



# House of Representatives

General Assembly

**File No. 432**

January Session, 2021

Substitute House Bill No. 6484

*House of Representatives, April 14, 2021*

The Committee on Transportation reported through REP. LEMAR of the 96th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## ***AN ACT CONCERNING RECOMMENDATIONS BY THE DEPARTMENT OF TRANSPORTATION.***

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

1 Section 1. Subsection (h) of section 13a-73 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective from*  
3 *passage*):

4 (h) All sales or exchanges of surplus property by the Department of  
5 Transportation and matters dealing with the initial acquisition of any  
6 existing mass transit system or the purchase or sale of real properties  
7 acquired in connection with any state highway system or mass transit  
8 system shall be subject to review and approval of the State Properties  
9 Review Board except that those acquisitions and administrative  
10 settlements relating to such properties which involve sums not in excess  
11 of [five] ten thousand dollars shall be reported to the board by the  
12 Commissioner of Transportation but shall not be subject to such review  
13 and approval. The Secretary of the Office of Policy and Management  
14 shall be informed for inventory purposes of any transfer effectuated in  
15 connection with this section. The State Properties Review Board shall  
16 not grant such approval if the Department of Transportation has failed  
17 to comply with any applicable statutes in connection with the proposed

18 action.

19 Sec. 2. Section 13a-151 of the general statutes is repealed and the  
20 following is substituted in lieu thereof (*Effective from passage*):

21 (a) The [crossing or attempted crossing of] owner of a motor vehicle  
22 that crosses or attempts to cross any bridge posted with a maximum  
23 weight limit notice, as required by section 13a-121, [by a vehicle having]  
24 when such vehicle has a gross weight in excess of the [stated maximum  
25 safe load shall constitute reckless driving by the operator of such vehicle  
26 and the owner of such vehicle] posted weight limit shall be liable to the  
27 authority bound to maintain such bridge for any damage to the  
28 structure resulting from the passage or attempted passage of such  
29 vehicle.

30 (b) The authority having control of any bridge shall be responsible for  
31 any damage sustained by reason of the passage of any vehicle having a  
32 gross weight not in excess of the maximum weight prescribed in the  
33 notice provided for in section 13a-121, provided such vehicle shall not  
34 be operated at a speed in excess of the posted speed limit for such bridge  
35 while crossing such bridge.

36 Sec. 3. Section 14-298a of the general statutes is repealed and the  
37 following is substituted in lieu thereof (*Effective October 1, 2021*):

38 (a) No person shall operate or move a motor vehicle over, on,  
39 through, or under any bridge or structure on any highway (1) if the  
40 height of such vehicle or the load exceeds the height of the posted  
41 clearance or load, as shown by an official traffic control device, as  
42 defined in section 14-297, or (2) if the weight of such vehicle or such  
43 vehicle and the load exceeds the weight of the posted weight limit.

44 (b) Any person violating any provision of this section shall, [have  
45 committed an infraction] (1) for a first offense, be fined not more than  
46 one thousand five hundred dollars, and (2) for a subsequent offense, be  
47 guilty of a class A misdemeanor.

48 Sec. 4. Subsection (a) of section 13b-20e of the general statutes is

49 repealed and the following is substituted in lieu thereof (*Effective from*  
50 *passage*):

51 (a) Any consultant who desires to provide consulting services to the  
52 department in any calendar year shall be required to submit, not later  
53 than the fifteenth day of [November] October immediately preceding  
54 such calendar year, information concerning their qualifications as may  
55 be required by the department. Such consultants shall provide the  
56 department with additional or updated information upon request by the  
57 department. The commissioner shall by January first, annually, analyze  
58 the information submitted and determine those consultants qualified to  
59 perform services in areas of expertise established by the department.  
60 The commissioner shall publish annually, in accordance with the  
61 provisions of section 13b-20g, at any time between September first to  
62 October first, a notice that any person, firm or corporation which desires  
63 to be listed with the department as a consultant shall submit such  
64 information as required pursuant to this subsection to the department.  
65 Such notice shall also list the areas of expertise likely to be needed by  
66 the department during the next calendar year.

67 Sec. 5. Section 13b-20f of the general statutes is repealed and the  
68 following is substituted in lieu thereof (*Effective from passage*):

69 The performance of all consultants who have active agreements with  
70 the department shall be evaluated by the supervising unit within the  
71 bureau utilizing the consultant services, at [six-month intervals] least  
72 once a year and upon completion of the consultant services. Each such  
73 evaluation shall be kept on file in the supervising unit and a copy filed  
74 with the permanent selection panel.

75 Sec. 6. Subsection (a) of section 13b-34 of the general statutes is  
76 repealed and the following is substituted in lieu thereof (*Effective from*  
77 *passage*):

78 (a) (1) The commissioner shall have power, in order to aid or promote  
79 the operation, whether temporary or permanent, of any transportation  
80 service operating to, from or in the state, to contract in the name of the

81 state with any person, including but not limited to any common carrier,  
82 any transit district formed under chapter 103a or any special act, or any  
83 political subdivision or entity, or with the United States or any other  
84 state, or any agency, instrumentality, subdivision, department or officer  
85 thereof, for purposes of initiating, continuing, developing, providing or  
86 improving any such transportation service. Such contracts may include  
87 provision for arbitration of disputed issues.

88 (2) The commissioner, in order to aid or promote the operation of any  
89 transportation service operating outside the state, may contract in the  
90 name of the state with any person, including, but not limited to, any  
91 common carrier, or with the United States or any other state, or any  
92 agency, instrumentality, subdivision, department or officer thereof, for  
93 purposes of providing any transportation service in the event such  
94 assistance is required in the case of an emergency or a special event.

95 (3) The state, acting by and through the commissioner, may, by itself  
96 or in concert with others, provide all or a portion of any such  
97 transportation service, share in the costs of or provide funds for such  
98 service, or furnish equipment or facilities for use in such service upon  
99 such terms and conditions as the commissioner may deem necessary or  
100 advisable, and any such contracts may include, without limitation  
101 thereto, arrangements under which the state shall so provide service,  
102 share costs, provide funds or furnish equipment or facilities. To these  
103 ends, the commissioner may in the name of the state acquire or obtain  
104 the use of facilities and equipment employed in providing any such  
105 service by gift, purchase, lease or other arrangements and may own and  
106 operate any such facilities and equipment and establish, charge and  
107 collect such fares and other charges or arrange for such collection for the  
108 use or services thereof as he may deem necessary, convenient or  
109 desirable.

110 (4) The commissioner or any fare inspector, as defined in section 13b-  
111 2, shall have the authority to issue citations for any violation of section  
112 13b-38i. The commissioner may also acquire title in fee simple to, or any  
113 lesser estate, interest or right in, any rights-of-way, properties or

114 facilities, including properties used on or before October 1, 1969, for rail  
115 or other forms of transportation services. The commissioner may hold  
116 such properties for future use by the state and may enter into  
117 agreements for interim use of such properties for other purposes.

118 (5) Any person contracting with the state pursuant to this section for  
119 the provision of any transportation service shall not be considered an  
120 arm or agent of the state. Any person contracting with the state pursuant  
121 to this section for the provision of any motor bus service shall not be  
122 subject to the provisions of section 13b-80, as amended by this act,  
123 except that on and after the effective date of this section, until July 1,  
124 2026, any bus route operated by a person pursuant to a contract with the  
125 state and with a certificate issued pursuant to the provisions of section  
126 13b-80, as amended by this act, as of the effective date of this section,  
127 shall continue to be operated by any person with a certificate issued  
128 pursuant to said section prior to the effective date of this section. Any  
129 damages caused by the operation of such transportation service by such  
130 person may be recovered in a civil action brought against such person  
131 in the superior court and such person may not assert the defense of  
132 sovereign immunity in such action.

133 Sec. 7. Section 13b-80 of the general statutes is repealed and the  
134 following is substituted in lieu thereof (*Effective from passage*):

135 [No] Except as provided in subdivision (5) of subsection (a) of section  
136 13b-34, as amended by this act, no person, association, limited liability  
137 company or corporation shall operate a motor bus without having  
138 obtained a certificate from the Department of Transportation or from the  
139 Federal Highway Administration pursuant to the Bus Regulatory  
140 Reform Act of 1982, P.L. 97-261, specifying the route and certifying that  
141 public convenience and necessity require the operation of a motor bus  
142 or motor buses over such route. Such certificate shall be issued only after  
143 written application for the same has been made. Upon receipt of such  
144 application, said department shall promptly give written notice of the  
145 pendency of such application to the mayor of each city, the warden of  
146 each borough or the first selectman of each town in or through which

147 the applicant desires to operate, and to any common carrier operating  
148 over any portion of such route or over a route substantially parallel  
149 thereto. Any town, city or borough within which, or between which and  
150 any other town, city or borough in this state, any such common carrier  
151 is furnishing service may bring a written petition to the department in  
152 respect to routes, fares, speed, schedules, continuity of service and the  
153 convenience and safety of passengers and the public. Thereupon the  
154 department may fix a time and place for a hearing upon such petition  
155 and mail notice thereof to the parties in interest at least one week prior  
156 to such hearing. No such certificate shall be sold or transferred until the  
157 department, upon written application to it, setting forth the purpose,  
158 terms and conditions thereof and after investigation, approves the same.  
159 The application shall be accompanied by a fee of one hundred seventy-  
160 six dollars. The department may amend or, for sufficient cause shown,  
161 may suspend or revoke any such certificate. The department may  
162 impose a civil penalty on any person or any officer of any association,  
163 limited liability company or corporation who violates any provision of  
164 any regulation adopted under section 13b-86 with respect to routes,  
165 fares, speed, schedules, continuity of service or the convenience and  
166 safety of passengers and the public, in an amount not to exceed one  
167 hundred dollars per day for each violation. The owner or operator of  
168 every motor bus shall display in a conspicuous place therein a  
169 memorandum of such certificate. Notwithstanding any provision of  
170 chapter 285, such certificate shall include authority to transport  
171 baggage, express, mail and newspapers for hire in the same vehicle with  
172 passengers under such regulations as the department may prescribe.  
173 Any certificate issued pursuant to this section by the Division of Public  
174 Utility Control within the Department of Business Regulation prior to  
175 October 1, 1979, shall remain valid unless suspended or revoked by the  
176 Department of Transportation.

177 Sec. 8. Subdivision (2) of subsection (b) of section 13a-95c of the  
178 general statutes is repealed and the following is substituted in lieu  
179 thereof (*Effective from passage*):

180 (2) Notwithstanding the provisions of subdivision (1) of this

181 subsection, [there shall be a transition period during which] the  
182 Commissioner of Transportation may authorize the continued use of  
183 consultants if necessary to complete contracts authorized pursuant to  
184 section 13a-95b. [During this period, the] The commissioner shall make  
185 all reasonable efforts to perform development and inspection work as  
186 described in subsection (a) of this section using, where such employees  
187 are available, department employees and reducing, and where possible  
188 eliminating, the dependency on outside consultants. The commissioner  
189 shall establish a program to train department employees to support  
190 alternative project delivery methods. Such training program may be  
191 provided in projects utilizing consultants, as provided for in this section.  
192 The commissioner shall report, on or before October first annually, to  
193 the Governor of the progress made in training employees in alternative  
194 project delivery methods, improving the diversity of technical expertise  
195 of employees and building internal project delivery capacity. [The  
196 authority granted by this subdivision to use consultants on contracts  
197 entered into pursuant to section 13a-95b shall be subject to a termination  
198 date which shall be January 1, 2022, unless the Governor certifies that  
199 the use of consultants is necessary to complete projects authorized  
200 pursuant to section 13a-95b, which shall extend such termination date  
201 to a date not later than January 1, 2025.]

202 Sec. 9. Subsection (a) of section 13b-97 of the general statutes is  
203 repealed and the following is substituted in lieu thereof (*Effective from*  
204 *passage*):

205 (a) No person, association, limited liability company or corporation  
206 shall operate a taxicab until such person, association, limited liability  
207 company or corporation has obtained a certificate from the Department  
208 of Transportation certifying that public convenience and necessity  
209 require the operation of a taxicab or taxicabs for transportation of  
210 passengers, the acceptance or solicitation of which originates within the  
211 territory specified in such certificate except as provided under  
212 subsection (d) of this section. No such certificate shall be issued unless  
213 the department finds that the person, association, limited liability  
214 company or corporation is suitable to operate a taxicab service, after

215 giving due consideration to, at a minimum, the following factors: (1)  
216 Any convictions of the applicant under federal, state or local laws  
217 relative to safety, motor vehicle or criminal violations; (2) the number of  
218 taxicabs to be operated under the certificate, provided no applicant for  
219 a new certificate shall operate fewer than three taxicabs; (3) the  
220 adequacy of the applicant's financial resources to operate the taxicab  
221 service; (4) the adequacy of insurance coverage and safety equipment;  
222 and (5) the availability of qualified taxicab operators. The commissioner  
223 shall request the state criminal history records check for any person or  
224 any officer of any association, limited liability company or corporation  
225 applying for such certificate from the State Police Bureau of  
226 Identification. The commissioner shall arrange for the fingerprinting of  
227 any person or any officer of any association, limited liability company  
228 or corporation applying for such certificate and forward the fingerprints  
229 to said bureau which shall submit the fingerprints to the Federal Bureau  
230 of Investigation for a national criminal history records check for any  
231 federal conviction specified in subdivision (1) of this subsection. The  
232 commissioner shall charge a fee for each such national criminal history  
233 records check which shall be equal to the fee charged by the Federal  
234 Bureau of Investigation for performing such check. Such certificate shall  
235 be issued only after written application, fingerprinting and said criminal  
236 history records check for the same has been made and public hearing  
237 held thereon. The application shall be accompanied by a fee of two  
238 thousand dollars and the fee for said criminal history records check.  
239 Upon receipt of such application, the department shall fix a time and  
240 place of hearing thereon [, provided such hearing shall be held not  
241 earlier than three months after such receipt,] and shall promptly give  
242 written notice of the pendency of such application and of the time and  
243 place of such hearing [thereon] to [such] the applicant, the mayor of each  
244 city, the warden of each borough or the first selectman of each town in  
245 which the applicant desires to originate the transportation of such  
246 passengers, and to any common carrier operating within the territory  
247 specified. Notwithstanding any provision of this subsection to the  
248 contrary, the department may, upon receipt of a written application,  
249 amend an existing certificate to increase the number of taxicabs which



250 may be operated pursuant to the certificate without holding a hearing  
251 on the application, provided the department issues a legal notice of such  
252 application in a daily newspaper in accordance with the provisions of  
253 section 1-2, gives written notice of the pendency of such application to  
254 any common carrier operating within the territory specified and no  
255 objection is filed with the department within thirty days of each such  
256 notice.

257 Sec. 10. Section 13b-103 of the general statutes is repealed and the  
258 following is substituted in lieu thereof (*Effective October 1, 2021*):

259 (a) (1) No person, association, limited liability company or  
260 corporation shall operate a motor vehicle in livery service until such  
261 person, association, limited liability company or corporation has  
262 obtained a permit from the Department of Transportation, specifying  
263 the nature and extent of the service to be rendered and certifying that  
264 public convenience and necessity will be improved by the operation and  
265 conduct of such livery service. Such permits shall be issued only after a  
266 written application for the same has been made and a public hearing has  
267 been held thereon. Upon receipt of such application, together with the  
268 payment of a fee of two hundred dollars, the department shall fix a time  
269 and place of hearing thereon, within a reasonable time, and shall  
270 promptly give written notice of the pendency of such application and of  
271 the time and place of such hearing to each applicant, the mayor of each  
272 city, the warden of each borough and the first selectman of each town,  
273 within which any such applicant desires to maintain an office or  
274 headquarters, to any carrier legally operating motor vehicles in livery  
275 service within the same territory and to other interested parties as  
276 determined by the department. (2) Notwithstanding the provisions of  
277 subdivision (1) of this subsection, the department may issue a permit for  
278 the operation of vehicles (A) having a capacity of less than eleven adults  
279 or to be used exclusively at funerals, weddings, christenings,  
280 processions or celebrations, without holding a hearing and certifying  
281 that public convenience and necessity would be improved by the  
282 operation of such vehicles, or (B) having a capacity of not less than  
283 eleven or more than fourteen adults and used for sightseeing and

284 related purposes, without holding a hearing, provided the department  
285 issues a legal notice, as provided under section 1-2, of such application  
286 and no objection is filed with the department within thirty days of  
287 publication of such notice. (3) Notwithstanding the provisions of  
288 subdivision (1) of this subsection, the department may issue a  
289 temporary or permanent permit to any person, association, limited  
290 liability company or corporation operating a motor vehicle engaged in  
291 the transportation of passengers for hire by virtue of a contract with, or  
292 a lower tier contract for, any federal, state or municipal agency that (A)  
293 is in effect on July 1, 1997, with or without hearing, after a written  
294 application for the same has been made and the department has  
295 determined that the applicant meets the requirements of subsection (b)  
296 of this section except with respect to public convenience and necessity,  
297 or (B) becomes effective after July 1, 1997, with or without hearing, after  
298 a written application for the same has been made and the department  
299 has determined that the applicant meets the requirements of subsection  
300 (b) of this section. Any such permit issued under the provisions of this  
301 subdivision (i) shall be limited to service provided under any such  
302 contract, and (ii) with respect to any contract under the provisions of  
303 subparagraph (A) of this subdivision, shall not authorize a total number  
304 of motor vehicles exceeding the number required to provide service  
305 existing under such contract on July 1, 1997. (4) Notwithstanding the  
306 provisions of subdivision (1) of this subsection, the department shall  
307 issue to any person who has an intrastate livery permit for at least one  
308 year, upon the application of such person, up to two additional vehicle  
309 authorizations each year without a hearing and without written notice  
310 of the pendency of the application, if all the existing permits held by  
311 such person are registered and in use and if there are no outstanding  
312 violations or matters pending adjudication against such person. The  
313 department shall have thirty calendar days to issue such amended  
314 permit.

315 (b) In determining whether or not such a permit will be granted, the  
316 Department of Transportation shall take into consideration the present  
317 or future public convenience and necessity for the service the applicant  
318 proposes to render, the suitability of the applicant or the suitability of

319 the management if the applicant is a limited liability company or  
320 corporation, the financial responsibility of the applicant, the ability of  
321 the applicant efficiently and properly to perform the service for which  
322 authority is requested and the fitness, willingness and ability of the  
323 applicant to conform to the provisions of this chapter and the  
324 requirements and regulations of the department under this chapter.

325 (c) Any interested party may bring a written petition to the  
326 Department of Transportation in respect to fares, service, operation or  
327 equipment, or the convenience, protection and safety of the public with  
328 regard to any carrier operating a motor vehicle in livery service.  
329 Thereupon, the department may fix a time and place for a hearing upon  
330 such petition and give notice thereof. No permit shall be sold or  
331 transferred until the department, upon written application to it setting  
332 forth the purpose, terms and conditions thereof and accompanied by a  
333 fee of two hundred dollars, after investigation, approves the same. The  
334 department may amend or, for sufficient cause shown, may suspend or  
335 revoke any such permit. The department may impose a civil penalty on  
336 any person or any officer of any association, limited liability company  
337 or corporation who violates any provision of this chapter or any  
338 regulation adopted under section 13b-102 with respect to fares, service,  
339 operation or equipment, in an amount not to exceed one thousand  
340 dollars per day for each violation. Prior to the imposition of a civil  
341 penalty under this subsection, the department shall provide notice to  
342 said person or officer no later than fifteen business days after receipt of  
343 information concerning an alleged violation and shall provide an  
344 opportunity for a hearing.

345 (d) The owner or operator of each motor vehicle in livery service shall  
346 display in such vehicle such permit or a memorandum thereof.

347 (e) (1) Any person who holds himself or herself out to be the operator  
348 of a motor vehicle in livery service who has not received a permit under  
349 this section shall be guilty of a class B misdemeanor.

350 (2) The state shall remit to a municipality fifty per cent of the fine  
351 amount received for a violation of subdivision (1) of this subsection with

352 respect to each summons issued by such municipality. Each clerk of the  
353 Superior Court or the Chief Court Administrator, or any other official of  
354 the Superior Court designated by the Chief Court Administrator, shall,  
355 on or before the thirtieth day of January, April, July and October in each  
356 year, certify to the Comptroller the amount due for the previous quarter  
357 under this subsection to each municipality served by the office of the  
358 clerk or official.

359 (f) The Department of Transportation may revoke a permit issued  
360 under this section or section 13b-105 without a hearing, provided (1) the  
361 department sends a notice of revocation to the permit holder at the  
362 address of the permit holder on file with the department and (A) the  
363 notice is returned as undeliverable or could not be delivered, or (B) the  
364 permit holder fails to respond to the notice within the time period  
365 specified by the department in such notice, (2) the department conducts  
366 a physical inspection of the address of the permit holder on file with the  
367 department and determines that no livery service is operated at such  
368 address, and (3) no motor vehicle is registered by the permit holder with  
369 the Department of Motor Vehicles to be used as specified in the permit  
370 pursuant to section 13b-106.

371 Sec. 11. Subsection (a) of section 13b-389 of the general statutes is  
372 repealed and the following is substituted in lieu thereof (*Effective October*  
373 *1, 2021*):

374 (a) No person shall operate any motor vehicle in the transportation of  
375 household goods for hire as a household goods carrier without first  
376 having obtained from the Commissioner of Transportation [, after  
377 hearing,] a certificate of public convenience and necessity to so operate.

378 Sec. 12. Section 13b-391 of the general statutes is repealed and the  
379 following is substituted in lieu thereof (*Effective October 1, 2021*):

380 [After the hearing provided for in section 13b-390, the] The  
381 Commissioner of Transportation may issue to the applicant a certificate  
382 of public convenience and necessity in a form to be prescribed by [him]  
383 the commissioner or may refuse to issue the same, or may issue it for the

384 partial exercise only of the privilege sought, and may prescribe therein  
385 such limitations as, in [his] the commissioner's judgment, public interest  
386 may require.

387 Sec. 13. Section 13b-392 of the general statutes is repealed and the  
388 following is substituted in lieu thereof (*Effective October 1, 2021*):

389 In determining whether or not such a certificate shall be granted, the  
390 Commissioner of Transportation shall take into consideration the  
391 existing motor transportation facilities and the effect upon them of  
392 granting such certificate, the suitability of the applicant, or the  
393 suitability of the management if the applicant is a corporation, the  
394 financial responsibility and financial stability of the applicant, the ability  
395 of the applicant efficiently to perform the service for which authority is  
396 requested [.] and the criminal history of the applicant. [, the condition of  
397 and effect upon the highways involved and the safety of the public  
398 using such highways. The commissioner shall take into consideration  
399 such recommendations as to motor transportation facilities, or  
400 highways, or the effect of granting such certificate upon either of them,  
401 or the safety of the public using such highways.] No such certificate shall  
402 be denied solely on the ground that there is an existing rail or household  
403 goods carrier service. When it appears that no household goods carrier  
404 service is being supplied over the route or routes applied for, public  
405 convenience and necessity shall be presumed to require operation of  
406 such service.

407 Sec. 14. Subdivision (1) of subsection (b) of section 19a-342 of the  
408 general statutes is repealed and the following is substituted in lieu  
409 thereof (*Effective October 1, 2021*):

410 (b) (1) Notwithstanding the provisions of section 31-40q, no person  
411 shall smoke: (A) In any building or portion of a building, [partially  
412 enclosed shelter on a rail platform or bus shelter] owned and operated  
413 or leased and operated by the state or any political subdivision [thereof]  
414 of the state; (B) in any area of a health care institution; (C) in any area of  
415 a retail food store; (D) in any restaurant; (E) in any area of an  
416 establishment with a permit issued for the sale of alcoholic liquor

417 pursuant to section 30-20a, 30-21, 30-21b, 30-22, 30-22c, 30-28, 30-28a, 30-  
418 33a, 30-33b, 30-35a, 30-37a, 30-37e or 30-37f, in any area of an  
419 establishment with a permit for the sale of alcoholic liquor pursuant to  
420 section 30-23 issued after May 1, 2003, and, on and after April 1, 2004, in  
421 any area of an establishment with a permit issued for the sale of  
422 alcoholic liquor pursuant to section 30-22a or 30-26 or the bar area of a  
423 bowling establishment holding a permit pursuant to subsection (a) of  
424 section 30-37c; (F) within a school building or on the grounds of such  
425 school; (G) within a child care facility or on the grounds of such child  
426 care facility, except, if the child care facility is a family child care home,  
427 as defined in section 19a-77, such smoking is prohibited only when a  
428 child enrolled in such home is present; (H) in any passenger elevator,  
429 provided no person shall be arrested for violating this subsection unless  
430 there is posted in such elevator a sign which indicates that smoking is  
431 prohibited by state law; (I) in any dormitory in any public or private  
432 institution of higher education; [or] (J) on and after April 1, 2004, in any  
433 area of a dog race track or a facility equipped with screens for the  
434 simulcasting of off-track betting race programs or jai alai games; or (K)  
435 in any area of a platform or a shelter at a rail, busway or bus station,  
436 owned and operated or leased and operated by the state or any political  
437 subdivision of the state. For purposes of this subsection, "restaurant"  
438 means space, in a suitable and permanent building, kept, used,  
439 maintained, advertised and held out to the public to be a place where  
440 meals are regularly served to the public, "school" has the same meaning  
441 as provided in section 10-154a and "child care facility" has the same  
442 meaning as provided in section 19a-342a.

443 Sec. 15. Special act 91-32 is amended to read as follows (*Effective from*  
444 *passage*):

445 Notwithstanding the provisions of section 13b-268 of the general  
446 statutes or any other provision of the general statutes, special act or  
447 regulation which prohibits the construction of any new highway  
448 railroad crossing at-grade, the [commissioner of transportation]  
449 Commissioner of Transportation shall construct an at-grade crossing for  
450 [emergency vehicles] vehicle and pedestrian traffic at the east end of

451 Portland Street and Bridge Street in the town of Middletown. The  
452 crossing shall be constructed subject to the provisions of sections 13b-  
453 342 to [13b-347] 13b-345, inclusive, of the general statutes.

454 Sec. 16. Section 4e-30 of the general statutes is repealed and the  
455 following is substituted in lieu thereof (*Effective from passage*):

456 (a) A state contracting agency may audit the books and records of a  
457 contractor or any subcontractor under any negotiated contract or  
458 subcontract to the extent that such books and records relate to the  
459 performance of such contract or subcontract. Such books and records  
460 shall be maintained by the contractor for a period of three years from  
461 the date of final payment under the prime contract and by the  
462 subcontractor for a period of three years from the expiration of the  
463 subcontract.

464 (b) If a state contracting agency enters into an amendment to any  
465 negotiated contract or subcontract that extends the terms of such  
466 contract or subcontract, the amendment shall be deemed a new and  
467 separate negotiated contract for the purposes of this section. The books  
468 and records of a contractor or any subcontractor related to the  
469 performance of such amendment shall be maintained by the contractor  
470 or subcontractor from the commencement of such amendment until a  
471 period of three years from the date of final payment under such  
472 amendment or the date of expiration of such amendment, whichever is  
473 later.

474 Sec. 17. Subsection (c) of section 14-100a of the general statutes is  
475 repealed and the following is substituted in lieu thereof (*Effective October*  
476 *1, 2021*):

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

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

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

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

491 (2) The provisions of subdivision (1) of this subsection shall not apply  
492 to: (A) [any] Any person whose physical disability or impairment would  
493 prevent restraint in such safety belt, provided such person obtains a  
494 written statement from a licensed physician or a licensed advanced  
495 practice registered nurse containing reasons for such person's inability  
496 to wear such safety belt and including information concerning the  
497 nature and extent of such condition. Such person shall carry the  
498 statement on his or her person or in the motor vehicle at all times when  
499 it is being operated, [or] (B) an authorized emergency vehicle, other than  
500 fire fighting apparatus, responding to an emergency call or a motor  
501 vehicle operated by a rural letter carrier of the United States postal  
502 service while performing his or her official duties or by a person  
503 engaged in the delivery of newspapers, or (C) any passenger on a bus,  
504 as defined in 49 USC 30127, as amended from time to time.

505 (3) Failure to wear a seat safety belt shall not be considered as  
506 contributory negligence nor shall such failure be admissible evidence in  
507 any civil action.

508 (4) No law enforcement official may stop a motor vehicle solely for  
509 the apparent or actual failure of a back seat passenger who is sixteen  
510 years of age or older to wear a seat safety belt.

511 [(4)] (5) Any operator of a motor vehicle, who is eighteen years of age  
512 or older, and any passenger in such motor vehicle, who violates any  
513 provision of this subsection shall have committed an infraction and shall



514 be fined fifty dollars. Any operator of a motor vehicle who is under  
515 eighteen years of age and any passenger in such motor vehicle who  
516 violates any provision of this subsection shall have committed an  
517 infraction and shall be fined seventy-five dollars. Points may not be  
518 assessed against the operator's license of any person convicted of such  
519 violation.

520 Sec. 18. Section 54-33m of the general statutes is repealed and the  
521 following is substituted in lieu thereof (*Effective October 1, 2021*):

522 The failure of an operator of, or [front seat] passenger in, a private  
523 passenger motor vehicle or vanpool vehicle to wear a seat safety belt as  
524 required by section 14-100a, as amended by this act, shall not constitute  
525 probable cause for a law enforcement official to conduct a search of such  
526 vehicle and its contents.

527 Sec. 19. Section 13a-124a of the general statutes is repealed and the  
528 following is substituted in lieu thereof (*Effective from passage*):

529 (a) As used in this section, ["specific information sign"] "a specific  
530 service sign" means a rectangular sign with the word GAS, FOOD,  
531 LODGING, [or] CAMPING or ATTRACTION and exit directional  
532 information pertaining to the designated motorist service placed [at the  
533 top of] on the sign and upon which is mounted separately attached  
534 business [signs] sign panels showing the brand, symbol, trademark or  
535 name, or any combination of these, for the designated service available  
536 on a crossroad at or near an interchange or intersection.

537 [(b) The Commissioner of Transportation may issue permits for the  
538 erection and maintenance of specific information signs and business  
539 signs within the rights-of-way of any portion of a state-maintained  
540 limited access highway, except a parkway. The commissioner shall not  
541 issue any such permit to any person or company until such person or  
542 company files with the commissioner a bond or recognizance to the  
543 state, satisfactory to the commissioner and in such amount as the  
544 commissioner determines, subject to forfeiture upon failure to comply  
545 with (1) the requirements of this section, (2) regulations adopted

546 pursuant to this section, or (3) any orders of the commissioner relating  
547 to the erection and maintenance of specific information signs and  
548 business signs. Any such bond or recognizance shall remain in full force  
549 and effect as long as such person or company is subject to any such  
550 requirements, regulations or orders as provided in this section.

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

555 (d) The commissioner shall adopt regulations in accordance with  
556 chapter 54 to carry out the purposes of this section. Such regulations  
557 shall include, but not be limited to, establishment of (1) fees for the  
558 permits issued under subsection (b) of this section, (2) reimbursements  
559 issued pursuant to subsection (c) of this section, and (3) standards for  
560 the location, size and maintenance of specific information signs and  
561 business signs.]

562 (b) The Commissioner of Transportation may enter into an agreement  
563 with a qualifying person or company regarding the erection,  
564 maintenance and removal of a specific service sign within the rights-of-  
565 way of any portion of a state-maintained limited access highway, except  
566 a parkway. The commissioner shall adopt regulations, in accordance  
567 with the provisions of chapter 54, regarding (1) the design and  
568 installation requirements for a specific service sign, (2) the minimum  
569 qualifications for a person or company to obtain a specific service sign,  
570 (3) the application process to obtain a specific service sign, (4) the  
571 financial responsibility of such person or company, and (5) the terms  
572 regarding the removal of a specific service sign or revocation of an  
573 agreement with such person or company.

574 Sec. 20. Section 13b-237 of the general statutes is repealed and the  
575 following is substituted in lieu thereof (*Effective October 1, 2021*):

576 (a) (1) The Commissioner of Transportation shall not, directly or  
577 indirectly, sell, transfer, salvage or otherwise dispose of any surplus rail

578 [or other track] material, [unless the commissioner has offered such rail  
579 or other track material] including, but not limited to, rail sections having  
580 a maximum length of two hundred feet, ties, tie plates and other track  
581 material, without first offering such surplus rail material to freight  
582 railroad companies for upgrading state-owned rights-of-way. [Said  
583 commissioner shall offer any remaining rail or other track material, if  
584 any, to freight railroad companies for upgrading other rail lines located  
585 within the state. If any freight railroad company accepts such offer, the  
586 Department of Transportation shall transfer such rail or other track  
587 material to the recipient's designated material site within the state at a  
588 charge to such recipient that, in the case of state-owned rights-of-way  
589 does not exceed the value, as scrap, of the materials replaced by the  
590 material transferred by said department, and, in the case of non-state-  
591 owned rights-of-way, does not exceed the value, as scrap, of the  
592 materials transferred by said department.] Such offer shall be in writing  
593 and shall be sent by first class mail or electronic mail. No later than thirty  
594 days after the date of such offer, a freight railroad company interested  
595 in acquiring such surplus material shall submit, in a manner prescribed  
596 by the commissioner, a notification of interest and a statement regarding  
597 the need and intended use of such surplus material. If more than one  
598 freight railroad company submits a notification of interest, the  
599 commissioner may select a freight railroad company based on the prior  
600 distribution of surplus rail material and the best intended use of such  
601 surplus rail material on state property as determined by the  
602 commissioner. The commissioner shall send a notification of selection to  
603 the selected freight railroad company by first class mail or electronic  
604 mail.

605 (2) The commissioner shall offer remaining surplus rail material, if  
606 any, to freight railroad companies for upgrading other rail lines located  
607 within the state in the same manner as provided for in subdivision (1)  
608 of this subsection.

609 (3) The commissioner shall make any surplus rail material available  
610 for inspection at a designated location within a rail yard or along a  
611 siding track in the state.

612 (b) A freight railroad company that received a notice of selection shall  
613 accept delivery of the surplus rail material not later than thirty days after  
614 receipt of such notice. If the selected freight railroad company does not  
615 accept delivery within such thirty-day period, the commissioner may  
616 select another freight railroad company that submitted a notification of  
617 interest and statement pursuant to subsection (a) of this section or  
618 salvage or otherwise dispose of the surplus rail material. The selected  
619 freight railroad company shall (1) arrange for and pay the costs  
620 associated with the handling and delivery of the surplus rail material  
621 from a specific location within a rail yard or along a siding track in the  
622 state, (2) accept the surplus rail material in "as is" condition, (3)  
623 acknowledge that the commissioner assumes no responsibility for the  
624 quality or fitness of the surplus rail material, and (4) install the surplus  
625 rail material pursuant to the statement submitted to the commissioner  
626 in accordance with subsection (a) of this section unless otherwise  
627 approved in writing by the commissioner. The selected freight railroad  
628 company shall not salvage the surplus rail material and obtain  
629 reimbursement for the cost of the handling and delivery of the surplus  
630 rail material, but may salvage any material replaced by the surplus rail  
631 material to offset such costs.

632 (c) The commissioner may enter into agreements with salvage  
633 companies for the salvage or disposal of surplus rail material that is not  
634 distributed to a freight railroad company pursuant to this section.

635 Sec. 21. *(Effective from passage)* On or before January 1, 2022, the  
636 Commissioner of Transportation shall submit a report, in accordance  
637 with the provisions of section 11-4a of the general statutes, to the joint  
638 standing committee of the General Assembly having cognizance of  
639 matters relating to transportation concerning the status of (1) installing  
640 a side rail on the New Canaan branch of the New Haven Line, as defined  
641 in section 13b-79a of the general statutes, and (2) increasing direct  
642 service to the state of New York on the Danbury branch of the New  
643 Haven Line.

644 Sec. 22. Section 13b-390 of the general statutes is repealed. *(Effective*

645 October 1, 2021)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	13a-73(h)
Sec. 2	<i>from passage</i>	13a-151
Sec. 3	<i>October 1, 2021</i>	14-298a
Sec. 4	<i>from passage</i>	13b-20e(a)
Sec. 5	<i>from passage</i>	13b-20f
Sec. 6	<i>from passage</i>	13b-34(a)
Sec. 7	<i>from passage</i>	13b-80
Sec. 8	<i>from passage</i>	13a-95c(b)(2)
Sec. 9	<i>from passage</i>	13b-97(a)
Sec. 10	<i>October 1, 2021</i>	13b-103
Sec. 11	<i>October 1, 2021</i>	13b-389(a)
Sec. 12	<i>October 1, 2021</i>	13b-391
Sec. 13	<i>October 1, 2021</i>	13b-392
Sec. 14	<i>October 1, 2021</i>	19a-342(b)(1)
Sec. 15	<i>from passage</i>	SA 91-32
Sec. 16	<i>from passage</i>	4e-30
Sec. 17	<i>October 1, 2021</i>	14-100a(c)
Sec. 18	<i>October 1, 2021</i>	54-33m
Sec. 19	<i>from passage</i>	13a-124a
Sec. 20	<i>October 1, 2021</i>	13b-237
Sec. 21	<i>from passage</i>	New section
Sec. 22	<i>October 1, 2021</i>	Repealer section

**Statement of Legislative Commissioners:**

In Section 3(a)(2), "vehicle and load" was changed to "such vehicle and the load" for clarity, in Section 6(a)(5), "by the Department of Transportation" and "by the department" was removed for accuracy, in Section 8(2), brackets were added in the first and second sentences to conform with the other changes being made in the subdivision, in Section 16(b), "or subcontractor" was added for accuracy, and in Section 21, "the state of" was added for consistency with standard drafting conventions.

**TRA**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 22 \$	FY 23 \$
Resources of the General Fund	GF - Potential Revenue Gain	Minimal	Minimal
Judicial Dept.; Correction, Dept.	GF - Potential Cost	See Below	See Below
Department of Transportation	TF - Potential Cost	See Below	See Below
Department of Transportation	TF - Potential Savings	See Below	See Below

Note: GF=General Fund; TF=Transportation Fund

**Municipal Impact:**

Municipalities	Effect	FY 22 \$	FY 23 \$
Various Municipalities	Potential Revenue Gain	See Below	See Below

**Explanation**

**Section 2** clarifies when vehicle owners are liable for damages to bridges caused by overweight vehicles and, to the extent that the state or municipalities recover additional damages, results in a potential revenue gain.

**Section 3** increases penalties for operating overweight vehicles on or under bridges from an infraction, which usually ranges from a \$100 to a \$300 fine, to up to a \$1,500 fine for a first offense and a class A misdemeanor for a subsequent offense, which is punishable by up to one year in prison, a \$2,000 fine, or both. In FY 20 there were 219 violations with total revenue from fines of \$30,892. The bill results in a

potential revenue gain to the extent that fines are issued for first or subsequent offenses, and a potential cost for probation or incarceration for subsequent offenses only. On average, the marginal cost to the state for incarcerating an offender for the year is \$2,200<sup>1</sup> while the average marginal cost for supervision in the community is less than \$700<sup>2</sup> each year.

**Sections 6 and 7** specify that people providing bus service under a contract with DOT are not required to have a certificate of public convenience or necessity, conforming to current practice. The bill provides an exception, specifying that until July 1, 2026, any bus route operated by a person both 1) under contract with DOT and 2) with a certificate, must continue to be operated by a person with a certificate issued prior to the bill's effective date. These sections, to the extent that the restriction limits DOT from contracting with lower cost operators, results in a potential cost.

**Section 8** makes permanent DOT's authority to use two alternative contract methods. The impact of using either "construction-manager-at-risk" contracts with a guaranteed maximum price or design-build contracts will depend on 1) type of project, 2) who provides architectural/engineering services and 3) bid selection process. However, it is assumed that the department would not move forward on projects based on alternative contracts unless they resulted in cost savings compared to alternative procedures.

**Section 14** expands circumstances where smoking is prohibited at bus and rail facilities and results in a potential minimal revenue gain from fines. In FY 20, the current statute prohibiting smoking in various locations resulted in 17 fines totaling \$1,996.

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<sup>1</sup>Inmate marginal cost is based on increased consumables (e.g. food, clothing, water, sewage, living supplies, etc.) This does not include a change in staffing costs or utility expenses because these would only be realized if a unit or facility opened.

<sup>2</sup>Probation marginal cost is based on services provided by private providers and only includes costs that increase with each additional participant. This does not include a cost for additional supervision by a probation officer unless a new offense is anticipated to result in enough additional offenders to require additional probation officers.

**Section 17** expands seat belt requirements to most back seat passengers and makes it a secondary offense, prohibiting officers from stopping a vehicle unless another offense has occurred. This section results in a potential minimal revenue gain from fines.

**Section 19** combines two DOT programs for signs on limited access highways and permits the department to enter into agreements for the erection, maintenance, and removal of specific service signs within certain state rights-of-way. To the extent the combined program generates additional sign requests, this section results in a potential minimal revenue gain.

**Section 20** removes the requirement that DOT deliver surplus rail materials to eligible railroad companies requesting such material for purposes of upgrading state-owned rights-of-way. This section results in a potential savings to DOT of up to \$500,000 annually in avoided delivery charges.

**Section 21** requires DOT to submit a report regarding the New Canaan and Danbury Branch lines to the Transportation Committee on or before January 1, 2022. This section does not result in a fiscal impact because this is within DOT's current expertise.

Other sections of the bill are technical in nature or otherwise do not have a fiscal impact.

### ***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation, the number of violations, or as otherwise described.



**OLR Bill Analysis****sHB 6484**

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*Prohibits crossing a bridge with a vehicle that exceeds the posted weight limit; increases the fine for driving under bridges while exceeding the posted clearance and extends the fine to vehicles exceeding the weight limit; and clarifies the applicability of a statute on the liability of overweight trucks for damage to bridges*

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*Allows all vehicles to use the Portland Street rail crossing in Middletown*

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*Specifies that an amendment to a negotiated contract is considered a new and separate contract and is subject to a three-year books and record retention requirement*

**§§ 17 & 18 — BACK SEAT PASSENGER SEAT BELT USE**

*Requires, with some exceptions, all motor vehicle occupants to wear seat belts, not just drivers, front seat passengers, and certain back seat passengers*

**§ 19 — SERVICE SIGNS ON LIMITED ACCESS HIGHWAYS**

*Combines two limited access highway sign programs into one Specific Service Sign program, in conformance with federal regulations, and requires DOT to adopt implementing regulations*

**§ 20 — DISTRIBUTION OF SURPLUS RAIL MATERIAL**

*Modifies the process for distributing surplus rail material to freight railroad companies*

**§ 21 — METRO NORTH BRANCH LINE REPORTS**

*Requires DOT to report on the status of installing side rail on the New Canaan line and increasing direct service to New York on the Danbury line*

**BACKGROUND**

**AN ACT CONCERNING RECOMMENDATIONS BY THE DEPARTMENT OF TRANSPORTATION.**

**SUMMARY**

This bill makes numerous changes to transportation-related statutes. Among other things, it:

1. requires all motor vehicle occupants to wear seat belts, not just drivers, front seat passengers, and certain back seat passengers (§§ 17 & 18);
2. specifies that DOT is not required to issue motor bus certificates to companies it contracts with, except under certain circumstances (§§ 6 & 7);
3. makes permanent DOT's authority to use consultants for projects using an alternative delivery method, subject to certain conditions in existing law (§ 8); and
4. prohibits crossing a bridge with a vehicle that exceeds the posted

weight limit and establishes a fine for doing so, increases the fine for driving under bridges while exceeding the posted clearance, and clarifies the liability of overweight trucks for damage to bridges (§§ 2 & 3).

EFFECTIVE DATE: Upon passage, unless otherwise noted below.

### **§ 1 — STATE PROPERTIES REVIEW BOARD THRESHOLD**

*Increases, from \$5,000 to \$10,000, the threshold under which certain DOT property transactions do not require State Properties Review Board approval*

By law, the State Properties Review Board must review and approve (1) matters dealing with the initial acquisition of any existing mass transit system or the purchase or sale of real property (i.e., land and buildings and any estate, interest, or right in land) in connection with state highways or mass transit and (2) all surplus property sales or exchanges by DOT.

However, by law, acquisitions and administrative settlements related to these properties that involve sums of money that fall below a certain threshold must be reported to the board but do not require the board's review and approval. The bill increases this threshold from \$5,000 to \$10,000.

### **§§ 2 & 3 — OVERWEIGHT VEHICLES ON BRIDGES**

*Prohibits crossing a bridge with a vehicle that exceeds the posted weight limit; increases the fine for driving under bridges while exceeding the posted clearance and extends the fine to vehicles exceeding the weight limit; and clarifies the applicability of a statute on the liability of overweight trucks for damage to bridges*

Existing law prohibits driving over, on, through, or under any bridge or structure if the vehicle's height or load exceeds the height of the posted clearance or load shown on a sign. The bill additionally prohibits doing so when the weight of the vehicle or the vehicle and load exceeds the posted weight limit.

The bill also (1) increases the penalties for violating the height or load limits and (2) extends the same penalties to violations of its weight limit. Currently, a violation of the height or load limit is an infraction, subject to a \$50 fine plus additional surcharges and payable by mail (see

BACKGROUND).

Under the bill, a first violation is punishable by a fine of up to \$1,500, which is not payable by mail, and a subsequent offense is a class A misdemeanor, punishable by up to one year in prison, up to a \$2,000 fine, or both.

The bill also clarifies the application of a law that makes vehicle owners liable for damage to bridges caused by overweight vehicles. It specifies that the law applies when the vehicle has a gross weight that exceeds the posted weight limit, rather than the stated maximum safe load. It also deletes an obsolete reference to reckless driving, which is primarily a speed-related offense addressed in the motor vehicle statutes (CGS § 14-222).

EFFECTIVE DATE: October 1, 2021, for the overweight vehicle prohibition and the penalty increase.

#### **§§ 4 & 5 — CHANGES TO CONSULTANT DEADLINES**

*Moves up the deadline for consultant prequalification applications from November 15 to October 15 and reduces the frequency of consultant performance evaluations from once every six months to once a year*

##### **Consultant Prequalification (§ 4)**

By law, consultants who wish to provide services to DOT in any year must prequalify by submitting information, in the preceding calendar year, on their qualifications. The bill moves up the deadline for these prequalification submissions from November 15 to October 15 of the preceding calendar year.

As under existing law, the DOT commissioner must annually publish notice sometime between September 1 and October 1 that entities wishing to provide consultant services must submit prequalification applications to the department. Annually by January 1, the commissioner must review and determine which consultants are qualified to perform services.

##### **Consultant Evaluation (§ 5)**

The law requires DOT to conduct performance evaluations of all

consultants who have active agreements with the department. The bill reduces the required frequency of these evaluations from once every six months to at least annually.

### **§§ 6 & 7 — MOTOR BUS CERTIFICATES**

*Specifies that people providing bus service under a contract with DOT do not need a motor bus certificate, except in the case of routes currently operated by certificated holders*

By law, the DOT commissioner may, in order to aid or promote the temporary or permanent operation of any transportation service, contract with any person, including a common carrier, to initiate, continue, develop, provide, or improve a transportation service.

The bill specifies that any person that DOT contracts with under this authority to provide bus service is not required to obtain a motor bus certificate (see BACKGROUND), conforming to current department practice. But it provides one exception to this rule, specifying that until July 1, 2026, any bus route operated by a person under contract with the state and with a motor bus certificate as of the bill's effective date must continue to be operated by a person with a certificate issued prior to the bill's effective date.

### **§ 8 — USE OF CONSULTANTS FOR PROJECTS USING ALTERNATIVE DELIVERY METHODS**

*Makes permanent DOT's authority to use consultants for projects using alternative delivery methods, subject to certain conditions in existing law*

The law allows DOT to use the "construction manager at risk" (CMAR) or "design-build" processes (see BACKGROUND) as alternatives to the traditional "design-bid-build" construction process. This authorization is subject to certain conditions, including limits on the department's use of consultants for these projects. Generally, the law seeks to have DOT gradually reduce the use of these consultants and, where possible, have its employees perform development and inspection work.

More specifically, the law requires that DOT use department employees to perform all development and inspection work after the first two alternative delivery projects are performed. The administrative

services commissioner must place positions required for this work on continuous recruitment, and employees may be appointed to durational positions to reduce the need for consultants to perform inspection or development work, including employees who have met engineering education and training requirements but have not taken an examination.

Regardless of these restrictions on consultants, current law establishes a “transition period” during which DOT may continue using consultants to complete projects using alternative delivery methods. This period expires (1) January 1, 2022, or (2) January 1, 2025, if the governor certifies that the continued use of consultants is necessary to complete alternative delivery projects.

The bill eliminates the expiration date and transition period language, making this authority to use consultants permanent.

Existing law’s capacity building requirements and restrictions on consultant use continue to apply, including requirements for DOT to:

1. make reasonable efforts to (a) use DOT employees, if available, for development and inspection work and (b) reduce, and eliminate where possible, dependency on outside consultants;
2. establish a program to train DOT employees to support alternative delivery methods; and
3. annually report to the governor on progress made in training employees on the alternative delivery methods, improving the diversity of employees’ technical expertise, and building internal project delivery capacity.

## **§ 9 — TAXI CERTIFICATE HEARINGS**

*Eliminates the three-month waiting period for hearings on taxi certificate applications*

By law, DOT authorizes taxi services by issuing certificates of convenience and necessity, which allow taxis to accept and solicit rides within a specified territory. The law sets a number of applicant

qualification and procedural requirements, including that the department hold a hearing on certificate applications. Current law requires the department to wait at least three months after receiving a certificate application before holding a hearing. The bill eliminates this waiting period, allowing DOT to hold hearings at any time after receiving an application.

The law, unchanged by the bill, requires DOT, upon receiving a certificate application, to schedule a hearing and promptly give notice of it to the applicant, the chief elected official of each municipality in the proposed territory, and any common carriers operating within the territory.

### **§ 10 — STAGNANT LIVERY PERMITS**

*Establishes a process for revoking stagnant livery service permits*

The bill sets conditions under which DOT may, without a hearing, revoke a stagnant livery service permit (e.g., limousines).

Specifically, it allows DOT to revoke a livery permit without a hearing if the following conditions are met:

1. DOT sends a revocation notice to the holder at the address the department has on file and (a) the notice is returned undeliverable or could not be delivered or (b) the permit holder fails to respond within the timeframe specified in the notice;
2. DOT conducts a physical inspection of the address it has on file for the permit holder and determines that no livery service is operated at the address; and
3. no motor vehicle is registered to the permit holder with DMV for use under the permit.

EFFECTIVE DATE: October 1, 2021

### **§§ 11-13 & 22 — HOUSEHOLD GOODS CARRIER CERTIFICATES**

*Eliminates requirements that DOT, before permitting an applicant to operate a moving company, (1) hold a hearing and (2) consider highway condition*

The bill eliminates the requirement that the DOT commissioner, before issuing a household goods carrier (i.e., moving company) certificate, hold a hearing on the application. It also eliminates the requirement that the commissioner, in determining whether to issue a certificate, consider the condition of the involved highways and how the issuance will affect highway condition and public safety.

Existing law, unchanged by the bill, requires the commissioner to consider the following when issuing a certificate:

1. the applicant's suitability, or the suitability of management if the applicant is a corporation;
2. the applicant's financial responsibility, financial stability, and ability to efficiently perform the service;
3. the applicant's criminal history; and
4. existing motor transportation facilities and the effect on them of granting a certificate.

The bill also eliminates obsolete language referring to recommendations the commissioner must take into consideration.

EFFECTIVE DATE: October 1, 2021

#### **§ 14 — SMOKING PROHIBITION AT RAIL PLATFORMS AND BUS SHELTERS**

*Prohibits smoking in any area of a platform or shelter at bus and rail facilities, not just in those that are partially-enclosed*

The bill prohibits smoking in any area of a platform or shelter at a rail, busway, or bus station that is owned or leased and operated by the state or any political subdivision. Under current law, smoking is prohibited only in partially enclosed shelters on rail platforms or in bus shelters that are owned or leased and operated by the state or any political subdivision.

EFFECTIVE DATE: October 1, 2021



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**§ 15 — PORTLAND STREET RAIL CROSSING IN MIDDLETOWN**

*Allows all vehicles to use the Portland Street rail crossing in Middletown*

The bill allows all vehicles, not just emergency vehicles, to use an at-grade crossing at the east end of Portland Street and Bridge Street in Middletown.

**§ 16 — AMENDMENTS TO NEGOTIATED CONTRACTS**

*Specifies that an amendment to a negotiated contract is considered a new and separate contract and is subject to a three-year books and record retention requirement*

By law, state contracting agencies may audit the books and records of a contractor or subcontractor under any negotiated contract or subcontract to the extent that the books and records relate to the performance of the contract or subcontract. The contractor must maintain the books and records for three years from the date of final payment under the prime contract and the subcontractor must maintain them for three years from the expiration of the subcontract.

The bill specifies that, if a state contracting agency enters into an amendment to any negotiated contract or subcontract, the amendment must be considered a new and separate negotiated contract for the purposes of the above provisions. The contractor or subcontractor must maintain its books and records related to performing the amendment for at least three years after the date of final payment under the amendment, or the date the amendment expires, whichever is later.

By law, a “state contracting agency,” with certain exceptions, is an executive branch agency, board, commission, department, office, institution, or council.

**§§ 17 & 18 — BACK SEAT PASSENGER SEAT BELT USE**

*Requires, with some exceptions, all motor vehicle occupants to wear seat belts, not just drivers, front seat passengers, and certain back seat passengers*

The bill requires all occupants in a motor vehicle or fire-fighting apparatus to wear a seat belt while the vehicle is moving. Current law requires only the driver, front seat passenger, and certain back seat passengers (i.e., passengers under age 16 and passengers of drivers under age 18) to do so.

The bill makes the failure to wear a seat belt by any back seat passenger age 16 or older a secondary offense, prohibiting officers from stopping a vehicle unless another offense has occurred. Under current law, back seat passengers of drivers under age 18 who fail to wear a seat belt commit a primary offense, which allows a law enforcement officer to stop the vehicle solely for that offense. As under existing law, a driver or front seat passenger who fails to wear a seat belt commits a primary offense.

The bill exempts bus passengers from the seat belt use requirement. As under existing law, the following are also exempt:

1. children under age 8, who must instead be secured in an appropriate car seat or booster seat;
2. any person with a physical disability or impairment that would prevent restraint in a seat belt;
3. authorized emergency vehicles (other than firefighting apparatus) responding to an emergency call;
4. a motor vehicle operated by a rural letter carrier of the U.S. postal service while performing official duties; and
5. a person delivering newspapers.

As under existing law, failure to wear a seat belt is not probable cause for law enforcement to search a vehicle and its contents. Violators commit an infraction (see BACKGROUND) and are subject to existing fines of (1) \$50 if the vehicle driver is age 18 or older or (2) \$75 if the vehicle driver is under age 18.

EFFECTIVE DATE: October 1, 2021

## **§ 19 — SERVICE SIGNS ON LIMITED ACCESS HIGHWAYS**

*Combines two limited access highway sign programs into one Specific Service Sign program, in conformance with federal regulations, and requires DOT to adopt implementing regulations*

DOT currently administers two programs for signs on limited access

highways: (1) the Specific Information Signs on Limited Access Highways Program (i.e., food, gas, lodging, and camping logo signs), which is established in state law (see below), and (2) the Tourist Attraction Guide Sign Program for Limited Access Highways (see BACKGROUND).

The bill appears to combine these programs into one statutory Specific Service Sign program to conform with the federal Manual on Uniform Traffic Control Devices (see BACKGROUND). It allows the DOT commissioner to enter into an agreement with a qualifying person or company for the erection, maintenance, and removal of a specific service sign within the rights-of-way of state-maintained limited-access highways, other than parkways. It requires DOT to adopt regulations on:

1. specific service sign design and installation requirements,
2. the minimum qualifications and application process for a person or company to get a specific service sign,
3. the financial responsibility of the person or company, and
4. terms regarding specific service sign removal or agreement revocation.

The bill repeals the current specific information sign program and the corresponding authority to adopt regulations. In doing so, it eliminates the statutory requirements that people or companies seeking to erect signs (1) obtain encroachment permits from DOT and (2) file with the commissioner a bond or recognizance with the state. It also eliminates a statutory requirement that a person or company be reimbursed for a portion of the sign's costs by subsequent permittees on the same sign.

## **§ 20 — DISTRIBUTION OF SURPLUS RAIL MATERIAL**

*Modifies the process for distributing surplus rail material to freight railroad companies*

By law, DOT must offer rail and other track material to freight railroad companies for upgrading state-owned rights-of-way before

directly or indirectly selling, transferring, or otherwise disposing of this material. The bill additionally (1) requires DOT to do so before it salvages this material and (2) specifies that this requirement applies to material that is surplus and includes rail sections up to 200 feet in length, ties, and tie plates.

The bill also modifies the process for notifying and selecting recipients, requires that material be made available for inspection, and modifies the process for distributing material to selected recipients. It also allows DOT to enter into agreements with salvage companies for salvaging or disposing of surplus rail material that is not distributed to freight rail companies.

EFFECTIVE DATE: October 1, 2021

### ***Notification and Selection of Recipients***

The bill establishes a more specific process for notifying and selecting freight railroad companies to receive the material. It requires DOT to offer surplus material in writing and send the offer by first class mail or e-mail. Within 30 days after receiving an offer, an interested freight railroad company must submit, in a manner the commissioner prescribes, a notice of interest and a statement on why it needs the material and how it intends to use it. If more than one company submits a notice, the commissioner may choose a company based on the prior distribution of surplus material and the best intended use of the material on state property, as determined by the commissioner. The commissioner must notify the company it has selected by first class mail or e-mail.

As under current law, DOT must offer any remaining material to freight rail companies to upgrade other rail lines in the state. The bill requires DOT to do so using the process outlined above.

### ***Availability for Inspection***

The bill requires that DOT make surplus rail material available for inspection at a designated location in a rail yard or along a siding track in the state. The bill does not specify when DOT must make the material

available.

### ***Distribution of Material***

The bill also modifies the process for distributing the surplus material to selected companies. Under current law, DOT must transfer the material to the recipient's designated material site and charge the recipient for doing so. The amount depends on whether the property will be used to upgrade a state-owned right-of-way. If it is, the charge cannot exceed the value, as scrap, of the materials replaced by those the commissioner transfers. If the transferred materials are used to upgrade non state-owned rights-of-way, the charge cannot exceed the value, as scrap, of the materials transferred.

The bill instead requires selected freight railroad companies to:

1. arrange and pay for handling and delivering the material from a specific location in a rail yard or along a siding track;
2. accept the material in "as-is" condition;
3. acknowledge that the commissioner assumes no responsibility for the material's quality or fitness; and
4. install the material in accordance with the statement of intended use that it submitted to DOT, unless the commissioner approves a different use in writing.

The bill prohibits the selected company from salvaging the surplus material and obtaining reimbursement for the handling and delivery costs but allows it to salvage any material the surplus material replaces in order to offset the costs.

Under the bill, the selected company must accept delivery of the surplus material within 30 days after receiving notice of selection. If the company does not do so, DOT may (1) select another company that sent a notice of interest or (2) salvage or otherwise dispose of the material.

## **§ 21 — METRO NORTH BRANCH LINE REPORTS**

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*Requires DOT to report on the status of installing side rail on the New Canaan line and increasing direct service to New York on the Danbury line*

By January 1, 2022, the bill requires DOT to report to the Transportation Committee on the status of (1) installing a side rail on the New Canaan branch line and (2) increasing direct service to New York on the Danbury branch line.

## **BACKGROUND**

### ***Infractions***

Infractions are punishable by fines, usually set by Superior Court judges, of between \$35 and \$90, plus a \$20 or \$35 surcharge and an additional fee based on the amount of the fine. There may be other added charges depending on the type of infraction. For example, certain motor vehicle infractions trigger a Transportation Fund surcharge of 50% of the fine. With the various additional charges, the total amount due can be over \$300 but often is less than \$100.

An infraction is not a crime, and violators can pay the fine by mail without making a court appearance.

### ***Motor Bus Certificates***

State law prohibits people and entities from operating motor buses without obtaining a certificate from DOT or the Federal Highway Administration that certifies that public convenience and necessity require the operation of a bus over the route (CGS § 13b-80) (i.e., a motor bus certificate).

Those seeking a certificate must apply to DOT, and upon receiving an application, DOT must notify the following, in writing, of the pending application: (1) 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 (2) any common carrier that operates over any portion of the route, or on another route substantially parallel to it, for which the certificate is requested. The municipalities may petition the department regarding routes, fares, speed, schedules, continuity of service, and the convenience and safety of passengers and the public. If they do so, DOT may hold a hearing and provide notice to

interested parties at least one week before the hearing.

Motor bus regulations require, among other things, certificate holders to obtain permission in advance for modifying routes or schedules (CT Public Utilities Commission docket 8500 (Feb 27, 1952)).

### ***Related Case — Motor Bus Certificates***

In 2019, as part of ongoing litigation regarding the rights of motor bus certificate holders over certain bus routes, the Superior Court issued a decision holding that the General Statutes require all motor bus operators to have certificates, including those who operate routes under contract with the state. The court stated that, concerning CGS §§ 13b-34 and 13b-80, “[n]either statute exempts any person from the certificate requirement (*DATTCO, Inc. v. DOT*, 2019 WL 1386346 (Feb. 11, 2019)).

### ***Alternative Delivery Methods***

By law, the DOT commissioner may designate certain projects to be built using alternatives to the traditional “design-bid-build” construction process, specifically, the “construction manager at risk” (CMAR) with a guaranteed maximum price and “design-build” processes.

“Design-bid-build,” “construction-manager-at-risk,” and “design-build” use different approaches to design and build construction projects. The methods differ chiefly in how they assign responsibility for design and construction services, as follows:

1. In design-bid-build, the most traditional method, the owner has separate contracts with the designer and the builder, and the project design is completed before bids are solicited for a construction contract.
2. In CMAR, the owner generally contracts with a single construction manager, who works with the designer and then provides labor, materials, and project management during construction. The CMAR method typically guarantees the maximum cost of the work.

- 3. In the design-build approach, the owner contracts with a single entity that both designs and builds the project.

**Manual on Uniform Traffic Control Devices (MUTCD)**

The MUTCD is a handbook published by the Federal Highway Administration that specifies standards and guidance for the design, installation, and use of traffic control devices (e.g., signs, traffic signals, and road markings). Federal regulations make the MUTCD the national standard for all traffic control devices installed on any street, highway, or bicycle trail open for public travel. The regulations also require state regulations and manuals on traffic control devices to substantially conform to the MUTCD and give states two years to adopt changes to the MUTCD (23 C.F.R. § 655.603).

Connecticut has incorporated the MUTCD into its traffic control device regulations by reference (e.g., Conn. Agencies Regs. § 14-298-500).

**Tourist Attraction Guide Sign Program for Limited Access Highways**

DOT currently administers a program that allows qualifying attractions to be included on an “attractions” sign near highway exits. Qualifying attractions are those (1) with a primary purpose of satisfying the needs of visitors from outside the immediate area for recreational, educational, scientific, environmental, natural, cultural, historical, or entertainment activities and (2) meeting other designated criteria (e.g., operating hours). This program is administered separately from the Specific Information Signs program.

**COMMITTEE ACTION**

Transportation Committee

Joint Favorable Substitute  
Yea 33 Nay 2 (03/24/2021)