

House of Representatives, March 31, 1998. The Committee on Transportation reported through REP. COCCO, 127th DIST., Chairman of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT IMPLEMENTING RECOMMENDATIONS OF THE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE CONCERNING THE DISTRIBUTION OF DEPARTMENT OF TRANSPORTATION REPORTS, THE DEVELOPMENT OF PERFORMANCE MEASURES BY THE DEPARTMENT OF TRANSPORTATION AND PROVISIONS REQUIRED IN CONTRACTS EXECUTED BY THE DEPARTMENTS OF TRANSPORTATION AND PUBLIC WORKS.

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

1 Section 1. Subsection (e) of section 13b-11a
2 of the general statutes is repealed and the
3 following is substituted in lieu thereof:
4 (e) On or before January first, annually, the
5 commission shall submit in writing to the
6 commissioner [,] AND the Governor [and the joint
7 standing committee of the General Assembly having
8 cognizance of matters relating to transportation]
9 (1) a list of public transportation projects,
10 which, if undertaken by the state, would further
11 the policy set forth in section 13b-32; (2)
12 recommendations for improvements to existing
13 public transportation service and projects,
14 including proposals for legislation and
15 regulations; (3) recommendations for disincentives
16 to free parking, including urban and suburban
17 employment centers; (4) off-peak transit services;

18 and (5) the establishment of urban center loop
19 shuttles. The commissioner shall [present to]
20 NOTIFY MEMBERS OF THE JOINT STANDING COMMITTEE OF
21 THE GENERAL ASSEMBLY HAVING COGNIZANCE OF MATTERS
22 RELATING TO TRANSPORTATION, ON OR BEFORE JANUARY
23 FIRST, ANNUALLY, AND ALL MEMBERS OF the General
24 Assembly on or before February first, annually, OF
25 THE AVAILABILITY OF his [written] comments and
26 analysis of priorities. A WRITTEN COPY OR
27 ELECTRONIC STORAGE MEDIA OF HIS COMMENTS AND
28 ANALYSIS SHALL BE DISTRIBUTED TO MEMBERS OF SUCH
29 COMMITTEE WHO REQUEST HIS COMMENTS AND ANALYSIS.
30 The commissioner shall meet with the commission at
31 least once during each calendar quarter.

32 Sec. 2. Subsection (e) of section 13b-15 of
33 the general statutes is repealed and the following
34 is substituted in lieu thereof:

35 (e) The plan shall be completed and submitted
36 biennially to the Governor [and the General
37 Assembly] on or before January thirty-first of
38 each odd-numbered year. THE COMMISSIONER SHALL,
39 BIENNIALLY, ON OR BEFORE JANUARY THIRTY-FIRST OF
40 EACH ODD-NUMBERED YEAR, NOTIFY ALL MEMBERS OF THE
41 GENERAL ASSEMBLY OF THE AVAILABILITY OF THE PLAN.
42 A MEMBER REQUESTING A PLAN SHALL BE SENT A WRITTEN
43 COPY OR ELECTRONIC STORAGE MEDIA OF THE PLAN BY
44 THE COMMISSIONER.

45 Sec. 3. Subsection (a) of section 13b-26 of
46 the general statutes is repealed and the following
47 is substituted in lieu thereof:

48 (a) The commissioner shall make such
49 alterations in the state highway system as he may
50 from time to time deem necessary and desirable to
51 fulfill the purposes of this chapter and title
52 13a. In making any such alteration he shall
53 consider the best interest of the state, taking
54 into consideration relevant factors including the
55 following: Traffic flow, origin and destination of
56 traffic, integration and circulation of traffic,
57 continuity of routes, alternate available routes
58 and changes in traffic patterns. The relative
59 weight to be given to any factor shall be
60 determined by the commissioner. All alterations in
61 said highway system shall be consistent with the
62 comprehensive long-range master transportation
63 plan, [and shall be reported to the legislature
64 each biennium.] EACH BIENNIUM THE COMMISSIONER
65 SHALL NOTIFY ALL MEMBERS OF THE GENERAL ASSEMBLY

66 OF THE AVAILABILITY OF THE PLAN. A MEMBER
67 REQUESTING A PLAN SHALL BE SENT A WRITTEN COPY OR
68 ELECTRONIC STORAGE MEDIA OF THE PLAN BY THE
69 COMMISSIONER.

70 **Sec. 4.** Section 13b-79a of the general
71 statutes, as amended by section 5 of public act
72 97-304, is repealed and the following is
73 substituted in lieu thereof:
74 Not later than October 1, 1984, and annually
75 thereafter, the Commissioner of Transportation
76 shall **PREPARE A** report [to the joint standing
77 committees having cognizance of matters relating
78 to the Department of Transportation, to finance,
79 revenue, capital bonding and taxation, and to
80 appropriations and the budgets of state agencies]
81 on the current status and progress of the
82 transportation infrastructure program authorized
83 pursuant to special act 84-52 and sections 3-21a,
84 3-27a, 3-27f, 12-458 and 12-458d, subsection (c)
85 of section 13a-80a, sections 13a-175p to 13a-175u,
86 inclusive, subsection (f) of section 13b-42,
87 sections 13b-59, 13b-61, 13b-69, 13b-71, 13b-74 to
88 13b-77, inclusive, 13b-80, AS AMENDED, subsection
89 (a) of section 13b-97, subsection (a) of section
90 14-12, sections 14-15, 14-16a and 14-21c,
91 subsection (a) of section 14-25a, section 14-28,
92 subsection (b) of section 14-35, subsection (b) of
93 section 14-41, section 14-41a, subsection (a) of
94 section 14-44, sections 14-47, 14-48b, 14-49 and
95 14-50, subsection (a) of section 14-50a, sections
96 14-52, 14-53 and 14-58, subsection (c) of section
97 14-66, subsection (e) of section 14-67, sections
98 14-67a, 14-67d, 14-67i and 14-69, subsection (e)
99 of section 14-73, subsection (c) of section
100 14-96g, sections 14-103a and 14-160, subsection
101 (a) of section 14-164a, subsection (a) of section
102 14-192, sections 14-319, 14-320 and 14-381,
103 subsection (b) of section 14-382 and sections
104 14-383 and 15-14. Each report shall include, but
105 not be limited to: Information on the number of
106 lane miles of state and local roadway repaved, the
107 status of the state and local bridge programs, the
108 status of intrastate and interstate highway
109 programs and the interstate trade-in program and
110 mass transportation and aeronautics programs. **THE**
111 **COMMISSIONER SHALL NOTIFY THE JOINT STANDING**
112 **COMMITTEES OF THE GENERAL ASSEMBLY HAVING**
113 **COGNIZANCE OF MATTERS RELATING TO FINANCE, REVENUE**

114 AND BONDING AND APPROPRIATIONS AND THE BUDGETS OF
115 STATE AGENCIES OF THE AVAILABILITY OF THE REPORT.
116 A REQUESTING MEMBER OF SUCH A COMMITTEE SHALL BE
117 SENT A WRITTEN COPY OR ELECTRONIC STORAGE MEDIA OF
118 THE REPORT BY THE COMMISSIONER.

119 Sec. 5. Section 13b-79b of the general
120 statutes, as amended by section 6 of public act
121 97-304, is repealed and the following is
122 substituted in lieu thereof:

123 The Commissioner of Transportation shall
124 [submit] PREPARE a report not later than October
125 1, 1984, and annually thereafter, [to the joint
126 standing committees of the General Assembly having
127 cognizance of matters relating to finance, revenue
128 and bonding, transportation and appropriations and
129 the budgets of state agencies,] with respect to
130 the Special Transportation Fund established under
131 section 13b-68. Each such report shall, for the
132 preceding twelve-month period, (1) specify the
133 moneys credited to such fund on account of, or
134 derived from, each source of state and federal
135 revenue, (2) specify the amount of investment
136 earnings from the fund, (3) specify the moneys
137 from such fund applied and expended for (A) the
138 payment of debt service requirements, as defined
139 in section 13b-75, (B) the payment of the
140 principal of and interest on general obligation
141 bonds of the state issued for transportation
142 purposes, as defined in section 13b-69, and (C)
143 each budgeted account under the annual budget
144 appropriation made to the Department of
145 Transportation, (4) specify the number of lane
146 miles of state and local roadway repaved, the
147 status of the state and local bridge programs, the
148 status of intrastate and interstate highway
149 programs and the interstate trade-in program and
150 mass transportation and aeronautics programs and
151 (5) specify the amount of all expenditures from
152 the Special Transportation Fund for the purchase
153 of highway related equipment. THE COMMISSIONER
154 SHALL NOTIFY THE JOINT STANDING COMMITTEES OF THE
155 GENERAL ASSEMBLY HAVING COGNIZANCE OF MATTERS
156 RELATING TO FINANCE, REVENUE AND BONDING,
157 TRANSPORTATION AND APPROPRIATIONS AND THE BUDGETS
158 OF STATE AGENCIES OF THE AVAILABILITY OF THE
159 REPORT. A REQUESTING MEMBER OF SUCH A COMMITTEE
160 SHALL BE SENT A WRITTEN COPY OR ELECTRONIC STORAGE
161 MEDIA OF THE REPORT BY THE COMMISSIONER.

162 Sec. 6. Section 14-298 of the general
163 statutes is repealed and the following is
164 substituted in lieu thereof:

165 There shall be within the Department of
166 Transportation a State Traffic Commission. Said
167 Traffic Commission shall consist of the
168 Commissioner of Transportation, the Commissioner
169 of Public Safety and the Commissioner of Motor
170 Vehicles. For the purpose of standardization and
171 uniformity, said commission shall adopt and cause
172 to be printed for publication regulations
173 establishing a uniform system of traffic control
174 signals, devices, signs and markings consistent
175 with the provisions of this chapter for use upon
176 the public highways. THE COMMISSIONER SHALL MAKE
177 KNOWN TO THE GENERAL ASSEMBLY THE AVAILABILITY OF
178 SUCH REGULATIONS AND ANY REQUESTING MEMBER SHALL
179 BE SENT A WRITTEN COPY OR ELECTRONIC STORAGE MEDIA
180 OF SUCH REGULATIONS BY THE COMMISSIONER. Taking
181 into consideration the public safety and
182 convenience with respect to the width and
183 character of the highways and roads affected, the
184 density of traffic thereon and the character of
185 such traffic, said commission shall also adopt
186 regulations, in cooperation and agreement with
187 local traffic authorities, governing the use of
188 state highways and roads on state-owned
189 properties, and the operation of vehicles
190 including but not limited to motor vehicles, as
191 defined by section 14-1, and bicycles, as defined
192 by section 14-286, thereon. A list of
193 limited-access highways shall be published with
194 such regulations and said list shall be revised
195 and published once each year. THE COMMISSIONER
196 SHALL MAKE KNOWN TO THE GENERAL ASSEMBLY THE
197 AVAILABILITY OF SUCH REGULATIONS AND LIST AND ANY
198 REQUESTING MEMBER SHALL BE SENT A WRITTEN COPY OR
199 ELECTRONIC STORAGE MEDIA OF SUCH REGULATIONS AND
200 LIST BY THE COMMISSIONER. A list of limited-access
201 highways opened to traffic by the Commissioner of
202 Transportation in the interim period between
203 publications shall be maintained in the office of
204 the State Traffic Commission and such regulations
205 shall apply to the use of such listed highways.
206 Said commission shall also make regulations, in
207 cooperation and agreement with local traffic
208 authorities, respecting the use by through truck
209 traffic of streets and highways within the limits

210 of, and under the jurisdiction of, any city, town
211 or borough of this state for the protection and
212 safety of the public. If said commission
213 determines that the prohibition of through truck
214 traffic on any street or highway is necessary
215 because of an immediate and imminent threat to the
216 public health and safety and the local traffic
217 authority is precluded for any reason from acting
218 on such prohibition, the commission, if it is not
219 otherwise precluded from so acting, may impose
220 such prohibition. Said commission may place and
221 maintain traffic control signals, signs, markings
222 and other safety devices, which it deems to be in
223 the interests of public safety, upon such highways
224 as come within the jurisdiction of said commission
225 as set forth in section 14-297. The traffic
226 authority of any city, town or borough may place
227 and maintain traffic control signals, signs,
228 markings and other safety devices upon the
229 highways under its jurisdiction, and all such
230 signals, devices, signs and markings shall conform
231 to the regulations established by said commission
232 in accordance with this chapter, and such traffic
233 authority shall, with respect to traffic control
234 signals, conform to the provisions of section
235 14-299.

236 Sec. 7. On or before January 1, 1999, the
237 Department of Transportation, in consultation with
238 the joint standing committee of the General
239 Assembly having cognizance of matters relating to
240 transportation and the subcommittee on
241 transportation of the joint standing committee of
242 the General Assembly having cognizance of matters
243 relating to appropriations and the budgets of
244 state agencies, shall develop a set of performance
245 measures that report the status and changes of (1)
246 bridge conditions individually and in the
247 aggregate, (2) road conditions for all measured
248 road segments and in the aggregate, (3) traffic
249 congestion for all identifiable road segments and
250 in the aggregate and (4) safety conditions for all
251 identifiable locations and in the aggregate.

252 Sec. 8. Subdivision (2) of section 49-41b of
253 the general statutes is repealed and the following
254 is substituted in lieu thereof:

255 (2) In the case of a contract advertised by
256 the state Department of Public Works on or after
257 July 1, 1999, or in any case in which the awarding

258 authority is any other state agency, (A) the
259 awarding authority shall not withhold more than
260 [two and one-half] TEN per cent from any periodic
261 or final payment which is otherwise properly due
262 to the general or prime contractor under the terms
263 of such contract, and (B) any such general or
264 prime contractor shall not withhold more than [two
265 and one-half] TEN per cent from any periodic or
266 final payment which is otherwise due to any
267 subcontractor.

268 Sec. 9. (NEW) Each contract executed by the
269 Commissioner of Public Works under section 4b-91
270 of the general statutes, as amended, shall include
271 a provision requiring the contractor to complete
272 all work on deficiencies identified by the
273 commissioner and submit all documentation required
274 under the contract to the commissioner, no later
275 than ninety days after the substantial completion
276 date of the project under the contract.

277 Sec. 10. (NEW) Each transportation
278 construction contract executed by the Commissioner
279 of Transportation under title 13a or 13b of the
280 general statutes, as amended, shall include a
281 provision requiring the contractor to complete all
282 work on deficiencies identified by the
283 commissioner and submit all documentation required
284 under the contract to the commissioner, no later
285 than ninety days after the substantial completion
286 date of the project under the contract.

287 TRA COMMITTEE VOTE: YEA 23 NAY 0 JFS

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"THE FOLLOWING FISCAL IMPACT STATEMENT AND BILL ANALYSIS ARE PREPARED FOR THE BENEFIT OF MEMBERS OF THE GENERAL ASSEMBLY, SOLELY FOR PURPOSES OF INFORMATION, SUMMARIZATION AND EXPLANATION AND DO NOT REPRESENT THE INTENT OF THE GENERAL ASSEMBLY OR EITHER HOUSE THEREOF FOR ANY PURPOSE."

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FISCAL IMPACT STATEMENT - BILL NUMBER SHB 5421

STATE IMPACT	Administrative Efficiencies, Potential Significant Future Savings, see explanation below
MUNICIPAL IMPACT	None
STATE AGENCY(S)	The Departments of Transportation and Public Works, Various State Agencies

EXPLANATION OF ESTIMATES:

Since the bill replaces actual submission of required reports with notices of availability and written or electronic versions of the reports only when requested by the legislators receiving such notices, its passage would create administrative efficiencies for the Department of Transportation (DOT).

The DOT currently prepares program measures for the state budget and satisfies Federal requirements regarding program measures. Thus, the requirement in the bill to develop program measures, in consultation with the Transportation Committee and the transportation subcommittee of the Appropriations Committee can be performed by existing staff within available resources.

Section 8 increases the amount, from 2 1/2% to 10%, that a State agency may withhold from any payment to a contractor on a public works project or any other state agency awarding a state contract (retainage) that goes to bid on or after July 1, 1999. (The Department of Public Works (DPW) already has had the ability to retain up to 10% on its projects bid between July 1,

1996 and June 30, 1999, per CGS Section 49-41b(1).) Release of retainage is the primary incentive for a contractor to do final corrective work and supply required documents and paperwork. In the private sector, the standard retainage rate is 10%, but it ranges from 5% to 15%. Note that a State agency can withhold any amount up to a maximum of 10%. This could result in significant savings in future years, in both Bond Funds and General Funds. No impact is anticipated on the cost of bids for future construction projects. The DOT has indicated that it will continue to adhere to its current practice of retaining 2 1/2%.

Section 9 requires that all public works construction contracts executed by DPW after October 1, 1998 include a provision requiring the contractor to complete all work on deficiencies, and submit all documentation required by the contract, within 90 days after the substantial completion date of the project. This could also potentially expedite the completion of public works construction projects in the future, resulting in indeterminate future year savings.

It is difficult to determine the fiscal impact of Section 10 of the bill since the DOT has stated that all work on deficiencies cannot be completed within 90 days of "substantial" completion of the project.

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OLR BILL ANALYSIS

sHB 5421

AN ACT IMPLEMENTING RECOMMENDATIONS OF THE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE CONCERNING THE DISTRIBUTION OF DEPARTMENT OF TRANSPORTATION REPORTS, THE DEVELOPMENT OF PERFORMANCE MEASURES BY THE DEPARTMENT OF TRANSPORTATION AND PROVISIONS REQUIRED IN CONTRACTS EXECUTED BY THE DEPARTMENTS OF TRANSPORTATION AND PUBLIC WORKS

SUMMARY: This bill:

1. increases from 2.5% to 10% the maximum amount the departments of Public Works (DPW), Transportation (DOT), or any other state agency awarding a construction contract can

withhold from the contractor until work is satisfactorily completed, and makes a similar increase in the amount a general or prime contractor may withhold from its subcontractors;

2. modifies the process for providing several transportation-related reports to the entire General Assembly or special legislative committees by requiring a notice of availability and an opportunity for individual members to request them in written or electronic form instead of mandatory submission;
3. requires the DOT to develop, in consultation with two legislative committees, a set of performance measures that report conditions in certain areas of the state's transportation system; and
4. requires DOT and DPW construction contracts to include a provision requiring contractors to complete all work on identified deficiencies and submit all required documentation to DOT within 90 days after the project's substantial completion date.

EFFECTIVE DATE: October 1, 1998

FURTHER EXPLANATION

State Contract Retainage

Currently, for DPW contracts advertised on or after July 1, 1999 and any contracts awarded by any other state agency (generally this is the DOT), the awarding agency may withhold up to 2.5% of any periodic or final payment to a general or prime contractor until it is satisfied that the contracted for work has been adequately performed. This is commonly known as retainage. General or prime contractors may similarly withhold up to 2.5% of payments due to their subcontractors. The bill increases the maximum retainage to 10%.

Reports to the Legislature

The revised submission requirements apply to: (1) the Connecticut Public Transportation Commission's (CPTC) annual submission of recommended projects and actions to further the goals of enhancing public transportation use; (2) the DOT's biennial submission of the Master Transportation Plan; (3) the transportation commissioner's biennial submission of alterations to the state highway system; (4) the DOT's annual reports to the Transportation, Appropriations, and Finance, Revenue, and Bonding committees on the current status and progress of the transportation infrastructure program and the status of the Special Transportation Fund; and (5) the State Traffic Commission's annual regulatory publication of a listing of state limited-access highways.

Currently, the CPTC must submit its recommendations to the commissioner, governor, and Transportation Committee by January 1 annually and the commissioner must submit his comments and analysis of the recommendations to the entire legislature by February 1. The bill eliminates direct submission of the CPTC's recommendations to the Transportation Committee and, instead, requires only that the commissioner notify the committee of the availability of his comments on the recommendations by January 1 and the entire legislature by February 1. The commissioner must provide a written or electronic version of his comments to any member requesting one.

With respect to the Master Transportation Plan, the report on alterations to the state highway system, and the annual reports on the transportation infrastructure program and the Special Transportation Fund, the bill replaces actual submission of the required reports with a notice of availability. Written or electronic versions of these reports must be provided upon request.

The bill adds a requirement for the transportation commissioner to notify the legislature of the availability of the State Traffic Commission's traffic control regulations and annual listing of limited access highways. The law already requires the commission to have these regulations and annually update the regulatory listing of limited access highways, but neither the commissioner nor the commission must currently notify the legislature of

them or provide a copy.

Transportation System Performance Measures

By January 1, 1999, the bill requires the commissioner to develop performance measures in consultation with the Transportation Committee and the transportation subcommittee of the Appropriations Committee. These measures must show the status of and changes to (1) individual and aggregate bridge conditions, (2) individual and aggregate road conditions, (3) traffic congestion for individual road segments and in the aggregate, and (4) safety conditions for individual locations and in the aggregate.

COMMITTEE ACTION

Transportation Committee

Joint Favorable Substitute
Yea 23 Nay 0