Agency Legislative Proposal - 2022 Session

Document Name: 100121_DOT_RailroadIndemnity

(If submitting electronically, please label with date, agency, and title of proposal – 092621_SDE_TechRevisions)

State Agency: Department of Transportation

Liaison: Anne Kleza
Phone: 860.594.3015
E-mail: anne.kleza@ct.gov

Lead agency division requesting this proposal: Office of Legal Services

Agency Analyst/Drafter of Proposal: Amy Ravitz (860) 594-3044 and Brian Dudack (860) 594-3056

Title of Proposal: AAC Certain Railroad Indemnity.

Statutory Reference: New; CGS 13b-34

Proposal Summary:
To allow the Department to indemnify railroad companies as required by Federal law when the Department purchases portions of their rail corridors.

PROPOSAL BACKGROUND

◊ **Reason for Proposal**

The Department requires the purchase of a portion of a railroad corridor owned and operated by Connecticut Southern Railroad (CSO) located in the Town of Manchester to eliminate two at-grade railroad crossings which currently create significant traffic backups.

The segment purchased could also connect to the existing Hop River State Park Trail, operated by the Department of Energy and Environmental Protection (DEEP). If the rail segment were developed into a trail, the Hop River State Park Trail's southern terminus would be extended further into Manchester allowing more user access.

In connection with the purchase, CSO would not fully abandon the rail segment but will reserve the right to re-activate the rail segment in the future also in accordance with federal law. CSO has a reversionary interest in the rail segment and potential exposure as a result of third-party use. Also, in accordance with federal law, the Department would seek status as an interim trail user and is required under 49 CFR 1152.29(a)(3) to indemnify CSO against any potential liability.

The Department seeks this legislation to permit a waiver of the State's sovereign immunity in the limited circumstance where the Department purchases railroad corridors and where federal law requires indemnification.

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

If this is a resubmission, please share:

New statute. Possibly a new subsection of CGS 13b-34.

PROPOSAL IMPACT

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

Agency Name: Department of Energy and Environmental Protection (potential)
Agency Contact (*name, title, phone*): Click here to enter text.
Date Contacted: Click here to enter text.

Approve of Proposal ☐ **YES** ☐ **NO** ☐ **Talks Ongoing**

Summary of Affected Agency's Comments

Will there need to be further negotiation? ☒ **YES** ☐**NO**

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

Municipal *(please include any municipal mandate that can be found within legislation)*
None

State
Unknown. Potential exposure will correspond to the amount of claims brought against CSO.

Federal
Unknown

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.

◊ **EVIDENCE BASE**

Click here to enter text.

AAC Certain Railroad Indemnity.

Section 1. Section 13b-34 of the general statutes is amended to read as follows: (*Effective July 1, 2022*):

(NEW) (l) If the commissioner deems it to be in the best interest of the state, the commissioner, may indemnify and hold harmless any railroad company in connection with an interim trail use and railbanking arrangement as required and specified in the Code of Federal Regulation Title 49, Section 1152.29, as may be amended from time to time.

Agency Legislative Proposal - 2022 Session

Document Name: 100121_DOT_ContractStreamlining

(If submitting electronically, please label with date, agency, and title of proposal – 092621_SDE_TechRevisions)

State Agency: Department of Transportation

Liaison: Anne Kleza
Phone: 860.594.3015
E-mail: anne.kleza@ct.gov

Lead agency division requesting this proposal: Office of Legal Services

Agency Analyst/Drafter of Proposal: Helen Bartek, Staff Attorney 3

Title of Proposal: AAC Technical Changes to Contract Streamlining.

Statutory Reference: CGS 4a-60(c), 4a-81(b)(2)-(3), 4-252(b), and 4-252a(d)

Proposal Summary:
Technical changes are proposed to CGS 4a-60(c), 4a-81(b)(2)-(3), 4-252(b), and 4-252a(d). PA 21-76 streamlined the process for contractors signing as to compliance with certain contracting laws, but certain informalities in the language has left room for varying interpretations and since the July 1, 2021 implementation have become administratively burdensome for CTDOT.

PROPOSAL BACKGROUND

◊ **Reason for Proposal**

PA 21-76 streamlined the process for contracting by eliminating separate, stand-alone forms to be completed (signed and notarized) with respect to contractor compliance with certain contracting laws, and instead required incorporation of the requirements as provisions into the body of the contract. The contractor's signature on the contract itself serves as its representation as to compliance with these certain contracting laws. Some informalities in the language have left room for varying interpretations and additional signatures and/or initials and notarization still must be obtained for the contracts to comply with the statute and be approved as to form.

Technical changes 4a-60(c) and Sec. 4a-81(b)(2)-(3) will ensure that the "nondiscrimination affirmation" need not be separately and additionally initialized or signed, apart from the signing of the contract itself; and that the "consulting agreements representation" made in the contract need not be notarized and clarify when additional information is required to be included or attached to such representation.

Existing language ("most qualified or highest ranked firm") in Sec. 4-252(b) may be interpretated as limiting application to this contracting requirement to certain competitively awarded contracts. The Department enters into many contracts aren't the result of "most qualified or highest ranked firm," including, but not limited to, the DOT-specific consultant selection process (see Sec. 13b-20i – 13b-20n)

and sole-source contracts o with transportation operators such as railroads. As such, the Department requests that this language be clarified to ensure all such contracts are subject to the requirement. Section 3 of PA 21-76 removed "false statement" language from CGS 4-252a at subsection (b) but inadvertently did not remove "false statement" language from subsection (d). The Department proposes removal of the language in subsection (d). While these three changes are minor, they will make a significant impact to streamline contracting for DOT and reduce processing item.

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

PROPOSAL IMPACT

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

Agency Name: Department of Administrative Services **Agency Contact (*name, title, phone*):** Eleanor Michael **Date Contacted:** September 30, 2021 Approve of Proposal ☒ **YES** ☐ **NO** ☐ **Talks Ongoing**
Summary of Affected Agency's Comments DOT has briefed DAS on its desired technical changes related to the contracting representations. DAS is addressing technical changes as well and agreed to review and consider DOT's proposed changes for incorporation into a statutory proposal.
Will there need to be further negotiation? ☒ **YES** ☐**NO**

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

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

◊ **EVIDENCE BASE**

Click here to enter text.

AAC Technical Changes to Contract Streamlining.

Section 1. Subsection (c)(1) of section 4a-60 of the general statutes is repealed and the following is substituted in lieu thereof *(Effective upon passage)*:

(c) Except as provided in section 10a-151i:

(1) Any contractor who has one or more contracts with an awarding agency or who is a party to a municipal public works contract or a contract for a quasi-public agency project shall include a nondiscrimination affirmation provision certifying that the contractor understands the obligations of this section and will maintain a policy for the duration of the contract to assure that the contract will be performed in compliance with the nondiscrimination requirements of subsection (a) of this section. The authorized signatory of the contract shall demonstrate his or her understanding of this obligation by either (A) signing the contract, (B) initialing the nondiscrimination affirmation provision in the body of the contract, or **[**B**]** **(**C) providing an affirmative response in the required online bid or response to a proposal question which asks if the contractor understands its obligations.

Sec. 2. Section 4a-81(b)(2)-(3) of the general statutes is repealed and the following is substituted in lieu thereof *(Effective upon passage)* :

(2) Such representation shall be **[**sworn as true**]** made to the best knowledge and belief of the person signing the contract and shall be subject to the penalties of false statement.

(3) If such representation indicates that a consulting agreement has been entered into in connection with any such contract, **[**S**]**such representation shall include or attach the following information for each consulting agreement listed: The name of the consultant, the consultant's firm, the basic terms of the consulting agreement, a brief description of the services provided, and an indication as to whether the consultant is a former state employee or public official. If the consultant is a former state employee or public official, such representation shall indicate his or her former agency and the date such employment terminated

Sec. 3. Section 4-252(b) of the general statutes is repealed and the following is substituted in lieu thereof *(Effective upon passage)*:

(b) The official or employee of such state agency or quasi-public agency who is authorized to execute state contracts shall represent that the selection of the [most qualified or highest ranked person, firm or corporation] contractor was not the result of collusion, the giving of a gift or the promise of a gift, compensation, fraud or inappropriate influence from any person.

Sec. 4. Section 4-252a(d) of the general statutes is repealed and the following is substituted in lieu thereof *(Effective upon passage)*:

(d) Any entity that makes a good faith effort to determine whether such entity has made an investment described in subsection (b) of this section shall not be [subject to the penalties of false statement pursuant to] deemed to be in breach of contract or in violation of this section. A "good faith effort" for purposes of this subsection includes a determination that such entity is not on the list of persons who engage in certain investment activities in Iran created by the Department of General Services of the state of California pursuant to Division 2, Chapter 2.7 of the California Public Contract Code. Nothing in this subsection shall be construed to impair the ability of the state agency or quasi-public agency to pursue a breach of contract action for any violation of the provisions of the contract.

Agency Legislative Proposal - 2022 Session

Document Name: 100121_DOT_EmergencyDeclaration

(If submitting electronically, please label with date, agency, and title of proposal – 092621_SDE_TechRevisions)

State Agency: Department of Transportation

Liaison: Anne Kleza
Phone: 860.594.3015
E-mail: anne.kleza@ct.gov

Lead agency division requesting this proposal: Division of Rights of Way

Agency Analyst/Drafter of Proposal: Terrence J. Obey

Title of Proposal: AAC Access to Property During an Emergency Declaration.

Statutory Reference: C.G.S. 13b-4d and C.G.S. 13b26(f)

Proposal Summary:
Currently, CGS 13b-4d and 13b-26(f) authorizes the Commissioner of Transportation (Commissioner) to declare a State of Emergency when unsafe conditions exist on or within a State highway or rail facility. The language contained in these statutes does not authorize the Commissioner to enter upon private property in order to address said emergency.

This proposal seeks to amend CGS 13b-4d and 13b-26(f) to authorize the Commissioner to enter upon private property (if deemed necessary) when a State of Emergency has been declared. This proposed change would not infringe upon a property owner's right to just compensation for impacts to their property, as compensation would be offered in accordance with CGS 13a-73, once a full understanding of the property impacts has been obtained.

PROPOSAL BACKGROUND

◊ **Reason for Proposal**

Currently, when the Commissioner declares a state of emergency, he must initiate formal property acquisition procedures in accordance with CGS 13a-73 prior to entry upon private property. This process can take 4 to 8 weeks. This not only results in delays, but also does not allow the extent of property impacts to be fully understood until a full remedy of the emergency condition has been completed; which is unknown at the time the emergency is declared. This uncertainty can lead to a dispute of damages relative to the property rights acquired and expose the State to unnecessary litigation.

The process under CGS 13a-73 was not intended to be utilized in emergency situations, as the typical acquisition process takes 6 to 9 months. The proposed language would authorize the Commissioner and

his agents to immediately enter upon private property during an emergency. The rights of all property owners, as granted by the fifth amendment, would remain in-tact as an offer of just compensation would be made upon a full understanding of all required property rights. This would allow the formal acquisition process to proceed in the manner as described in CGS 13a-73.

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

PROPOSAL IMPACT

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

Agency Name: Department of Transportation **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)*
State
Federal
Additional notes on fiscal impact

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

Click here to enter text.

◊ **EVIDENCE BASE**

AAC Access to Property During an Emergency Declaration.

Sec. 13b-4d. Commissioner's power to declare a state of emergency. (a) Notwithstanding any other provision of the general statutes, the Commissioner of Transportation may declare a state of emergency and may employ, in any manner, such assistance as he may require to restore any railroad owned by the state or any of its subdivisions or the facilities, equipment or service of such railroad, or any transit system or its facilities, equipment or service, or any airport when: (1) A railroad system owned by the state or any of its subdivisions or any of the facilities or equipment of such railroad system is deemed by the commissioner to be in an unsafe condition or when there is an interruption of essential railroad services, whether or not such system or any of its facilities or equipment is physically damaged; (2) a transit facility owned by the state or any of its subdivisions or the equipment of such facility is damaged as a result of a natural disaster or incurs substantial casualty loss which results in what is deemed by the commissioner to be an unsafe condition or when there is an interruption of essential transit services; or (3) an airport owned or operated by the state or any of its subdivisions or the equipment of such airport is damaged as a result of a natural disaster or incurs substantial casualty loss which results in what is deemed by the commissioner to be an unsafe condition or when there is an interruption of essential transit services.

(b) When a privately-owned railroad system, its facility or equipment is damaged as a result of a natural disaster or incurs substantial casualty loss which results in an unsafe condition or the interruption of essential railroad service, the railroad company may request the commissioner to declare a state of emergency, and said commissioner may comply with such request and may provide assistance to such railroad company in any manner he deems necessary to restore said railroad system, facility, equipment or service.

(c) When the Commissioner of Transportation declares a state of emergency he shall have the right to enter upon and utilize private property to address the emergency condition. The commissioner shall make a reasonable effort to notify the owner of record prior to entry. The owner of such land shall be compensated for the use of the property pursuant to sections 13a-73.

Sec. 13b-26. Alteration of state highway system. (a) The commissioner shall make such alterations in the state highway system as he may from time to time deem necessary and desirable to fulfill the purposes of this chapter and title 13a. In making any such alteration he shall consider the best interest of the state, taking into consideration relevant factors including the following: Traffic flow, origin and destination of traffic, integration and circulation of traffic, continuity of routes, alternate available routes and changes in traffic patterns. The relative weight to be given to any factor shall be determined by the commissioner.

(b) The commissioner may plan, design, lay out, construct, alter, reconstruct, improve, relocate, maintain, repair, widen and grade any state highway whenever, in his judgment, the interest of the state so requires. Except when otherwise provided by statute, he shall exercise exclusive jurisdiction over all such highways, and shall have the same powers relating to the state highway system as are given to the selectmen of towns, the mayor and common council of any city and the warden and burgesses of any borough in relation to highways within their respective municipalities. In laying out or building a state highway the commissioner shall follow the procedures of sections 13a-57 and 13a-58.

(c) The commissioner, where necessary in connection with the construction, reconstruction, repair or relocation of a state highway, may relocate, reconstruct or adjust the grade or alignment of any locally maintained highway using standards of construction resulting in safety and convenience. Any highway so changed shall continue to be maintained by the town, city or borough after the completion of such construction, reconstruction, repair or relocation.

(d) The commissioner is authorized and directed, to the full extent but only to the extent permitted by moneys and appropriations becoming available under sections 13a-184 to 13a-197, inclusive, or any other law but subject to approval by the Governor of allotment thereof, forthwith to undertake and proceed with the projects prescribed in section 13a-185 and, to that end, said commissioner with respect to any such project is authorized to do and perform any act or thing regarding the projects which is mentioned or referred to in said section 13a-185.

(e) Subject to the limitations referred to in subsection (d) of this section and in order to effectuate the purposes of said subsection, said commissioner is authorized (1) to plan, design, lay out, construct, reconstruct, relocate, improve, maintain and operate the projects, and reconstruct and relocate existing highways, sections of highways, bridges or structures and incorporate or use the same, whether or not so reconstructed or relocated or otherwise changed or improved, as parts of such projects; (2) to retain and employ consultants and assistants on a contract or other basis for rendering professional, legal, fiscal, engineering, technical or other assistance and advice; and (3) to do all things necessary or convenient to carry out the purposes and duties and exercise the powers expressly given in said sections 13a-184 to 13a-197, inclusive. Except as otherwise stated in subsection (d) of this section, nothing contained in said sections 13a-184 to 13a-197, inclusive, shall be construed to limit or restrict, with respect to the projects, any power, right or authority of the commissioner existing under or pursuant to any other law.

(f) (1) Whenever a state of emergency, as a result of a disaster, exists in the state or any part of the state, and is so declared to be under the provisions of any federal law or state statute, and the state highway system becomes damaged as a result of such disaster, or (2) whenever the commissioner declares that an emergency condition exists on any highway in the state which demands immediate attention to insure the safety of the traveling public, whether or not such highway is damaged, the commissioner may, notwithstanding any other provision of the statutes, employ, in any manner, such assistance as he may require to restore said highway system to a condition which will provide safe travel or to correct the emergency condition so declared by the commissioner.

(g) When the Commissioner of Transportation declares a state of emergency he shall have the right to enter upon and utilize private property to address the emergency condition. The commissioner shall make a reasonable effort to notify the owner of record prior to entry. The owner of such land shall be compensated for the use of the property pursuant to sections 13a-73.

Agency Legislative Proposal - 2021 Session

Document Name: 100120_DOT_Highway Safety

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

State Agency: Department of Transportation

Liaison: Anne Kleza
Phone: 860.594.3015
E-mail: anne.kleza@ct.gov

Lead agency division requesting this proposal: Policy and Planning

Agency Analyst/Drafter of Proposal: Joe Cristalli, 860.594.2412; Garrett Eucalitto, 860.594.3050

Title of Proposal: AAC Highway Safety.

Statutory Reference: 14-44k**;** 14-100a(c)(1); 14-227a through 14-227c; 14-227m; 14-227n; 14-289g(a); 15-133; 15-140q; 15-140r; 38a-498c; 38a-525c; 53-206d

Proposal Summary:

1. To prohibit open alcohol beverage containers in the passenger compartment of motor vehicles;
2. To require all motorcycle operators and passengers to wear protective headgear;
3. To clarify that vehicles must not be parked within 25 feet of a marked crosswalk whether it is in an intersection or at mid-block; and
4. To allow the Department authority to change speed limits on limited access highways during weather events and emergencies.

PROPOSAL BACKGROUND

◊ **Reason for Proposal**

1. Open containers. To meet national standards initially authorized under TEA-21, H.R. 2676, Section 154 of Title 23, and reauthorized under SAFETEA-LU, MAP-21 and the FAST Act, states are required to enact a law making it illegal for the driver or passenger(s) to possess or consume from any open alcoholic beverage container in the passenger area of a motor vehicle on a public highway (or the right-of-way of the public highway) or face penalties.

States that have not enacted such laws by October 1, 2000, and every year thereafter, will have a fixed percentage of National Highway Performance Program (NHPP) and Surface Transportation Block Grant Program (STBGP) funds transferred into the Highway Safety Improvement Program (HSIP). A portion of the penalty funds are transferred to National Highway Traffic Safety Administration (NHTSA), for impaired driving countermeasure programs, and a portion of the funds returned to FHWA, for HSIP eligible activities.

To date, CT's total penalty amount for noncompliance is $163,878,141. Enacting open container legislation would allow the Department to use these transferred funds for their intended purpose of infrastructure improvements. Alaska, Connecticut, Delaware, Hawaii, Louisiana, Maine, Mississippi, Missouri, Ohio, Tennessee, Virginia, and Wyoming are the only states that have yet to enact an open container law.

2. Motorcycle helmets. 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 2015 a total of 53 motorcycle operators and passengers were killed on Connecticut roadways, representing 19.9 percent of the State's total traffic fatalities. Approximately 58 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 statues 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. Parked vehicles must not obstruct view of crosswalk. This proposal amends CGS Sec. 14-251 to clarify that vehicles must not be parked within 25 feet of a marked crosswalk - whether it is in an intersection or at mid-block. It allows exceptions to reduce the distance to 10 feet where there is a curb extension equal to the width of the parking lane. The intent of this proposal is to ensure a driver has a clear line of sight to a pedestrian standing at the curb or entrance to a crosswalk. If a driver is unable to see the entrance to the crosswalk they cannot recognize when a pedestrian enters the crosswalk or signals their intent to cross. Cars parked less than 25 feet from a crosswalk can block a driver's view.

4.Variable speed limit (VSL) systems utilize information on traffic speed, weather, and road surface conditions to determine the appropriate speeds at which drivers should be traveling, given current roadway and weather conditions. The use of VSL during less than ideal conditions, such as adverse weather, can improve safety by decreasing the risks associated with traveling at speeds that are higher than appropriate for the conditions. In addition, VSL can be used to dynamically manage speeds during unplanned (incidents) events.

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

1.. The open container proposal has been raised and heard in the Transportation Committee over the past 18 years but has rarely progressed past the committee level. The Department is required by NHTSA to demonstrate a continued advocacy for this proposal.

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 motorcycle deaths (15%-37%) within one year of passage. Conversely, states that repealed or weakened helmet laws have experienced significant fatality increases.

3. Parked vehicles must not obstruct view of the crosswalk. This is a resubmission of a proposal that was removed from last sessions comprehensive pedestrian safety strategy.

PROPOSAL IMPACT

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

Agency Name: Department of Motor Vehicles
Agency Contact (*name, title, phone*): Tony Guerrera
Date Contacted: 9.27.2021

Approve of Proposal ☒ **YES** ☐ **NO** ☐ **Talks Ongoing**

Summary of Affected Agency's Comments: Will need to refine language to ensure no issues with DMV processes.

Will there need to be further negotiation? ☒ **YES** ☐**NO**

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

Municipal: None

State:
1. The State does not lose federal funding, however, these transferred funds are restricted for use in the 402 Highway Safety DUI Countermeasures Program and/or the Hazard Elimination program, precluding their availability to finance National Highway Performance (NHPP) and Surface Transportation Block Grant (STBG) projects, which was the original intent of these funds. To date, CT's total penalty amount for noncompliance is $175,037,835.

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 workdays will outweigh medical costs. And for victims who are permanently disabled, their earnings might be reduced for the rest of their lives.

3. No anticipated costs.

4. The state does not anticipate an increase to enforcement because the change in speed limit is related to driver safety.
Federal: 2. NHS, IM and STP funds for preliminary engineering, rights-of-way and construction. To date, $175,037,835 has been transferred to the Section 402 Highway Safety Program since from FFY 2001.

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

◊ **EVIDENCE BASE**

Crash data will be used to evaluate the impact of the proposal. Un-helmeted crash fatalities will be tracked to determine the effect of the new legislation over time. The anticipated outcome is a decrease in un-helmeted crashes, injuries, and fatalities. ConnDOT will evaluate the effect of this change in parking restrictions at crosswalks on pedestrian injuries and fatalities. The study will be conducted three years after implementation since it is standard practice to collect at least three years of traffic crash data to ensure statistically significant results. Several states are deploying variable speed limits in response to weather conditions and ConnDOT will continue to monitor data and best practices.

AN ACT CONCERNING HIGHWAY SAFETY.

Section 1:

(NEW) (*Effective October 1, 2022)* 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.

Section 2:

Subsection (a) of section 14-289g of the general statutes is amended to read as follows *(Effective October 1, 2022)*:

(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.

Section 3:

Section 14-251 of the general statutes is repealed, and the following is substituted in lieu thereof (Effective October 1, 2022):

No vehicle shall be permitted to remain stationary within ten feet of any fire hydrant, or upon the traveled portion of any highway except upon the right-hand side of such highway in the direction in which such vehicle is headed; and, if such highway is curbed, such vehicle shall be so placed that its right-hand wheels, when stationary, shall, when safety will permit, be within a distance of twelve inches from the curb, except if a bikeway, as defined in section 13a-153f, or such bikeway's buffer area, as described in the federal Manual on Uniform Traffic Control Devices, is in place between the parking lane and the curb, such vehicle shall be so placed that its right-hand wheels, when stationary, shall, when safety will permit, be within a distance of twelve inches from the edge of such bikeway or buffer area. No vehicle shall be permitted to remain parked within twenty-five feet of an intersection or an approach to a marked crosswalk [at such intersection], except within ten feet of such intersection or marked crosswalk if such intersection or marked crosswalk has a curb extension treatment with a width equal to or greater than the width of the parking lane and such intersection is located in and comprised entirely of highways under the jurisdiction of the city of New Haven, or within twenty-five feet of a stop sign caused to be erected by the traffic authority in accordance with the provisions of section 14-301, except where permitted by the traffic authority of the city of New Haven at the intersection of one-way streets located in and comprised entirely of highways under the jurisdiction of the city of New Haven. No vehicle shall be permitted to remain stationary upon the traveled portion of any highway at any

curve or turn or at the top of any grade where a clear view of such vehicle may not be had from a distance of at least one hundred fifty feet in either direction. The Commissioner of Transportation may post signs upon any highway at any place where the keeping of a vehicle stationary is dangerous to traffic, and the keeping of any vehicle stationary contrary to the directions of such signs shall be a violation of this section. No vehicle shall be permitted to remain stationary upon the traveled portion of any highway within fifty feet of the point where another vehicle, which had previously stopped, continues to remain stationary on the opposite side of the traveled portion of the same highway. No vehicle shall be permitted to remain stationary within the limits of a public highway in such a manner as to constitute a traffic hazard or obstruct the free movement of traffic thereon, provided a vehicle which has become disabled to such an extent that it is impossible or impracticable to remove it may be permitted to so remain for a reasonable time for the purpose of making repairs thereto or of obtaining sufficient assistance to remove it. Nothing in this section shall be construed to apply to emergency vehicles and to maintenance vehicles displaying flashing lights or to prohibit a vehicle from stopping, or being held stationary by any officer, in an emergency to avoid accident or to give a right-of-way to any vehicle or pedestrian as provided in this chapter, or from stopping on any highway within the limits of an incorporated city, town or borough where the parking of vehicles is regulated by local ordinances. Violation of any provision of this section shall be an infraction.

Section 4

Section 14-218a of the general statutes is amended to read as follows:

Sec. 14-218a. Traveling unreasonably fast. Establishment of speed limits. (a) No person shall operate a motor vehicle upon any public highway of the state, or road of any specially chartered municipal association or any district organized under the provisions of chapter 105, a purpose of which is the construction and maintenance of roads and sidewalks, or on any parking area as defined in section 14-212, or upon a private road on which a speed limit has been established in accordance with this subsection, or upon any school property, at a rate of speed greater than is reasonable, having regard to the width, traffic and use of highway, road or parking area, the intersection of streets and weather conditions. The Office of the State Traffic Administration may determine speed limits which are reasonable and safe on any state highway, bridge or parkway built or maintained by the state, and differing limits may be established for different types of vehicles, and may erect or cause to be erected signs indicating such speed limits. The traffic authority of any town, city or borough may establish speed limits on streets, highways and bridges or in any parking area for ten cars or more or on any private road wholly within the municipality under its jurisdiction; provided such limit on streets, highways, bridges and parking areas for ten cars or more shall become effective only after application for approval thereof has been submitted in writing to the Office of the State Traffic Administration and a certificate of such approval has been forwarded by the office to the traffic authority; and provided such signs giving notice of such speed limits shall have been erected as the Office of the State Traffic Administration directs, provided the erection of such signs on any private road shall be at the expense of the owner of such road. The presence of such signs adjacent to or on the highway or parking area for ten cars or more shall be prima facie evidence that they have been so placed under the direction of and with the approval of the Office of the State Traffic Administration. Approval of such speed limits may be revoked by the Office of the State Traffic Administration at any time if said office deems such revocation to be in the interest of public safety and welfare, and thereupon such speed limits shall cease to be effective and any signs that have been erected shall be removed. Any speed in excess of such limits, other than speeding as provided for in section 14-219, shall be prima facie evidence that such speed is not reasonable, but the fact that the speed of a vehicle is lower than

such limits shall not relieve the operator from the duty to decrease speed when a special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions.

(b) The Office of the State Traffic Administration shall establish a speed limit of sixty-five miles per hour on any multiple lane, limited access highways that are suitable for a speed limit of sixty-five miles per hour, taking into consideration relevant factors including design, population of area and traffic flow.

(NEW) (c) The Commissioner of Transportation shall have the authority to change the speed limits on limited access highways during a weather-related event or emergency.

(d) Any person who operates a motor vehicle at a greater rate of speed than is reasonable, other than speeding, as provided for in section 14-219, shall commit the infraction of traveling unreasonably fast.

Agency Legislative Proposal - 2022 Session

Document Name 100121_DOT_OSOWFeeRevisions

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

State Agency: Department of Transportation

Liaison: Anne Kleza
Phone: 860.594.3015
E-mail: anne.kleza@ct.gov

Lead agency division requesting this proposal: Bureau of Highway Operations

Agency Analyst/Drafter of Proposal: Jim Chupas, 860.594.2639; David Hiscox, 860.594.2626

Title of Proposal: AA Revising Oversize/Overweight Permit Fees

Statutory Reference: 14-270

Proposal Summary:

1. To increase OS/OW permit transmittal (administrative) fees from $5 to $12 to support an auto-routing and auto-issuing permit system.
2. To implement a new engineering analysis fee of $2 per each thousand pounds over 200,000 pounds for vehicles and trailers, or commercial vehicle combinations and loads that equal or exceed a permit weight of 200,000 pounds.

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

PROPOSAL BACKGROUND

◊ Reason for Proposal

1. In February 2018, the Federal Highway Administration (FHWA), released The Best Practices in Permitting Oversize and Overweight Vehicles Report (Report) which identifies auto-issuance as the leading technology available to government officials to increase safety and efficiency. The Report describes nearly 40 States currently utilizing enhanced automated permitting systems with a growing trend of showing positive results. The Department issues approximately 90,000 OS/OW vehicle permits annually to customers with each permit application reviewed and issued manually. Increasing the transmittal (administrative) fee from $5 to $12 to implement and support an automated permitting system greatly streamlines permit issuance, ensures routing accuracy and consistency, and increases overall safety to the traveling public. NOTE: Fee only applies to new permits, 50,000. The remaining 40,000 permits are route authorizations, that are tied to an Annual Permit, for which the transmittal fee does not apply.

2. Complex oversize and overweight, e.g. Superload moves, require significant review time and analysis to permit the safe travel throughout the State. Within the last three years, the Department has reviewed on average over 53 Superload moves each year. Several states implement some type of (bridge) engineering analysis fee. Indiana DOT imposes a $10 per bridge engineering analysis fee for vehicles weighing 134,000 lbs. or more (Superload). Colorado DOT charges $400 for a specific Superload Permit. Texas DOT has an additional fee of $500 for bridge analysis performed by a state (TXDOT) approved private engineer in addition to their base permit fee of $60. Implementing an engineering analysis fee of $2 per each thousand pounds over 200,000 pounds for vehicles and loads that exceed a Permit weight of 200,000 pounds offsets the increased manhour costs and resources associated with lengthy route reviews and structural analysis.

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

1. Over several years, the motor transport and truck carrier industry have repeatedly requested the Department to specifically implement an automated auto-routing and auto-issuing OS/OW vehicle permit system, noting that several other states have similar systems which greatly enhance their business of moving goods and services efficiently. These systems allow the timely review and issuance of OS/OW permits for the industry at any time and are not subject to waiting during traditional office hours. The majority of OS/OW vehicular movements are typically during off-peak travel hours, at early morning, to avoid daily congestion and traffic impacts. Awaiting the manual issuance of permits during normal business hours reduces the flexibility of these carrier businesses to react and operate for their clients; and directly impacts the State's economy. Increasing the transmittal (administrative) fees to support the implementation and maintenance of an auto-routing and auto-issuing permit system maximizes the benefits and opportunities for industry carriers to operate more effectively and efficiently.

2. As businesses and manufacturing within the Northeast evolves, so have industry carriers with respect to the movement of oversize and overweight loads and vehicles throughout the State. Increasingly larger, wider, and grossly heavier vehicles are traversing the State's roadway network; not seen decades earlier and at a greater frequency. The growing trend of larger and heavier loads impacting our ageing infrastructure requires more diligence and in-depth routing and structural analysis to ensure the safe and efficient movement of goods and services. Implementing a new engineering analysis fee proportional to the increase in the Permitted weight ensures the resources and time are focused on the integrity of the state's infrastructure as well as also ensuring the safety of the traveling public.

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 **N/A**

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: **N/A**

State:

1. Modest revenue gain of approximately $250,000 annually from increased transmittal (administrative) fee from $5 to $12. (50,000 permits x $7 increase = $350,000).

2. Minimal revenue gain of approximately $11,000 annually from a new engineering analysis fee of $2 per each additional thousand pounds over 200,000 pounds. (75 (avg Superload moves) x 73,000 (avg weight of SUPERLOAD moves exceeding 200,000 pounds) x $2 = $10,950).

Federal: N/A

Additional notes on fiscal impact

The statute that will be affected by this proposal is under Chapter 248—Motor Vehicles and is Section 14-270 – Permits for nonconforming vehicles. Regulations. Penalties.

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

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

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

(d) (1) The owner or lessee of any vehicle may pay either a fee of thirty dollars for each permit issued for such vehicle under this section or a fee as described in subdivision (3) of this subsection for such vehicle, payable to the Department of Transportation. (2) An additional transmittal fee

of [~~five~~] twelve dollars shall be charged for each permit issued under this section and transmitted via electronic means. (3) The commissioner may issue an annual permit for any vehicle transporting (A) a divisible load, (B) an overweight or oversized-overweight indivisible load, or (C) an oversize indivisible load. The owner or lessee shall pay an annual fee of nine dollars per thousand pounds or fraction thereof for each such vehicle. A permit may be issued in any increment up to one year, provided the owner or lessee shall pay a fee of one hundred dollars for such vehicle or vehicle and trailer for each month or fraction thereof. (4) The annual permit fee for any vehicle transporting an oversize indivisible load shall not be less than six hundred fifty dollars. (5) The commissioner may issue permits for divisible loads in the aggregate not exceeding fifty-three feet in length. (6) An additional engineering analysis fee of two dollars per each thousand pounds or fraction thereof over 200,000 pounds shall be charged for any oversize-overweight vehicle and trailer, or commercial vehicle combination and load that exceeds a permit weight of two hundred thousand pounds.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Agency Legislative Proposal - 2022 Session

Document Name: 100121_DOT_RevisionstoCannabis

(If submitting electronically, please label with date, agency, and title of proposal – 092621_SDE_TechRevisions)

State Agency: Department of Transportation

Liaison: Anne Kleza
Phone: 860.594.3015
E-mail: anne.kleza@ct.gov

Lead agency division requesting this proposal: Click here to enter text.

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

Title of Proposal: AAC technical Revisions to Recreational Cannabis

Statutory Reference: Click here to enter text.

Proposal Summary:
The Department seeks to make technical changes to the Cannabis statutes and other laws related to impaired operations and OUI-related offenses.

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)? Are other states considering something similar this year?
(3) Have certain constituencies called for this action?
(4) What would happen if this was not enacted in law this session?

Click here to enter text.

Section 1.

(1) The Department believes deleting “or a passenger”. The statutes listed are all relate to the actual person operating a vehicle. This has caused some confusion among officers in trainings. (2) Delete “14-227”. This statute was repealed in 1963, so there is no way for a person to violate it currently.

Section 2.

The Department would like to add boating under the influence (BUI) statutes (C.G.S. 15-133, 15-140n, and 15-132a) to the list of excluded offenses in the Accelerated Rehabilitation Program statute (C.G.S. 54-56e). Offenders who are charged with BUI are eligible to participate in the Alcohol Education Program (C.G.S. 54-56g). However, if an offender happens to commit their second OUI offense on

water, rather than land, they would then be able to utilize the Accelerated Rehabilitation Program to avoid the potential of a conviction for that second offense, as those who commit their second driving under the influence cases would be.

Section 3:

The Department believes that the language of the statute should treat drug influence evaluations like it treats blood/urine tests done at the hospital. As it currently stands, there could be an argument that the drug influence evaluation must commence within 2 hours of operation, just as we require with breath/chemical testing. In practice, the call for a DRE often occurs after the first breath test and given the fact that DREs will have to travel to the requested PD, it is unlikely that the DIE will commence within 2 hours of operation. There is a carve out for exceptions to the 2-hour requirement in unique situations, so there is precedent for it. For example, 14-227a(k) which governs admissibility of medical records (hospital blood/urine draws) does not require that the blood/urine draw occur within 2 hours of last known operation. There should be similar language added to subsection (b), or perhaps a new subsection added, establishing the parameters for admissibility of the drug influence evaluation, and ensuring that this requirement need not be commenced within 2 hours of operation. Otherwise, very few, if any, of our drug influence evaluations may end up being admissible. B. This will have implications for the implied consent provisions also, which arguably extends the 2-hour requirement to the DIE. See Section 118(c): "If the person arrested refuses to submit to such test or nontestimonial portion of a drug influence evaluation or submits to such test, commenced within two hours of the time of operation.

◊ **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: DCJ **Agency Contact (*name, title, phone*):** Jackie McMahon **Date Contacted:** 09/27/2021 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)*

◊ **EVIDENCE BASE**

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

Insert fully drafted bill here

Section 1:
Section 21a-279b of the general statutes is amended to read as follows *(Effective October 1, 2022)*:

"A law enforcement official may conduct a test for impairment based on the odor of cannabis or burnt cannabis if such official reasonably suspects the operator ***or a passenger*** of a motor vehicle of violation section ***14-227***, 14-227a, 14-227m or 14-227n of the general statutes."

Section 2:

Section 54-56e of the general statutes is amended to read as follows *(Effective October 1, 2022)*:

Sec. 54-56e. (Formerly Sec. 54-76p). Accelerated pretrial rehabilitation. (a) There shall be a pretrial program for accelerated rehabilitation of persons accused of a crime or crimes or a motor vehicle violation or violations for which a sentence to a term of imprisonment may be imposed, which crimes or violations are not of a serious nature. Upon application by any such person for participation in the program, the court shall, but only as to the public, order the court file sealed.

(b) The court may, in its discretion, invoke such program on motion of the defendant or on motion of a state's attorney or prosecuting attorney with respect to a defendant (1) who, the court believes, will probably not offend in the future, (2) who has no previous record of conviction of a crime or of a violation of section 14-196, subsection (c) of section 14-215, section 14-222a, subsection (a) or subdivision (1) of subsection (b) of section 14-224, section 14-227a or 14-227m ~~or~~ subdivision (1) or (2) of subsection (a) of section 14-227n or sections 15-133, 15-140n, and 15-132a , and (3) who states under oath, in open court or before any person designated by the clerk and duly authorized to administer oaths, under the penalties of perjury, (A) that the defendant has never had such program invoked on the defendant's behalf or that the defendant was charged with a misdemeanor or a motor vehicle violation for which a term of imprisonment of one year or less may be imposed and ten or more years have passed since the date that any charge or charges for which the program was invoked on the defendant's behalf were dismissed by the court, or (B) with respect to a defendant who is a veteran, that the defendant has not had such program invoked in the defendant's behalf more than once previously, provided the defendant shall agree thereto and provided notice has been given by the defendant, on a form prescribed by the Office of the Chief Court Administrator, to the victim or victims of such crime or motor vehicle violation, if any, by registered or certified mail and such victim or victims have an opportunity to be heard thereon. Any defendant who makes application for participation in such program shall pay to the court an application fee of thirty-five dollars. No defendant shall be allowed to participate in the pretrial program for accelerated rehabilitation more than two times. For the purposes of this section, "veteran" means any person who was discharged or released under conditions other than dishonorable from active service in the armed forces as defined in section 27-103.

(c) This section shall not be applicable: (1) To any person charged with (A) a class A felony, (B) a class B felony, except a violation of subdivision (1), (2) or (3) of subsection (a) of section 53a-122 that does not involve the use, attempted use or threatened use of physical force against another person, or a violation of subdivision (4) of subsection (a) of section 53a-122 that does not involve the use, attempted use or threatened use of physical force against another person and does not involve a violation by a person who is a public official, as defined in section 1-110, or a state or municipal employee, as defined in section 1-110, or (C) a violation of section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or section 14-227a or 14-227m, subdivision (1) or (2) of subsection (a) of section 14-227n, subdivision (2) of subsection (a) of section 53-21 or section 53a-56b, 53a-60d, 53a-70, 53a-70a, 53a-71, except as provided in subdivision (5) of this subsection, 53a-72a, 53a-72b, 53a-90a, 53a-196e or 53a-196f, (2) to any person charged with a crime or motor vehicle violation who, as a result of the commission of such crime or motor vehicle violation, causes the death of another person, (3) to any person accused of a family violence crime as defined in section 46b-38a who (A) is eligible for the pretrial family violence education program established under section 46b-38c, or (B) has previously had the pretrial family violence education program invoked in such person's behalf, (4) to any person charged with a violation of section 21a-267 or 21a-279 who (A) is eligible for the pretrial drug education and community service program established under section 54-56i, or (B) has previously had the pretrial drug education program or the pretrial drug education and community service program invoked on such person's behalf, (5) unless good cause is shown, to (A) any person charged with a class C felony, or (B) any person charged with committing a violation of subdivision (1) of subsection (a) of section 53a-71 while such person was less than four years older than the other person, (6) to any person charged with a violation of section 9-359 or 9-359a, (7) to any person charged with a motor vehicle violation (A) while operating a commercial motor vehicle, as defined in section 14-1, or (B) who holds a commercial driver's license or commercial driver's instruction permit at the time of the violation, (8) to any person charged with a violation of subdivision (6) of subsection (a) of section 53a-60, ~~or~~ (9) to a health care provider or vendor participating in the state's Medicaid program charged with a violation of section 53a-122 or subdivision (4) of subsection (a) of section 53a-123, or (10) to any person charged under C.G.S. 15-133, 15-140n, and 15-132a.

Section 3:
section 14-227a of the general statutes is amended to read as follows *(Effective October 1, 2022)*:

In any criminal prosecution for a violation of subsection (a) of this section, evidence that the defendant refused to submit to a blood breath or urine test or the nontestimonial portion of a drug influence evaluation requested in accordance with section 14-227b shall be admissible *provided the requirements of subsection (b) of said section have been satisfied*."

Sec. 14-227a. Operation while under the influence of liquor or drug or while having an elevated blood alcohol content. (a) Operation while under the influence or while having an elevated blood alcohol content. No person shall operate a motor vehicle while under the influence of intoxicating liquor or any drug or both. A person commits the offense of operating a motor vehicle while under the influence of intoxicating liquor or any drug or both if such person operates a motor vehicle (1) while under the influence of intoxicating liquor or any drug or both, or (2) while such person has an elevated blood alcohol content. For the purposes of this section, "elevated blood alcohol content" means a ratio of alcohol in the blood of such person that is eight-hundredths of one per cent or more of alcohol, by weight, except that if such person is operating a commercial motor vehicle, "elevated

blood alcohol content" means a ratio of alcohol in the blood of such person that is four-hundredths of one per cent or more of alcohol, by weight, and "motor vehicle" includes a snowmobile and all-terrain vehicle, as those terms are defined in section 14-379.

(b) Admissibility of chemical analysis. Except as provided in subsection (c) of this section, in any criminal prosecution for violation of subsection (a) of this section, evidence respecting the amount of alcohol or drug in the defendant's blood or urine at the time of the alleged offense, as shown by a chemical analysis of the defendant's breath, blood or urine shall be admissible and competent provided: (1) The defendant was afforded a reasonable opportunity to telephone an attorney prior to the performance of the test and consented to the taking of the test upon which such analysis is made; (2) a true copy of the report of the test result was mailed to or personally delivered to the defendant within twenty-four hours or by the end of the next regular business day, after such result was known, whichever is later; (3) the test was performed by or at the direction of a police officer according to methods and with equipment approved by the Department of Emergency Services and Public Protection and was performed in accordance with the regulations adopted under subsection (d) of this section; (4) the device used for such test was checked for accuracy in accordance with the regulations adopted under subsection (d) of this section; (5) an additional chemical test of the same type was performed at least ten minutes after the initial test was performed or, if requested by the police officer for reasonable cause, an additional chemical test of a different type was performed to detect the presence of a drug or drugs other than or in addition to alcohol, provided the results of the initial test shall not be inadmissible under this subsection if reasonable efforts were made to have such additional test performed in accordance with the conditions set forth in this subsection and such additional test was not performed or was not performed within a reasonable time, or the results of such additional test are not admissible for failure to meet a condition set forth in this subsection; and (6) evidence is presented that the test was commenced within two hours of operation. In any prosecution under this section it shall be a rebuttable presumption that the results of such chemical analysis establish the ratio of alcohol in the blood of the defendant at the time of the alleged offense, except that if the results of the additional test indicate that the ratio of alcohol in the blood of such defendant is ten-hundredths of one per cent or less of alcohol, by weight, and is higher than the results of the first test, evidence shall be presented that demonstrates that the test results and the analysis thereof accurately indicate the blood alcohol content at the time of the alleged offense. The drug influence evaluation need not be commenced within two hours of last known operation.

Agency Legislative Proposal - 2022 Session

Document Name: 100121_DOT_RightofWay

(If submitting electronically, please label with date, agency, and title of proposal – 092621_SDE_TechRevisions)

State Agency: Department of Transportation

Liaison: Anne Kleza
Phone: 860.594.3015
E-mail: anne.kleza@ct.gov

Lead agency division requesting this proposal: Division of Rights of Way

Agency Analyst/Drafter of Proposal: Terrence J. Obey

Title of Proposal: AA Clarifying Right-of-Way Acquisition for Bicycle Lanes and Multi-Use Trails.

Statutory Reference: CGS 13a-73b & 13a-73c

Proposal Summary:
CGS 13a-73b & 13a-73c authorize the Commissioner of Transportation (Commissioner) to acquire property by condemnation and purchase for various transportation purposes. This proposal seeks to add language clarifying the Department's authority to acquire property for bicycle lanes and multi-use trail purposes.

PROPOSAL BACKGROUND

◊ **Reason for Proposal**

Currently, there is no one statute that clearly authorizes the Commissioner to acquire property for these purposes. The Department's Capital Program contains federal funding for projects which include these types of improvements. This proposal will ensure that the Department has clear statutory authority to carry out its program responsibilities. The current lack of clear statutory authority exposes the Department to legal challenges and project delays which can lead to increased project costs and possible loss of funding.

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

Click here to enter text.

PROPOSAL IMPACT

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

Agency Name: Department of Transportation **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.

◊ **EVIDENCE BASE**

Click here to enter text.

AA Clarifying Right-of-Way Acquisition for Bicycle Lanes and Multi-Use Trails.

Sec. 13a-73. Acquisition of real property. Condemnation of land for: state highway, highway maintenance storage area or garage; military purposes; highway drainage or preservation of historical monument; rights of access and egress. State owned property. Review and approval of State Properties Review Board. Exception. (a) For the purpose of this section, "real property" means land and buildings and any estate, interest or right in land.

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

(c) The commissioner may purchase any land and take a deed thereof in the name of the state when such land is needed in connection with the layout, construction, repair, reconstruction or maintenance of any state highway, bicycle lane, multi-use trail or bridge, and any land or buildings or both, necessary, in the

commissioner's opinion, for the efficient accomplishment of the foregoing purpose, and may further, when the commissioner determines that it is in the best interests of the state, purchase, lease or otherwise arrange for the acquisition or exchange of land or buildings or both for such purpose. The commissioner, with the advice and consent of the Attorney General, may settle and compromise any claim by any person, firm or corporation claiming to be aggrieved by such layout, construction, reconstruction, repair or maintenance by the payment of money, the transfer of other land acquired for or in connection with highway purposes, or otherwise. The commissioner shall permit the last owner of record of such real property upon which an owner-occupied residence or owner-operated business is situated to remain in such residence or operate such business, rent free, for a period of ninety days from the filing of such deed.

Agency Legislative Proposal - 2022 Session

Document Name: 100121_DOT_TruckPlatooning

(If submitting electronically, please label with date, agency, and title of proposal – 092621_SDE_TechRevisions)

State Agency: Department of Transportation

Liaison: Anne Kleza
Phone: 860.594.3015
E-mail: anne.kleza@ct.gov

Lead agency division requesting this proposal: Click here to enter text.

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

Title of Proposal: AAC Truck Platooning.

Statutory Reference: 14-240

Proposal Summary:
To allow commercial vehicles to travel together connected by a computer system.

PROPOSAL BACKGROUND

◊ **Reason for Proposal**

Current state law, CGS 14-240 does not allow for commercial trucks to platoon in Connecticut. Platooning is allowed in 27 states by either exempting these trucks from the current following too closely statutes or creating new statutory guidelines.

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

PROPOSAL IMPACT

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

Agency Name: Department of Emergency Services and Public Protection **Agency Contact (*name, title, phone*):** Scott Devico **Date Contacted:** Click here to enter text. Approve of Proposal ☐ **YES** ☐ **NO** ☒ **Talks Ongoing**
Summary of Affected Agency's Comments
Will there need to be further negotiation? ☒ **YES** ☐**NO**

Agency Name: Department of Motor Vehicles **Agency Contact (*name, title, phone*):** Tony Guerrera **Date Contacted:** Click here to enter text. Approve of Proposal ☐ **YES** ☐ **NO** ☒ **Talks Ongoing**
Summary of Affected Agency's Comments
Will there need to be further negotiation? ☒ **YES** ☐**NO**

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

Municipal: No
State: Possible fiscal impact if violations occur.
Federal: No
Additional notes on fiscal impact

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

Click here to enter text.

◊ **EVIDENCE BASE**

The trucks will have to notify the Commissioner of Transportation 15 days in advance and include a plan for general platoon operations.

AAC Truck Platooning.

Section 14-240 of the general statutes is amended to read as follows *(Effective October 1, 2022)*:

a) No person operating a motor vehicle shall follow another vehicle more closely than is reasonable and prudent, having regard for the speed of such vehicles, the traffic upon and the condition of the highway and weather conditions.

(b) No person operating a motor vehicle shall drive such vehicle in such proximity to another vehicle as to obstruct or impede traffic.

(c) Motor vehicles being driven upon any highway in a caravan shall be so operated to allow sufficient space between such vehicles or combination of vehicles to enable any other vehicle to enter and occupy such space without danger. The provision of this subsection shall not apply to funeral processions or to motor vehicles under official escort or traveling under a special permit or operating in a platoon.

(D) A motor carrier or bus may operate a platoon on the highways of this state if the motor carrier complies with this section.

(a) Motor carriers and buses wishing to operate a platoon shall (1) not operate more than three vehicles in tandem and (2) provide notification to the Commissioner of Transportation, including a plan for general platoon operations. The departments shall have fifteen (15) days from the date of receipt to review the notification plan submitted and determine whether it will approve or reject the plan. If the department rejects a submitted plan, it shall inform the motor carrier or bus of the reason for the rejection and provide guidance on how to resubmit the notification and plan to meet the standards. (b) Only commercial motor vehicles or buses shall be eligible to operate in a platoon. (c) An appropriately endorsed driver who holds a valid commercial driver's license shall be present behind the wheel of each commercial motor vehicle or bus in a platoon. (d) A commercial motor vehicle or bus involved in a platoon shall not draw another motor vehicle in the platoon. (e) Each commercial motor vehicle or bus involved in a platoon shall display a marking warning other motorists and law enforcement that the vehicle may be part of a platoon.

(E) Any person who violated any provision of this section shall have committed anon fraction, except that (1) any person operating a commercial vehicle combination in violation of any such provision shall have committed a violation and shall be fined not less than one hundred dollars nor more than one hundred fifty dollars, or (2) if the violation results in a motor vehicle accident, such person shall have committed a violation and shall be fined not less than one hundred dollars nor more than two hundred dollars.

Commented [ET1]: Should we clarify "three vehicles in tandem" or something? Because this could be interpreted as they cannot have more than three vehicles total in the state.

Commented [ET2]: or bus

Commented [ET3]: or bus?

Commented [ET4]: or bus

Agency Legislative Proposal - 2022 Session

Document Name: 10012021_DOT_EncroachmentRevision

(If submitting electronically, please label with date, agency, and title of proposal – 092621_SDE_TechRevisions)

State Agency: Department of Transportation

Liaison: Anne Kleza
Phone: 860.594.3015
E-mail: anne.kleza@ct.gov

Lead agency division requesting this proposal: Bureau of Highway Operations

Agency Analyst/Drafter of Proposal: Jim Chupas, 860-594-2639 Andrew Morrill 860-594-2614

Title of Proposal: AAC Emergency Right-of-Way Encroachments.

Statutory Reference: CGS 13a-247

Proposal Summary:
Include additional language to permit the Department of Transportation to address and enforce illegal encroachments within the Department's right of way on an emergency basis. Substantially increase the fee for violations.

PROPOSAL BACKGROUND

◊ **Reason for Proposal**

The existing language is inadequate and fails to address emergency situations where the Department is required to act to ensure the safety of the traveling public. Under current statute, the Department is required to provide a 30-day notice and an opportunity for an offender to "cure" an illegal encroachment. This process works for non-emergency situations, but not for situations that require immediate response or action.

The proposed changes would allow the Department to quickly address an unsafe condition that is a result of a third party and bill back those incurred costs to the third party for the benefit of the taxpayers. The proposed language also furthers the ability of the Department to protect the State's real property from illegal encroachments performed by others without obtaining the required permits.

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

PROPOSAL IMPACT

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

Agency Name: NONE **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 N/A
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 Fiscal impact will only occur to parties responsible for the violation

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

Click here to enter text.

◊ **EVIDENCE BASE**

Click here to enter text.

AAC Emergency Right-of-Way Encroachments.

Section 1. Section 13a-247 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

Sec. 13a-247. [Excavations and obstructions] Illegal Encroachments Within or Affecting the Right of Way. (a) No person, firm, [or] corporation or utility shall excavate within or under, or place any obstruction or substruction within, under, upon or over, or interfere with construction, reconstruction or maintenance of or drainage from, any state highway without the written permission of the commissioner. [Said commissioner may fill in or close any such excavation or remove or alter any such obstruction or substruction, and the expense incurred by the commissioner in such filling or removing or altering shall be paid by the person, firm or corporation making such excavation or placing such obstruction or substruction, provided any excavation, obstruction or substruction existing within, under, upon or over any such highway on July 1, 1925, or, at the discretion of said commissioner, a] Any excavation made, or obstruction or substruction [made after said date] placed without a permit or in violation of the provisions of a permit shall be removed or altered by the person, firm, [or] corporation, or utility making or [maintaining] placing the same within thirty days from the date when said commissioner sends by registered or certified mail, postage prepaid, a notice to such person, firm [or] corporation, or utility ordering such removal or alteration. In the event that any person, firm, corporation, or utility fails to remove or alter any excavation, obstruction, or substruction within thirty days after such written notice from the commissioner, the commissioner may fill in or close any such excavation or remove or alter any such obstruction or substruction, and the expense incurred by the commissioner in such filling or removing or altering shall be paid by the person, firm, corporation or utility.

(b) If the Commissioner determines that a person, firm, corporation or utility has created an unsafe condition within, under, upon or over the state right of way that requires immediate corrective action, the commissioner can authorize immediate action to eliminate the unsafe condition. All costs and expenses incurred by the commissioner to cure the unsafe condition shall be paid by the responsible person, firm, corporation or utility that has violated this statute.

(c) The State shall not be responsible for any damage incurred to private property placed in the right of way without a permit.

[(b)] (d) Any person, firm, [or] corporation or utility violating any provision [of subsection (a)] of this section shall be fined [not more than one hundred dollars for a first offense and] not less than [one hundred] two thousand dollars or more than five [hundred] thousand dollars for each [subsequent] offense. Each violation shall be a separate and distinct offense, and, in the case of a continuing violation, each day's continuance thereof shall be deemed to be a separate and distinct offense.