

DEPARTMENT OF TRANSPORTATION

2015 Legislative Proposals

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Contact:

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Agency Legislative Proposal - 2015 Session

Document Name: DOT2015 Alt Project Delivery

(If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency: Department of Transportation

Liaison: Pam Sucato
Phone: 860.594.3013
E-mail: pamela.sucato@cg.gov

Lead agency division requesting this proposal: Engineering & Construction

Agency Analyst/Drafter of Proposal: Mark Rolfe

Title of Proposal: AAC Alternative Project Delivery.

Statutory Reference: 13a-95b; 13a-95c

Proposal Summary:

Expand existing Alternate Project Delivery legislation to include the Construction Manager / General Contractor (CM/GC) method of project delivery. CM/GC is a two phase project delivery process. During design development the contractor collaborates with the design team and is an expert advisor on construction means and methods. Schedule and budgetary constraints are also addressed as the project is developed. When the design is nearing completion, a guaranteed maximum price contract is negotiated for the construction of the project. CM/GC differs from construction-manager-at-risk because the CM becomes the general contractor and self-performs a large portion of the work. Changes to 13a-95c are necessary to recognize that two Alternate Project Delivery projects have previously been authorized, and to delete "quality control inspection" from the statute.

Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

- **Reason for Proposal**

The Federal Highway Administration and many other states have adopted a collaborative project delivery process whereby the construction contractor is engaged early in design development to provide input and advice on construction methodology, schedule, and budget. Such input and advice has been shown to reduce project risk and expedite project delivery. Upon completion of the preconstruction phase, a guaranteed maximum price is negotiated for construction of the project. The contractor must complete a large portion of the work using its own forces. If the price negotiations for the GMP are not successful, the project will be advertised for competitive bids similar to a traditional design-bid-build project.

- **Origin of Proposal** **x_ New Proposal** **Resubmission**



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PROPOSAL IMPACT

- **Agencies Affected** (please list for each affected agency)

Agency Name: Agency Contact (name, title, phone): Date Contacted: Approve of Proposal ___ YES ___ NO ___ Talks Ongoing
Summary of Affected Agency's Comments
Will there need to be further negotiation? ___ YES ___ NO

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

Municipal: None
State: None
Federal: None
Additional notes on fiscal impact

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

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AN ACT CONCERNING ALTERNATIVE PROJECT DELIVERY.

Sec. 13a-95b. Designation of projects using construction-manager-at-risk, [or] design-build or construction manager/general contractor contracts. (a) The Commissioner of Transportation may, as an alternative to using a design-bid-build contract pursuant to this chapter, designate specific projects to be completed using a (1) construction-manager-at-risk contract with a guaranteed maximum price, [or](2) design-build contract, or (3) construction manager/general contractor with a guaranteed maximum price.

(b) If the commissioner designates a project to use a construction-manager-at-risk contract with a guaranteed maximum price, the commissioner may enter into a single contract with an architect or engineer for the project design, as well as a single contract with a construction-manager-at-risk contractor who will provide input during the design process and be responsible for the construction of the project by selecting trade subcontractors using a low sealed bid process. The construction-manager-at-risk contract shall have an established guaranteed maximum price. The commissioner may select the architect, engineer or contractor from among the contractors selected and recommended by a selection panel. Any such contract for such project shall be based upon competitive proposals received by the commissioner, who shall give notice of the project, by advertising at least once, in a newspaper having a substantial circulation in the area in which the project is located. Award of any such contract shall be based upon the general conditions and staff costs plus qualitative criteria. The commissioner shall establish all criteria, requirements and conditions of such proposals and award and shall have sole responsibility for all other aspects of the project. Any contract shall clearly state the responsibilities of the contractor to deliver a completed and acceptable project on a date certain, the maximum cost of the project, and, if applicable, as a separate item, the cost of property acquisition.

(c) If the commissioner designates a project to use a design-build contract, the commissioner may enter into a single contract with the design-builder, who the commissioner may select from among the design-builders selected and recommended by a selection panel. The contract shall (1) include, but not be limited to, such project elements as site acquisition, permitting, engineering design and construction, and (2) be based on competitive proposals received by the commissioner, who shall give notice of the project and specifications for the project, by advertising, at least once, in a newspaper having a substantial circulation in the area in which the project is located. Award of the design-build contract shall be based on a predetermined metric provided to proposers in advance of technical proposal development. This metric may be unique to each project, but shall consist of a combined score of qualifications and past performance of the proposer, technical merit of the proposal and cost. The commissioner shall establish a selection panel for each project to score the qualifications and past performance and technical portion of the proposal using the predefined scoring metric. The sealed cost portion of the proposal shall be opened in a public ceremony only after the qualifications and past performance and technical portions of the proposals have been scored. The commissioner shall determine all criteria, requirements and conditions for such proposals and award and shall have sole responsibility for all other aspects of the contract. Such contract shall state clearly the responsibilities of the design-builder to deliver a completed and acceptable project on a date certain, the maximum cost of the project, and, if applicable, as a separate item, the cost of property acquisition.



(NEW) (d) If the commissioner designates a project to use a construction manager / general contractor contract, the commissioner may enter into a contract with a general contractor, who the commissioner may select from among the general contractors selected and recommended by a selection panel. The contract shall (1) include preconstruction and construction phases, and (2) be based on competitive proposals received by the commissioner, who shall give notice of the project and specifications for the project, by advertising, at least once, in a newspaper having a substantial circulation in the area in which the project is located. Award of the construction manager / general contractor contract shall be based on a predetermined metric provided to proposers in advance of technical proposal development. This metric may be unique to each project, but shall consist of a combined score of qualifications and past performance of the proposer, technical merit of the proposal and cost. The commissioner shall establish a selection panel for each project to score the qualifications and past performance and technical portion of the proposal using the predefined scoring metric. The sealed cost portion of the proposal shall be opened in a public ceremony only after the qualifications and past performance and technical portions of the proposals have been scored. The commissioner shall determine all criteria, requirements and conditions for such proposals and award and shall have sole responsibility for all other aspects of the contract. Such contract shall state clearly the responsibilities of the construction manager / general contractor to deliver a completed and acceptable project on a date certain, the maximum cost of the project, and, if applicable, as a separate item, the cost of property acquisition.

Sec. 13a-95c. Commissioner's duties re construction-manager-at-risk, [and] design-build and construction manager/general contractor contracts. Use of department employees and consultants.

(a) For any contract entered into pursuant to section 13a-95b, the Commissioner of Transportation shall: (1) Perform project development services. Such services may include, but need not be limited to, the size, type and desired design character of the project, performance specifications, quality of materials, equipment, workmanship, preliminary plans or any other information necessary for the department to issue a bid package, and (2) perform oversight of projects and provide inspection services, which shall include, but need not be limited to, inspection of construction, surveying, testing, monitoring of environmental compliance[, quality control inspection] and quality assurance audits.

(b) (1) [After the first two projects performed with] For contracts authorized pursuant to section 13a-95b, the Commissioner of Transportation shall perform [all] development and inspection work, as described in subsection (a) of this section, using department employees. The Commissioner of Administrative Services shall place the positions required for this work on continuous recruitment pursuant to the provisions of section 5-216. In addition, employees may be appointed to durational positions to reduce the need for inspection or development work to be performed by consultants. Such employees may be appointed as engineers if they have met the education, knowledge and training requirements required by the Department of Administrative Services job classification to durational positions without examination to reduce the need for inspection or development work to be performed by consultants. Any contract entered into with a consultant for [the initial] a project bid in accordance with section 13a-95b shall contain a provision that provides for training the employees of the Department of Transportation in the process for bidding and managing projects entered into in accordance with section 13a-95b.



(2) Notwithstanding the provisions of subdivision (1) of this subsection, there shall be a transition period during which the Commissioner of Transportation may authorize the continued use of consultants if necessary to complete contracts authorized pursuant to section 13a-95b. During this period, the commissioner shall make all reasonable efforts to perform development and inspection work as described in subsection (a) of this section using, where such employees are available, department employees and reducing, and where possible eliminating, the dependency on outside consultants. The authority granted by this subsection to use consultants on contracts entered into pursuant to section 13a-95b shall be subject to a termination date which shall be the earlier of (A) the date that the Governor transmits to the joint standing committee of the General Assembly having cognizance of matters relating to transportation a letter certifying that the use of consultants is no longer necessary to complete projects authorized pursuant to section 13a-95b, or (B) January 1, 2019. This authority shall not continue beyond such termination date unless affirmatively reauthorized by the action of both houses of the General Assembly.



Agency Legislative Proposal - 2015 Session

Document Name: DOT2015 Amtrak Indemnification

(If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency: Department of Transportation

Liaison: Pam Sucato
Phone: (860) 594-3013
E-mail: pamela.sucato@ct.gov

Lead agency division requesting this proposal: Commissioner / Rail Division

Agency Analyst/Drafter of Proposal: Denise Rodosevich

Title of Proposal: AAC Amtrak Indemnification.

Statutory Reference: 13b-34

Proposal Summary: To expand CTDOT's ability to indemnify and hold harmless Amtrak for the successful implementation of the Hartford Line Service and the improved service on Shore Line East.

Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

- **Reason for Proposal**

CTDOT cannot indemnify and hold harmless any entity without legislative authority. The Department has this authority in subsection (j) of section 13b-34 which allows for the indemnification of Amtrak (a/k/a National Railroad Passenger Corporation). With development of passenger service from New Haven to Springfield, MA (Hartford Line) and Shore Line East service improvements, additional indemnification and hold harmless authority is needed.

The right-of-way for Shore Line East and for Hartford Line is owned by Amtrak. That company will not allow anyone or any entity on their right-of-way absent an executed agreement that such person or entity will indemnify and hold Amtrak harmless.

Metro North, by virtue of the fact that M-8s will be operated in Shore Line East service, will be required by Amtrak to enter into such an agreement. Shore Line East service is exclusively provided by Amtrak, and but for Connecticut's efforts to expand and improve services on this line, Metro North would not even be on this part of Amtrak's right-of-way and receives no benefits from such operation. Consequently, Metro North will not enter into any such agreement with Amtrak unless the Department will indemnify and hold them harmless.

For Hartford Line Service, the Department will be competitively procuring an operator pursuant to section 13b-79u. Amtrak will require any new operator to also enter into an agreement indemnifying



and holding Amtrak harmless. From a practical point of view, it is likely that no service provider will submit a proposal if they will be responsible for such indemnification. Even if service providers would propose, it may be in the best interest of the state, for the Department to be able to provide for this indemnification in order to reduce the cost of procuring such service.

Accordingly, the proposed legislation expands the Department's ability to indemnify and hold harmless under the circumstances noted and such legislation is considered essential for the implementation of the Hartford Line Service and the improved service on Shore Line East. Absent such waivers of sovereign immunity, the Department (and both services) literally will be stopped in its/their tracks.

- **Origin of Proposal** **New Proposal** **Resubmission**

If this is a resubmission, please share:

PROPOSAL IMPACT

- **Agencies Affected** (please list for each affected agency)

Agency Name:

Agency Contact (name, title, phone):

Date Contacted:

Approve of Proposal YES NO Talks Ongoing

Summary of Affected Agency's Comments

Will there need to be further negotiation? YES NO

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

Municipal (please include any municipal mandate that can be found within legislation)

State:

Federal

Additional notes on fiscal impact

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)



AN ACT CONCERNING AMTRAK INDEMNIFICATION.

Section 13b-34 of the general statutes is amended to read as follows (*Effective upon passage*):

Sec. 13b-34. Powers of commissioner. (a) The commissioner shall have power, in order to aid or promote the operation, whether temporary or permanent, of any transportation service operating to, from or in the state, to contract in the name of the state with any person, including but not limited to any common carrier, any transit district formed under chapter 103a or any special act, or any political subdivision or entity, or with the United States or any other state, or any agency, instrumentality, subdivision, department or officer thereof, for purposes of initiating, continuing, developing, providing or improving any such transportation service. Such contracts may include provision for arbitration of disputed issues. The commissioner, in order to aid or promote the operation of any transportation service operating outside the state, may contract in the name of the state with any person, including, but not limited to, any common carrier, or with the United States or any other state, or any agency, instrumentality, subdivision, department or officer thereof, for purposes of providing any transportation service in the event such assistance is required in the case of an emergency or a special event. The state, acting by and through the commissioner, may, by itself or in concert with others, provide all or a portion of any such service, share in the costs of or provide funds for such service, or furnish equipment or facilities for use in such service upon such terms and conditions as the commissioner may deem necessary or advisable, and any such contracts may include, without limitation thereto, arrangements under which the state shall so provide service, share costs, provide funds or furnish equipment or facilities. To these ends, the commissioner may in the name of the state acquire or obtain the use of facilities and equipment employed in providing any such service by gift, purchase, lease or other arrangements and may own and operate any such facilities and equipment and establish, charge and collect such fares and other charges or arrange for such collection for the use or services thereof as he may deem necessary, convenient or desirable. The commissioner may also acquire title in fee simple to, or any lesser estate, interest or right in, any rights-of-way, properties or facilities, including properties used on or before October 1, 1969, for rail or other forms of transportation services. The commissioner may hold such properties for future use by the state and may enter into agreements for interim use of such properties for other purposes. Any person contracting with the state pursuant to this section for the provision of any transportation service shall not be considered an arm or agent of the state. Any damages caused by the operation of such transportation service by such person may be recovered in a civil action brought against such person in the superior court and such person may not assert the defense of sovereign immunity in such action.

(b) The commissioner shall, in the name of the state, have power to apply for and to receive and accept grants of property, money and services and other assistance offered or made available by any person, any transit district or political subdivision or entity, or any other agency, governmental or private, including the United States or any of its agencies and instrumentalities, which he may use to meet capital or operating expenses and for any other purpose in furtherance of his powers and duties under sections 13b-34 to 13b-36, inclusive, and 13b-38, and to negotiate for and contract regarding the same upon such terms and conditions as he may deem necessary or advisable.



(c) When necessary or desirable in the performance of his powers and duties under this section and sections 13b-35 to 13b-38, inclusive, the commissioner shall, in the name of the state, have power (1) to hire, lease, acquire and dispose of property to the extent necessary to carry out his powers and duties hereunder and (2) to contract to perform services for any person, any transit district or other political subdivision or entity, or with any other agency, governmental or private, and to accept compensation or reimbursement therefor.

(d) The commissioner may be assisted in the performance of his powers and duties under this section by the Connecticut Transportation Authority, and may delegate specific powers and duties to it.

(e) The commissioner shall have the power to aid and assist transit districts pursuant to section 13b-38.

(f) Repealed by P.A. 84-254, S. 61, 62.

(g) Repealed by P.A. 81-421, S. 8, 9.

(h) The commissioner, in the name of the state, shall have the power to enter into leases with respect to transportation equipment and facilities for the purpose of obtaining payments based on the tax benefits associated with the ownership or leasing of such equipment and facilities. In connection with any such lease, the commissioner, in the name of the state, shall have the power to sell, repurchase and sublease any such equipment or facilities, to place deposits or investments with financial institutions to defease rental or repurchase obligations and to enter into related agreements with parties selected by and on terms deemed reasonable by the commissioner. All net payments received by the state pursuant to any such lease or related agreement shall be credited to the Special Transportation Fund, the Infrastructure Improvement Fund, the Department of Transportation operating accounts, or to the Department of Transportation as required pursuant to United States Department of Transportation approval of the lease. Any such lease or related agreement may include provisions for the state, as lessee, to indemnify and hold harmless the lessors or other parties to any such lease or related agreement. Any such lease or related agreement may provide for the state to purchase insurance or surety bonds or to obtain letters of credit from financial institutions when deemed in the best interests of the state by the commissioner. Any such lessor or other party to any such related agreement may bring a civil action to recover damages arising directly from and subject to any such lease or related agreement. No such action shall be brought except within one year from the date the right of action accrues. Any such civil action shall be brought in the superior court for the judicial district of Hartford. The jurisdiction conferred upon the Superior Court by this section includes any set-off, claim or demand whatever on the part of the state against any plaintiff commencing an action under this section. Such action shall be tried to the court without a jury. All legal defenses except governmental immunity shall be reserved to the state. Any such lease or related agreement shall be subject to the approval of the Attorney General.

(i) If the commissioner deems it to be in the best interest of the state, the commissioner may include in any contract with the National Railroad Passenger Corporation pursuant to subsection (a) of this section, provisions for the state to indemnify and hold harmless said corporation, and for such purpose to provide for the state to purchase insurance with a deductible clause, surety bonds or to



obtain letters of credit from financial institutions. Said corporation may bring a civil action based on the contract to recover damages arising directly from and subject to any such contract. Notwithstanding the provisions of section 52-576, no such action shall be brought except within one year from the date the right of action accrues. Any such civil action shall be brought in the superior court for the judicial district of Hartford. The jurisdiction conferred on the Superior Court by this section includes any set-off, claim or demand on the part of the state against the said corporation commencing such action. Such action shall be tried to the court without a jury. All legal defenses except governmental immunity shall be reserved to the state.13-34(i) If the commissioner deems it to be in the best interest of the state, the commissioner may include in any contract with the National Railroad Passenger Corporation pursuant to subsection (a) of this section, provisions for the state to indemnify and hold harmless said corporation, and for such purpose to provide for the state to purchase insurance with a deductible clause, surety bonds or to obtain letters of credit from financial institutions. Said corporation may bring a civil action based on the contract to recover damages arising directly from and subject to any such contract. Notwithstanding the provisions of section 52-576, no such action shall be brought except within one year from the date the right of action accrues. Any such civil action shall be brought in the superior court for the judicial district of Hartford. The jurisdiction conferred on the Superior Court by this section includes any set-off, claim or demand on the part of the state against the said corporation commencing such action. Such action shall be tried to the court without a jury. All legal defenses except governmental immunity shall be reserved to the state.

(NEW) (j) If the commissioner deems it to be in the best interest of the state, the commissioner may indemnify and hold harmless Metro North Railroad Company for claims brought by the National Railroad Passenger Corporation or other third parties against Metro North Railroad Company relative to the operation of M-8 rail cars on Shore Line East service, provided that such indemnification does not relieve Metro North Railroad Company from liability for its negligent acts or omissions.

(NEW) (k) If the commissioner deems it to be in the best interest of the state, the commissioner may indemnify and hold harmless the operator or operators selected pursuant to section 13b-79u(c) or pursuant to section 13b-4d , provided that, except as may otherwise be provided by law , such indemnification does not relieve such operator from liability for its negligent acts or omissions.



Agency Legislative Proposal - 2015 Session

Document Name: DOT2015 Highway Safety

(If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency: Department of Transportation

Liaison: Pam Sucato

Phone: (860) 594-3013

E-mail: Pamela.sucato@ct.gov

Lead agency division requesting this proposal: Highway Safety Office

Agency Analyst/Drafter of Proposal: Joseph Cristalli

Title of Proposal: An Act Concerning Highway Safety.

Statutory Reference: CGS 14-100a

Proposal Summary:

1. To prohibit open alcoholic beverage containers in the passenger compartment of motor vehicles.
2. To require all occupants in a motor vehicle to wear a safety belt.
3. To require all persons who operate a motorcycle or a motor-driven cycle to wear protective headgear.

Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

- **Reason for Proposal**

1. To meet federal requirements and preserve the use of federal dollars for bridge and highway construction. To meet national standards outlined in (TEA-21, H.R. 2676; Section 154 of Title 23). States are required to enact law making it illegal for the driver or passenger(s) to possess or consume from any open alcoholic beverage container in the passenger area of a motor vehicle on a public highway (or the right-of-way of the public highway) or face penalties. States that have not enacted such laws by October 1, 2005, and every year thereafter, will receive 3% of National Highway System, and Interstate Maintenance funds transferred into the 402 Highway Safety Program and/or the Hazard Elimination Program. As of 10/1/06, a total of \$21,870,346 was transferred for non-compliance under this program.

The first transfer for Connecticut was for FFY 2001. The penalty was 1.5% for not enacting the law by 10/1/00 or \$2,344,806. Again, in FFY 2002, 1.5% or \$2,459,304 was transferred; for FFY 2003, 3% or \$5,611,915 was transferred; for FFY 2004, 3% or \$5,842,406 was transferred; for FFY 2005, 3% or \$5,928,184 was transferred; for FFY 2006, 3% or \$5,031,352 was transferred; for FFY 2007, 3% or \$5,437,097 was transferred; for FFY 2008, 3% or \$5,355,311 was transferred; for FFY 2009, 3% or \$5,651,585 was transferred; for FFY 2010 3% or \$6,080,142 was transferred; for FFY 2011 3% or \$6,835,644 was transferred; for FFY 2012 3% or \$6,364,497 was transferred; for FFY 2013 3% or



\$10,130,894 was transferred; and for FFY 2014 3% or \$10,139,278 was transferred.

2. Safety. Current statute only requires the driver and front seat passengers to be restrained. As reported by NHTSA in their report – NHTSA Report Number DOT HS 808 945:

- In all crashes, back seat lap/shoulder belts are 44 percent effective in reducing fatalities when compared to unrestrained back seat occupants.
- In all crashes, back seat lap/shoulder belts are 15 percent effective in reducing fatalities when compared to back seat lap belts.
- Lap/shoulder belts are 29 percent effective in reducing fatalities when compared to unrestrained occupants in frontal crashes.

Back seat outboard belts are highly effective in reducing fatalities when compared to unrestrained occupants in passenger vans and SUVs. Lap belts are 63 percent effective and lap/shoulder belts are 73 percent effective. Belts are so effective in these vehicles because they eliminate the risk of ejection, a

Motorists riding unrestrained in the back seat of a vehicle become a projectile inside the passenger compartment of a motor vehicle when the vehicle becomes involved in a crash. A full grown adult being projected at the front seat passenger area and its' occupants at the speed of the vehicle traveling creates unnecessary risk for severe injury not only to the unbelted passenger but to any and all occupants within the vehicle. Additionally the unbelted occupant stands an increased chance of being ejected from the vehicle where they can come in contact with fixed objects' outside the vehicle or even have the vehicle roll over and crush them. Safety belts save lives not only for front seat passengers but for back seat passengers too.

3. Connecticut's current Motorcycle Helmet law requirement is as follows; CGS § 14-289g requires all motorcycle operators and passengers under age 18 to wear a helmet. Failure to do so is an infraction punishable by a fine of at least \$90.

CGS § 14-40a (b) requires each applicant for a motor vehicle license with a motorcycle endorsement, regardless of age, to wear a helmet while operating a motorcycle with a training permit. Failure to do so is an infraction, the fine for which is between \$35 and \$50 for a first offense and up to \$100 or 30 days in jail for subsequent offenses.

Motorcyclists are at a much higher risk of death and injury in crashes than passenger car occupants. Nationally, the fatality rate per vehicle mile traveled for motorcyclists is 18 times that of passenger vehicle occupants. Head injury is a leading cause of death in motorcycle crashes; an un-helmeted motorcyclist is 40 % more likely to suffer a fatal head injury than a helmeted motorcyclist. Helmets are 67% effective in preventing brain injuries. Helmet use laws covering all motorcycle riders significantly increase helmet use and are easily enforced because of the rider's high visibility. Helmet use is estimated at 99% in states with universal helmet laws. States that have enacted universal helmet legislation have experienced significant drops in motorcycle deaths (15%-37%) within one year of passage. Conversely states that repealed or have weakened helmet laws have experienced significant fatality increases. Recent research conducted by Yale University on Connecticut Motorcycle helmet use and fatal/serious injury indicates that as the rider ages the percentage of helmet wearers decreases. Research conducted by the National Highway Traffic Safety Administration (NHTSA) has demonstrated higher hospitalization costs for un-helmeted versus helmeted motorcyclists involved in crashes. For victims of serious head injury, acute hospital care might be only the first stage of a long and costly



treatment program. For many crash victims, lost wages from missed work days will outweigh medical costs, and for victims who are permanently disabled, earnings potentially will be reduced for the rest of their lives.

Connecticut's motorcycle fatality problem has consistently been greater than that of the New England Region and that of the Nation. Table 1 indicates that over the six year period from 2007 to 2012 Connecticut's motorcycle fatalities, as a percentage of all traffic fatalities, have generally exceeded the region and the nation. The average rate for Connecticut was 17.64% where the region was at 14.76% and the nation at 13.56%. In 2007 Connecticut and the region were identical with 14.50% of the fatalities being motorcyclists and in 2010 Connecticut was slightly less than the region (16.30% to 16.70%).

- **Origin of Proposal** **New Proposal** **Resubmission**

The Transportation Committee did not vote the proposal out of committee.

PROPOSAL IMPACT

- **Agencies Affected** (please list for each affected agency)

Agency Name:

Agency Contact (name, title, phone):

Date Contacted:

Approve of Proposal YES NO Talks Ongoing

Summary of Affected Agency's Comments

Will there need to be further negotiation? YES NO

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

Municipal: None

State: Re: Open containers - The State does not lose federal funding; however, these transferred funds are restricted for use in the 402 Highway Safety DUI Countermeasure Program and/or the Hazard Elimination program, precluding their availability to finance Interstate Maintenance, National Highway System and Surface Transportation Program projects, which was the original intent of these funds.

Federal: None

Additional notes on fiscal impact

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)



AN ACT CONCERNING HIGHWAY SAFETY.

Section 1. (NEW) (*Effective October 1, 2015*) (a) For the purposes of this section:

- (1) "Alcoholic beverage" has the same meaning as provided in section 30-1 of the general statutes;
 - (2) "Highway" has the same meaning as provided in section 14-1 of the general statutes;
 - (3) "Open alcoholic beverage container" means a bottle, can or other receptacle (A) that contains any amount of an alcoholic beverage, and (B) (i) that is open or has a broken seal, or (ii) the contents of which are partially removed;
 - (4) "Passenger" means any occupant of a motor vehicle other than the operator; and
 - (5) "Passenger area" means (A) the area designed to seat the operator of and any passenger in a motor vehicle while such vehicle is being operated on a highway, or (B) any area that is readily accessible to such operator or passenger while such person is in such person's seating position; except that, in a motor vehicle that is not equipped with a trunk, "passenger area" does not include a locked glove compartment, the area behind the last upright seat closest to the rear of the motor vehicle or an area not normally occupied by the operator of or passengers in such motor vehicle.
- (b) No person shall possess an open alcoholic beverage container within the passenger area of a motor vehicle while such motor vehicle is on any highway in this state.
- (c) The provisions of subsection (b) of this section shall not apply to: (1) A passenger in a motor vehicle designed, maintained and primarily used for the transportation of persons for hire, and (2) a passenger in the living quarters of a recreational vehicle, as defined in section 14-1 of the general statutes.
- (d) Any person who violates the provisions of subsection (b) of this section shall be fined not more than five hundred dollars.

Sec. 2. Section 14-100a (c)(1) of the general statutes is amended as follows (*Effective October 1, 2015*):

Sec. 14-100a. Seat safety belts. Child restraint systems. Wheelchair transportation devices. (a) No new passenger motor vehicle may be sold or registered in this state unless equipped with at least two sets of seat safety belts for the front and rear seats of the motor vehicle, which belts comply with the requirements of subsection (b) of this section. The anchorage unit at the attachment point shall be of such construction, design and strength as to support a loop load strength of not less than four thousand pounds for each belt.

(b) No seat safety belt may be sold for use in connection with the operation of a motor vehicle on any highway of this state unless it is so constructed and installed as to have a loop strength through



the complete attachment of not less than four thousand pounds, and the buckle or closing device shall be of such construction and design that after it has received the aforesaid loop belt load it can be released with one hand with a pull of less than forty-five pounds.

(c) (1) The operator of and any **[front seat]** passenger in a motor vehicle with a gross vehicle weight rating not exceeding ten thousand pounds or firefighting apparatus originally equipped with seat safety belts complying with the provisions of the Code of Federal Regulations, Title 49, Section 571.209, as amended from time to time, shall wear such seat safety belt while the vehicle is being operated on any highway except as follows:

(A) A child six years of age and under shall be restrained as provided in subsection (d) of this section;

(B) The operator of such vehicle shall secure or cause to be secured in a seat safety belt any passenger seven years of age or older and under sixteen years of age; and

(C) If the operator of such vehicle is under eighteen years of age, such operator and each passenger in such vehicle shall wear such seat safety belt while the vehicle is being operated on any highway.

Sec. 3. Section 14-289g of the general statutes is amended as follows (*Effective October 1, 2015*):

Sec. 14-289g Protective headgear for motorcycle or motor-driven cycle operators and passengers [under eighteen years of age]. Regulations. Penalty. (a) No person **[under eighteen years of age]** may (1) operate a motorcycle or a motor-driven cycle, as defined in section 14-1, or (2) be a passenger on a motorcycle, unless such operator or passenger is wearing protective headgear of a type which conforms to the minimum specifications established by regulations adopted under subsection (b) of this section.

(b) The Commissioner of Motor Vehicles shall adopt regulations in accordance with the provisions of chapter 54 and the provisions of the Code of Federal Regulations Title 49, Section 571.218, as amended, establishing specifications for protective headgear for use by operators and passengers of motorcycles.

(c) Any person subject to the provisions of subsection (a) of this section who fails to wear protective headgear which conforms to the minimum specifications established by such regulations shall have committed an infraction and shall be fined not less than ninety dollars.



Agency Legislative Proposal - 2015 Session

Document Name: DOT2015 Maintenance of Adopted Bridges

(If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency: Department of Transportation

Liaison: Pam Sucato
Phone: (860) 594-3013
E-mail: pamela.sucato@ct.gov

Lead agency division requesting this proposal: Highway Operations & Maintenance

Agency Analyst/Drafter of Proposal: Bart Sweeney

Title of Proposal: AA Authorizing Maintenance Agreements for Orphan and Adopted Bridges.

Statutory Reference: 13b-283

Proposal Summary: To allow CTDOT to enter into agreements for municipal responsibility of the maintenance of orphan and/or adopted bridges.

Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

- **Reason for Proposal**

The DOT Office of Highway Operations is seeking to have the legislation amended to allow for the state to enter into an agreement with a town detailing the responsibility for the partial or complete maintenance of the structure. We are not seeking to return the maintenance obligation of all these structures over to the towns, but rather to look at them on a case by case basis as these structures are rehabilitated, rebuilt or, as in the case of the Church Street bridge in New Haven, a new structure is built at the request of a town.

A particular area of concern is snow removal on the sidewalks of adopted bridges. The current legislation puts the burden of snow removal from the sidewalks of adopted bridges on the State whereas the benefit of the sidewalk is to the town. Responsibility of all maintenance and snow removal on sidewalks within towns, whether they are on a state route or town road, falls to the town. It would seem logical to extend this responsibility to include the sidewalks on bridges. New language in the legislation would allow the state to enter into an agreement with a town to turn over snow removal on the sidewalk to the town.

- **Origin of Proposal** **New Proposal** **Resubmission**

If this is a resubmission, please share:



PROPOSAL IMPACT

- **Agencies Affected** (please list for each affected agency)

Agency Name: Agency Contact (name, title, phone): Date Contacted: Approve of Proposal ___ YES ___ NO ___ Talks Ongoing
Summary of Affected Agency's Comments
Will there need to be further negotiation? ___ YES ___ NO

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

Municipal: None
State: None
Federal: None
Additional notes on fiscal impact

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

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An Act Authorizing Maintenance Agreements for Orphan and Adopted Bridges.

Section 13b-283 of general statutes is repealed and the following is substituted in lieu thereof (*Effective upon passage*):

Sec. 13b-283. (Formerly Sec. 16-111). Repair of structures over or under railroad tracks. Insurance coverage for municipalities carrying out such repairs. Expenditures for reconstruction, repair or replacement of structures. Expenditures for elimination of highway-railroad grade crossings. Acquisition of land or rights of ingress to or egress from land. Order to readjust, relocate or remove facility. (a) Railroad companies shall keep in repair all structures under their tracks at any highway crossing. The state shall maintain and repair any structure (1) which spans a railroad and which supports a municipal road or (2) which spans any rail right-of-way which has been purchased by any state agency. The Commissioner of Transportation shall adopt regulations in accordance with the provisions of chapter 54, establishing a method by which the cost of repairing and maintaining any structure provided for in subdivision (1) of this subsection shall be apportioned between the state and the municipality in which such structure is located. Any town, city or borough may repair such structures over the tracks of a railroad company located within such town, city or borough. For the purpose of obtaining liability insurance coverage insuring against any losses or injuries suffered during the performance of such repairs, such town, city or borough may, in lieu of purchasing a separate policy of insurance naming such railroad company as an additional insured, purchase a rider to be attached to any existing insurance policy providing such liability coverage, naming such railroad company as an additional insured. The state shall maintain and repair the structures over any railroad on state-maintained highways constructed after January 1, 1955.

(b) The Commissioner of Transportation may expend up to the amount available annually from funds provided by specific appropriation from the Special Transportation Fund or other state funds in addition to any available federal funds to reconstruct, repair or replace with a new structure, together with the minimum approach work required for replacement, any existing structure carrying a town-maintained road or highway over a railroad when such structure is deemed critical from a traffic safety or load-carrying standpoint. The expense of any roadway construction on the approaches beyond what is required to build the new structure shall be paid by the town, if the work is done by or approved by the town.

(c) The Commissioner of Transportation may expend up to the amount made available from funds provided by specific appropriations from the Special Transportation Fund or other state funds in addition to any available federal funds to eliminate highway-railroad grade crossings by construction of grade separation structures and necessary approaches or by relocation of town-maintained roads or highways to provide access to existing grade separation structures.

(d) The Commissioner of Transportation, as he deems necessary, may acquire land or rights of ingress to and egress from land abutting any project which he undertakes pursuant to this section in the same manner and with like powers as authorized and exercised by said commissioner in acquiring land for state highway purposes.



(e) The Commissioner of Transportation, as he deems necessary, may issue an order to any utility, as defined in section 13a-98f, to readjust, relocate or remove its facility, at its own expense, from any structure or road abutting a structure in order to perform maintenance or repairs pursuant to this section and such utility shall readjust, relocate or remove its facility promptly in accordance with such order, except that the cost of readjusting, relocating, or removing any municipal utility shall be apportioned on the same basis as the cost of constructing such structure or road abutting such structure. The cost of readjusting, relocating or removing any public service facility which abuts or is within, on, over or under any state highway shall be apportioned in accordance with the provisions of section 13a-126.

(NEW) (f) The Commissioner of Transportation may enter into an agreement with the authorized official or officials of a town, city, borough, consolidated town and city or consolidated town and borough, for the maintenance and removal of snow and ice from a footpath or sidewalk on any structure provided for in subdivision (1) and (2) of subsection (a).



Agency Legislative Proposal - 2015 Session

Document Name: DOT2015 Max Fed Funds

(If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency: Department of Transportation

Liaison: Pam Sucato

Phone: (860) 594-3013

E-mail: pamela.sucato@ct.gov

Lead agency division requesting this proposal: Highway Operations & Maintenance

Agency Analyst/Drafter of Proposal: Chuck Drda

Title of Proposal: AAC Maximization of Federal Funding on Road and Bridge Repair Contracts.

Statutory Reference: 4a-59

Proposal Summary: To enable CTDOT to maximize the use of federal funding for roadway and bridge repair projects. This proposal would provide an exception to current language in CGS4a-57 for contracts utilizing federal funds, to enable the Department to access FHWA funding for roadway and bridge repairs.

Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

- **Reason for Proposal**

To allow CTDOT to utilize federal funds in order to complete a significantly larger amount of highway and bridge repair projects each season.

DAS is responsible for awarding and administering all contracts for CTDOT for roadway and bridge maintenance. DAS utilizes its general procurement authority and bidding/proposal processes (C.G.S. § 4a-57) to enter into such contracts. DOT then writes purchase orders off of the master DAS contract(s).

Currently, the Department utilizes 100% state funds to pay for roadway and bridge maintenance. DOT has wanted to use federal funds over the years to supplement the state funds for this work, but has been unable to do so because specific language in C.G.S. § 4a-57 has been viewed by the federal government to be contrary to federal regulations. This year, the DOT has been unable to use about \$60 million of federal funds that would otherwise be available for use on roadway and bridge repair, but for this specific language in § 4a-57. DAS and DOT desire to modify § 4a-57 to enable DOT to utilize federal funds for this purpose.

In short, FHWA has interpreted the following language in § 4a-57 to be a deviation from the federal requirement that all FHWA contracts utilizing federal funds be awarded to the lowest responsible qualified bidder:



“If any such bidder refuses to accept, within ten days, a contract awarded to such [lowest responsible qualified] bidder, such contract may be awarded to the next lowest responsible qualified bidder or the next highest scoring bidder in a multiple criteria bid, whichever is applicable, and so on until such contract is awarded and accepted. If any such proposer refuses to accept, within ten days, a contract awarded to such proposer, such contract shall be awarded to the next most advantageous proposer, and so on until the contract is awarded and accepted.”

This proposal would provide an exception to this language in § 4a-57 for contracts utilizing federal funds, to enable DOT to access FHWA funding for roadway and bridge repairs.

- **Origin of Proposal** **New Proposal** **Resubmission**

If this is a resubmission, please share:

PROPOSAL IMPACT

- **Agencies Affected** (please list for each affected agency)

Agency Name: Department of Administrative Services
Agency Contact (name, title, phone): Andrea Keilty/ Terrence Tulloch-Reid
Date Contacted: September 4, 2014

Approve of Proposal YES NO Talks Ongoing

Summary of Affected Agency's Comments

Will there need to be further negotiation? YES NO

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

Municipal:

State: Cost avoidance

Federal: Maximization of federal funds.

Additional notes on fiscal impact

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)



AN ACT CONCERNING MAXIMIZATION OF FEDERAL FUNDING ON ROAD AND BRIDGE REPAIR CONTRACTS.

Subsection (c) of section 4a-59 of general statutes is repealed and the following is substituted in lieu thereof. (*Effective upon passage*):

(c) All open market orders or contracts shall be awarded to (1) the lowest responsible qualified bidder, the qualities of the articles to be supplied, their conformity with the specifications, their suitability to the requirements of the state government and the delivery terms being taken into consideration and, at the discretion of the Commissioner of Administrative Services, life-cycle costs and trade-in or resale value of the articles may be considered where it appears to be in the best interest of the state, (2) the highest scoring bidder in a multiple criteria bid, in accordance with the criteria set forth in the bid solicitation for the contract, or (3) the proposer whose proposal is deemed by the awarding authority to be the most advantageous to the state, in accordance with the criteria set forth in the request for proposals, including price and evaluation factors. Notwithstanding any provision of the general statutes to the contrary, each state agency awarding a contract through competitive negotiation shall include price as an explicit factor in the criteria in the request for proposals and for the contract award. In considering past performance of a bidder for the purpose of determining the "lowest responsible qualified bidder" or the "highest scoring bidder in a multiple criteria bid", the commissioner shall evaluate the skill, ability and integrity of the bidder in terms of the bidder's fulfillment of past contract obligations and the bidder's experience or lack of experience in delivering supplies, materials, equipment or contractual services of the size or amount for which bids have been solicited. In determining the lowest responsible qualified bidder for the purposes of this section, the commissioner may give a price preference of up to ten per cent for (A) the purchase of goods made with recycled materials or the purchase of recyclable or remanufactured products if the commissioner determines that such preference would promote recycling or remanufacturing. As used in this subsection, "recyclable" means able to be collected, separated or otherwise recovered from the solid waste stream for reuse, or for use in the manufacture or assembly of another package or product, by means of a recycling program which is reasonably available to at least seventy-five per cent of the state's population, "remanufactured" means restored to its original function and thereby diverted from the solid waste stream by retaining the bulk of components that have been used at least once and by replacing consumable components and "remanufacturing" means any process by which a product is remanufactured; (B) the purchase of motor vehicles powered by a clean alternative fuel; (C) the purchase of motor vehicles powered by fuel other than a clean alternative fuel and conversion equipment to convert such motor vehicles allowing the vehicles to be powered by either the exclusive use of clean alternative fuel or dual use of a clean alternative fuel and a fuel other than a clean alternative fuel. As used in this subsection, "clean alternative fuel" means natural gas or electricity when used as a motor vehicle fuel; or (D) the purchase of goods or services from micro businesses. As used in this subsection, "micro business" means a business with gross revenues not exceeding three million dollars in the most recently completed fiscal year. All other factors being equal, preference shall be given to supplies, materials and equipment produced, assembled or manufactured in the state and services originating and provided in the state. **Except with regard to contracts that may be paid for with federal funds, if [If] any such bidder refuses to accept, within ten days, a contract awarded to such bidder, such contract may be awarded to the next lowest responsible qualified bidder or the next**



highest scoring bidder in a multiple criteria bid, whichever is applicable, and so on until such contract is awarded and accepted. **Except with regard to contracts that may be paid for with federal funds, if** [if] any such proposer refuses to accept, within ten days, a contract awarded to such proposer, such contract shall be awarded to the next most advantageous proposer, and so on until the contract is awarded and accepted. There shall be a written evaluation made of each bid. This evaluation shall identify the vendors and their respective costs and prices, document the reason why any vendor is deemed to be nonresponsive and recommend a vendor for award. A contract valued at one million dollars or more shall be awarded to a bidder other than the lowest responsible qualified bidder or the highest scoring bidder in a multiple criteria bid, whichever is applicable, only with written approval signed by the Commissioner of Administrative Services and by the Comptroller. The commissioner shall post on the department's Internet web site all awards made pursuant to the provisions of this section.

Agency Legislative Proposal - 2015 Session

Document Name: DOT2015 Parking Enforcement at Rail Stations

(If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency: Department of Transportation

Liaison: Pamela Sucato
Phone: (860) 594-3013
E-mail: pamela.sucato@ct.gov

Lead agency division requesting this proposal: Public Transportation

Agency Analyst/Drafter of Proposal: Rich Jankovich

Title of Proposal: AA Authorizing the Department of Transportation to Enforce Commuter Parking Regulations.

Statutory Reference: 13b-2; 13b-29; and 13b-34

Proposal Summary: To amend the transportation statutes to (1) define "parking inspector" and authorize a parking inspector to issue citations for parking violations, (2) authorize the commissioner to establish a fee schedule for parking violations, at a level less the amount for an infraction.

Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

- **Reason for Proposal**

To provide the Commissioner the authority needed to effectively implement open commuter parking systems that will be utilized on the CTrail Hartford line. Without these changes, the Commissioner would not be able to control the use of parking spaces within these parking areas.

- **Origin of Proposal** **New Proposal** **Resubmission**

PROPOSAL IMPACT

- **Agencies Affected** (please list for each affected agency)

Agency Name: None

Agency Contact (name, title, phone):

Date Contacted:

Approve of Proposal YES NO Talks Ongoing

Summary of Affected Agency's Comments

Will there need to be further negotiation? YES NO

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

Municipal: None
State: This revision provides the enforcement tools needed to ensure collection of parking revenue for the implementation of an open parking system on the CT rail Hartford line.
Federal: None
Additional notes on fiscal impact

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

These sections working together allows the commissioner the ability to implement parking systems and controls with commuter parking areas that are similar to those that are authorized at Department of Higher Education facilities.

AN ACT AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO ENFORCE COMMUTER PARKING REGULATIONS.

Section 1. Section 13b-2 of the general statutes is amended by adding subdivision (11) as follows
(Effective October 1, 2015):

(NEW) (11) "parking inspector" means an employee of (A) the department designated by the commissioner, or (B) a third-party contractor employed by the department, whose duties are to monitor compliance with parking regulation and payment requirements in parking areas supporting public transportation services.

Sec. 2. Section 13b-29 of the general statutes is repealed and the following is substituted in lieu thereof
(Effective October 1, 2015):

Sec. 13b-29. Commuter parking facilities. Regulations. (a) Notwithstanding the provisions of any other statute, the commissioner, any parking inspector, as defined in section 13b-2, shall have the authority to issue citations for any violation of this section. All fines so imposed shall be deposited in the department operating account for the cost of enforcing traffic and parking regulations, parking expansion and parking improvements. The commissioner may also acquire title in fee simple to, or any lesser estate, interest or develop plans for, construct and maintain, establish and collect reasonable parking fees, commuter parking facilities at locations along automobile routes that will reduce peak traffic demands on highway systems and at locations that will encourage the use of carpools, vanpools and mass transportation facilities such as, but not limited to, bus or railroad lines. Any such parking facilities which are not regulated by municipalities on October 1, 1983, may be used only for routine, temporary parking by persons using carpool or vanpool vehicles or mass transportation facilities. The commissioner may establish a schedule of fines for violations within commuter parking areas in amounts less than the amount of an infraction. The commissioner shall establish a process to hear appeals of penalties assessed for parking violations. Failure to pay assessed penalties for violations shall be an infraction. The commissioner shall adopt regulations in accordance with the provisions of chapter 54 governing the use of such parking facilities. Violation of any provision of any such regulations shall be an infraction.

(b) Such parking facilities may use space on, above or under highway rights-of-way. Funds expended by the Commissioner of Transportation on such parking facilities shall be divided between the needs of individuals who commute by automobile and individuals who commute by any of the various forms of mass transportation to insure that the needs of each commuter for adequate parking facilities along railroad lines, bus routes, automobile routes or the lines or routes of other forms of transportation are not neglected. The commissioner may enter into agreements with federal, state or local governmental agencies to develop such plans, and to construct and maintain such facilities. The provisions of such agreements may be carried out by the commissioner or the state or local agency as necessity, convenience or economy requires. If and when the Congress of the United States provides financial aid to states for the planning, construction or maintenance of commuter parking facilities, the

commissioner may do any and all other acts and things necessary or desirable to take advantage of such financial aid on behalf of the state in the same manner as is provided in section 13a-165 for federal aid for highways. Contracts for such construction shall be carried out in the manner provided by statute and regulations pursuant thereto for public works. The commissioner may acquire in the name of the state such real property as is necessary to construct and maintain such commuter parking facilities in the same manner and with like powers as authorized and exercised by said commissioner in acquiring real property for state highway purposes.

Sec. 3. Subsection (a) of section 13b-34 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(a) The commissioner shall have power, in order to aid or promote the operation, whether temporary or permanent, of any transportation service operating to, from or in the state, to contract in the name of the state with any person, including but not limited to any common carrier, any transit district formed under chapter 103a or any special act, or any political subdivision or entity, or with the United States or any other state, or any agency, instrumentality, subdivision, department or officer thereof, for purposes of initiating, continuing, developing, providing or improving any such transportation service. Such contracts may include provision for arbitration of disputed issues. The commissioner, in order to aid or promote the operation of any transportation service operating outside the state, may contract in the name of the state with any person, including, but not limited to, any common carrier, or with the United States or any other state, or any agency, instrumentality, subdivision, department or officer thereof, for purposes of providing any transportation service in the event such assistance is required in the case of an emergency or a special event. The state, acting by and through the commissioner, may, by itself or in concert with others, provide all or a portion of any such service, share in the costs of or provide funds for such service, or furnish equipment or facilities for use in such service upon such terms and conditions as the commissioner may deem necessary or advisable, and any such contracts may include, without limitation thereto, arrangements under which the state shall so provide service, share costs provide funds or furnish equipment or facilities. To these ends, the commissioner may in the name of the state acquire or obtain the use of facilities and equipment employed in providing any such service by gift, purchase, lease or other arrangements and may own and operate any such facilities and equipment and establish, charge and collect such fares and other charges or arrange for such collection for the use or services thereof as he may deem necessary, convenient or desirable. The commissioner or any fare inspector, as defined in section 13b-2, as amended by this act, shall have the authority to issue citations for any violation of section 3 of this act. The commissioner or any parking inspector, as defined in section 13b-2, as amended by this act, shall have the authority to issue citations for any violation of section 2 of this act. The commissioner may also acquire title in fee simple to, or any lesser estate, interest or right in, any rights-of-way, properties or facilities, including properties used on or before October 1, 1969, for rail or other forms of transportation services. The commissioner may hold such properties for future use by the state and may enter into agreements for interim use of such properties for other purposes. Any person contracting with the state pursuant to this section for the provision of any transportation service shall not be considered an arm or agent of the state. Any damages caused by the operation of such transportation service by such person may be recovered in a civil action brought

against such person in the superior court and such person may not assert the defense of sovereign immunity in such action.



Agency Legislative Proposal - 2015 Session

Document Name: DOT2015 ROW Revisions.

(If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency: Department of Transportation

Liaison: Pam Sucato

Phone: (860) 594-3013

E-mail: pamela.sucato@ct.gov

Lead agency division requesting this proposal: Rights of Way

Agency Analyst/Drafter of Proposal: Terrence J. Obey

Title of Proposal: AAC Minor Revisions to Transportation Right of Way Statutes.

Statutory Reference: 13a-73; 13a-80 as revised by Public Act 13-277, Section 1

Proposal Summary:

1. Currently, Sec. 13a-73(b) allows the last owner of record to remain in residency of their home, rent free, for a period of 120 days, when the property is acquired by the commissioner through condemnation only.

This proposal seeks to reduce the rent free grace period from 120 days to 90 days; but extend the benefit to owner-occupants whose residential property is acquired under the Commissioner's purchase authority (13a-73(c)), as well as owner-occupied businesses, regardless of the acquiring authority of the Commissioner.

Sec. 13a-73(c) Purchase, also allows the commissioner to purchase, lease, or otherwise arrange for the acquisition or exchange of land or buildings or both, for use as a new or expanded highway maintenance storage area or garage. This settlement authority is restrictive, in that it only allows for the exchange of land or buildings which are under the commissioner's custody and control, for the construction or expansion of highway maintenance storage areas and garages. It does not apply to the commissioner's authority to settle and compromise those claims further described under (c).

The removal of this restrictive language would allow the commissioner the authority to settle all claims described under (c) through the payment of money, or the transfer or exchange of other land and buildings, under his direct custody and control, with the advice and consent of the Attorney General.

2. The Department transfers excess state property under CGS 13a-80. The original statute language was revised by Section 1 of Public Act 13-277 in order to process the disposition of state land in an efficient manner. The language contained in PA 13-277 is different from the Department's original proposal last legislative session and as passed, has created redundancy with the notification to municipalities as required by CGS 3-14b.



Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

- **Reason for Proposal**

1. When initially enacted, the free rental period outlined under C.G.S. Sec. 13a-73(b) applied only to owner-occupied residential property's acquired by the commissioner through condemnation, and did not provide for the same rent free period being afforded to improved owner-occupied residential property's acquired by agreement, under C.G. S. Sec. 13a-73(c), or to owner-occupied and operated business or commercial property's.

The period reduction of 120 days to 90 days corresponds with today's standard to secure payment for real property acquired by condemnation, and in instances where financing may be required, to secure a replacement property. This proposal will correct these inadvertent omissions, while providing for the consistent application of the temporary use of real property, as defined, acquired by the commissioner. The removal of...for use as a highway maintenance storage area or garage, from (c), would allow the commissioner additional flexibility in the settlement of claims, with the advice and consent of the Attorney General.

2. This statute was revised in 2013 to allow for consideration of all existing requirements for the disposition of excess state property; including appraisals, right of first refusal to former owners, legal lots of record, and public bids, while providing more clarity and flexibility to the state's requirements. The Costs for appraisal and advertising for bids were reduced and the process should have become more streamlined for faster processing time. The original proposed language was changed and erroneously included language to offer the municipality legal lots of record prior to a public bid. This language has created redundant work and is not necessary as CGS 3-14b requires that municipalities be offered the right of first refusal on all properties, subject to conditions of sale acceptable to the state. The public bid process is critical in establishing a key condition of sale; sales price. If the Department was to offer property to the municipality prior to a public bid and it was refused, the Department would be required to offer it again under 3-14b (e) after the terms of the sale have been determined. After each offer the municipality is allowed 45 days for consideration. This only serves to delay the process. The proposed language would allow DOT to obtain an appraisal, hold a public bid, establish terms acceptable to the state, and then offer the municipality right of first refusal under 3-14b. This procedure satisfies all language in 13a-80 while providing the most efficient process.

- **Origin of Proposal** **New Proposal** **Resubmission**

If this is a resubmission, please share:

This proposal was passed under Public Act 13-277, Sec.1, however, the original proposed language was modified and the incorrect language was passed.

PROPOSAL IMPACT

- **Agencies Affected** (please list for each affected agency)



Agency Name: Agency Contact (name, title, phone): Date Contacted: Approve of Proposal ___ YES ___ NO ___ Talks Ongoing
Summary of Affected Agency's Comments
Will there need to be further negotiation? ___ YES ___ NO

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

Municipal (please include any municipal mandate that can be found within legislation)
State: The state would save indirect costs for the additional delay in the conveyance process.
Federal
Additional notes on fiscal impact

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

The re-write is intended to clarify the statute's conflicting language while maintaining all requirements of the original statute. Additionally, the modified language will streamline DOT's process for the disposition of excess property.
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AAC MINOR REVISIONS TO TRANSPORTATION RIGHT OF WAY STATUTES.

Section 13a-73 of the general statutes is amended to read as follows (*Effective July 1, 2015*):

Sec. 13a-73. Acquisition of real property. (a) Real property defined. "Real property", as used in this section, includes land and buildings and any estate, interest or right in land.

(b) Condemnation of land for state highway or highway maintenance storage area or garage. The commissioner may take any land he finds necessary for the layout, alteration, extension, widening, change of grade or other improvement of any state highway or for a highway maintenance storage area or garage and the owner of such land shall be paid by the state for all damages, and the state shall receive from such owner the amount or value of all benefits, resulting from such taking, layout, alteration, extension, widening, change of grade or other improvement. The use of any site acquired for highway maintenance storage area or garage purposes by condemnation shall conform to any zoning ordinance or development plan in effect for the area in which such site is located, provided the commissioner may be granted any variance or special exception as may be made pursuant to the zoning ordinances and regulations of the town in which any such site is to be acquired. The assessment of such damages and of such benefits shall be made by the commissioner and filed by him with the clerk of the superior court for the judicial district in which the land affected is located. The commissioner shall give notice of such assessment to each person having an interest of record therein by mailing to each a copy of the same, postage prepaid, and, at any time after such assessment has been made by the commissioner, the physical construction of such layout, alteration, extension, widening, maintenance storage area or garage, change of grade or other improvement may be made. If notice cannot be given to any person entitled thereto because his whereabouts or existence is unknown, notice may be given by publishing a notice at least twice in a newspaper published in the judicial district and having a daily or weekly circulation in the town in which the property affected is located. Any such published notice shall state that it is a notice to the last owner of record or his surviving spouse, heirs, administrators, assigns, representatives or creditors if he is deceased, and shall contain a brief description of the property taken. Notice shall also be given by mailing to each such person at his last-known address, by registered or certified mail, a copy of such notice. If, after a search of the land and probate records, the address of any interested party cannot be found, an affidavit stating such facts and reciting the steps taken to establish the address of any such person shall be filed with the clerk of the court and accepted in lieu of service of such notice by mailing the same to the last known address of such person. Upon filing an assessment with the clerk of the court, the commissioner shall forthwith sign and file for record with the town clerk of the town in which such real property is located a certificate setting forth the fact of such taking, a description of the real property so taken and the names and residences of the owners from whom it was taken. Upon the filing of such certificate, title to such real property in fee simple shall vest in the state of Connecticut, except that, if it is so specified in such certificate, a lesser estate, interest or right shall vest in the state. The commissioner shall permit the last owner of record of such real property upon which [a] an owner-occupied residence or owner-operated business is situated to remain in such residence or



operate such business, rent free, for a period of [one hundred twenty] ninety days after the filing of such certificate.

(c) Purchase. The commissioner may purchase any land and take a deed thereof in the name of the state when such land is needed in connection with the layout, construction, repair, reconstruction or maintenance of any state highway or bridge, and any land or buildings or both, necessary, in the commissioner's opinion, for the efficient accomplishment of the foregoing purpose, and may further, when the commissioner determines that it is in the best interests of the state, purchase, lease or otherwise arrange for the acquisition or exchange of land or buildings or both [for use as a highway maintenance storage area or garage], provided any purchase of such land or land and buildings in an amount in excess of the sum of one hundred thousand dollars shall be approved by a state referee. The commissioner, with the advice and consent of the Attorney General, may settle and compromise any claim by any person, firm or corporation claiming to be aggrieved by such layout, construction, reconstruction, repair or maintenance by the payment of money, the transfer of other land acquired for or in connection with highway purposes, or otherwise. The commissioner shall permit the last owner of record of such real property upon which an owner-occupied residence or owner-operated business is situated to remain in such residence or operate such business, rent free, for a period of ninety days from the filing of such deed.

Section 2. Public Act 13-277 is amended to read as follows: *(Effective July 1, 2015):*

(a) The Commissioner of Transportation, with the advice and consent of the Secretary of the Office of Policy and Management and the State Properties Review Board may sell, lease and convey, in the name of the state, or otherwise dispose of, or enter into agreements concerning, any land and buildings owned by the state and obtained for or in connection with highway purposes or for the efficient accomplishment of the foregoing purposes or formerly used for highway purposes, which real property is not necessary for such purposes. The commissioner shall notify the state representative and the state senator representing the municipality in which said property is located within one year of the date a determination is made that the property is not necessary for highway purposes and that the department intends to dispose of the property.

(b) The Department of Transportation shall obtain a full appraisal on excess property prior to its sale and shall hold a public bid or auction for all properties determined to be legal lots of record. If the department does not receive any bids at the initial public bid or auction, the department may continue to market the property and accept offers for sale or hold another bid or auction. Transfers to other state agencies and municipalities for purposes specified by the department shall be exempt from the appraisal requirement. [The department shall offer parcels that are legal lots of record to other state agencies, and to any municipality in which any such parcel is located, before holding a public bid or auction and shall offer parcels that are not legal lots of record to all abutting landowners in accordance with department regulations.] The department shall offer parcels which are legal lots of record to other



state agencies prior to a public bid or auction and shall offer parcels which are not legal lots of record to all abutting landowners in accordance with department regulations. If the sale or transfer of property pursuant to this section results in the existing property of an abutting landowner becoming a nonconforming use, pursuant to local zoning requirements, the commissioner may sell or transfer the property to such abutting landowner without public bid or auction. The department shall obtain a second appraisal if the value of such property is more than two hundred fifty thousand dollars and is to be sold to an abutting landowner or in accordance with the provisions of subsection (c) of this section. Any appraisals shall be obtained prior to the determination of a sale price of the excess property.

(c) Notwithstanding the provisions of sections 3-14b and 4b-21, no residential property upon which a single-family dwelling is situated at the time it is obtained by the department for highway purposes may be sold or transferred pursuant to this section within twenty-five years of the date of its acquisition without the department's first offering the owner or owners of the property at the time of its acquisition a right of first refusal to purchase the property at the amount of its appraised value as determined in accordance with the provisions of subsection (b) of this section. Notice of such offer shall be sent to each such owner by registered or certified mail, return receipt requested, within one year of the date a determination is made that such property is not necessary for highway purposes. Any such offer shall be terminated by the department if it has not received written notice of the owner's acceptance of the offer within sixty days of the date it was mailed. The commissioner shall adopt regulations, in accordance with the provisions of chapter 54, establishing procedures for the disposition of excess property pursuant to the provisions of this subsection in the event such property is owned by more than one person.

(d) Where the department has in good faith and with reasonable diligence attempted to ascertain the identity of persons entitled to notice under subsection (c) of this section and mailed notice to the last known address of record of those ascertained, the failure to in fact notify those persons entitled thereto shall not invalidate any subsequent disposition of property pursuant to this section.

FOR REFERENCE:

Sec. 3-14b. Prior to sale of state-owned land, option to municipality of locale to purchase. Prior to the sale of any parcel of land, or a portion thereof owned by the state, except a transfer or conveyance to the party against whom foreclosure was taken or who conveyed to the state in lieu of foreclosure under the provisions of section 17b-138, the state agency, department or institution responsible for the sale of such land shall first notify, in writing, the chief executive officer or officers of the municipality in which such land is situated and the affected state representative and state senator for such municipality of the state's intention to sell such land, and no agreement to sell such land may be entered into or sale may be made by the state except as follows:

(a) Not later than forty-five days after such notice has been so given, such chief executive officer or officers may give written notice to the state of the municipality's desire to purchase such land and shall have the right to purchase the interest in the land which the state has declared its intent to sell, subject to conditions of sale acceptable to the state.



(b) If the chief executive officer or officers of the municipality fail to give notice, as provided in subsection (a) of this section, or give notice to the state of the municipality's desire not to purchase such land, such municipality shall have waived its right to purchase the land in accordance with the terms of this section.

(c) Not later than sixty days after notice has been given by the municipality of its desire to purchase such land, as provided in subsection (a) of this section, the state acting through the state agency, department or institution shall sell such land to the municipality, provided the state and the municipality agree upon the conditions of sale and the amount to be paid therefor.

(d) If the municipality fails to purchase such land not later than sixty days after notice has been given by the municipality of its desire to purchase the land, as provided in subsection (a) of this section, such municipality shall have waived rights to purchase the land in accordance with the terms of this section, subject to the provisions of subsection (e) of this section.

(e) Notwithstanding the provisions of subsections (b) and (d) of this section, if the state thereafter proposes to sell such land to any person upon terms different from those offered to the municipality, the state shall first notify the municipality of such proposal, in the manner provided in subsection (a) of this section, and of the terms of such proposed sale, and such municipality shall have the option to purchase such land upon such terms and may thereupon, in the same manner and within the same time limitations as are provided in subsections (a) and (c) of this section, proceed to purchase such land.

(f) Notwithstanding the provisions of subsection (d) of this section, the towns of Preston and Norwich shall retain any right provided for by this section with regard to the property known as the Norwich State Hospital property, provided the Commissioner of Administrative Services determines that such towns continue to make good faith efforts to purchase such property and have otherwise complied with the provisions of this section.

(P.A. 74-203, S. 1, 2; P.A. 75-332; P.A. 96-222, S. 1, 41; P.A. 05-287, S. 28; P.A. 06-196, S. 23; P.A. 11-51, S. 44.)

History: P.A. 75-332 excepted transfers and conveyances of land where foreclosure was involved from provisions of section; P.A. 96-222 substituted "state agency, department or institution responsible for the sale of such land" for "State Treasurer", effective July 1, 1996; P.A. 05-287 made technical changes throughout the section, added requirement that notice of sale be provided to the affected state representative and state senator for the municipality and added Subsec. (f) re the sale of the Norwich State Hospital property to the towns of Preston and Norwich, effective July 13, 2005; P.A. 06-196 made a technical change in Subsec. (e), effective June 7, 2006; pursuant to P.A. 11-51, "Commissioner of Public Works" was changed editorially by the Revisors to "Commissioner of Administrative Services" in Subsec. (f), effective July 1, 2011.



Agency Legislative Proposal - 2015 Session

Document Name: DOT2015 Work Zone Safety

(If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency: Department of Transportation

Liaison: Pam Sucato
Phone: (860) 594-3013
E-mail: pamela.sucato@ct.gov

Lead agency division requesting this proposal: Engineering & Construction

Agency Analyst/Drafter of Proposal: Terri Thompson

Title of Proposal: AAC Revisions to the Work Zone Safety Account.

Statutory Reference: 14-212g

Proposal Summary: To broaden the types of expenditures that may be used from the established account known as the “work zone safety account” in 14-212g.

Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

- **Reason for Proposal**

The current statute, Section 14-212g subpart (a) limits the type of expenditures to primarily enforcement activity. Allowing for other types of expenditures will aid in the protection of workers in highway work zones as defined in Section 14-212d.

- **Origin of Proposal** **New Proposal** **Resubmission**

If this is a resubmission, please share:

PROPOSAL IMPACT

- **Agencies Affected** (please list for each affected agency)



Agency Name: Agency Contact (name, title, phone): Date Contacted: Approve of Proposal ___ YES ___ NO ___ Talks Ongoing
Summary of Affected Agency's Comments
Will there need to be further negotiation? ___ YES ___ NO

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

Municipal: None
State: None
Federal: None
Additional notes on fiscal impact

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

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AN ACT CONCERNING REVISIONS TO THE WORK ZONE SAFETY ACCOUNT.

Subsection (a) of Section 14-212g of the general statutes is amended to read as follows (*Effective upon passage*):

(a) There is established an account to be known as the “work zone safety account” which shall be a separate, nonlapsing account within the Special Transportation Fund. The account shall contain any moneys required by law to be deposited in the account. Moneys in the account shall be expended by the Department of Transportation for the purposes of **(1)** highway traffic enforcement, including, but not limited to, the expansion of the “Operation Big Orange” program; **(2) purchase and implementation of technology and equipment; and (3) highway work zone training and education**, to protect the safety of workers in highway work zones, as defined in section 14-212d.