Pilot Program

From October 1, 2023, until October 1, 2024, the act requires DMV to establish a pilot program at five selected official emission inspection stations. The program must test different methodologies for inspecting the maximum decibel level produced by a motor vehicle during an emission inspection, which may not exceed the levels established in statute and any adopted regulations (i.e., from 72 to 92 decibels depending on the vehicle's speed, weight, and the road surface (Conn. Agencies Regs., § 14-80a-4a)). Under the act, the different methodologies used must reflect industry standards and advancements in technology.

By January 1, 2025, DMV must submit a report to the Appropriations, Finance, Revenue and Bonding, and Transportation committees on the pilot's implementation, the results of the different methodologies used, and recommendations for a state-wide decibel level testing program (see also § 35).

EFFECTIVE DATE: Upon passage for the implementation plan deadline; July 1, 2023, for the regulations submission; and October 1, 2023, for the pilot program.

§ 38 — MEDIUM- AND HEAVY-DUTY TRUCK VOUCHER PROGRAM

Delays, from January 1, 2023, to January 1, 2024, the date on and after which DEEP may establish a voucher program to support the use of zero-emission medium- and heavy-duty vehicles; modifies program eligibility criteria

The act delays, from January 1, 2023, to January 1, 2024, the date on and after which DEEP may establish a voucher program to support (1) using zero-emission technology in medium- and heavy-duty vehicles and (2) installing electric vehicle charging infrastructure. By law, the DEEP commissioner may establish this program within available funds, and funds in the Connecticut Hydrogen and Electric Automobile Purchase Rebate (CHEAPR) account may be used for the program (CGS § 22a-202(h)).

The act also changes eligibility criteria for vehicles seeking vouchers through the program. First, it changes the classification system used to determine whether vehicles are eligible for the program, generally expanding it to more vehicles. Under prior law, vehicle eligibility was determined based on the FHWA vehicle classification system (see *Background — FHWA Vehicle Category Classification System*), which is generally based on the vehicle's characteristics (e.g., number of

axles and trailers). Specifically, vehicles in classes 5 to 13 (i.e., two axle, single unit trucks up to multi-trailer, seven or more axle trucks) and certain school buses were previously eligible for vouchers.

Under the act, eligibility is instead based on the vehicle classification system used by the federal Environmental Protection Agency for emissions standards, which is based on vehicle weight. The act makes vehicles eligible for vouchers if they are (1) in classes 2b to 8 (i.e., those with a GVWR above 8,500 pounds) or (2) a medium-duty passenger vehicle (i.e., certain vehicles that are primarily designed to transport passengers and have a GVWR above 8,500 pounds or a curb weight or basic vehicle frontal area exceeding specified thresholds) sold for use by a commercial or institutional fleet.

The act also specifies that vehicles are ineligible for vouchers if they are eligible for incentives through the CHEAPR program.

EFFECTIVE DATE: Upon passage

Background — FHWA Vehicle Category Classification System

The FHWA vehicle category classification system sorts vehicles into different classes based on their characteristics, as shown in the table below.

FHWA Vehicle Classes

CLASS	VEHICLES	CLASS	VEHICLES
1	Motorcycles	8	Single trailer, 3- or 4-axle trucks
2	Passenger cars	9	Single trailer, 5-axle trucks
3	Pickups, panels, and vans	10	Single trailer, 6+ axle trucks
4	Buses	11	Multi-trailer, 5 or fewer axle trucks
5	Single unit, 2-axle, six tire trucks	12	Multi-trailer, 6-axle trucks
6	Single unit, 3-axle trucks	13	Multi-trailer, 7+ axle trucks
7	Single unit, 4+ axle trucks		

§ 39 — ILLEGAL STREET RACING AND OTHER PROHIBITED MOTOR VEHICLE RELATED CONDUCT

Extends to parking lots a prohibition on motor vehicle street races, contests, and demonstrations; expressly prohibits motor vehicle stunts and "street takeovers;" prohibits certain related conduct assisting with them; changes the penalties for related prohibited conduct

The act makes several changes to laws prohibiting street racing and other similar and related conduct. Existing law expressly prohibits driving a motor vehicle on a public road for any race, contest, or demonstration of speed or skill. The act expressly adds street takeovers and motor vehicle stunts to this prohibition and extends it to "parking areas" (i.e., off-street lots open to the public) (CGS § 14-212). Under the act, "street takeover" means taking over part of these roads or lots by blocking or impeding regular traffic flow to cause disorder or create a nuisance to other road or lot users. The act retains existing law's graduated penalty structure

for violating this prohibition (i.e., one set of penalties for initial violations and a second for subsequent violations). (PA 23-203, § 4, makes several changes to this act, including eliminating the express inclusion of motor vehicle stunts, making a technical change to the definition of "street takeover," and modifying the penalty structure for illegal races, contests, demonstrations, and street takeovers.)

Existing law also prohibits certain related conduct, specifically: (1) possessing a motor vehicle under circumstances showing an intent to use it for an illegal race, contest, or demonstration; (2) acting as a starter, timekeeper, or judge at one; and (3) betting on the outcome. The act correspondingly prohibits these actions in relation to street takeovers and stunts.

Prior law also prohibited being a spectator at an illegal race, contest, or demonstration. The act eliminates this prohibition and instead expands the prohibited related conduct to include knowingly encouraging, promoting, instigating, assisting, facilitating, aiding, or abetting anyone in performing an illegal race, contest, demonstration, street takeover, or stunt. It also replaces the prior graduated penalty structure with a single set of penalties for this related conduct. (PA 23-203, § 4, makes a technical change to these penalties and replaces this act's prohibition on encouraging, promoting, instigating, or similar actions with a prohibition on inciting or recruiting.)

Lastly, the act also makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2023

Penalties for Illegal Street Takeovers and Motor Vehicle Stunts

The act applies to illegal street takeovers and stunts the same penalties that apply under existing law to illegal races, contests, and demonstrations. A first offense is punishable by a fine of $150 to $600, up to one year in prison, or both; any subsequent offense is punishable by a fine of $300 to $1,000, up to one year in prison, or both. Anyone convicted of this must also attend an operator's retraining program (CGS § 14-111g(a)). Additionally, a court may (1) order the motor vehicle driven during the violation to be impounded for up to 30 days if it is registered to the offender or (2) if the vehicle is registered to someone else, fine the offender up to $2,000 for a first offense and up to $3,000 for any subsequent offense. By law, the impounded vehicle's owner is responsible for all fees or costs resulting from the impoundment.

Penalties for Prohibited Related Conduct

The act makes all offenses for prohibited conduct related to illegal races, contests, demonstrations, street takeovers, and stunts, as detailed above, punishable by a fine up to $1,000, up to six months in prison, or both. In doing so, it increases the maximum fine for a first offense of prohibited conduct related to illegal races, contests, and demonstrations and reduces the maximum prison term for first and subsequent offenses. Under prior law, a first offense for this conduct was punishable by a fine of $75 to $600, up to one year in prison, or both; any subsequent offense was punishable by a fine of $100 to $1,000, up to one year in

prison, or both.

§ 40 — EMERGENCY LIGHTS

Allows vehicles operated by volunteer ambulance associations' or companies' active members to use flashing blue lights or flashing green lights, rather than just green lights, while on the way to or at the scene of an emergency; authorizes DMV to issue permits for appointed or elected constables to use flashing red lights on a stationary vehicle as a warning signal during traffic directing operations

The act allows vehicles operated by volunteer ambulance associations' or companies' active members to use flashing green or flashing blue lights while on the way to or at the scene of an emergency. Under prior law, they could only use green or flashing green lights. Existing law, unchanged by the act, allows (1) vehicles operated by members of volunteer fire departments or civil preparedness auxiliary fire companies to use flashing blue lights and (2) DOT-owned and -operated maintenance vehicles to use green or flashing green lights.

As under prior law, the (1) member must have a permit to use the lights issued by the ambulance association or company's chief executive officer and (2) chief executive officer must keep on file the names and addresses of members and registration numbers of vehicles authorized to use the lights.

The act also authorizes the DMV commissioner to issue permits allowing appointed or elected constables to use flashing red lights on a stationary vehicle as a warning signal during traffic directing operations. The law already authorizes the commissioner to issue permits for emergency vehicles, including state or local police cars driven by a police officer responding to an emergency call or pursuing suspects, to use flashing blue, red, yellow, or white lights, or any combination of them.

EFFECTIVE DATE: October 1, 2023

§§ 41-51 — BRIDGE AND ROAD NAMING

Names 10 roads and bridges

The act names seven state highway segments and three bridges as follows:

1. Route 3 from the intersection with Route 99 travelling in an easterly direction to Elm Street in Wethersfield, the "Edwin H. May, Jr. Memorial Highway" (§ 41);
2. Local Bridge No. 06581 carrying Church Street South No. 2 in New Haven, the "William "King" Lanson Memorial Bridge" (§ 42);
3. Bridge No. 01487 carrying Route 177 over the Farmington River in Farmington, "The Unionville Bridge" (§ 43);
4. Route 185 from the intersection with Route 10 travelling in an easterly direction to the Simsbury-Bloomfield town line in Simsbury, the "Simsbury Volunteer Fire Company Memorial Highway" (§ 44);
5. Route 337 from Pope Street traveling in a southerly direction to Fort Hale Park Road in New Haven, the "Zayne Thomas Memorial Highway" (§ 45);

6. Bridge No. 00505 carrying State Road 816 (Church Hill Road) over I-84 in Newtown, the "Chief William T. Halstead Memorial Bridge" (§ 47);
7. Route 372 from the intersection of Olson Avenue travelling in a westerly direction to the intersection of Hicksville Road in Cromwell, the "Mayor Allan Spotts Memorial Highway" (§ 48);
8. Route 156 from the Lieutenant River Bridge travelling in an easterly direction to Black Hall River Bridge in Old Lyme, the "Mervin F. Roberts Memorial Highway" (§ 49);
9. Route 154 from the intersection of Mill Rock Road East travelling in a northerly direction to the northern junction with Bokum Road in Old Saybrook, the "Velma Thomas Memorial Highway" (§ 50); and
10. Route 145 from the intersection of Grove Beach Road North travelling in a northerly direction to the intersection of Lost Pond Lane in Westbrook, the "Paul J. Connelly Memorial Highway" (§ 51).

It also makes a correction to a previously named bridge (§ 46).

EFFECTIVE DATE: Upon passage

§ 52 — MUNICIPAL APPROVAL OF CAA AIRPORT PURCHASE

Subjects any CAA purchase of a municipally owned airport to approval by the municipality in which the airport is located

The act subjects any CAA purchase of a municipally owned airport to approval by the municipality in which the airport is located. (PA 23-204, § 260, expands this approval requirement by (1) requiring approval for CAA leases of municipally owned airports in addition to purchases, (2) specifying that the requirement applies to airports owned or controlled by a municipality or a municipality's political subdivision, and (3) requiring approval by the municipality that owns or controls the airport in addition to the one in which the airport is located.)

EFFECTIVE DATE: July 1, 2023