



Substitute House Bill No. 5455

Public Act No. 10-159

AN ACT CONCERNING THE MASTER TRANSPORTATION PLAN, THE FACILITIES ASSESSMENT REPORT, THE CONNECTICUT PILOT AND MARITIME COMMISSIONS, A REVIEW OF THE STATE TRAFFIC COMMISSION AND CHANGES TO THE STAMFORD TRANSPORTATION CENTER, AND REQUIRING NEW CROSSWALKS TO PROVIDE TIME FOR THE SAFE CROSSING OF PEDESTRIANS.

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

Section 1. Section 13b-15 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The commissioner shall develop and revise biennially a comprehensive, [long-range,] master transportation plan designed to fulfill the present and future needs of the state and to assure the development and maintenance of an adequate, safe and efficient transportation system. In developing the plan, the commissioner shall [investigate and study all existing transportation facilities and services in the state and shall examine the feasibility of planning a long-term commercial transportation system, with the goal of coordinating all transportation services, including airports, seaports, rail, freight and transit systems] consider the department's statutory responsibilities, the guiding principles and transportation strategies adopted by the Governor and the General Assembly, the state conservation and

Substitute House Bill No. 5455

development plan adopted by the General Assembly pursuant to chapter 297, the federally mandated factors specified in the current federal surface transportation authorization legislation, and the department's assessment of existing transportation facilities carried out under section 13b-16, as amended by this act. The commissioner shall also give [particular] consideration to: [reports] (1) Reports and studies [prepared under the auspices of the Connecticut interregional planning program] relating to the planning and development of the state; [and] (2) any existing reports, surveys, plans or studies relating to transportation prepared for or by any agency, board or commission of the state; and (3) regional long-range transportation plans prepared by regional planning organizations in this state.

(b) In such master transportation plan the commissioner shall: (1) Set forth the commissioner's recommendations for planning, engineering, acquisition of rights-of-way, construction and reconstruction and rehabilitation and modernization of transportation facilities; (2) consider, among other things, federal air quality standards, conservation and cost of energy supplies, present and projected travel volumes, reduction in travel volumes due to the implementation of transportation management programs, safety, maintenance costs and other sufficiency factors where appropriate, as well as long-range land use, environmental impact, energy impact and economic development patterns of the state; (3) indicate the order of priority of need for improvements within each mode of transportation, according to the commissioner's judgment; and (4) indicate the priorities for the next [two and five-year periods] five-year period, both by need and by fiscal capability, [in the area of public transportation] for each mode of transportation. The indication of such priorities [for public transportation] shall include an individual accounting of the amount and source of all funding for each potential program and an approximate timetable, including the starting and completion dates for each potential program.

Substitute House Bill No. 5455

(c) The commissioner shall, relative to the [Transportation Equity Act for the 21st Century] current federal surface transportation authorization legislation: (1) Identify the funds to be received annually in the [following categories: Interstate construction, interstate maintenance, national highway system, bridge, surface transportation program, interstate transfer, congestion mitigation and air quality, metropolitan planning, special projects and any other category designation under the act] federal program funding categories; (2) identify the projects to be funded annually through each funding category; (3) identify the projects to be funded annually through each category continued or established by such legislation, as a result of the change in formulas and new flexibility allowed under the [Transportation Equity Act for the 21st Century] current federal surface transportation authorization legislation; (4) identify which projects will require the expenditure of state funds to leverage federal funds; (5) identify the amount and percentage of state funds that must be expended for each project in order to leverage federal funds; (6) identify the amount of federal funds that may be expended annually to repair local bridges identified as being in poor condition; (7) identify the economic impact of the federal funds allocated to the state in terms of job creation or retention; (8) identify the mass transit projects to be funded; and (9) identify the manner in which the department intends to comply with the requirements of the Clean Air Act, as amended by P.L. 101-549, and how the department intends to expend any funds allocated to the department to achieve the goals of the act. [; and (10) identify with specificity the expenditures to be made from funds received in the congestion mitigation and air quality grant in relation to the needs identified by employers in their compliance plans submitted pursuant to substitute house bill 5659 of the February, 1992, regular session.]

(d) In such plan the commissioner shall identify the amount of funds and projects to be undertaken pursuant to the Americans with

Substitute House Bill No. 5455

Disabilities Act of 1990.

(e) The plan shall be completed and submitted biennially to the Governor on or before January thirty-first of each odd-numbered year. The commissioner shall, biennially, on or before January thirty-first of each odd-numbered year, notify all members of the General Assembly of the availability of the plan. The commissioner shall send a written copy or electronic storage media of the plan to any member requesting the plan.

(f) In developing and revising the plan, the commissioner may: (1) Conduct public hearings; (2) consult and cooperate with officials and representatives of the federal government, neighboring states, interstate commissions and authorities, local agencies and authorities, interested corporations and other organizations concerning problems affecting transportation in the state; (3) request and receive from any agency or other unit of the government of the state or of any political subdivision of the state, or from any public authority, such assistance and data as may be necessary to enable the commissioner to carry out the commissioner's responsibilities under this section; (4) to the extent the commissioner may deem appropriate, make use of, and incorporate in the plan, any existing long-range transportation plan, survey or report developed by any public or private agency or person; and (5) employ consultants.

(g) Copies of the plan, as revised, shall be kept on file as a public record in the office of the commissioner.

Sec. 2. Section 13b-16 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) On or before September first [annually] in the even-numbered year of each biennium, the commissioner shall conduct and complete an [investigation and study] assessment of the several modes of

Substitute House Bill No. 5455

transportation in the state, in which the commissioner shall evaluate the adequacy of the facilities and services connected with each such mode and shall determine the needs of the state transportation system. The commissioner shall [consult with the Connecticut Public Transportation Commission which shall advise the commissioner in matters pertaining to rail and motor carrier facilities and services] consider the plans and recommendations prepared by the various boards, councils and commissions that have statutory responsibilities pertaining to the various modes of transportation in Connecticut. The commissioner shall also consider reports, studies, findings and recommendations presented in reports, plans, surveys, and studies relating to transportation prepared for or by any state agency or for or by the state's regional planning organizations. The [studies] assessment shall be used in the biennial revision of the department's comprehensive [long-range] master transportation plan.

(b) The commissioner may engage in experimental projects relating to any available or future mode of transportation, including but not limited to, high speed rail service, the development of heliports and any means of improving existing transportation facilities and services. The commissioner may be assisted by the [commission] boards, councils, commissions, state agencies and regional planning organizations referred to in subsection (a) of this section, in connection with any such project.

Sec. 3. Subsections (a) and (b) of section 15-13c of the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) There is created within the Department of Transportation, for administrative purposes only, the Connecticut Pilot Commission to assist and advise the Commissioner of Transportation on matters relating to the licensure of pilots, the safe conduct of vessels and the protection of the ports and waters of the state, including the waters of

Substitute House Bill No. 5455

Long Island Sound.

(b) The commission shall consist of nine members, one of whom shall be the Commissioner of Transportation or the commissioner's designee and one of whom shall be an active licensed pilot in this state operating on the Connecticut side of the rotation system for the assignment of pilots. The pilot member shall be designated by a simple majority vote of pilots operating on the Connecticut side of the rotation system for the assignment of pilots. The remaining seven members shall be appointed as follows: The Governor shall appoint one member representing a maritime-related industry, which industry shall not include a recreational industry; the president pro tempore of the Senate shall appoint one member representing the public with an interest in the environment who does not have an economic interest in the subject matters of the commission; the majority leader of the Senate shall appoint one member representing the public with an interest in the environment who does not have an economic interest in the subject matters of the commission; the minority leader of the Senate shall appoint one member who shall be a retired ship's master or captain; the speaker of the House of Representatives shall appoint one member representing a maritime-related industry, which industry shall not include a recreational industry; the majority leader of the House of Representatives shall appoint one member representing a maritime-related industry from a shipping agent perspective; the minority leader of the House of Representatives shall appoint one member with an expertise in the area of admiralty law. Each member shall be a resident of the state, provided no member shall be an active licensed pilot, except the one active Connecticut licensed pilot operating in and designated by a simple majority of pilots operating on the Connecticut side of the rotation system for the assignment of pilots. Members shall [be reimbursed for necessary expenses incurred in the performance of their duties] receive no compensation for the performance of their duties.

Substitute House Bill No. 5455

Sec. 4. Subsections (a) to (c), inclusive, of section 13b-51a of the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) There shall be in the Department of Transportation a Connecticut Maritime Commission which shall consist of fifteen members, as follows: (1) The Commissioners of Transportation, Economic and Community Development and Environmental Protection, the Secretary of the Office of Policy and Management and the chairman of the Transportation Strategy Board, established pursuant to section 13b-57e, or their respective designees; (2) four members appointed by the Governor; and (3) one member each appointed by the president pro tempore of the Senate, the speaker of the House of Representatives, the majority leader of the Senate, the minority leader of the Senate, the majority leader of the House of Representatives and the minority leader of the House of Representatives. All appointed members shall serve for terms coterminous with their appointing authority and until their successor is appointed and has qualified. Vacancies on said commission shall be filled for the remainder of the term in the same manner as original appointments.

(b) Appointed members of the commission shall be qualified by experience or training and shall include members of the public and (1) a representative of business and industry that is a regular user of Connecticut port freight services; (2) a member or employee of a local port authority; (3) a Connecticut port operator; (4) an operator of a marine passenger service; (5) an elected or appointed official from a coastal community; (6) a user or provider of recreational maritime services; and (7) a working member of a port labor union.

(c) The chairman shall be selected by the Governor from among the appointed members of the commission. The members shall annually elect one of their numbers as secretary. The commission may elect such other officers as it deems proper. Members shall receive no

Substitute House Bill No. 5455

compensation for the performance of their duties. [, but shall be reimbursed for necessary expenses incurred in the performance thereof.]

Sec. 5. Section 13b-51b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

There shall be, within the Department of Transportation, a State Maritime Office which shall: (1) Be responsible for maritime operations, including the State Pier in New London, the Connecticut River ferries and such other operational responsibilities as shall be assigned to it; (2) serve as the Governor's principal maritime policy advisor; (3) serve as the liaison between the state and federal, local and private entities involved in maritime policy activities; (4) coordinate the state's maritime policy activities; (5) encourage year-round use of water-related industries; (6) work with the Department of Economic and Community Development and other state, local and private entities to maximize the economic potential of Connecticut's ports and other maritime resources; (7) conduct necessary research and planning activities; (8) assess potential state investments in ports and other maritime facilities; (9) provide staff support to the Connecticut Maritime Commission, created in section 13b-51a, as amended by this act; (10) provide staff support to the Connecticut Pilot Commission created by section 15-13c, as amended by this act; and [(10)] (11) undertake such other responsibilities as may be assigned to it by the commissioner or the Governor.

Sec. 6. (*Effective from passage*) The Department of Transportation shall review the procedures of the State Traffic Commission, and shall prepare a statistical analysis of the average length of time required from the date an application is submitted to the commission to the date of issuance by the commission of an approval or denial of such application, including the number and date of applications that are withdrawn. The department shall also develop a plan to improve the

Substitute House Bill No. 5455

timeliness of the commission's permit application and decision process. The plan shall clarify and justify any new requirements imposed by the commission on permit applicants, and shall include provisions to promote an environment of fairness for applicants. The department shall submit a report of the review and the permit application plan to the joint standing committee of the General Assembly having cognizance of matters relating to the State Traffic Commission not later than December 31, 2010.

Sec. 7. Section 57 of public act 09-186 is repealed and the following is substituted in lieu thereof (*Effective from passage*):

[The overpass bridge of] Bridge number 00060 on East Avenue in Norwalk overpassing Interstate 95 [in East Norwalk] shall be designated the "Donald F. Reid Memorial Bridge".

Sec. 8. (*Effective from passage*) Not later than June 30, 2011, the Department of Transportation shall remove sand and debris deposited by highway storm drains into the pond located at 245 Wolcott Road, Wolcott, adjacent to Route 69.

Sec. 9. Section 14-300 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

(a) The traffic authority shall have power to designate, by appropriate official traffic control devices, as defined in section 14-297, or markers, or by lines upon the surface of the highway, such crosswalks and intersections as, in its opinion, constitute [an especial] a danger to pedestrians crossing the highway including, but not limited to, specially marked crosswalks in the vicinity of schools, which crosswalks shall have distinctive markings, in accordance with the regulations of the State Traffic Commission, to denote use of such crosswalks by school children; and may maintain suitable signs located at intervals along highways, particularly where there are no sidewalks,

Substitute House Bill No. 5455

directing pedestrians to walk facing vehicular traffic.

(b) At any intersection where special pedestrian-control signals bearing the words "Walk" or "Don't Walk" are placed, pedestrians may cross the highway only as indicated by the signal. At any intersection where traffic is controlled by other traffic control signals or by police officers, pedestrians shall not cross the highway against a red or "Stop" signal and shall not cross at any place not a marked or unmarked crosswalk. A pedestrian started or starting across the highway on a "Walk" signal or on any such crosswalk on a green or "Go" signal shall have the right-of-way over all vehicles, including those making turns, until such pedestrian has reached the opposite curb or safety zone.

(c) Except as provided in subsection (c) of section 14-300c, at any crosswalk marked as provided in subsection (a) of this section or any unmarked crosswalk, provided such crosswalks are not controlled by police officers or traffic control signals, each operator of a vehicle shall grant the right-of-way, and slow or stop such vehicle if necessary to so grant the right-of-way, to any pedestrian crossing the roadway within such crosswalk, provided such pedestrian steps off the curb or into the crosswalk at the entrance to a crosswalk or is within that half of the roadway upon which such operator of a vehicle is traveling, or such pedestrian steps off the curb or into the crosswalk at the entrance to a crosswalk or is crossing the roadway within such crosswalk from that half of the roadway upon which such operator is not traveling. No operator of a vehicle approaching from the rear shall overtake and pass any vehicle, the operator of which has stopped at any crosswalk marked as provided in subsection (a) of this section or any unmarked crosswalk to permit a pedestrian to cross the roadway. The operator of any vehicle crossing a sidewalk shall yield the right-of-way to each pedestrian and all other traffic upon such sidewalk.

(d) The operator of a motor vehicle who approaches or comes into the immediate vicinity of a pedestrian who is blind, as defined in

Substitute House Bill No. 5455

subsection (a) of section 1-1f, carrying a white cane or a white cane tipped with red, or a pedestrian being guided by a guide dog, shall reduce speed or stop, if necessary, to yield the right-of-way to such pedestrian. No person, except one who is blind, shall carry or use on any street or highway, or in any other public place, a cane or walking stick which is white in color or white, tipped with red.

(e) Any crosswalk designated by a traffic authority on or after October 1, 2010, pursuant to subsection (a) of this section shall be required by such authority to have markings, signage, or any control signals deemed necessary by such authority to provide sufficient time for the safe crossing of pedestrians.

~~[(e)]~~ (f) The operator of any motor vehicle who violates this section shall be deemed to have committed an infraction and be fined ninety dollars.

~~[(f)]~~ (g) In any civil action arising under subsection (c) or (d) of this section or sections 14-300b to 14-300d, inclusive, the doctrine of negligence per se shall not apply.

Sec. 10. Subsection (b) of section 70 of public act 07-7 of the June special session is amended to read as follows (*Effective from passage*):

(b) The proceeds of the sale of said bonds to the extent hereinafter stated, shall be used for the purpose of payment of the transportation costs, as defined in subdivision (6) of section 13b-75 of the general statutes, with respect to the projects and uses hereinafter described, which projects and uses are hereby found and determined to be in furtherance of one or more of the authorized purposes for the issuance of special tax obligation bonds set forth in section 13b-74 of the general statutes. Any proceeds of the bonds shall be used by the Department of Transportation for the purpose of [constructing a] repairing, reconstructing or expanding the parking garage at the Stamford

Substitute House Bill No. 5455

Transportation Center, including [rights-of-way,] alternative temporary parking necessary during the repair, reconstruction or expansion of said parking garage. [, other property acquisition and related projects.]

Vetoed June 4, 2010