Agency Legislative Proposal - 2019 Session

Document Name: DOT_101018_P3 Project Delivery

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

State Agency: Department of Transportation

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

Agency Analyst/Drafter of Proposal: Mark Rolfe

Title of Proposal: AAC P3 Project Delivery for Transportation Initiatives.

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**

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**

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*): Click here to enter text.
Date Contacted: Click here to enter text.

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)*
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.

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]

(4) 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.

Agency Legislative Proposal - 2019 Session

Document Name: DOT_101018_Ramp-Up Revisions

(If submitting electronically, please label with date, agency, and title of proposal – 092616_DOT_ROWRevisions)

State Agency: Department of Transportation
Liaison: Pam Sucato **Phone:** 860.594.3013 **E-mail:** pamela.sucato@ct.gov
Lead agency division requesting this proposal: Bureau of Finance and Administration
Agency Analyst/Drafter of Proposal: Pat Hustus; 860.594.2962

Title of Proposal: AAC Ramp-Up Revisions.
Statutory Reference: PA 15-1, JSS, Sec. 233 (a) (1), (2), (4), (5), (6), (7), (11) and (b) (8), (9), (12), (13),(18)
Proposal Summary: Amend language to facilitate several transportation initiatives where current language limits the use of funds to a smaller scope than is required, or to specific phases of a project.
Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

- **Reason for Proposal**

To facilitate implementation of several Let's Go CT Ramp-Up projects which have been integrated into the Department's 5-year capital plan. As currently drafted, use of the funds is limited in scope and may not allow the Department to accomplish the most critical project work on the initiatives identified under the program.

The proposal makes the language consistent for all initiatives and provides more flexibility by not specifying the specific phase of the initiatives for which the bond authorizations can be utilized. This would allow funds to be used for right-of-way purchases associated with the initiatives, as well as toward construction phases if funds are available within the authorization.

For example, the proposal would modify Sec. 233(b)(8) to incorporate a New Universal Interlocking at Control Point 243 on the New Haven Line and the replacement of the Walk Moveable Bridge within the scope of the Norwalk Dock Yard improvements. All three projects are components of the CMGC (Construction Manager/General Contractor) project delivery method. Both the New Dock Yard and the New Universal Interlocking at CP 243 are necessary to address the significant operating challenges that will result during the replacement of the WALK Bridge.

- **Origin of Proposal** **X New Proposal** **___ Resubmission**

PROPOSAL IMPACT

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

Agency Name: N/A 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 – just more efficient use of existing authorizations
Federal None
Additional notes on fiscal impact

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

This proposed change will allow more efficient use of the already authorized funds. If the immediate funding need on one of the legislated initiatives is for right of way purchases but the legislation is restricted to use on design, the project may be delayed pending identification of other funding sources. Also if funding is restricted to design of a Ramp Up project and design is completed, expanding use of the funds to construction may allow for expedited completion of the project. This proposed change will facilitate use of the authorizations and enable the Department to complete the intended initiatives in a more efficient manner. Additionally the proposed changes to expand the scope of initiatives (a)(2), (a)(6), (a)(7),(b)(1), (b)(8), (b)(9),(b)(12), (b)(13), and (b)(18) will provide the Department with the flexibility to ensure these major capital projects are delivered and the operational impacts to the affected areas and service are reduced.

AN ACT CONCERNING RAMP-UP REVISIONS.

Section 1. Section 233 of Public Act 15-1 of the June Special Session is amended to read as follow (Effective upon passage):

(a) For the Bureau of Engineering and Highway Operations:
(1) [Design and engineering for] Interstate 84 widening between exits 3 and 8;
(2) [Design and engineering for] Interstate 84 [viaduct replacement] safety and operational improvements in Hartford;
(3) Operational lanes for Interstate 84 interchanges 40 to 42 in West Hartford;
(4) [Design and engineering for] Interstate 84 and Route 8 interchange improvements in Waterbury;
(5) [Design and engineering for] Interstate 91, Interstate 691 and Route 15 interchange improvements;
(6) [Design and engineering for] Interstate 95 [widening between Bridgeport and Stamford] improvements to reduce congestion between New Haven and New York state line;
(7) [Design and engineering, including rights-of-way for] Interstate 95 [widening between the Baldwin Bridge and the Gold Star Bridge] improvements to reduce congestion between New Haven and Rhode Island state line;
(8) Relocation and reconfiguration for the Interstate 91 interchange 29 in Hartford;
(9) Rehabilitation and repair for the Interstate 95 Gold Star Bridge;
(10) Reconfiguration for Route 7 and Route 15 interchange in Norwalk;
(11) [Design and engineering for] Route 9 improvements in Middletown;
(12) Urban bikeway, pedestrian connectivity, trails and alternative mobility programs;
(13) Rehabilitation for Route 15 West Rock Tunnel and interchange 59; and
(14) Implementation of Innovative Bridge Delivery and Construction Program.

(b) For the Bureau of Public Transportation:
(1) Bus rolling stock [for service expansions];
(2) State-wide rail rolling stock replacement program, including café cars on the New Haven line;
(3) Continued expansion, rolling stock and development of stations on the Hartford Line;
(4) Extension of the CTfastrak bus rapid transit corridor east to Manchester;
(5) Implementation of a bus rapid transit corridor for Route 1 between Norwalk and Stamford;
(6) New signal system on the Waterbury branch line;
(7) Interim repairs to the SAGA moveable and Cos Cob bridges on the New Haven Line;
(8) [Design, engineering and construction of a new] Replacement of the WALK Moveable Bridge including a New Universal Interlocking at CP243, and improvements to the Dock Yard on the Danbury Branch Line.
(9) [Design and construction of the Orange, Barnum and Merritt 7 Stations] Station Improvements on the New Haven Line and Danbury branch line;
(10) Development of a Madison station and parking garage on Shoreline East;
(11) Study for an East Lyme (Niantic) station on Shoreline East;
(12) [Design and construction of a parking deck] Parking structure and pedestrian bridge in New Haven on the New Haven Line;
(13) [Design and construction of a] Parking structure and pedestrian bridge in Stamford on the New Haven Line;

(14) Implementation of a real-time location and bus information system state wide;
(15) Implementation of a real-time audio and video system on the New Haven Line;
(16) Development of a plan to upgrade capacity and speed on the New Haven Line;
(17) Study for centralized paratransit service coordination state wide; and
(18) Improvements on New Canaan branch line [to increase frequency and enhance service to and from main line, including siding, platform and improvements to the Springdale Station.]

Agency Legislative Proposal - 2019 Session

Document Name: DOT_101018_Highway Safety

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

State Agency: Department of Transportation

Liaison: Pam Sucato
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E-mail: pamela.sucato@ct.gov

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

Agency Analyst/Drafter of Proposal: Joseph Cristalli; 860.594.2412

Title of Proposal: AAC Highway Safety

Statutory Reference: CGS 14-100a(c)(1); CGS 14-289g

Proposal Summary:

1. Amend CGS 14-100a to require all passengers in a motor vehicle to wear seatbelts.
2. Amend CGS 14-289g to require all motorcycle operators and passengers to wear protective headgear of a type which conforms to the minimum specifications established by regulations.
3. 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. Current law only requires helmet use by persons under the age of 18 years and motorcycle learner permit holders (CGS 14-40a). In 2015, a total of 53 motorcycle operators and passengers were killed on Connecticut roadways, representing 19.9%% of the State's total traffic fatalities. Approximately 58% of the motorcyclists killed were not wearing helmets, compared to approximately 43% of fatalities nationwide. To protect motorcyclists who are at a much higher risk of death and injury in crashes than passenger car occupants. States that have enacted universal helmet legislation have experienced significant drops in motor cycle deaths (15-37%) within one year of passage. Conversely, states that repealed or weakened helmet laws have experienced significant fatality increases.

3. 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, 2005, and every year thereafter, will have a fixed percentage of National Highway System (NHS) and Interstate Maintenance (IM) funds transferred into the 402 Highway Safety Program and/or the Hazard Elimination Program. The first transfer for Connecticut was in for FFY 2001. **Since FFY 2001, a total of $102,532,206 has been transferred for non-compliance under this program**.

◊ **Origin of Proposal** ☐ **New Proposal** ☒ **Resubmission**

1.The seatbelt proposal was submitted to the Transportation Committee the last four years (in 2015, by CTDOT; 2016 requested by AAA; 2017 by CTDOT and supported by AAA; 2018 by CTDOT and supported by AAA) but never made it out of committee.

2.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 car 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 weakened helmet laws have experienced significant fatality increases.

3.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: Click here to enter text. **Agency Contact (*name, title, phone*):** Click here to enter text. **Date Contacted:** Click here to enter text. 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 1.No anticipated costs 2. Research conducted by the NHTSA in other states 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, their earnings might be reduced for the rest of their lives. 3. The State does not lose federal funding, however, these transferred funds are restricted for use in the 402 Highway Safety DUI Countermeasures Program and/or the Hazard Elimination program, precluding their availability to finance National Highway Performance (NHPP) and Surface Transportation Block Grant (STBG) projects, which was the original intent of these funds. 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. Transfer amounts for subsequent years are as follows: FFY 2002, 1.5% or $2,459,304; FFY 2003, 3% or $5,611,915; FFY 2004, 3% or $5,842,406; FFY 2005, 3% or $5,928,184; FFY 2006, 3% or $5,031,352; FFY 2007, 3% or $5,437,097; FFY 2008, 3% or $5,336,421; FFY 2009, 3% or $5,650,319; FFY 2010, 3% or $6,080,142; FFY 2011, 3% or $6,305,977; FFY 2012, 2.5% or $6,012,977; FFY 2013, 2.5% or $10,150,795; FFY 2014, 2.5% or $4,809,834; FFY 2015, 2.5% or $4,779,159; FFY 2016, 2.5% or $4,934,160; FFY 2017, 2.5% or $4,903,705; FFY 2018, 2.5% or $5,394,401; and FFY 2019, 2.5% or $5,519,252. **To date, a total of $102,532,206 has been transferred for non-compliance under this program.**
Federal: NHS, IM and STP funds for preliminary engineering, rights-of-way and construction. To date, $102,532,206 has been transferred to the Section 402 Highway Safety Program since from FFY 2001.
Additional notes on fiscal impact

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

Click here to enter text.

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, 2019):

(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. Sec. 14-289g of the general statutes is amended to read as follows (Effective October 1, 2019):

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.

Sec. 3 (NEW) (*Effective July 1, 2019*) 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 - 2019 Session

Document Name: DOT_100518_Revisions to Signage on LAH

(If submitting 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 and Construction; Traffic Engineering

Agency Analyst/Drafter of Proposal: Barry A. Schilling; 860.594.2769

Title of Proposal: AAC Revisions to Signage on Limited Access Highways

Statutory Reference: CGS 13a-124a; 13b-61

Proposal Summary:
To modify Sec. 13a-124a, Specific Information Signs on Limited Access Highways, to make it current with the standards set by the Manual on Uniform Traffic Control Devices (MUTCD). The proposed language will combine two currently separate sign programs – the Specific Information Signs on Limited Access Highways program and the Tourist Attractions Guide Sign Program for Limited Access Highways into one combined program - the Specific Service Sign Program for Limited Access Highways, which will follow federal guidelines (MUTCD). Adjustments to the existing fee structure. In addition, it is being proposed to adjust Sec. 13b-61, Revenues Credited to General Fund, to ensure any revenues obtained through Sec. 13a-124a are credited to the Special Transportation Fund to offset program expenses.

PROPOSAL BACKGROUND

◊ **Reason for Proposal**

The State of Connecticut currently manages two separate traveler information sign programs, the Specific Information Signs on Limited Access Highways program (Food, Gas, Lodging and Camping logo signs) and the Tourist Attractions Guide Sign Program for Limited Access Highways program. This proposal came from a LEAN initiative to streamline and modernize the two program processes. Nationally, these two programs are grouped as one standard known as Specific Service Signs established by the federal Manual on Uniform Traffic Control Devices (MUTCD). Most states already adopted a policy to include the Specific Service Sign standard set by the MUTCD. Revising the Connecticut programs to model the national standard will streamline the administrative requirements of the Specific Information Signs program, establish additional locations along limited access highways eligible for signs, permit new business types to participate in the program (new category - 24-hour pharmacies), use signs more effectively to minimize installation of unnecessary signs, offset State costs by establishing an annual fee structure to cover construction and maintenance costs. Currently there is no unified fee structure for the two programs and no funding is provided for the maintenance of the existing signs and

supports. If this is not enacted in law this session, there will be continued burden on state resources and taxpayer dollars.

◊ **Origin of Proposal** ☒ **New Proposal** ☐ **Resubmission**

Click here to enter text.

PROPOSAL IMPACT

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

Agency Name: **Agency Contact (*name, title, phone*):** Click here to enter text. **Date Contacted:** Click here to enter text. 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 Reduced fiscal impact on state resources by utilizing an annual fee structure incorporated into one combined program which would cover state personnel as well as construction and maintenance costs. State costs would be covered by the annual fee into the Special Transportation Fund (Sec. 13b-61).
Federal None
Additional notes on fiscal impact The fiscal impact to all participating businesses will be stabilized with a more balanced fee structure for initial sign and sign support installation.

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

AN ACT CONCERNING REVISIONS TO SIGNAGE ON LIMITED ACCESS HIGHWAYS

Section 1. Sec. 13a-124a of the general statutes is amended to read as follows (Effective upon passage):

Sec. 13a-124a. Specific [information] service signs on limited access highways. Regulations. (a) As used in this section, "specific [information] service sign" means a rectangular sign with the word GAS, FOOD, LODGING, [or] CAMPING, ATTRACTION, OR 24-HOUR PHARMACY**,** and exit directional information pertaining to the designated motorist service placed [at the top of] on the sign and upon which is mounted separately attached business [signs] sign panels showing the brand, symbol, trademark or name, or any combination of these, for the designated service available on a crossroad at or near an interchange or intersection.

[(b) The Commissioner of Transportation may issue permits for the erection and maintenance of specific information signs and business signs within the rights-of-way of any portion of a state-maintained limited access highway, except a parkway. The commissioner shall not issue any such permit to any person or company until such person or company files with the commissioner a bond or recognizance to the state, satisfactory to the commissioner and in such amount as the commissioner determines, subject to forfeiture upon failure to comply with (1) the requirements of this section, (2) regulations adopted pursuant to this section, or (3) any orders of the commissioner relating to the erection and maintenance of specific information signs and business signs. Any such bond or recognizance shall remain in full force and effect as long as such person or company is subject to any such requirements, regulations or orders as provided in this section.

(c) Any person or company issued a permit in accordance with subsection (b) of this section shall be reimbursed, by subsequent permittees on the same sign, the costs associated with said sign divided by the number of other permittees on said sign.]

[(d)] (b) The [commissioner] Commissioner of Transportation shall adopt regulations in accordance with chapter 54 to carry out the purposes of this section. Such regulations shall include, but not be limited to, establishment of (1) fees [for the permits issued under subsection (b) of this section,] and reimbursement, and (2) [reimbursements issued pursuant to subsection (c) of this section, and (3)] standards for the location, size and maintenance of specific [information] service signs and business [signs] sign panels.

Sec. 2. Sec. 13b-61 of the general statutes is amended to read as follows (Effective upon passage):

Sec. 13b-61. Revenues credited to General Fund. Revenues credited to Special Transportation Fund. (a) On and after July 1, 1975, there shall be paid promptly to the Treasurer and thereupon, unless required to be otherwise applied by the terms of any lien, pledge or obligation created by or pursuant to the 1954 declaration or part III (C) of chapter 240, credited to the General Fund:

(1) All moneys received or collected by the state or any officer thereof on account of, or derived from, motor fuel taxes; provided on and after July 1, 1983, one cent of the amount imposed per gallon before July 1, 1984, and received or collected from any rate of such tax on motor fuels shall be credited by the Treasurer to the Special Transportation Fund;

(2) All moneys received or collected by the state or any officer thereof on account of, or derived from, motor vehicle taxes;

(3) All moneys received or collected by the state or any officer thereof on account of, or derived from, expressway revenues;

(4) All moneys becoming payable, under the terms of the 1954 declaration and part III (C) of chapter 240, into the Highway or Additional Expressway Construction Funds mentioned in said declaration;

(5) All moneys received or collected by the state or any officer thereof on account of, or derived from, highway tolls;

(6) All other moneys received or collected by the Commissioner or Department of Transportation; and

(7) Any other receipts of the state required by law to be paid into the state Highway Fund or the Transportation Fund other than proceeds of bonds or other securities of the state or of federal grants under the provisions of federal law.

(b) Notwithstanding any provision of subsection (a) of this section, there shall be paid promptly to the Treasurer and thereupon, unless required to be applied by the terms of any lien, pledge or obligation created by or pursuant to the 1954 declaration, part III (C) of chapter 240, credited to the Special Transportation Fund:

(1) On and after July 1, 1984, all moneys received or collected by the state or any officer thereof on account of, or derived from, sections 12-458 and 12-479, provided the State Comptroller is authorized to record as revenue to the General Fund for the fiscal year ending June 30, 1984, the amount of tax levied in accordance with said sections 12-458 and 12-479, on all fuel sold or used prior to the end of said fiscal year and which tax is received no later than July 31, 1984;

(2) On and after July 1, 1984, all moneys received or collected by the state or any officer thereof on account of, or derived from, motor vehicle receipts;

(3) On and after July 1, 1984, all moneys received or collected by the state or any officer thereof on account of, or derived from, (A) subsection (a) of section 14-192, and (B) royalty payments for retail sales of gasoline pursuant to section 13a-80;

(4) On and after July 1, 1985, all moneys received or collected by the state or any officer thereof on account of, or derived from, license, permit and fee revenues as defined in section 13b-59, except as provided under subdivision (3) of this subsection;

(5) On or after July 1, 1989, all moneys received or collected by the state or any officer thereof on account of, or derived from, section 13b-70;

(6) On and after July 1, 1984, all transportation-related federal revenues of the state;

(7) On and after July 1, 1997, all moneys received or collected by the state or any officer thereof on account of, or derived from, fees for the relocation of a gasoline station under section 14-320;

(8) On and after July 1, 1997, all moneys received or collected by the state or any officer thereof on account of, or derived from, section 14-319;

(9) On and after July 1, 1997, all moneys received or collected by the state or any officer thereof on account of, or derived from, fees collected pursuant to section 14-327b for motor fuel quality registration of distributors;

(10) On and after July 1, 1997, all moneys received or collected by the state or any officer thereof on account of, or derived from, annual registration fees for motor fuel dispensers and weighing or measuring devices pursuant to section 43-3;

(11) On and after July 1, 1997, all moneys received or collected by the state or any officer thereof on account of, or derived from, fees for the issuance of identity cards pursuant to section 1-1h;

(12) On and after July 1, 1997, all moneys received or collected by the state or any officer thereof on account of, or derived from, safety fees pursuant to subsection (w) of section 14-49;

(13) On and after July 1, 1997, all moneys received or collected by the state or any officer thereof on account of, or derived from, late fees for the emissions inspection of motor vehicles pursuant to subsection (k) of section 14-164c;

(14) On and after July 1, 1997, all moneys received or collected by the state or any officer thereof on account of, or derived from, the sale of information by the Commissioner of Motor Vehicles pursuant to subsection (b) of section 14-50a;

(15) On and after October 1, 1998, all moneys received by the state or any officer thereof on account of, or derived from, section 14-212b;

(16) On and after July 1, 2009, all moneys received or collected by the state or any officer thereof on account of, or derived from, any direct federal subsidy pursuant to Section 6431 of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as amended from time to time, and relating to bonds or bond anticipation notes issued by the state pursuant to sections 13b-74 to 13b-77, inclusive;

(17) On and after July 1, 2011, all moneys received or collected by the state or any officer thereof on account of, or derived from, sections 13b-61a to 13b-61c, inclusive;

(18) On and after July 1, 2011, any other funds, moneys and receipts of the state required by law to be deposited, transferred or paid into the Special Transportation Fund other than proceeds of bonds or other securities of the state or of federal grants under the provisions of federal law;

(19) On and after July 1, 2015, all moneys received or collected by the state or any officer thereof on account of, or derived from, the use of highways, expressways and ferries, except as necessary for the direct payment of debt service on obligations of the state incurred for transportation purposes[.]; and

(20) On and after July 1, 2019, all moneys received by the state or any officer thereof on account of, or derived from, section 13a-124a.

Agency Legislative Proposal - 2019 Session

Document Name: DOT_101018_U-Pass Agreements

(If submitting 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: Public Transportation; Legal Office

Agency Analyst/Drafter of Proposal: Lisa Rivers; 860.594.2834 / Brian Dudack; 860.594.3056

Title of Proposal: AA Facilitating U-Pass Agreements with Private Entities.

Statutory Reference: 13b-34

Proposal Summary: Amend the powers of the Commissioner of Transportation to allow the development of programs to promote usage of public transportation. Specifically, to allow CTDOT to contract with private colleges, universities, and other entities to increase revenue and ridership and expand services to better meet their needs.

PROPOSAL BACKGROUND

◊ **Reason for Proposal**

CTDOT has negotiated an agreement with the University of Connecticut and the Connecticut State Colleges and Universities for a program called U-Pass CT. This program makes public transportation statewide available to students for a fee per enrolled student paid by the school. In 11 months since inception, students made over 1.5 million passenger trips using a U-Pass. Private colleges have asked to join this program, but the powers of the Commissioner do not allow the commissioner to enter into an agreement with a private entity in return for compensation. This proposal is necessary CTDOT to advance its business decision to extend U-Pass similar programs to private colleges /universities, and other entities.

◊ **Origin of Proposal** ☒ **New Proposal** ☐ **Resubmission**

**Attached is information on the current U-Pass Program

PROPOSAL IMPACT

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

Agency Name: **Agency Contact (*name, title, phone*):** Click here to enter text. **Date Contacted:** Click here to enter text. 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, universities, and other entities to increase revenue and ridership and expand services to better meet the needs of these entities.
Federal None
Additional notes on fiscal impact Click here to enter text.

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

Click here to enter text.

AN ACT FACILITATING U-PASS AGREEMENTS WITH PRIVATE ENTITIES.

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, shall have the power to negotiate and contract with any person, including but not limited to any private entity, any political subdivision or entity, or any other agency, governmental or private, access to public transportation services on such terms and conditions and in return for compensation or reimbursement as he may deem necessary or advisable. In fulfillment of this power, the commissioner may create, expand or otherwise modify public transportation services in order to encourage access to bus and rail services.

Agency Legislative Proposal - 2019 Session

Document Name: DOT_101018_Interest Rate on Actions and Proceedings

(If submitting electronically, please label with date, agency, and title of proposal – 092617_DOT_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: Bureau of Engineering and Construction

Agency Analyst/Drafter of Proposal: James P. Connery; 860.594.2669

Title of Proposal: AAC the Interest Rate on Civil Actions and Arbitration Proceedings.

Statutory Reference: CGS 37-3a

Proposal Summary: To revise the 10% interest rate allowed on civil actions and arbitration proceedings to allow a more reasonable rate similar to that allowed in C.G.S. Section 37-3c.

PROPOSAL BACKGROUND

◊ **Reason for Proposal**

Current statute exposes the Department of Transportation and the State of Connecticut to extraordinarily high interest rates on awards or payments resulting from civil actions or arbitration proceedings, resulting in hardship penalties to the taxpayers of the State.

◊ **Origin of Proposal** ☒ **New Proposal** ☐ **Resubmission**

Click here to enter text.

PROPOSAL IMPACT

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

Agency Name: Department of Administrative Services **Agency Contact (*name, title, phone*):** Terrence Tulloch-Reid; Legislative Program Manager **Date Contacted:** 10.2.18 Approve of Proposal ☒ **YES** ☐ **NO** ☐ **Talks Ongoing**
Summary of Affected Agency's Comments No comments or concerns with the proposal.
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)* Potential Savings.
State Potential Savings.
Federal Potential Savings.
Additional notes on fiscal impact

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

Click here to enter text.

AN ACT CONCERNING THE INTEREST RATE ON CIVIL ACTIONS AND ARBITRATION PROCEEDINGS.

Section 1. Sec. 37-3a of the general statutes is amended to read as follows (Effective upon passage):

Sec 37-3a. **Rate recoverable as damages. Rate on debt arising out of hospital services.** (a) Except as provided in Sections 37-3b, 37-3c and 52-192a, interest at the rate [of ten percent a year] equal to the weekly average ten-year constant maturity yield of the United States Treasury securities, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding the official notice of claim to the agency, and no more, may be recovered and allowed in civil actions or arbitration proceedings under chapter 909, including actions to recover money loaned at a greater rate, as damages for the detention of money after it becomes payable. Judgement may be given for the recovery of taxes assessed and paid upon the loan, and the insurance upon the estate mortgaged to secure the loan, whenever the borrower has agreed in writing to pay such taxes or insurance or both. Whenever the maker of any contract is a resident of another state or the mortgage security is located in another state, any obligee or holder of such contract, residing in this state, may lawfully recover any agreed rate of interest or damages on such contract until it is fully performed, not exceeding the legal rate of interest in the state where such contract purports to have been made or such mortgage security is located.

(b) In the case of a debt arising out of services provided at a hospital, prejudgment and post judgment interest shall be no more than five per cent per year. The awarding of interest in such cases is discretionary.

For reference purposes:
Sec. 37-3c. Rate of interest recoverable in condemnation cases. The judgment of compensation for a taking of property by eminent domain shall include interest at a rate that is reasonable and just on the amount of the compensation awarded. If a court does not set a rate of interest on the amount of compensation awarded, the interest shall be calculated as follows: (1) If the period for which interest is owed does not exceed one year, interest shall be calculated from the date of taking at an annual rate equal to the weekly average one-year constant maturity yield of United States Treasury securities, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding the date of taking; and (2) if the period for which interest is owed exceeds one year, interest for the first year shall be calculated pursuant to the provisions of subdivision (1) of this section and interest for each additional year shall be calculated on the combined amount of principal, which is the amount by which the compensation award exceeds the original condemnation deposit, plus accrued interest at an annual rate equal to the weekly average one-year constant maturity yield of United States Treasury securities, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding the beginning of each year for which interest is owed. Such judgment shall not include interest on any funds deposited by the condemnor as compensation for the taking for the period after such deposited funds become available for withdrawal by the condemnee. The interest shall accrue from the date of taking to the date of payment.

Agency Legislative Proposal - 2019 Session

Document Name: DOT_101018_Federal Affirmative Action Plans

(If submitting 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: Finance and Administration; EOD office

Agency Analyst/Drafter of Proposal: Click here to enter text.

Title of Proposal: AAC Federal Affirmative Action Plans

Statutory Reference: CGS 46a-68

Proposal Summary: Allow the CTDOT's Federal Highway Administration (FHWA)/Federal Transit Administration (FTA) approved affirmative action plan to be accepted by Commission on Human Rights and Opportunities (CHRO).

PROPOSAL BACKGROUND

◊ **Reason for Proposal**

To eliminate duplication and save CTDOT staff time. FHWA and FTA affirmative action (AA) plans contain all the same elements as the CHRO Plan and is a duplication of efforts for EEO staff. The CHRO AA Plan requires numerous staff hours to craft and develop over a 3 month period. By eliminating this requirement, EEO staff could devote their time to pro-active efforts for the Department via education/training, mediation, recruitment, the ability to investigate discrimination complaints in a timely manner, implementation of the Plan as a whole, and the use of the current census data. FHWA and FTA used to require separate AA plans, but worked together and with state DOTs to accept a single affirmative action plan.

◊ **Origin of Proposal** ☐ **New Proposal** ☒ **Resubmission**

Previous proposals faced obstacles because it allowed any state agency, whether it also filed a federal AA plan or not, to use the federal form. This would have led to a wholesale change in how CHRO reviewed AA plans, and required all CHRO staff who reviews AA plans to become intimately familiar with federal AAPs. This proposal limits acceptance of a federal AA plan in lieu of a CHRO only to those state agencies which have AA plans approved by a federal agency. The was passed Joint Favorable out of the Appropriations Committee in 2017, but never taken up in the Senate.

PROPOSAL IMPACT

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

Agency Name: Click here to enter text. **Agency Contact (*name, title, phone*):** Click here to enter text. **Date Contacted:** Click here to enter text. Approve of Proposal ☐ **YES** ☐ **NO** ☐ **Talks Ongoing**
Summary of Affected Agency's Comments Click here to enter text.
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)* Click here to enter text.
State By eliminating a duplicative report, there is a savings in staff hours. EEO staff could devote their time to pro-active efforts for the Department via education/training, mediation, recruitment, the ability to investigate discrimination complaints in a timely manner, and implementation of the Plan as a whole.
Federal Click here to enter text.
Additional notes on fiscal impact Click here to enter text.

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

Click here to enter text.

AN ACT CONCERNING FEDERAL AFFIRMATIVE ACTION PLANS.

Section 1. Section 46a-68 of the general statutes is amended to read as follows (*Effective October 1, 2019*):

(a) [Each] Except as provided in subsection (h) of this section, each state agency, department, board and commission with twenty-five, or more, full-time employees shall develop and implement, in cooperation with the Commission on Human Rights and Opportunities, an affirmative action plan that commits the agency, department, board or commission to a program of affirmative action in all aspects of personnel and administration. Such plan shall be developed pursuant to regulations adopted by the Commission on Human Rights and Opportunities in accordance with chapter 54 to ensure that affirmative action is undertaken as required by state and federal law to provide equal employment opportunities and to comply with all responsibilities under the provisions of sections 4-61u to 4-61w, inclusive, sections 46a-54 to 46a-64, inclusive, section 46a-64c and sections 46a-70 to 46a-78, inclusive. The executive head of each such agency, department, board or commission shall be directly responsible for the development, filing and implementation of such affirmative action plan. The Metropolitan District of Hartford County shall be deemed to be a state agency for purposes of this section and sections 4a-60, 4a-60a and 4a-60g.

(b) (1) Each state agency, department, board or commission shall designate a full-time or part-time equal employment opportunity officer. If such equal employment opportunity officer is an employee of the agency, department, board or commission, the executive head of the agency, department, board or commission shall be directly responsible for the supervision of the officer.

(2) The Commission on Human Rights and Opportunities shall provide training and technical assistance to equal employment opportunity officers in plan development and implementation.

(3) The Commission on Human Rights and Opportunities and the Commission on Women, Children and Seniors shall provide training concerning state and federal discrimination laws and techniques for conducting investigations of discrimination complaints to persons designated by state agencies, departments, boards or commissions as equal employment opportunity officers and persons designated by the Attorney General or the Attorney General's designee to represent such agencies, departments, boards or commissions pursuant to subdivision (5) of this subsection. On or after October 1, 2011, such training shall be provided for a minimum of five hours during the first year of service or designation, and a minimum of three hours every two years thereafter.

(4) (A) Each person designated by a state agency, department, board or commission as an equal employment opportunity officer shall (i) be responsible for mitigating any discriminatory conduct within the agency, department, board or commission, (ii) investigate all complaints of discrimination made against the state agency, department, board or commission, except if any such complaint has been filed with the Commission on Human Rights and Opportunities or the Equal Employment Opportunity Commission, the state agency, department, board or commission may rely upon the process of the applicable commission, as applicable, in lieu of such investigation, and (iii) report all findings and recommendations upon the conclusion of an investigation to the commissioner or director of the state agency, department, board or commission for proper action.

(B) Notwithstanding the provisions of subparagraphs (A)(i), (A)(ii) and (A)(iii) of this subdivision, if a discrimination complaint is made against the executive head of a state agency or department, any member of a state board or commission or any equal employment opportunity officer alleging that the executive head, member or officer directly or personally engaged in discriminatory conduct, or if a complaint of discrimination is made by the executive head of a state agency, any member of a state board or commission or any equal employment opportunity officer, the complaint shall be referred to the Commission on Human Rights and Opportunities for review and, if appropriate, investigation by the Department of Administrative Services, except if any such complaint has been filed with the Equal Employment Opportunity Commission or the Commission on Human Rights and Opportunities, the Commission on Human Rights and Opportunities or Department of Administrative Services may rely upon the process of the applicable commission in lieu of such investigation. If the discrimination complaint is made by or against the executive head, any member or the equal employment opportunity officer of the Commission on Human Rights and Opportunities alleging that the executive head, member or officer directly or personally engaged in discriminatory conduct, the commission shall refer the complaint to the Department of Administrative Services for review and, if appropriate, investigation. If the complaint is by or against the executive head or equal employment opportunity officer of the Department of Administrative Services, the complaint shall be referred to the Commission on Human Rights and Opportunities for review and, if appropriate, investigation. Each person who conducts an investigation pursuant to this subparagraph shall report all findings and recommendations upon the conclusion of such investigation to the appointing authority of the individual who was the subject of the complaint for proper action. The provisions of this subparagraph shall apply to any such complaint pending on or after July 5, 2007.

(5) Each person designated by a state agency, department, board or commission as an equal employment opportunity officer, and each person designated by the Attorney General or the Attorney General's designee to represent an agency pursuant to subdivision (6) of this subsection, shall complete training provided by the Commission on Human Rights and Opportunities and the Commission on Women, Children and Seniors pursuant to subdivision (3) of this subsection.

(6) No person designated by a state agency, department, board or commission as an equal employment opportunity officer shall represent such agency, department, board or commission before the Commission on Human Rights and Opportunities or the Equal Employment Opportunity Commission concerning a discrimination complaint. If a discrimination complaint is filed with the Commission on Human Rights and Opportunities or the Equal Employment Opportunity Commission against a state agency, department, board or commission, the Attorney General, or the Attorney General's designee, other than the equal employment opportunity officer for such agency, department, board or commission, shall represent the state agency, department, board or commission before the Commission on Human Rights and Opportunities or the Equal Employment Opportunity Commission. In the case of a discrimination complaint filed against the Metropolitan District of Hartford County, the Attorney General, or the Attorney General's designee, shall not represent such district before the Commission on Human Rights and Opportunities or the Equal Employment Opportunity Commission.

(c) [Each] Except as provided in subsection (h) of this section, each state agency, department, board and commission that employs two hundred fifty or more full-time employees shall file an affirmative action plan developed in accordance with subsection (a) of this section, with the Commission on Human Rights and Opportunities, semiannually, except that any state agency, department, board or commission which has an

affirmative action plan approved by the commission may be permitted to file its plan on an annual basis in a manner prescribed by the commission and any state agency, department, board or commission that employs twenty-five or more employees but fewer than two hundred fifty full-time employees shall file its affirmative action plan biennially, unless the commission disapproves the most recent submission of the plan, in which case the commission may require the resubmission of such plan by a time chosen by the commission, until the plan is approved. All affirmative action plans shall be filed electronically, if practicable.

(d) The Commission on Human Rights and Opportunities shall review and formally approve, conditionally approve or disapprove the content of such affirmative action plans within ninety days of the submission of each plan to the commission. If the commissioners, by a majority vote of those present and voting, fail to approve, conditionally approve or disapprove a plan within such period, the plan shall be deemed to be approved. Any plan that is filed more than ninety days after the date such plan is due to be filed in accordance with the schedule established pursuant to subsection (g) of this section shall be deemed disapproved.

(e) The Commissioner of Administrative Services and the Secretary of the Office of Policy and Management shall cooperate with the Commission on Human Rights and Opportunities to insure that the State Personnel Act and personnel regulations are administered, and that the process of collective bargaining is conducted by all parties in a manner consistent with the affirmative action responsibilities of the state.

(f) The Commission on Human Rights and Opportunities shall monitor the activity of such plans within each state agency, department, board and commission and report to the Governor and the General Assembly on or before April first of each year concerning the results of such plans.

(g) The Commission on Human Rights and Opportunities shall adopt regulations, in accordance with chapter 54, to carry out the requirements of this section. The executive director shall establish a schedule for semiannual, annual and biennial filing of plans.

(h) Any state agency, department, board or commission that is required to maintain a federal affirmative action or equal employment opportunity plan or report may submit such federal plan or report to the Commission on Human Rights and Opportunities in lieu of the affirmative action plan required pursuant to subsection (a) or (c) of this section. Upon receipt of such federal plan or report, such plan or report shall be deemed approved by the commission for the duration that such plan or report is in compliance with the requirements of the federal agency responsible for monitoring the compliance of such state agency, department, board or commission.

(i) The executive director of the Commission on Human Rights and Opportunities shall establish a schedule for the filing of each plan or report submitted pursuant to subsection (h) of this section, taking into account the frequency such plan or report is required to be submitted to a federal agency, provided no state agency, department, board or commission submitting a plan or report that is in compliance with the requirements of the federal agency responsible for monitoring the compliance of such state agency, department, board or commission shall be required to file more frequently than such agency, department, board or commission would otherwise be required to file a state affirmative action plan.

Agency Legislative Proposal - 2019 Session

Document Name: DOT_101018_Administration Operation Lifesaver Program

(If submitting 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: Department of Transportation

Agency Analyst/Drafter of Proposal Eric Bergeron; 203.497.3436**:**

Title of Proposal: AAC Administration of the Operation Lifesaver Program.

Statutory Reference: CGS 13b-376

Proposal Summary: To revise the administration and operation of the current Operation Lifesaver Program to better align its activities with the FRA (Federal Railroad Administration) federally sponsored National Operation Lifesaver Organization. The Department seeks to accomplish this by 1) revising committee appointments from legislatively appointed to state agency representation; 2) requiring CTDOT, (instead of the existing Operation Lifesaver Committee), to administer and operate the activities of the Operation Lifesaver Program; 3) allowing the Commissioner of Transportation to enter into agreements with Operation Lifesaver, Inc.; and allowing the Commissioner of Transportation to make state grants and administer funds to other entities to establish, operate, or maintain and Operation Lifesaver Training Program.

PROPOSAL BACKGROUND

◊ **Reason for Proposal**

The National Operation Lifesaver Organization (OLI.org) sponsored by FRA, has defined a detailed volunteer based training program and system that States can adopt. This program was not in existence when the original 13b-376 statute was created, so this proposal seeks to better align with the current federally sponsored OLI Program which is now more defined and streamlined. Further, it has been difficult to get committee appointees in place and in turn, the formal committee in place to meet the current requirements and activities outlined in statute for the Operation Lifesaver Program.

◊ **Origin of Proposal** ☒ **New Proposal** ☐ **Resubmission**

PROPOSAL IMPACT

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

Agency Name: Department of Motor Vehicles, Department of Education and Department of Emergency Services and Public Protection. **Agency Contact (*name, title, phone*):** William Seymour – Chief of Staff – DMV – 860-263-5024 Lt. Marc Petruzzi, OLI Liaison, Dept. Emerg. And Prot. Services., (860) 685-8180 / Peter Yazbak – Director of Communications, Department of Education, 860-471-3518. **Date Contacted:** August 28th. Approve of Proposal ☐ **YES** ☐ **NO** ☒ **Talks Ongoing**
Summary of Affected Agency's Comments Click here to enter text.
Will there need to be further negotiation? ☒ **YES** ☐**NO** We do not anticipate opposition

◊ **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)* N/A
State N/A
Federal N/A
Additional notes on fiscal impact The proposed revision enables DOT grant administration in order better encourage a stronger volunteer base in the school systems. No immediate fiscal impact is anticipated, however, if DOT Funding Resources become un-constrained, State Operating funds could be evaluated for use in a grant program for selected school system. Also OLI National could issue future grants to the Department for the Operation Lifesaver Program. The revised statute includes provisions to allow for grants.

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

N / A

AAC ADMINISTRATION OF THE OPERATION LIFESAVER PROGRAM

Sec. 13b-376. Operation Lifesaver Program. Committee. Appointments. Duties. Regulations. (a) [There is established an Operation Lifesaver Committee which shall be within the Department of Transportation for administrative purposes only.] The Department of Transportation shall administer and operate the Operation Lifesaver Program as instituted and promoted by Operation Lifesaver, Inc. The [committee shall establish an] operation lifesaver program is designed to reduce the number of accidents at railway crossings and to increase the public awareness of railroad crossing hazards for the State. [Said committee shall consist of the Commissioner of Transportation or his designee, the Commissioner of Education or his designee, and the Commissioner of Emergency Services and Public Protection or his designee, and six members appointed as follows: Two representatives of civic organizations, one appointed by the president pro tempore of the Senate and one appointed by the minority leader of the House of Representatives, a representative of the railroad industry appointed by the speaker of the House of Representatives, a representative of a parent teacher association appointed by the majority leader of the Senate, a representative of a local law enforcement agency appointed by the majority leader of the House of Representatives and a local government official appointed by the minority leader of the Senate. The Commissioner of Transportation shall serve as chairperson of the committee. The committee shall meet at such times as it deems necessary.] The Commissioner of Transportation shall have the authority to enter into agreements with Operation Lifesaver, Inc. to establish, operate and maintain the program. The Commissioner of Transportation shall: (1) establish an Operation Lifesaver Committee to guide and promote the program on the local level; (2) educate the public with information designed to reduce the number of accidents, deaths and injuries at railroad and at-grade crossings; (3) encourage state and local law enforcement agencies to vigorously enforce the law governing motorist and pedestrian rights and responsibilities; (4) encourage the development of engineering and safety improvements; (5) encourage the maintenance of railroad and at-grade crossings; (6) make recommendations to the committee on implementing the goals and objectives of the program; (7) provide a yearly report on the status of the program to the committee; and (8) adhere to the program objectives.

(b) The Operation Lifesaver Committee shall be within the Department of Transportation for administrative purposes only. Said committee shall consist of the Commissioner of Transportation or his designee, the Commissioner of Education or his designee, the Commissioner of Emergency Services and Public Protection or his designee, and the Commissioner of Motor Vehicles or his designee. The Commissioner of Transportation or his designee shall serve as chairperson of the committee. The committee shall meet at such times as it deems necessary.[: (1) Administer and operate the operation lifesaver program; (2) establish committees to promote the program on the local level; (3) educate the public with information designed to reduce the number of accidents, deaths and injuries at railroad and at-grade crossings; (4) encourage state and local law enforcement agencies to vigorously enforce the law governing motorist and pedestrian rights and responsibilities; (5) encourage the development of engineering and safety improvements; (6) encourage the maintenance of railroad and at-grade crossings; (7) make recommendations to the General Assembly implementing the purposes of the committee. The committee shall annually review its progress and submit its findings and recommendation to the joint standing committee of the General Assembly having cognizance of matters relating to transportation.]

(c) The Department of Transportation may adopt regulations, in accordance with the provisions of chapter 54, to carry out the purposes of this section.

(d) The Commissioner of Transportation may make state grants to and otherwise administer funds to public or private school systems to assist the public or private school system to establish, operate, or maintain an Operation Lifesaver Training Program. In furtherance of this authority, the Commissioner of Transportation may apply for and receive and accept grants of money offered or made available by any person, political subdivision or entity, or any other agency, governmental or private, including the United States or any of agencies or instrumentalities.

Agency Legislative Proposal - 2019 Session

Document Name: DOT_101018_Maintenance Vehicle Lights

(If submitting 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: Bureau of Highway Operations; Legal Office

Agency Analyst/Drafter of Proposal: Paul Rizzo; 860.594.2630 / Brian Dudack; 860.594.3056

Title of Proposal: AAC Maintenance Vehicle Lights.

Statutory Reference: CGS 14-96q

Proposal Summary: To allow maintenance vehicles owned and operated by CTDOT to use amber and green flashing lights.

PROPOSAL BACKGROUND

◊ **Reason for Proposal**

Amber lights were intended to alert motorists to certain vehicles and to cause motorists to use caution when approaching or passing vehicles using such lights. However, amber lights are now easily obtained, and often used without a permit, and CTDOT vehicles no longer stand out, and motorists rarely adjust their behavior when they see such lights. Studies nationwide have shown that motorists behavior does not often change when they see a single color light, and many states are moving towards multi-colored lights for their state maintenance vehicles. Statistics have shown a 50% reduction in accidents using multicolor warning light scheme.

◊ **Origin of Proposal** ☒ **New Proposal** ☐ **Resubmission**

Studies conducted by AASHTO (American Association State Highway and Transportation Officials) , Kentucky, Ohio and Minnesota show how the benefits of multi-colored lights, and the states of Ohio, Michigan, Iowa and Minnesota … have moved to utilize such lights.

PROPOSAL IMPACT

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

Agency Name: Click here to enter text. **Agency Contact (*name, title, phone*):** Click here to enter text. **Date Contacted:** Click here to enter text. Approve of Proposal ☐ **YES** ☐ **NO** ☐ **Talks Ongoing**
Summary of Affected Agency's Comments Click here to enter text.
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. New equipment will be programmed as it's purchased to utilize both amber and green flashing lights as it is purchased, and old equipment would continue to use only the amber light until replaced.
Federal None.
Additional notes on fiscal impact

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

Click here to enter text.

AN ACT CONCERNING MAINTENANCE VEHICLE LIGHTS.

Section 1. Section 14-96q of the general statutes is repealed and the following is substituted in lieu thereof (*Effective upon passage)*:

Sec. 14-96q. Permits for colored or flashing lights. Fee. (a) A permit is required for the use of colored or flashing lights on all motor vehicles or equipment specified in this section except: (1) Motor vehicles not registered in this state used for transporting or escorting any vehicle or load, or combinations thereof, which is either oversize or overweight, or both, when operating under a permit issued by the Commissioner of Transportation pursuant to section 14-270; or (2) motor vehicles or equipment that are (A) equipped with lights in accordance with this section, (B) owned or leased by the federal government, the state of Connecticut, or any other state, commonwealth or local municipality, and (C) registered to such governmental entity. When used in this section the term “flashing” shall be considered to include the term “revolving”.

(b) The Commissioner of Motor Vehicles, or such other person specifically identified in this section, is authorized to issue permits for the use of colored or flashing lights on vehicles in accordance with this section, at the commissioner's or such person's discretion. Any person, firm or corporation other than the state or any metropolitan district, town, city or borough shall pay an annual permit fee of twenty dollars to the commissioner for each such vehicle. Such fee shall apply only to permits issued by the commissioner.

(c) A blue light or lights, including flashing blue lights, may be used on a motor vehicle operated by an active member of a volunteer fire department or company or an active member of an organized civil preparedness auxiliary fire company who has been issued a permit by the chief executive officer of such department or company to use such a light while on the way to or at the scene of a fire or other emergency requiring such member's services. Such permit shall be on a form provided by the commissioner and may be revoked by such chief executive officer or successor. The chief executive officer of each volunteer fire department or company or organized civil preparedness auxiliary fire company shall keep on file, on forms provided by the commissioner, the names and addresses of members who have been authorized to use flashing blue lights as provided in this subsection. Such listing shall also designate the registration number of the motor vehicle on which authorized flashing blue lights are to be used.

(d) A green light or lights, including flashing green lights, may be used on a motor vehicle operated by an active member of a volunteer ambulance association or company who has been issued a permit by the chief executive officer of such association or company to use such a light, while on the way to or at the scene of an emergency requiring such member's services. Such permit shall be on a form provided by the commissioner and may be revoked by such chief executive officer or successor. The chief executive officer of each volunteer ambulance association or company shall keep on file, on forms provided by the commissioner, the names and addresses of members who have been authorized to use flashing green lights as provided in this subsection. Such listing shall also designate the registration number of the vehicle on which the authorized flashing green lights are to be used.

(e) The commissioner may issue a permit for a red light or lights, including flashing red lights, which may be used on a motor vehicle or equipment (1) used by paid fire chiefs and their deputies and assistants, up to a total of five individuals per department, (2) used by volunteer fire chiefs and their deputies and assistants, up to a total of five individuals per department, (3) used by members of the fire police on a stationary vehicle as a

warning signal during traffic directing operations at the scene of a fire or emergency, (4) used by chief executive officers of emergency medical service organizations, as defined in section 19a-175, the first or second deputies, or if there are no deputies, the first or second assistants, of such an organization that is a municipal or volunteer or licensed organization, (5) used by local fire marshals, or (6) used by directors of emergency management.

(f) The commissioner may issue a permit for a yellow or amber light or lights, including flashing yellow or amber lights, which may be used on motor vehicles or equipment that are (1) specified in subsection (e) of this section, (2) maintenance vehicles as defined in section 14-1, or (3) vehicles transporting or escorting any vehicle or load or combinations thereof, which is or are either oversize or overweight, or both, and being operated or traveling under a permit issued by the Commissioner of Transportation pursuant to section 14-270. A yellow or amber light or lights, including flashing yellow or amber lights, may be used without obtaining a permit from the Commissioner of Motor Vehicles on wreckers registered pursuant to section 14-66, or on vehicles of carriers in rural mail delivery service.

(g) The Commissioner of Motor Vehicles may issue a permit for a white light or lights, including flashing white lights, which may be used on a motor vehicle or equipment as specified in subdivision (1), (2), (4), (5) or (6) of subsection (e) of this section. A vehicle being operated by a member of a volunteer fire department or company or a volunteer emergency medical technician may use flashing white head lamps, provided such member or emergency medical technician is on the way to the scene of a fire or medical emergency and has received written authorization from the chief law enforcement officer of the municipality to use such head lamps. Such head lamps shall only be used within the municipality granting such authorization or from a personal residence or place of employment, if located in an adjoining municipality. Such authorization may be revoked for use of such head lamps in violation of this subdivision. For the purposes of this subsection, the term “flashing white lights” shall not include the simultaneous flashing of head lamps.

(h) The commissioner may issue a permit for emergency vehicles, as defined in subsection (a) of section 14-283, to use a blue, red, yellow, or white light or lights, including flashing lights or any combination thereof.

(i) The commissioner may issue a permit for ambulances, as defined in section 19a-175, which may, in addition to the flashing lights allowed in subsection (h) of this section, use flashing lights of other colors specified by federal requirements for the manufacture of an ambulance. If the commissioner issues a permit for any ambulance, such permit shall be issued at the time of registration and upon each renewal of such registration.

(j) Use of colored and flashing lights except as authorized by this section shall be an infraction.

(k) A green, amber or yellow light or lights, including flashing lights or any combination thereof, may be used on a maintenance vehicle, as defined in section 14-1, that is owned and operated by the Department of Transportation.

Agency Legislative Proposal - 2019 Session

Document Name: DOT_101018_Revisions to OS OW Permit Program

(If submitting electronically, please label with date, agency, and title of proposal – 092616_DOT_ROWRevisions)

State Agency: Department of Transportation

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

Lead agency division requesting this proposal: Bureau of Highway Operations

Agency Analyst/Drafter of Proposal: David Hiscox; 860.594.2626

Title of Proposal: AAC Revisions to the Oversize/Overweight Permit Program.

Statutory Reference: CGS 14-270

Proposal Summary:

1. Increase the "additional transmittal fee" for Oversize/Overweight (OS/OW) vehicle permits from $5 per permit to $10 per permit.

2. Establish an "Engineering Fee" for heavier OS/OW vehicle permit.

3. Delete outdated language.

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

PROPOSAL BACKGROUND

- **Reason for Proposal**

1. The "additional transmittal fee" will assist in the upkeep of all electronic equipment required for the electronic transmittal/availability of permits to motor carriers and enforcement personnel. In order to speed turn-around time, the Department is planning to upgrade the existing system to allow for the instantaneous issuance of an OS/OW permit if all pre-set conditions are met. The cost to upgrade the system is estimated at $740,000 and maintain of the system with the new capability of auto-issuance will also increase. The fee increase is intended to assist with the cost of the upgrade and the increased maintenance costs. CTDOT issues approx. 50,000 permits per year that includes the added fee.

The CT Trucking Industry has requested CTDOT move to an auto-routing, auto-issuance permitting system. In addition, FHWA published a document in February 2018 noting the increased safety and efficiency gained by implementation of an auto-issuance type system and the national organization of "Specialized Carriers and Rigging" has indicated it would support a modest permit fee increase in exchange for gained efficiencies.

2. The "Engineering Fee" is proposed in order to partially recoup the excessive costs the Department currently bears for in-depth engineering reviews needed for SUPERLOAD- type moves (loads in excess of 200,000lbs). The proposed fee is a minimum of $20.00 and would be calculated at a rate of $1.00 per thousand pounds in excess of 200,000 pounds. 30 other states have implemented use of an Automated permit system with six others in various stages of using Automated Permit Systems. Many other states

have enacted an “Engineering Fee”.

3. Subsection (j) that included a fee waiver beginning July 1, 2016 and ending on June 30, 2017 is outdated and no longer needed.

- **Origin of Proposal** **_X_ New Proposal** **___ Resubmission**

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 The increase to the “additional transmittal fee” will partially fund the planned upgrade to the OS/OW Vehicle Permit system and continue to cover the increased annual maintenance fees. The cost to upgrade the system is estimated at $740,000 and maintenance of the system with the new capability of auto-issuance will also increase.

Federal: None

Additional notes on fiscal impact

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

AN ACT CONCERNING REVISIONS TO THE OVERSIZE/OVERWEIGHT PERMIT PROGRAM.

Sec. 14-270. Permits for nonconforming vehicles. Regulations. Penalties. (a) The Commissioner of Transportation or other authority having charge of the repair or maintenance of any highway or bridge is authorized to grant permits for transporting vehicles or combinations of vehicles or vehicles and load, or other objects not conforming to the provisions of sections 14-98, 14-262, 14-262a, 14-264, 14-267a and 14-269 but, in the case of motor vehicles, only the Commissioner of Transportation shall be authorized to issue such permits. Such permits shall be written, and may limit the highways or bridges which may be used, the time of such use and the maximum rate of speed at which such vehicles or objects may be operated, and may contain any other condition considered necessary by the authority granting the same, provided the Department of Transportation shall not suffer any loss of revenue granted or to be granted from any agency or department of the federal government for the federal interstate highway system or any other highway system.

(b) Any permit issued in respect to any vehicle, self-propelled vehicle, or combination of vehicles or vehicle and trailer on account of its excessive weight shall be limited to the gross weight shown to be shown on the commercial registration certificate or any commercial registration certificate issued on an apportionment basis. A permit granted under this section for a vehicle or load, greater than twelve feet, but no greater than thirteen feet six inches in width and traveling on undivided highways, shall require a single escort motor vehicle to precede such vehicle or load. No escort motor vehicle shall be required to follow such vehicle or load on such highways.

(c) Any permit issued under this section or a legible copy or facsimile shall be retained in the possession of the operator of the vehicle, self-propelled vehicle or combination of vehicles or vehicle and trailer for which such permit was issued, except that an electronic confirmation of the existence of such permit or the use of the special number plates described in section 14-24 and any regulations adopted thereunder shall be sufficient to fulfill the requirements of this section.

(d) (1) The owner or lessee of any vehicle may pay either a fee of thirty dollars for each permit issued for such vehicle under this section or a fee as described in subdivision (3) of this subsection for such vehicle, payable to the Department of Transportation. (2) An additional transmittal fee of **[**five**]** ten dollars shall be charged for each permit issued under this section and transmitted via electronic means. (3) The commissioner may issue an annual permit for any vehicle transporting (A) a divisible load, (B) an overweight or oversized-overweight indivisible load, or (C) an oversize indivisible load. The owner or lessee shall pay an annual fee of nine dollars per thousand pounds or fraction thereof for each such vehicle. A permit may be issued in any increment up to one year, provided the owner or lessee shall pay a fee of one hundred dollars for such vehicle or vehicle and trailer for each month or fraction thereof. (4) The annual permit fee for any vehicle transporting an oversize indivisible load shall not be less than six hundred fifty dollars. (5) The commissioner may issue permits for divisible loads in the aggregate not exceeding fifty-three feet in length. (6) An additional Engineering Fee shall be charged for each permit under this section whose permit weight is greater than or equal to 200,000 pounds. Said fee shall be a minimum of twenty dollars and shall be calculated at a rate of one dollar per thousand pounds in excess of 200,000 pounds.

(e) (1) The Commissioner of Transportation shall adopt regulations in accordance with chapter 54 prescribing standards for issuance of permits for vehicles with divisible or indivisible loads not conforming to the provisions of section 14-267a.

(2) In adopting regulations pursuant to this section, the commissioner shall allow for the issuing of a wrecker towing or transporting emergency permit, provided such movement of a wrecked or disabled vehicle by a wrecker with a permit issued pursuant to this subdivision shall be in accordance with any limitations as to highway or bridge use and maximum rate of speed as specified by the commissioner.

(f) The provisions of subsection (d) of this section shall not apply to the federal government, the state, municipalities or fire departments.

(g) Any person who violates the provisions of any permit issued under this section or fails to obtain such a permit, when operating any motor vehicle or combination of vehicles described in section 14-163c, shall be subject to the following penalties:

(1) A person operating a vehicle with a permit issued under this section that exceeds the weight specified in such permit shall be subject to a penalty calculated by subtracting the permitted weight from the actual vehicle weight and the rate of the fine shall be fifteen dollars per one hundred pounds or fraction thereof of such excess weight;

(2) A person who fails to obtain a permit issued under section 14-262 or 14-264 and who is operating a vehicle at a weight that exceeds the statutory limit for weight shall be subject to a penalty calculated by subtracting the statutory limit for weight from the actual vehicle weight and the rate of the fine shall be fifteen dollars per one hundred pounds or fraction thereof of such excess weight;

(3) A person operating a vehicle with a permit issued under this section that exceeds the length specified in such permit shall be subject to a minimum fine of three hundred dollars;

(4) A person operating a vehicle with a permit issued under this section that exceeds the width specified in such permit shall be subject to a minimum fine of three hundred dollars;

(5) A person operating a vehicle with a permit issued under this section that exceeds the height specified in such permit shall be subject to a minimum fine of one thousand dollars;

(6) A person operating a vehicle with a permit issued under this section on routes not specified in such permit, shall be fined (A) one thousand five hundred dollars for each violation of the statutory limit for length, width, height or weight, and (B) shall be subject to a penalty calculated by subtracting the statutory weight limit of subsection (b) of section 14-267a from the actual vehicle weight and such weight difference shall be fined at the rate provided for in subparagraph (G) of subdivision (2) of subsection (f) of section 14-267a; or

(7) A person (A) operating a vehicle with an indivisible load and violating one or more of the provisions of subdivisions (1) to (6), inclusive, of this subsection shall be required to obtain a permit, or

(B) operating a vehicle with a divisible load and violating one or more of the provisions of subdivisions (1) to (6), inclusive, of this subsection shall be required to be off loaded to the permit limit.

(h) (1) If the origin, destination, load description, tractor registration, trailer registration, hours of travel, number of escorts, signs or flags of a vehicle with a permit issued under this section differ from those stated on such permit or required by regulations adopted pursuant to this section, a minimum fine of two hundred dollars shall be assessed for each such violation.

(2) If the days of travel of a vehicle with a permit issued under this section differ from those stated on such permit or the vehicle is operated under a false or fraudulent permit, a minimum fine of one thousand five hundred dollars shall be assessed for such violation in addition to any other penalties assessed.

(i) A person operating a vehicle under a forged permit shall be subject to a minimum fine of ten thousand dollars, in addition to any other penalties which may be assessed, and such vehicle shall be impounded until payment of such fine or fines, or until order of the Superior Court. As used in this subsection, "forged permit" means a permit for a nonconforming vehicle that is subject to the provisions of this section, that has been falsely made, completed or altered, and "falsely made", "falsely completed" and "falsely altered" have the same meaning as set forth in section 53a-137.

[(j)For the period beginning on July 1, 2016, and ending on June 30, 2017, the commissioner shall waive the amount of any fee increase imposed under this section that took effect on July 1, 2016, for any person who demonstrates to the satisfaction of the commissioner that (1) such increased fee effects a material term in a contract for services that is in effect on July 1, 2016, or is subject to competitive bidding on July 1, 2016, and (2) such person is a party to such contract or a participant in such competitive bidding process.]