Agency Legislative Proposal - 2018 Session

Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc): 113017_CTDOT_AffirmativeAction

(If submitting electronically, please label with date, agency, and title of proposal – 092617_DOT_TechRevisions)

State Agency: Department of Transportation
Liaison: C. J. Strand **Phone:** 860-594-3015 **E-mail:** carl.strand@ct.gov
Lead agency division requesting this proposal: Office of Equal Opportunity & Diversity
Agency Analyst/Drafter of Proposal: Nancy Bryant, EEO Director

Title of Proposal: AAC Federal Affirmative Action Plans
Statutory Reference: CGS 46a-68
Proposal Summary: CHRO would accept CTDOT's FHWA/FTA-approved affirmative action plan.

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?

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

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

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?

SB 791, introduced last legislative session, faced obstacles because it allowed any state agency, whether it also filed a federal AA plan or not, to use the federal form. This would have led to a wholesale change in how the Commission on Human Rights and Opportunities reviewed AA plans, and required all CHRO staff who reviews AA plans to become intimately familiar with federal AAPs. This proposal limits acceptance of a federal AA plan in lieu of a CHRO only to those state agencies which have AA plans approved by a federal agency. The was passed Joint Favorable out of the Appropriations Committee but never taken up in the Senate.

PROPOSAL IMPACT

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

Agency Name: Click here to enter text.
Agency Contact (*name, title, phone*): Click here to enter text.
Date Contacted: Click here to enter text.

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

Summary of Affected Agency's Comments
Click here to enter text.

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

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

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

Click here to enter text.

Insert fully drafted bill here

Section 1. Section 46a-68 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2018*):

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

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

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

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

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

(B) Notwithstanding the provisions of subparagraphs (A)(i), (A)(ii) and (A)(iii) of this subdivision, if a discrimination complaint is made against the executive head of a state agency or department, any member of a state board or commission or any equal employment opportunity officer alleging that the executive head, member or officer directly or personally engaged in discriminatory conduct, or if a complaint of discrimination is made by the executive head of a state agency, any member of a state board or commission or any equal employment opportunity officer, the complaint shall be referred to the Commission on Human Rights and Opportunities for review and, if appropriate, investigation by the Department of Administrative Services, except if any such complaint has been filed with the Equal Employment Opportunity Commission or the Commission on Human Rights and Opportunities, the Commission on Human Rights and Opportunities or Department of Administrative Services may rely upon the process of the applicable commission in lieu of such investigation. If the discrimination complaint is made by or against the executive head, any member or the equal employment opportunity officer of the Commission on Human Rights and Opportunities alleging that the executive head, member or officer directly or personally engaged in discriminatory conduct, the commission shall refer the complaint to the Department of Administrative Services for review and, if appropriate, investigation. If the complaint is by or against the executive head or equal employment opportunity officer of the Department of Administrative Services, the complaint shall be referred to the Commission on Human Rights and Opportunities for review and, if appropriate, investigation. Each person

who conducts an investigation pursuant to this subparagraph shall report all findings and recommendations upon the conclusion of such investigation to the appointing authority of the individual who was the subject of the complaint for proper action. The provisions of this subparagraph shall apply to any such complaint pending on or after July 5, 2007.

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

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

(c) **[**Each**]** Except as provided in subsection (h) of this section, each state agency, department, board and commission that employs two hundred fifty or more full-time employees shall file an affirmative action plan developed in accordance with subsection (a) of this section, with the Commission on Human Rights and Opportunities, semiannually, except that any state agency, department, board or commission which has an affirmative action plan approved by the commission may be permitted to file its plan on an annual basis in a manner prescribed by the commission and any state agency, department, board or commission that employs twenty-five or more employees but fewer than two hundred fifty full-time employees shall file its affirmative action plan biennially, unless the commission disapproves the most recent submission of the plan, in which case the commission may require the resubmission of such plan by a time chosen by the commission, until the plan is approved. All affirmative action plans shall be filed electronically, if practicable.

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

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

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

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

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

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

Agency Legislative Proposal - 2018 Session

Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc): 113017_CTDOT_HighwaySafety

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

State Agency: Department of Transportation
Liaison: C. J. Strand **Phone:** 860-594-3015 **E-mail:** carl.strand@ct.gov
Lead agency division requesting this proposal: Highway Safety
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 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 To prohibit open alcohol beverage containers in the passenger compartment of motor vehicles. 4 To allow a pilot program for automated speed enforcement at highway work zones.

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; FFY 2016, 2.5% or $4,934,160; and FFY 2017, 2.5% or $4,903,705. Since FFY 2001, a total of $91,618,553 was transferred for non-compliance under this program.
4) Work zones can present unfamiliar situations to all roadway users. Hazards can appear suddenly and unexpectedly that can endanger both motorists and highway workers. The CTDOT strives to make all travel in the state safe and efficient. A work zone speed enforcement program would compare two or more locations and report back after a year on speeds, near misses, etc. and would be conducted in combination with an aggressive ad campaign.

◊ **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 three years (in 2015, by CTDOT; 2016 requested by AAA; 2017 by CTDOT and supported 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.
4) The work zone pilot program was included in the 2016 DOT bill but was removed on the House floor.

PROPOSAL IMPACT

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

Agency Name: Department of Public Health
Agency Contact (*name, title, phone*): Brie Wolf/Jill Kennedy
Date Contacted: 10/10/2017

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 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; FFY 2016, 2.5% or $4,934,160; and FFY 2017, 2.5% or $4,903,705. Since FFY 2001, a total of $91,618,553 was transferred for non-compliance under this program. 4) No anticipated costs. The pilot program would be performed as a demonstration project.
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

Sec. 1. Subdivision (1) of subsection (c) of section 14-100a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2018*):

(c) (1) The operator of and any **[**front seat**]** passenger in any motor vehicle or fire fighting apparatus originally equipped with seat safety belts complying with the provisions of 49 CFR 571.209, as amended from time to time, shall wear such seat safety belt while the vehicle is being operated on any highway, except as follows:

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

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

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

(C) As used in this subsection, "motor vehicle" does not mean a bus having a tonnage rating of one ton or more, or a vehicle manufactured before January 1, 1968. Failure to use a seat safety belt system shall not be considered as contributory negligence nor shall such failure be admissible evidence in any civil action.

Sec. 2. Section 14-289g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2018*):

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) Sec. 3. (*Effective July 1, 2018*):

(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.

(NEW) Section 4. (*Effective July 1, 2018):*
The Department of Transportation shall conduct a pilot program for automated speed enforcement in highway work zones in two or more locations and report findings and recommendations one year from the start date of the pilot program.

Agency Legislative Proposal - 2018 Session

Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc): 113017_CTDOT_LapseExcessFunds

(If submitting electronically, please label with date, agency, and title of proposal – 092617_DOT_TechRevisions)

State Agency: Department of Transportation
Liaison: C. J. Strand **Phone:** 860-594-3015 **E-mail:** carl.strand@ct.gov
Lead agency division requesting this proposal: Office of Finance
Agency Analyst/Drafter of Proposal: Lori Kiniry

Title of Proposal: AAC the Lapse of Excess Funds
Statutory Reference: CGS 13a-175j
Proposal Summary: The Department proposes the repeal of language in Sec. 13a-175j that calls for the balance of funds for Emergency aid for roads, bridges, and dams (which resulted from the balance of appropriations in excess of that required to be distributed for Town Aid Road grants) to continue to be available and not be transferred to the General Fund, and replace it with language that allows for the balance of funds (which as of 9/15/2017 was $871,792) to lapse to the resources of the Special Transportation Fund as of 6/30/2018. Since the current Town Aid Road grant calculation process results in full distribution of funds each year; the balance of funds currently designated for emergency aid is an amount carried forward from previous years; and since there is currently no specifically identified use for these funds, the Department requests that the statute be changed to eliminate the carryforward which would then allow these funds to revert back to the Special Transportation Fund at the end of Fiscal Year 2018.

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?

The Connecticut Department of Transportation distributes Town Aid Road (TAR) grants to the state's 169 municipalities and 5 boroughs. Distribution and use of TAR grant funds is governed by Section 13a-175a through 13a-175e, and 13a-175i of the Connecticut General Statutes. Municipalities can use these funds for a variety of transportation related purposes. The amount of TAR grant allocated to each

municipality is based on several factors including population, miles of improved roads, and miles of unimproved roads.

The calculation process that the Department had used to determine the proportionate amount to be allocated to each town historically resulted in a balance of undistributed funds in the TAR appropriation. Section 13a-175j provides for this undistributed balance, to be made available to towns (upon application by the town, and with the Governor's approval) for emergency aid for roads, bridges, and dams to repair damage resulting from a natural disaster. Thus, for many years, the undistributed balance was transferred to Special Transportation Fund - SID 17051, "Town Aid - Emergency Relief." Section 13a-175j further states that this balance of funds "shall not lapse but shall continue to be available and shall not be transferred to the General Fund."

Over time, a balance has accumulated in the "Town Aid - Emergency Relief" SID. But, over the past 33 fiscal years, there were only 7 years in which funds were distributed to towns.

As of FY2008, the Department's calculation process was modified so that all funds that are designated by the Legislature (in appropriations or bonds) for the purpose of Town Aid Road Grants are fully distributed each fiscal year; so, there is no longer an amount transferred to the "Town Aid – Emergency Relief" SID that adds to the accumulated balance.

The Department hereby proposes that language in Section 13a-175j stating that the funds shall not lapse be repealed, and that the balance of said funds (which, as of 9/15/2016 as $871,792) as of 6/30/2017 be lapsed into the resources of the Special Transportation Fund.

◊ **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)* n/a
State $871,792 would lapse into the STF
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)*

Click here to enter text.

Insert fully drafted bill here

Sec. 1. Subsection (a) of section 13a-175j of the general statutes is repealed and the following is substituted in lieu thereof (*Effective upon passage*):

Any balance of appropriations in excess of that required to be distributed to the towns, under the formulas set forth in sections 13a-175a to 13a-175d, inclusive, as of June 30, 1977, and annually thereafter, may be made available by the Governor, upon application of the selectman or other authority having charge of highways in any town, to be used to defray, in whole or part, the cost of repairs, improvements, alteration or replacement of roads, bridges and dams in such town which, in the opinion of the Governor, with the advice of the Commissioner of Transportation, in the case of roads or bridges, and the Commissioner of Energy and Environmental Protection, in the case of dams, constitute a threat to public safety as a result of damage resulting from a natural disaster. Any such balance shall [not] lapse [but shall continue to be available] to the resources of the Special Transportation Fund as of June 30, 2018, and shall not be transferred to the General Fund.

Agency Legislative Proposal - 2018 Session

Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc): 113017_CTDOT_P3

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

State Agency: Department of Transportation

Liaison: C. J. Strand
Phone: 860-594-3015
E-mail: carl.strand@ct.gov

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

Agency Analyst/Drafter of Proposal: Mark Rolfe

Title of Proposal: AAC Public-Private Partnerships

Statutory Reference: CGS 4-255-256; 4-259; 4-261

Proposal Summary:
This proposal amends the current Public-Private Partnership (P3) statutes to enhance the Department's ability to utilize these agreements in designing, developing, financing, constructing, operating or maintaining projects.

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?

P3 legislation passed in 2011 was seen as an opportunity to work with private entities to pursue state projects. Since 2011, the state has been unsuccessful in taking advantage of such agreements due to restrictive requirements, such as the limited definition of "project," 25% state participation requirement, and the inability to finance with availability payments.

◊ **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)* n/a
State n/a
Federal n/a
Additional notes on fiscal impact This proposal would provide alternative financing methods.

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

Click here to enter text.

Insert fully drafted bill here

Sec. 1. Section 4-255 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective upon passage*):

(a) As used in this section and sections 4-256 to 4-263, inclusive, unless the context indicates a different meaning:

(1) "State agency" or "agency" means any office, department, board, council, commission, institution or other agency in the executive branch of state government or a quasi-public agency as defined in section 1-120;

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

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

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

(5) "Project" means a project that an agency has submitted to the Governor for approval as a public-private partnership which will typically involve the design, development, operations, or maintenance of (i) any education facility, including but not limited to a school building, any functionally related and subordinate facility and land to a school building, including any stadium or other facility primarily used for school events, and any depreciable property provided for use in a school facility that is operated as part of the public school system or as an institution of higher education; (ii) any building or facility that meets a public purpose and is developed or operated by or for any public entity; (iii) any improvements, together with equipment, necessary to enhance public safety and security of buildings to be principally used by a public entity; (iv) utility and telecommunications and other communications infrastructure; (v) a recreational facility; (vi) technology infrastructure, services, and applications, including, but not limited to, telecommunications, automated data processing, word processing and management information systems, and related information, equipment, goods and services; (vii) any services designed to increase the productivity or efficiency of the responsible public entity through the use of technology or other means; (viii) any technology, equipment, or infrastructure designed to deploy wireless broadband services to schools, businesses, or residential areas; (ix) any

improvements necessary or desirable to any unimproved locally- or state-owned real esetate; or (x) any solid waste management facility that produces electric energy derived from solid waste;

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

[(7) "Facility" means any public works or transportation project used as public infrastructure that generates revenue as a function of its operation; and]

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

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

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

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

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

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

Sec. 2. Section 4-256 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective upon passage*):

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

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

(1) The essential characteristics of the proposed [facility] project;

(2) The [projected] anticipated demand for use of the [facility] project and its economic and social impact on the community and the state;

(3) The technical function and feasibility of the project and its conformity with the state plan of conservation and development adopted under chapter 297;

(4) The benefit to clients of the agency and the public as a whole;

(5) An analysis of the value provided for the cost of the project, that at a minimum includes a cost-benefit analysis, an assessment of opportunity costs and any nonfinancial benefits of the project;

(6) Any operational or technological risk associated with the proposed project;

(7) The cost of the investment to be made and the economic and financial feasibility of the project;

(8) An analysis of public versus private financing on a present value basis, and the eligibility of the project for other public funds from local or federal government sources;

(9) The impact to the state's finances of undertaking the project by the agency; and

(10) The advantages and disadvantages of using a public-private partnership rather than having the state agency perform the function.

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

(d) Any agency submitting a project in accordance with subsection (a) of this section shall at the same time transmit, in accordance with the provisions of section 11-4a, a copy of its submission to the joint standing committees of the General Assembly having cognizance of matters relating to finance, revenue and bonding and appropriations and the budgets of state agencies. Said committees shall hold public hearings on any such submission.

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

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

Sec. 3. Section 4-259 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective upon passage*):

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) [No partnership agreement shall contain any] Proposed noncompete provisions shall not [limiting] limit the ability of the state to perform its functions.

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

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

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

Sec. 4. Section 4-261 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective upon passage*):

(a) Each public-private partnership project shall either be subject to the prevailing wage requirements pursuant to section 31-53 or the rate established by the use of a project labor agreement. The agency shall provide notice of which requirement applies prior to soliciting bids or proposals for such public-private partnership.

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

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

Agency Legislative Proposal - 2018 Session

Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc): 113017_CTDOT_PublicTrans

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

State Agency: Department of Transportation
Liaison: C. J. Strand **Phone:** 860-594-3015 **E-mail:** carl.strand@ct.gov
Lead agency division requesting this proposal: Office of Legal Service/Public Transit
Agency Analyst/Drafter of Proposal: Denise Rodosevich and Rich Andreski

Title of Proposal: AAC Modernization of Public Transit Contracting
Statutory Reference: 13b-80
Proposal Summary: The proposed amendment clarifies that where a bus route set forth in a certificate overlaps with a route for which services are provided under a contract with the Department, sufficient cause can be found to suspend or revoke a certificate of public convenience and necessity.

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?

The Department is trying to improve the quality of service and reduce costs to provide state-funded public transportation by increasing private sector competition for service contracts. Currently, some public transit routes are operated by private contractors possessing very old "certificates of public convenience and necessity" previously issued under section 13b-80. These routes are no longer profitable and are fully funded and subsidized by the Department under a contractual arrangement pursuant to section 13b-34. The outdated certificate authority limits the Department's ability to modify and reorganize bus services to address changing demographics, employment centers, and other community and economic development. The current arrangement also provides no incentive for the certificated-operator to deliver the best possible service for the least cost. The proposed amendment will provide for competitive procurements which the Department anticipates will significantly lower the

amount of subsidy the State currently provides and ensure improved quality of service for the citizens of Connecticut and the visiting public. Certificate authority under section 13b-80 would remain in place for private carriers that can operate routes independently and without state subsidy.

◊ **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)*
n/a

State
Anticipate savings from the ability to competitively procure services.

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)*

Click here to enter text.

Insert fully drafted bill here

Sec. 1. Section 13b-80 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2018*):

No person, association, limited liability company or corporation shall operate a motor bus without having obtained a certificate from the Department of Transportation or from the Federal Highway Administration pursuant to the Bus Regulatory Reform Act of 1982, P.L. 97-261, specifying the route and certifying that public convenience and necessity require the operation of a motor bus or motor buses over such route. Such certificate shall be issued only after written application for the same has been made. Upon receipt of such application, said department shall promptly give written notice of the pendency of such application to the mayor of each city, the warden of each borough or the first selectman of each town in or through which the applicant desires to operate, and to any common carrier operating over any portion of such route or over a route substantially parallel thereto. Any town, city or borough within which, or between which and any other town, city or borough in this state, any such common carrier is furnishing service may bring a written petition to the department in respect to routes, fares, speed, schedules, continuity of service and the convenience and safety of passengers and the public. Thereupon the department may fix a time and place for a hearing upon such petition and mail notice thereof to the parties in interest at least one week prior to such hearing. No such certificate shall be sold or transferred until the department, upon written application to it, setting forth the purpose, terms and conditions thereof and after investigation, approves the same. The application shall be accompanied by a fee of one hundred seventy-six dollars. The department may amend or, for sufficient cause shown, may suspend or revoke any such certificate. Sufficient cause shall include, but be not limited to, the circumstance where a route set forth in a certificate of public convenience and necessity overlaps, in whole or in part, with a route set forth in a contract issued to the holder of such certificate pursuant to section 13b-34, as amended by this act. The department may impose a civil penalty on any person or any officer of any association, limited liability company or corporation who violates any provision of any regulation adopted under section 13b-86 with respect to routes, fares, speed, schedules, continuity of service or the convenience and safety of passengers and the public, in an amount not to exceed one hundred

dollars per day for each violation. The owner or operator of every motor bus shall display in a conspicuous place therein a memorandum of such certificate. Notwithstanding any provision of chapter 285, such certificate shall include authority to transport baggage, express, mail and newspapers for hire in the same vehicle with passengers under such regulations as the department may prescribe. Any certificate issued pursuant to this section by the Division of Public Utility Control within the Department of Business Regulation prior to October 1, 1979, shall remain valid unless suspended or revoked by the Department of Transportation.

Agency Legislative Proposal - 2018 Session

Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc): 113017_CTDOT_RailCrossings

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

State Agency: Department of Transportation

Liaison: C. J. Strand
Phone: 860-594-3015
E-mail: carl.strand@ct.gov

Lead agency division requesting this proposal: Office of Rail

Agency Analyst/Drafter of Proposal: Stephen Curley

Title of Proposal: AAC Commercial Motor Vehicles at Railroad Crossings

Statutory Reference: CGS 14-250

Proposal Summary:
This proposal would provide an exception, provided by Federal law, to the requirement that commercial motor vehicles transporting passengers or hazard materials stop at a railroad grade crossing, listen and look, if the railroad grade crossing is controlled by a functioning highway traffic signal transmitting a green indication which permits the commercial motor vehicle to proceed across the railroad tracks without slowing or stopping.

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?

There are 30 public railroad grade crossings in the State of Connecticut that are interconnected to a nearby traffic control signal that has signal indications on each approach to the railroad crossing. The proximity of these railroad crossings to the nearby highway intersection cause traffic flow problems and potential hazardous concerns when commercial motor vehicles stop again at the railroad crossing after receiving a green indication from the traffic control signal. It should be noted that 8 of the 30 railroad crossings are on the Hartford Line and increased train service could exacerbate the potential safety concern.

◊ **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)* n/a
State Minimal cost to install signage indicating that certain rail crossings are exempted.
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)*

Click here to enter text.

Insert fully drafted bill here

Sec. 1. Section 14-250 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*)

(a) [The] Except as provided in paragraph (b)(3) of 49 CFR 392.10, the operator of each commercial motor vehicle transporting passengers, service bus or motor vehicle used for the transportation of school children and the operator of each commercial motor vehicle with a cargo tank or carrying hazardous materials, as defined in section 14-1, whether loaded or empty, before crossing at grade any track or tracks of a railroad, shall stop such vehicle not less than fifteen feet or more than fifty feet from the nearest rail of such track, and, while so stopped, shall listen and look in each direction along such track or tracks for approaching locomotives or trains before crossing such track or tracks; and such operator shall not, in any event, cross such track or tracks when warned by automatic signal, crossing gates, flagman, law enforcement officer or otherwise of the approach of a railroad locomotive or train.

(b) The operator of any commercial motor vehicle shall not attempt to cross a railroad grade crossing if such vehicle cannot be driven completely through such crossing, without shifting gears, on account of insufficient undercarriage clearance.

(c) The operator of any commercial motor vehicle shall not attempt to cross a railroad grade crossing if such vehicle does not have sufficient space to drive completely through such crossing and to clear the tracks without stopping.

[(d) The commissioner may adopt regulations, in accordance with the provisions of chapter 54, to implement the provisions of this section, including exemptions for certain crossings and vehicles that are allowed by the provisions of 49 CFR 392.10.]

(e) Any person who violates any provision of subsection (a) of this section shall be fined not less than one hundred fifty dollars or more than two hundred fifty dollars. Violation of any provision of subsection (b) or (c) of this section shall be an infraction.

Agency Legislative Proposal - 2018 Session

Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc): 113017_CTDOT_TechnicalRevisions

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

State Agency: Department of Transportation
Liaison: C. J. Strand **Phone:** 860-594-3015 **E-mail:** carl.strand@ct.gov
Lead agency division requesting this proposal: Legislative Office
Agency Analyst/Drafter of Proposal: Jamie Young/Rich Andreski/Craig Bordieri/C. J. Strand

Title of Proposal: AAC Various Revisions to Department of Transportation Statutes
Statutory Reference: CGS 13b-102(b); 13b-109; PA 17-230
Proposal Summary: Repeal of the requirement for express finding in CGS 13b-35, allow enforcement of smoking prohibitions at mass transit stations, and other technical revisions.

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?

Express Findings: Currently, once DOT has thoroughly deliberated a need and determined a course of action pursuant to powers already granted to the Commissioner in CGS 13b-34(a) and DOT's policies, funding, regulations, federal requirements, and state law, CGS 13b-35 requires that the Commissioner draft an express finding that must be attached to respective agreements prior to execution. This additional rote finding adds no value yet requires staff resources to draft it, legal staff review, the Commissioner's signature, compilation with the draft agreement, and review by the Attorney General along with all of the other agreement attachments. This occurs for many individual agreements and perpetually slows down the agreement process to no benefit to the state or agency. The express finding requirement have been removed from subsections of CGS 13b-34.

Smoking at Mass Transit Facilities: Both New Jersey and New York have implemented smoke-

free laws prohibiting smoking at rail station platforms. The state of Connecticut has posted "No Smoking" signs on platforms, but there is no ability to enforce the prohibition. Rail platforms hold groups of commuters in tight spaces as they wait for their train, and without the ability to enforce a smoking prohibition, these commuters are at risk of secondhand smoke exposure.

CGS 13b-102(b) and 13b-109 refer to the Federal Highway Administration in two instances where it should refer to the Federal Motor Carrier Safety Administration. Section 16 of PA 17-230 creates exceptions for parking within 25 feet of certain intersections, marked crosswalks, or stop signs in New Haven if there is a curb extension. This proposal clarifies that the city can only approve curb extensions and closer parking on roads under the city's jurisdiction.

◊ **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)* n/a
State n/a
Federal n/a
Additional notes on fiscal impact There is no cost associated with signage for "No Smoking" as signs have already been posted.

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

Click here to enter text.

Insert fully drafted bill here

Section 1. Sections 13b-35 of the general statutes is repealed. (*Effective upon passage)*

Sec. 2. Subsection (b) of section 19a-342 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective upon passage*):

(b) (1) Notwithstanding the provisions of section 31-40q, no person shall smoke: (A) In any building or portion of a building, platform at a rail station or rapid transit station, or bus shelter, owned and operated or leased and operated by the state or any political subdivision thereof; (B) in any area of a health care institution; (C) in any area of a retail food store; (D) in any restaurant; (E) in any area of an establishment with a permit issued for the sale of alcoholic liquor pursuant to section 30-20a, 30-21, 30-21b, 30-22, 30-22c, 30-28, 30-28a, 30-33a, 30-33b, 30-35a, 30-37a, 30-37e or 30-37f, in any area of an establishment with a permit for the sale of alcoholic liquor pursuant to section 30-23 issued after May 1, 2003, and, on and after April 1, 2004, in any area of an establishment with a permit issued for the sale of alcoholic liquor pursuant to section 30-22a or 30-26 or the bar area of a bowling establishment holding a permit pursuant to subsection (a) of section 30-37c; (F) within a school building while school is in session or student activities are being conducted; (G) in any passenger elevator, provided no person shall be arrested for violating this subsection unless there is posted in such elevator a sign which indicates that smoking is prohibited by state law; (H) in any dormitory in

any public or private institution of higher education; or (I) on and after April 1, 2004, in any area of a dog race track or a facility equipped with screens for the simulcasting of off-track betting race programs or jai alai games. For purposes of this subsection, “restaurant” means space, in a suitable and permanent building, kept, used, maintained, advertised and held out to the public to be a place where meals are regularly served to the public.

Sec. 3. Subsection (b) of section 13b-102 of the general statutes is repealed and the following is substituted in lieu thereof(*Effective upon passage*):

(b) Each person, association, limited liability company or corporation operating a motor vehicle by virtue of authorization issued by the Federal [Highway Administration] Motor Carrier Safety Administration for charter and special operation shall register such authorization for interstate operation with the Department of Transportation if such person, association, limited liability company or corporation maintains a domicile or principal office in the state. Each person operating a motor vehicle by virtue of authorization issued by the Federal [Highway Administration] Motor Carrier Safety Administration for charter and special operation shall, prior to such registration, submit to a state and national criminal history records check, conducted in accordance with section 29-17a, and provide the results of such records check to the Department of Transportation.

Sec. 4. Section 13b-109 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective upon passage*):

A printed advertisement concerning a motor vehicle in livery service shall conspicuously state the number of the permit issued to the operator of such vehicle by the Department of Transportation pursuant to section 13b-103 and shall conspicuously state the number of any permit or registration issued to such operator by the Federal [Highway Administration] Motor Carrier Safety Administration.

Sec. 5. Section 14-251 of the general statutes as amended by section 16 of PA 17-230 is repealed and the following is substituted in lieu thereof (*Effective upon passage*):

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 a marked crosswalk at such intersection, except within ten feet of such intersection if such intersection 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.