



General Assembly

Substitute Bill No. 423

January Session, 2019



**AN ACT CONCERNING FUNDING FOR CONNECTICUT'S
TRANSPORTATION FUTURE.**

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

1 Section 1. (NEW) (*Effective from passage*) (a) There is established an
2 account to be known as the "Transportation Priority Projects account"
3 which shall be a separate, nonlapsing account within the Special
4 Transportation Fund, established pursuant to section 13b-68 of the
5 general statutes and maintained pursuant to article thirty-second of the
6 amendments to the Constitution of the state. The account shall contain
7 any moneys required by law to be deposited into the account. Moneys
8 in the account shall be expended by the Commissioner of
9 Transportation, with the approval of the Secretary of the Office of
10 Policy and Management, for the payment of any and all capital costs
11 incurred in furtherance of the purposes set forth in subsection (b) of
12 section 13b-74 of the general statutes with regard to the projects
13 described in subsection (b) of this section, provided such expenditures
14 are an eligible use of toll revenue pursuant to the provisions of 23 USC
15 129(a)(3), as amended from time to time.

16 (b) The funds in the Transportation Priority Projects account shall be
17 expended for the following projects:

18 (1) Operational improvements to Interstate Route 95;

19 (2) Replacement of the viaduct on Interstate Route 84 in the town of
20 Hartford;

21 (3) Improvements to exits 3 to 8, inclusive, on Interstate Route 84 in
22 the town of Danbury;

23 (4) Improvements to the mixmaster on Interstate Route 84 in the
24 town of Waterbury;

25 (5) Operational improvements to the interchange between Interstate
26 Route 84 and Interstate Route 91;

27 (6) Replacement of movable bridges on the New Haven Line;

28 (7) Rail car procurements;

29 (8) Improvements to the Hartford Line;

30 (9) Improvements to the New Haven Line, including, but not
31 limited to: (A) Expanding the Danbury branch to include the town of
32 New Milford, (B) increasing the number of trains and frequency of
33 service on the Waterbury branch and expanding such branch to
34 include the towns of Seymour, Shelton and Derby, (C) adding a roof or
35 canopy covering at the Talmadge Hill commuter rail station in the
36 town of New Canaan to protect commuters from rain and snow, (D)
37 adding a passing siding at the New Canaan commuter rail station in
38 the town of New Canaan, (E) expanding the northbound side of the
39 parking lot and the train platforms at the Stratford commuter rail
40 station in the town of Stratford, and (F) improving parking and rail
41 structures;

42 (10) Removal of the traffic signal from Connecticut Route 9;

43 (11) Operational improvements to the interchange between
44 Connecticut Route 7 and Connecticut Route 15;

45 (12) Improvements to Heroes Tunnel in the town of New Haven;

46 (13) Operational improvements to the interchange between
47 Interstate Route 91, Interstate Route 691 and Connecticut Route 15;

48 (14) Improvements to the rail yards in the towns of New Haven and
49 Stamford;

50 (15) A new commuter rail station in the town of Newington and on
51 New Park Avenue in the town of West Hartford; and

52 (16) Replacement of the Gold Star Memorial Bridge in the town of
53 New London.

54 (c) At the end of each fiscal year commencing with the fiscal year
55 ending June 30, 2023, and each fiscal year thereafter, the Comptroller
56 shall transfer any unappropriated surplus in the Special
57 Transportation Fund in excess of five per cent of total expenditures for
58 the most recently completed fiscal year to the Transportation Priority
59 Projects account within said fund.

60 Sec. 2. (NEW) (*Effective from passage*) As used in this section and
61 sections 3 to 8, inclusive, of this act:

62 (1) "Electronic tolling system" means an electronic system for
63 recording, monitoring, collecting and paying for tolls on the highways
64 of this state, including, but not limited to, video toll transaction
65 systems, transponders or other electronic transaction or payment
66 technology or devices;

67 (2) "Department" means the Department of Transportation; and

68 (3) "Toll operator" means a private entity that operates an electronic
69 tolling system pursuant to an agreement with the department and
70 whose duties may include, but need not be limited to, collecting tolls,
71 administrative charges and penalties.

72 Sec. 3. (NEW) (*Effective from passage*) (a) The department may
73 construct, maintain and operate electronic tolling systems on Interstate
74 Route 84, Interstate Route 91, Interstate Route 95 and portions of
75 Connecticut Route 15. The department may enter into an agreement
76 with a toll operator to operate such systems.

77 (b) To carry out its duties and responsibilities under this section and
78 sections 4 to 7, inclusive, of this act, and any regulations adopted
79 under section 8 of this act, the department may enter into tolling
80 agreements with the Federal Highway Administration and
81 coordination agreements, intergovernmental agreements or other
82 implementation agreements with any other federal, state or municipal
83 entity or agency.

84 (c) The department may procure, retain and expend funds for
85 technical, traffic, revenue and financial consultants, attorneys and
86 other consultants and experts to assist in the development,
87 implementation, maintenance and operation of electronic tolling
88 systems.

89 (d) The department may procure, retain and expend funds for toll
90 operators, vendors, suppliers, designers, engineers, software
91 designers, installers, contractors, maintenance personnel, customer
92 service personnel and other equipment, materials, personnel and
93 services for the development, implementation, maintenance and
94 operation of electronic tolling systems and for the collection and
95 enforcement of tolls.

96 (e) (1) The department and the Department of Motor Vehicles, either
97 jointly or separately, may enter into reciprocal agreements with other
98 states, jurisdictions and operators of toll facilities in other states to
99 obtain and share any toll operator information regarding an out-of-
100 state registered owner of a vehicle that has used a tolled highway,
101 including the make of the motor vehicle, the motor vehicle's number
102 plate and the name and address of the registered owner of the motor
103 vehicle.

104 (2) The department and the Department of Motor Vehicles may
105 enter into, or authorize a toll operator on behalf of the departments to
106 enter into, reciprocal agreements with other states, jurisdictions and
107 operators of toll facilities in other states for the efficient collection of
108 tolls incurred by residents of states other than this state.

109 Sec. 4. (NEW) (*Effective from passage*) (a) The department may charge,
110 collect, retain, fix and change the toll rates for transit over or use of any
111 tolled highways, except the department shall not increase the toll rates
112 for ten years after the commencement of an electronic tolling system
113 on any highway.

114 (b) Subject to the limitations of subsection (a) of this section, toll
115 rates shall be fixed and changed by the department, so as to provide, at
116 a minimum, funding that is sufficient to: (1) Pay costs related to tolled
117 highways in this state, including, but not limited to, the cost of
118 owning, maintaining, repairing, reconstructing, improving,
119 rehabilitating, using, administering, controlling and operating such
120 highways; (2) pay the principal of, redemption premium, if any, and
121 interest on notes or bonds relating to tolled highways, as such
122 principal, premium or interest become due and payable; and (3) create
123 and maintain reserves established for any of the department's highway
124 and bridge responsibilities under titles 13a and 13b of the general
125 statutes for the operation and maintenance of tolled highways. Such
126 sufficiency of funding may take into account the availability of funds
127 from other sources.

128 (c) Prior to commencing construction of an electronic tolling system
129 on any highway of this state, the department shall hold at least one
130 public informational meeting in the general vicinity of each proposed
131 toll corridor.

132 (d) The department shall place and maintain signs in advance of any
133 tolled highway to notify motor vehicle operators (1) that a toll will be
134 charged on such highway, and (2) how to pay such toll.

135 (e) Upon presentation of a transponder or similar device issued by
136 the department or a toll operator, the operator of any of the following
137 vehicles may use tolled highways without paying tolls while in the
138 performance of his or her official duties: (1) A motor vehicle leased or
139 owned by the state, (2) a motor vehicle used by a sworn member of the
140 Division of State Police within the Department of Emergency Services

141 and Public Protection, (3) a fire department vehicle, (4) an ambulance
142 or motor vehicle operated by a member of an emergency medical
143 service organization, and (5) a motor vehicle used to provide public
144 transit services.

145 (f) All revenues received by the department from tolls and the
146 imposition of civil penalties associated with toll nonpayment, toll
147 evasion or other toll-related violations shall be deposited into the
148 Special Transportation Fund, established pursuant to section 13b-68 of
149 the general statutes and maintained pursuant to article thirty-second of
150 the amendments to the Constitution of the state. Such revenues shall
151 be expended in accordance with the (1) provisions of 23 USC 129(a)(3),
152 as amended from time to time, including, but not limited to, the
153 payment of debt service on obligations incurred for projects on tolled
154 highways, the costs of improving, operating and maintaining tolled
155 highways and any other project eligible for federal funding under Title
156 23 of the United States Code, as amended from time to time, and (2)
157 requirements of the Value Pricing Pilot Program, established pursuant
158 to Section 1012(b) of the Intermodal Surface Transportation Efficiency
159 Act of 1991, including, but not limited to, the cost of mitigation
160 measures to address potential effects of tolled highways on low-
161 income motor vehicle operators.

162 (g) Tolls shall not be subject to and shall be exempt from taxation of
163 every kind by the state and by the municipalities and all other political
164 subdivisions or special districts having taxing powers in the state.

165 Sec. 5. (NEW) (*Effective from passage*) Any electronic tolling system
166 operated by the department or a toll operator shall be interoperable
167 with all other electronic tolling systems in this state and shall comply
168 with all state and federal interoperability requirements and standards.
169 Such tolling system interoperability shall extend to system technology
170 and the transfer of funds. The Commissioners of Transportation and
171 Motor Vehicles, in consultation with the Commissioner of
172 Administrative Services, shall ensure the coordination and
173 compatibility of information system technology and data of any

174 electronic tolling system. The provisions of chapters 58 and 61 of the
175 general statutes shall not apply to this section.

176 Sec. 6. (NEW) (*Effective from passage*) (a) Except as provided in
177 subsection (b) of this section, neither the department nor any toll
178 operator shall sell or use any toll customer information or other data
179 for commercial purposes unrelated to the charging, collection and
180 enforcement of tolls, administrative fees and penalties.

181 (b) The department may release toll customer information and other
182 data that does not directly or indirectly identify a toll customer for
183 research purposes authorized by the department.

184 (c) (1) Except as required by applicable law or in connection with an
185 administrative or court proceeding, all information that specifically
186 identifies a toll customer and relates to a specific tolling transaction
187 shall be destroyed not later than one year after the later of the tolling
188 transaction or the collection of the toll, whether through normal
189 processes or enforcement.

190 (2) Except as required by applicable law or in connection with an
191 administrative or court proceeding, all information relating to a toll
192 customer account that specifically identifies a toll customer shall be
193 destroyed not later than one year after the collection of all tolls and
194 fees incurred by such toll customer, whether through normal
195 processes, enforcement or closing of such account.

196 (d) Toll customer information and data shall not be deemed a public
197 record, as defined in section 1-200 of the general statutes.

198 (e) Toll operators shall be subject to the provisions of chapter 62a of
199 the general statutes.

200 Sec. 7. (NEW) (*Effective from passage*) (a) Any person who contests
201 the amount of a toll or an associated charge shall be afforded an
202 opportunity for a hearing with the department in accordance with the
203 provisions of chapter 54 of the general statutes.

204 (b) The department, after notice and hearing, may impose a civil
205 penalty of not more than twenty-five dollars for a first violation, not
206 more than fifty dollars for a second violation and not more than one
207 hundred dollars for a third or subsequent violation of a provision of
208 the regulations adopted pursuant to section 8 of this act on any of the
209 following persons with respect to toll nonpayment, toll evasion or
210 related fees: (1) The operator of a motor vehicle on a tolled highway;
211 (2) the registered owner of a motor vehicle operated on a tolled
212 highway, if other than the operator, if such vehicle was used or
213 operated with the express or implied permission of the registered
214 owner at the time of the tolling transaction; (3) the lessee of a motor
215 vehicle operated on a tolled highway, if other than the operator, if such
216 vehicle was used or operated with the express or implied permission
217 of the lessee at the time of the tolling transaction; and (4) the lessor of a
218 motor vehicle operated on a tolled highway.

219 (c) A copy of the motor vehicle rental agreement, lease, other
220 contract document or affidavit identifying the lessee of the motor
221 vehicle at the time of the tolling transaction shall be prima facie
222 evidence that the person named in the rental agreement, lease, other
223 contract document or affidavit was operating the motor vehicle at all
224 relevant times relating to the tolling transaction. A lessor shall
225 cooperate with the department or the toll operator, as the case may be,
226 in providing the department or toll operator any requested
227 information concerning the lessee contained in the lessor's record.

228 (d) The Department of Motor Vehicles shall provide the Department
229 of Transportation and any toll operator with the information necessary
230 to collect tolls and enforce penalties for toll nonpayment, toll evasion
231 or other toll-related violations, including, but not limited to,
232 information regarding the registered owner of a motor vehicle that was
233 operated on a tolled highway and the make of the motor vehicle, the
234 motor vehicle's number plate and the name and address of the
235 registered owner of the motor vehicle.

236 Sec. 8. (NEW) (*Effective from passage*) (a) The Commissioner of

237 Transportation shall adopt regulations, in accordance with the
238 provisions of chapter 54 of the general statutes, to implement the
239 provisions of sections 3 to 7, inclusive, of this act. Such regulations
240 may include, but need not be limited to: (1) Establishment of variable
241 toll rates that take into consideration the day of the week, level of
242 congestion or anticipated congestion; (2) establishment of different fees
243 based on the type of vehicle classification, size, weight, number of
244 axles or vehicle occupancy; (3) establishment of discounts and credits
245 to a toll customer account for persons with a transponder or similar
246 device issued by the department or a toll operator; (4) the imposition
247 of surcharges, premiums or additional fees for designated users or
248 classes of users of a tolled highway who travel on such highway
249 without a transponder or similar device issued by the department or a
250 toll operator; (5) the imposition of administrative charges and penalties
251 for the late payment of tolls and toll evasion; (6) provisions to protect
252 and appropriately limit access to toll customer information and other
253 data collected, received, maintained, archived, accessed and disclosed
254 by the department; and (7) the manner in which a transponder or
255 similar device shall be located in or on a motor vehicle entering an
256 electronic tolling system if such system uses a transponder or similar
257 device.

258 (b) The Commissioner of Motor Vehicles, in consultation with the
259 Commissioner of Transportation, shall adopt regulations, in
260 accordance with the provisions of chapter 54 of the general statutes, to
261 implement the provisions of sections 3 to 7, inclusive, of this act. Such
262 regulations shall include restrictions on issuing a registration to the
263 owner of a motor vehicle who owes tolls for transit over or use of a
264 tolled highway or owes administrative charges or penalties for the late
265 payment of tolls or toll evasion.

266 Sec. 9. (NEW) (*Effective from passage*) On August first of the next full
267 fiscal year following the collection of tolls for transit over or use of any
268 tolled highway, and annually thereafter, the Commissioner of
269 Transportation shall submit a report, in accordance with the provisions

270 of section 11-4a of the general statutes, to the joint standing committee
 271 of the General Assembly having cognizance of matters relating to
 272 transportation. Such report shall include all expenditures from the
 273 Transportation Priority Projects account, established pursuant to
 274 subsection (a) of section 1 of this act, and the status of the projects
 275 listed in subsection (b) of section 1 of this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>from passage</i>	New section
Sec. 6	<i>from passage</i>	New section
Sec. 7	<i>from passage</i>	New section
Sec. 8	<i>from passage</i>	New section
Sec. 9	<i>from passage</i>	New section

Statement of Legislative Commissioners:

In Section 1(a) and 4(f), "section 19 of article third of" was changed to "maintained pursuant to article thirty-second of the amendments to", in Section 1(a), ". Such expenditures shall be" was changed to ", provided such expenditures are" for accuracy and clarity; in Section 4(a), ". The" was changed to ", except the" for clarity; in Section 4(f), "of 1991" was inserted after "Intermodal Surface Transportation Efficiency Act" for accuracy; and in Section 9, "next" was inserted before "full" for clarity.

TRA *Joint Favorable Subst. -LCO*