



DRAFT

General Assembly

Amendment

January Session, 2019

LCO No. 8857

Offered by:

To:

File No. 0

Cal. No. 0

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective July 1, 2019*) (a) There is established a
4 Transportation Strategy and Advisory Board, which shall be within the
5 Office of Policy and Management for administrative purposes only.

6 (b) The board shall consist of the following members:

7 (1) Two appointed by the president pro tempore of the Senate, one
8 of whom is a representative of large businesses and one of whom is a
9 representative of small businesses;

10 (2) One appointed by the majority leader of the Senate, who has
11 expertise in mass transit;

12 (3) One appointed by the minority leader of the Senate, who is a
13 representative of a regional chamber of commerce;

14 (4) Two appointed by the speaker of the House of Representatives,

15 one of whom is a representative of the Connecticut Conference of
16 Municipalities and one of whom is a representative of the Connecticut
17 Council of Small Towns;

18 (5) One appointed by the majority leader of the House of
19 Representatives, who has expertise in transportation for persons with
20 mobility impairments;

21 (6) One appointed by the minority leader of the House of
22 Representatives, who is a representative of a transportation advocacy
23 organization;

24 (7) The executive director of the Connecticut Port Authority, or the
25 executive director's designee;

26 (8) The executive director of the Connecticut Airport Authority, or
27 the executive director's designee;

28 (9) One appointed by the Governor, who is a representative of a
29 commuter advocacy organization;

30 (10) The Commissioner of Transportation, or the commissioner's
31 designee;

32 (11) The Secretary of the Office of Policy and Management, or the
33 secretary's designee; and

34 (12) The Treasurer, or the Treasurer's designee.

35 (c) All initial appointments to the board shall be made not later than
36 September 1, 2019, and shall terminate on July 1, 2021, July 1, 2022, or
37 July 1, 2023, as applicable, regardless of when the initial appointment
38 was made. Appointed members of the board shall serve for four-year
39 terms, which shall commence on the date of appointment, except that
40 members first appointed shall have the following terms: (1) Members
41 appointed by the president pro tempore of the Senate and the minority
42 leader of the House of Representatives shall initially serve a term of

43 four years; (2) members appointed by the majority leader of the House
44 of Representatives and the minority leader of the Senate shall initially
45 serve a term of three years; and (3) members appointed by the speaker
46 of the House of Representatives and the minority leader of the Senate
47 shall initially serve a term of two years. Members shall continue to
48 serve until their successors are appointed and any member may serve
49 more than one term.

50 (d) The Governor shall select the chairperson of the board from
51 among the members of the board. Such chairperson shall schedule the
52 first meeting of the board, which shall be held not later than November
53 1, 2019.

54 (e) Any vacancy shall be filled by the appointing authority. Any
55 vacancy occurring other than by expiration of term shall be filled for
56 the balance of the unexpired term.

57 (f) A majority of the board shall constitute a quorum for the
58 transaction of any business.

59 (g) The members of the board shall serve without compensation and
60 shall not be reimbursed for expenses incurred in the performance of
61 their duties.

62 (h) The board shall have the following powers and duties: (1) To
63 conduct an annual public hearing to receive comments on the current
64 state of mass transit services, transportation infrastructure and other
65 transportation matters; (2) to obtain from any executive department,
66 board, commission or other agency of the state such assistance and
67 data as necessary and available to carry out the purposes of this section
68 and sections 2 and 3 of this act; and (3) to perform such other acts as
69 may be necessary and appropriate to carry out the duties described in
70 this section and sections 2 and 3 of this act.

71 Sec. 2. (NEW) (*Effective July 1, 2019*) Not later than December 1, 2020,
72 and annually thereafter, the Transportation Strategy and Advisory
73 Board established under section 1 of this act shall report, in accordance

74 with section 11-4a of the general statutes, on the fiscal health of the
75 Special Transportation Fund established pursuant to section 13b-68 of
76 the general statutes to the Governor and the joint standing committees
77 of the General Assembly having cognizance of matters relating to
78 transportation, finance, revenue and bonding and appropriations and
79 the budgets of state agencies. Such report shall include, but need not
80 be limited to: (1) A fiscal analysis of the current sustainability of the
81 Special Transportation Fund based on current revenue and long-term
82 projections of expenses; (2) recommendations regarding possible
83 changes to taxes, fees and other sources of revenue to increase the
84 sustainability of the Special Transportation Fund; (3) a list of
85 recommended priorities for transportation projects that will require
86 bond authorizations; (4) recommendations to achieve savings and
87 efficiencies; and (5) recommendations for legislation to meet the
88 transportation needs of the state and proposed changes regarding the
89 Connecticut Port Authority and the Connecticut Airport Authority and
90 regarding the Metro-North Commuter Railroad to the extent permitted
91 by the Metro-North operating agreement.

92 Sec. 3. (NEW) (*Effective July 1, 2019*) (a) Not later than January 1,
93 2021, and every four years thereafter, the Transportation Strategy and
94 Advisory Board established under section 1 of this act shall submit a
95 four-year transportation strategy to the General Assembly, in
96 accordance with the provisions of section 11-4a of the general statutes.

97 (b) In developing the four-year transportation strategy, the board
98 shall take into account: (1) The strategic concerns associated with the
99 movement of people and goods; (2) the technological and multimodal
100 transportation options, including, but not limited to, transportation by
101 rail, road, air or water, available to address such concerns; (3) the
102 relationship of such concerns and options to sustainable economic
103 growth, environmental quality, urban development, open space, open
104 space preservation, access to employment by residents of the state and
105 public safety; (4) the connectivity of the state to the northeast,
106 continental and international economies and that the mobility of

107 people and goods within the state are critical to vibrant and
108 sustainable economic growth; (5) the integration of brownfields
109 remediation, affordable housing and access to employment that should
110 occur as a result of implementing the strategy; (6) the need to engage
111 local planning agencies and other relevant constituencies in
112 developing the strategy; (7) the need to engage representatives of the
113 state's major transportation assets and of the transportation industry in
114 the strategy to help ensure that the strategy is multimodal and
115 integrated; (8) the benefits of technology to expand capacity, enhance
116 safety, provide information and access funding alternatives; (9) the
117 need to fully explore the sources and methodologies for funding
118 investments in transportation infrastructure and for annual operating
119 and maintenance costs and the regulations applicable to the
120 expenditure of federal and state funds; (10) the development,
121 renovation and expansion of Bradley International Airport; (11) the
122 state conservation and development plan established pursuant to
123 section 16a-24 of the general statutes; (12) that transportation is a
124 cornerstone of the state's economic vitality and overall quality of life
125 and is therefore inextricably linked to other key policies that deal with
126 the state's future, including, but not limited to, land use planning,
127 environmental quality, urban vitality and access to quality jobs and
128 services for the state's residents; (13) that the benefits of leveraging
129 existing transportation assets and infrastructure, especially in urban
130 centers, and the reduction of automobile-oriented demands, are highly
131 desirable; (14) that the development of appropriate metrics,
132 methodologies and standards is essential for determining customer
133 needs, evaluating the return on transportation investments and the
134 prioritization of specific projects; (15) that the state needs to play a
135 leadership role with other northeastern states and the eastern
136 Canadian provinces in developing and advocating a transportation
137 strategy for the northeast region of the continent; (16) that the analyses
138 and decision-making related to transportation initiatives in the
139 strategy needs to be done expeditiously within the existing statutory
140 and regulatory framework and that any amendments to the general
141 statutes or the regulations of Connecticut state agencies that are

142 needed to achieve such objectives should be identified; and (17) that
143 the role, including the role of financial incentives, of private sector
144 companies, public agencies and institutions needs to be clearly defined
145 with respect to: (A) Encouraging and supporting employees to use
146 public transportation, (B) providing employees with appropriate
147 alternatives to the locations at which and during the times they
148 perform their work, including, but not limited to, flexible working
149 hours and telecommuting, (C) developing an effective means for
150 delivering goods within and through the state, and (D) encouraging
151 different sectors to participate with the state in specific initiatives.

152 Sec. 4. (NEW) (*Effective July 1, 2019*) (a) Not later than February 1,
153 2020, and annually thereafter, the Commissioner of Transportation
154 shall submit a report, in accordance with section 11-4a of the general
155 statutes, to the joint standing committees of the General Assembly
156 having cognizance of matters relating to finance, revenue and bonding,
157 appropriations and the budgets of state agencies and transportation,
158 the president pro tempore of the Senate, the minority leader of the
159 Senate, the speaker of the House of Representatives and the minority
160 leader of the House of Representatives. Such report shall include, but
161 need not be limited to:

162 (1) An assessment of the state's current transportation system and a
163 schedule of current repair and maintenance projects initiated by the
164 Department of Transportation to maintain such system in a state of
165 good repair. Such schedule shall include anticipated quarterly
166 milestones for each such repair and maintenance project for the next
167 three fiscal years and the incurred and projected costs for each such
168 repair and maintenance project;

169 (2) An assessment of the current and future transportation
170 construction projects initiated or to be initiated by the department to
171 enhance the state's transportation system and a construction schedule
172 of such transportation construction projects. Such schedule shall
173 include anticipated quarterly milestones for each such transportation
174 construction project for the next five fiscal years and the incurred and

175 projected costs for each such transportation construction project;

176 (3) A list that prioritizes the transportation construction projects
177 identified pursuant to subdivision (2) of this subsection based on the
178 anticipated impact of each such transportation construction project to
179 improve the state's economy; and

180 (4) A comprehensive financing plan that identifies authorized
181 sources of revenue and ensures sustainable funding for each repair
182 and maintenance project identified pursuant to subdivision (1) of this
183 subsection and each transportation construction project identified
184 pursuant to subdivision (2) of this subsection.

185 (b) Not later than May 1, 2020, and quarterly thereafter, the
186 Commissioner of Transportation shall submit a progress report, in
187 accordance with section 11-4a of the general statutes, to the joint
188 standing committees of the General Assembly having cognizance of
189 matters relating to finance, revenue and bonding, appropriations and
190 the budgets of state agencies and transportation, the president pro
191 tempore of the Senate, the minority leader of the Senate, the speaker of
192 the House of Representatives and the minority leader of the House of
193 Representatives. Such progress report shall provide the status of the
194 repair and maintenance projects and transportation construction
195 projects identified in the report submitted pursuant to subsection (a) of
196 this section. If a project does not meet the anticipated quarterly
197 milestones set forth in the report submitted pursuant to subsection (a)
198 of this section, the commissioner shall submit, in the same manner as
199 provided in this subsection, a monthly progress report regarding each
200 such project until the project is complete.

201 Sec. 5. (NEW) (*Effective July 1, 2019*) For the calendar years
202 commencing January 1, 2020, to January 1, 2024, inclusive, the State
203 Bond Commission shall authorize up to three hundred seventy-five
204 million dollars in general obligation bonds for transportation projects,
205 with total bond authorizations for each year not to exceed the limits set
206 forth in subdivision (2) of subsection (d) of section 3-20 of the general

207 statutes and subsection (a) of section 3-21 of the general statutes.

208 Sec. 6. Section 4-255 of the general statutes is repealed and the
209 following is substituted in lieu thereof (*Effective July 1, 2019*):

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

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

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

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

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

233 (5) "Project" means a project that an agency has submitted to the
234 Governor for approval as a public-private partnership;

235 (6) "Contractor" means a private entity that has entered into a

236 public-private partnership agreement with a state agency; and

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

240 [(8)] (7) "Proposer" means a private entity submitting a competitive
241 bid in response to solicitation or a proposal in response to a request for
242 proposals for an approved project for consideration.

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

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

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

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

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

261 Sec. 7. Section 4-256 of the general statutes is repealed and the
262 following is substituted in lieu thereof (*Effective July 1, 2019*):

263 (a) [On and after October 27, 2011, and prior to January 1, 2020, the

264 Governor shall approve not more than five projects to be implemented
265 as public-private partnership projects. The Governor shall not approve
266 any such project unless the Governor finds that the project will result
267 in job creation and economic growth.] Any agency seeking to establish
268 a public-private partnership shall, after consultation with the
269 Commissioners of Economic and Community Development,
270 Administrative Services and Transportation, the State Treasurer and
271 the Secretary of the Office of Policy and Management, submit one or
272 more projects to the Governor for approval. The Governor shall not
273 approve any such project unless the Governor finds that the project
274 will result in job creation and economic growth.

275 (b) In determining whether a project is suitable for a public-private
276 partnership agreement, the agency shall conduct an analysis of the
277 feasibility, desirability and the convenience to the public of the project
278 and whether the project furthers the public policy goals of section 4-
279 255, as amended by this act, and this section, [and sections 4-257 to 4-
280 263, inclusive,] taking into consideration the following, when
281 applicable:

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

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

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

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

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

293 (6) Any operational or technological risk associated with the

294 proposed project;

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

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

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

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

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

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

313 (e) The Governor shall notify the agency and the joint standing
314 committees of the General Assembly having cognizance of matters
315 relating to finance, revenue and bonding, appropriations and the
316 budgets of state agencies and commerce when a project has been
317 approved as a public-private partnership project.

318 (f) On or before January [15, 2013] 1, 2020, and annually thereafter,
319 the Governor shall report, in accordance with the provisions of section
320 11-4a, to the General Assembly concerning the status of the public-
321 private partnerships established under this section.

322 Sec. 8. Section 4-259 of the general statutes is repealed and the
323 following is substituted in lieu thereof (*Effective July 1, 2019*):

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

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

330 [(2)] (1) A complete description of the [facility] project to be
331 developed and the functions to be performed;

332 [(3)] (2) The terms of the financing, development, design,
333 improvement, maintenance, operation and administration of the
334 [facility] project;

335 [(4)] (3) The rights the state, the contractor, or both, have, if any, in
336 revenue from the financing, development, design, improvement,
337 maintenance, operation or administration of the [facility] project;

338 [(5)] (4) The minimum quality standards applicable to the project for
339 development, design, improvement, maintenance, operation or
340 administration, [of the facility,] including performance criteria,
341 incentives and disincentives;

342 [(6)] (5) The compensation of the contractor, including the extent to
343 which and the terms upon which a contractor may charge fees to
344 individuals and entities for the use of the [facility, but in no event shall
345 such fee extend to the imposition of tolls on the highways of this state
346 unless such tolls are specifically approved by the General Assembly]
347 project;

348 [(7)] (6) The furnishing of an annual independent audit report to the
349 agency covering all aspects of the partnership agreement;

350 [(8)] (7) Performance and payment bonds or other security deemed
351 suitable by the agency;

352 [(9)] (8) One or more policies of public liability insurance in such
353 amounts determined by the agency to ensure coverage of tort liability
354 for the public and employees of the contractor and to provide for the
355 continued operation of the partnership project;

356 [(10)] (9) A reverter of the project to the state upon the conclusion or
357 termination of the partnership agreement;

358 [(11)] (10) The rights and remedies available to the agency for a
359 material breach of the partnership agreement by the contractor or
360 private entity or if there is a material default;

361 [(12)] (11) Identification of funding sources to be used to fully fund
362 the capital, operation, maintenance or other expenses under the
363 agreement; and

364 [(13)] (12) Any other provision determined to be appropriate by the
365 agency.

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

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

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

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

377 (f) If an agency executes a partnership agreement in accordance

378 with the provisions of sections 4-255 to 4-263, inclusive, as amended by
379 this act, the agency shall submit a copy of such partnership agreement,
380 in accordance with the provisions of section 11-4a, to the joint standing
381 committees of the General Assembly having cognizance of matters
382 relating to finance, revenue and bonding, appropriations and the
383 budgets of state agencies and commerce. The agency shall redact any
384 information contained in such partnership agreement that is not
385 required to be disclosed pursuant to subsection (b) of section 1-210,
386 including, but not limited to, any trade secret or commercial or
387 financial information described in subdivision (5) of said subsection.

388 (g) In no event shall a fee charged by a contractor pursuant to a
389 partnership agreement extend to the imposition of tolls on the
390 highways of this state unless such tolls are specifically approved by the
391 General Assembly.

392 Sec. 9. Section 4-261 of the general statutes is repealed and the
393 following is substituted in lieu thereof (*Effective July 1, 2019*):

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

399 (b) Each public-private partnership project shall comply with: (1)
400 The state's environmental policy requirements as set forth in sections
401 22a-1 and 22a-1a, (2) the requirements of the set-aside program for
402 small contractors as set forth in section 4a-60g, and (3) any applicable
403 permitting or inspection requirements for projects of a similar type,
404 scope and size as set forth in the general statutes or the local
405 ordinances of the municipality where the project is to be located.

406 [(c) Any agency that is subject to section 4e-16 shall comply with the
407 provisions of section 4e-16, provided, notwithstanding the provisions
408 of subsection (a) of section 4e-16, any agency that enters into a

409 partnership agreement concerning the operations or maintenance of a
410 state facility that meets the definition of a privatization contract, as
411 defined in section 4e-1, shall be subject to the requirements of section
412 4e-16 regardless of whether such services are currently privatized.]

413 Sec. 10. (*Effective from passage*) (a) Not later than October 1, 2019, the
414 Commissioner of Transportation shall submit a report, in accordance
415 with section 11-4a of the general statutes, and present such report to
416 the joint standing committee of the General Assembly having
417 cognizance of matters relating to transportation, the president pro
418 tempore of the Senate, the minority leader of the Senate, the speaker of
419 the House of Representatives and the minority leader of the House of
420 Representatives. Such report shall: (1) Identify five bridges in the state
421 that are in critical need of being replaced; (2) provide the reasons for
422 replacing such bridges; and (3) estimate the costs of replacing such
423 bridges.

424 (b) After submitting and presenting such report, the commissioner
425 shall consult with the Federal Highway Administration regarding the
426 costs of replacing and constructing such bridges and the financing of
427 such costs. Not later than sixty days after such consultation, the
428 commissioner shall submit a proposal, in accordance with section 11-
429 4a of the general statutes, to the joint standing committee of the
430 General Assembly having cognizance of matters relating to
431 transportation, the president pro tempore of the Senate, the minority
432 leader of the Senate, the speaker of the House of Representatives and
433 the minority leader of the House of Representatives. Such proposal
434 shall include, but need not be limited to, recommendations regarding
435 how to replace and construct such bridges and finance the costs
436 associated with such replacement and construction.

437 (c) If such proposal is submitted when the General Assembly is in
438 regular session, the joint standing committee of the General Assembly
439 having cognizance of matters relating to transportation shall hold an
440 informational hearing regarding such proposal not later than thirty
441 days after such submission. If such proposal is submitted when the

442 General Assembly is not in session, the joint standing committee of the
 443 General Assembly having cognizance of matters relating to
 444 transportation shall hold an informational hearing regarding such
 445 proposal not later than thirty days after the first day of the next regular
 446 session. The committee shall receive comments from members of the
 447 public during the informational hearing. In no event shall a proposal
 448 be implemented unless the proposal has been approved by the General
 449 Assembly."

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2019</i>	New section
Sec. 2	<i>July 1, 2019</i>	New section
Sec. 3	<i>July 1, 2019</i>	New section
Sec. 4	<i>July 1, 2019</i>	New section
Sec. 5	<i>July 1, 2019</i>	New section
Sec. 6	<i>July 1, 2019</i>	4-255
Sec. 7	<i>July 1, 2019</i>	4-256
Sec. 8	<i>July 1, 2019</i>	4-259
Sec. 9	<i>July 1, 2019</i>	4-261
Sec. 10	<i>from passage</i>	New section