



## Agency Legislative Proposal - 2017 Session

**Document Name** (e.g. OPM1017Budget.doc; OTG1017Policy.doc): DOT1103DuplicativeAAPPlans.doc

(If submitting an electronically, please label with date, agency, and title of proposal – 092617\_DOT\_TechRevisions)

State Agency: Department of Transportation

Liaison: Pamela Sucato

Phone: 860-594-3013

E-mail: [pamela.sucato@ct.gov](mailto:pamela.sucato@ct.gov)

Lead agency division requesting this proposal: Affirmative Action Office

Agency Analyst/Drafter of Proposal: Nancy Bryant

**Title of Proposal:** An Act Eliminating Duplication of Affirmative Action Plans

**Statutory Reference:** CGS 46-68

**Proposal Summary:**

To amend CGS 46a-68(a) to allow CHRO to accept and approve approved Federal Affirmative Action Plans and Annual Updates as fulfillment of the requirements of preparing an Affirmative Action Plan under the CHRO Affirmative Action Regulations.

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

### PROPOSAL BACKGROUND

- **Reason for Proposal**

*Please consider the following, if applicable:*

- (1) *Have there been changes in federal/state/local laws and regulations that make this legislation necessary?*
- (2) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?*
- (3) *Have certain constituencies called for this action?*
- (4) *What would happen if this was not enacted in law this session?*

This proposal would allow state agencies to concentrate their efforts on the prevention of discrimination through education and training and allow staff to achieve affirmative action goals, rather than spending hours continually collecting data and writing AA plans for both the state and federal government, by eliminating unnecessary duplication of effort and allow state agencies to be in compliance with Federal rules and regulations. Under this proposal, state agencies submitting to Federal agencies would be in full compliance with both federal and state law.

For example, CTDOT is required under the U.S. Department of Transportation's FHWA's 23CFR230 Subpart C Appendix A Part II *State Highway Agency Equal Employment Opportunity Programs* and FTA's UMTA Circular 4704.1 *Equal Employment Opportunity Program Guidelines for Grant Recipients* to prepare and submit for approval by the FHWA and FTA Affirmative Action Plans every 3 years with annual updates each year on the off years. FHWA and FTA have come to an agreement among themselves to accept a single Affirmative Action Plan (AAP) from CTDOT that incorporates the requirements of both Federal agencies. (Note: CTDOT previously engaged in negotiations with CHRO and FHWA/FTA in an effort to compromise on developing a single AAP that would be accepted by the three agencies, and while FHWA/FTA were amenable to a compromise with CHRO, CHRO was unable to negotiate any changes that deviate from their regulations).



This change in the statute would not affect the State's policy of non-discrimination of the various protected classes, nor would it detrimentally impact state agencies' Affirmative Action Programs. Agencies' AA Policy Statements and Plans would continue to include all of the protected classes recognized by the State of Connecticut. Agencies would still continue the preparation and submission of an AAP; however it would be in compliance with the Federal requirements of the funding agencies which require a different methodology of data collection and a more specific in-depth method of monitoring and reporting than those of the State of Connecticut. Essentially, all of the elements required of the CHRO regulations are also encompassed in the Federal regulations.

Federal requirements provide for the AAP to be a living document, rather than a paper commitment, and mandate more time and effort on the education, training, implementation as well as monitoring of state agencies' employment processes which are the true measure of the success of the AAP. These Federal requirements have resulted in a substantial increase in the emphasis on monitoring and training of staff; and this increased emphasis coupled with the substantial amount of staff time involved in writing two documents that essentially do the same thing, is a duplication of effort that is not an efficient and effective use of declining staffing resources. The acceptance of the Federal AAP in lieu of a separate CHRO AAP will allow the AA unit of state agencies to concentrate their efforts on the prevention of discrimination through the implementation in the form of education and training.

CHRO requires the entire AAP, as well as the numerical goals, to be rewritten in its entirety annually, leaving very little time for the actual achievement of goals. With staff spending the majority of its time gathering data and writing the plan, there is never enough time to interpret any monitoring or conduct the education and training that is required. Goals cannot be completely set until the completion of the plan, often leaving less than 6 months for their achievement. Managers confused when the new goals are advertised when they have already spent 6 months trying to achieve the previous year's goals that are no longer viable.

The Federal plan, on the other hand, requires short term goals be set to be achieved in one year allows long term goals with allowing for three years for the long term goals to be reached. The Federal plan is rewritten every three years with new goals set every three years. The Federal plan requires annual updates of activities and goal achievement in the form of a report of activities and goal achievement performed during the year. (Note: Numerical goals are based in large part on Census Data which changes every 10 years, therefore the availability base figures for goal setting do not need to drastically change the numerical goals on an annual basis as State regulations presently mandate.

Presently, state agencies must comply with the competing affirmative action requirements of our federal funding sources and the CHRO. FHWA and FTA provided over \$693,000,000 in FFY 2016. Failure to fully comply with our federal partners could place the Department's funding at risk as both federal agencies are both looking for full compliance with federal requirements for the composition of the Department's Federal AA Plan during this next Fiscal Year. However, because of the different data reporting requirements surrounding the methodology for the setting of numerical hiring and promotion goals, complying with both the Federal and State Regulations is not possible at the same time. The result would be conflicting goals placing the Department in an impossible situation where the Department will not be in compliance with one or the other. Although the Department currently has an "approved" Federal Affirmative AAP, this approval was awarded temporarily based on the CHRO regulations and goal setting process, and it is not assured that it will continue to be accepted in the future. FHWA/FTA's review of CTDOT's 2010 Annual Update of its AAP placed increased pressure on CTDOT to set goals in accordance with the Federal requirements and have asked for a plan to remedy this situation.

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

*If this is a resubmission, please share:*

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

Included in a 2016 Governor's bill but removed by the Appropriations Committee.



## PROPOSAL IMPACT

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

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

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

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

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

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## Insert fully drafted bill here

Section 46a-68 of the general statutes is repealed and the following is substituted in lieu thereof  
(Effective October 1, 2017):

(a) [Each] Except as provided in subsection (g) 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, as amended by this act.

(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 Permanent Commission on the Status of Women 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 Permanent Commission on the Status of Women 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 (g) 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)] (h) 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) (1) Any state agency, department, board or commission that has an approved federal equal employment opportunity plan may submit such equal employment opportunity plan 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 along with the letter from the relevant federal agency approving such equal employment opportunity plan. Upon receipt of such federal plan and approval letter, such plan shall be deemed approved by the commission for the duration that such plan has been approved by the relevant federal agency.

(2) Any state agency, department, board or commission may submit an affirmative action plan to the Commission on Human Rights and Opportunities in a form prescribed by the United States Department of Justice for a federal equal employment opportunity plan. Such affirmative action plan shall be subject to review and approval by the Commission on Human Rights and Opportunities in accordance with subsection (d) of this section as to the plan's compliance with the requirements of the United States Department of Justice.



[(g)] (h) 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.



## Agency Legislative Proposal - 2017 Session

**Document Name** (e.g. OPM1017Budget.doc; OTG1017Policy.doc): DOT1103HandicapParking.doc

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

State Agency: Department of Transportation

Liaison: Pamela Sucato

Phone: 860-594-3013

E-mail: [pamela.sucato@ct.gov](mailto:pamela.sucato@ct.gov)

Lead agency division requesting this proposal: Traffic Engineering

Agency Analyst/Drafter of Proposal: Chuck Harlow/Ally Sexton

**Title of Proposal:** On-street Handicap Parking

**Statutory Reference:** CGS 14-253a

**Proposal Summary:**

To allow for designating on-street parking for persons who are blind and persons with disabilities.

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

### PROPOSAL BACKGROUND

- **Reason for Proposal**

*Please consider the following, if applicable:*

- (1) *Have there been changes in federal/state/local laws and regulations that make this legislation necessary?*
- (2) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?*
- (3) *Have certain constituencies called for this action?*
- (4) *What would happen if this was not enacted in law this session?*

PA 04-237 amended CGS 14-253a(h) to conform with federal rules increasing width and cross hatching requirements for handicap parking spaces. Language allowing handicap spaces parallel to a sidewalk on state highways was inadvertently left out.

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

*If this is a resubmission, please share:*

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





## PROPOSAL IMPACT

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

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

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

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

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

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## Insert fully drafted bill here

Section 14-253a of the general statutes is repealed and the following is substituted in lieu thereof (Effective upon passage):

(h) Parking spaces designated for persons who are blind and persons with disabilities on or after October 1, 1979, and prior to October 1, 2004, shall be as near as possible to a building entrance or walkway and shall be fifteen feet wide including three feet of cross hatch, or parallel to a sidewalk on a public highway. On and after October 1, 2004, parking spaces for passenger motor vehicles designated for persons who are blind and persons with disabilities shall be as near as possible to a building entrance or walkway and shall be fifteen feet wide including five feet of cross hatch, or parallel to a sidewalk on a public highway. On and after October 1, 2004, parking spaces for passenger vans designated for persons who are blind and persons with disabilities shall be as near as possible to a building entrance or walkway and shall be sixteen feet wide including eight feet of cross hatch, or parallel to a sidewalk on a public highway. Such spaces shall be designated by above grade signs with white lettering against a blue background and shall bear the words "handicapped parking permit required" and "violators will be fined". Such sign shall also bear the international symbol of access. When such a sign is replaced, repaired or erected it shall indicate the minimum fine for a violation of subsection (f) of this section. Such indicator may be in the form of a notice affixed to such a sign.

## Agency Legislative Proposal - 2017 Session

**Document Name** (e.g. OPM1015Budget.doc; OTG1015Policy.doc): DOT1103ParkingEnforcement.doc

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

State Agency:

Department of Transportation

Liaison: Pamela Sucato

Phone: (860) 594-3013

E-mail: [pamela.sucato@ct.gov](mailto:pamela.sucato@ct.gov)

Lead agency division requesting this proposal:

Bureau of Public Transportation

Agency Analyst/Drafter of Proposal: Rich Jankovich

### Title of Proposal

**An Act Providing The Department of Transportation the authority to enforce commuter parking regulations.**

### Statutory Reference

13b –2, 13b – 29 and 13b-61

### Proposal Summary

To amend the transportation statutes to allow the Commissioner to enforce parking fees at state-run parking areas adjacent to mass transportation facilities.

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

## PROPOSAL BACKGROUND

### • Reason for Proposal

*Please consider the following, if applicable:*

- (1) *Have there been changes in federal/state/local laws and regulations that make this legislation necessary?*
- (2) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?*
- (3) *Have certain constituencies called for this action?*
- (4) *What would happen if this was not enacted in law this session?*

This proposal has been developed to provide the Commissioner the authority needed to effectively implement open pay-by-space commuter parking systems that will be utilized at state-run parking areas. Without these changes, the Commissioner would not be able to control the use of parking spaces within these parking areas.

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

If this is a resubmission, please share:

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

## PROPOSAL IMPACT

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

Agency Name: None

Agency Contact (name, title, phone):

Date Contacted:

Approve of Proposal    \_\_\_ YES    \_\_\_ NO    \_\_\_ Talks Ongoing

### Summary of Affected Agency's Comments

Will there need to be further negotiation?    \_\_\_ YES    \_\_\_ NO

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

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

None, Parking facilities currently controlled by municipalities will not be impacted.

**State**

- Positive. This revision provides the enforcement tools needed to ensure collection of parking revenue for the implementation of open parking systems at state-run parking areas.

**Federal**

None

Additional notes on fiscal impact

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

These sections working together allow the commissioner the ability to implement parking systems and controls with commuter parking areas.

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

Section 1. Section 13b-2 of the general statutes is amended by adding subdivision (11) as follows (Effective July 1, 2017):

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

Section 2. Sec. 7. Subsection (a) of section 13b-29 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2017):

(a) Notwithstanding the provisions of any other statute, the commissioner may develop plans for, construct, maintain state commuter parking [facilities] areas at locations along automobile routes that will reduce peak traffic demands on highway systems and at locations that will encourage the use of carpools, vanpools and mass transportation facilities such as, but not limited to, bus or railroad lines. Any such parking [facilities which] areas that are not regulated by municipalities on October 1, 1983, may be used only for routine, temporary parking by persons using carpool or vanpool vehicles or mass transportation facilities. The commissioner shall adopt regulations in accordance with the provisions of chapter 54 governing the use of such parking facilities. Violation of any provision of any such regulations shall be an infraction[.] and any fine collected shall be deposited in the Special Transportation Fund.

(b) With the approval of the Secretary of the Office of Policy and Management, the commissioner may establish and collect reasonable parking fees at state-operated commuter parking areas adjacent to mass transportation facilities. The commissioner, or a parking inspector as defined in section six of this bill, may issue a citation for any violation, provided that the commissioner shall establish a process to hear appeals of citations issued pursuant to this subsection. Any fine or assessed penalties imposed pursuant to this subsection shall be deposited in the Special Transportation Fund.

(c) Any person who fails to pay the fine or penalty imposed pursuant to subsection (b) shall have committed an infraction, and any fine collected shall be deposited in the Special Transportation Fund.

[[b)] (d) Such parking [facilities] areas may use space on, above or under highway rights-of-way. Funds expended by the Commissioner of Transportation on such parking [facilities] areas shall be divided between the needs of individuals who commute by automobile and individuals who commute by any of

the various forms of mass transportation to [insure] ensure that the needs of each commuter for adequate parking [facilities] areas along railroad lines, bus routes, automobile routes or the lines or routes of other forms of transportation are not neglected. The commissioner may enter into agreements with federal, state or local governmental agencies to develop such plans, and to construct and maintain such [facilities] areas. The provisions of such agreements may be carried out by the commissioner or the state or local agency as necessity, convenience or economy requires. If and when the Congress of the United States provides financial aid to states for the planning, construction or maintenance of commuter parking [facilities] areas, the commissioner may do any and all other acts and things necessary or desirable to take advantage of such financial aid on behalf of the state in the same manner as is provided in section 13a-165 for federal aid for highways. Contracts for such construction shall be carried out in the manner provided by statute and regulations pursuant thereto for public works. The commissioner may acquire in the name of the state such real property as is necessary to construct and maintain such commuter parking [facilities] areas in the same manner and with like powers as authorized and exercised by said commissioner in acquiring real property for state highway purposes.

Section 3      Sec. 8. Subsection (b) of section 13b-61 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2017*):

(b) Notwithstanding any provision of subsection (a) of this section, there shall be paid promptly to the State 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, as amended by this act;

(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, as amended by this act, 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; [and]

(18) On and after July 1, 2017, all fines received or collected by the state or any officer thereof on account of, or derived from, subsection (b) or (c) of section 13b-29, as amended by this act;



## Agency Legislative Proposal - 2017 Session

**Document Name** (e.g. OPM1017Budget.doc; OTG1017Policy.doc): DOT1103ProjectNotification.doc

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

State Agency: Department of Transportation

Liaison: Pamela Sucato

Phone: 860-594-3013

E-mail: [pamela.sucato@ct.gov](mailto:pamela.sucato@ct.gov)

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

Agency Analyst/Drafter of Proposal: Tom Harley

**Title of Proposal:** Notification of State Construction Contract Opportunities

**Statutory Reference:** CGS 10a-109n(c)(2)(A); 10a-109n(c)(9); 13a-95b; 13b-20g

**Proposal Summary:**

This proposal eliminates newspaper advertisement requirements from the Department of Transportation and the University of Connecticut and requires posting of these contract opportunities on the DAS State Contracting Portal. These changes will save agency time and state money, ensure 24/7/365 statewide access to construction contracting opportunities, and streamline agency processing of these notifications. These changes will make construction contracting statutes consistent with the requirements of CGS 4e-13, which requires all such contract opportunities to be posted on the Portal.

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

## PROPOSAL BACKGROUND

- **Reason for Proposal**

*Please consider the following, if applicable:*

- (1) *Have there been changes in federal/state/local laws and regulations that make this legislation necessary?*
- (2) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?*
- (3) *Have certain constituencies called for this action?*
- (4) *What would happen if this was not enacted in law this session?*

This a technical conforming changes for the contracting community for many reasons. Construction contract opportunities have been posted on the Portal for several years. CGS 4b-91, which establishes the process for bidding design-bid-build projects, was revised in 2009 to require requests for bids to be posted on the Portal and to eliminate the requirement for newspaper advertising, and Construction Managers at Risk have been using the Portal to advertise for sub-bids since at least 2009. The contracting community is well aware that they need to access the Portal to be notified of these opportunities.

Electronic media, such as the DAS Contractor Portal, and trade journals are more likely than newspapers to reach the audience of contractors, many of whom may not be headquartered in the immediate area of a potential project.





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- **Origin of Proposal**      \_\_\_ **New Proposal**      **X** **Resubmission**

*If this is a resubmission, please share:*

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

Was held out of a 2015 proposal by OPM/OTG. DAS successfully made similar change in 2016.

## PROPOSAL IMPACT

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

Agency Name: University of Connecticut

Agency Contact (name, title, phone): Joann Lombardo, Senior Director Governmental Relations, 860-486-3209

Date Contacted: 11/13/16

Approve of Proposal    **X** **YES**    \_\_\_ **NO**    \_\_\_ **Talks Ongoing**

### Summary of Affected Agency's Comments

Included 2 UConn sections regarding prequalification and Construction Manager at Risk.

Will there need to be further negotiation?    \_\_\_ **YES**    **X** **NO**

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

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

**State**

TBD.

**Federal**

Additional notes on fiscal impact



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

**Insert fully drafted bill here**

**Section 10a-109(c) of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2017):**

(c) (1) Any construction contract to which the university is a party may include a provision that the design professional who designed the project, or an architect or professional engineer or construction manager retained or employed specifically for the purpose of supervision, may supervise the work to be performed through to completion and ensure that the materials furnished and the work performed are in accordance with the drawings, plans, specifications and contracts therefor.

(2) (A) Except as provided in subparagraph (B) of this subdivision, any total cost basis contract or other contract for the construction of a university project which is estimated to cost more than five hundred thousand dollars, shall be publicly let by the university. The university shall give notice to contractors interested in prequalifying to submit a project proposal or bid, [by advertising, at least once, in one or more newspapers having general circulation in the state and] by posting [the advertisement] on the university web site and on the State Contracting Portal. The notice to prequalify shall contain the requirement that contractors be prequalified pursuant to section 4a-100, a statement of the time and place where the responses shall be received and such additional information as the university deems appropriate. Upon receipt of such responses, the university shall select each contractor who has been prequalified pursuant to section 4a-100 and has shown itself able to post surety bonds required by such contract and has demonstrated that it possesses the financial, managerial and technical ability and the integrity necessary and without conflict of interest for faithful and efficient performance of the work provided for therein. The university shall evaluate whether each such contractor is responsible and qualified based on its experience with projects similar to that for which the bid or proposal is to be submitted and based on objective written criteria included in the application to request prequalification with respect to such contract. The university shall also



consider whether a contractor, and any subcontractor on the contractor's previous projects, has been in compliance with the provisions of part III of chapter 557 and chapter 558 during the previous five calendar years.

(B) Notwithstanding the provisions of subparagraph (A) of this subdivision, the board of trustees may approve a total cost basis contract or other contract for the construction of a university project which is estimated to cost more than five hundred thousand dollars that has not been publicly let pursuant to the provisions of said subparagraph (A), provided the board deems the contract to address an emergency.

(3) The university shall thereafter give notice to those so prequalified by the university pursuant to subdivision (2) of this section of the time and place where the public letting shall occur and shall include in such notice such information of the work required as appropriate. Each bid or proposal shall be kept sealed until opened publicly at the time and place as set forth in the notice soliciting such bid or proposal. The university shall not award any construction contract, including, but not limited to, any total cost basis contract, after public letting, except to the responsible qualified contractor, submitting the lowest bid or proposal in compliance with the bid or proposal requirements of the solicitation document. The university may, however, waive any informality in a bid or proposal, and may either reject all bids or proposals and again advertise for bids or proposals or interview at least three responsible qualified contractors and negotiate and enter into with any one of such contractors that construction contract which is both fair and reasonable to the university.

(4) The notice to each contractor prequalified to submit a proposal or bid and the construction contract, including each total cost basis contract, awarded by the university shall contain such other terms and conditions, and such provisions for penalties as the university may deem appropriate.

(5) No payments shall be made by the university on account of any contract for the project awarded by or for the university until the bills or estimates presented for such payment shall have been duly certified to be correct by the university. No payments shall be made from any other fund on account of any contract for any project awarded by or for the university until the bills or estimates presented for such payment shall have been duly certified to be correct by the university.

(6) Provision shall be made in each contract to the effect that payment is limited to the amount provided therein and that no liability of the university or state shall and may be incurred beyond such amount.

(7) The university shall require, for the protection of the state and the university, such deposits, bonds and security in connection with the submission of bids or proposals, the award of



construction contracts and the performance of work as the university shall determine to be appropriate and in the public interest of the state.

(8) Any contract awarded by the university shall be a contract with the state acting through the university.

(9) The university shall not enter into a construction manager at-risk project delivery contract that does not provide for a maximum guaranteed price for the cost of construction which shall be determined not later than the time of the receipt and approval by the university of the trade contractor bids. Each construction manager at-risk shall invite bids and give notice of opportunities to bid on project elements, by [advertising, at least once, in one or more newspapers having general circulation in the state and by] posting the [advertisement] on the [Internet] State Contracting Portal. Each bid shall be kept sealed until opened publicly at the time and place as set forth in the notice soliciting such bid. The construction manager at-risk shall, after consultation with and approval by the university, award any related contracts for project elements to the responsible qualified contractor, who shall be prequalified pursuant to section 4a-100, submitting the lowest bid in compliance with the bid requirements, provided (A) the construction manager at-risk shall not be eligible to submit a bid for any such project element, and (B) construction shall not begin prior to the determination of the maximum guaranteed price, except for the project elements of site preparation and demolition that have been previously put out to bid and awarded.

(10) If the university designates a project as suitable for a design-build contract, the university may enter into a single contract with a design-builder recommended by a selection panel and selected by the university. The university shall give notice of such project and specifications for such project by posting such notice on the Internet. The university shall establish a selection panel for each project to score the qualifications and past performance of each design-builder who submits a competitive proposal to the university for such project. The selection panel shall score the qualifications and past performance of each design-builder using a predetermined scoring method developed by the university and provided to each design-builder in advance of such design-builder's development of the competitive proposal. The selection panel's scoring method may be unique to each project, but shall consist of combining the score of each design-builder's qualifications and past performance and evaluating the technical merit of the competitive proposal and each design-builder's projected project cost. The design-build contract shall (A) include, but not be limited to, such project elements as permitting, engineering, design, construction and, if applicable, site acquisition, and (B) be based on the competitive proposal submitted by the design-builder that is selected by the university. No design-build contract for which the total cost is estimated to be more than five hundred thousand dollars may be awarded to a design-builder who is not prequalified for the project in accordance with section 4a-100. Such design-build contracts shall state the responsibilities of the design-builder to deliver a completed and acceptable project on a date certain and the



maximum costs of the project and, if applicable, as a separate item, the cost of any site acquisition. The university shall determine all other requirements and conditions for such competitive proposals, selection of a design-builder and other awards and shall have sole responsibility for all other aspects of such design-build contracts.

**Section 13a-95b of the general statutes (as amended by PA 15-5 of the 2015 June Special Session) is repealed and the following is substituted in lieu thereof (*Effective July 1, 2017*):**

(b) If the commissioner designates a project to use a construction-manager-at-risk contract with a guaranteed maximum price, the commissioner may have the project designed by department personnel or enter into a contract with an architect or engineer for the project design, and may also enter into a contract with a construction-manager-at-risk contractor who will provide input during the design process and may be responsible for the construction of the project. The commissioner may permit the contractor to self-perform a portion of the construction work if the commissioner determines that the construction manager general contractor can perform the work more cost-effectively than a subcontractor. All work not performed by the construction manager general contractor shall be performed by trade subcontractors selected by a process approved by the commissioner. The construction-manager-at-risk contract shall have an established guaranteed maximum price. In the event that a guaranteed maximum price cannot be agreed upon, the commissioner may elect to call for bids on the project as provided for pursuant to section 13a-95. The commissioner may select the architect, engineer or contractor from among the contractors selected and recommended by a selection panel. Any such contract for such project shall be based upon competitive proposals received by the commissioner, who shall give notice of the project, by advertising [at least once, in a newspaper having a substantial circulation in the area in which the project is located, and may give notice] on the Department of Administrative Services State Contracting Portal, or use other advertising methods likely to reach qualified construction manager general contractors. Award of any such contract shall be based upon the general conditions and staff costs plus qualitative criteria. The commissioner shall establish all criteria, requirements and conditions of such proposals and award and shall have sole responsibility for all other aspects of the project. Any contract shall clearly state the responsibilities of the contractor to deliver a completed and acceptable project on a date certain, the maximum cost of the project, and, if applicable, as a separate item, the cost of property acquisition.

(c) If the commissioner designates a project to use a design-build contract, the commissioner may enter into a single contract with the design-builder, who the commissioner may select from among the design-builders selected and recommended by a selection panel. The contract shall (1) include, but not be limited to, such project elements as site acquisition, permitting, engineering design and construction, and (2) be based on competitive proposals received by the commissioner, who shall give notice of the project and specifications for the project, by advertising[, at least once, in a newspaper having a substantial circulation in the area in which



the project is located, and, at the commissioner's discretion,] on the Department of Administrative Services State Contracting Portal, and may use other advertising methods likely to reach qualified design-build contractors. Award of the design-build contract shall be based on a predetermined metric provided to proposers in advance of technical proposal development. This metric may be unique to each project, but shall consist of a combined score of qualifications and past performance of the proposer, technical merit of the proposal and cost. The commissioner shall establish a selection panel for each project to score the qualifications and past performance and technical portion of the proposal using the predefined scoring metric. The sealed cost portion of the proposal shall be opened in a public ceremony only after the qualifications and past performance and technical portions of the proposals have been scored. The commissioner shall determine all criteria, requirements and conditions for such proposals and award and shall have sole responsibility for all other aspects of the contract. Such contract shall state clearly the responsibilities of the design-builder to deliver a completed and acceptable project on a date certain, the maximum cost of the project, and, if applicable, as a separate item, the cost of property acquisition.

**Section 13b-20g of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2017):**

Whenever there is a need to engage a consultant, the Commissioner of Transportation shall notify all firms that are prequalified in accordance with section 13b-20e in the category of services being sought by the department. If the prequalified list contains fewer than five consulting firms or does not include the area of expertise required by the department, the commissioner shall publish a notice in appropriate professional magazines, professional newsletters or on-line professional web sites, indicating the general scope of the assignment and requesting responses in accordance with subsection (b) of section 13b-20e, and [at least once in one or more newspapers having a circulation in each county of the state] on the Department of Administrative Services State Contracting Portal. Responses shall be received at the Department of Transportation not later than fourteen days after the last date on which the notice is published, unless additional time is specifically authorized by the commissioner, or not later than any specific date set forth in such notice. For certain specialized projects the notice may also solicit a full work proposal in addition to the technical qualifications of a firm.



## Agency Legislative Proposal - 2017 Session

**Document Name** (e.g. OPM1017Budget.doc; OTG1017Policy.doc): DOT1103StrobeLights.doc

(If submitting an electronically, please label with date, agency, and title of proposal – 092617\_DOT\_TechRevisions)

State Agency: Department of Transportation

Liaison: Pamela Sucato

Phone: 860-594-3013

E-mail: [pamela.sucato@ct.gov](mailto:pamela.sucato@ct.gov)

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

Agency Analyst/Drafter of Proposal: Ravi Chandran and Robert Obey

**Title of Proposal:** Permit Exemption for Certain State Employees Use of Flashing or Revolving Lights

**Statutory Reference:** 14-96p

**Proposal Summary:**

To allow personal motor vehicles that are used by DOT while performing State business to display flashing amber lights.

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

### PROPOSAL BACKGROUND

- **Reason for Proposal**

*Please consider the following, if applicable:*

- (1) *Have there been changes in federal/state/local laws and regulations that make this legislation necessary?*
- (2) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?*
- (3) *Have certain constituencies called for this action?*
- (4) *What would happen if this was not enacted in law this session?*

With the ever decreasing reliance on state-owned vehicles, personal vehicles used in performance of State business are on the increase. Securing permits for such activities results in unnecessary inefficiencies as significant staff time is spent managing permits for DOT Employee inspectors. There are approximately 450 employees obtaining the permit – about 75-90 employees in each district office, and about 50 employees in the Office of Construction and DOT Lab – and each district and office assigns staff to keep track of inspectors' strobe permits. The permits must be renewed each year and do not have the same renewal date.

- **Origin of Proposal**

  X   **New Proposal**

     **Resubmission**



If this is a resubmission, please share:

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

## PROPOSAL IMPACT

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

Agency Name:

Agency Contact (name, title, phone):

Date Contacted:

Approve of Proposal    \_\_\_ YES    \_\_\_ NO    \_\_\_ Talks Ongoing

### Summary of Affected Agency's Comments

Will there need to be further negotiation?    \_\_\_ YES    \_\_\_ NO

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

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

**State** - None

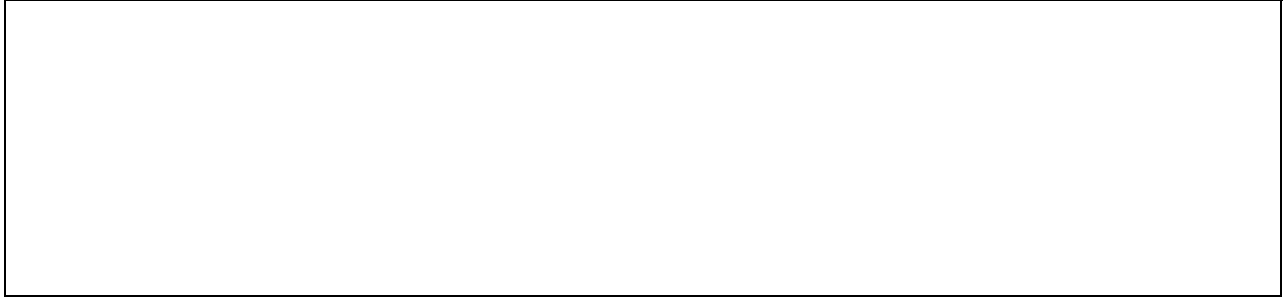
**Federal**

Additional notes on fiscal impact

Permit costs \$20, which is reimbursed on their mileage sheet.

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





**Insert fully drafted bill here**

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

(NEW) (5) A vehicle being operated by a construction inspector employed by the State of Connecticut may use a flashing amber light while performing inspections on behalf of the state. The Commissioner of the Department of Transportation shall provide annually during the month of January, on forms provided by the Commissioner of the Department of Motor Vehicles, the names and addresses of the inspectors whom he or she has authorized to use a flashing amber light as provided in this subsection. Such listing shall also designate the registration number on the Department of Motor Vehicles issued license plate or plates of the vehicle on which the authorized flashing amber light may be used.



## Agency Legislative Proposal - 2017 Session

**Document Name** (e.g. OPM1015Budget.doc; OTG1015Policy.doc): DOT1104ExcessProperty.doc

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

State Agency: Department of Transportation

**Liaison:** Pamela Sucato

**Phone:** 860-594-3013

**E-mail:** pamela.sucato@ct.gov

Lead agency division requesting this proposal: Rights of Way

Agency Analyst/Drafter of Proposal: Terrence Obey

**Title of Proposal:** AAC the Disposition of Excess Property

**Statutory Reference:** CGS 13a-80

**Proposal Summary:**

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

### PROPOSAL BACKGROUND

◇ **Reason for Proposal**

*Please consider the following, if applicable:*

- (1) *Have there been changes in federal/state/local laws and regulations that make this legislation necessary?*
- (2) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?*
- (3) *Have certain constituencies called for this action?*
- (4) *What would happen if this was not enacted in law this session?*

CGS 13a-80 was revised in 2013 to allow for consideration of all existing requirements for the disposition of excess state property; including appraisals, right of first refusal to former owners, legal lots of record, and public bids, while providing more clarity and flexibility to the state's requirements. The costs for appraisal and advertising for bids were reduced and the process should have become more streamlined for faster processing time. The original proposed language was changed and erroneously included language to offer the municipality legal lots of record prior to a public bid. This language has created redundant work and is not necessary as CGS 3-14b requires that municipalities be offered the right of first refusal on all properties, subject to conditions of sale acceptable to the state. The public bid process is critical in establishing a key condition of sale: sales price. If the Department was to offer property to the



municipality prior to a public bid and it was refused, the Department would be required to offer it again under 3-14b (e) after the terms of the sale have been determined. After each offer the municipality is allowed 45 days for consideration. This only serves to delay the process. The proposed language would allow DOT to obtain an appraisal, hold a public bid, establish terms acceptable to the state, and then offer the municipality right of first refusal under 3-14b. This procedure satisfies all language in 13a-80 while providing the most efficient process.

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

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

**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**  
Click here to enter text.



**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.

**Insert fully drafted bill here**

Subsection (b) of section 13a-80 of the general statutes Public Act 13-277 is amended to read as follows: (Effective Upon Passage):

(b) The Department of Transportation shall obtain a full appraisal on excess property prior to its sale and shall hold a public bid or auction for all properties determined to be legal lots of record. If the department does not receive any bids at the initial public bid or auction, the department may continue to market the property and accept offers for sale or hold another bid or auction. Transfers to other state agencies and municipalities for purposes specified by the department shall be exempt from the appraisal requirement. The department shall offer parcels that are legal lots of record to other state agencies [, and to any municipality in which any such parcel is located, before holding] prior to a public bid or auction and shall offer parcels that are not legal lots of record to [all] abutting landowners in accordance with department regulations. If the sale or transfer of property pursuant to this section results in the existing property of an abutting landowner becoming a nonconforming use, pursuant to local zoning requirements, the commissioner may sell or transfer the property to such abutting landowner without public bid or auction. The department shall obtain a second appraisal if the value of such property is more than two hundred fifty thousand dollars and is to be sold to an abutting landowner or in accordance with the provisions of subsection (c) of this section. Any appraisals shall be obtained prior to the determination of a sale price of the excess property.



## Agency Legislative Proposal - 2017 Session

**Document Name** (e.g. OPM1015Budget.doc; OTG1015Policy.doc): DOT1104FOIAScan.doc

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

State Agency: Department of Transportation

**Liaison:** Pamela Sucato

**Phone:** 860-594-3013

**E-mail:** pamela.sucato@ct.gov

Lead agency division requesting this proposal: Legal

Agency Analyst/Drafter of Proposal: Denise Rodosevich/Alice Sexton

**Title of Proposal:** AA to Save Paper and to Permit Public Agencies to Charge for Disclosure of Electronically-Scanned Records

**Statutory Reference:** CGS 1-212

**Proposal Summary:**

This proposal would permit agencies to charge for non-computer-stored records it scans and e-mails or scans to disk and mails to anyone making an FOI request at a rate equal to 60% of the cost of a regular hard copy (e.g., \$0.15 per page).

### PROPOSAL BACKGROUND

#### ◇ Reason for Proposal

*Please consider the following, if applicable:*

- (1) *Have there been changes in federal/state/local laws and regulations that make this legislation necessary?*
- (2) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?*
- (3) *Have certain constituencies called for this action?*
- (4) *What would happen if this was not enacted in law this session?*

This proposed bill would permit agencies to charge for records it scans and emails or scans to disk and mails to anyone making an FOI request at a rate equal to 60% of the cost of a regular hard copy (e.g., \$0.15 per page for state agencies and \$0.30 per page for municipal agencies)).

Current law permits state agencies to charge up to \$0.25 per page for any (hard) copy disclosed under the FOI Act. See CGS §1-212(a)(1). Municipalities are permitted to charge up to \$0.50 per page for disclosure of (hard) copies under the FOI Act. For computer stored records, agencies are permitted to charge for formatting and programming time at the rate of the person doing the programming and formatting. Agencies are not permitted to charge for any review, search or retrieval time (the only exception to the rule for search and retrieval is in the case of an agency hiring an outside vendor provides computer storage and retrieval services)



Currently, for non-computer stored records (e.g., hard files), public agencies like the Department of Transportation often have the ability but not the incentive to scan and email requested records because agencies generally can't charge for scanned records but can charge for hard copies provided to a requester.

The \$0.25 per page that a state agency can charge is far more than the actual cost of the paper to the agency. For example, at \$0.25 per page, a ream of paper which contains 500 sheets would cost \$125, which of course it does not.

Thus, the current statutory scheme seems to recognize that the \$0.25 per page includes more than just the cost of the paper and copier ink. Presumably, the \$0.25 per page was set to incorporate some allocation of costs for the wear and tear on the copy machine and the time involved in searching, retrieving and copying the records to be disclosed. (Needless to say, when a request is received that seeks copies of a small number of specific records that are not filed in a manner easy to locate those specific records, the copy charge for a few sheets pales in comparison to the costs associated with searching for, retrieving and copying a few pages.).

If the records are not already computer-stored, public agencies are not legally obligated to scan them and provide copies to an FOI requester, but requesters often ask for them that way (e.g., either to be emailed or requested as a .pdf or .tiff file). Agencies generally want to be accommodating in supplying records to FOI requesters, and also would like to save paper, but there is no incentive to do so.

Not being able to charge for scanning hard copy records which don't already exist in electronic format restricts an agency's incentive to save paper and accommodate requests for records to be scanned and disclosed. This proposal would give agencies the incentive to save paper by permitting them to charge for scanned records at a rate equal to 60% of the charge it could charge if it copied the records rather than scanned them. It also would allow agencies to recoup the incremental cost of wear and tear on the copy machines since copying and scanning is essentially the same process.

**Origin of Proposal**

**New Proposal**

**Resubmission**

*If this is a resubmission, please share:*

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

The Freedom of Information Commission, now under the Office of Governmental Accountability, typically opposes anything that impedes or inhibits the public's right to access records under the FOI Act. This proposal would not affect the public's right of access. In fact, it would create a right for requesters where none exists, that is, where feasible by an agency, a requester would have the right to receive electronic copies of non-computer-stored records. Along with that right, it would create a mechanism for agencies to charge for scanning such records. If passed, this bill would have the effect of reducing paper usage.



## **PROPOSAL IMPACT**

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

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

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

<b>Municipal</b> <i>(please include any municipal mandate that can be found within legislation)</i> <a href="#">Click here to enter text.</a>
<b>State</b> <a href="#">Click here to enter text.</a>
<b>Federal</b> <a href="#">Click here to enter text.</a>
<b>Additional notes on fiscal impact</b> <a href="#">Click here to enter text.</a>

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

<a href="#">Click here to enter text.</a>
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**Insert fully drafted bill here**



Section 1. Subdivision (a)(1) of section 1-212 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2017):

(a) Any person applying in writing shall receive, promptly upon request, a plain or certified copy of any public record. The fee for any copy provided in accordance with the Freedom of Information Act:

(1) By an executive, administrative or legislative office of the state, a state agency or a department, institution, bureau, board, commission, authority or official of the state, including a committee of, or created by, such an office, agency, department, institution, bureau, board, commission, authority or official, and also including any judicial office, official or body or committee thereof but only in respect to its or their administrative functions, shall not exceed twenty-five cents per page for a paper copy nor fifteen cents per page for an electronically-scanned copy in portable document format or tagged image file format; and

(2) By all other public agencies, as defined in section 1-200, shall not exceed fifty cents per page for a paper copy nor thirty cents per page for an electronically-scanned copy in portable document format or tagged image file format. If any copy provided in accordance with said Freedom of Information Act requires a transcription, or if any person applies for a transcription of a public record, the fee for such transcription shall not exceed the cost thereof to the public agency.





## Agency Legislative Proposal - 2017 Session

**Document Name** (e.g. OPM1015Budget.doc; OTG1015Policy.doc): DOT1107HighwaySafety

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

State Agency: Department of Transportation

**Liaison:** Pamela Sucato

**Phone:** 860-594-3013

**E-mail:** pamela.sucato@ct.gov

Lead agency division requesting this proposal: Highway Safety Office

Agency Analyst/Drafter of Proposal: Joseph Cristalli

**Title of Proposal:** AAC Highway Safety

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

**Proposal Summary:**

- 1) CGS 14-100a(c)(1) only requires the operator and front seat passengers of motor vehicles to wear seat belts. This allows passengers in the back seat or subsequent seating positions behind the front seat to ride unrestrained unless they are under age sixteen or if they are covered under the child safety seat component of this statute. This would require all passengers to wear seatbelts.
- 2) Require all motorcycle operators and passengers to wear protective headgear. Currently, Connecticut laws only require helmet use by persons under the age of 18 years (CGS Sec. 14-289g) and motorcycle learner permit holders (CGS Sec 14-40a). In 2013, a total of 53 motorcycle operators and passengers were killed on Connecticut roadways, representing 19.2 percent of the State's total traffic fatalities. Approximately 40 percent of the motorcyclists killed were not wearing helmets, compared to approximately 43 percent of fatalities nationwide. This proposal would amend Section 14-289g of the general statutes to require all persons who operate a motorcycle or a motor-driven cycle 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**

*Please consider the following, if applicable:*

- (1) *Have there been changes in federal/state/local laws and regulations that make this legislation necessary?*
  - (2) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?*
  - (3) *Have certain constituencies called for this action?*
  - (4) *What would happen if this was not enacted in law this session?*
- 1) As reported by NHTSA in their report – NHTSA Report Number DOT HS 808 945:
    - In all crashes, back seat lap/shoulder belts are 44 percent effective in reducing fatalities when compared to unrestrained back seat occupants.



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

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

- 2) 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 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; and FFY 2016, 2.5% or \$4,934,160. Since FFY 2001, a total of \$86,714,848 was transferred for non-compliance under this program.

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

*If this is a resubmission, please share:*

- (1) *What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?*
  - (2) *Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?*
  - (3) *Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?*
  - (4) *What was the last action taken during the past legislative session?*
- 1) The seatbelt proposal was submitted to the Transportation Committee the last two years (in 2015, by CTDOT; 2016 requested by AAA) but never made it out of the 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 15 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**

**State:**

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**

- 1) No anticipated costs
- 2) Research conducted by the National Highway Traffic Safety Administration (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 System (NHS), Interstate Maintenance (IM) and Surface Transportation Program (STP) 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; and FFY 2016, 2.5% or \$4,934,160. Since FFY 2001, a total of \$86,714,848 was transferred for non-compliance under this program.

**Federal**

NHS, IM and STP funds for preliminary engineering, rights-of-way and construction: between 1.5% and 3% of funds (approx. \$87M) transferred to Section 402 Highway Safety Program from FFY 2001 to FFY 2016.

**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.

**[Insert fully drafted bill here](#)**

**Section 14-100a (NEW) (Effective July 1, 2017) For the purposes of this section:**

(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:

**Section 14-289g. (NEW) (Effective July 1, 2017) For the purposes of this section:**

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.

**(NEW) (Effective July 1, 2017) 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 - 2017 Session

**Document Name** (e.g. OPM1015Budget.doc; OTG1015Policy.doc): DOT1107WaysideHorns

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

State Agency: Department of Transportation

**Liaison:** Pamela Sucato

**Phone:** 860-594-3013

**E-mail:** pamela.sucato@ct.gov

Lead agency division requesting this proposal: Engineering and Construction/Public Transportation/Legal

Agency Analyst/Drafter of Proposal: Eric Bergeron

**Title of Proposal:** AAC Requirements for Wayside Horns

**Statutory Reference:** 13b-329(b)

**Proposal Summary:**

~~The revision to 13b-329(b) is required to reduce the length of time wayside horns blow in advance of a crossing. The premise behind this is to mitigate noise for the immediate property owners near a crossing and to allow the Department to be consistent with FRA regulations. The revision to 13b-329(b) references Federal regulations which results in a reduction for the length of time a wayside horn blows in advance of a crossing. The premise behind this is to mitigate noise for the immediate property owners near a crossing and to allow the Department to be consistent with FRA regulations.~~

### PROPOSAL BACKGROUND

#### ◇ Reason for Proposal

Please consider the following, if applicable:

- (1) Have there been changes in federal/state/local laws and regulations that make this legislation necessary?
- (2) Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?
- (3) Have certain constituencies called for this action?
- (4) What would happen if this was not enacted in law this session?

~~As a result of several citizen complaints during a pilot installation of wayside horns (first in CT), we found that the horn blow time at times was in excess of typical times required under FRA Regulations and similar train horn blow times. FRA Regulations were based on similar installations throughout the country and are modeled to minimize noise for immediate property owners. The Department has determined the 13b-329 is best to be modeled after Federal Regulations. As a result of several citizen complaints during a pilot installation of wayside horns (first in CT), we found that the horn blow time (minimum 29 seconds) was often~~



[in excess of typical times required under FRA Regulations and similar train horn blow times \(minimum 15 seconds\). FRA Regulations were based on similar installations throughout the country and are modeled to minimize noise for immediate property owners. The Department has determined the 13b-329 is best to be modeled after Federal Regulations.](#)

Origin of Proposal       New Proposal       Resubmission

If this is a resubmission, please share:

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

[Click here to enter text.](#)

### PROPOSAL IMPACT

AGENCIES AFFECTED (please list for each affected agency)

**Agency Name:** N/A  
**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)  
N/A

**State**  
N/A



**Federal**

N/A

**Additional notes on fiscal impact**

Click here to enter text.

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

N/A

**Insert fully drafted bill here**

Section 13b-329(b) of the general statutes is repealed and the following is substituted in lieu thereof *(Effective upon passage)*:

(b) A wayside horn may be used in lieu of a horn attached to an engine at any highway-rail grade crossing equipped with an active warning system consisting of, at a minimum, flashing lights and gates. Such wayside horn shall [(1)] conform to the federal requirements [for wayside horn use, and (2) sound at a minimum of twenty-nine seconds prior to the train's arrival at the crossing, while the lead locomotive is traveling across the crossing and occasionally thereafter until such engine has crossed such highway]. Any entity installing a wayside horn shall comply with the federal requirements for written notice set forth in 49 CFR 222. For the purposes of this section, "wayside horn" has the same meaning as provided in 49 CFR 222.9, as amended from time to time.

~~\_(b) A wayside horn may be used in lieu of a horn attached to an engine at any highway rail grade crossing equipped with an active warning system consisting of, at a minimum, flashing lights and gates. Such wayside horn shall conform to the federal requirements. Any entity installing a wayside horn shall comply with the federal requirements for written notice set forth in 49 CFR 222. For the purposes of this section, "wayside horn" has the same meaning as provided in 49 CFR 222.9, as amended from time to time.~~





## Agency Legislative Proposal - 2017 Session

**Document Name** (e.g. OPM1017Budget.doc; OTG1017Policy.doc): DOT1116HeavyDutyTrailers

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

State Agency:

Department of Transportation

Liaison: Pamela 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:

Bart Sweeney & David Hiscox

**Title of Proposal:**

**An Act To Align Connecticut's Antiquated Permit Laws with Country-Wide Industry Standard**

**Statutory Reference: Chapter 246—Motor Vehicles, Section 14-24**

**Proposal Summary:**

This act will revise current language regarding heavy-duty trailer conveyance throughout the state. In lieu of the Commissioner of the Department of Transportation issuing an Account Code permit for the movement of oversize and/or overweight loads carried by a heavy duty trailer, the Commissioner would be allowed to issue an Annual Permit.

An Account Code permit is a permit that is valid up to April 30 of each year. A carrier with an Account Code may move as many times as it wants but each individual move must be submitted to and approved by the Department. The cost for an Account Code is a one-time fee based on the loaded weight of the trailer plus the light weight of the tractor.

The Annual permit would be valid for a year from time of issue and the carrier would not need to submit and wait for approval from the Department for each individual move but would be required to review a list of bridge restrictions for acceptability to cross based on the vehicle gross weight and number of axles. The cost for an Annual permit would be a one-time fee based on the registered weight of the tractor plus the light weight of the heavy duty trailer.

Reasons for approving this requested change:

- Annual permits are the norm in the industry and this change would align us with our neighboring states.
- Vehicles currently registered out of State that want permits have registrations and IRP gross weights based on the capacity of tractor, not the trailer. This change would, again, align us with industry standard.
- Carriers currently complain about the time for a review of their single-use permit. By allowing movement at their discretion, provided they comply with the Bridge Restriction list, the industry will be able to more nimbly and cost-effectively respond to customer demands.
- This revision is a fee-neutral change: Account Code users, if approved for an Account Code, are approved for the maximum gross vehicle weight it is allowed to carry. This remains true for Annual Permits and the



fee structure for each is the same (\$9 per each thousand lbs gross vehicle weight).

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

## PROPOSAL BACKGROUND

- **Reason for Proposal**

*Please consider the following, if applicable:*

- (1) *Have there been changes in federal/state/local laws and regulations that make this legislation necessary?* No.
- (2) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?* Yes. Industry standard throughout other New England states is to issue Annual Permits based on registered weight of tractor rather than an "Account Code" permit that requires submittal for every move and is based on the heavy weight of the trailer.
- (3) *Have certain constituencies called for this action?* Yes. The CT Trucking Industry has requested the Department to do away with Account Code permits.
- (4) *What would happen if this was not enacted in law this session?* The Department would continue to issue Account Code permits as normal.

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

*If this is a resubmission, please share:*

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

## PROPOSAL IMPACT

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

Agency Name:

Agency Contact (name, title, phone):

Date Contacted:

Approve of Proposal     YES     NO     Talks Ongoing

### Summary of Affected Agency's Comments

Will there need to be further negotiation?     YES     NO



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

<b>Municipal</b> (please include any municipal mandate that can be found within legislation)  No anticipated fiscal impact to municipalities.
<b>State</b>  By moving to an industry standard (Annual Permits), there will be a cost saving (approx. \$415,000) to an upcoming program upgrade by the CT Department of Transportation planned for mid-2017 as the contracted vendor will not have to custom design the program to incorporate Connecticut’s “Account-Code” method. Beyond the software upgrade, there is no yearly cost difference between the annual permit versus the account-code permit as there will be no fee difference between the two methods.
<b>Federal</b>  N/A
Additional notes on fiscal impact

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

The statute that will be affected by this proposal is under Chapter 246—Motor Vehicles and is Section 14-24 – Heavy Duty Trailers. Heavy construction equipment. Gross weight of tractor-trailer units.

### Insert fully drafted bill here

**Sec. 14-24 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2017*).**

The commissioner may, if in his opinion it is equitable, grant a special registration and furnish a special set of number plates or markers, limited or unlimited as he deems advisable, for the operation of heavy duty trailers for the transportation of heavy construction equipment, of cranes or other heavy construction equipment upon the streets and highways of this state from the railroad station or the storage yard to the construction job, or from one construction job to another. Each movement of such trailer, when loaded, crane or other heavy construction equipment shall require a limited or unlimited written permit from the Commissioner of Transportation, unless it is operating with an [oversize-overweight account code number, and a confirmation number] annual permit furnished by said commissioner under the provisions of 14-270. The Commissioner of Transportation shall issue for each such vehicle operating with such an [account code number] annual permit, a document which identifies the vehicle and states the date of issue and date of expiration. The original document, as furnished by the Commissioner of Transportation, shall be carried in the vehicle. The markers or number plates



furnished by the Commissioner of Motor Vehicles shall be displayed in a prominent place on the rear of the vehicle. Such registration may be revoked or suspended at the discretion of the commissioner. Nothing in this section shall be construed to prevent the commissioner from issuing temporary registrations for vehicles of this class. The commissioner may, upon receipt of a certified copy of a permit granted under the provisions of section 13a-117, grant to the person named in the permit a special registration and furnish a special set of number plates or markers, limited or unlimited, as specified in the permit, which permit shall be a part of such registration. [The registered gross weight of any tractor-trailer unit, where the trailer is registered as a heavy duty trailer, shall be the light weight of the tractor plus the gross weight of the heavy duty trailer.]