



General Assembly

Substitute Bill No. 7202

January Session, 2019



**AN ACT CONCERNING THE SUSTAINABILITY OF CONNECTICUT'S
TRANSPORTATION INFRASTRUCTURE.**

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

1 Section 1. (NEW) (*Effective from passage*) As used in this section and
2 sections 2 to 7, inclusive, of this act:

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

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

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

13 Sec. 2. (NEW) (*Effective from passage*) (a) The department may
14 construct, maintain and operate electronic tolling systems on Interstate
15 Route 84, Interstate Route 91, Interstate Route 95 and portions of
16 Connecticut Route 15. The department may enter into an agreement
17 with a toll operator to operate such systems.

18 (b) To carry out its duties and responsibilities under this section and
19 sections 3 to 6, inclusive, of this act, and any regulations adopted
20 under section 7 of this act, the department may enter into tolling
21 agreements with the Federal Highway Administration and
22 coordination agreements, intergovernmental agreements or other
23 implementation agreements with any other federal, state or municipal
24 entity or agency.

25 (c) The department may procure, retain and expend funds for
26 technical, traffic, revenue and financial consultants, attorneys and
27 other consultants and experts to assist in the development,
28 implementation, maintenance and operation of electronic tolling
29 systems.

30 (d) The department may procure, retain and expend funds for toll
31 operators, vendors, suppliers, designers, engineers, software
32 designers, installers, contractors, maintenance personnel, customer
33 service personnel and other equipment, materials, personnel and
34 services for the development, implementation, maintenance and
35 operation of electronic tolling systems and for the collection and
36 enforcement of tolls.

37 (e) The department may enter into agreements for the provision of
38 any service specified in subsections (c) and (d) of this section, or any
39 combination thereof, pursuant to an open, competitive process.

40 (f) (1) The department and the Department of Motor Vehicles, either
41 jointly or separately, may enter into reciprocal agreements with other
42 states, jurisdictions and operators of toll facilities in other states to
43 obtain and share any toll operator information regarding an out-of-
44 state registered owner of a vehicle that has used a tolled highway,
45 including the make of the motor vehicle, the motor vehicle's number
46 plate and the name and address of the registered owner of the motor
47 vehicle.

48 (2) The department and the Department of Motor Vehicles, either

49 jointly or separately, may enter into, or authorize a toll operator on
50 behalf of the departments to enter into, reciprocal agreements with
51 other states, jurisdictions and operators of toll facilities in other states
52 for the efficient collection of tolls incurred by residents of states other
53 than this state.

54 (3) The department and the Department of Emergency Services and
55 Public Protection may enter into an agreement for the provision of law
56 enforcement assistance by the state police on tolled highways that are
57 not otherwise provided by the state police on state roads and
58 highways. All law enforcement officers of the state and any political
59 subdivision of the state shall have the same powers within the limits of
60 a tolled highway as such officers have in their respective areas of
61 jurisdiction, including the roads and highways of this state.

62 Sec. 3. (NEW) (*Effective from passage*) (a) The department may charge,
63 collect, retain, fix and change the amount of all tolls for transit over or
64 use of the highways specified in subsection (a) of section 2 of this act.

65 (b) Toll amounts shall be fixed and changed by the department, so
66 as to provide, at a minimum, funding that is sufficient to: (1) Pay costs
67 related to tolled highways in this state, including, but not limited to,
68 the cost of owning, maintaining, repairing, reconstructing, improving,
69 rehabilitating, using, administering, controlling and operating such
70 highways; (2) pay the principal of, redemption premium, if any, and
71 interest on notes or bonds relating to tolled highways, as such
72 principal, premium or interest become due and payable; and (3) create
73 and maintain reserves established for any of the department's highway
74 and bridge responsibilities under titles 13a and 13b of the general
75 statutes for the operation and maintenance of tolled highways. Such
76 sufficiency of funding may take into account the availability of funds
77 from other sources.

78 (c) Prior to commencing construction of an electronic tolling system
79 on any highway, or portion thereof, of this state, the department shall
80 hold at least one public informational meeting in the general vicinity of

81 the proposed toll corridor to receive comments on the proposed toll,
82 methodology for fixing and changing the tolls and user classifications.

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

86 (e) All revenues received by the department from tolls and the
87 imposition of civil penalties associated with toll nonpayment, toll
88 evasion or other toll-related violations shall be deposited into the
89 Special Transportation Fund, established pursuant to section 13b-68 of
90 the general statutes and maintained pursuant to article thirty-second of
91 the amendments to the Constitution of the state, and shall not be
92 commingled with other funds and revenues. Such revenues shall be
93 expended only for the purposes and subject to the provisions of 23
94 USC 129(a)(3), as amended from time to time.

95 (f) Tolls shall not be subject to and shall be exempt from taxation of
96 every kind by the state and by the municipalities and all other political
97 subdivisions or special districts having taxing powers in the state.

98 Sec. 4. (NEW) (*Effective from passage*) Any electronic tolling system
99 operated by the department or a toll operator shall be interoperable
100 with all other electronic tolling systems in this state and shall comply
101 with all state and federal interoperability requirements and standards.
102 Such tolling system interoperability shall extend to system technology
103 and the transfer of funds. The Commissioners of Transportation and
104 Motor Vehicles, in consultation with the Commissioner of
105 Administrative Services, shall ensure the coordination and
106 compatibility of information system technology and data of any
107 electronic tolling system. The provisions of chapters 58 and 61 of the
108 general statutes shall not apply to this section.

109 Sec. 5. (NEW) (*Effective from passage*) (a) Except as provided in
110 subsection (b) of this section, neither the department nor any toll
111 operator shall sell or use any toll customer information or other data

112 for commercial purposes unrelated to the charging, collection and
113 enforcement of tolls, administrative fees and penalties.

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

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

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

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

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

133 Sec. 6. (NEW) (*Effective from passage*) (a) Any person who contests
134 the amount of a toll or an associated charge shall be afforded an
135 opportunity for a hearing with the department in accordance with the
136 provisions of chapter 54 of the general statutes.

137 (b) The department, after notice and hearing, may impose a civil
138 penalty of not more than twenty-five dollars for a first violation, not
139 more than fifty dollars for a second violation and not more than one
140 hundred dollars for a third violation of a provision of the regulations
141 adopted pursuant to section 7 of this act on any of the following

142 persons with respect to toll nonpayment, toll evasion or related fees:
143 (1) The operator of a motor vehicle on a tolled highway; (2) the
144 registered owner of a motor vehicle operated on a tolled highway, if
145 other than the operator, if such vehicle was used or operated with the
146 express or implied permission of the registered owner at the time of
147 the tolling transaction; (3) the lessee of a motor vehicle operated on a
148 tolled highway, if other than the operator, if such vehicle was used or
149 operated with the express or implied permission of the lessee at the
150 time of the tolling transaction; and (4) the lessor of a motor vehicle
151 operated on a tolled highway.

152 (c) A copy of the motor vehicle rental agreement, lease, other
153 contract document or affidavit identifying the lessee of the motor
154 vehicle at the time of the tolling transaction shall be prima facie
155 evidence that the person named in the rental agreement, lease, other
156 contract document or affidavit was operating the motor vehicle at all
157 relevant times relating to the tolling transaction. A lessor shall
158 cooperate with the department or the toll operator, as the case may be,
159 in providing the department or toll operator any requested
160 information concerning the lessee contained in the lessor's record.

161 (d) The Department of Motor Vehicles shall provide the Department
162 of Transportation and any toll operator with the information necessary
163 to collect tolls and enforce penalties for toll nonpayment, toll evasion
164 or other toll-related violations, including, but not limited to,
165 information regarding the registered owner of a motor vehicle that was
166 operated on a tolled highway and the make of the motor vehicle, the
167 motor vehicle's number plate and the name and address of the
168 registered owner of the motor vehicle.

169 Sec. 7. (NEW) (*Effective from passage*) (a) The Commissioner of
170 Transportation shall adopt regulations, in accordance with the
171 provisions of chapter 54 of the general statutes, to implement the
172 provisions of sections 2 to 6, inclusive, of this act. Such regulations
173 may include, but need not be limited to: (1) Establishment of variable
174 toll rates that take into consideration the day of the week and level of

175 congestion or anticipated congestion; (2) establishment of different fees
176 based on the type of vehicle classification, size, weight, number of
177 axles or vehicle occupancy; (3) establishment of discounts and credits
178 to a toll customer account for persons with a transponder or similar
179 technology issued by the department or a toll operator; (4) exemptions
180 for certain types of motor vehicles, including, but not limited to, high-
181 occupancy vehicles, motor vehicles leased or owned by the state,
182 motor vehicles used by a law enforcement unit, firefighter or a
183 member of an emergency medical service organization and motor
184 vehicles used to provide public transit services; (5) the imposition of
185 surcharges, premiums or additional fees for designated users or classes
186 of users of a tolled highway who travel on such highway without a
187 transponder or similar technology issued by the department or a toll
188 operator; (6) the imposition of administrative charges and penalties for
189 the late payment of tolls and toll evasion, which shall be not more than
190 twenty-five dollars for a first violation, not more than fifty dollars for a
191 second violation and not more than one hundred dollars for a third
192 violation; (7) provisions to protect and appropriately limit access to toll
193 customer information and other data collected, received, maintained,
194 archived, accessed and disclosed by the department; and (8) the
195 manner in which a transponder or similar device shall be located in or
196 on a motor vehicle entering an electronic tolling system if such system
197 uses a transponder or similar device.

198 (b) The Commissioner of Motor Vehicles, in consultation with the
199 Commissioner of Transportation, shall adopt regulations, in
200 accordance with the provisions of chapter 54 of the general statutes, to
201 implement the provisions of sections 2 to 6, inclusive, of this act. Such
202 regulations shall include restrictions on issuing a registration to the
203 owner of a motor vehicle who owes tolls for transit over or use of a
204 tolled highway or owes administrative charges or penalties for the late
205 payment of tolls or toll evasion.

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

TRA *Joint Favorable Subst. -LCO*

FIN *Joint Favorable*