



## Agency Legislative Proposal - 2020 Session

**Document Name:** DOT\_121019\_U-PASS

(If submitting electronically, please label with date, agency, and title of proposal – 092620\_SDE\_TechRevisions)

State Agency: Department of Transportation

**Liaison:** Alicia Leite

**Phone:** 860-594-3015

**E-mail:** alicia.leite@ct.gov

Lead agency division requesting this proposal: Public Transportation; Legal Office

Agency Analyst/Drafter of Proposal: Rich Andreski, 860-594-2824/Brian Dudack, 860-594-3056

**Title of Proposal:** AA Facilitating U-Pass Agreements with Private Colleges and Universities.

**Statutory Reference:** 13b-34

**Proposal Summary:**

Amend the powers of the Commissioner of Transportation to allow CTDOT to contract with private colleges, universities, and other educational institutions to expand services to better meet their needs and increase public transportation ridership and revenue.

### PROPOSAL BACKGROUND

#### ◇ Reason for Proposal

In an effort to promote public transportation usage among college students in the State of Connecticut, CTDOT negotiated an agreement with the University of Connecticut and the Connecticut State Colleges and Universities for a program called U-PASS CT. This program allows students at participating schools to utilize all public transportation services within the State. The Department charges the schools a fee of \$20 per student per semester to participate in the program. Some of the funds generated through the program used to make minor service adjustments to meet the needs of the school.

Since the program's inception in August of 2017, students have made over 4 million passenger trips using U-PASS. The gain in ridership has helped CT maintain and grow its total public transportation ridership. The improving ridership statistics are important as the Federal Transit Administration assigns funding according to ridership among other factors. In the longer term, U-PASS is helping to develop preferences and travel habits among a younger generation.

Private colleges and universities have realized how this program could benefit their students and many have asked to join in the program. Unfortunately, the Department has had to turn these schools away because the powers of the Commissioner do not allow the Department to enter into an agreement with a private entity in return for compensation.



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

If this is a resubmission, please share:

- (1) What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?
- (2) Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?
- (3) Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?
- (4) What was the last action taken during the past legislative session?

The Department submitted this proposal for the 2019 legislative session however additional information and analysis was requested. Since then, the Department has had ongoing discussions with OPM regarding this proposal and are working in partnership to draft legislation.

### PROPOSAL IMPACT

**AGENCIES AFFECTED** *(please list for each affected agency)*

**Agency Name:** OPM  
**Agency Contact (name, title, phone):** Various staff members  
**Date Contacted:** Summer 2019, multiple dates after

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)*  
 None

**State**  
 This will allow the CTDOT to contract with private colleges and universities to increase revenue and ridership and expand services to better meet the needs of these entities.

**Federal**  
 There is a potential to increase federal funding with increasing transit ridership. Funding is allocated by region based on ridership statistics. If Connecticut ridership outpaces ridership growth in nearby states, the State will be eligible for a larger portion of funds.

**Additional notes on fiscal impact**



◇ **POLICY and PROGRAMMATIC IMPACTS** *(Please specify the proposal section associated with the impact)*

◇ **EVIDENCE BASE**

*What data will be used to track the impact of this proposal over time, and what measurable outcome do you anticipate? Is that data currently available or must it be developed? Please provide information on the measurement and evaluation plan. Where possible, those plans should include process and outcome components. Pew MacArthur Results First [evidence definitions](#) can help you to establish the evidence-base for your program and their [Clearinghouse](#) allows for easy access to information about the evidence base for a variety of programs.*

**AN ACT FACILITATING U-PASS AGREEMENTS WITH PRIVATE COLLEGES AND UNIVERSITIES.**

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 or any fare inspector, as defined in section 13b-2, shall have the authority to issue citations for any violation of



section 13b-38i. 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.

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

(k) The commissioner may indemnify and hold harmless any operator selected pursuant to section 13b-79u to operate on the New Haven-Hartford-Springfield rail line if the commissioner finds that (1) it is in the best interest of the state to do so, and (2) the National Rail Passenger Corporation requires such operator to indemnify and hold harmless said corporation.

(l) The commissioner, in order to promote public transportation services within the state, may design a program to provide bus or rail transportation services to college or university students in this state. Such program, if approved by the Secretary of the Office of Policy and management, may provide that the commissioner negotiate and contract with any college, university, academy, school or other educational institution, access to public transportation services on such terms and conditions and in return for compensation or reimbursement as the commissioner may deem necessary or advisable. In fulfillment of any such contract, the commissioner may create, expand or otherwise modify public transportation services in order to encourage access to bus and rail services.



## Agency Legislative Proposal - 2020 Session

**Document Name:** DOT\_111319\_BusContracts

(If submitting electronically, please label with date, agency, and title of proposal – 092620\_SDE\_TechRevisions)

State Agency: Connecticut Department of Transportation

**Liaison:** Alicia Leite

**Phone:** 860-594-3015

**E-mail:** alicia.leite@ct.gov

Lead agency division requesting this proposal: Bureau of Public Transportation; Transit and Rideshare

Agency Analyst/Drafter of Proposal: Alice Sexton, 860-594-3045

**Title of Proposal:** AAC Modernization of Public Transit Contracting.

**Statutory Reference:** Sec. 13b-34

**Proposal Summary:**

The proposed amendment clarifies that there is no requirement for a certificate under 13b-80 where a bus company is operating bus service under a contract with the Department.

### PROPOSAL BACKGROUND

#### ◇ Reason for Proposal

The statutes currently provide two avenues for fixed bus service in the State. The Department is permitted under 13b-34 to contract for bus service while under 13b-80 private operators can operate bus routes under certificates of public convenience and necessity. Certificates are route specific, authorizing the private operation of the service over the streets specified in the certificate at specified times and at the authorized fares. A judge recently ruled that certificates under CGS 13b-80 are not exclusive, but each bus company that enters into a contract with the Department pursuant to CGS 13b-34 must obtain a certificate under CGS 13b-80 to run those routes.

Historically, certificates were required for bus companies operating with their own capital resources attempting to earn a profit from bus fares. As automobile ownership increased, bus ridership decreased, necessitating state subsidization of bus service in order for the service to be viable. Thus, for the last 40 years, CTDOT contracted for many routes that were not covered by a certificate in order to fill the void as private bus companies could no longer operate those routes at a profit.

The court ruling would require the Department issue a certificate for each of the approximately 200 routes operated under contract in the State. Additionally, every time there is a change made to the route in order to address changing demographics, employment centers, and other community and economic development, an amendment to the certificate may be required.



This amendment permits the Department to quickly adapt and respond to changes in its transit service needs. Not only is it highly inefficient and duplicative to require a certificate under 13b-80 when the Department has already determined there is a need for subsidized, contractual service under 13b-34; it will also take countless hours of staff time to issue these certificates for each individual transit route. This proposed amendment would allow the Department to continue to contract for subsidized routes without having to issue a certificate under 13b-80 for each contract route.

Certificate authority under section 13b-80 would remain in place for private carriers that wish to operate routes using their own resources and without a state subsidy contract.

It is important to note that the transit districts which provide bus service are already expressly exempt from complying with 13b-80. In particular, CGS Section 7-273b(g) states that “[w]henver any transit district is formed under the provisions of [Chapter 103a], no provision of chapters 244 [Motor buses, including 13b-80], 244a, 244b, 277, 281 and 285 shall apply to the operation of transit systems by such district.”

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

*If this is a resubmission, please share:*

- (1) *What was the reason this proposal did not pass, or if applicable, was not included in the Administration’s package?*
- (2) *Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?*
- (3) *Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?*
- (4) *What was the last action taken during the past legislative session?*

**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)*



<b>Municipal</b> <i>(please include any municipal mandate that can be found within legislation)</i> N/A
<b>State</b> N/A
<b>Federal</b> N/A
<b>Additional notes on fiscal impact</b>

◇ **POLICY and PROGRAMMATIC IMPACTS** *(Please specify the proposal section associated with the impact)*

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◇ **EVIDENCE BASE**

<i>What data will be used to track the impact of this proposal over time, and what measurable outcome do you anticipate? Is that data currently available or must it be developed? Please provide information on the measurement and evaluation plan. Where possible, those plans should include process and outcome components. Pew MacArthur Results First <a href="#">evidence definitions</a> can help you to establish the evidence-base for your program and their <a href="#">Clearinghouse</a> allows for easy access to information about the evidence base for a variety of programs.</i>
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**AAC Modernization of Public Transit Contracting.**

Sec. 13b-34. Powers of commissioner. (a) [Notwithstanding any provision of section 13b-80 to the contrary,](#) t[T]he 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, shall have the authority to issue citations for any violation of section 13b-38i. 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 [required to comply with the provisions of section 13b-80 and 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 - 2020 Session

**Document Name:** DOT\_111319\_MiddletownRailCrossing

(If submitting electronically, please label with date, agency, and title of proposal – 092620\_SDE\_TechRevisions)

State Agency: Connecticut Department of Transportation

**Liaison:** Alicia Leite

**Phone:** 860-594-3015

**E-mail:** alicia.leite@ct.gov

Lead agency division requesting this proposal: Bureau of Public Transportation; Office of System Safety

Agency Analyst/Drafter of Proposal: Stephen Curley, 860-5984-2746

**Title of Proposal:** AAC Minor Amendments to SA 91-32.

**Statutory Reference:** Special Act 91-32

**Proposal Summary:**

To modify an active public railroad crossing on Portland Street in Middletown from emergency vehicles and pedestrian traffic only to all vehicle and pedestrian traffic.

### PROPOSAL BACKGROUND

◇ **Reason for Proposal**

This crossing was installed pursuant to Special Act No. 91-32 which identifies it to be used for emergency vehicles and pedestrian traffic only. This proposed amendment modifies the existing crossing to allow for all vehicle traffic and pedestrians traffic. This amendment is necessary in order for the Department to modify the crossing as part of the Route 9 project.

The project will improve access and safety to Bridge Street and Miller Street by removing access to Route 9 and converting the nearby Portland Street emergency access at-grade crossing to allow daily thru traffic. The proposed work includes closing the Miller Street access to Route 9, including the median crossover, and upgrading the existing at-grade railroad crossing at Portland Street to provide access from St. Johns Street.

It should be noted, this crossing is already designated in the Federal Railroad Administration's (FRA) inventory as a public crossing.

◇ **Origin of Proposal**

**New Proposal**

**Resubmission**

*If this is a resubmission, please share:*

- (1) *What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?*
- (2) *Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?*
- (3) *Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?*
- (4) *What was the last action taken during the past legislative session?*



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**PROPOSAL IMPACT**

◇ **AGENCIES AFFECTED** *(please list for each affected agency)*

<b>Agency Name:</b> <b>Agency Contact (name, title, phone):</b> <b>Date Contacted:</b>
Approve of Proposal <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Talks Ongoing
<b>Summary of Affected Agency's Comments</b>
Will there need to be further negotiation? <input type="checkbox"/> YES <input type="checkbox"/> NO

◇ **FISCAL IMPACT** *(please include the proposal section that causes the fiscal impact and the anticipated impact)*

<b>Municipal</b> <i>(please include any municipal mandate that can be found within legislation)</i> None
<b>State</b>
<b>Federal</b> The reconstruction of the Portland Street railroad crossing will be performed as part of State Project No. 0082 -0322. The project is funded 80% Federal, 20% State. The project is currently estimated at \$1,750,000.00
<b>Additional notes on fiscal impact</b>

◇ **POLICY and PROGRAMMATIC IMPACTS** *(Please specify the proposal section associated with the impact)*

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◇ **EVIDENCE BASE**

<i>What data will be used to track the impact of this proposal over time, and what measurable outcome do you anticipate? Is that data currently available or must it be developed? Please provide information on the measurement and evaluation plan. Where possible, those plans should include process and outcome components. Pew MacArthur Results First <a href="#">evidence definitions</a> can</i>
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help you to establish the evidence-base for your program and their [Clearinghouse](#) allows for easy access to information about the evidence base for a variety of programs.

## **AAC AN AMENDMENT FOR AN AT-GRADE RAIL CROSSING IN MIDDLETOWN.**

Notwithstanding the provisions of section 13b-268 of the general statutes or any other provision of the general statutes, special act or regulation which prohibits the construction of any new highway railroad crossing at-grade, the commissioner of transportation shall reconstruct an at-grade crossing for ~~emergency vehicles and pedestrian traffic~~ **all vehicle and pedestrian traffic** at the east end of Portland Street and Bridge Street in Middletown. The crossing shall be constructed subject to the provisions of sections 13b-342 to 13b-347, inclusive, of the general statute.



## Agency Legislative Proposal - 2020 Session

**Document Name:** DOT\_111319\_ConsultantSelection

(If submitting electronically, please label with date, agency, and title of proposal – 092620\_SDE\_TechRevisions)

State Agency: Connecticut Department of Transportation

**Liaison:** Alicia Leite

**Phone:** 860-594-3015

**E-mail:** alicia.leite@ct.gov

Lead agency division requesting this proposal: Bureau of Engineering and Construction; Commissioner Office - Consultant Selection

Agency Analyst/Drafter of Proposal: Dave Mancini, 860-594-3498

**Title of Proposal:** AAC Minor Changes in the Consultant Selection Process.

**Statutory Reference:** 13b-20e (a) and 13b-20e (f)

**Proposal Summary:**

1. A change in date for annual submittal for consultants seeking to do business with the Department from November 15th to October 15th.
2. A change in frequency of evaluations of consultants by the Department from every six months to once a year.

### PROPOSAL BACKGROUND

◇ **Reason for Proposal**

1. The first change is to the yearly submittal date for consultant prequalification applications from November 15<sup>th</sup> to October 15<sup>th</sup>. This change will provide the Technical Qualification Panel (Chief Engineer, Engineering Administrator, Construction Administration and other engineering managers) more time to perform the thorough and comprehensive reviews required for these applications. Yearly, CTDOT receives approximately 130 prequalification applications from architectural and engineering consultant firms who are interested in providing professional services to the Department in 11 predetermined categories. Moving the application deadline to October 15<sup>th</sup> will provide staff the needed time to thoroughly evaluate submittals while also performing their regular job duties. The Department plans to notify the consultant community of the revised application due date through our website, email blasts, and communication to professional organizations.
2. Revising the frequency of consultant evaluations from six-month intervals to at least once a year will provide efficiencies within the Department and result in more valuable evaluations. Some consultant contracts may not have had much progress in six months and therefore does not



provide enough data or information to thoroughly evaluate progress. A full year of consultant performance will result in more meaningful evaluations. Further, it will be more efficient for the Department by reducing almost 250 evaluations each six-month period. Conversations with the consultant community have been favorable to this change.

◇ **Origin of Proposal**       **New Proposal**       **Resubmission**

*If this is a resubmission, please share:*

- (1) *What was the reason this proposal did not pass, or if applicable, was not included in the Administration’s package?*
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- (4) *What was the last action taken during the past legislative session?*

**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)*

None

**State**

None

**Federal**

None



<b>Additional notes on fiscal impact</b>

◇ **POLICY and PROGRAMMATIC IMPACTS** *(Please specify the proposal section associated with the impact)*

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◇ **EVIDENCE BASE**

*What data will be used to track the impact of this proposal over time, and what measurable outcome do you anticipate? Is that data currently available or must it be developed? Please provide information on the measurement and evaluation plan. Where possible, those plans should include process and outcome components. Pew MacArthur Results First [evidence definitions](#) can help you to establish the evidence-base for your program and their [Clearinghouse](#) allows for easy access to information about the evidence base for a variety of programs.*

**AAC MINOR CHANGES IN THE CONSULTANT SELECTION PROCESS.**

**Sec. 13b-20e. Prequalification of consultants. Letters of interest for provision of consultant services.** (a) Any consultant who desires to provide consulting services to the department in any calendar year shall be required to submit, not later than the fifteenth day of ~~November~~ **October** immediately preceding such calendar year, information concerning their qualifications as may be required by the department. Such consultants shall provide the department with additional or updated information upon request by the department. The commissioner shall by January first, annually, analyze the information submitted and determine those consultants qualified to perform services in areas of expertise established by the department. The commissioner shall publish annually, in accordance with the provisions of section 13b-20g, at any time between September first to October first, a notice that any person, firm or corporation which desires to be listed with the department as a consultant shall submit such information as required pursuant to this subsection to the department. Such notice shall also list the areas of expertise likely to be needed by the department during the next calendar year.

**Sec. 13b-20f. Evaluation of consultants having active agreements with department.** The performance of all consultants who have active agreements with the department shall be evaluated by the supervising unit within the bureau utilizing the consultant services, ~~at least once a year at six-month intervals~~ and upon completion of the consultant services. Each such evaluation shall be kept on file in the supervising unit and a copy filed with the permanent selection panel.





## Agency Legislative Proposal - 2020 Session

**Document Name:** DOT\_111319\_Permits

(If submitting electronically, please label with date, agency, and title of proposal – 092620\_SDE\_TechRevisions)

State Agency: Connecticut Department of Transportation

**Liaison:** Alicia Leite

**Phone:** 860-594-3015

**E-mail:** alicia.leite@ct.gov

Lead agency division requesting this proposal: Bureau of Policy and Planning; Environmental Planning

Agency Analyst/Drafter of Proposal: Kimberly Lesay, 860-594-2931

**Title of Proposal:** AA Eliminating Duplicative Permitting Notification.

**Statutory Reference:** 22a-32

**Proposal Summary:**

To eliminate the notification requirement of permit applications under CGS 22a-32 to shellfish and conservation commissions.

### PROPOSAL BACKGROUND

◇ **Reason for Proposal**

Shellfish Commissions already receive a pre-application notification form under Structures Dredging and Fill and Tidal Wetland Permit processes and Conservation Commissions receive a copy of the permit application when agencies apply for an Inland Wetland General permit. For the Department this notification is redundant, as the Department routinely notifies the Chief Elected Official. Local Conservation Commissions have no jurisdiction over State agencies regarding coastal applications, and similarly, the Shellfish Commission would have no jurisdiction regarding inland wetland applications.

◇ **Origin of Proposal**

**New Proposal**

**Resubmission**

*If this is a resubmission, please share:*

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- (4) *What was the last action taken during the past legislative session?*



## PROPOSAL IMPACT

◇ **AGENCIES AFFECTED** *(please list for each affected agency)*

<p><b>Agency Name:</b> Department of Energy and Environmental Protection <b>Agency Contact (name, title, phone):</b> Jeffrey Caiola, Assistant Director, Land and Water Resources Division <b>Date Contacted:</b> 11/5/19 and various dates in September and October</p> <p>Approve of Proposal    <input type="checkbox"/> YES    <input type="checkbox"/> NO    <input checked="" type="checkbox"/> <b>Talks Ongoing</b></p> <p><b>Summary of Affected Agency's Comments</b></p> <p>Will there need to be further negotiation?    <input type="checkbox"/> YES    <input type="checkbox"/> NO</p>
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◇ **FISCAL IMPACT** *(please include the proposal section that causes the fiscal impact and the anticipated impact)*

<p><b>Municipal</b> <i>(please include any municipal mandate that can be found within legislation)</i> None</p>
<p><b>State</b> None</p>
<p><b>Federal</b> None</p>
<p><b>Additional notes on fiscal impact</b></p>

◇ **POLICY and PROGRAMMATIC IMPACTS** *(Please specify the proposal section associated with the impact)*

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◇ **EVIDENCE BASE**

<p><i>What data will be used to track the impact of this proposal over time, and what measurable outcome do you anticipate? Is that data currently available or must it be developed? Please provide information on the measurement and evaluation plan. Where possible, those plans should include process and outcome components. Pew MacArthur Results First <a href="#">evidence definitions</a> can help you to establish the evidence-base for your program and their <a href="#">Clearinghouse</a> allows for easy access to information about the evidence base for a variety of programs.</i></p>
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## **AA ELIMINATING DUPLICATIVE PERMITTING NOTIFICATION.**

**Sec. 22a-32. (Formerly Sec. 22-71). Regulated activity permit. Application. Hearing. Waiver of hearing.** No regulated activity shall be conducted upon any wetland without a permit. Any person proposing to conduct or cause to be conducted a regulated activity upon any wetland shall file an application for a permit with the commissioner, in such form and with such information as the commissioner may prescribe. Such application shall include a detailed description of the proposed work and a map showing the area of wetland directly affected, with the location of the proposed work thereon, together with the names of the owners of record of adjacent land and known claimants of water rights in or adjacent to the wetland of whom the applicant has notice. The commissioner shall cause a copy of such application to be mailed or sent by electronic means to the chief administrative officer in the town or towns where the proposed work, or any part thereof, is located, ~~and the chairman of the conservation commission and shellfish commission of the town or towns where the proposed work, or any part thereof, is located.~~ The commissioner or the commissioner's duly designated hearing officer shall hold a public hearing on such application, provided, whenever the commissioner determines that the regulated activity for which a permit is sought is not likely to have a significant impact on the wetland, the commissioner may waive the requirement for public hearing after publishing notice, in a newspaper having general circulation in each town wherever the proposed work or any part thereof is located, of the commissioner's intent to waive said requirement and of the commissioner's tentative decision regarding the application, except that the commissioner shall hold a hearing on such application upon request of the applicant or upon receipt of a petition, signed by at least twenty-five persons, requesting such a hearing. The following shall be notified of the hearing by mail or by electronic means not less than fifteen days prior to the date set for the hearing: All of those persons and agencies who are entitled to receive a copy of such application in accordance with the terms hereof and all owners of record of adjacent land and known claimants to water rights in or adjacent to the wetland of whom the applicant has notice. The commissioner shall cause notice of the commissioner's tentative decision regarding the application and such hearing to be published at least once not more than thirty days and not fewer than ten days before the date set for the hearing in the newspaper having a general circulation in each town where the proposed work, or any part thereof, is located. All applications and maps and documents relating thereto shall be open for public inspection at the office of the commissioner. At such hearing any person or persons may appear and be heard.



## Agency Legislative Proposal - 2020 Session

**Document Name:** DOT\_111319\_Highway Safety

(If submitting electronically, please label with date, agency, and title of proposal – 092620\_SDE\_TechRevisions)

State Agency: Connecticut Department of Transportation

**Liaison:** Alicia Leite

**Phone:** 860-594-3015

**E-mail:** alicia.leite@ct.gov

Lead agency division requesting this proposal: Policy and Planning; Highway Safety

Agency Analyst/Drafter of Proposal: Jennifer Trio, 860-594-2901

**Title of Proposal:** AAC Highway Safety.

**Statutory Reference:** CGS 14-100a(c)(1)

**Proposal Summary:**

1. Amend CGS 14-100a to require all passengers in a motor vehicle to wear seatbelts.
2. To prohibit open alcohol beverage containers in the passenger compartment of motor vehicles.

### PROPOSAL BACKGROUND

◇ **Reason for Proposal**

1. CGS 14-100a(c)(1) requires only the operator and front seat passengers of motor vehicles to wear seat belts. Currently, passengers in the back seat or subsequent seating positions behind the front seat can ride unrestrained unless they are under the age of 16 or covered under the child safety seat component of this statute.

According to the National Highway Traffic Safety Administration (NHTSA) report # DOT HS 808 945 on the effectiveness of seatbelts:

- In all crashes, back seat lap/shoulder belts are 44% effective in reducing fatalities when compared to unrestrained back seat occupants.
- In all crashes, back seat lap/shoulder belts are 15% effective in reducing fatalities when compared to back seat lap belts.
- Lap/shoulder belts are 29% 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% effective and lap/shoulder belts are 73% effective. Belts are so effective in these vehicles because they eliminate the risk of ejection.



2. To meet national standards initially authorized under TEA-21, H.R. 2676, Section 154 of Title 23, and reauthorized under SAFETEA-LU, MAP-21 and the FAST Act, states are required to enact a 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, 2000, and every year thereafter, will have a fixed percentage of National Highway Performance Program (NHPP) and Surface Transportation Block Grant Program (STBGP) funds transferred into the Highway Safety Improvement Program (HSIP). A portion of the penalty funds are transferred to National Highway Traffic Safety Administration (NHTSA), for impaired driving countermeasure programs, and a portion of the funds returned to FHWA, for HSIP eligible activities.

To date, CT's total penalty amount for noncompliance is **\$152,648,246**. Enacting open container legislation would allow the Department to use these transferred funds for their intended purpose of infrastructure improvements.

Alaska, Connecticut, Delaware, Hawaii, Louisiana, Maine, Mississippi, Missouri, Ohio, Tennessee, Virginia and Wyoming are the only states that have yet to enact an open container law.

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

1. The seatbelt proposal was submitted to the Transportation Committee the last five years (in 2015, by CTDOT; 2016 requested by AAA; 2017 by CTDOT and supported by AAA; 2018 and 2019 by CTDOT and supported by AAA but never made it out of committee.
2. The open container proposal has been raised and heard in the Transportation Committee over the past 17 years but has always died on the House calendar. The Department has partaken in numerous workgroups with various organizations including Mothers Against Drunk Driving (MADD) to develop strategies for passage and alternative language. However, no one proposal has met any of the diverse and sometimes irrelevant objections to the proposal. Meanwhile, the Department is required by NHTSA) to demonstrate a continued advocacy for this proposal.

### PROPOSAL IMPACT

**AGENCIES AFFECTED** *(please list for each affected agency)*

**Agency Name:** Department of Public Health

**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? <input type="checkbox"/> YES <input type="checkbox"/> NO

◇ **FISCAL IMPACT** *(please include the proposal section that causes the fiscal impact and the anticipated impact)*

<b>Municipal:</b> None
<b>State</b> <ol style="list-style-type: none"><li>1. No anticipated costs.</li><li>2. The State does not lose federal funding, however, these transferred funds are restricted for use in the Highway Safety Improvement Program (HSIP), precluding their availability to finance National Highway Performance Program (NHPP) and Surface Transportation Block Grant Program (STBGP) projects, which was the original intent of these funds. To date, a total of \$152,648,246 has been transferred for non-compliance under this program.</li></ol>
<b>Federal</b> <ol style="list-style-type: none"><li>1. No anticipated costs.</li><li>2. National Highway Performance Program (NHPP) and Surface Transportation Block Grant Program (STBGP) funds are normally used for preliminary engineering, rights-of-way and highway construction projects. Since FFY 2001, \$152,648,246 has been transferred from National Highway Performance Program (NHPP) and Surface Transportation Block Grant Program (STBGP) to the Highway Safety Improvement Program (HSIP).</li></ol>
<b>Additional notes on fiscal impact</b>

◇ **POLICY and PROGRAMMATIC IMPACTS** *(Please specify the proposal section associated with the impact)*

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◇ **EVIDENCE BASE**

<i>What data will be used to track the impact of this proposal over time, and what measurable outcome do you anticipate? Is that data currently available or must it be developed? Please provide information on the measurement and evaluation plan. Where possible, those plans should include process and outcome components. Pew MacArthur Results First <a href="#">evidence definitions</a> can help you to establish the evidence-base for your program and their <a href="#">Clearinghouse</a> allows for easy access to information about the evidence base for a variety of programs.</i>
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**AN ACT CONCERNING HIGHWAY SAFETY.**



Section 1. Subdivision (1) of subsection (c) of section 14-100a of the general statutes is amended to read as follows (effective October 1, 2020):

(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:

Sec. 2 (NEW) (Effective October 1, 2020) For the purposes of this section:

(a) Definitions:

(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.



## Agency Legislative Proposal - 2020 Session

**Document Name:** DOT\_111319\_P3Project Delivery

(If submitting electronically, please label with date, agency, and title of proposal – 092620\_SDE\_TechRevisions)

State Agency: Department of Transportation

**Liaison:** Alicia Leite

**Phone:** 860-594-3015

**E-mail:** alicia.leite@ct.gov

Lead agency division requesting this proposal: Bureau of Engineering & Construction

Agency Analyst/Drafter of Proposal: Mark Rolfe, 860-594-3007/ Scott Hill, 860-594-3105

**Title of Proposal:** AA Revising P3 Statues for Transportation Project Delivery.

**Statutory Reference:** CGS 4-255 through 4-263

**Proposal Summary:**

Revise existing public-private partnerships (P3) statutes to make CTDOT specific and reduce the scope from wide ranging applicability across state government to transportation projects only. The amendments proposed will enable private capital to be used to build and enhance transportation infrastructure in a manner consistent with other state DOT's successful implementation and use of P3s.

### PROPOSAL BACKGROUND

#### ◇ Reason for Proposal

The reason for this proposal is to provide a workable project delivery option for transportation projects. P3 projects allow public sector owners to delegate the design, construction, operation and maintenance of a facility to a private entity. Essentially P3 projects allow infrastructure owners to transfer risk for project delivery from the public sector to the private sector. Additionally, the financing for P3 projects is undertaken by the private sector allowing private investment to replace public debt. Financing and the associated debt service are the responsibility of the P3 concessionaire, not the State of Connecticut.

The federal government and the Federal Highway Administration (FHWA) have promoted P3 project delivery as a way to leverage scarce public funds with private capital to deliver public projects. FHWA's Center for Innovative Finance Support has developed procedures and guidance for DOTs contemplating P3 procurements. Approximately 20 states have successfully developed P3 projects to date. Connecticut P3 legislation passed in 2011 contains several restrictive agreement requirements, such as the limited definition of "project," 25% state participation requirement, and the inability to finance with availability payments. As a result, the state has not been successful in securing a P3 agreement or attracting any participating interest from private entities.



The following is a link to the FHWA's P3 page and summary of other state's P3 initiatives.  
<https://www.fhwa.dot.gov/ipd/p3/legislation/>

In addition, the American Association of State Highway and Transportation Officials (AASHTO) offers expert advice and training through its Build America Transportation Investment Center (BATIC) Institute. The Department is a member of AASHTO and therefore has direct access to the BATIC Institute resources. Additional information can be found at <http://www.financingtransportation.org/>

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

*If this is a resubmission, please share:*

- (1) *What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?*
- (2) *Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?*
- (3) *Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?*
- (4) *What was the last action taken during the past legislative session?*

Public Private Partnership (P3) language passed in 2011 and was seen as an opportunity for the State to work with private entities to pursue public projects. Since 2011, the State has not been successful in taking advantage of P3 agreements due to restrictive requirements. This bill amends the current P3 statutes to enhance CTDOT's ability to utilize P3 agreements to design, build, finance, operate and maintain transportation projects.

**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**

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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)*  
 There is no mandate or financial burden placed on municipalities other than Sec. 4-263 which exempts P3 developments on state property from municipal property tax.

**State**  
 Most of the costs related to this legislation will be associated with P3 project development and will therefore be chargeable to specific projects. Upon approval of the legislation however, policies and



procedures must be drafted to ensure appropriate protections and business practices are in place. Startup costs are estimated at \$250,000.

**Federal**

P3 projects procured using federal funds must follow federal regulations and guidelines.

**Additional notes on fiscal impact**

Public Private Partnerships are long-term and complex agreements addressing many facets of project design, construction, operations, finance, and maintenance. Structuring these requirements into an agreement requires sophisticated analysis and expert advice. Research into best practices and creating a policy framework for the agency is essential for a successful P3 outcome. The proposed startup costs include a staff project manager and an expert consultant to establish business practices and procedures for the Department.

◇ **POLICY and PROGRAMMATIC IMPACTS** *(Please specify the proposal section associated with the impact)*

P3 legislation may be beneficial to other state agencies, but is not offered as part of this legislation.

◇ **EVIDENCE BASE**

*What data will be used to track the impact of this proposal over time, and what measurable outcome do you anticipate? Is that data currently available or must it be developed? Please provide information on the measurement and evaluation plan. Where possible, those plans should include process and outcome components. Pew MacArthur Results First [evidence definitions](#) can help you to establish the evidence-base for your program and their [Clearinghouse](#) allows for easy access to information about the evidence base for a variety of programs.*

**AN ACT CONCERNING P3 PROJECT DELIVERY FOR TRANSPORTATION INITIATIVES.**

Section 1. Sec. 4-255 of the general statutes is amended to read as follows (Effective upon passage):

**Sec. 4-255. Public-private partnerships. Definitions.** (a) As used in this section and sections 4-256 to 4-263, inclusive, unless the context indicates a different meaning:

(1) ["State agency" or "agency" means any office, department, board, council, commission, institution or other agency in the executive branch of state government or a quasi-public agency as defined in section 1-120] "Department" means the Department of Transportation established pursuant to Chapter 242 of the Connecticut General Statutes;

(2) "Private entity" means any individual, corporation, general partnership, limited partnership, limited liability partnership, joint venture, nonprofit organization or other business entity;



(3) "Public-private partnership" means the relationship established between [a state agency] the Department and a private entity by contracting for the performance of any combination of specified functions or responsibilities to design, develop, finance, construct, operate or maintain a project [one or more state facilities where the agency has estimated that the revenue generated by such facility or facilities, in combination with other previously identified funding sources, including any appropriated funds, will be sufficient to fund the cost to develop, maintain and operate such facility or facilities, provided state support of a partnership agreement shall not exceed twenty-five per cent of the cost of the project];

(4) "Partnership agreement" means an agreement executed between [a state agency] the Department and a private entity to establish a public-private partnership;

(5) "Project" means a project that [an agency] the Department has submitted to the Governor for approval as a public-private partnership which will involve the design, development, operations, or maintenance of a transportation project;

(6) "Contractor" means a private entity that has entered into a public-private partnership agreement with [a state agency] the Department;

(7) ["Facility" means any public works or transportation project used as public infrastructure that generates revenue as a function of its operation] "Transportation project" means any infrastructure, facility, or service meeting a public need that maintains, improves or enhances the transportation system of the state;and

(8) "Proposer" means a private entity submitting a competitive bid in response to solicitation or a proposal in response to a request for proposals for an approved project for consideration.

(b) Notwithstanding the provisions of section 4b-51, once the project is approved by the Governor in accordance with section 4-256, [any state agency] the Department may establish one or more public-private partnerships and execute a partnership agreement for a project in accordance with this section and sections 4-256 to 4-263, inclusive. [A partnership agreement may not be established for the operation or maintenance of a facility unless such agreement also provides for the financing and development of such facility.]

[(c) The design, development, operation or maintenance of the following new or existing project types are eligible for consideration as a public-private partnership if approved as a project in accordance with section 4-256:

(1) Early childcare, educational, health or housing facilities;

(2) Transportation systems, including ports, transit-oriented development and related infrastructure; and

(3) Any other kind of facility that may from time to time be designated as such by an act of the General Assembly.]

Sec. 2. Sec. 4-256 of the general statutes is amended to read as follows (Effective upon passage):



**Sec. 4-256. Approval of projects. [Agency] Department analysis. Submittal to committees. Report.** (a) [On and after October 27, 2011, and prior to January 1, 2016, the Governor shall approve not more than five projects to be implemented as public-private partnership projects. The Governor shall not approve any such project unless the Governor finds that the project will result in job creation and economic growth. Any agency seeking to establish a public-private partnership shall, after consultation with the Commissioners of Economic and Community Development, Administrative Services and Transportation, the State Treasurer and the Secretary of the Office of Policy and Management, submit one or more projects to the Governor for approval.] The Department of Transportation shall propose a potential public-private partnership to the Governor for approval. The Governor shall not approve any such project unless the Governor finds that the project will meet a public need and improve the economic vitality of the state.

(b) In determining whether a project is suitable for a public-private partnership agreement, the [agency] Department shall conduct an analysis of the feasibility, desirability and the convenience to the public of the project and whether the project furthers the public policy goals of section 4-255, this section and sections 4-257 to 4-263, inclusive, taking into consideration the following, when applicable:

- (1) The essential characteristics of the proposed [facility] project;
- (2) The [projected] anticipated demand for use of the [facility] project and its economic and social impact on the community and the state;
- (3) The technical function and feasibility of the project and its conformity with the state plan of conservation and development adopted under chapter 297;
- (4) The benefit to clients of the [agency] Department and the public as a whole;
- (5) An analysis of the value provided for the cost of the project, that at a minimum includes a cost-benefit analysis, an assessment of opportunity costs and any nonfinancial benefits of the project;
- (6) Any operational or technological risk associated with the proposed project;
- (7) The cost of the investment to be made and the economic and financial feasibility of the project;
- (8) An analysis of public versus private financing on a present value basis, and the eligibility of the project for other public funds from local or federal government sources;
- (9) The impact to the state's finances of undertaking the project by the [agency] Department; and
- (10) The advantages and disadvantages of using a public-private partnership rather than having the [state agency] Department perform the function.

(c) [An agency] The Department shall not include a project solely based upon the amount of potential revenue generated by such project.

[(d) Any agency submitting a project in accordance with subsection (a) of this section, shall at the same time transmit, in accordance with the provisions of section 11-4a, a copy of its submission to the joint standing



committees of the General Assembly having cognizance of matters relating to finance, revenue and bonding and appropriations and the budgets of state agencies. Said committees shall hold public hearings on any such submission.]

[(e)] (d) The Governor shall notify the [agency] Department when a project has been approved as a public-private partnership project.

[(f) On or before January 15, 2013, and annually thereafter, the Governor] (e) The Department shall report, in accordance with the provisions of section 11-4a, to the General Assembly concerning the status of the public-private partnerships established under this section.

Sec. 3. Sec. 4-257 of the general statutes is amended to read as follows (Effective upon passage):

Sec. 4-257. **Prequalification and requirements for private entities.** (a) Notwithstanding the provisions of section 4b-91 and chapter 242, the [agency] Department shall, when it determines appropriate, provide for a process of prequalification for private entities. Any such process shall include public notice of the prequalification process and the requirements and the criteria the [agency] Department will use in determining whether the private entity qualifies for prequalification. [Any agency that] If the Department has determined that such a prequalification process is appropriate for the project, the Department shall allow only prequalified private entities to be a proposer. The [agency] Department may charge a reasonable application fee for prequalification.

(b) In addition to any requirements set forth in the request for proposals, request for qualifications or bid solicitation for a public-private partnership project, in order to be prequalified, a private entity shall:

(1) Have available such lawful sources of funding, capital, securities or other financial resources that, in the judgment of the [agency in consultation with the Department of Economic and Community Development,] Department are necessary to carry out the public-private partnership project if such private entity is selected as the contractor;

(2) Possess either through its staff, subcontractors, a consortium or joint venture agreement the managerial, organizational, technical capacity and experience in the type of project for which the proposer is submitting a bid proposal;

(3) Be qualified to lawfully conduct business in this state; and

(4) Certify that no director, officer, partner, owner or other individual with direct and significant control over the policy of the private entity has been convicted of corruption or fraud in any jurisdiction of the United States.

Sec. 4. Sec. 4-258 of the general statutes is amended to read as follows (Effective upon passage):

**Sec. 4-258. Competitive procurement process; requirements. Stipend for unsuccessful proposer. [Agency] Department authority to retain consultants.** (a) [Any agency] When seeking to enter into a public-private partnership, the Department shall conduct a competitive procurement process for the selection of a contractor.



The [agency] Department shall use, where appropriate, in accordance with the nature and scope of the project, (1) competitive bidding, as defined in section 4e-1, or (2) competitive negotiation, as defined in section 4a-50.

(b) Prior to beginning a competitive procurement process in accordance with subsection (a) of this section, [an agency] the Department may issue a request for information to obtain information regarding potential public-private partnership projects.

(c) In conducting the competitive procurement process, the [agency] Department shall meet the following requirements in addition to the requirements set forth in subsection (a) of this section:

(1) Contain, within the bid specifications, a detailed description of the scope of the proposed public-private partnership project;

(2) Contain the material terms and conditions of the terms applicable to the procurement and any contract that results; and

~~[(3)] Provide public notice of the invitation to bid, request for proposal or request for information not less than thirty days prior to the due date, unless the agency head makes a written determination that a lesser time period is appropriate and will preserve the competitive nature of the procurement; and]~~

~~(3) Publish the evaluation and selection criteria and shall include a determination which proposals best serve the public purpose of sections 4-255 to 4-263, inclusive.~~

(d) The [agency] Department may pay a stipend to an unsuccessful proposer, in an amount and on the terms and conditions determined by the agency as reasonable, if (1) the [agency] Department cancels the procurement process less than thirty days prior to the date the bid or proposal is due, or (2) the unsuccessful proposer submits a proposal that is responsive and meets all the requirements established by the [agency] Department for the public-private partnership project. The [agency] Department may require the proposer to grant the agency the right to use any work product contained in any unsuccessful proposal, or in the event of a cancelled procurement as set forth in this section, any work product developed prior to cancellation, including designs, processes, technologies and information. All conditions for a stipend shall be clearly set forth in the request for information, bid solicitation, request for proposal or request for qualifications.

(e) The [agency] Department may retain financial, legal and other consultants and experts to assist in the procurement, evaluation and negotiation of public-private partnerships and for the development of eligible facilities in accordance with sections 4-255 to 4-263, inclusive. Such services may be procured through a contract with a private entity or with another state agency.

Sec. 5. Sec. 4-259 of the general statutes is amended to read as follows (Effective upon passage):

**Sec. 4-259. Terms and conditions of partnership agreement. Prohibitions. Liability of contractor.** (a) Any partnership agreement executed in accordance with the provisions of sections 4-255 to 4-263, inclusive, shall include, but not be limited to, the following terms and conditions:



[(1)] The term of the agreement, which shall be for a period not to exceed fifty years from the date of the full execution of the partnership agreement;]

[(2)] (1) A complete description of the [facility] [project](#) to be developed and the functions to be performed;

[(3)] (2) The terms of the financing, development, design, improvement, maintenance, operation and administration of the [facility] [project](#);

[(4)] (3) The rights the state, the contractor, or both, have, if any, in revenue from the financing, development, design, improvement, maintenance, operation or administration of the [facility] [project](#);

[(5)] (4) The minimum quality standards applicable [to the project] for development, design, improvement, maintenance, operation or administration of the [facility] [project](#), including performance criteria, incentives and disincentives;

[(6)] (5) The compensation of the contractor, including the extent to which and the terms upon which a contractor may charge fees to individuals and entities for the use of the [facility] [project](#), but in no event shall such fee extend to the imposition of tolls on the highways of this state unless such tolls are specifically approved by the General Assembly;

[(7)] (6) The furnishing of an annual independent audit report to the agency covering all aspects of the partnership agreement;

[(8)] (7) Performance and payment bonds or other security deemed suitable by the [agency] [Department](#);

[(9)] (8) One or more policies of public liability insurance in such amounts determined by the [agency] [Department](#) to ensure coverage of tort liability for the public and employees of the contractor and to provide for the continued operation of the partnership project;

[(10)] (9) A reverter of the project to the state upon the conclusion or termination of the partnership agreement;

[(11)] (10) The rights and remedies available to the agency for a material breach of the partnership agreement by the contractor or private entity or if there is a material default;

[(12)] (11) Identification of funding sources to be used to fully fund the capital, operation, maintenance or other expenses under the agreement; and

[(13)] (12) Any other provision determined to be appropriate by the [agency] [Department](#).

(b) No partnership agreement shall contain any noncompete provisions limiting the ability of the state to perform its functions.

(c) No user fees may be imposed by the contractor except as set forth in a partnership agreement.



(d) The partnership agreement shall not be construed as waiving the sovereign immunity of the state or as a grant of sovereign immunity to the contractor or any private entity.

(e) No contractor shall be liable for the debts or obligations of the state or the agency, unless the partnership agreement provides that such contractor is liable under such agreement.

Sec. 6. Sec. 4-260 of the general statutes is amended to read as follows (Effective upon passage):

**Sec. 4-260. Funding of public-private partnerships.** The [state agency or the state] [Department](#) may apply for and accept funds from local or federal government and other sources of financial aid to further the purposes of sections 4-255 to 4-263, inclusive, and to fund public-private partnerships entered into in accordance with said sections.

Sec. 7. Sec. 4-261 of the general statutes is amended to read as follows (Effective upon passage):

**Sec. 4-261. Prevailing wage requirements or project labor agreement. Compliance with state and local requirements. Agreements re operations or maintenance of state facilities.** (a) Each public-private partnership project shall either be subject to the prevailing wage requirements pursuant to section 31-53 or the rate established by the use of a project labor agreement. The [agency] [Department](#) shall provide notice of which requirement applies prior to soliciting bids or proposals for such public-private partnership.

(b) Each public-private partnership project shall comply with: (1) The state's environmental policy requirements as set forth in sections 22a-1 and 22a-1a, (2) the requirements of the set-aside program for small contractors as set forth in section 4a-60g, and (3) any applicable permitting or inspection requirements for projects of a similar type, scope and size as set forth in the general statutes [or the local ordinances of the municipality where the project is to be located].

[(c) Any agency that is subject to section 4e-16 shall comply with the provisions of section 4e-16, provided, notwithstanding the provisions of subsection (a) of section 4e-16, any agency that enters into a partnership agreement concerning the operations or maintenance of a state facility that meets the definition of a privatization contract, as defined in section 4e-1, shall be subject to the requirements of section 4e-16 regardless of whether such services are currently privatized.]

Sec. 8. Sec. 4-262 of the general statutes is amended to read as follows (Effective upon passage):

**Sec. 4-262. Remedies re material default by contractor. [Agency] [Department](#) authority.** (a) In addition to any other remedy available to the state, in the event of a material default by the contractor, the state may elect to assume the responsibilities and duties of the contractor of the public-private partnership project, and in such case, the state shall succeed to all of the rights, title and interest in such partnership project, subject to any liens on revenue previously granted by the contractor to any person providing financing thereof.



(b) [Any state agency having the power of condemnation under state law] [The Department](#) may exercise [such] [the](#) power of condemnation [under state law](#) to acquire the public-private partnership project in the event of a material default by the contractor. Any person who has provided financing for the public-private partnership project, and the contractor, to the extent of its capital investment, may participate in the condemnation proceedings with the standing of a property owner.

(c) The [agency] [Department](#) may terminate, with cause, the partnership agreement and exercise any other rights and remedies that may be available to it at law or in equity.

(d) The state may make or cause to be made any appropriate claims under the maintenance, performance or payment bonds, or lines of credit, as set forth in the partnership agreement.

(e) In the event the state elects to assume the responsibility and duties of a partnership project pursuant to subsection (a) of this section, the [agency] [Department](#) may develop or operate the public-private partnership project, impose user fees, impose and collect lease payments for the use thereof and comply with any service contracts as if it were the contractor. Any revenue that is subject to a lien shall be collected for the benefit of and paid to secured parties, as their interests may appear, to the extent necessary to satisfy the contractor's obligations to secured parties, including the maintenance of reserves. Such liens shall be correspondingly reduced and, when paid off, released. Before any payments to, or for the benefit of, secured parties, the [agency] [Department](#) may use revenue to pay current operation and maintenance costs of the qualifying project, including compensation to the [agency] [Department](#) for its services in operating and maintaining the public-private partnership project. The right to receive such payment, if any, shall be considered just compensation for the project. The full faith and credit of the [agency] [Department](#) shall not be pledged to secure any financing of the contractor by the election to take over such project. The assumption of the operation of the partnership project shall not obligate the [agency] [Department](#) to pay any obligation of the contractor from sources other than revenue.

**Sec. 9. Sec. 4-263. Exemption from municipal property tax.** Any [state](#) property developed, operated or held by a private entity pursuant to a partnership agreement shall be exempt from municipal property tax.