

DEPARTMENT OF TRANSPORTATION

2012 General Assembly

Regular Session

Public Acts

Public Act 12-19 (H.B. 5094)

AN ACT CONCERNING THE "MOVE OVER" LAW.

Bureau: Highway Operations

PA 12-19 applies the "move over" law to two-lane highways. Current law applies to highways with three or more lanes. The "move over" law requires a motorist approaching one or more stationary emergency vehicles located on the travel lane, breakdown lane, or shoulder of a highway to (1) immediately slow to a reasonable speed below the posted speed limit and (2) move over one lane if traveling in the lane adjacent to the location of the emergency vehicle, unless this would be unreasonable or unsafe.

For these requirements to apply, the emergency vehicle must have flashing lights activated. For purposes of the "move over" law, an "emergency vehicle" includes a maintenance vehicle or wrecker or a vehicle operated by:

1. a member of an emergency medical service organization responding to an emergency call;
2. a fire department or an officer of the department responding to a fire or other emergency; or
3. a police officer.

A violation of these requirements is an infraction, unless the violation results in the injury or death of the emergency vehicle operator, in which case the fines are a maximum of \$ 2,500 and \$ 10,000, respectively.

The act also makes technical changes.

EFFECTIVE DATE: October 1, 2012

Public Act 12-68 (S.B. 62)

AN ACT CONCERNING THE CONNECTICUT PUBLIC SAFETY DATA NETWORK.

Bureau: Highway Operations

This act requires the (1) Department of Emergency Services and Public Protection (DESPP) to establish a public safety data network (PSDN) in an electronic format for exchanging information among public safety and criminal justice entities and (2) Office of State-Wide Emergency Telecommunications (OSET) to create technical and operational standards for the network's establishment.

It also requires the E 9-1-1 Commission, in consultation with the Coordinating Advisory Board, to advise the DESPP commissioner in the planning, design, implementation, coordination, and governance of the network. The commission currently plays a similar role with regard to the E 9-1-1 system.

EFFECTIVE DATE: Upon passage for the establishment of the PSDN; July 1, 2012 for the remaining provisions.

Public Act 12-70 (SB 33)

AN ACT CONCERNING DEPARTMENT OF TRANSPORTATION PROJECT DELIVERY.

Bureau: ALL

This act allows the transportation commissioner to designate certain transportation projects for an alternate project delivery method of either "Design-Build" or "Construction Manager at Risk - Guaranteed Maximum Price" and prescribes how he must do so. Currently, the only project delivery method available to ConnDOT, with the exception of work performed under Emergency Declarations, is the "Design - Bid – Build" method. The act also requires the commissioner to have DOT employees conduct development and inspection work when possible to reduce the work performed by consultants, and authorizes the state, its agencies and political subdivisions, to require a "project labor agreement" (PLA) for public works projects when they determine it is in the public's interest to do so.

BACKGROUND - In 2009, ConnDOT requested the Connecticut Academy of Science and Engineering (CASE) to study Design-Build as a potential project delivery methodology in Connecticut. The study noted that several states passed Design-Build enabling legislation for transportation projects since 2009 due to the release of federal stimulus funds and the need to construct the projects in a timely manner. As of June 2010, Connecticut remained one of only four states without enabling DB legislation for transportation projects.

In 2010, the Legislative Program Review and Investigations Committee studied ConnDOT's Project Delivery Process. The study included consideration of Creative Contracting Authority and recommended that "legislation be enacted to permit the department to use design-build and other alternative contracting approaches on a pilot basis."

Since 1990, the Federal Highway Administration (FHWA) has allowed State DOT's to evaluate non-traditional contracting techniques under a program titled "Special Experimental Project No. 14 - Innovative Contracting" (later revised from "Innovative Contracting" to "Alternate Contracting"). FHWA published a final rule in the December 10, 2002 Federal Register to implement regulations for design-build contracting as mandated by Section 1307 (c) of the Transportation Equity Act for the 21st Century (TEA-21). The regulation allows, but does not require, the use of design-build contracting procedures.

NEW PROJECT DELIVERY METHODS

Design - Build

Design - build (DB) is an alternate method of project delivery in which the design (subsequent to preliminary design) and construction phases of a project are combined into one contract, allowing for certain aspects of design and construction to run concurrently. This can provide significant time savings compared with the more traditional design-bid-build approach where the design and construction services must be undertaken in sequence.

- The Design-Bid-Build process involves three primary players and two separate sequential contracts - the owner and designer and the owner and contractor.
- The general contractor selection is based upon the price of the Lowest Qualified/Responsible Bidder utilizing the Competitive Sealed Bid Process.
- The Design-Build process consists of two primary entities with one contract involving the owner and design build entity.

The Design-Builder is based upon a Quality Based Selection to create a short list and a Best Value Selection which considers the sealed Technical Proposal and sealed Price Proposal utilizing a predetermined metric provided to proposers.

With DB project delivery, the design-builder assumes responsibility for the majority of the design work and all construction activities, together with the risks associated with these services. This provides the DB with an increased flexibility to be innovative. Along with the increased flexibility, the design-builder also assumes greater responsibility and risk. The owners of the project usually retain responsibility for financing, operating, and maintaining the project. Because both design and construction are performed under the same contract, claims for design errors or delays are significantly decreased and the potential for other types of claims are greatly reduced. From a state transportation agency perspective, the potential time savings is a significant benefit.

The successful execution of a DB contract provides several benefits, including:

- Time savings through:
 - Early contractor involvement; and
 - Elimination of a separate construction contract bid phase.

- Cost savings from:
 - Reduced construction engineering and inspection costs to the contracting agency when these quality control activities and risks are transferred to the design-builder; and
 - Fewer change and extra work orders.

- Improved quality through:
 - Greater focus on quality control and quality assurance through continuous involvement by design team throughout project development; and
 - Project innovations uniquely fashioned by project needs and contractor capabilities.

Construction Manager at Risk -- Guaranteed Maximum Price (CMR - GMP)

There are several variations of Construction Manager at Risk (Contractor at Risk, Construction Manager/General Contractor, etc.), but this proposal is to allow the Commissioner of Transportation to designate certain projects for a project delivery methodology of Construction Manager at Risk - Guaranteed Maximum Price.

CMR-GMP provides a quality based contractor as well as construction cost controls. Transportation facilities such as train stations, airport terminals, transportation maintenance facilities all offer possibilities for use of CMR-GMP.

DCS considers CMR - GMP to be the preferred project delivery method for their facilities projects which exceed \$25 million. ConnDOT envisions applications for its transportation facilities projects of such value.

The CMR process involves three primary parties - the owner, the architect and the CMR. The owner would have separate contracts with the architect and CMR. The CMR selection would be a "quality based selection" to create a short list and a "best value selection" which considers the CMR's general conditions and staff costs plus qualitative criteria. The CMR is selected during the design phase of the project and provides input during design. The CMR then selects the trade subcontractors using a low bid sealed process for each trade and the owner and CMR establish a Guaranteed Maximum Price (GMP).

It is important to note that there is no construction start until the State has accepted the GMP. The GMP is based upon the completed and fully permitted construction documents.

The Commissioner of DCS currently has authority to designate certain projects as Construction Manager at Risk - Guaranteed Maximum Price pursuant to CGS 4b – 103 and has cited the following advantages of using this project delivery method:

- Higher quality contractor participation;
- Quality based selection and best value selection processes;
- Single point of responsibility;

- CMR participates in the design effort;
- Improved schedule management;
- Open book cost accounting;
- Fiduciary responsibility to the owner; and
- Reduced construction claims.

EFFECTIVE DATE: Upon passage

Public Act 12 - 74 (S.B. 364)

AN ACT CONCERNING TRAFFIC STOP INFORMATION.

Bureau: Policy & Planning

NOTE - Public Act 12-1, Section 144 of the June Special Session further amends this act.*

PA 12-74 suspends municipal police departments' and the Department of Emergency Services and Public Protection's (which includes the State Police) duty to record and report traffic stop information on July 1, 2012. It requires them to resume recording the information starting on July 1, 2013, and annually reporting summary data starting on October 1, 2013, if new standardized methods are developed. It requires:

1. OPM, within available appropriations, to develop and implement these methods by July 1, 2013, in consultation with the (a) Racial Profiling Prohibition Project Advisory Board (created by this act) and (b) Criminal Justice Information System (CJIS) Governing Board;
2. police officers to record traffic stop information using this new method and any forms developed and implemented as part of it and give a copy of a notice to each motor vehicle operator stopped, starting July 1, 2013, if the standardized method and forms have been developed; and
3. police departments to retain the traffic stop information using the new forms beginning on July 1, 2013, and annually report the data to OPM beginning October 1, 2013, if the standardized method has been developed.

By July 1, 2013, the act requires OPM, in consultation with the advisory board, to develop and implement guidelines to train officers to complete the traffic stop forms and evaluate the information collected for counseling and officer training.

The act also requires departments to give copies of complaints regarding traffic stops and information on their review and disposition to OPM, retains the requirement of providing this information to the chief state's attorney, and eliminates the requirement to provide it to the African-American Affairs Commission (AAAC). It shifts from AAAC to OPM the responsibility to review the traffic stop data and complaints and issue annual reports with recommendations to the governor, General Assembly, and any other appropriate entity. OPM, within available appropriations, must begin issuing these annual reports by January 1, 2014.

EFFECTIVE DATE: July 1, 2012

Public Act 12 - 81 (H.B. 5164)

AN ACT CONCERNING REVISIONS TO THE MOTOR VEHICLE LAWS.

Bureau: Highway Operations; Public Transportation

PA 12-81 is the Department of Motor Vehicle's annual omnibus bill and makes a number of changes to motor vehicle laws. The act also contains several provisions related to ConnDOT statutes.

Sections 50 & 51 – TOWERS & WRECKERS

The act appears to expand the circumstances in which wreckers can exceed statutory weight limits for operation on the federal highway system in Connecticut and require the Department to establish a new permit for towers and wreckers to implement this change. It is not clear how/if the act is consistent with federal law or regulation.

EFFECTIVE DATE: Upon passage

Sections 52 - 54 – TAXICABS

The act makes several revisions to the taxicab statutes. It increases the application fee for public convenience and necessity certificates from \$88 to \$2,000, and requires new applicants to operate at least three taxis. It makes it a class A misdemeanor for anyone to (1) operate a taxi without obtaining a DOT certificate, or without obtaining authority to drive one from a certificate holder or (2) allow an unauthorized person to drive a taxi that is under his or her control.

The act also allows ConnDOT to impose a civil penalty of up to \$100 a day per violation on a taxi driver who violates laws or regulations pertaining to taxi fares, service, operation, or equipment. Current law allows imposition of this penalty on any person or an officer of any association, limited liability company, or corporation that violates these laws or regulations. It further exempts taxis from the requirement that people who transport children of certain ages and sizes in motor vehicles use child restraint systems and increases the fee to sell or transfer a certificate from \$88 to \$1,000. Finally, the act eliminates a law barring the Department from considering unregistered taxis as a reason to deny a request for additional taxis in a particular territory.

EFFECTIVE DATE: October 1, 2012, except for the provisions making certain violations a class A misdemeanor, which are effective on passage.

Section 55 – MOBILE HOME MOVEMENTS

This section allows ConnDOT to grant a permit for vehicles transporting mobile homes, modular homes, house trailers, or sectional houses and requires the Department to adopt regulations prescribing standards for these vehicles. However, the Department currently has a permit program in place for mobile home movements.

EFFECTIVE DATE: October 1, 2012

Section 57 – LANDSCAPE VEHICLES

This section repeals a law requiring vehicles used for landscaping purposes with caged trailers to display an orange triangular caution sign on the rear of the trailer.

EFFECTIVE DATE: October 1, 2012

Public Act 12-104 (H.B. 5557)

AN ACT MAKING ADJUSTMENTS TO STATE EXPENDITURES FOR THE FISCAL YEAR ENDING JUNE 30, 2013.

Bureau: ALL

This act modifies appropriations for FY 13 in seven appropriated funds. The previous appropriations were adopted in 2011 as part of the 2012-13 biennial state budget. The act increases net General Fund appropriations for FY 13 by \$187.5 million and transfers a total of \$101.1 million among FY 12 appropriations to cover deficiencies.

Section 2 of the bill adjusts amounts appropriated for the fiscal year ending June 30, 2013, in section 68 of public act 11-61 regarding the Special Transportation Fund with an overall net reduction of \$45,162,808. The act reduces the rail subsidy and reinstates the fare increase, taking into account the fare credit and hold down credit (\$506K) associated with MTA fare increase of 8.7% effective March 2013. Town aid road is eliminated and

transferred to bond funds; \$1.9 is appropriated for a "Transit Improvement Program"; and \$1.5 million is appropriated for Tweed New Haven Airport.

Section 20 reduces the required funds transfer from the General Fund to the Special Transportation Fund for FY 13 by \$70.1 million, from \$172.8 million to \$102.7 million.

Section 18 – prevents ConnDOT from increasing fares for buses or Americans with Disabilities Act (ADA) paratransit services between January 1 and December 31, 2013.

EFFECTIVE DATE: July 1, 2012.

Public Act 12 - 132 (H.B. 5170)

AN ACT STREAMLINING TRAFFIC SAFETY EVALUATIONS.

Bureau: ALL

PA 12 – 132 is a Department proposal that builds upon the administrative changes made to the State Traffic Commission (STC) process following a LEAN review. In an effort to further expedite STC approval of regulatory items currently requiring formal STC action, the following reforms/changes were recommended by ConnDOT and included in PA 12 -132:

- Eliminates the State Traffic Commission (STC) concept and replaces it with the Office of the State Traffic Administration (OSTA).
- All duties and powers of the former commission would be transferred to the OSTA.
- Routine regulatory items that were formerly acted on by the STC at one of its regularly scheduled monthly meetings can now be acted on by the OSTA immediately upon completion of departmental review; instead of waiting until an STC meeting.
- Provides the Office of the State Traffic Administration the authority to approve the issuance of certificates for major traffic generators that were formerly acted on by the STC at one of its regularly scheduled monthly meetings. Such approvals can now be acted on by the OSTA upon completion of departmental review. Removal of 120 day clock language to eliminate the conflict with 60 day clock imposed by Public Act 11-1 was inadvertently not shown in the raised bill but needs to be included (see attached).
- For new developments, the OSTA will require a pre-application meeting with Department of Transportation (Department) staff, the property owners/developers, and their engineers in an effort to refine and abbreviate the information necessary for the certificate application review.
- Existing statutory language allows Commissioner of Transportation to authorize the establishment of a private rail crossing but only after imposing specific requirements for the protection of persons using the crossing. Traffic control devices or traffic control measures are currently prescribed by the Commissioner of Transportation under the rail regulatory docket process and are integral in deciding if the crossing should be allowed. Requiring an additional approval of such devices or measures by the STC is therefore redundant.

Several other provisions were added to the act in the final days of the legislative session. The act also requires ConnDOT and Metro North to provide automated renewal of monthly student passes (sec. 50), adds certain snowplows to those vehicles that cannot operate on state roads or bridges without a written DOT permit (sec. 49), and eliminates a provision in section 51 of PA 12-81 setting permit fees for certain types of wreckers and towers (sec. 51).

EFFECTIVE DATE: July 1, 2012, except the provisions affecting Metro North student passes, snowplows, and wreckers are effective on passage.

Public Act 12 - 138 (H.B. 5467)

AN ACT CREATING A WORKFORCE TO MAKE IMPROVEMENTS AROUND CONNECTICUT'S PUBLIC AIRPORTS.

Bureau: Aviation & Ports

PA 12-138 provides another way for the state to preserve state-licensed, privately owned airports with paved runways and at least 5,000 take offs and landings per year. It allows the state to undertake noise mitigation programs as part of its efforts to preserve privately owned airports. It (1) authorizes the state to establish such programs in neighborhoods surrounding the airports where noise levels exceed applicable FAA standards, (2) requires the programs to be funded with available federal dollars, and (3) allows them to be combined with existing energy conservation programs.

As part of the noise mitigation initiative, the act requires the DOT to contract with veterans who served during wars to perform a portion of the work. It specifically requires DOT to set aside, in consultation with the Labor and Veterans Affairs departments, at least 30% of the noise mitigation program's projects or contracts for such veterans.

DOT can award the contracts to the veterans directly or to businesses that employ them. In either case, a veteran must have served in a time of war for (1) at least 90 days or (2) the entire war if it lasted less than 90 days. Veterans who served for shorter time periods qualify only if they were separated from service because of a service-connected disability. They also must have been certified in weatherization and insulation techniques through a training program funded under the federal American Recovery and Reinvestment Act of 2009.

Existing law already allows the state to preserve privately owned airports by (1) exercising its right of first refusal to purchase, for fair market value, any airport solely to preserve it if threatened with sale or closure; (2) acquiring, through ConnDOT, an airport's development rights for fair market value as long as the airport remains open to the public; (3) funding 90% of eligible capital improvements at private airports, as determined by the transportation commissioner; and (4) establishing an airport zoning category for FAA-defined "imaginary surfaces," which are areas that extend upward and outward from runways where obstructions deemed hazardous to navigation are prohibited. Proposed developments within these imaginary surface areas must comply with FAA notice requirements and obstruction standards (14 CFR Part 77). The act eliminates a redundant provision stating the federal requirement.

EFFECTIVE DATE: July 1, 2012

Public Act 12 - 143 (H.B. 5496)

AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE REQUIRING COMMITTEES OF COGNIZANCE TO CONDUCT REVIEWS UNDER THE SUNSET LAW.

Bureau: ALL

Under the current sunset law, numerous licensing and regulatory state agencies and programs terminate on set dates unless the General Assembly reestablishes them after the Legislative Program Review and Investigations Committee (PRI) conducts a performance audit of each.

This act eliminates the automatic termination dates and instead establishes staggered review dates beginning no later than July 1, 2014. It transfers, from PRI to the applicable joint standing committee of the General Assembly with cognizance, responsibility for reviewing the entities and programs. Under the act, the applicable committee of cognizance, rather than PRI, must (1) review the public need for each specified entity or program according to established criteria; (2) hold a public hearing during the regular legislative session in the year that the program or

entity is scheduled for termination; and (3) report to the General Assembly its recommendations for terminating, reestablishing, modifying, or consolidating them.

EFFECTIVE DATE: July 1, 2012

Public Act 12 – 148 (S.B. 23)

AN ACT ENHANCING EMERGENCY PREPAREDNESS AND RESPONSE.

Bureau: Engineering & Construction; Highway Operations

In response to the October 2011 storm, PA 12-148 requires the Public Utilities Regulatory Authority (PURA) to initiate a proceeding to (1) review electric and gas company emergency preparation and service restoration practices, infrastructure adequacy, and coordination efforts; (2) identify the most cost-effective levels of electric company tree trimming and system hardening needed to achieve maximum system reliability and minimize outages; and (3) establish electric and gas company emergency performance standards.

Of interest to ConnDOT, and consistent with current Department practices, section 10 of the act requires the Department (and municipalities) to notify PURA of pending road project five miles or longer or located within a commercial area to coordinate with public utility work. Section 11 requires the Department of Energy and Environmental Protection (DEEP), in consultation with ConnDOT, utility companies, the Department of Emergency Services and Public Protection (DESPP), and an association of municipalities, to develop a procedure for expedited road clearing for public safety personnel after an emergency by January 1, 2013

The act further requires PURA to review the companies' performance after an emergency and issue orders to enforce the standards. It also allows PURA to issue civil penalties for violations. The companies must also submit annual reports on their performance during emergencies.

It increases the frequency with which private and municipal utility companies must file emergency service restoration plans; requires cell phone service providers to report on the backup power generation capabilities of their cell towers; and expands the scope of the state's civil preparedness and training requirements by requiring all private utility companies, including electric, gas, telephone, water, and cable TV companies, to comply with the state's comprehensive civil preparedness plan.

Section 2 of the act also requires all state departments, offices, and agencies to participate in civil preparedness planning, training, and exercises when directed to do so by the DESPP commissioner.

EFFECTIVE DATE: Upon passage, except for the provisions regarding civil preparedness planning and training, which are effective July 1, 2012.

Public Act 12 - 178 (H.B. 5553)

AN ACT CONCERNING SUBSTANCE ABUSE PROGRAMS.

Bureau: Policy & Planning

PA 12-178 makes a number of changes to the DUI laws and substance abuse programs that prevents the transfer of National Highway System, and Interstate Maintenance funds into the 402 Highway Safety Program and/or the Hazard Elimination Program. Last year, the legislature made changes to the DUI laws that, in turn, made Connecticut "non-compliant" with the requirements of the Section 164 program, 23 U.S.C. § 164, and its implementing regulations, 23 CFR Part 1275.

After a second DUI conviction, the law requires an offender to operate a motor vehicle with an ignition interlock for three years after his or her license suspension period ends. The act additionally limits driving during the first year with the interlock after license restoration to driving to or from work or school, an alcohol or drug abuse treatment program, or ignition interlock service center. The commissioner must note this restriction on the driver's electronic records, as she does for current ignition interlock requirements.

For a third or subsequent DUI conviction, the law requires an offender's license to be permanently revoked, but he or she can request a reversal or reduction. The act reduces the period the offender must wait before requesting a restoration hearing from six to two years. If his or her license is restored, the act requires use of an ignition interlock device as long as he or she drives a vehicle, instead of only for 10 years after license restoration. But the act allows the person to request a hearing on removing the ignition interlock after 15 years of use and allows the commissioner to authorize removal if she finds good cause after the hearing.

By law, the DMV commissioner can extend periods of required ignition interlock device use beyond those required in the statute under regulations she adopts (CGS § 14-227a(i)(10)).

For use of an ignition interlock device after a first or second DUI conviction, the act requires the offender to verify to the commissioner, in a way the commissioner requires, that the device is installed. Prior law specified that the commissioner did not have to verify installation.

Public Act 12 - 185 (H.B. 5521)

AN ACT CONCERNING A STUDY OF ELECTRONIC OR DIGITAL METHODS OF COMMUNICATION IN LIEU OF MAILED COMMUNICATIONS.

Bureau: Finance & Administration

This act specifies that "electronic mail" as used in the general statutes and public acts includes an electronic delivery service that (1) delivers communications to their intended recipients by matching an e-mail address to a person's U. S. Postal Service physical address and (2) uses security methods such as passwords or encryption.

The act expands two definitions under the Connecticut Uniform Electronic Transactions Act (CUETA) to accommodate this change (see BACKGROUND). It specifies that (1) an "electronic record" may be sent, received, or stored through an electronic delivery service that uses a security procedure, among other means, and (2) a "security procedure" includes matching an e-mail address to a person's U. S. Postal Service physical address, among other verification methods.

The act also requires executive branch agencies to (1) review their existing policies concerning the mailing of all agency documents to their clients and (2) use electronic correspondence when they deem it appropriate and not in conflict with the law. Prior law required them to do this for notifications only.

Lastly, the act eliminates a provision allowing state agencies to request that their legislative committees of cognizance introduce legislation providing for the electronic transmission of correspondence that the law requires be sent by first class mail. However, nothing in the law prohibits agencies from making such requests.

EFFECTIVE DATE: October 1, 2012

Public Act 12 – 189 (S.B. 25)

AN ACT AUTHORIZING AND ADJUSTING BONDS OF THE STATE FOR CAPITAL IMPROVEMENTS, TRANSPORTATION AND OTHER PURPOSES.

Bureau: ALL

PA 12-189 adjusts last year's bond authorizations. For the fiscal year 2012 it authorizes \$621.1 million in new General Obligation (GO) bonds, cancels \$22.3 million in GO bonds; authorizes \$120 million in new Special Tax Obligation (STO) bonds, and (4) it makes a variety of language changes to existing bond authorizations.

Section 33 increases last year's bond authorization of \$33M for State bridge improvement, rehabilitation and replacement projects by another \$90M for a total of \$123M.

Section 38 amends the Manufacturing Assistance Act administered by DECD to increase funding from \$2M to \$4M to be used for the purpose of a grant to companies adversely impacted by the construction at the Quinnipiac Bridge.

Section 46 contains new language that codifies the process for using federal, private or other money received for bond-funded projects. The language was formerly included in each bond act but will no longer be needed because it will appear in statute.

Section 47 authorizes \$30M in STO bond authorizations for the Town Aid Road Program.

EFFECTIVE DATE: July 1, 2012

Public Act 12 - 205 (S.B. 339)

AN ACT REVISING STATUTES CONCERNING THE DEPARTMENT OF ADMINISTRATIVE SERVICES.

Bureau: Legal; Engineering & Construction

PA 12- 205 is the Department of Administrative Services (DAS) annual omnibus bill and contains several provisions of interest to ConnDOT.

Section 1 – FOIA

The act requires DAS to establish guidelines for agencies on the calculation of fees charged for copies of computer-stored public records requested under FOIA. Under prior law, DAS had to monitor the fees to ensure that they were reasonable and consistent among agencies. Under FOIA, an agency that maintains computer records must provide copies of the records upon request, unless they contain information that is exempt from disclosure. Fees charged for providing copies may not exceed the agency's cost of making the copies

Sections 2, 3 & 11 – STATE PROPERTY INVENTORY

The act makes several changes to state property inventory requirements. It transfers, from DAS to OPM, responsibility for maintaining an inventory of real property leased by state agencies, including a requirement to annually submit this inventory to the Appropriations and Government Administration and Elections (GAE) committees. It delays, from June 30, 2012 to March 15, 2013, the date by which the OPM secretary must make the first annual submission to these committees of the state-owned and leased inventories and eliminates a requirement that the leased property inventory include space utilization data.

The law requires agencies to provide the OPM secretary with any information he requests for purposes of maintaining the inventories. The act requires them to do so in the manner and form the secretary prescribes. The act also requires that all executive branch agencies (except for higher education institutions and vocational-

technical schools) obtain OPM's written permission before any change in state property's ownership or use, or before its use by another state agency or a non-state entity.

The act requires the economic and community development commissioner, at the secretary's request, to advise him of the historical, architectural, or cultural significance of state-owned or-leased buildings. By law, the OPM secretary must make recommendations concerning the reuse or disposition of state property and identify existing buildings that (1) are of historic, architectural, or cultural significance; (2) meet the state's public building needs; or (3) meet the public's need to be served by renewable energy sources.

The act eliminates a requirement that the legislative and judicial branches, higher education institutions, and vocational-technical schools notify the OPM secretary of any change in state property ownership. It also eliminates a requirement that agencies notify the DAS commissioner of any new or terminated leases of state property. However, the law, unchanged by the act, requires (1) the OPM secretary's approval of most state property sales and (2) regulations that mandate that the DAS commissioner submit lease, lease renewal, and hold-over agreements to the OPM secretary for approval.

Additionally, the act eliminates requirements that DAS (1) prepare an annual inventory of state-owned improved and unimproved real estate that is unused or underutilized and (2) submit, annually by January 1, to the Appropriations and GAE committees, a status report on the inventory and recommend possible reuse or disposition of such real estate. However, the law, unchanged by the act, continues to require that the OPM secretary determine (1) the appropriate use of state real property and (2) the efficiency of each state agency's use of real property under its control.

EFFECTIVE DATE: July 1, 2012

2012 June Special Session

Public Act 12 – 1, June Special Session (H.B. 6001)

AN ACT IMPLEMENTING PROVISIONS OF THE STATE BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2012.

Bureau: ALL

PA 12 -1 is one of two bills passed during the legislature's June Special Session to implement various provisions of the budget adjustment bill that passed during the regular session. Below is a summary of several sections of interest to ConnDOT:

Section 101—COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES (CHRO)

For administrative purposes only, the act moves CHRO from the Department of Administrative Services to the Labor Department.

EFFECTIVE DATE: July 1, 2012

Section 110—DISPARITY STUDY

The bill transfers, from CHRO to the Connecticut Academy of Science and Engineering (CASE), responsibility for conducting a disparity study to determine whether the state's set-aside program (now called the supplier diversity program) is achieving the goal of helping small contractors and minority business enterprises (MBEs) obtain state contracts. It requires CASE to consult with CHRO and other state agencies as appropriate, in addition to consulting with DAS as under current law.

In conducting the study, the act requires CASE to provide an analysis of existing statistical data of the supplier diversity program, rather than generate its own data. It also requires that the study review the state's current supplier diversity program practices and best practices of other states or governmental entities.

Current law requires the study to at least examine (1) whether there is significant evidence of past or continuing discrimination in the way that the state executes its contracting duties and (2) the number of small contractors or MBEs that qualify under the supplier diversity program and whether they are legitimate small contractors or legitimately owned by a minority. The act specifies that (1) these examinations must be based on available data and analysis, (2) the evidence of discrimination must be statistical, and (3) the examination of discrimination must concern the awarding of state contracts, rather than the way the state executes its contracting duties.

Additionally, it removes the requirement on whether qualifying small contractors and MBEs are legitimate small contractors or legitimately owned by a minority.

The law also requires the study to examine state contracting processes to determine if they present any unintentional barriers that prevent full participation by small contractors or MBEs. The act makes a technical change to this requirement.

Lastly, the act delays, from January 1, 2013 to June 30, 2013, the date by which the study's findings and any recommendations for legislative action concerning the study must be submitted to the Government Administration and Elections Committee.

EFFECTIVE DATE: Upon passage

Section 124—SALES TAX EXEMPTION FOR PARTICIPANTS IN CERTAIN AIRCRAFT INDUSTRY JOINT VENTURES

By law, specified business services rendered between participants in certain kinds of joint ventures under a joint venture agreement are exempt from the sales tax. This section of the act expands eligibility for, and extends the duration of, the exemption for certain kinds of joint ventures in the aircraft industry.

By law, the exemption applies to personnel; commercial or industrial marketing, development, testing, and research; and business analysis and management services rendered under a joint venture agreement. Under current law, the company providing the service must own at least 25% of the joint venture. The act allows a joint venture in the aircraft industry to qualify if each participant's ownership interest is equal to the aggregate ownership interest percentage of each related member participating in the venture.

In addition, the act extends, from 30 to 40 consecutive years, the duration of the exemption for aircraft industry joint ventures that existed before January 1, 1986. By law, the exemption for all other joint ventures is for 20 consecutive years from the date the joint venture is formed, incorporated, or organized.

EFFECTIVE DATE: July 1, 2012, and applicable to sales occurring on or after that date.

Section 144—TRAFFIC STOP DATA

This section clarifies that while the Racial Profiling Prohibition Project Advisory Board completes its study, local and state police agencies must continue to collect and report traffic stop information.

EFFECTIVE DATE: July 1, 2012

Sections 147-180, 184-187, 267-268 & 295—CDA AND CII MERGER

The act merges the Connecticut Development Authority (CDA) into Connecticut Innovations, Inc. (CII), transferring CDA's statutory mission, powers, obligations, and assets to CII and allowing the two agencies to take specific steps to facilitate the transfer.

EFFECTIVE DATE: July 1, 2012

Sections 190-192 - PLANNING REGIONS

These sections change criteria for the OPM secretary's analysis of state planning regions and extends certain deadlines concerning municipal notification about proposed planning regions. It also makes the regional performance incentive account the source of funding for bonus pool payments to planning regions that voluntarily consolidate and extends supplemental payments from the pool to FYs 13 to 15 to offset costs for certain consolidations.

The act creates an incentive for areas of the state that contain two or more contiguous planning regions and have at least 14 municipalities to consolidate to form a single regional council of governments or regional council of elected officials by exempting them from redesignation in 2014 and allows the secretary to waive the requirement that the redesignated region contain at least 14 municipalities.

EFFECTIVE DATE: Upon passage, except the provisions concerning bonus payments, which are effective July 1, 2012.

Sections 244-248 & 294—STATE POLICE STAFFING

From the date the act passed (June 15, 2012) until June 30, 2013, the act eliminates the 1,248 minimum police officer staffing requirement for the Division of State Police and instead requires the emergency services and public protection commissioner to appoint and maintain the number that he judges and determines sufficient to efficiently maintain the division. Beginning July 1, 2013, it requires him to set the number in accordance with standards recommended by the Legislative Program Review and Investigations Committee (LPRIC).

LPRIC is required to conduct a study to develop standards that the commissioner must use in setting the state police officer staffing level for purposes of the biennial budget by January 9, 2013. In developing the standards, the LPRIC must consider, technological improvements, federal mandates and funding, statistical data on crime rates and type, patrol staffing positions, staffing of positions within the State Police and DESPP that do not require the exercise of police powers, changes in municipal police policy and staffing, and other criteria LPRIC deems relevant.

The act also makes a conforming change as it relates to auxiliary officers. As of February, there were 50 auxiliary officers on staff. They mainly help disabled motorists, help with traffic control at accident scenes, and perform administrative functions.

EFFECTIVE DATE: Upon passage, except a technical change that is effective July 1, 2012

Section 250 - P-CARD LIMIT INCREASE

This section raises, from \$ 10,000 to \$ 250,000, the limit on state agency purchasing card (P-Card) transactions and purchases. It authorizes agencies to exceed this limit if they receive written approval from the comptroller and DAS commissioner.

EFFECTIVE DATE: July 1, 2012

Sections 252-264 - UNDERGROUND STORAGE TANK PETROLEUM CLEAN-UP PROGRAM BOARD ELIMINATION

These sections eliminate the Underground Storage Tank Petroleum Clean-Up Review Board and designates DEEP as its successor with the DEEP commissioner administering the underground storage tank petroleum clean-up program.

EFFECTIVE DATE: Upon passage

Sections 265 & 296 - EQUESTRIAN TRAIL USE IN STATE PARKS AND FORESTS

These sections eliminate a requirement for the DEEP commissioner to designate trails in state parks and forests for horseback riding and preserve certain trails for equine use. It requires him instead to allow equestrians to use all, instead of designated, multi-use trails in state parks and forests, unless he specifically prohibits such use. It requires that before he decides to prohibit equestrians from a trail historically used for that purpose, he must

consult with the Equine Advisory Council. Further, the act specifies that (1) it does not prohibit other public uses of the trails and (2) DEEP's action is not to be considered an expansion of the trails. It also explicitly allows the commissioner to temporarily close a multi-use trail for safety reasons or to protect natural resources.

EFFECTIVE DATE: July 1, 2012

Section 297 repeals an obsolete two-year “reliable transportation” pilot program that sunsetted in 2000 to help workers and job seekers secure reliable transportation to travel to employment, educational programs, job training, and child care facilities (CGS § 17b-688j).

EFFECTIVE DATE: July 1, 2012

PA 12 – 2 (S.B. 501)

AN ACT IMPLEMENTING CERTAIN PROVISIONS CONCERNING GOVERNMENT ADMINISTRATION.

Bureau: Engineering & Construction

PA 12 - 2 is the second of two bills passed during the legislature’s June Special Session to implement the budget adjustments passed during the legislature’s regular session. Of interest to ConnDOT are the sections outlined below related to various land conveyances.

New Conveyances

Sections 140 & 141 – A .38 acre parcel and a .44 acre parcel to the town of East Hartford for open space purposes and for administrative costs;

Section 142 – A .49 acre parcel to the town of East Haven at fair market value, as determined by the average appraisals of two independent appraisers chosen by the commissioner, plus administrative costs; and

Section 149 – A 3.2 acre parcel to the town of Tolland for economic development purposes and for administrative costs.

Section 147 amends a 2008 conveyance of a .44 acre parcel in Greenwich from ConnDOT to the Greenwich Historical Society by allowing the society to use the land for purposes consistent with its mission. The property's use is currently restricted to parking purposes.

Section 148 amends a 2008 conveyance of a 3.2 acre parcel in Barkhamsted and New Hartford from ConnDOT to Regional Refuse Disposal District One by allowing the district to exchange a portion of the parcel with abutting property owners to construct a water well line on the abutting property. The conveyance's provisions require the property to be used for economic development purposes and prohibit the district from selling, leasing, or otherwise exchanging the property.

Section 172 — repeals four prior conveyances from ConnDOT to Bristol, Manchester, Marlborough and Windsor Locks.

EFFECTIVE DATE: Upon passage