



**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

**Statement of Legislative Commissioners:**

In Section 2(a), "Route" was added for accuracy, in Section 4(e), "section 19 of article third of" was changed to "maintained pursuant to article thirty-second of the amendments to" for accuracy, and in Section 6(d), "number" was substituted for "license" for consistency.

**TRA**      *Joint Favorable Subst. -LCO*