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CONNECTICUT
GENERAL ASSEMBLY
SENATE

PROCEEDINGS
2009

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3634 – 3983

Those absent and not voting 0

THE CHAIR:

The bill, as amended by Senate B, passes.

Mr. Clerk.

THE CLERK:

Calendar Number 302, File Number 394 and 970, substitute for Senate Bill 735, AN ACT IMPROVING BICYCLE PEDESTRIAN ACCESS, favorable report of the Committees on Transportation, Planning and Development, Government Administration and Elections, and Appropriations.

THE CHAIR:

Senator --

SENATOR DeFRONZO:

(Inaudible).

THE CHAIR:

Senator DeFronzo.

SENATOR DeFRONZO:

Thank you, Mr. President. Mr. President, I move acceptance of the joint committees' favorable report and passage of the bill.

THE CHAIR:

Acting on acceptance of passage of the bill, will you remark further, sir?

SENATOR DeFRONZO:

Yeah. Mr. President, there are no enterprise or development zones in this bill, still. However, Mr. President, the Clerk is in possession of LCO 7907. I ask that the amendment be called and I be allowed to summarize.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO 7907, which will be designated Senate Amendment Schedule A is offered Senator DeFronzo of 6th District, et al.

THE CHAIR:

There is a motion on the floor for summarization. Seeing no objection, sir, please proceed.

SENATOR DeFRONZO:

Mr. President, I move adoption of the amendment.

THE CHAIR:

Please proceed, sir.

SENATOR DeFRONZO:

Thank you. Mr. President, this is a strike-all amendment which is designed to provide improved bicycle and pedestrian access on Connecticut roads and bridges and transportation facilities throughout our state. The bill achieves this goal by targeting existing resources to the improvement of bike and

pedestrian accesses in our cities and towns and on our state roads. The bill requires with several exemptions that by October 1, tenth -- 2010, that one percent of state DOP funds -- DOT funds and one percent of funds received by the municipalities in the aggregate be used to provide bikeways or paths, pathways, sidewalks, and curb cuts or other pedestrian-friendly development.

In addition, Mr. President, the Commissioner is further required to submit a list of all projects including bike or pedestrian access components to the Transportation Committee in each of the next two years. This will allow the committee to monitor the department's progress in meeting its established program goals in this area.

And the bill also creates, Mr. President, an 11-member bicycle and advisory pedest -- and let me get that right -- Connecticut Bicycle and Pedestrian Advisory Board which shall promote bicycle and pedestrian access in Connecticut. This bill drew support from the Windham Council of Government, the Transit for Connecticut, Sierra Club, City of New Haven, and many other advocates of pedestrian and bicycle transportation spending, Mr. President.

So, in concluding, I would ask that the members

of the Senate give support to this amendment. Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Will you remark further? Senator Debicella.

SENATOR DEBICELLA:

Thank you, Mr. President. Mr. President, through you, a few questions to the proponent of the bill.

THE CHAIR:

Senator DeFronzo.

SENATOR DEBICELLA:

Thank you, Mr. President. Through you, looking at Section 1(c), the one percent set aside, Mr. President, through you, is that for any and all transportation projects, regardless of whether it goes through the DOT or a municipality and regardless of the size of the project, itself? Through you, Mr. President.

THE CHAIR:

Senator DeFronzo.

SENATOR DeFRONZO:

Thank you, Mr. President. If I understand the question, through you, Mr. President, the -- maybe I can rephrase it and tell whether I have it right or not. Are you asking me if the one percent is for all

state funding or federal funding used by the state and being provided to the cities and towns of our state? Is that the question, through you, Mr. President?

THE CHAIR:

Senator Debicella.

SENATOR DEBICELLA:

Through you, Mr. President, that's correct. And regardless of size, whether it's a $200,000 project of a $2 billion project, through you, Mr. President.

THE CHAIR:

Senator DeFronzo.

SENATOR DeFRONZO:

Through you, Mr. President, the one percent should be -- through you, Mr. President -- the one percent should be viewed as an aggregate number; so, for example if the Town of New London were receiving a million dollars for some transportation funding through the Department of Transportation for a program that's listed here, one percent -- all agree that would be $10,000 -- would be required to be spent on these components. Through you, Mr. President.

THE CHAIR:

Senator Debicella.

SENATOR DEBICELLA:

Thank you, Mr. President. So, through you,

Mr. President, am I to understand, then, that that spending need not occur in the town or in the region in which a project is being done? So, for example, to use a large project, between Stratford and Milford we have quarter-of-a-billion-dollar reconstruction of the Moses Wheeler Bridge happening over the course of the next seven years. Would we be setting aside, then, $2.5 million for bike paths in Stratford and Milford or could they be used anywhere in the state where they might be needed? Through you, Mr. President.

THE CHAIR:

Senator DeFronzo.

SENATOR DeFRONZO:

Through you, Mr. President, on the statewide basis, it would be anywhere in the State of Connecticut. Through you, Mr. President.

THE CHAIR:

Senator Debicella.

SENATOR DEBICELLA:

Thank you, Mr. President. I thank Senator DeFronzo for the answers to those questions. Based on the answers to those questions, Mr. President, I stand in opposition to the amendment and to the underlying bill, since this becomes the bill.

Mr. President, the transportation in Connecticut needs every dollar it can get for two of the major projects that we need. One is the safety and maintenance of our roads. And taking away one percent from things like the Moses Wheeler Bridge is at the best simply going to drive up costs for these projects and drive up cost for transportation or at worst is going to jeopardize safety on our roads.

At the same time, Mr. President, and thinking about the spirit in which I think Senator DeFronzo's brought this forward, mass transportation is equally in need of funding in our state. And to take away one percent from those projects for the sake of bicycle paths is, to me, also excessive.

Mr. President, the other part of this I find a little troubling is, as Senator DeFronzo said, these funds can then be sent -- spent anywhere in the state. So if you have a major construction project that going on, say in Fairfield and Trumbull we are going to be having about $70 million from the federal stimulus package to do work on Merritt -- on the Merritt Parkway between Exits 48 and 46, well this bill doesn't say we have to provide bike access at that point. We can take that money and spend it in Hartford or Brooklyn or any other town in Connecticut.

And, Mr. President, that doesn't make a lot of sense to me.

So I stand in opposition to this bill, not only -- I think it's very well intended -- but I stand in opposition not only because it is going to harm our efforts to maintain our roads and harm mass transportation but because I think it's also fundamentally unfair to the municipalities and the regions that are actually having work done on them that was meant to be done either through state money or federal money. Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Senator Boucher.

SENATOR BOUCHER:

Thank you, Mr. -- thank you, Mr. President. Mr. President, I rise to support this amendment, notwithstanding the comments that were just made of real concerns regarding our funding issues and also of concerns by our Council of Small Towns that are deeply concerned about what this might mean for them. However, in order to maybe allay some of their concerns, if I may ask a question through you to our distinguished Chair of the Transportation Committee, when he has a moment?

THE CHAIR:

Senator DeFronzo.

SENATOR DeFRONZO:

Mr. President.

THE CHAIR:

Senator Boucher.

SENATOR BOUCHER:

Yes, through you, Mr. President, as I was just saying that I do support this proposal. I think it's a great initiative, particularly since our town has been the beneficiary of new construction and a sidewalk on a very main state road with a great deal of traffic where these additional improvements were well received, desired, and are helping a great deal.

However, there are some real concerns that have been expressed both by our good Senator regarding the funds that might be taken away from other very large projects and concerns by the Council of Small Towns. Could you please help us with that and maybe list some of the exemptions? And, also, if you might define in Lines 28 to 30, notwithstanding provisions of the subsections, such provisions shall not apply in the event of a state or municipal transportation emergency? Through you, Mr. President.

THE CHAIR:

Senator DeFronzo.

SENATOR DeFRONZO:

Thank you, Mr. President. There are a number of exemptions to the one-percent requirement, as you point out. Let me flip over here. One in Section, I believe, it's 1(h) of the bill -- no the -- it would be Section 1(c) of the bill, notwithstanding the provisions of the subsection, such provisions shall not apply in the event of state and municipal transportation emergency. So in the event of a municipality, if there were a local bridge collapse or a local road collapse or some, a washout of a road and all transportation funds would have to be spent to replace that bridge or road, through you, Mr. President, that would be a transportation emergency with would obviate the requirements of this bill.

And then in the following section, there are a number of opt-outs which were provided really at the request of CCM and the Department of Transportation. These include such items as a demonstrated absence of need in a particular area, any accommodation that might result in excessively expensive cost to the municipality, an accommodation of all users which is not consistent with municipality's plan of

transportation development or construction. So all in all these areas, great leeway is given to the cities and towns, as well as all these also apply to the Department of Transportation. So that if in the unlikely event that this requirement would create a problem, they would be able to opt-out of it.

I would add, though, that this one-percent requirement is quite likely being met already. These federal programs, these are not new mandates. They're not new requirements. Virtually all of the federal programs we have, which are listed later in the bill here, are (inaudible) -- have as eligible uses things like curb cuts for handicap and elderly, new sidewalks, elderly walkways, bicycle paths, all those things. And that's why later in the bill why we ask for a detailed listing through the Department of Transportation of all the projects that we are funding and the amount of money that's being devoted to these specific components, because we believe, Mr. President, that we will document at least one percent, probably far more than one percent of the DOT spending already is being made in these areas.

So -- and as Senator Boucher would probably note, that those lists are due in until October of 2009, and then again in October 2010. And the one-percent

provision does not become effective until October of 2010, which would give us adequate time to determine whether we are at above or below that one-percent threshold. So, through Mr. President, I hope that answers the question.

THE CHAIR:

Senator Boucher.

SENATOR BOUCHER:

Thank you, Mr. President. The answers were excellent; I thank the Chairman for his answers.

But one further item, and I wonder if, further, we can allay some fears on the parts of the small towns. Who would actually be negotiating, with regard to some of those exemptions? Would it be the DOT or various municipalities being affected? Through you, Mr. President.

THE CHAIR:

Senator DeFronzo.

SENATOR DeFRONZO:

Through you, Mr. President, this bill does not anticipate any negotiation. It really just requires the legislative body to make a determination in any one of those categories. If the legislative body made the determination that there was an excessive cost involved, through you, Mr. President, that project

could be taken off the list or the one-percent requirement would be negated as a result of that determination. So there's not -- there's -- we're not trying to be overly prescriptive here with municipalities, we're -- this is something we'd like to do. We'd like to move it forward.

For the fiscal notice you might have seen, indicates that there's no municipal impact. The funds are already being received by municipalities; we would just like to see a small portion of those funds be devoted to some of the new developments in cycling and pedestrian-friendly development that we've been talking about in this stare for a number of years but have not done nearly enough of. Through you, Mr. President.

THE CHAIR:

Senator Boucher.

SENATOR BOUCHER:

Thank you, Mr. President. I thank the Chairman for his answers. I support this bill strongly. I think given that we're such a small, dense state, a beautiful state should become more pedestrian user friendly for all of our residents. And for that reason I hope that my colleagues will join us in supporting this. Thank you, very much.

THE CHAIR:

Thank you, ma'am.

Will you remark? Senator Witkos.

SENATOR WITKOS:

Thank you, Mr. President. I also rise in the support of the bill before us today. You know, my community is looking forward to Phase III of our Rails-to-Trails program, and when I'm campaigning and around my district, we talk about use of public funds. And say one of the best projects that I've ever seen for use of public funds is our Rails-to-Trails. It gets everybody out on the weekdays and on the weekends walking, pushing baby carriages, rollerblading, jogging, and it's done in a safe manner. It removes them off the streets, and we've never had any vehicular accidents with folks using these sidewalks or trials.

And I think that by stating one percent of the funds should be designated, I think we're sending the right message, that we want to provide a safe means of transportation and for the public to get out there and, you know, burn up some energy. Get out of the cars. Park the cars, because we are providing a safe avenue for you to get from here to there. And I know that the bicycle group has been around ever since I've

been up at the Capitol of seven years now advocating for bicycle safety and bicycle funds to promote the wider use of bicycles. And what a great way that we say out of all these funds that go toward transportation projects, one percent, a very minute amount, is going towards these designated areas so we can provide for those other needs.

And let's not forget, a lot of things that we do, and half of our population, a large percentage is under the age of 16. Well this knows no boundaries. I mean, from the baby infant all the way up the grandparents can use these trails. You don't have to have a driver's license to utilize these trails, so this is actually money that can go for everybody. And I urge its passage. Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Senator Kane.

SENATOR KANE:

Thank you, Mr. President. I actually rise in opposition of this amendment. I served on the Town Council in Watertown, my hometown, for six years, and when I was there, we had a -- broke the town up into nine sectors. And we would try to take care of the roads, the bridges, whatever infrastructure projects

we could, and broke it down into the nine various sections of the town. Unfortunately, every year the budget took more and more of a hit with unfunded mandates given to us by the State of Connecticut and beyond. So the nine-year plan became a 17-year plan, and those roads that we wanted to fix in Section 9 were put off, and so on and so forth, and so on and so on. So we never were able to get to a lot of the projects that we needed to on a timely basis, and that's because of the monies were so tight on the local level.

I think this, although well intended, is another one of those type of things. And it's another one of those type of mandates that are hurt towns, small communities, like the ones I represent, from doing the projects they need to do. I think that it should be part of their Capital Improvement Plan and allow this -- because we, too, to speak to Senator Witkos's point, we too are trying to build a pedestrian trail and bike trail in my hometown. And we have a nice, little river that it's going to go along, which -- oh, I shouldn't call it a river; it's probably much smaller than that, probably a brook -- but we are going to try to do that very same thing. And I think it's all part of the plan that's going to take place.

Unfortunately, we have some very large priorities right now. We are doing three schools in our town, the high school and two grammar schools, two elementary schools. And those have to take precedence, because of the need of these buildings that are required. So I do think that this is well intentioned and I would love to see this in any other year or probably more years down the road, but I just can't support it at this time. I do think that we have priorities in towns, the money is scarce, resources are scarce, and we can't put this kind of mandate on our small communities. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator Kane.

Will you remark further? Senator Frantz.

SENATOR FRANTZ:

Thank you, Mr. President. I do rise, I believe, in favor of the amendment, and I do have a question for the -- for Senator DeFronzo, through you.

THE CHAIR:

Senator DeFronzo.

SENATOR FRANTZ:

Thank you. Through you, Mr. President, could you, Senator DeFronzo, give us in the circle here a

little bit of a flavor for how you envision the interaction between the Bicycle and Pedestrian Advisory Board and any of the local authorities that would presumably have the final say over where the money goes?

THE CHAIR:

Senator DeFronzo.

SENATOR DeFRONZO:

Through you, Mr. President, as I indicated earlier, there is no attempt to prescribe for municipalities where these allocations should be made, other than an aggregate number being established at one percent. So the local legislative body would have total discretion about how these monies are spent or whether they're going to be exempted from the one-percent requirement. The advisory board would really be working on a state level to promote bicycle safety, Share the Road kind of promotional activities, perhaps raise money for that as well, work with the DOT to implement an effective planning process for accomplishing these goals. Through you, Mr. President.

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ:

Thank you, very much. And so I can make the assumption, through you, Mr. President, that the structure of this advisory board is substantially different from, for example, the Arts Commission, which also oversees roughly or specifically one percent of all new construction funds that goes into an art project of some sort.

THE CHAIR:

Senator DeFronzo.

SENATOR DeFRONZO:

Through you, Mr. President, you are correct, Senator Frantz.

SENATOR FRANTZ:

Thank you. And one last question, through you, Mr. President, Senator DeFronzo, can you just give us some additional assurance that this doesn't somehow, through using our imagination, end up as some kind of an unfunded mandate for our towns?

THE CHAIR:

Senator DeFronzo.

SENATOR DeFRONZO:

Through you, Mr. President, well, I'll -- I'd start by saying our Office of Physical Analysis doesn't see it that way, and that one measure. But, I mean, I've been a mayor of community; I'm very

sensitive to those issues as well. But each community in the state should be making some of these expenditures as a normal course of business; I mean curb cuts, sidewalks replacements, bicycle paths, paths for walking purposes in parks or around parks, safe routes to schools, that type of thing. All of those will be claimable towards this one percent.

So I believe most communities already are spending in excess of the one percent. The DOT believes it is spending in excess of one percent, and there's a reporting procedure here that will allow us to actually quantify that over the next two years. And, you know, I can assure you, Senator, that it's not our intent to force cities and towns to spend money that they don't have for these projects; we're just looking for them to take a small portion of what they do get and put it into these very important purposes. Through you, Mr. President.

THE CHAIR:

Thank you, sir.

Senator Frantz.

SENATOR FRANTZ:

Thank you, very much for that answer; I find that quite satisfying. And thank you for that added extra bit of confidence on that end. I think anything that

makes travel on either foot or on a bicycle of some sort safer, I think is a good notion to explore and support. And certainly anything that makes us, all of us Americans healthier as we travel about our local municipalities or throughout the country is a good idea, so I stand in support of it. Thank you, very much, Mr. President.

THE CHAIR:

Thank you, Senator.

Is there any remark further? Senator Fasano.

SENATOR FASANO:

Thank you, Mr. President. Mr. President, through you to the good, Senator DeFronzo.

THE CHAIR:

Senator DeFronzo.

SENATOR FASANO:

Mr. President, just so I could fully understand, I'm not quite sure I understand how the implementation of this bill works. How does one determine whether or not the municipality or -- has utilized at least one percent of the funds it receives for roads or transportation. How is that determined and what method of review is there to ensure compliance? Through you, Mr. President.

THE CHAIR:

Senator DeFronzo.

SENATOR DeFRONZO:

Through you, Mr. President, in the bill there is a requirement established for the Department of Transportation to report to the -- in Section 3, I believe it is -- that the Department of Transportation will report to the Transportation Committee on all funding, federal or state funding going out to municipalities which have a component that would be eligible to be counted against this one-percent threshold. So over a period of time, the first report being due in October 2009, the Transportation Committee would get a detailed report indicating the projects in each town and the component that might be eligible under that. So we'd be able to quantify that, actually see what the component is, and do the calculation. Through you, Mr. President.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Through you, Mr. President, so if a town will receive the normal town road aid that we give them in the budget, they get this bulk money that the town, as I understand it, absorbs into a general budget and then uses that money perhaps to do roads. How would

the Department of Transportation be aware of what they're actually using that money for? In other words, if we receive money from the state as the Town of North Haven and we resurfaced all our roads, how would the town or the Department of Transportation know I used that for resurfacing or I used that for resurfacing and a sidewalk or resurfacing and a bicycle path? Mr. -- through you, Mr. President.

THE CHAIR:

Senator DeFronzo.

SENATOR DeFRONZO:

Through you, Mr. President, the example of Town Aid Road is probably the most difficult example to respond to, because the Town Aid Road Fund, as you know, has been an appropriation, and you're right, that goes as a block of money to cities and towns. So in that one case you probably would not have a project list, unlike LoCIP, the Local Capital Improvement Plan, where a list of projects actually has to be provided to OPM before the money is released. So in the case of tran -- of Town Aid Road, that may be little more difficult. We have not prescribed the reporting procedure for that in this bill, but Town Aid Road, it usually is a relatively small portion of transportation aid going out to cities and towns when

compared to much of the federal and state aid that goes out. Through you, Mr. President.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Thank you, Mr. President. Mr. -- through you, Mr. President, do you anticipate that the Department of Transportation, by virtue of orders or regs, would therefore require the town to report to the Department of Transportation how they use their town road aid to -- in order to comply with this law? Through you, Mr. President.

THE CHAIR:

Senator DeFronzo.

SENATOR DeFRONZO:

Through you, Mr. President, I do not anticipate that that will happen. Through you, Mr. President.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Then leaving town road aid on the side, perhaps on a LoCIP project, could a LoCIP project be denied by the state if it did not have a component dealing with a sidewalk or bicycle or something that this bill relates to? Through you, Mr. President.

THE CHAIR:

Senator DeFronzo.

SENATOR DeFRONZO:

Through you, Mr. President, as you know, Senator -- I'm sure you've read the bill -- there are no sanctions in here. There are no withholding of funds' requirements. It's really an attempt to establish a threshold that we would get to. I mean, there's nothing in here that says if a city or a town didn't hit the one percent they'd be ineligible for Town Aid Road or LoCIP or any other funding. We're really trying to just set a threshold that the cites and towns will meet voluntarily. And hopefully that will be accomplished through this legislation. Through you, Mr. President.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Thank you, Mr. President. Is it anticipated that -- let's assume that a town had other project -- other plans, some master plan for the last ten years that they were going to put in a mile or three miles of sidewalks down Main Street with some pedestrian or bicycle path associated with it, and it received money and it did that. Would that total cost be one that

they could use to achieve that one percent for their entire year, through you, Mr. President?

THE CHAIR:

Senator DeFronzo.

SENATOR DeFRONZO:

Through you, Mr. President, the requirement as we're viewing this is an aggregate amount, so if you, for example, if you had one project but did an expensive bike path and all the other projects in the city were -- had no such component, I was wanting to say if one percent of the aggregate funding met the threshold project requirement, the city or the town will have met their one-percent goal. Through you, Mr. President.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Thank you, Mr. President. So through that one project, they could -- if I understood it correctly -- they could meet that requirement of that one percent? If that one project cost, now you got to that one percent. Is that my correct understanding? Through you, Mr. President.

THE CHAIR:

Senator DeFronzo.

SENATOR DeFRONZO:

Through you, Mr. President, that is correct.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

In Paragraph 5(d) of the amendment it says the provision of the facilities, pursuant to (c), which is the one percent, shall not be required if the Commissioner of Transportation or municipal officer demonstrates with respect to a highway or road project, and there's three exceptions to the rule. If they're not doing it project by project, would you then take the aggregate amount, subtract out those projects that met these three to determine the one percent? Through you, Mr. President, just so I understand the bill more clearly. Through you, Mr. President.

THE CHAIR:

Senator DeFronzo.

SENATOR DeFRONZO:

Through you, Mr. President, I need to understand the question a little bit more clearly --

SENATOR FASANO:

Sure.

SENATOR DeFRONZO:

-- Senator Fasano. What section of the bill are you respond -- are you referring to?

SENATOR FASANO:

I --

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

I apologize. It's Section -- if I have it right -- 5(d). I wish I had a line, but it doesn't come up on lines on my computer, for some reason.

Section 5 (d).

THE CHAIR:

Senator DeFronzo.

SENATOR DeFRONZO:

Oh. Through you, Mr. President, the -- I'm sorry. The bill -- the amendment that we're working off, LCO 7907 only has three sections --

SENATOR FASANO:

Well --

SENATOR DeFRONZO:

-- so I'm not quite sure what you're referring to. But I think the question -- with the help with Senator Witkos -- is that if you -- if projects are discounted towards the -- by the Commissioner under those exceptions, would you be able to discount it

against the total on which the one percent is based. Is that the question, through you, Mr. President?

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Yes, that's the question, through you, Mr. President.

SENATOR DeFRONZO:

Okay. So if --

THE CHAIR:

Senator DeFronzo.

SENATOR DeFRONZO:

Yes. If the expenditures are disallowed for any of those reasons, the met would be dropped, through you, Mr. President.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Thank you, Mr. President. I thank the good Senator for his answers to the questions that I had.

Actually, if I apologize, Mr. President, I have one more for Senator DeFronzo. Mr. President, I apologize. I have one more for Senator DeFronzo, if I may. If a bidding project were to go out for which you receive funds from the Transportation to pay for

it, that total project would be for X dollars to do the entire work. If one percent had to be allocated to pedestrian activity or bicycle activities, as you suggest in this bill, would that shortfall of that project, if you had to take one percent out of that aggregate to set aside, would that shortfall be incumbent upon the municipality to make up by taxes or by their revenue or their general fund? Through you, Mr. President.

THE CHAIR:

Senator DeFronzo.

SENATOR DeFRONZO:

Through you, Mr. President, I -- you know, I think what we're clearly missing here is that what we want to achieve in this is an integration of these components into the plans that a municipality is doing. And, quite frankly, they're probably being done already. When a city or town repaves a road, they should be looking at the ability to add a bike path, or if they're re -- you know, adding new sidewalk, they're adding curb cuts in areas that are pedestrian friendly, new walkways, new sidewalks, that type of thing, Rails-to-Trails, perhaps, those are what this bill is intended to promote. And I don't think we're talking here about the cities or towns

having to spend additional money, these should be integrated into the plans that are already being made. These federal funds that the cities and towns are receiving already identify these projects as something they should be funding, and, quite frankly, we should be doing a better job making sure that cities and towns meet their obligations under these funding requirements. Through you, Mr. President.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Thank you, Mr. President. And I apologize for that, and I thank you, Senator DeFronzo, again. And, Mr. President, thank you for your indulgence.

With respect to this bill, I am probably going to support this amendment bill, as it proposed. I have concerns that it may not go in the direction we think it's going. My concerns are reporting for town road aid; I'm not exactly sure how that reporting is going is going to get done so that we ensure that the money is going to be utilized in the areas that we suggest. I'm concerned over the fact that if you could do it all in one project, are we really achieving the end that we set out with? Senator DeFronzo has indicated we're already doing this. If we're already doing this

in some manner, then why are we doing this bill if it's already being achieved? Certainly it's something that Smart Growth and growth planning principles that this circle and the House has passed, over and over again, talking about the requirements of getting away from cars and opening up our lands to those with bicycles and pedestrian walkways. Therefore, I just don't know if this goes too far. I understand the purpose and intent and I'm willing to see if it yields results and the feedback that Senator DeFronzo has talked about in this circle and many of my other colleagues have talked about in this circle.

But, once again, my concern is: How we're going to track this? Who is keeping track of this? What is the reporting requirements? How are those going to be kept? There's going to end up being a reporting requirement from the municipalities with respect to town road aid, because that is a significant portion of monies that the town gets; so there's going to be some requirement on that issue. So I am going to speak and obviously vote for it here today, but I think we should keep track of this and see if it does achieve the results we think. And if not, I hope we would revisit this issue. I thank you, Mr. President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you, very much, Mr. President. I really had not made up my mind when I came here this afternoon and wanted to listen to the debate on this bill, but there's one piece of information that's just been brought to the floor, and I appreciate the colloqui -- colloquy between Senator Fasano and Senator DeFronzo. And I have a question, through you, Mr. President, to Senator DeFronzo.

THE CHAIR:

Senator DeFronzo.

SENATOR KISSEL:

And my question is solely this: If we pass this bill -- and I do have the hesitancy regarding trying to tell our municipalities how to spend this money but I appreciate the fact that they're probably already doing so or should do so -- but if we pass this bill out of the Senate and into the House and it's signed by the Governor, will we have a greater chance of not vially -- violating any rules and regulations affecting federal highway and road funding and thereby not losing any of those funds?

THE CHAIR:

Senator --

SENATOR KISSEL:

Through you --

THE CHAIR:

-- DeFronzo.

SENATOR KISSEL:

-- Mr. President.

SENATOR DeFRONZO:

Thank you, Mr. President. Through you, clearly if we had -- if we passed -- if we adopt this amendment and pass the bill, we will be much more likely to be compliant with federal funding requirements and goals than we would be without it, simply for the fact that -- I mean other states have created five-and-ten-percent goals, so we are really just scratching the surface of this. But certainly by creating some goal and them being able to document some movement in this area, we'd be much better positioned to claim compliance with the federal funding goals than we are today. Through you, Mr. President.

THE CHAIR:

Thank you, sir.

Senator Kissel.

SENATOR KISSEL:

Thank you, very much, and I very much appreciate

that response from Senator DeFronzo. That is the piece of information that tips the scales in favor of me supporting this amendment, which becomes the bill. And I appreciate all the hard work that the proponents have put into this particular measure. Thank you, very much, Mr. President.

THE CHAIR:

Thank you, Senator Kissel.

Will you remark further on Senate Amendment A? Will you remark further? If not, let me try your minds. All those in favor, please signify by saying aye.

SENATORS:

Aye.

THE CHAIR:

Opposed, nays?

The ayes have it. Senate A is adopted.

Will you remark further on the bill, as amended by Senate A? If not, Mr. Clerk, please call for a roll call vote. The machine will be open.

THE CLERK:

Immediate roll call has been ordered in the Senate. Will all senators please return to the chamber. Immediate roll call has been ordered in the Senate. Will all senators please return to the

chamber.

A VOICE:

Tony, up in your district it wouldn't be bike paths anyways, it'd be horse trails or something.

THE CHAIR:

Have all senators voted? Have all senators voted? If all senators have voted, please check the board. The machine will be locked. The Clerk will call the tally.

THE CLERK:

Motion is on passage of Senate Bill 735, as amended by Senate Amendment Schedule A:

Total Number Voting	35
Those voting Yea	31
Those voting Nay	4
Those absent and not voting	1

THE CHAIR:

The bill, as amended, passes.

Senator Looney.

SENATOR LOONEY:

Yes, thank you, Mr. President. Mr. President, there was a bill previously placed on the Consent Calendar that needs to be removed from the Consent Calendar and another amendment to that bill will be offered. And that was on Calendar Page 24,

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chamber well for 14 years, has joined us here from Florida. He's up here for a college reunion. I'd like David to stand and for us to give him a warm welcome back.

SPEAKER DONOVAN:

Great to see you again Representative. Nice to have you back in the chamber.

Any announcements or introductions? Okay.

Well, I'd like to do one. My -- today is my daughter, Sarah Katherine Donovan's 17th birthday, so let's all wish her a happy birthday. Thank you very much.

Will the Clerk please call Calendar 672.

THE CLERK:

State of Connecticut House of Representatives calendar for Monday, June 1, 2009, on Page 22, Calendar 672, substitute for Senate Bill Number 735, AN ACT IMPROVING BICYCLE AND PEDESTRIAN ACCESS, favorable report of the Committee on Appropriations.

SPEAKER DONOVAN:

Representative Thomas Kehoe.

REP. KEHOE (31st):

Thank you very much. Good morning, Mr. Speaker.

SPEAKER DONOVAN:

Good morning, sir.

REP. KEHOE (31st):

Mr. Speaker, I move acceptance of the joint committee's favorable report and passage of the bill.

SPEAKER DONOVAN:

Question is acceptance of the joint committee's favorable report and passage of the bill. Will you remark?

REP. KEHOE (31st):

Yes, sir. Thank you. Mr. Speaker, this bill is designed to improve bicycle in history and access on Connecticut's roads, bridges and other transportation facilities. This bill achieves this goal by targeting existing resources to the improvement of bike and pedestrian access. It's otherwise known in other places where this has been implemented as the complete streets concept.

This bill requires with many exceptions that by October 1, 2010, 1 percent of state deal with the funds and 1 percent of funds received by municipalities in the aggregate be used to provide bike ways or paths, sidewalks, curb cuts and any other appropriate improvements.

In addition, this bill also creates an 11 member

bike -- Connecticut Bike and Pedestrian Advisory Board, which will promote bicycle and pedestrian access in Connecticut similar to the very successful Commuter Council. In addition, the Commissioner of Transportation is further required to submit a list of all projects including a bike or pedestrian access component to the Transportation Committee in each of the next two years. This will allow the committee to assess the department's progress in meeting its program goals.

Mr. Speaker, this bill is supported by the Windham Council of Governments, Transit for Connecticut, the Sierra Club, the City of New Haven, Greater Bridgeport RPA, the Commission on Children and the Tri-state Transportation Campaign. I'd also like to thank both of the transportation chairs for their strong support of this bill, and for the support recommendations I received from the ranking member. Mr. Chairman, I move -- Mr. Speaker, I move adoption.

SPEAKER DONOVAN:

Remark further on the bill? Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you, Mr. Speaker. A question or two to the

proponent.

SPEAKER DONOVAN:

Please proceed, sir.

REP. HETHERINGTON (125th):

Through you, Mr. Speaker, the 1 percent charge that is to support the paths, does that come out of the amount of aid granted to each town? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Kehoe.

REP. KEHOE (31st):

Sorry. Could the Representative please repeat his question?

SPEAKER DONOVAN:

Representative, could you please repeat the question?

REP. HETHERINGTON (125th):

The 1 percent amount to be diverted for this purpose, would that come out of the grant for each town for road purposes? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Kehoe.

REP. KEHOE (31st):

Yes, it would subject to the exceptions in the

bill.

SPEAKER DONOVAN:

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you. Through you, Mr. Speaker, did I understand there is another 1 percent from -- to be taken from DOT before the grants are actually made? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Kehoe.

REP. KEHOE (31st):

No. That the -- it would be 1 percent of DOT spending and 1 percent of the municipality funding.

SPEAKER DONOVAN:

Representative Hetherington.

REP. KEHOE (31st):

But not cumulatively.

REP. HETHERINGTON (125th):

So it would, through you, Mr. Speaker, be 1 percent of the DOT spending and then, plus 1 percent of each grant to a town. Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Kehoe.

REP. KEHOE (31st):

I'm sorry, again. I apologize, Mr. Speaker. Could he please repeat the question?

SPEAKER DONOVAN:

Representative Hetherington.

REP. HETHERINGTON (125th):

Through you, Mr. Speaker, there would be two takings of 1 percent. There's a 1 percent from the DOT budget. There's a 1 percent from the grants to each town so in effect there is 1 percent twice. Is that right? Through you, Mr. Speaker.

REP. HETHERINGTON (125th):

Representative Kehoe.

REP. KEHOE (31st):

That is not the intention. If the state is spending money on its project, it would utilize 1 percent, Mr. Speaker. If the town is spending its money or money received, it would spend 1 percent of its money on a per project basis.

SPEAKER DONOVAN:

Representative Hetherington.

REP. KEHOE (31st):

Through you, Mr. Speaker.

REP. HETHERINGTON (125th):

Through you, Mr. Speaker, is the 1 percent from

the town's grant paid subsequent to the issuance of the grant, that is does the town after it receives a grant and payback 1 percent to this fund? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Hetherington -- I mean Representative Kehoe. Sorry.

REP. KEHOE (31st):

Through you, Mr. Speaker, no, they do not. There is no payback. This is money that the town would spend as they reviewed their CIP projects. And those affecting roadways, they would decide which ones were appropriate to spend money on. They might choose to spend more than 1 percent and they might choose to avail themselves of the many exceptions in there to not spend any on a particular project. Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you. Through you, Mr. Speaker, when the town receives a grant for support of roads, does the 1 percent come off when the town receives it or does the state to adopt the 1 percent before it sends the grant

to the town? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Kehoe.

REP. KEHOE (31st):

Through you, Mr. Speaker, the state does not deduct anything. The town in reviewing its various projects concerning roadways will decide which ones are appropriate to include all users, not just vehicular traffic and they will hopefully spend the appropriate amount of money, not less than 1 percent, and they may choose to avail themselves of the many exceptions as well. Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Hetherington.

REP. HETHERINGTON (125th):

Through you, Mr. Speaker, does that include the spending by -- of a town of any federal money it might receive? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Kehoe.

REP. KEHOE (31st):

It might if it's a town project that they are pursuing. The sources of the funds would be the secondary issue. Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Hetherington.

REP. HETHERINGTON (125th):

Through you, Mr. Speaker, what happens if a town decides that it has already built alternative pass -- pathways that meet this purpose? What will happen if the town didn't divert 1 percent? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Kehoe.

REP. KEHOE (31st):

Through you, Mr. Speaker, there are no enforcement penalties or actions contemplated in this bill. Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Hetherington.

REP. HETHERINGTON (125th):

So, in effect it's a recommendation. Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Kehoe.

REP. KEHOE (31st):

Through you, Mr. Speaker, what we're trying to do with this bill is to establish a policy in the State

of Connecticut that begins to change -- reframe that thinking that roadways are not just about cars. That there are other people out there using it. So it is to reframe that idea into and to advance this policy and the inclusion of the 1 percent is to encourage towns to make that -- to fulfill that policy. Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Hetherington.

REP. HETHERINGTON (125th):

Why is it necessary, through you, Mr. Speaker, to make this a state requirement rather than allowing towns to make that decision based upon their particular needs and perception of the will of their people? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Kehoe.

REP. KEHOE (31st):

Through you, Mr. Speaker, I think it's appropriate for the assembly to establish policies that benefit all citizens of the state, and inclusion of all users on our roadways is a very appropriate policy for the State. Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you, and I thank the proponent. Mr. Speaker, I'm not sure this is a good idea. It seems to me it's another -- another measure we are adopting to erode the ability of a town to make decisions on the basis of its own knowledge of its needs and the will of its people. It seems to me also that in this particular time of stress for towns, fiscal stress, we are saying that it's the policy of the State that they divert 1 percent of their -- their diminishing funds for roads to another purpose that, while a laudable goal, is still a diversion of money at a time when the towns are severely stressed.

It is, I would point out, thirdly, also another mandate that doesn't have a clear sanction. We establish policies to be followed by our towns. The consequences of failure to follow those policies is, at best, not clear. What is the purpose, I would suggest we ask ourselves, what is the purpose of creating policies that don't have any sanctions? If we really believe in these policies, why don't we stand up and say well the consequences of not doing it is x,y. Instead we just lob out there these mandates

for towns to follow. But the overwhelming argument against this, it seems to me, is the argument that I first put forth is that it is again, further erosion of the authority of our towns -- municipalities to make the best decisions for their populations for their citizens.

And it is an implicit judgment that we here in the capital can make a better choice for all of our towns and the people who actually live there, then citizens who live there and pay the taxes can make for themselves. So I'm reluctant to support this although I think it's a laudable if vague goal and I thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative. Representative Kehoe.

REP. KEHOE (31st):

Thank you, Mr. Speaker. Mr. Speaker, the Clerk is in possession of an amendment, LCO 7907. I would ask the Clerk to please call the amendment and I've granted leave of the chamber to summarize.

SPEAKER DONOVAN:

Will the Clerk please call LCO 7907, which is designated Senate A.

THE CLERK:

LCO number 7907, Senate Amendment Schedule A, offered by Senators DeFronzo and LeBeau, Representatives Guerra -- Guerrera, sorry, and Kehoe.

SPEAKER DONOVAN:

Representative seeks leave of the chamber to summarize the amendment. Is there objection to summarization? Hearing none, Representative Kehoe, you may proceed with summarization.

REP. KEHOE (31st):

Thank you, Mr. Speaker. Mr. Speaker, this is a strikeall amendment that adds two additional circumstances on to which towns can decide not to expend the 1 percent funding on particular projects. I move adoption.

SPEAKER DONOVAN:

The question before the chamber is adoption of Senate A. Will you remark further on Senate A? Representative Scribner.

REP. SCRIBNER (107th):

Thank you, Mr. Speaker. Good morning.

SPEAKER DONOVAN:

Good morning, sir.

REP. SCRIBNER (107th):

Through you, a question to the proponent of the

amendment.

SPEAKER DONOVAN:

Please proceed, sir.

REP. SCRIBNER (107th):

Thank you, Mr. Speaker. Through you, Mr. Speaker, as indicated, the amendment that is now before us is actually a strikeall amendment which was adopted in the Senate. Could you please identify for the benefit of the chamber and in regard to legislative intent the differences between the amendment that's before us and the underlying bill? Thank you.

SPEAKER DONOVAN:

Representative Kehoe.

REP. KEHOE (31st):

Thank you, Mr. Speaker, the amendment, first of all, adds that this would not apply in any circumstance where there is an emergency such as a bridge needing repair to that affect. It also adds as an opt out, so to speak, that the accommodation of all uses is not consistent with the state or if such municipality's respectively, program of construction, maintenance and repair. And it also designates the municipal legislative body as the group that would

make that determination. Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Scribner.

REP. SCRIBNER (107th):

Thank you, Mr. Speaker. The reference to the legislative body, would you identify that as the voting or decision-making authority within the municipality, and obviously depending upon the size of the municipality, who that would be as far as the decision maker goes?

SPEAKER DONOVAN:

Representative Kehoe.

REP. KEHOE (31st):

Yes. Through you, Mr. Speaker, it is meant just be the governing body. Under no circumstance would that include, for example, a town meeting.

SPEAKER DONOVAN:

Representative Scribner.

REP. SCRIBNER (107th):

Thank you, Mr. Speaker. Through you, would you consider the language that's before us as far as the legislative body's roll in making a determination has been enabling legislation versus a mandate from the State in regard to adopting the project and the use of

the funds that are identified for it?

SPEAKER DONOVAN:

Representative Kehoe.

REP. KEHOE (31st):

Yes. Through you, Mr. Speaker, I would view it as enabling and not a mandate.

SPEAKER DONOVAN:

Representative Scribner.

REP. SCRIBNER (107th):

Thank you, Mr. Speaker, I know that there's a revision to the board that would be established under this program. Could you please identify for the benefit of the chamber what the makeup of that the board is in regard to the amendment?

SPEAKER DONOVAN:

Representative Kehoe.

REP. KEHOE (31st):

Through you, Mr. Speaker, the amendment indicates that the Governor and the Speaker and the Minority Leader and the Majority Leader of the Senate, Minority Leader of the Senate would appoint members to the committee and those members would be representative of the bike and commuter community, including visually impaired persons, mobility impaired persons, people

who would add their own personal insights to the challenges to making our roadways available for all users. Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Scribner.

REP. SCRIBNER (107th):

Thank you, Mr. Speaker. Through you, in regard to the makeup of the board and I know it's identified and it's actually been enhanced to include two additional members as I understand it, could you please identify for the benefit of the chamber how it was determined, the length of the terms of each of the appointments? For instance, the Governor's appointments are shorter than the others and it does indicate in the language before us that as the appointments are made beyond the initial appointments, they would be made by the board itself.

SPEAKER DONOVAN:

Representative Kehoe.

REP. KEHOE (31st):

Through you, Mr. Speaker, the intention there, as is often the case with various commissions and councils is to have the terms of the members be staggered so that not all members' terms would be

expiring at the same time. Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Scribner.

REP. SCRIBNER (107th):

Thank you, Mr. Speaker and through you, in regard to the funding that is identified at 1 percent. It's my understanding then under current legislation that already exists. Can you please identify for me what that dollar total might be under current law?

SPEAKER DONOVAN:

Representative Kehoe.

REP. KEHOE (31st):

Through you, Mr. Speaker, no. I do not have the total value. Sorry.

SPEAKER DONOVAN:

Representative Scribner.

REP. SCRIBNER (107th):

Thank you, Mr. Speaker. One of the voices of opposition to this piece of legislation as I understand it is the Connecticut conference of municipality's. Can you provide for us what that opposition might be? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Kehoe.

REP. KEHOE (31st):

Through you, Mr. Speaker, as I understood it, you know, it was concern over the State providing requirements on municipalities and in response to their concerns, most of the changes that I enumerated were made. I would also mention that in the initial bill we had already removed resurfacing as not being one of the projects where this bill would come into play.

So we're really talking about when there is substantial construction it going on and it's an attempt to raise awareness and to fulfill this policy. And I believe by adding the further exceptions when they don't have to do it that we have tried to accommodate their concerns. Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Scribner.

REP. SCRIBNER (107th):

Thank you, Mr. Speaker. It's my understanding from information that I have provided by the DOT that the funding that comes out of special transportation fund, 1 percent would represent roughly $56 million and that would be on a statewide basis. One of the items that is also addressed in the amendment before

us has to do with the Commissioner of the Department of Transportation's role in this process as well. Would you view his role as being discretionary versus this being a mandate for him to strictly follow that 1 percent commitment? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Kehoe.

REP. KEHOE (31st):

Through you, Mr. Speaker I would view it, because of the many exceptions, to be somewhat discretionary. Again, this is a policy. And conversations with the Commissioner of Transportation, I know he's supportive of furthering the access to all users to the roadways. And I'm quite confident that he is very supportive of this policy. Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Scribner.

REP. SCRIBNER (107th):

Thank you, Mr. Speaker and I think the proponent for his answers. I believe that the amendment that's before us that has passed in the Senate certainly makes some improvements to the original bill that originated in Transportation and also, at the same time addresses a lot of the concerns that have been

raised.

And so I believe that with the strikeall amendment that's before us, adopted by the Senate, it makes some significant improvements to the legislation and I would urge the members of the chamber to adopt it. Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative. Will you remark further on the amendment? Further on the amendment? Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. Good morning. If I may --

SPEAKER DONOVAN:

Good morning, sir.

REP. CANDELORA (86th):

If I may, a few questions to go.

SPEAKER DONOVAN:

Please proceed.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. My questions in particular -- pertain to section C and D, lines 20 to 39, my first question is that the funds that are received by the department and the municipality, as I

read the definition of funds, it would include, basically, all funding for road programs for a specific municipality. Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Kehoe.

REP. KEHOE (31st):

Through you, Mr. Speaker, that's correct for the purposes set forth in lines 21 and 22.

Deputy Speaker Altobello in the Chair.

DEPUTY SPEAKER ALTOBELLO:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. And in lines 21 as part of the items that get pulled into this particular provision, if a town provides chip sealing as a way of improving their road system, would those funds that go towards chip sealing be included? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Kehoe.

REP. KEHOE (31st):

Through you, Mr. Speaker, to the extent that chip

sealing as a method for resurfacing, they would not be included. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker and just to be clear, because I missed that. If a municipality resurfaces its roadways through chip sealing and oiling of the roads, that particular program would not be included? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Kehoe.

REP. KEHOE (31st):

Through you, Mr. Speaker, yes.

DEPUTY SPEAKER ALTOBELLO:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. And is that because chip sealing would not fall under the definition of construction restoration or rehabilitation? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Kehoe.

REP. KEHOE (31st):

Through you, Mr. Speaker, no. I think it's more to the point that chip sealing to my knowledge of it would be viewed as a resurfacing activity. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. And is there a specific exemption for resurfacing or a definition that excludes resurfacing in this amendment? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Kehoe.

REP. KEHOE (31st):

Through you, Mr. Speaker, no. The original bill had the word resurfacing in the litany of activities set forth on line 21 and that word at the request of CCM was removed. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. So then I guess the reason why resurfacing was removed because we wanted to make sure that we were not including items, such as

chip sealing in this amendment, and if I'm correct, are there any other particular activities we were seeking to not include by removing that word "resurfacing?" Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Kehoe.

REP. KEHOE (31st):

Through you, Mr. Speaker, I'm not a civil engineer so I would suggest that to the extent that an activity is resurfacing, it would not be included. To the extent that connectivity is considered construction, restoration, rehabilitation or relocation, it would be included. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. And just for the purposes of legislative intent, when a town goes out and fills potholes, they may, you know, cut around an area of a pothole, put some gravel and it and asphalt and it had repair that area of the road. Would funds used in that be -- fall under the definition of rehabilitation in lines 21? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Kehoe.

REP. KEHOE (31st):

Through you, Mr. Speaker, I would hope that the loss of the filling the potholes on the side of the road where the runners and the cyclists are, but no. I don't believe that would. I think that would be in the nature of resurfacing, minor repair. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. So then the overall intent of this legislation is that we are targeting funds that may be sort of the larger construction projects, where in the course of analysis it would make sense for a municipality or the State to look at, in the overall scheme, to look at the ancillary items such as bicycle and pedestrian walkways. We're not seeking to target funds that involve sort of the day today or year-to-year maintenance of roads. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Kehoe.

REP. KEHOE (31st):

Through you, Mr. Speaker, I think that's an apt summary.

DEPUTY SPEAKER ALTOBELLO:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. And I understand that the bill doesn't provide any mechanisms for enforcement, but as I do read this we do have, shall language, so it would be my understanding that in lines -- well, it would be in line 22 that these funds must be expended unless there is an exception in Section D. So while there isn't enforcement mechanisms, a municipality is required to spend the money in this manner, and, I guess, it's not so much a question. It's probably more of a comment that I would -- I would assume that individuals would certain -- be able to bring an enforcement action against a municipality or the department, if they so choose to not use those funds unless they fall under the provisions of Section D.

And as I read Section D, we've carved out a number of exemptions for when the funds aren't necessary and my question for item number one in line

34 pertaining to nonmotorized usage is prohibited. I'm just not familiar with that type of term. Would I be able to get an explanation of nonmotorized usage is? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Kehoe.

REP. KEHOE (31st):

Through you, Mr. Speaker, if one is driving onto an interstate highway or a limited access state highway you'll frequently notice signs that say pedestrians and cyclists, equestrians prohibited and that would be a road where nonmotorized usage is prohibited. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. And would a municipality also be able to ban nonmotorized usage on their local roads? Do they currently have that ability? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Kehoe.

REP. KEHOE (31st):

I don't -- I don't know the answer to that

question, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. But I guess in item, that's -- that very same night, nonmotorized usage where that term is used we're typically having it pertain to the state spanning of non-pedestrian traffic or pedestrian traffic on state roadways. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Kehoe.

REP. KEHOE (31st):

Through you, Mr. Speaker, yes.

DEPUTY SPEAKER ALTOBELLO:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. And in lines 33, I see -- or actually, in lines 32, I see that the Commissioner of Transportation would be the individual that's making the determination of whether or not the exclusion should be invoked, which is a member of the executive branch. But in the municipal carve out or exemptions out of it seems as if we're going to be

requiring the legislative body to making the determination of when an exception should be invoked. Am I correct in that term? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Kehoe.

REP. KEHOE (31st):

Through you, Mr. Speaker, yes.

DEPUTY SPEAKER ALTOBELLO:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. So if a town, in their budgeting process allocates money toward a quarter-mile repair of a roadway and their legislative body would happen to be a town meeting, would the municipality then have to conduct a town meeting or potentially a referendum in order to determine whether or not they would be able to -- to invoke any of these exceptions? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Kehoe.

REP. KEHOE (31st):

Through you, Mr. Speaker, no. As in response to the question from the ranking member, the intention there is the small, discrete legislative body, whether

that would be a town council or a board of aldermen or similar, but it would under no circumstances require a town meeting. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. I appreciate that answer. What about the situation where a town, like in my town of North Branford, we have a town manager who serves as sort of the chief executive officer that makes all of the day-to-day decisions, meets with all the department heads, yet we have a town council who serves as the fiscal body and the legislative body of the town. Would it be the town manager invoking these exemptions or would the town manager need to bring those items to the town council for determination before they would be able to seek the exceptions outlined in Section D? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Kehoe.

REP. KEHOE (31st):

Through you, Mr. Speaker, it would be the intention that it be brought to the elected officials. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker, so if there is a town that may have a representative town meeting is a form of government where they may have an elected first selectmen, but they have a town meeting who the individuals that ultimately have -- vote on the budget -- in that circumstance, would it be the first selectmen that could invoke these exemptions or would they need to take the vote to a Representative town meeting? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Kehoe.

REP. KEHOE (31st):

Through you, Mr. Speaker, they would not have to take it to a town meeting. Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker, and just to be clear, because my understanding is the way to representative town meeting works is you could have members at large or members in district. The bodies could be anywhere

from 20 individuals to 30 individuals that meet monthly on a regular basis, very similar to a town council. And the first selectmen serves in principle very similar to the way a town manager would serve although they are elected, not appointed, performing the same functions. What would be the difference then of why the vote wouldn't need to go to a representative town meeting, but it would need to go to the town council? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Kehoe.

REP. KEHOE (31st):

Through you, Mr. Speaker, I may have misheard or misinterpreted his comment in terms of what he representative town meeting was. The point here is that the proponents of the bill and those who provided input wanted the decision to invoke one of the exceptions to be made by more than one person, but yet have it the smallest group, whether it was a town council, board of aldermen. So if in that particular town, there were just one for selectmen who regularly met with a group functioning, the equivalent of a town council, a very small group, then I think under that circumstance it might be appropriate that the first

selectmen would take it to that group. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. I'm thinking may it be a possible interpretation that the town manager is an appointed official by the town council. The town council ultimately is the elected official in a situation, where there is a representative town meeting where you have a first selectmen who is an elected official and you have a representative town meeting that our elected officials. In no circumstances, the first selectmen who is elected naturally would be able make the decision because they're directly accountable in the election process, whereas a town manager is not there, an appointed official and that maybe the distinguishing factor. Through you, Mr. Speaker.

REP. ALTOBELLO (82nd):

Representative Kehoe.

REP. KEHOE (31st):

Yes. I think that is an appropriate distinction. We look to our elected officials to discuss and

enforce policy. And to our hired chief operating officers, so to speak, to effectuate that policy and that's part of the reason for the distinction. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. Then one final example in a situation of a town mayor who, or a city mayor, who is an elected official and there's also a board of aldermen or maybe a town council. Despite the fact that the town council may be the Finance Committee under -- or the board of finance under a state statute, a manage -- excuse me, a mayor in those circumstances would be deemed a legislative body under this definition it could make the decisions. Through you, Mr. Speaker.

REP. ALTOBELLO (82nd):

Representative Kehoe.

REP. KEHOE (31st):

Through you, Mr. Speaker, on the -- based on the assumption that the powers of a mayor may vary from a different municipality, I think that the intent again, is that this deviation from what we are hoping would

-- it is a very beneficial policy would be made at the same level and the same degree of involvement that other policy questions are made. Through you, Mr. Speaker.

REP. ALTOBELLO (82nd):

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker and I appreciate the good Representative's answers to my questions. I don't -- I don't have any more questions for him. Mr. Speaker, I applaud the intent of this legislation. I think generally it's one of the common concerns that I hear from people in town, especially in today's day and age where we're trying to promote healthy activities and good strong communities that towns do often want sidewalks and want pedestrian access. I think it's good for business too and our business district to allow people to have the ability to walk into those areas and frequent them a little bit more easier. As we're embarking on a construction projects in our town, it has become a frequent topic so I think it's probably not bad public policy for us to be supporting these measures.

But again, I think the devil comes down into the

details and I am concerned with the way this legislation is drafted. While I appreciate the financiers that we've received today that sort of helps define legislative body and when the exemptions could be invoked for a town. One of the general concerns that I have in my knowledge of statutory construction is that courts and bodies won't look to statutory construction if the language is clear on its face. And time and again, we use the term in these chambers "legislative body" and it traditionally has a particular meaning to us.

For me, being in a town with a town manager when I see legislative body, it means town council. For individuals that are -- that have towns with first selectmen, it means first selectmen. For towns that have a representative town meeting or a town meeting form of government, it means those terms. And so I'm concerned with the use of legislative body that while we've certainly flushed out what the intent is, that it's unambiguous that it means what it says. And so that a town or a city may not have the ability to invoke these exemptions without going to those appropriate body is. And I'm concerned because certainly in these economic times, we're potentially,

we're creating a public policy of carving out 1 percent toward pedestrian traffic and we're mindful of what impact that will have on our towns. And so carve out is a very important one for towns to be able to invoke, but they may not be able to invoke it because in Section C it is mandatory language. The towns are required to spend the money in this particular manner and while there's certainly no enforcement that innocence where they would be subject to forfeiture, I certainly think any third-party, any activist group would have the ability to enjoin a town from commencing or continuing any sort of road project unless 1 percent of those funds are used for this particular purpose. So I'm concerned currently what impact this may have.

And then finally I appreciate the explanation of construction, restoration, rehabilitation or relocation and I think there may be some ambiguity here where, in looking to legislative intent towns, or even courts, if they need to interpret this would understand that potholes and chip sealing would not fall under this definition. But we've broadly included all funds in the definition of funds and certainly we aren't necessarily being as clear as we

could be. And again, I'd be concerned with any kind of challenges to these provisions and so I do support the overall intent of this, but I think that we may need to flush out some of these definitions further. Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Candelora.

Representative Gibbons of the 150th, you have the floor, madam.

REP. GIBBONS (150th):

Thank you, Mr. Speaker. Good morning.

DEPUTY SPEAKER ALTOBELLO:

Good morning, madam, or good afternoon as the case may be.

REP. GIBBONS (150th):

Is it good afternoon? Maybe we are good afternoon. Hopefully, it won't be good evening, too. Through you, a couple of questions to the proponents of the amendment by the please.

DEPUTY SPEAKER ALTOBELLO:

Please proceed, madam.

REP. GIBBONS (150th):

I sit on the advisory board of the bicycle group in Greenwich -- bicycle group -- and they have been

e-mailing me for the past month to be sure and support this bill or amendment which I certainly will. But the first thing they're going to ask me as how do I get the money and when? Through you, Mr. Speaker, I thought I understood you to say at the beginning or maybe that was the underlying bill that this was not a mandate, but certainly as I read this amendment, it is a mandate for the towns to spend 1 percent of their transportation funds on pedestrian bicycle ways. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Kehoe.

REP. KEHOE (31st):

Through you, Mr. Speaker, the -- I suppose it all depends on what you consider a mandate. With the five exceptions, I believe that it's a -- more a statement of policy and a reasonable amount not to exclude -- not to be less than 1 percent, including money that is being given to the municipalities by the State. Through you, Mr. Speaker.

REP. GIBBONS (150th):

Thank you.

DEPUTY SPEAKER ALTOBELLO:

Representative Gibbons.

REP. GIBBONS (150th):

Through you, Mr. Speaker, on line 26 it says, 1 percent of the total amount of any such funds received in any fiscal year shall be so expended. To me, that is a mandate. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Kehoe.

REP. KEHOE (31st):

I would agree with her reading of the words. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Gibbons.

REP. GIBBONS (150th):

Thank you. Again, through you, Mr. Speaker, are there any stimulus funds that are going to be included in this percentage that the towns could use. Again going back to her three months I thought that President Obama had suggested that a certain amount of his transportation funds and again, the number was 1 percent, would be used for bicycle and pedestrian walkways. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Kehoe.

REP. KEHOE (31st):

Through you, Mr. Speaker, it's certainly my hope that there will be stimulus dollars and this really, this legislation really does not address the sources of funds, but funds received. So I do hope there will be stimulus dollars. These are certainly projects, many of them which would meet the criteria to be shovel ready and could be under construction very soon. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Gibbons.

REP. GIBBONS (150th):

I thank the representative for us and his answers. Again, through you, Mr. Speaker, who is going to determine the total amount with all these different carveouts? Is that going to be up to the State to publish a list for every single town, or is that the town in their annual budget to say, we receive X dollars from the State. There are certain amounts due -- are not subject to this totally and X minus Y times 1 percent will be available for pedestrian and bicycle walkways. Who will make that decision, please? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Kehoe.

REP. KEHOE (31st):

Through you, Mr. Speaker, to the extent that it involves funds being expended by a municipality, the municipality would make that determination. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Gibbons.

REP. GIBBONS (150th):

I thank you for that response. And again, through you, Mr. Speaker, we are setting up a statewide commission to identify different bicycle paths and perhaps walkways throughout the state. What if they happen to be in conflict with what a municipality happens -- wants to do? Through you, Mr. Speaker, who's going to make the ultimate decision or can this commission take some municipal funds and say we're going to spend them on a -- to connect a statewide bicycle trail? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Kehoe.

REP. KEHOE (31st):

Through you, Mr. Speaker. No, I would not see this commission having that type of authority. I would hope that they would bring their influence with

-- to the municipalities and to the state that we do spend the dollars wisely. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Gibbons.

REP. GIBBONS (150th):

Thank you, Mr. Speaker and I thank the gentleman for his answers.

DEPUTY SPEAKER ALTOBELLO:

Thank you, madam.

Representative Miller -- oh, I'm sorry. Representative Noujaim of the 74th, you were next, sir. You may proceed.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker. Good afternoon to you, sir.

DEPUTY SPEAKER ALTOBELLO:

Good afternoon, sir.

REP. NOUJAIM (74th):

How are you this fine Monday?

DEPUTY SPEAKER ALTOBELLO:

Fine, and yourself, sir?

REP. NOUJAIM (74th):

Good. Fine. Thank you. Mr. Speaker, for you if I may, just a few questions to Representative Kehoe,

the proponent of this amendment.

REP. ALTOBELLO (82nd):

Please proceed, sir.

REP. NOUJAIM (74th):

Thank you, and thank you, Mr. Speaker. To the good Representative, Representative Kehoe, I apologize if I am asking a question for the second time, but when you brought out the amendment, you said there are two conditions that have been either removed or added to the initial bill and I know you spoke to them to my colleague Representative Scribner, would you be kind enough to repeat the two conditions that are enacted in these two amendments? I have not been able to find them between the amendment and the body of the bill itself, as introduced. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Kehoe.

REP. KEHOE (31st):

Through you, Mr. Speaker, with respect to just the exceptions at line 29 and 30, we add, it shall not apply in the event of a state or municipal transportation emergency. For example, such if there was a bridge that failed and at line 37, 38, and 39, we added item number four as enumerated there.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker. Thank you, Representative Kehoe. I appreciate those exceptions. And you mentioned just a few seconds ago to my colleague, Representative Gibbons, about some stimulus money. And you are speaking about the fact that you are hoping that we'll have some stimulus money coming in to probably fulfill a portion of this project. It is my understanding and please correct me if I'm wrong that stimulus money coming from the federal government is a one-time project. So if we received some money from the stimulus and it was put to these projects, how do we continue to fund them in the future if they need to be funded? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Kehoe.

REP. KEHOE (31st):

Through you, Mr. Speaker, I think that is an answer that we're going to be searching for on many topics in addition to bike ways and other accommodations for all users. Through you, Mr.

Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker. May I ask for clarification, through you, Mr. Speaker, I was unable to hear the entire answer. I heard the Representative talking about researching or searching for something but I did not get the balance of the answer. Would you please --

DEPUTY SPEAKER ALTOBELLO:

Representative Kehoe.

REP. KEHOE (31st):

Through you, Mr. Speaker, you're talking about my most immediate response. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Noujaim.

REP. NOUJAIM (74th):

I'm sorry. There was noise behind me. Yes. You are correct, Representative Kehoe.

Thank you. Please, Representative Kehoe, would you be kind enough to repeat the answer.

DEPUTY SPEAKER ALTOBELLO:

Representative Kehoe.

REP. KEHOE (31st):

Through you, Mr. Speaker, I said I think that's a question that we'll be asking on many fronts when we receive the one-time dollars as two subsequent expenditures, but I would not, other than, you know, minor upkeep of any of these improvements that we make, they will be by their nature one-time expenditures. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker. And through you, Mr. Speaker, yes, I agree, that we will be having numerous, numerous questions to ask in reference to stimulus money that is coming from the federal government, but right now there is this one piece of legislation before us and I want to zero on my questions on it. It will be good for us to receive the money, do something with it but with -- with everything that we do, there's always maintenance and upkeep, and upgrade, and changes in technology so all of these must be handled in the future and I don't know if we'll be able to impose on our municipality -- municipalities to make those arrangements and those

expansions in the future. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Kehoe.

REP. KEHOE (31st):

I'm not exactly sure what the question was there, but again out of the goal of this bill is to establish a policy where all users are accommodated in our roadways throughout the state and to that end we will be maintaining those as we do the current ones which are available for people in cars. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker and through you, Mr. Speaker, with all my respect I think this bill is more than to establishing policies, because I am reading through the bill that there is a possibility for us that the Department of Motor Vehicles must hire two additional people and expected salary of $50,000 each plus benefits to be able to administer this program, this OF -- that's the fiscal analysis of the bill. So through you, Mr. Speaker, is it just a policy or is it to be implemented and it's adding more people to

become members of the employees of the State of Connecticut? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Kehoe.

REP. KEHOE (31st):

Through you, Mr. Speaker, while I didn't think there was much merit to that fiscal note, in fact the section that to which the applied has been stricken from the bill. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker. I apologize if I had not seen it, but you know, looking at the analysis of the bill itself, the amendment did not address that so I thought that we still have two individuals to be hired by DMV. So through you, Mr. Speaker, am I to conclude here that we do not have -- we do not intend to do any hires by this legislation if it goes into effect. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Kehoe.

REP. KEHOE (31st):

I'm sorry, Mr. Speaker. Could the question be

repeated, please?

DEPUTY SPEAKER ALTOBELLO:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker and if the Majority Leader has some things to discuss with the Representative, I will be willing to wait for it, if you so desire. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Noujaim, just to clarify we have a Senate A on the board. Senate A has a different fiscal note than the file copy. And I think if you review that, you might have the answer to your question, but I'll --

REP. NOUJAIM (74th):

Thank you, Mr. Speaker. I have not seen the fiscal note on Senate A, but I do appreciate the answer, but if I may continue through you, Mr. Speaker, on the Senate A itself, line number 7, it talks about an bond allocations. So through you, Mr. Speaker, does this mean that we have to -- to have to as the State of Connecticut must raise funds and to create bonds to be able to do this program? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Kehoe.

REP. KEHOE (31st):

Through you, Mr. Speaker, no. It doesn't require the expenditure of any funds just if funds are expended, some would be used, a very reasonable amount would be used for these purposes to accommodate all users. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Noujaim --

REP. NOUJAIM (74th):

Thank you, Mr. Speaker. Mr. Speaker, with all my due respect if this is only a bill that sets policy and we say if funds are going to be expended then we do expect funds to be expanded by putting this line 7 there. Am I correct? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Kehoe.

REP. KEHOE (31st):

To the extent that a municipality or a state spends money in the enumerated areas, then the policy would be that a reasonable amount not less than 1 percent would be expanded to accommodate all users, but it doesn't require any additional funds to be

spent. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker and through you, Mr. Speaker, in line 20 to 23, and I think it was just touched upon for a second by Representative Gibbons, the funds received by the department or any municipality for the construction, restoration, rehabilitation or relocation of highways, roads or streets, a reasonable amount shall be expended to provide facilities. Are we saying in here that once the money is given by the State of Connecticut to municipalities, are we telling them that you must take some of this money away from doing streets or paving or roads, to put in this plan in place, this legislation in place? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Kehoe.

REP. KEHOE (31st):

Through you, Mr. Speaker, no, we're not. We're saying that when you do streets and roads, accommodate all users, not just people in cars. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker and through you, Mr. Speaker, but when we say, shall it be expended, aren't we just put in a mandate on those municipalities saying to them that it's something you must do. And to the Representative, this is on line 22 of Senate A. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Kehoe.

REP. KEHOE (31st):

Through you, Mr. Speaker, I believe I've already commented on line 22 and I would refer the good gentleman to the lines 29 and 30 and then all of Section D, which set forth very extensive reasons for which the money does not have to be expended. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker and through you, Mr. Speaker, I truly appreciate the answer. And I would like to ask about the board in line 44. It says, the

board shall consist of 11 members appointed as follows, and let's find how they are appointed and to me, does not matter. But what I mean is what our the expenses that are going to be associated with those boards on a yearly basis, on an annual basis? I mean, whenever a board meets is going to cost money and the money is going to be paid by the taxpayers of the State of Connecticut.

This is not going to be -- although they are probably voluntary advisory members of the board, money has to be paid by somebody. Do we have an idea on how much it's going to cost in order for us to have all of these boards convene, whenever they decide to convene? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Kehoe.

REP. KEHOE (31st):

Through you, Mr. Speaker, there is no fiscal note with regard to the formation or activities of the board. It is as the good gentleman said, a voluntary board. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker and through you, Mr. Speaker, does this mean like they meet at somebody's home where there is no cost associated with the State of Connecticut or they meet someplace within the state of Connecticut and if they do, they have to buy lunch or coffee break or transportation mileage, those type of expenses. Even though they are not --the are not millions of dollars, but there there's got to be some expenses with it. There is no such thing as no money allocated. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Kehoe.

REP. KEHOE (31st):

Through you, Mr. Speaker, there is no fiscal note with regard to the board and those people who would volunteer for it would understand that going in that they would be on their own for lunch. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker, so does this mean that they will pay for their expenses out of their own pocket? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Kehoe.

REP. KEHOE (31st):

Through you, Mr. Speaker, yes.

DEPUTY SPEAKER ALTOBELLO:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker. I appreciate this. This way I will know if I am appointed to this board. I will know if the money is going to come out of my pocket or from the state. But, at any rate in reference to the board and the members of the board, are they indemnified of any liabilities while they're out performing their duties as volunteers for the State of Connecticut, just in case there are any liabilities? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Kehoe.

REP. KEHOE (31st):

I'm sorry. I didn't hear the first few words that the gentleman spoke. Through you, Mr. Speaker, on A.

DEPUTY SPEAKER ALTOBELLO:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker and through you, Mr. Speaker, I will repeat the question. Are those gentlemen and ladies who are appointed to those boards, to these specific boards, are they indemnified of liability while they are performing their duties for this position and/or while they're traveling to come to board meetings and going back home after their board meetings? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Kehoe.

REP. KEHOE (31st):

Through you, Mr. Speaker, no.

DEPUTY SPEAKER ALTOBELLO:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker. That is really great to know and it's a very, very important point. I mean it may sound like it's meaningless, but it really is not because if you have a board that is making decisions on behalf of the State of Connecticut and those members are not indemnified of liabilities, it means that they know that if they do something wrong, they can be sued for it and it could cost them a great deal

of money in litigation. Would that be correct? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Kehoe.

REP. KEHOE (31st):

Through you, Mr. Speaker, I don't choose to answer that. I'm not sure of the question -- the answer to that, it may be as the gentleman describes it. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker. So we are introducing a piece of legislation in here that we know that there is liability to those volunteers, who are going to be operating or doing a job for the State of Connecticut on behalf of the State of Connecticut and we don't know if they can be sued. So when they are appointed by the government, or the Governor or the Majority Leader or the Minority Leader. And then ask the question, they say, geez, while I'm performing my duty to the State of Connecticut and I make a mistake or there are some financial misappropriations by some members, would I be liable? And what do we answer

them? Do we say to them, yeah, you may very well be sued and you better have an umbrella insurance policy to support you when you're doing this business for the State of Connecticut. Is that correct? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Kehoe.

REP. KEHOE (31st):

Through you, Mr. Speaker, anytime somebody is driving their own vehicle they are potentially subject to being sued if they cause an accident. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker. Okay. I truly apologize, but I do not accept this because these are the type of legislation that we are putting through in order for us to make the State of Connecticut a better place to be, but yet we cannot even get answers to the questions that we have here.

So and we are the legislators. We are the representatives of the people. So what are we going to do when somebody asks this question in the future,

who is a volunteer, and they say, well I want to volunteer with you, for you, to do things for the State of Connecticut, but yet if I am sued, I have to pay it myself and I have to cover my own expenses, hire my own attorneys. What kind of legislators are we if we cannot answer those types of questions when people ask us those questions? And it's very, very important we do this. We need to know what we are doing. And I really apologize for saying this, but that's a fact. Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Noujaim.

Representative Miller of the 122nd, you have the floor, sir.

REP. MILLER (122nd):

Thank you, Mr. Speaker. I'm not sure what I'm going to ask. I think just about everything has been asked. But let me just make a statement about our local towns. Many years ago, I was the chairman of the Parks and Recreation Committee, and also Community Development, and we established a bike path through half of Stratford. Stratford is a long town, not wide, but very long and we established a bike path through half the town.

And there was a woman, who was a handicapped lady who did an awful lot of the things for the handicapped people in our community, and she discovered that there was funding for the federal government to put curb cuts in the sidewalks. So pretty much 80 percent of our town has curb cuts so when we married our bicycle paths with the streets where the curb cuts were, we had a wonderful bike path that went through about 85 percent of our community and at little cost. And it's ironic that we did it through two local committees that did an outstanding job, pretty much cost us nothing, and who better to establish bike paths, but your local people who live in your community.

I understand that there's going to be a board, 11 member board. Every town pretty much have some kind of a committee that deals with recreation of parks and Stratford certainly has a Parks and Recreation Committee that has done an outstanding job of overseeing everything that has to do with those two areas in our community. And also in the City of Shelton, we have a wonderful Parks and Recreation Committee that oversees everything that's done with parks and recreation and they do an outstanding job. And if there's funding available, they always get it.

So why we need an 11 member board to oversee something that's going to be done on the local level is beyond me.

You know, a few years ago, we passed a plan of conservation and development that was a blueprint for our communities. That was a number of years ago. And just last week we passed a bill that's going to encourage regionalism and it was all volunteer. And here we are today with a mandate from the State of Connecticut telling her local towns that they're going to have to do certain things when it comes to a bike path and nonmotorized transportation. I always am very cynical with the State of Connecticut offering mandates on such a trivial type of matter. This is something that towns do and the cities do themselves. We don't need the State of Connecticut telling us how we should have bike paths and nonmotorized transportation areas for our communities.

I certainly am going to vote for it because I am favor of using the bicycles. I myself will get on a bicycle from time to time, and go from one end of the community to the other, and back. And it's great exercise, and it's certainly something that the state is more of. But again, here we go, a mandate dealing

with bicycles. So I guess regionalization is going to start to take hold in the state via the State of Connecticut and we're going to be told what we have to do in the future. So, just my comments and I thank you for listening, Mr. Speaker. That is if you're listening, Mr. Speaker. Thank you.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Miller.

Representative Alberts, you have the floor, sir.

REP. ALBERTS (50th):

Thank you, Mr. Speaker. If I may, several questions to the proponent of the amendment.

DEPUTY SPEAKER ALTOBELLO:

You surely may. Please proceed, sir.

REP. ALBERTS (50th):

Thank you. As I understand it, this amendment that's before us, there's nothing in -- let me go to present law. There's nothing in today's statutes that would forbid a community from doing what this amendment proposes to do. Is that not correct?

DEPUTY SPEAKER ALTOBELLO:

Representative Kehoe.

REP. KEHOE (31st):

Through you, Mr. Speaker, that's correct.

DEPUTY SPEAKER ALTOBELLO:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker and I'm trying to parse the different terms of what is included and what isn't included in terms of reimbursement, but am I correct to understand that town aid road funds, those funds that are provided to communities are not incorporated into this reimbursement scheme? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Kehoe.

REP. KEHOE (31st):

Through you, Mr. Speaker, the designation of funds is not the issue. It is the use of funds and as I mentioned earlier, repaving is specifically not included here in the litany of things for which the accommodation of all users must be considered. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker. Is there a delineation in the bill for the size of a community across the

state in terms of either the numbers of roads that might be applied where this would have to be incorporated, or is it essentially one-size-fits-all structure? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Kehoe.

REP. KEHOE (31st):

Through you, Mr. Speaker, there's no delineation as to size. The goal of the bill and the policy is to make all of our towns and cities more livable and to accommodate all users. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker. In my hometown of Woodstock, we have about 61 square miles of land. It's the second-largest community in the state by land mass. We have 87 plus miles of paved road, 24 plus miles of unimproved road or gravel road, commonly referred to as dirt roads and we have about 7 miles of designated scenic roads. Would this bill or this amendment as proposed be applicable to the gravel roads and to the designated scenic roads as well? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Kehoe.

REP. KEHOE (31st):

Through you, Mr. Speaker, again it doesn't differentiate between the type of road, whether it was a dirt road or a scenic road. If it were a town road and if the delineated activities were occurring subject to the exceptions or exclusions, then the expectation would be, there would be in accommodation of all users. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker. In lines 29 to 30 refer to a state of municipal transportation emergency, would-be budget crisis that we're in right now constitute an emergency and the proponents prospective? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Kehoe.

REP. KEHOE (31st):

Through you, Mr. Speaker, I think that would be interpreted on a case-by-case basis. Such as for example, a bridge washout where it was imperative to

get in there and spend money right away to return the road or bridge to its operation, and in those circumstances there would not have to be consideration to spend additional money to her through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker. So looking at that, would constitute -- I hear the example of a municipal transportation emergency. What might constitute a state transportation emergency in the proponent's perspective? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Kehoe.

REP. KEHOE (31st):

Through you, Mr. Speaker, the same type of activity that I just described the current you know, but occurring you know, on a state road. For example, a bridge failure. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker. And line 33 refers to

municipal legislative body and I know several of my colleagues have queried this, but again, for the record, in the town -- the towns that I have, I have boards of selectmen. There is one selectmen who is a first selectmen. The others are members of the board of selectmen. Am I to understand that for purposes of legislative intent that if we adopt this amendment and it becomes the bill, municipal legislative body from the proponent's prospective is indeed a board of selectmen in that case that I just provided? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Kehoe.

REP. KEHOE (31st):

Through you, Mr. Speaker, yes.

DEPUTY SPEAKER ALTOBELLO:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker. And line 35 is -- references lines 34 and 35 references one of the exceptions that the proponent previously mentioned. And it cites here there is a demonstrated absence of need. How would we demonstrate that there is an absence of need or how would, in those particular case

-- in my case of my communities, how would the board of selectmen demonstrate that there is an absence of need? Would the argument that the board of selectmen takes a vote and says there is no need for this particular facility, would that be sufficient to satisfy this requirement? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Kehoe.

REP. KEHOE (31st):

Through you, Mr. Speaker, yes. We would hope that the body involved would, you know, give some thought as to why and formulate some reasons why, but I think that would be appropriate. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker and I do appreciate the answers I've received today. I very much laud the purpose of this amendment. I'm struggling with the nature of the mandate that is before us. I'm also struggling with the fact that in more rural communities we don't have the infrastructure that many of the -- my sister communities have. We have in my

town of Woodstock as large as it is perhaps a thousand linear feet of sidewalks. I don't believe that there are any sidewalks in the Town of Pomfret. There may be a few hundred feet in the Town of Eastford. So this really is something that is a laudable goal for many of the municipalities, the larger municipalities, but I will be voting against this measure because of the mandate nature. And I really would like to see the towns to this on their own. Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Alberts.

Representative Miner of the 66th District, you have the floor, sir.

REP. MINER (66th):

Thank you, Mr. Speaker. Mr. Speaker, I've spent a little bit of time here reading this amendment and if I could indulge the chamber, I'd like to explain to the chamber what I think this amendment does. First of all, I'd like to speak to the issue of legislative body, municipal legislative body. For the changes -- for the chamber's edification, there's plenty of statutory law and definition about what legislative body is, Mr. Speaker. There have been attempts in the

past to change the definition of legislative body. In fact, many times we have passed legislative -- legislation and conferred a different definition on municipal legislative body. For instance, at times we have through the amendment process or legislation, declared that the legislative body, forget what the statute says, forget what your status is a municipality says, it'll be the board of selectmen or the board of finance.

I believe the legislature has the ability to confer that in a number of different ways, but absence, doing that, Mr. Speaker, what I believe this say is that it's the municipal legislative body that would make that determination. And then once I read that and those words, I believe I'm forced to go back to the statute book and match up the municipality to the definition as we carried in statute.

So for instance, if you are a municipality for whom the legislative body is a town meeting, I don't think we have the authority here in the chamber to redefine that without actually redefining it in words. I don't believe we have the authority to make the legislative body the chief elected official or a town manager or anything that we want to make it,

Mr. Speaker. I think we are forced to go to the statutes, which is where we should go, is to the statutes.

If we want to make a legislative body in this chamber for this bill something other than what it is in statute then we have an obligation to put that in writing. We can't do it in words here and do it in words in the Senate when we have the ability to write it. Section 7-45, for those municipalities that are boroughs for instance, the legislative body is the board of burgesses -- we can't just say that it's going to be one "burgi" -- we can't declare it that way. So with Mr. Speaker, with regard to Section D, that is one of the issues that I have with this piece of legislation.

And then in the same section we say that you have to do this, you have to do it. Unless someone determines that it's not require, meaning the Commissioner of Transportation or the legislative body. So in the case of a municipal project, if the legislative body says that it doesn't have to do it the, can someone appeal to the Commissioner? Can anybody bring some action to the Commissioner of Transportation and say, I think this should have a

bike trail. I think this should have pedestrian access.

I don't think it's clear here, Mr. Speaker. I don't think it differentiates between who's charged and went. As I read this bill, it could be anybody in any case. If you go up to the section before that, Mr. Speaker, starting on line 20, I'd -- I believe this does not exclude overlay. Now I know the gentleman has described chip sealing as not being part of this because CCM decided that they wanted to get involved in this bill and get it fixed. Well, they didn't fix it out for Mr. Speaker, what this says is, restoration of the construction, rehabilitation, relocation. Rehabilitation in the construction business means you rehabilitate the surface. May be grind it, maybe you overlay it, maybe you do any number of things to it, crack fill it.

It's a whole process. There are people in the construction industry that serve in this chamber. They know what that means we can't change what these words are, Mr. Speaker, they are what they are. And now that they're in print and is before us, we're forced to deal with it. So 1 percent of the dollars that are going to go from LOESA funds, STEEP funds,

town aid road, bonding, federal dollars are going to be set aside for these purposes. Some have called it laudable. Perhaps it is. I'm not so sure that's setting aside 1 percent of a bridge project to do something somewhere else, which I think this would allow us necessarily laudable, giving the circumstances we find ourselves in. Towns are struggling to do what they have to do with the dollars we give them now.

And what's a -- what is a state or municipal transportation emergency? What does that mean? Does that mean if a road -- a bridge is caved in then we don't have to appropriate the "one" dollars. I don't know what that means. We're redefining what municipal legislative body is. I suppose we could define what that is.

And then in Section B above that, line 17, accommodations for all users shall be a routine part of planning, design, construction and operation. Just so we understand how this process works, Mr. Speaker, if somebody in the town of Litchfield decides that they want to redo Milton Road, the town goes out and hires an engineer. They're bound by this language to design that road reconstruction to fit this guideline.

And then I guess we're going to take it to the legislative body, and I believe they're going to take it to a town meeting. So the chief elected official is going to call a town meeting. They're going to go to the board of finance. They're going to approve the town meeting because they're going to expend money and then the town is going to rally around some plan and then they're going to design -- then they're going to decide that you don't need to set aside the 1 percent.

And how about if you go up ahead of that. Line 15, total project cost means the cost of the entire corridor plan project. I think Milton Road is about six miles long, Mr. Speaker, and when the town of Litchfield has been able to afford to reconstruct Milton Road, they've done it in the sections. So as I read this, it would be the total project cost. You'd have to determine what the total project cost would be on the corridor plan. I don't see total project cost anywhere else in this amendment. But it's defined so I guess this body is going to define what the total project cost is. And as I read this piece of legislation, the State is not exempt unless somebody can correct me, I believe the State is in this. So when we redo a bridge on 95, 84, 691, I don't see how

we come out from underneath setting aside the 1 percent that we're requiring municipalities to set aside.

Now it says to me that the Commissioner of Transportation could determine that a pedestrian walkway is not required on 95. I think that makes sense. I'm not so sure you'd come out from setting the money aside. So maybe this is a good idea. Maybe we should be setting aside money for pedestrian access, for bike trails, for all sorts of things, but this is not the way to go about it, Mr. Speaker. We're not going to invent definitions in places where we have definitions. And I really am concerned about the fact that we've got all sorts of possibilities in here with regard to town dollars. Dollars that they're expecting to be used for very limited project and we're going to have the ability under this legislation, or someone is to appeal their decision somewhere as to whether they used them the right way or the wrong way in someone's eye.

Again, I go back to Section D, and the fact that we have two different bodies to make a determination as to whether or not it would apply to, as far as I'm concerned, either would apply. So you could have a

town meeting saying we don't want to do this and you could have, I don't know, 15, 20 people in a municipality, would they appeal to the Commissioner of Transportation. I don't see why not. It seems to me that it might be possible.

So it is not my intention to support this piece of legislation, Mr. Speaker. Not because riding bikes is a bad idea, not because walking is a bad idea, not because making room for them is a bad idea. Those are all good ideas, but this piece of legislation doesn't do it. What this does is create a lot of controversy and a lot of, I believe, it's going to create even more problems than simply saying 1 percent has to be allocated. Now if, and/or but about it. And then I think we ought to either stand up to municipalities and say, this is what we want. This is our public transportation policy or it's not. We can't be carving out a ways of doing this in terms of dollars and how they're to be allocated only to leave it to chance.

Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Miner.

Representative Hovey of the 120 -- 112th

District, you have the floor, madam.

REP. HOVEY (112th):

Thank you, Mr. Speaker. Mr. Speaker, I do believe that the amendment improves this legislation. I believe that we do need to encourage people in our state to use alternative forms of transportation. And I'm not necessarily sure that this actually does that, but we do need to start somewhere.

So the other thing that I know is that with all of the business that we do up here, this is one of the things that my first selectmen chose to communicate with me. He had grave concerns about. So through you, Mr. Speaker, a question to the good gentleman of the 31st.

DEPUTY SPEAKER ALTOBELLO:

These proceed, madam.

REP. HOVEY (112th):

Thank you, sir. I just, for clarification purposes and also just because if you look, if you look at my district, we're one of those districts that's pretty rural, and in fact I've had significant concerns for my community because we do not have access to the full community because we don't have sidewalks or places to ride bicycles around our

communities which I think limits our young people's access to our community. It limits those individuals in our community, who would prefer not to drive or those who don't drive. And so in my community we have a lot people who are actually in their vehicles moving about the town.

So -- but through you, Mr. Speaker, I wanted to ask the good gentleman, it's my understanding that at the present time, the regional boards of transportation allocate at least 1 percent towards alternative forms of transportation. Am I correct, sir? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Kehoe.

REP. KEHOE (31st):

I don't know an exact number, but I do -- I know that they do allocate certain sums. I would expect that it would be 1 percent, but I don't know definitively. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Hovey.

REP. HOVEY (112th):

Thank you, sir. And sir, when we are looking at Section D that does give the kind of exception, opt

out so to speak piece of this, I'm wondering if, in my community we do not even have room for sidewalks. I had at one point pursued looking at sidewalks. Are there specific standards for establishing bicycle paths next to your roadway? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Kehoe.

REP. KEHOE (31st):

Through you, Mr. Speaker, there are standards on establishing bike lanes and bike paths, but I think towns can be creative in this regard I now use my time as an example. We reconstructed our Main Street and there was some question about whether or not we could establish a bike lane on it. And the answer was that we could not because of the overall width and the houses that were there, but what we could do was reduce the size of the traffic lane and by doing so we picked up about four feet on either side of the road. That was merely a question of re-striping. And by that simple act, we slowed down traffic on Main Street which is a fairly congested spot, too. Because when the travel lane is a little bit narrower, people pay a little bit more attention. We opened up four feet of space on either side of the road. And on any given

day there are numerous cyclists now and runners on that. On any given weekend there are 30 to 40 people out most mornings, running and cycling on it.

So that was one where by raising the consciousness of what might be done for essentially the cost of re-striping, we were able to accomplish a lot to accommodate all users. And I think that as towns consider this policy, they'll find that there are ways to do it within the existing funding. And as you said, there may be places where they might be able to do something that such as I just described without much expense. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Hovey.

REP. HOVEY (112th):

Thank you, Mr. Speaker and I thank the good gentleman. Because in my committee we have, you know, often farmers walls that are almost on the road and in the old farm houses that have their septics in their front yard and their wells in the front yard. So I was wondering around whether or not we need to use eminent domain to take space for the bike path or bike -- I'm sorry, I'm not using the correct terminology, but the bike areas.

So thank you, sir, for your explanation around the creativity of your community. I do think, Mr. Speaker, that this may be in some ways flawed legislation for the different reasons that previous speakers have spoken about. But I do also believe strongly that unless we encourage people to look at alternative modes of transportation, we will never get away from our dependency on fossil fuel. And so for that reason that I will be supporting this legislation. Thank you, sir.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Hovey.

Representative Hamzy.

Okay. Let's try Representative -- Representative Aman of the 14th of, you have the floor, sir.

REP. AMAN (14th):

Thank you very much, Mr. Speaker. I just have a couple of quick questions to the proponent of the bill. I very much like the idea of encouraging bicycling, and encouraging running, and everything else involved in it.

Going back, the proponent talked about easy things we could do. When I was Mayor, we made a simple change of changing the grates on some of the

catch basins from those that ran with the bicycle tire to ones that ran against which stopped the number of bicycles flipping end over end dramatically. Again, one of our good counselors actually talked to a manufacturer, who is looking for the old-style grates and made an even swap for very little cost to the town, and yet made a roadway much more usable. So I do believe that there are some inexpensive ways of accommodating people.

But on that, I do have a few questions, through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Please proceed, sir.

REP. AMAN (14th):

Earlier today, at one point, the question was brought up about the liability of this volunteer board of directors and I thought that I heard that they would not be exempt from liability through the State of Connecticut. And I'm wondering if I heard that correctly or interpreted that correctly. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Kehoe.

REP. KEHOE (31st):

Through you, Mr. Speaker, subsequent to that question being asked, I'm informed -- I've not been able to confirm yet, that there is an indemnity provided to all state commissions and board members. And I'll be happy to try and clarify that. I didn't want to speak without having that confirmed. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Aman.

REP. AMAN (14th):

Yes. I think that's probably correct, because I don't know of a volunteer board that an organization doesn't carry some sort of board and directors liability policy. If not, I can't imagine any of us volunteering to serve on almost anything. I sure wouldn't want to be on a hospital board of directors, if I might be liable for a mistake of the hospital or any of the other various organizations.

On the expenditures, we're talking about 1 percent. Is that going to come down in the foreseeable future that if the State Department of Transportation, for instance, says this particular project should cost a million dollars, that they're going to have to fund a million dollars plus 1 percent

if everyone is in agreement that this project does meet the requirements for the 1 percent funding? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Kehoe.

REP. KEHOE (31st):

Through you, Mr. Speaker, I think I would make the analysis slightly different. I would expect that if this was an appropriate project to accommodate all users than they would determine the cost of that and the 1 percent would be part of the 100 percent. That would be a project that was either for planning, design, construction, and so on. And if it was determined that it was not a project for the reasons enumerated, that all users should be accommodated such as on an interstate highway, then you know, there would be no additional funds spent. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Aman.

REP. AMAN (14th):

Well, that does cover the project and is going to be built into the original cost. Unfortunately, still costs -- sounds like there will be an increase in

expenditures. And my problem with that is not necessarily the 1 percent increase, it's a problem that the fiscal note doesn't seem to address that at all which is a problem I have with.

There is provisions for a waiver of this and it sounds to me like either the Commissioner of Transportation or the municipal legislative body may determine they're a waiver and not expend funds on the sort of thing. My question revolves around what happens if the Commissioner of Transportation says, I don't think this project deserves a waiver. And the local municipality says, I think it does deserve a waiver or vice-versa. In other words, there's a conflict between the two government agencies that are involved with the project. Through you, Mr. Speaker, how is that conflict going to be resolved.

DEPUTY SPEAKER ALTOBELLO:

Representative Kehoe.

REP. KEHOE (31st):

Through you, Mr. Speaker, I think it's really respectively. So if it's a state project, the commissioner will make that determination. If it's a project, a municipal project, the town or city would make that determination, but it would not be one where

one would be looking over the shoulder of the other. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Aman.

REP. AMAN (14th):

Thank you. That makes it very clear if the private is a hundred percent funded by one group or the other, but if you have a project that's 80/20, 50/50, 90/10, part federal money, part state money, part local money, again when you have a conflict, how is that going to be resolved? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Kehoe.

REP. KEHOE (31st):

I think that again it would -- the funding, the sources of the funding would not be the determination. I would think the determination would be whether it is a state project, state highway or town project, town road. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Aman.

REP. AMAN (14th):

Okay. Then I'm interpreting it, it's not the

source of the funding, but the source of who is actually building and is responsible for the project. Is that the legislative intent? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Kehoe.

REP. KEHOE (31st):

Through you, Mr. Speaker, yes.

DEPUTY SPEAKER ALTOBELLO:

Representative Aman.

REP. AMAN (14th):

Again, getting into what the 1 percent consists of. If you have, for instance, a bridge being replaced, and I'm not talking about big fancy bridge, I'm talking about, basically a culvert going underneath the road serving as a support, allowing the small stream to go through it, which of the costs of that project would the 1 percent match? The repairing of the road after the replacement of the culvert? The culvert itself, the upstream And downstream improvements to the stream channel. Basically, which costs get put into the 1 percent calculation? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Kehoe.

REP. KEHOE (31st):

Through you, Mr. Speaker, I think that the town would evaluate that in the same manner that it assembled or evaluated the project, perhaps in their CIP project. So if they -- if there was a project that was the bridge and roadway, then that's the purview for the consideration. If they were a project that were just the bridge, it would be considered in the context of that as how the project was defined. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Aman.

REP. AMAN (14th):

I think I'm still a little confused. If you -- is it the bridge itself, the improvements to the road on, say, the 50 feet on either side of the bridge at the part of the road that have to be destroyed and rebuilt, as to which parts of the funding would have to be covered? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Kehoe.

REP. KEHOE (31st):

Through you, Mr. Speaker, just to elaborate on

what I just said if there was, for example, an old bridge being replaced and that was all that was doing, being done, including perhaps the covering over the bridge, then the evaluation of whether or not this would be an appropriate project and the cost for the project would be evaluated in the context of that. If this was a bridge that were being replaced in the context of a half mile of roadway, all of which was being, you know, dug up, a base established and so on and so forth, I think it would be considered in the context of that subject of course to the exceptions as to whether or not there was a demonstrated need, excessive cost and so on. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Aman.

REP. AMAN (14th):

As just one last question, we have been talking almost exclusively about what road work that is being done by the town or the State. The municipalities and almost all new construction today, whether it be an industrial park, residential or something else under this, the road work is done by a private developer and the deeded over to the town or even very often intersection improvements have to be made a distance

from the project that the town requires. Would these items that are being funded by a private developer also be subject to this 1 percent or would they be completely separate? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Kehoe.

REP. KEHOE (31st):

Through you, Mr. Speaker, I don't believe these would cover the private funds, but I would hope that the municipality, in setting the requirements for the expenditure of funds by the private developer, would do in such a fashion that whatever improvement is being made, whatever housing is being built does accommodate all users, where that's appropriate. Where the location of it is. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Aman.

REP. AMAN (14th):

Yes. I very wanted to thank the proponent of the bill for getting his answers to the questions that we've had. I think he has set the legislative intent very well as to what the intentions of the bill are and I thank you very much, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Aman.

Representative Hetherington of the 125th District, you have the floor, sir.

REP. HETHERINGTON (125th):

Excuse me about Mr. Speaker, thank you.

DEPUTY SPEAKER ALTOBELLO:

Quite all right.

REP. HETHERINGTON (125th):

Just one or two brief questions to the proponent of. Through you, Mr. Speaker, I notice in lines 23 through 30, there is a reference to bike ways and sidewalks and I wonder if horse trails would be a facility that could be supported with this funding. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Kehoe.

REP. KEHOE (31st):

Through you, Mr. Speaker, much as I would welcome the inclusion of bridle paths and horse paths that was not specifically included in here. It might be that they could be dual use ones, which to the extent that they're accommodating all users and could also accommodate equestrians, that would be a wonderful

thing. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Hetherington.

REP. HETHERINGTON (125th):

Through you, Mr. Speaker, so that a bikeway, for example, would have to accommodate more than bicycles. Is that correct? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Kehoe.

REP. KEHOE (31st):

I think a bikeway does accommodate more than just cyclists and many areas, they're really referred to as multiuse paths. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Hetherington.

REP. HETHERINGTON (125th):

Through you, Mr. Speaker, the crux my question is, does every way or path have to be nonexclusive to one particular purpose? That is you can't have a bikeway, that just accommodates bikes. You can't have a pedestrian way that accommodates just pedestrians. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Kehoe.

REP. KEHOE (31st):

Through you, Mr. Speaker, no. There is no desire through this legislation to make anything exclusive. To the extent that any of these facilities can be used by multiple users, that's a good thing and that would be the goal. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Hetherington.

REP. HETHERINGTON (125th):

That's helpful, thank you. Through you, Mr. Speaker, one final question. For purposes of legislative intent, is it the intent by this -- of this legislation to create a cause of action to enforce the multiuse support that is contemplated by the -- by this legislation? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Kehoe.

REP. KEHOE (31st):

May I just have the chamber's indulgence for one minute, please.

DEPUTY SPEAKER ALTOBELLO:

Representative Kehoe.

REP. KEHOE (31st):

Through you, Mr. Speaker, no. I would not

envision that this would give rise to a cause of action. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you. I think the proponent. Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you, sir.

Do I see Representatives Sawyer? Representative Sawyer of the 55th District, you have the floor, madam.

REP. SAWYER (55th):

Thank you, Mr. Speaker. I'm just opening my statute book. In this particular amendment that became the bill, it was certainly made more generous -- spaces in it for the towns to look at what they need to do, but let me describe a few things after one question through the -- to the proponent of the bill.

Through you, Mr. Speaker, would this affect the monies that towns get for town aid road, which we commonly call TAR, Would that fall under this? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Kehoe.

REP. KEHOE (31st):

Through you, Mr. Speaker, if the funds were used for repaving, they would not. If the funds were part of the other activities enumerated, construction, restoration, rehabilitation or relocation, they would. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Sawyer.

REP. SAWYER (55th):

I'd like to thank the gentleman for his answer.

So let me just give a little history to those people that are still left in the chamber. Town aid road is a formula that we use in the General Assembly that gives money back to our municipalities, specifically for roads. I can tell you that as a general assembly, we are not very generous. And even worse than that, it's a yo-yo. It's not even consistent. At the beginning of my career, I remember when it was in the 30,000s and then with the downturn and some tight times, we dropped down to 20 -- I'm sorry, 20 million and this is to be split up over 169 towns, Mr. Speaker. There was a big push in 2000

and 2001 and 2002, even though there's a downturn in the economy to be able to help our municipalities because they said they were struggling. They're struggling with crumbling roads. They're struggling with crumbling bridges. So we boosted up now to $35 million.

In 2004, Mr. Speaker, we dropped it down to 12, about $12.5 million, again to be shared by 169 towns. It yo-yoed back up to the 30 million mark, never getting back to the 35 million, back to the 30 million mark in '08 and '09 estimated, but of course we know what trouble we're in this year. And in the proposals for next year, it's back down to $22 million.

Ladies and gentlemen, we all have specialized districts and they all are very near and dear to our hearts and we think of them first as it should be. I represent towns that are as small as 3000 people. Towns that have almost no industry. They have some home businesses, maybe one or two larger corporations that they can get some business tax from, but it comes out of the pocket of the residential taxpayer. So they look at town aid road on the town side of the budget as being essential to repaving and to reconstructing. We have typical in the rural areas,

rolling hills which are absolutely lovely, but they are fraught with water that comes up out of lots of times across ledge underground in the aquifer system that is very unpredictable. We have chronic road problems in certain areas because we do not have the money to do the blasting that it would take to do to do a total rebuild. Some of these roads are rebuilt on top of revolutionary roads and have been there for as long as, perhaps this country can remember that we had white settlements. I use that cautiously because we know what the -- what we did a couple weeks ago in the apology.

So I can say that one of the things we did a few years ago and I believe the year was -- and it's not listed here are. My apologies -- was to look, go back and look at the issue of when we go to do a rebuild of bridges in our small towns. And what was happening was, what was being applied were AASHTO standards, the federal standards to everything. So in these quaint little situations, where they had a small bridge, they were doing these massive blowouts or proposing massive blowouts on each side of the bridge. And where there had been stonewalls, where there had been historic family homes, they were proposing putting in the steel

metal guard rails widening, paving that would have destroyed the esthetic beauty and the historic integrity of the particular area.

So we passed the law so that our bridges and the designs would have to be considered. They also considered in that same section the safety, such as the accident history for motorists, pedestrians and bicyclists, but later on in talks about the historic, scenic and esthetic value of the municipality. Ladies and gentlemen, this General Assembly has tried to be and has safety conscious first. But it also has to weigh in on the historic nature of -- within our towns, the roads, the bridges, the pathways and also the topographical situation.

Mr. Speaker, you look at this and I think everyone would like to have bikeways where they're appropriate. I think they'd like to have pathways where they're appropriate, but we also know that there are places where they are inappropriate. And I'll tell you what is especially inappropriate, it's when someone doesn't pay, and that someone is us, ladies and gentlemen. We don't have the increase in the money that were going to be giving our towns for this particular venture. As a matter of fact, we have a

decrease. I think it means well, but it's not doing well. To the smallest of towns, Mr. Speaker, I have to say that this is a hardship. I did vote for it in committee because I liked the idea and I wanted it to go through but with an increase in money, perhaps in grant form to be able to aid these towns, but has to be grant money above town aid road. If are looking now at reducing the money over the next two years, but that maybe the next three years, maybe the next four years until we get a turnaround in our particular budget situations, ladies and gentlemen up here, we can't push our small towns into doing this. It just wouldn't be right. Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Further on Senate A? Further on Senate A? If not, I'll try your minds. All those in favor, please signify by saying, aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER ALTOBELLO:

Opposed.

REPRESENTATIVES:

No.

The ayes have it. The amendment is adopted.

Representative O'Neill, on the bill as amended, from the 69th District, you have the floor, sir.

REP. O'NEILL (69th):

Yes. Thank you, Mr. Speaker. I was listening to the debate with a great deal of interest and I heard some commentary regarding such things as what the definition of a legislative body is and that conversation, I think, I found it somewhat difficult in terms of the fact that in the towns that I represent many times the legislative body is the town meeting and there really is no other legislative body that I understand that's defined by statute. In addition to that, the conversation considered the idea that we would be spending significant -- relatively significant amounts of money and again, the towns that I represent typically do not get very much money for road construction, bridge repair, that sort of thing that is intended to be covered by the now amended bill.

If a town gets perhaps a hundred thousand dollars of town aid road in my district that's fairly good chunk of money and a 1 percent set aside would be about a thousand dollars. And there really isn't much that I can imagine that can be done in a town such as

Roxbury or Bridgewater or Washington with that kind of relatively small amount of money which the underlying bill requires has to be expended on an annual basis if there is funding received. And in fact, a number of the towns in my district, and I believe this is the case throughout the state of Connecticut when a municipality does get their town aid road money, they don't spend it all in one year because you really can't accomplish much with 100,000 or even 150,000 dollars in terms of road construction. That money goes very, very quickly, Mr. Speaker.

And in fact, I was just on the phone with the assistant to the first selectmen and one of my towns and was told that they've been accumulating money for, I think it was a period of three years so that they would be able to do a project that they had wanted to. So I think that I agree with the intent of the bill, the concept of encouraging bicycle paths and alternative modes of transportation, including if people want to ride horses again, as a way to reduce our dependence on imported fossil fuel, but I think that the approach that's taken here is, to a large extent, a one-size-fits-all. And I think that it's concept, perhaps, that should be tried out at the

state level first in terms of the monies that the State is expanding and then perhaps bring it down to the local level over time.

But I know that with a great deal of certainty is a concept that is going to have a very difficult time being applied in the smaller towns in my district and probably across the State of Connecticut. And so I don't usually get a lot of communications from some of my first selectmen. They usually don't write me e-mails and that sort of thing, but on this particular bill I have, and it's been very strongly worded as to how this bill would be negatively perceived in again, the smaller towns in my district.

So my objective here is to try to provide some kind of relief to the small towns because I don't believe the bill, as currently amended, really is going to be workable and it's going to make a lot of sense and it's going to trigger a lot of resistance in these smaller towns across the State of Connecticut, especially as it applies to the smaller amounts of money such as town aid road that come to them, and they're told that as soon as they receive the money, they have to hold a legislative body meeting, which I think it's the board -- not the board of selectmen,

but rather means the town meeting. And which they would not have to do otherwise besides this statute and it costs them money and takes time and it's something they would prefer to not have to do when they're really talking about a very small amount of money that's being dealt with here.

So, Mr. Speaker the Clerk as an amendment LCO 8981. If he might call might call and I be allowed to summarize.

DEPUTY SPEAKER ALTOBELLO:

Will the Clerk please call LCO 8981 which shall be designated House Amendment Schedule A.

THE CLERK:

LCO number 8981, House A, offered by Representatives O'Neill, Hetherington, Piscopo, Carson and Coutu.

DEPUTY SPEAKER ALTOBELLO:

Representative seeks leave of the chamber to summarize the amendment. Without objection, seeing no objection, please proceed, Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Mr. Speaker. What this amendment seeks to do is exempt municipalities below 30,000 from the application of Sections 1, 2 and 3 of the amended

bill and I would move option.

DEPUTY SPEAKER ALTOBELLO:

Further on House A? Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Mr. Speaker. As I indicated earlier in my preparation to bring out this amendment, I think that smaller towns, of which there are many throughout Northwestern and Eastern Connecticut that would fall into this, well below the 30,000 threshold would find it very difficult to utilize the 1 percent for anything particularly useful.

In addition to that, many of these towns, because they receive such a small amount of money in the form of town aid road find themselves needing to accumulate that money in an account over a period of time two, three, perhaps four years so that they get enough of it so that they can do something useful out of a meaningful project as opposed to just patch a few potholes. Now there are other communities that take the money and spend it immediately for that kind of activity. And that money gets expended right away and they would probably be spending it and maybe the 1 percent requirement of spending upon receipt make sense, but I believe that for many other communities

because they do tend to accumulate the money and spend it when they need it after two or three years, that the requirement that they expend 1 percent of the money that comes in from, particularly town aid road, that they really are going to be put in a bind of actually having to spend money for projects that aren't ready to go which they aren't even going forward with.

In addition, I think that for small-town of a couple of thousand and I have two such towns in my district, the idea that they have to have a town meeting in order to allocate this money and go through this process of evaluating whether or not to do a bike path or a curb cut with a very small amount of money that's going to be available that is required to do this, I think, is burdensome to these committees. Perhaps over time as this program rolls out first at the state level and perhaps in the larger communities such as New Haven, which I heard the proponent of the bill and the amendment indicate does support this, those communities that are larger and that are committed to doing this, it will in effect, show how it works and how this kind of thing is a good project. And again, other communities that are larger, if my

amendment prevails and the -- not just mine, but has the names of other people on it, that in those larger communities and across the State of Connecticut we'll see improvements to the availability of such things such as bike paths.

But I think that in a really small towns, the rural towns, where it's very unlikely that anyone is going to use a bike path for transportation purposes to get the work and that sort of thing, very, very few people would be utilizing them and they would take a very long time to come to fruition. You can only build a few hundred feet of bike path every year at the 1 percent level based on TAR or LOESA money or even if we did have a larger project now and then. We're talking about really small amounts of money that would have to be diverted from the projects that the communities are trying to do in order to maintain the roads that they have to provide transportation for the vast majority of people who do use motor vehicles to get around and have to because of the significant distances between where they live and everything else in these committees such as shopping, schools, and so on.

So Mr. Speaker, I would hope that this might be

conceived of as something that the chamber would accept and I would be inclined to support the bill if the amendment is accepted, but I think that I would have some difficulty in doing so given the kind of response that the concept of this bill has elicited from the towns in my district. Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative O'Neill. Representative O'Neill, you have the floor, sir.

REP. O'NEILL (69th):

I'm sorry, Mr. Speaker. I probably should have asked for moved adoption. I thought -- I'm not sure if I did, and in addition to that if I could have a roll call on the amendment, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Question before the -- we have a motion to adopt House A, we also have a request for roll call. All those who would be in favor of a roll call, please indicate by saying, aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER ALTOBELLO:

20 percent has been meant and when the roll --

vote is taken, it shall be taken by roll.

Further on House A? Representatives Sawyer of the 55th, you have the floor, madam.

REP. SAWYER (55th):

Thank you, Mr. Speaker. Mr. Speaker, I would like to thank Representative O'Neill and others that brought this forward because it is the answer, I believe, to the anxiety that I expressed earlier for the smallest of towns. Mr. Speaker, it talks to any municipality with less than 30,000 -- would be exempt. But ladies and gentlemen, that doesn't mean they don't have to do -- do it, they can do it if they so wish. So I'd like to thank the gentleman for bringing this forward and I think it would be a great benefit for the flexibility for the smallest of our towns. Thank you, sir.

DEPUTY SPEAKER ALTOBELLO:

Thank you.

Representative Kehoe, on House A.

REP. KEHOE (31st):

Thank you very much on the proposed amendment. I would not consider it a friendly amendment and I would urge the chamber to reject the amendment. The overabundance of making clear what this bill is trying

to do, there are many exceptions included in here to accommodate some of the concerns that have been expressed, including the fourth one, that says the accommodation of all users is not consistent with the municipality's program of construction, maintenance and repair.

And the underlying concept in this bill is that highways, roadways are not merely to be thought of as we have done for the last 40 years or so as only for people in cars. And that really requires a change of policy and a change of thinking on it. And it does not require that in all circumstances a bikeway be built or something off of the road be built. It might be something as simple as re-striping, adding a bike lane where possible with re-striping, adding re-striping that accommodates safely passing around and through intersections.

So this is really a policy that should be applied to all cities and towns as it fits within their plan, as it fits within their programs and as someone mentioned earlier, I've heard a statistic that 40 percent of all automobile trips in our state are two miles and less. And part of that is because when we travel our roadways they are not friendly to

nonmotorized users. You don't want to send your children out on some of the roads. And we want to encourage people getting out of their cars. It promotes healthy lifestyles. It reduces our dependence on fossil fuel and this is something that all towns in their capacity, within their financial means as set forth with these exceptions, should be working for and I -- with that, would urge rejection of the amendment. Thank you.

REP. ALTOBELLO (82nd):

Thank you, Representative Kehoe.

Representative Noujaim of the 74th District, you have the floor, sir, on House A.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker. Through you, Mr. Speaker, I would like to pose a question to the proponent of the bill -- proponent of the amendment, I apologize.

DEPUTY SPEAKER ALTOBELLO:

A question to Representative O'Neill the proponent of House A.

REP. NOUJAIM (74th):

That is correct. Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Please proceed, sir.

REP. NOUJAIM (74th):

Through you, Mr. Speaker, I am reading the amendment, LCO 8981 is exempting towns and cities that are 30,000 people or less, but I think those small towns and cities are probably well-off financially than large cities like my City of Waterbury. And we all have agreed so far that this bill that is being presented right now is a mandate to municipalities. So when a large city of this magnitude like the City of Waterbury is unable to perform this duty, if this legislation passes, how is -- the large cities going to have to pay that price, through you, Mr. Speaker, when small towns really don't have to adhere to it?

DEPUTY SPEAKER ALTOBELLO:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Mr. Speaker. I don't believe that the effect of having the small towns be exempted would have any -- make any change to the ability or inability of a larger municipality to be able to pay for the things that are called for in the bill as amended. I think that the bigger reason -- the major reason for doing this, that is to say the amendment,

is to provide for some flexibility, to provide those really small town such as the ones I represent to not have to do this diversion of what are ultimately relatively trivial sums of money that won't be able to accomplish very much, given what the goals of the bill are in terms of urging people to use bicycles, particularly, as a mode of transportation.

I can't imagine that providing bike paths in a city environment might make more sense, although my familiarity with the hills of Waterbury suggest to me that it would be not a wise way to try to travel extensively in Waterbury, especially in the wintertime, but it is possible that in a city where it's relatively flat, such as New Haven, that you could maintain such bike paths and provide people with this alternative.

I don't think that this burdens the municipalities by virtue of the amendment. Perhaps the bill itself by requiring a diversion of 1 percent of all of these funds to bike path construction is going to constitute something of a burden, but I don't think the amendment changes that burden with respect to the larger cities, through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker and through you, Mr. Speaker, I know how competent Representative O'Neill is in finances. Would the good Representative have an idea of the cost that would be associated with the City of Waterbury that the City of Waterbury must occur if this legislation becomes law? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative O'Neill.

REP. O'NEILL (69th):

I appreciate the confidence of the gentleman from Waterbury in my knowledge of finances. I don't know how much money it would cost in terms of a number. It would be 1 percent of whatever the city receives and I do believe that the city would receive, perhaps, a number running into the several millions of dollars on an annual basis for additional monies for transportation, so if it was even a million dollars, then I believe the city would have to come up with about $10,000 for bike paths, if my arithmetic is correct, which I always worry about when I try to do arithmetic in my head on the floor of the House, but

that's the kind of number. And if the city receives $10 million, then it would have to be $100,000, so it would have to be set aside for such things as bike paths and pedestrian walkways and that sort of thing. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker and I am very appreciative for the answers that I received from Representative O'Neill. However, I still say that this is a mandate that is going to be taking place on municipalities and I'm truly concerned that my City of Waterbury, especially during these difficult economic conditions would not be able to support this process. And we are trying desperately in the City of Waterbury to present a budget that does not increase taxes, meanwhile, we still don't know what the budget of the State of Connecticut is and what the State of Connecticut will be providing Waterbury for finances. So it's going to be difficult to implement something of this magnitude and obviously, I would not be able to support the bill in general. Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Noujaim.

The question before the House is adoption of House A, which deals with exempting municipalities of 30,000 or fewer from all three sections of this bill. Further on House A? Representative Miner of the 66th, you have the floor, sir.

REP. MINER (66th):

Thank you, Mr. Speaker. Mr. Speaker, I'd like to speak in support of the amendment. I do so for a couple of reasons. One is the controversy or at least a question with regard to what is intended with regard to the language in Section D, municipal legislative body. I'm not sure if every small town operates under the statutory meaning of legislative municipal legislative body, but I think most of them do and I think that would give us plenty of time to try and figure out how we want to redefine that if we do. In addition to that, I think as the Representative O'Neill had said at the onset, most of the small towns don't get much state aid with regard to road reconstruction money. But this bill even goes farther than that, Mr. Speaker. This actually talks about any funds, which to me, means any local tax dollars as well. And so I think allowing people at the local

level to make this decision with their hard-earned, hard-fought for tax dollars is the right way to go about this process, not having us tell them how they're going to spend their local tax dollars. So I would urge support of the amendment. Thank you.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Miner.

Representative Hetherington of the 125th District, you have the floor, sir.

REP. HETHERINGTON (125th):

Thank you, Mr. Speaker. I rise to support this amendment. It seems to me the smaller towns of under 30,000 are primarily rural or semi rural. In these towns, the restrictions or lack of facilities for outdoor recreation tend to be naturally occurring. There are rural roads to walk. There are a rural roads paved that can be bicycled. There really is not the same lack of opportunity that might be found in some of the large, heavily developed metropolitan areas. So I think this is particularly appropriate to exempt the smaller towns.

I also believe that the amount of revenue, the amount of resources that can be devoted in the smaller towns is less significant by far than it would be in

the major municipalities. So it is unlikely to have a significant impact, favorable impact in the smaller towns, particularly as compared with the larger communities.

So I would, for those reasons, Mr. Speaker, urge support of this amendment. Thank you.

DEPUTY SPEAKER ALTOBELLO:

Thank you, sir.

Further on House A? Representative Piscopo of the 76th District, you have the phone -- you have the phone? You have the floor, sir.

REP. PISCOPO (76th):

Thank you, Mr. Speaker. Just quickly in favor of this amendment. Last week we had a number of our first selectmen up and they represented a lot of these small towns and they said, this year we're just asking you not to do anything detrimental to us. Do not -- no mandates. Do not pile on -- do not give us any more rules. And they even brought up this bill as an example. So I'm listening to my first selectmen and in favor of this amendment. Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Piscopo.

Representative Carson of the 108th District, you

have the floor, madam.

REP. CARSON (108th):

Thank you, Mr. Speaker and I'll be brief as well, but I just wanted to echo some of the thoughts of my colleagues who have spoken in support of this amendment. Clearly, this is not the time even though we -- some of us may think 1 percent isn't a big deal and maybe it isn't to some of our smaller towns who receive so little money anyway.

But that being said I'd like the townspeople and the leadership of the town to be able to make the final decisions as to what is most important for them. And I see this as another mandate, although very well intentioned, but I think the local folks can make their choices. Very often we've had comments as we see in little sections of some of these smaller towns, where you kind of don't have the money to do the project all the way through and very often, lots of people are complaining about, you know, the streets to nowhere. You get little bits of paths or you get little bits of sidewalks. There isn't enough money to really, really do it well so I understand that this could help eventually in that regard, but right now it's too little money and we need every penny we can

and need to be able to make our own decisions. So thank you, Mr. Speaker. I will not be supporting the bill. I will be supporting the amendment.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Carson.

Representative Coutu of the Rose City, 47th District, you have the floor, sir.

REP. COUTU (47th):

Thank you, Mr. Speaker. Mr. Speaker, I rise in support of this amendment. I believe for the smaller towns in my district, it would be extremely important that they have the opportunity to choose where every dollar that they have is spent. Additionally, some of these towns, one in particular really does not have a bicycle path at this time or really any sidewalks. So the idea that 1 percent, although that being a small number and potentially for a good cause in some of our communities, I believe it would be not beneficial and really just a mandate for these towns at this time. They can't allocate the funding. The need to allocate it towards more important projects such as maintaining their main roads and other infrastructural issues. So thank you, Mr. Speaker. And once again, I will be supporting this amendment.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Coutu.

Will you remark further on House A? Will you remark further on House A? If not, staff and guests, please retire to the well of the House. Members take their seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll call, members to the chamber. The House is voting House Amendment Schedule A by roll call. Members to the chamber.

DEPUTY SPEAKER ALTOBELLO:

Have all members voted? Have all members voted? Please check the board to make sure your vote is properly cast. If all members have voted, the machine will be locked. Would the Clerk please take a tally. And would the Clerk please announce the tally.

THE CLERK:

On House Amendment Schedule A for Senate Bill 735.

Total Number Voting	143
Necessary for Adoption	72
Those voting Yea	37
Those voting Nay	106

Those absent and not voting 8

DEPUTY SPEAKER ALTOBELLO:

House A is defeated.

Further on the bill as amended? Further on the bill as amended? Representative Thompson of the 13th District, on the bill as amended. You have the floor, sir.

REP. THOMPSON (13th):

Thank you, Mr. Speaker. Mr. Speaker, I'd be remiss if I didn't get up and speak on this bill, because the subject matter is very much important to my community and the surrounding communities. It was 1971, when I was asked to run for election to the local board of directors, which is our town council. I was elected and later, a week later, made mayor.

During the campaign, my campaign manager came to me and said that, Jack, I see you riding around town on your bike. I had a Rally 5-speed bike. He said, do you know that bicycle safety is an issue in our community? I said no. I didn't, but I do now, John. What do you want me to do? He said, well, use your bike campaigning, ride some of our streets -- are tough to reach by walking. You can cover a lot of ground by riding your bike. So I did. Low and behold

a radio personality in Hartford learned about the man who was bicycling his way to election day and mentioned it. Of course, my opponents think I was wasting campaign funds, but actually it was not an ad it was just a side mention and it got some press.

So after the election, a group approached me and asked me to follow up on my promise to do something about bike safety. So I did what I should do and I appointed a committee, a bipartisan committee and probably one of the best decisions I ever made was to appoint point as chairman of that special committee on bicycle safety out of a fellow named Bill O'Neill, who was our Director of Public Works at the time and an bicycle enthusiast. His vice chair was a gentleman about a dentist, a local dentist, Dr. Fred Spaulding and they took over and began to run that committee.

Well, they had a series of meetings and as a result they came back to our board with a report and they recommended a couple things. One was bicycle lanes on our streets. A second one was the bicycle safety program. We immediately had a number of people volunteer on both sides. Chief of police didn't think it was such a high -- hot idea to go jump into the bicycle lane at this point and he urged us to go slow.

And he was a very forceful man and we listened to him.

So they came up with an alternate idea. We would create bikeways in our community, off the road safety bike lanes. And I cannot tell you how much enthusiasm that was received with by our community. The bicycle safety program was almost easy. There were a number of people around the community who were very interested in it, who came together and the police department coordinated and we set up a bicycle safety program using school playgrounds as places to conducted these safety programs. And we had little handouts that went to every kid who wanted one from the local police department. But more importantly, started talking about bikeways.

And about ten years later I attended a bikeway opening, cutting of a ribbon down on a community college campus where one of our bikeways, we had already established several, was being opened and we had two guests of honor. Our two United States Senator -- we were receiving a national award for the concept of bikeways and its expansion throughout our community. But you'll notice the cosponsors of the bill, one is from Glastonbury, Representative Kehoe, and one is from East Hartford, Senator LeBeau, who is

gracing our House today with his presence. And the reason for that, I believe is that our community worked very closely with Glastonbury and all our neighboring communities, East Hartford, in promoting the bicycle safety and the idea of expanding the bikeways throughout our communities and throughout our area.

So we were honored and I think, as a result of that honor, a number of you in this House, a number of people in the capitol here had approached Manchester, approached me representing Manchester for some help on getting bikeways and bicycle safety. And Bill O'Neill who became, I guess well known because of his work on the bikeways was glad to accommodate people and I know a number of you in the House, who were interested in bikeways, got some valuable advice and leadership from Bill O'Neill.

So in all due respect to the concerns recognized by people who want some modification of the legislation, and I can understand that position, I think you're going to find that the State Department of Transportation, working with this bicycle safety commission and for the local communities, will become more aware of your needs, your road needs, as well as

your walkway needs and so on. And in the long run, if anything needs to be changed, it will be changed I'm sure, but we'll go forward with bikeways throughout our communities and believe me there is that intention on the part of the federal government to stretch bikeways across our nation and make it possible.

But one other thing and speaking of the Department of Transportation, when they came out with the idea of commuter buses, one of the first communities in the state to have a community bus terminal was Manchester. And it was no secret that you could get to the bus terminals by bikeway in our community. People actually ride their bikes to take the community bus service. In fact, as a result of their demand, the Department of Transportation began attaching bicycle racks to their buses.

So to make a long story short, I'm very proud of what Manchester has done in this field. I think it's been a good thing for any community. Bicycle safety is a primary -- of primary importance, but also to recreation and the other conveniences that they could produce in a community, including attracting people to your community to use the bikeways -- should be noted.

So I urge you all to vote for the bill before us

and secondly, I promise you that you will be happy with the results and if something needs to be changed, it'll changed based on facts and in the best interests of all us. Thank you.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative. Representative Noujaim of the 74th, on the bill as amended.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker. Through you, Mr. Speaker, on the bill as amended. Just one simple question to Representative Kehoe, if I may.

DEPUTY SPEAKER ALTOBELLO:

Please proceed, sir.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker. Through you, Mr. Speaker to Representative Kehoe. Representative Kehoe, you told me earlier and I respect you -- your judgment and your commitment that the fiscal note was stripped from this bill, meaning the two employees that were supposed to be hired, if this bill is implemented at the cost of $50,000 each plus benefits would not be because that fiscal note was stripped out of the bill. If this bill passes and a year from now and the Department of Motor Vehicle comes back and says, we

are unable to do this without appropriate personnel and we need to hire two additional employees, who would become state employees receiving $50,000 plus benefits a year. What would have stopped them? What would stop them from hiring those employees? If they decide to fill out a requisition saying we're going to hire two more employees and the requisition goes to the, let's say the Commissioner of the DMV signs on it, how do we know that our legislation will forbid them from hiring two more employees? I hope I explained it right, through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Kehoe.

REP. KEHOE (31st):

Through you, Mr. Speaker, the reason is that the provision for which the fiscal note appeared was deleted from the bill. That provision would have provided for people wishing to get plates similar to the save the sound, that would say, share the road and there would be those additional funds used to establish a safe riding program. That section because of its fiscal note was deleted from the bill. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker. Through you, Mr. Speaker, then we are assured that we will not be hiring two more employees to administer this program? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Kehoe.

REP. KEHOE (31st):

Through you, Mr. Speaker, as a result of this bill, no.

DEPUTY SPEAKER ALTOBELLO:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker and I appreciate Representative Kehoe's diligence.

DEPUTY SPEAKER ALTOBELLO:

Representative Candelora of the 86th, you have the floor, sir.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. If I may, just one additional question, through you, Mr. Speaker to the proponent.

REP. ALTOBELLO (82nd):

Please proceed, sir.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. I know Representative Miner had talked to lines 17 through 19 regarding accommodations for all users shall be a routine part of the planning, design, construction, operate -- operate and activities of all highways. As I read this, does this mean that in the planning process, the way I envision this is that municipalities, when they are looking at construction projects for the roadways, one of the first things that they do is, you know, engage a engineer for the planning process of the project and come up with a design. And then typically that final product, that design product is what gets reviewed and tweaked.

As this bill is written does this create the requirement that municipalities incorporate or contemplate the passageways for pedestrians and bicyclists? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Kehoe.

REP. KEHOE (31st):

Through you, Mr. Speaker, where it's appropriate, yes. As I mentioned in bringing out the bill, we have

also referred to this as a complete streets program and so it is, thing about, especially in your planning before you've done anything that might be counterproductive to the accommodation of all users, please consider all users in your planning. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. And as part of that consideration, if there is a roadway that a municipality is looking to improve upon that may be in a very -- or may be in a section of town that the municipality can't readily determine that bicycles or pedestrian access is not appropriate, would the town have the ability to go through the procedures in Section D, exempt themselves out of it before partaking in the planning, designing and construction operations as outlined in 17 through 19? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Kehoe.

REP. KEHOE (31st):

Yes. I believe they would because they would in

their planning consider all users and to the extent they determine that, for example, on an interstate highway there would not need to be because they're prohibited from being there that would be the extent of it. But to the extent that it was a situation where all users could be accommodated and subject to the other exclusions, they would consider them. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. So municipalities would not be required to have an engineer or professionals necessarily look at the project to determine if exemptions apply. It would be proper for a municipality to be able to make those determinations without any, you know, quote, unquote, professional expertise, but rather they could kind of make that value judgment prior to expanding any real hard dollars. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Kehoe.

REP. KEHOE (31st):

Through you, Mr. Speaker, but yes.

DEPUTY SPEAKER ALTOBELLO:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker and I appreciate the good representatives indulging me those questions. I'm concerned again, as I said before about the unfunded mandate that we may be bringing too municipalities by this, but I do appreciate the overall intent of the legislation. I think it's important for municipalities at least if we are going to be strapping them with this type of mandate, that they could ascertain that they could exempt themselves out of it if they deem appropriate for transportation projects.

It is my understanding that there are federal dollars that already provide enhancements for these particular type of pedestrian and bicyclist activities and I think that if the State wants to make this a priority out of we should probably be looking at this as an add-on rather than detracting from the original amounts of money that are allocated. Because I know in my communities the money never goes far enough for our municipal projects and I'm concerned as we look at this through the budget process, towns are going to

have fewer dollars to work with. And so I am just concerned at the unfunded mandate that this may be placing our communities. Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Candelora.

Further on the bill as amended? Further on the bill as amended? If not, staff and guests please retire to the well of the House. Members take your seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll call. Members to the chamber. The houses voting by roll call. Members to the chamber.

Deputy Speaker Godfrey in the Chair.

DEPUTY SPEAKER GODFREY:

Have all the members voted? If so, the machine will be locked. Clerk will take a tally. And the Clerk will announce the tally.

THE CLERK:

Senate Bill 735, as amended by Senate A in concurrence with the Senate.

Total Number Voting 143

Necessary for Passage	72
Those voting Yea	123
Those voting Nay	20
Those absent and not voting	8

DEPUTY SPEAKER GODFREY:

Bill as amended is passed in concurrence.

Mr. Clerk, would you kindly call Calendar 302.

THE CLERK:

On Page 37, Calendar 302, substitute for House Bill Number 6486, AN ACT CONCERNING RESPONSIBLE FATHERHOOD AND STRONG FAMILIES, favorable report of the Committee on Appropriations.

DEPUTY SPEAKER GODFREY:

The gentleman from Norwalk, Representative Morris.

REP. MORRIS (140th):

Mr. Speaker, I move for acceptance of the joint committee's favorable report and passage of the bill.

DEPUTY SPEAKER GODFREY:

The question is on acceptance passage. Will you explain the bill please, sir.

REP. MORRIS (140th):

Mr. Speaker, the Clerk has an amendment, LCO 8599. I would ask the Clerk to please call the

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SENATOR DEBICELLA: On the first question, I'm not sure but the bill would leave it up to them not up to me as to say where the choke points are. They would know -- I'm giving my own personal experience, they would know better. On the second part the answer is yes to the Merritt Parkway, not sure on I-95. The Merritt Parkway the state actually does have the right to expand at certain points. The prohibitive part has always been the bridges that are historical that cover most of it. I-95 I'm actually not sure and I'm not sure if there would be land available at those choke points.

REP. LEONE: Thank you for your answer and thank you Mr. Chairman.

SENATOR GUERRERA: Thank you, Representative Leone. Is there any other comments? Seeing none, thank you Senator.

SENATOR DEBICELLA: Thank you, Mr. Chairman.

SENATOR GUERRERA: Is Senator Fasano here? Alright. Why don't we move to Commissioner Joe Marie. Good afternoon.

HB6085 HB6222
SB425 SB440
HB5657 SB735

JOSEPH MARIE: Good afternoon, Representative Guerrera, Senator DeFronzo. I have submitted written testimony on just about everything that has come before you so I will also try to live within the three minutes. I'd like to speak just in general terms about a couple of the proposed bills. House Bill 5646 calling for the establishment of a New England, New York, New Jersey interpassenger -- passenger rail coordination committee between us and New Jersey and New York and the New England States.

I can tell you that we have ongoing discussions with all of our regional partners as it relates to intercity passenger rail service within the

them right on the rails, so it certainly would behoove us to do that. We are in a dialogue with the freight companies. My understanding is that program was successful for a period of time. It was used.

The monies were spent and then there was a period of -- I don't know what the number of years were but it was probably three to four years where nothing really happened. And part of it I think had to do with the freight lines weren't really sure what they wanted to do next and -- but it's certainly something worth exploring.

REP. McCLUSKEY: Very quickly, last question, there was I think some discussion last week that the Department might be revising its road design manual to incorporate pedestrians and bikes and -- my understanding from some people is that hasn't been actually completed yet. Could you give us the status of the revisions to the road manual so that it's not just on speeding cars through communities but also giving opportunities for bicyclists and pedestrians?

SB735

JOSEPH MARIE: Yeah, Representative McCluskey. I know Jim Boyce is here he has a lot better understanding of this. I know he met with Representative Kehoe last week to talk through some of the things that we're doing. We are really required now to -- anytime we're going to build something new or redesign something see -- look for ways in which we can expand those shoulders to make them, you know, compatible for bike use and pedestrian use.

I wasn't at the meeting with Representative Kehoe but, you know we are -- I'm not sure if we've incorporated these into our design criteria. I'm looking for a nod of the head. Yes, yes we have. So I'm hopeful that was

communicated to Representative Kehoe when we had the meeting.

But we are making some progress in that area and you know, naturally again we're trying to thematically get at, you know, improving overall mobility in the state, bikes to trails, bikes to train stations, having facilities at the train stations so that people can park bikes particularly during the peak when there's not a lot of space on those trains to put bikes is an important thing to us. So anything we can do to improve overall mobility in the state, we'll do that.

REP. McCLUSKEY: Thank you, Commissioner. I thank the Chairs for their time.

REP. GUERRERA: Thank you, Representative McCluskey. Representative Kehoe followed by Representative Leone.

REP. KEHOE: Thank you very much, Mr. Chair. Welcome Commissioner and I also want to add my thanks again for all that you are doing to improve our transportation system in Connecticut including rail and intermodal means. And yes, we did have an excellent meeting with Commissioner Boyce and we do hope to have a bill coming out that will incorporate a lot of the complete streets concepts and I believe it's going to be Senate Bill 735 and it's in drafting.

We got some comments and feedback from Commissioner Boyce as well too. So I think we're going to be moving in sync on that, which is the way I certainly look forward to it happening. The question I wanted to ask you about was the train service on the New Haven to Hartford line. We've talked about that a little bit and I know you've been having some

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Senator Boucher?

SENATOR BOUCHER: Thank you, Mr. Chairman. It also highlights the fact that anyone can note that they are an organ donor on their driver's license. Thank you.

REP. GUERRERA: Thank you. Before -- again, just for the members of the public and for the officials that will be speaking today, obviously, we have a lengthy list here, and we will stick with the three-minute time limit. So I would appreciate when you do hear the bell that you do wrap it up. You know, I do feel very strong about that. So I will ask you to wrap it up if you don't. So, with that said, let's start off with Commissioner Marie. Is he here?

Good morning, Commissioner.

COMM. JOSEPH MARIE: Good morning, Representative Guerrera, Senator DeFronzo and Ranking Members Boucher and Scribner. It's good to see you again today. SB735 HB5033 HB6063

I just wanted to start off with two quick points. The last time we sat before you, I believe it was Senator LeBeau, raised information question about communications in general and making sure that we were trying as much as we could to communicate effectively, what our plans were with regarding key projects and initiatives within the DOT. And I think I mentioned that we're putting together these really thorough, well thought out project sheets that we're going to actually be posting on our website within the next couple of months that will give updates on all our key initiatives and projects around the state, as well as projects associated with the stimulus

effort. So that's something that we should have up and running on website that we'll be able to key up to you, and you should get flags when we have updates on those key initiatives.

So, the second thing is we have a number of inquiries in recent weeks, in particular an inquiry from Senator McDonald, regarding the ongoing effort to improve our service plazas around the state. And I just wanted to let you know that we will be a convening a group of interested people, stakeholders, as well as stakeholders in the community, to give them an overview of our intentions with this request for proposals that are -- that's really intended to bring our service plazas up to a more modern up to date and customer friendly approach for the entire state. So it's an ongoing effort. It's a rather bold and ambitious effort, but we're looking for all practical purposes for the best business deal for the state so that we can generate revenue but also give our customers better services. So we'll be convening that group some time within the next two weeks to provide an update, and I would invite any -- all the members of this committee. We'll let you know when that meetings going to take place so that you can you can participate if you choose to.

I'm only going to speak about a couple bills today -- proposed bills I should say. We have submitted testimony on several, and I'll be really quick. There's an act to improve bicycle and pedestrian access. That bill is Senate Bill 735. We support the underlying principals behind this bill. There's been an ongoing dialogue with some of the folks who crafted this legislation as to the language, which we will continue to work with you on. But, in general, we support it heavily. Anything, as we said over and over again the

last year or so, that we can do to improve mobility, improve access, improve the ways in which people to get to our services, we will support those things. So we'll work with the committee on that. I know that Jim Boyce has met with key members of this committee, as well as folks in the community, to support that effort.

On House Bill 5033, an act concerning the termination of parking needs at railroads and other mass transit stations, I think you know that Governor Rell asked us to convene a task force to look at parking at all of our stations. This effort is actually broader -- a little bit broader than initially intended. We're looking at station access in general, as well as parking. And the full scope of the activities of this group are on the second page of the testimony. I won't go into the details for the interest of time. But we will -- we're shooting to complete this effort later this summer, early in the fall, and come back with very specific ideas about how to move forward.

One of the other key elements of this is looking at the connectivity of our bus system to our rail system and how we create seamless transfers between our different modes. So that's something that we're in generally in supportive of and we'll continue to work on with you to improve parking at our stations.

House Bill 6063, an act prohibiting the reduction of parking spaces at Stamford Transportation Center. We are on the record have been stating publicly for some time now, that we will not leave our customers in the lurch at Stamford. We will replace, in kind, the spots that are there. We're working with the community now in a very broad outreach effort with the city with stakeholders and

So I urge you to think about this. We are right around the corner ourselves from being a senior.

SENATOR DEFRONZO: Thank you very much and thanks for the reminder. Just for the record, you know, we -- the funding is being raised by this committee, the restoration of funds, they were actually we were proposing to fund the Dial-A-Ride matching grant through the Transportation Fund rather than the General Fund to help avoid some of the problems that we would otherwise run into. But, I think, virtually, all the members of the committee have recognized this as our number one funding priority this year and are trying to make it happen. So we appreciate your testimony.

I now call Elizabeth Brown. Is she here? Good morning, Liz.

ELIZABETH BROWN: Good morning, Senator DeFronzo and members of the committee. My name is Elizabeth Brown. I'm the -- excuse me -- the legislative director for the Commission on Children. And you have my written testimony. I'm here to speak in support of 735, which would improve the health of children and adults throughout Connecticut by providing for more walkable and bicycling transportation in Connecticut. In the interest of time, I just want to make a couple of points.

The obesity epidemic is the direct result of physical inactivity and unwise eating behaviors. Today's youth are considered the most inactive generation in history, according to the American Obesity Association. Most Connecticut high school students, 55 percent, did not meet the recommended physical activity level according to the 2007 survey. One in five, 20 percent, Connecticut adults are

physically inactive, meaning no physical activity or exercise in the previous 30 days.

The bill before you would require the Department of Transportation to take seriously in transportation planning and implementation and allocation of funds the concerns of complete street, which is the concept for including more paths for walking and more paths for bicycling, other than cars so we're trying to get people out of their cars. And we really appreciate your leadership in raising this bill. And Representative Tom Kehoe is not here, but we thank him for his leadership and Representative McClusky for taking this issue seriously. So we hope that this bill moves forward. I did in the interest of time bring up Deborah Dauphinais, who is the president of the Central Connecticut Bicycle Association, who just will a few words.

DEBRA DAUPHINAIS: Yes. Thank you, Senator DeFronzo, Transportation committee. My name is Deborah Dauphinais, advocacy chair for Central Connecticut Bicycle Alliance, and we are in strong support of Senate Bill 735. We'd like to thank the committee for their support in the past year for some bicycle-friendly legislation. It is made a big difference. We have a long way to go. We are currently ranked 42nd out of 50 states for bicycle-friendly transportation, and I know we can do so much better. And this bill will bring along way towards that.

Bicycling is a viable mode of transportation when it can be done safely. I myself commute both by bicycle and by motorized vehicle and many more people would do so if they felt safe doing so. There's also a very important piece in the legislation about a Bicycle/Pedestrian Advisory Board. There is currently an advisory

committee within DOT but, given -- and I happen to be a member of that committee, given the many different priorities within DOT that committee has not been called, to my knowledge, in almost two years. And so this would make for a continuous effective committee to continue our work. Thank you.

SENATOR DEFRONZO: Thank you for your testimony, and you're right Representative Kehoe and Representative McClusky have provided great leadership on this and as the bill moves forward, I expect they will be in contact with you to refine the bill.

DEBRA DAUPHINAIS: Thank you.

SENATOR DEFRONZO: Any questions? Thank you very much for your testimony

DEBRA DAUPHINAIS: Thank you.

SENATOR DEFRONZO: Grant Westerson, followed by Representative Urban.

Morning

GRANT WESTERSON: Morning, Senator, how are you? Busy day today. Mr. Chairman, members of the committee, thank you for the opportunity to comment. My name is Grant Westerson. I'm with the Connecticut Marine Trade Association. I've submitted some written testimony against Bill 6651, the rights and responsibilities of towing companies with respect to motorized personal property. It's a fairly short bill. I'm -- I have to confess to you I don't understand what's it's trying to do or what the reasons for it might be. But in -- as you can see from my testimony, I think in the three or four different points that it tries to make, I think it's failed in all of them.

MARK LEFLER: Well, I think it would raise -- it would raise the fine -- so it would make people think twice before they assaulted an operator. Most -- actually, most of the assaults on an operator come over a fare box disputes

REP. CARUSO: Right.

MARK LEFLER: I gave these examples here, which occur too when you pass somebody by, they get annoyed. But to answer your question, it would raise public awareness. It would make them think twice before they assaulted an operator.

REP. CARUSO: Okay, thank you.

SENATOR DEFRONZO: Any other questions? Thank you very much, Mr. Lefler, appreciate it.

Mark DeGray, followed by Mark Jacobson.

RONALD DEGRAY: Yes, Ronald DeGray from Glastonbury, Connecticut. I'm here to speak in support of Bill 735. In the recent words of President Obama, we live in a pluralistic society. He mentioned that in another context.

In the context of transportation, we desperately need a 'multimodal and intermodal transportation system. We need to accommodate pedestrians and bicycles, as well as people with disabilities, and most people in our society. Public roads were not intended for the exclusive use of the automobile. We need to assist -- we know systems with single points of failure are -- can be a disaster, in the case of lack of gasoline, for example, and only the automobile. We need other points of transportation.

So I ask you to please support Bill 735, to ensure safe access to roads and bridges by

pedestrians and bicycles. Thank you.

SENATOR DEFRONZO: Thank you very much for your testimony. And I know your very active organization in Glastonbury, and you've got a great Representative in Representative Kehoe who's putting forward your ideas very effectively. It's embodied in Senate Bill 735 so look forward to working with you, and I think Representative Guerrera has a question for you.

RONALD DE GRAY: Yes, sure.

REP. GUERRERA: Thank you for your testimony, and I just want to echo remarks Senator DeFronzo. Representative Kehoe's been a huge advocate in regards to the bicycle pathways, and so forth. And I think we have a great opportunity, as a state right now, with the stimulus packages and all that, how we can incorporate new roads with bike paths and our surrounding states to do all that. So, I am, you know, this has gotten, you know, quite a movement on your behalf and your organization over the last two or three years here. And it's nice to see that because it does get people out there, you know. For health reasons, it's getting children out there to spend time with their families rather than behind the TV set playing video games. So I think this has a multiple of different tasks that really incorporates everything into one place. And I'm looking forward to hopefully getting this out.

RONALD DEGRAY: Yes, and as aside, off the topic, sort of off the topic, we need passenger rail and freight rail in the State of Connecticut.

REP. GUERRERA: Representative Leone has a question a very --

REP. LEONE: Thank you, Mr. Chairman.

I also wanted gather my support for bicycles and bikeways. We can never have too much. My question concerns, as I read in the bill, it looks for the creation of a board under the umbrella of the DOT and so my -- the question that I have is, have you've been reaching out to the DOT, to the Commissioner, and to personnel and what has the feedback been? What is the mentality? Are they opening up to this new thought process as we go into the 21st century, as we have to rebuild our infrastructure?

RONALD DEGRAY: I haven't had any direct contact, but I believe that the DOT is now receptive to other points of transportation, mainly bicycles, pedestrians, and railroads. So my personal experience is I don't have one.

REP. LEONE: Okay. I would just urge that your organization and any other organization that are looking to further this cause and I believe through the representatives involved with this bill, they're doing that as well, but it's always helpful that the community members and people out in the civilian population do contact the DOT so that they realize and know that there is support for them because it's a -- it's a change in thinking in terms of what they're used to and sometimes that takes a lot of time for it to gather momentum. So to the extent that we push them that way for all the right reasons, then you'll have more support and a better -- better way of furthering this agenda. If they don't know that ahead of time, you may gather resistance that just that you wouldn't need to go through.

RONALD DEGRAY: Would Commissioner Marie be the person to contact for the DOT?

REP. LEONE: Yes. Thank you, Mr. Chairman.

REP. GUERRERA: Thank you.

Thank you for your testimony.

Art Jacobson, please.

HB6647

RICH PARLONTIERI: We're going to be testifying together. My name is Rich Parlontieri. Good afternoon, Representative Guerrera, Senator DeFronzo, and other distinguished members of the Transportation Committee. Thank you for allowing us a few minutes to provide for you a brief overview of the legislation that we're proposing before your committee.

As I said my name is Rich Parlontieri, and I represent CT Clean Air Board, LLC, which is a subsidiary of Speedemissions, Incorporated, of which I'm the president and CEO. Speedemission is the largest ignition testing company in the United States with locations in four major cities. All we do is auto emission testing.

To my left is Art Jacobson, a CarMD, who's are technology partner for this project, and Art will provide you with some details on his background on CarMD's exciting and cutting edge technology, which is at the heart of our proposed legislation for the State of Connecticut.

What we're proposing is that the State of Connecticut amend its existing DMV regulations for its current IM program, IM program meaning inspection and maintenance. Our recommendations are based on extensive market research, operational experience as a test-only provider. And based upon the national trend of other states to adopt OBD, which stands for On

REP. GUERRERA: Any questions?

Thank your testimony, and I -- my deepest sympathy to you and your family.

HELEN HALL: Thank you.

GLORIA MILLS: Good afternoon, Representative Guerrera, Senator DeFronzo, and members of the transportation committee. I'm Gloria Mills, and I am representing the Connecticut Association for Community Transportation. And I'm here before you to testify on Raised Bill 1093, but, also, I want to draw your attention to written testimony, which I have submitted on behalf of CACT in support of Committee Bill 735, an act improving bicycle and pedestrian access; Committee Bill 5640, an act concerning the improvement of public access to transit stops; Committee Bill 5895, an act establishing a bus route between the North and Southwest areas of Hartford; and Committee Bill 6276, an act increasing fines and penalties for certain offenses committed against a transit worker in Connecticut.

On this bill, I would just like to comment that act that protects the safety of our transit workers also protects the safety of all our customers. And it is a customer base that we hope in Connecticut will continue to grow as rapidly as it has in the last two years.

Lastly, I'd like to comment that technology has advanced further than our capacity to purchase it. And that there have been in a couple of past bonding bills some technological equipment that would assist in maintaining the safety of our workers.

And, then, lastly, enforcement will be critical in the maintaining and protecting safety of

marketplace and to purchase the goods and services that they need. And it is about improved quality of life for seniors and people with disabilities when access to the community and to the friends and supportive and significant others is maintained.

The program was first funded in 2005 with $5 million in each year of that biennium. It was later funded in 2007 with $3.9 million and because it was a cumulative balance in terms of draw down, and we have seen increase use by towns, there -- according to the Office of Fiscal Analysis, there's approximately $2.2 million that's available to be carried forward from 2009 into 2010.

So CACT supports raised Bill 1093 and we urge your support in passage to restore the funding for the state matching grants to municipalities for demand response of transportation for the elderly and people with people with disabilities.

And with just a few more moments, I'd like to draw your attention to the picture that accompanies our testimony on 735 and 5640. You need only look at that picture of a bus stop on the side of the hill with no access to understand the obstacles that transit users face. Now, add to that if a person were elderly or person has a disability, could they use the fix route transit bus? I question that. Thank you very much.

REP. GUERRERA: Well put, Gloria, as always.

Any questions? Senator DeFronzo.

SENATOR DEFRONZO: Gloria, thank you for your testimony I just wanted to -- after 2005, when the initial appropriation was made, that also

So I appreciate your testimony and look forward to working with you in the next couple days or week or so.

JEFF AIOSA: Thank you.

REP. GUERRERA: Thank you, Senator.

Thank you for your testimony.

JEFF AIOSA: Thank you very much.

REP. GUERRERA: Martin Mador?

MARTIN MADOR: Good afternoon, members of the committee, I'm Martin Mador. I'm the legislative chair for the Connecticut Sierra Club so I'm here representing our 10,000 members who are concerned about the health of our environment, our economic prosperity, and our quality of life. I want to talk about House Bill 735, and we can go from the complex to the extremely simple here.

This bill establishes a long over due state policy of promoting bicycle and pedestrian access to the states highways, roads, and streets. Under the concept of Complete Streets, it requires that all users be accommodated on the state roads; requires that a reasonable proportion of funds expended on roads be spent ensuring access for all users; and calls for very minimal use of those funds of at least 1 percent; establishes an advisory board within DOT; requires it 25 percent of certain federal funds be used for bicycle and pedestrian access; and creates a new share of the road commemorative license plate, which may generate a few dollars for the state.

Sierra believes that promoting nonvehicular transportation is an important priority for the

state, providing access for bicycling and walking improves our quality of life, enhances the desirability of living in the state, provides recreational opportunities, improves our health, and improves our environment by reducing our reliance on cars. To some extent, it gets people out of their cars.

Sierra considers this bill a priority for 2009. Thanks to the committee for introducing it and hopes you will pass it. Thank you.

SENATOR DEFRONZO: Thank you very much for your testimony.

Any questions? Thank you very.

MARTIN MADOR: Thank you.

SENATOR DEFRONZO: I appreciate it.

Peter Agostini? Peter left? Okay, Patricia Ireland, Patricia Ireland? Pam Renaud?

PAM RENAUD: Good afternoon, ladies and gentlemen, my name is Pam Renaud, with me is Joe Piscotelli from Winkle Bus. I am the safety coordinator for First Student's New Haven School Bus operation. First Student is a Cincinnati, Ohio, based school transportation provider, currently operating in 66 Connecticut cities and towns.

First Student employs approximately 3200 individuals in Connecticut. We operate, approximately, 3,000 school buses in the state. In our New Haven operation alone, we transport 18,000 students per day.

I'm here to speak in favor of Raised Bill number 1096, an act concerning fingerprinting methods used by the Department of Motor

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Transportation Committee
March 11, 2009
Testimony of Martin Mador
In Support of
HB 735 An Act Improving Bicycle And Pedestrian Access

I am Martin Mador, 130 Highland Ave., Hamden, CT 06518. I am the Legislative and Political Chair of the Connecticut Sierra Club, and am here today representing our 10,000 Connecticut members concerned about the health of our environment, our economic prosperity, and our quality of life. I possess a Master's of Environmental Management degree from Yale.

HB 735 establishes a long overdue state policy of promoting bicycle and pedestrian access to the state's highways, roads, and streets.

Under the concept of "complete streets", or streets which provide access for all users, it:

-requires that all users be accommodated on the state's roads

-requires that a reasonable proportion of funds expended on roads, but at least 1%, be spent ensuring access for all users

-establishes a Bicycle and Pedestrian Advisory Board within DOT

-requires at least 25% of federal congestion mitigation and air quality improvement program funds and highway safety improvement program funds be used for projects that address bicycle and pedestrian needs

-creates a new Share the Road commemorative license plate, with proceeds used for promoting public awareness and bicycle use and safety

Sierra believes that promoting non-vehicular transportation is an important priority for the state. Providing access for bicycling and walking improves our quality of life, enhances the desirability of living in the state, provides recreation opportunities, improves our health, and improves our environment by reducing vehicular miles traveled (VMT).

Sierra considers this a priority bill for 2009, and thanks the Committee for introducing it.

Prepared Testimony respectfully submitted to the Transportation Committee
11 March, 2009

RE: SB 735 -"An Act Improving Bicycle and Pedestrian Access"

Honorable Senator DeFronzo, Honorable Representative Guerrera and members of the Transportation Committee, I write in strong support of the CT statewide "Complete Streets" legislation (SB 735).

My name is Rob Rocke. I have been a resident of New Haven's East Rock neighborhood for almost fifteen years. I am an alumnus of the Yale Graduate School of Arts and Sciences, and currently work for Yale University's Information Technology department. I do not drive to work, but rather commute to work either by biking or walking. My job responsibilities also necessitate that I travel to many different locations around Yale's campus on a daily basis: this, too, I do by foot and bicycle. I am therefore particularly sensitive to the public safety concerns of unsafe streets. Those experiences led me to join New Haven's Elm City Cycling, one of the first bicycling/pedestrian advocacy groups in town, and I have now been an active member of that group for many years. In fact, I currently sit on the newly appointed board of Elm City Cycling.

What you notice when you spend a lot of time walking and biking in New Haven is that our streets have become like the proverbial "Wild West". It seems like during every commute, if not at nearly every block or every intersection, you encounter countless incidents of motor vehicle drivers driving carelessly and irresponsibly, if not aggressively and downright illegally: they're talking on the phone, texting, reading (yes, reading!), speeding, running red lights and stop signs, and disobeying the basic rules of the road which mandate that they yield the right of way to pedestrians and bicyclists.

Clearly, this problem is not unique to New Haven. In fact, I see it all the time on Connecticut's state and county highways, as well as in other CT towns and communities. Take just a few miles trip on I-91 or I-95 out of New Haven with sensitivity to traffic safety concerns and you will be appalled: speed racing in and out of traffic, ubiquitous passing on the right without signaling, and a total disregard for the basic decencies of the road. (And sadly, you almost never see a State Police cruiser anymore enforcing these fundamental rules of the road.)

So although this problem is not unique to New Haven, New Haven has at last been galvanized to the point of **doing** something about it. Through the leadership of local Alders such as Erin Sturgis-Pascale and Roland Lemar, in tandem with the efforts of local advocacy groups such as Elm City Cycling, New Haven successfully passed a citywide "Complete Streets" initiative last fall, and we're beginning to see signs of change in New Haven: the New Haven Police Department has unveiled their Traffic Safety Hotline, experts in the field of livable, multi-use streets have come to New Haven and given us constructive, real-world feedback, and we've begun piloting the use of in-street pedestrian crosswalk signs.

These are some specific, positive steps that many of us worked long and hard for, but what is needed are not one-off solutions to single problems, but rather a comprehensive,

statewide plan to guarantee that pedestrian and bicyclist rights are considered at every level of transportation planning. With that in mind, the statewide "Complete Streets" legislation (SB 735) couldn't be coming at a more crucial time. Such legislation will have the immediate goal of making our streets safer, with fewer accidents, and yes, fewer fatalities. But more than that, it will be a boon to the overall quality of life in our state by fostering a greater sense of community everywhere, no matter how you get around our cities and towns: folks on bikes, on foot, taking the bus, or even driving their cars to work and school interacting in a safe, vibrant environment that welcomes them all.

I would like to offer my **enthusiastic** support for this statewide "Complete Streets" bill (SB 735). Thank you.

STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION
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Public Hearing – March 11, 2009
Transportation Committee

Testimony Submitted by Commissioner Joseph F. Marie
Department of Transportation

S.B. 735 – An Act Improving Bicycle and Pedestrian Access.

The Department of Transportation (DOT) is supportive of S.B. 735, AA Improving Bicycle and Pedestrian Access with several language revisions and additions.

The Department is opposed to Section 3 of the bill which requires 25% of federal congestion mitigation and air quality (CMAQ) funds to be set aside for the enhancement of non-motorized transportation. Both DOT and the Metropolitan Planning Organizations (MPO) need discretion to program for the highest and best use of CMAQ dollars. The CMAQ program's objective is to provide funding for projects and programs in air quality non-attainment and maintenance areas for ozone, carbon monoxide, and particulate matter, which reduce transportation-related emissions. States and MPOs must give priority to projects involving diesel retrofits, rideshare and transit promotion, traffic signalization updates and other cost-effective emission reduction activities, as well as cost-effective congestion mitigation activities that provide air quality benefits.

At present, non-motorized transportation is financed as individual initiatives through dedicated (Enhancement) federal funds, or as a component of roadway or transit improvement projects. The Department actively pursues compliance to CGS 13a-57b, whenever possible, to encourage the inclusion of areas for bicycles and pedestrians when designing new roadways. This has resulted in the inclusion of sidewalks, pedestrian signals, bike paths, shoulder lanes, etc. in numerous DOT highway construction projects. Also, between 1991 and 2005 DOT spent $58.5 million dollars on bicycle and pedestrian projects through our Enhancement program - a dollar amount that does not include those improvements as a result of compliance with CGS 13a-57b.

For the committee's information, the Department is currently updating the state Bicycle and Pedestrian Plan (Plan) and expects this initiative to be completed by the end of 2009. The Department has a full time Bicycle and Pedestrian Program Coordinator responsible for developing a statewide bicycle safety plan and coordinating and advocating bicycle planning activities. DOT also has a full time Safe Routes to School Program Coordinator responsible for assisting in the development of public educational opportunities and identifying infrastructural projects to improve access to schools.

The Plan, once completed, will provide an updated policy and direction for pursing bicycle and pedestrian initiatives. The Department recognizes the demand for non-motorized transportation and will be working with various stakeholders to identify such priorities.

Attached are the Department's suggested revisions to the bill for your review and consideration. We look forward to working with the committee to advance a bill which will further assist in facilitating the many non-motorized transportation initiatives.

For further information or questions, please contact Pam Sucato, Legislative Program Manager for the Department of Transportation, at (860) 594-3013.

General Assembly
January Session, 2009

Committee Bill No. 735
LCO No. **4284**
04284SB00735TRA

Referred to Committee on Transportation
Introduced by:
(TRA)

AN ACT IMPROVING BICYCLE AND PEDESTRIAN ACCESS.

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

Section 1. (NEW) (*Effective July 1, 2009*) (a) For the purposes of this section:

(1) "Department" means the Department of Transportation;

(2) "Funds" means any funds from the Special Transportation Fund, bond allocations and any other source that is available for the construction, maintenance and repair of roads in this state;

(3) "User" means a motorist, transit user, pedestrian, **EQUESTRIAN,** or bicyclist;

(4) "Bikeway" means any road, street, path or way which in some manner is specifically designated for **NON-MOTORIZED TRANSPORTATION** [bicycle travel, including the provision of a bicycle lane], regardless of whether such facility is designated for the exclusive use of bicycles or is to be shared with other modes of transportation; and

(5) ["Total project cost" means the costs of the entire corridor plan project.] **"NON-MOTORIZED TRANSPORTATION" MEANS WALKING, RUNNING, HORSE RIDING AND BICYCLING.**

(b) Accommodations for all users shall be a routine part of the planning, design, construction and operating activities of all highways, roads and streets in this state.

(c) From **STATE OR FEDERAL** funds received by the department or any municipality for the construction, [resurfacing, restoration,] rehabilitation or relocation of highways, roads or streets **AND WHERE FEASIBLE AND PRUDENT,** a reasonable amount shall be expended to provide facilities for all users including, but not limited to, bikeways and sidewalks with appropriate curb cuts and ramps.[, provided in no event shall less than one per cent of the total amount of funds received in any fiscal year be so expended.] The department or municipality shall take future transit expansion plans into account where appropriate.

(d) The provision of facilities pursuant to subsection (c) of this section shall not be required if the Commissioner of Transportation or the municipal project manner demonstrates and documents with respect to a highway, road or street that: (1) Nonmotorized usage is prohibited; (2) there is a demonstrated absence of need; or (3) the accommodation of all users would be **AN** excessively expensive **COMPONENT** to the total project cost.

Sec. 2. (NEW) (*Effective July 1, 2009*) (a) There is established a Connecticut Bicycle and Pedestrian Advisory Board which shall be within the Department of Transportation for administrative purposes only.

(b) The board shall consist of eleven members appointed as follows: The Governor shall appoint five members and the speaker of the House of Representatives, the president pro tempore of the Senate, the majority leader of the House of Representatives, the majority leader of the Senate, the minority leader of the House of Representatives and the minority leader of the Senate shall each appoint one member. The members shall be electors of the state and have a background and interest in issues pertaining to walking and bicycling, one of whom shall be a representative of an organization interested in the promotion of bicycling, one of whom shall be a representative of an organization interested in the promotion of walking **OR RUNNING**, one of whom shall be an owner or manager of a business engaged in the sale or repair of bicycles, one of whom shall be a representative of visually-impaired persons, one of whom shall be a representative of mobility-impaired persons, one of whom shall be a representative of transit workers and one of whom shall be a person sixty years of age or older. **(Other members to consider: Equestrian representative, Metro-North New Haven Rail Commuter Council representative, Connecticut Public Transportation Commission member, etc.)**

(c) All members shall serve for a term of four years, except that of the members first appointed by the Governor, three members shall serve for an initial term of two years and two members shall serve for an initial term of three years. Any vacancy in the membership of the board shall be filled by the appointing authority for the unexpired term. Members shall receive no compensation for their services.

(d) The board shall, at its first meeting and annually thereafter, select a chairperson, **VICE CHAIRPERSON AND SECRETARY** from among its members. The board shall meet at least once during each calendar quarter and at such other times as the chairperson deems necessary **OR UPON THE REQUEST OF A MAJORITY OF THE MEMBERS. THE SECRETARY SHALL BE RESPONSIBLE FOR ALL ADMINSTATIVE ACTIVITIES ASSOCATIED WITH THE PROPER FUNCTIONING OF THE BOARD. THIS INCLUDES THE PREPARATION AND DISTRIBUTION OF MEETING NOTICES, MINUTES AND REPORTS.**

(e) The duties of the board shall include, but not be limited to, **STUDYING AND INVESTIGATING ALL ASPECTS REGARDING THE NEEDS OF NON-MOTORIZED TRANSPORTATION,** promoting programs and facilities for **[**bicycles and pedestrians**]** **NON-MOTORIZED TRANSPORTATION** in this state, and advising appropriate agencies of the state on policies, programs and facilities for **[**bicycles and pedestrians**]** **NON-MOTORIZED TRANSPORTATION.**

(f) The board may apply for and accept grants, gifts and bequests of funds from other states, federal and interstate agencies and independent authorities and private firms, individuals and foundations, for the purpose of carrying out its responsibilities.

(g) **[**The Department of Transportation shall assist the board in carrying out its responsibilities by making available department reports and records related to the board's responsibilities, printing the board's annual report or distributing copies thereof as may be required and mailing notices of the board's meetings as may be required.**]** **THE BOARD MAY REQUEST FROM ANY DEPARTMENT, DIVSION, BOARD, BUREAU, COMMISSION, AGENCY, PUBLIC AUTHORIYT OF THE STATE**

OR ANY POLITICAL SUBDIVISION THEROF SUCH ASSISTANCE AND DATA AS IT REQUIRES AND WILL ENABLE IT TO PROPERLY CARRY OUT ITS ACTIVITIES FOR THE PURPOSES SET FORTH HEREIN.

(h) Not later than January [1] 15, 2010, and annually thereafter, the board shall submit a report, in accordance with section 11-4a of the general statutes, to the Governor, the Commissioner of Transportation and the joint standing committee of the General Assembly having cognizance of matters relating to transportation on ITS FINDINGS AND RECOMMENDATIONS. [(1) the progress made by state agencies in improving the environment for bicycling and walking in this state, (2) recommendations for improvements to state policies and procedures related to bicycling and walking, and (3) specific actions taken by the Department of Transportation in the preceding year that affect the bicycle and pedestrian environment.]

[Sec. 3. (NEW) (*Effective July 1, 2009*) Notwithstanding any provision of the general statutes, not less than twenty-five per cent of the funds received by the state from the federal government under the congestion mitigation and air quality improvement program and not less than twenty-five per cent of the funds received by the state from the federal government under the highway safety improvement program shall be dedicated by the Commissioner of Transportation to projects that address bicycle and pedestrian needs, including, but not limited to: (1) Safe routes to transit programs that improve pedestrian and bicycle access to transit, (2) safe routes to schools programs that improve safety on walking and bicycling routes to schools, (3) safe routes for seniors programs that improve pedestrian access to senior centers, senior housing and other locations frequented by elderly persons, and (4) safe streets and traffic calming programs that eliminate hazards and address safety deficiencies for bicyclists and pedestrians.]

Sec. 4. (NEW) (*Effective July 1, 2009*) (a) On and after January 1, 2010, the Commissioner of Motor Vehicles shall issue Share the Road commemorative number plates of a design to enhance public awareness of the rights and responsibilities of both motorists and bicyclists while jointly using the highways of this state. The design shall be determined by agreement between the Department of Transportation and the Commissioner of Motor Vehicles, in consultation with an organization advocating on behalf of bicyclists. No use shall be made of such plates except as official registration marker plates.

(b) A fee of sixty dollars shall be charged for Share the Road commemorative number plates, in addition to the regular fee or fees prescribed for the registration of a motor vehicle. Fifteen dollars of such fee shall be deposited in an account controlled by the Department of Motor Vehicles to be used for the cost of producing, issuing, renewing and replacing such number plates and forty-five dollars of such fee shall be deposited in the account established under subsection (d) of this section. No additional fee shall be charged in connection with the renewal of such number plates. No transfer fee shall be charged for transfer of an existing registration to or from a registration with Share the Road commemorative number plates. Such number plates shall have letters and numbers selected by the Commissioner of Motor Vehicles. The commissioner may establish a higher fee for: (1) Number plates that contain the numbers and letters from a previously issued number plate; (2) number plates that contain letters in place of numbers as authorized by section 14-49 of the general statutes, in addition to the fee or fees prescribed for registration under said section; and (3) number plates that are low number plates issued in accordance with section 14-160 of the general statutes, in addition to the fee or fees prescribed for registration under said section. All fees established and collected pursuant to

this section, except the amount deposited in the account controlled by the department, shall be deposited in the Share the Road account established under subsection (d) of this section.

(c) The Commissioner of Motor Vehicles, in consultation with the Commissioner of Transportation, may adopt regulations, in accordance with the provisions of chapter 54 of the general statutes, to establish standards and procedures for the issuance, renewal and replacement of Share the Road commemorative number plates.

(d) There is established a Share the Road account which shall be a separate, nonlapsing account within the General Fund. The account shall contain any moneys required by law to be deposited in the account. The funds in the account shall be expended by the Department of Transportation to enhance public awareness of the rights and responsibilities of bicyclists and motorists while jointly using the highways of this state and to promote bicycle use and safety in this state. The Commissioner of Transportation may receive private donations to said account and any such receipts shall be deposited in said account.

(e) The Commissioner of Motor Vehicles may provide for the reproduction and marketing of the Share the Road commemorative number plate image for use on clothing, recreational equipment, posters, mementoes or other products or programs deemed by the commissioner to be suitable as a means of supporting the
Share the Road account established under subsection (d) of this section. Any moneys received by the commissioner from such marketing shall be deposited in said account.

This act shall take effect as follows and shall amend the following sections:		
Section 1	*July 1, 2009*	New section
Sec. 2	*July 1, 2009*	New section
Sec. 3	*July 1, 2009*	New section
Sec. 4	*July 1, 2009*	New section

Statement of Purpose:

To enhance nonmotorized transportation alternatives, promote healthy lifestyles, encourage smart growth and reduce congestion by adopting a complete streets policy, establishing a permanent bicycle and pedestrian advisory committee, devoting a minimum percentage of funds to programs that improve bicycle and pedestrian access and authorizing the issuance of Share the Road number

WINDHAM REGION COUNCIL OF GOVERNMENTS

Chaplin Columbia Coventry Hampton Lebanon Mansfield Scotland Willington Windham

Chairman DeFronzo
Chairman Guerrera
Members of the Transportation Committee

March 11, 2009

RE: SB 735 - AN ACT IMPROVING BICYCLE AND PEDESTRIAN ACCESS

Dear Chairman DeFronzo and Chairman Guerrera, and members of the Transportation Committee,

The Windham Region Council of Governments (WINCOG) is writing in support of legislation regarding **Bicycle and Pedestrian Access** as noted in SB 735.

We are particularly pleased that there will be a permanent Bike/Ped Committee created. The State has long been in need of a constant voice for bicycle and pedestrian planning In addition, this proposal is very much in line with some of the smart growth initiatives being considered by the legislature. The Complete Streets language contained within this bill also melts well with the smart growth initiatives.

Thank you for your consideration in moving this bill forward.

Sincerely,

Mark N. Paquette
Executive Director, WINCOG

cc WINCOG Board of Directors

WINCOG 700 Main Street Willimantic, CT 06226 Phone (860) 456-2221 Fax (860) 456-5659 E-mail director@wincog.org

Greater Bridgeport Regional Planning Agency
Serving Bridgeport, Easton, Fairfield, Monroe, Stratford and Trumbull • Operating Agency for Greater Bridgeport/Valley Metropolitan Planning Organization

March 11, 2009

Testimony in Support of Committee Bill No. 735
Transportation Committee

Dear Senator Donald DeFronzo, Co Chairman and Representative Tony Guerrera, Co Chairman:

Thank you for the opportunity to express my support for Committee Bill No. 735, an act improving bicycle and pedestrian access.

As a transportation planner for nearly 30 years and the current Executive Director of the Greater Bridgeport Regional Planning Agency, I have worked to implement bicycle and pedestrian projects and promote user safety on both facilities for many years. More recently I have had the opportunity of participating on the state Bicycle and Pedestrian Plan Advisory Committee. This Committee has been working diligently on re-crafting the goals and action strategies to improve and expand bicycle and pedestrian facilities in the state and to ensure that all users have access to these facilities and can use them in a safe and secure manner. However, it has become apparent that this Committee serves only an advisory role under the guidance of the Department of Transportation and will be in existence only until such time as the state bicycle and pedestrian plan is completed. It has been recognized by the Committee that, what is essential to furthering the goals of the plan, is the establishment of a permanent committee or board to provide direction and advice on how to make Connecticut a leader state in bicycling and pedestrian activities. The creation of the Connecticut Bicycle and Pedestrian Advisory Board would fill that essential gap and elevate the discussion of the bicycle and pedestrian needs to a much higher level. With the creation of this Board, the potential for implementing many of the actions strategies being considered in the new state bicycle and pedestrian plan would be substantially increased.

A second issue that the Bicycle and Pedestrian Committee has wrestled with is the lack of funding. Federal aid funds from the US Department of Transportation support the development of bicycle and pedestrian facilities, but these funds are limited, are not sufficient to meet the needs of the state and require a local match. The provision to allocate 25% of the funds available under the Congestion Mitigation and Air Quality program and 25% of the highway safety funds would provide an additional source for completing not only bicycle and pedestrian projects but would also enhance access to transit and rail station, provide safe routes to schools and other activities and allow communities to construct traffic calming projects that would make our cities and towns more liveable, walkable and bikeable. However, I would recommend that the legislature also consider a change that would reduce the amount of the federal aid match that has to be provided by the local sponsor. I respectfully request that you consider requiring the state to provide at least 50% of the match funds required, as is currently the case with most other federal

Executive Director Mark C Nielsen at mnielsen@gbrpa.org
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aid transportation programs. This would provide greater leverage of federal aid funds and ensure that these types of projects are implementing in much more timely manner.

Thank you again for this opportunity to comment and offer my support to this bill; it offers the best opportunity to realize the expansion and enhancement of bicycling and walking through the state of Connecticut.

Respectively Submitted,

Mark C. Nielsen
Executive Director
Greater Bridgeport Regional Planning Agency

Testimony in support of S.B. 735:
An Act to Improve Bicycle and Pedestrian Access

March 11, 2009
Debra Dauphinais
860-633-6512
Central Connecticut Bicycle Alliance, Advocacy Chairperson

Thank you to the Transportation Committee for your support of bicycle-friendly legislation during last year's session. On behalf of the Central Connecticut Bicycle Alliance, I ask that you continue your support this year. Based on the results of a nation-wide survey, the League of American Bicyclists has ranked Connecticut 42nd out of 50 states in regards to its bicycle-friendliness. We have an opportunity for significant improvement.

S.B. 735 contains many elements that will improve the quality of life in Connecticut, with minimal, if any, additional expense. At a time of fiscal responsibility, this is an opportunity to pass legislation that promotes health and the environment in a budget neutral manner.

Dedicating a portion of funds to be used for bicycle and pedestrian improvements will help to move Connecticut's transportation system forward. Cycling and walking can and should be an integral part of our transportation system, whether used as the sole method of transportation or as part of an inter-modal commute. Our society is calling for healthier, environmentally-friendly "green" transportation alternatives. Many people currently use cycling and walking for some or all of their transportation needs. Many more would do so if safer opportunities existed.

The creation of a state Bicycle and Pedestrian Advisory Board would provide the state with a valuable resource to guide these much-needed improvements. The members of the committee would serve either as volunteers or within their current state positions, providing no impact on the state's budget. In 2006, the Department of Transportation created its Bicycle and Pedestrian Advisory Committee, of which I am a member. While I applaud the concept, the committee has only been called to meet on 2 occasions – October 10, 2006 and April 4, 2007. It has been almost 2 years since the last meeting. The new Board would meet a minimum of 4 times / year, allowing for much-improved continuity and effectiveness.

The Central Connecticut Bicycle Alliance looks forward to continuing its work towards a more bicycle-friendly Connecticut. Thank you for your consideration of this important and much-needed bill.

Prepared Testimony of the City of New Haven
Respectfully submitted to the Joint Committee on Transportation

City of New Haven
John DeStefano, Jr
Mayor

RE: SB 735, AN ACT IMPROVING BICYCLE AND PEDESTRIAN ACCESS

Senator DeFronzo, Representative Guerrera and members of the Committee, the City of New Haven is pleased to stand in support of SB 735, an Act Improving Bicycle and Pedestrian Access and, in general, the statewide movement toward a "Complete Streets" transportation program.

The City of New Haven is committed to a safe and sustainable system for all of its residents, visitors and businesses. This commitment is built upon the support and dedication of many dedicated community volunteers who have responded to the call following the recent tragedies at the Yale Medical School and along Whalley Avenue in Westville. Proposed Complete Streets legislation provides us with a framework for implementation of sustainable measures, thereby improving safety for cyclists and pedestrians. These are our target populations given since New Haven has the highest percentage of residents who walk to work (14%) among the largest New England cities.

Our challenge is significant. The surface transportation system in New Haven is extensive relative to state averages. In total, there are 255 miles of roadway in the city - the eighth highest amount of any Connecticut municipality. Of these roadways, over 12% are state-maintained and we therefore need dedicated state assistance to establishing Complete Streets across the system.

The proposed bill further recognizes the importance and interrelatedness of our transportation, land use, environmental and economic policies, specifically by addressing bicycle and pedestrian movements. Each will be key to our future economic position Globally, there is increased attention to climate change and dependence on foreign oil, two conditions which will adversely affect our quality of life and economic standing In no uncertain terms, sustainable systems will drive our economic recovery. Thank you for your time and consideration of this timely legislation, which is a critical part of the larger solution.

Respectfully submitted to the Joint Committee on Transportation, March 11, 2009.

CITY OF NEW HAVEN

Laoise King
Deputy Chief of Staff
Office of Mayor John DeStefano, Jr

CITY OF NEW HAVEN
BOARD OF ALDERMEN

Erin Sturgis-Pascale
Alderwoman, 14th Ward

Chair
City Services and Environmental Committee

Member
Aldermanic Affairs Committee
Tax Abatement Committee
Food Policy Council

332 Front Street
New Haven, CT 06513-3209

Telephone: (203) 530-0256
ErinForWard14@yahoo.com

Senator Don DeFronzo
Representative Antonio Guerrera
Co-Chairs, Senate Transportation Committee
Legislative Office Building
Hartford, CT 06106

March 4, 2009

RE: RE: SB 735, An Act Improving Bicycle and Pedestrian Access.

Dear Senator DeFronzo, Representative Guerrera and members of the Committee:

I submit this testimony to respectfully request your support for Proposed Senate Bill 735, An Act Improving Bicycle and Pedestrian Access.

Improving access to transportation for all citizens of the State of Connecticut through a mandate of required accommodation is an action that will address a number of very serious issues that face our communities. These include issues of safety, equity, efficiency, economic development and government accountability.

Children and seniors are especially vulnerable to the hazards of our public streets. They are disproportionately represented in the injuries and fatalities resulting from motor vehicle crashes. The socially and economically disadvantaged will disproportionately benefit from improvements to our walking, biking and transit infrastructures, as the expenses associated with car ownership effectively deny them the advantage of safe transportation.

In a world of scarce resources, not only of petroleum, but of physical space as well, an overinvestment in motor vehicle infrastructure is an inefficient use of government dollars. Personal vehicles represent the least space and energy efficient choice of transportation. Explicit incentives that encourage increased vehicle traffic is a poor investment in the future.

Additionally, the economic liabilities that present themselves when unimaginative and inflexible transportation investments are made are ultimately insurmountable. Congested roads lead to increases in the cost of business. Productivity plunges when employees cannot travel to work in a reasonable timeframe. Relocating businesses, wishing to attract the best and brightest employees, will avoid gridlocked states that fail to provide a rich transportation environment to their employees.

We have reached point in time where we must have strong political leadership that is capable of envisioning the relationship between streets and other public and private resources. Our streets are much, much more than conduits for motor vehicle traffic. The functioning of our streets as they relate to public health, social stability and economic development must be considered when we make our costly investments in transportation infrastructure.

I strongly urge your support of this effort to diversify our transportation investments in the state of Connecticut.

Respectfully Submitted by Erin Sturgis-Pascale

State of Connecticut
GENERAL ASSEMBLY

Commission on Children

General Assembly Committee on Transportation Public Hearing March 11, 2009

Testimony submitted by:

Elizabeth Brown
Legislative Director
Connecticut Commission on Children

Committee Bill No. 735, An Act Improving Bicycle and Pedestrian Access

Senator DeFronzo, Representative Guerrera and members of the Committee:

Thank you for this opportunity to testify on behalf of the Connecticut Commission on Children in support of Committee Bill No. 735, An Act Improving Bicycle and Pedestrian Access.

The Commission on Children actively works to reduce the prevalence of childhood obesity. Over the past four years, the Commission held several major state policy forums on the issue, designed and led a series of regional forums for municipal leaders with the Connecticut Conference of Municipalities, wrote and distributed outreach materials to encourage families to become more physically active (*Playbook for Prevention* and a radio public service announcement), developed a proposal for a statewide data tracking system for obesity and chronic diseases, and established a state framework for departmental coordination.

Our state, like the nation, is experiencing an obesity epidemic that has a significant impact on health and the state budget. Nationally the prevalence of overweight children nearly doubled in the past 20 years and nearly tripled for adolescents. In Connecticut, 26 percent of high school students were overweight or obese in 2007. Adult obesity in Connecticut has increased dramatically as well. One in five adults (20.8 percent) were obese in 2007, and most adults (59 percent) were overweight or obese.

The health consequences of obesity are severe. Most obese children grow up to be obese adults and suffer from the conditions associated with obesity, including heart disease, stroke and diabetes. Obese children are more likely to smoke, consume alcohol and experiment with drugs as well as have self-esteem and health issues which negatively impact their studies and social life in school.

Obesity has costly direct and indirect consequences for families, health systems and the government programs that pay for emergency and long-term illness care. It is associated with premature death and disability, increased health care costs and lost productivity. In Connecticut, obesity-related health problems for adults cost an estimated $856 million in annual medical expenses.

The obesity epidemic is a direct result of physical inactivity and unwise eating behaviors. Today's youth are considered the most inactive generation in history, according to the American Obesity Association. Most Connecticut high school students (55%) did not meet the recommended physical activity level, according to a 2007 survey. One in five (20%) Connecticut adults are physically inactive, meaning no physical activity or exercise in the previous 30 days outside of a regular job (2005-2007 data).

The Commission on Children strongly supports Committee Bill 735 as a means of improving the health of children and adults throughout Connecticut.

At a 2008 state forum led by the Commission on Children and the Department of Public Health, national and state experts identified bicycling and pedestrian access as a critical issue to address childhood obesity.

Committee Bill 735 would take several steps to strengthen bicycle and pedestrian options for Connecticut families. This legislation would do the following:

- establish a complete streets policy for Connecticut, designed to enable safe access for all pedestrians, bicyclists, motorists and transit riders;
- make accommodations for all users a routine part of the planning, design, construction and operating activities of all highways, roads and streets in the state;
- require that at least 25 percent of certain federal transportation funds received by the state be dedicated to address bicycle and pedestrian needs, including Safe Routes to Schools programs, Safe Routes to Transit programs, Safe Routes for Seniors programs, and safe streets and traffic calming programs;
- create a state Bicycle and Pedestrian Advisory Board with specific responsibilities to assist the Department of Transportation in improving the environment for bicycling and walking; and
- establish a Share the Road license plate fund to promote bicycle use and safety.

Enactment of this bill would result in Connecticut becoming the 12th state to have a "compete streets" – or "healthy streets" – policy, which aims to improve public health by creating safer and more welcoming environments for people-powered transportation. A recent survey of older Americans found that many wanted alternatives to driving due to high gas prices and fewer mobility options. Nearly 40 percent, however, reported lack of sidewalks and safe crossings, bicycle lanes or safe places to catch the bus near their homes. Complete streets policies tackle these issues by considering all users in transportation project design and planning.

A complete streets policy would improve the physical activity and health of Connecticut young and older residents, reduce auto emissions and improve safety. Walking and biking yield

numerous benefits for young people: weight and blood pressure control, diabetes risk reduction, improved psychological welfare, and better academic performance.

Transit-friendly, walkable communities reduce reliance on motor vehicles. Every mile of cycling that replaces auto travel prevents an average of 1 lb. of carbon dioxide, 10 grams of carbon monoxide, 0.5 grams of hydrocarbons, and 0.5 grams of nitrous oxides from polluting our environment.

Studies show people are more likely to bike or walk in neighborhoods where it is safe to do so and the proper infrastructure is present, according to the National Conference of State Legislatures. When Connecticut enacts a "complete streets" policy under this legislation, the result will be healthy recreation and commuting options for children, families, seniors and all residents.

Complete streets policies have been successful in several states, including Oregon. Advocates believe the Oregon law sets the standard for bicycling and pedestrian policy and has helped the state achieve the second-highest rate of bicycle commuters in the country (behind Montana) at 1.5 percent. Between 1992 and 2005, Portland increased its developed bikeway network by 215 percent, from 83 miles to 260 miles. As a result, the number of bicycle commuters doubled between 1990 and 2000.

The legislation before you is an excellent next step to prevent obesity and to improve the health of Connecticut children and adults. The Commission on Children urges passage of the bill.

Testimony in Support of Bill #735

As a cyclist and member of the Central Connecticut Bicycle Alliance, I am submitting this written testimony in support of Bill #735. The provisions included in Bill #735 will go a long way in supporting stronger bicycle policies in the State of Connecticut, as well as developing a more balanced transportation infrastructure.

There is a shared misconception among many road users that bicycles do not belong on the road. However, the Federal Department of Transportation and the State of Connecticut recognize the bicycle as a legal vehicle for use on public roads sharing the same rights and responsibilities as motorists. By adopting a "Complete Streets" policy and assembling a state bicycle advisory committee, we can develop a system where drivers and cyclists work together to improve road safety through shared awareness, patience, courtesy, and cooperation.

We all use the roads. Some of us prefer to drive, some bike, others walk. However, it is easy to forget that road users are all the same people; they just choose to travel in a particular way on a particular day.

Once again, I strongly support Bill # 735.
Thank you for your time and consideration of this matter.

Gerry Lafleur
Enfield, CT
Gl0367@cox.net

Green, Chris

From: Roth, Abigail [abigail.roth@yale.edu]
Sent: Monday, March 09, 2009 4:13 PM
To: Strand, CJ
Cc: Futtner, Edwina; Thomas.J.Kehoe@cga.ct.gov.
Subject: Complete Street Legislation - Written statement for hearing
Follow Up Flag: Follow up
Flag Status: Green

Hello. I am writing to express my support of the Complete Streets legislation being considered for the State of Connecticut. As a New Haven resident, I am thrilled that elected officials in New Haven have recognized the importance to the vitality of the city to ensure pedestrians and cyclists are integrated into the fabric of future transportation projects. Such planning will have a positive impact on the economy, environment, and cultural activity of Connecticut. Thank you for any efforts you can make to support the passage of this legislation.

- Abigail Roth
New Haven, CT

Green, Chris

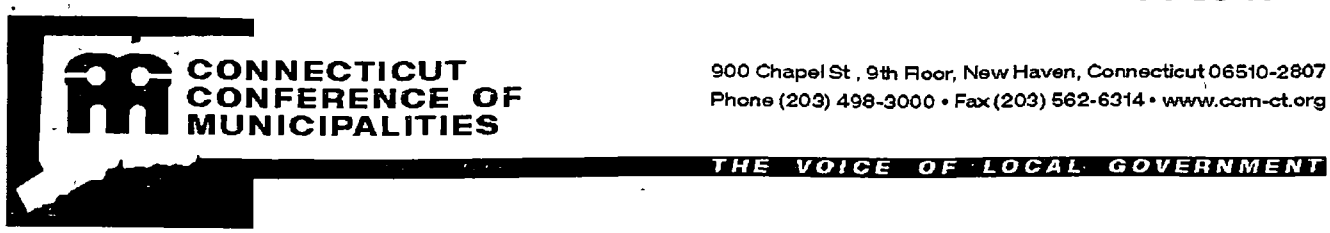
From: Nancy Decrisantis [ndecrisantis@mac.com]
Sent: Monday, March 09, 2009 4:56 PM
To: Strand, CJ
Cc: Thomas.J.Kehoe@cga.ct.gov; Futtner, Edwina
Subject: WRITTEN TESTIMONY FOR TRANSPORATION COMMITTEE. Please print for 3/11

Follow Up Flag: Follow up
Flag Status: Green

TO: Transportation committee

As an avid bicyclist, I am in support of the "CT Complete Streets Legislation". This is very important.
Thank you.

Nancy Decrisantis
River Run 4K
220 Main Street
New Hartford, CT 06057



900 Chapel St., 9th Floor, New Haven, Connecticut 06510-2807
Phone (203) 498-3000 • Fax (203) 562-6314 • www.ccm-ct.org

TESTIMONY

of the

CONNECTICUT CONFERENCE OF MUNICIPALITIES

to the

TRANSPORTATION COMMITTEE

March 9, 2009

CCM is Connecticut's statewide association of towns and cities and the voice of local governments - your partners in governing Connecticut. Our members represent over 93% of Connecticut's population. We appreciate this opportunity to provide testimony to you on issues of concern to towns and cities.

CCM *has concerns* with certain sections of Committee Senate Bill 735 *"An Act Improving Bicycle and Pedestrian Access."*

Section 1(5)(c) would require that no less than 1% of any funds expended on the construction, resurfacing, restoration, rehabilitation or relocation of highways, roads or streets be used to provide facilities for all users, including, but not limited to, bikeways and sidewalks with appropriate curb cuts and ramps.

Section 3 would require that not less than 25% of funds received by the state from the federal government under the congestion mitigation and air quality improvement program and not less than 25% of the funds received by the state from the federal government under the highway safety improvement program shall be dedicated to projects that address bicycle and pedestrian needs.

CCM supports steps for improving bicycle and pedestrian access, including increased funding, but we are unsure about how the specific percentage were arrived at and we are concerned that a cookie-cutter approach may not work in all circumstances.

CCM asks that the Committee amend the bill to clarify that municipalities retain the option to use road funding as is needed for their community. Municipalities are struggling because of mandates. Placing more requirements on the way towns and cities spend their dollars will increase that burden, and could harm their ability to provide services to their communities.

CCM urges the Committee to ***take no action*** on S.B 735 before taking a closer look at the impact section 1(5)(c) and section (3) will have on municipal road project budgets.

##

If you have any questions, please contact Donna Hamzy, Legislative Analyst
via email dhamzy@ccm-ct.org or via phone (203) 498-3000.

Green, Chris

From: Melinda Tuhus [melinda.tuhus@gmail.com]
Sent: Monday, March 09, 2009 10:21 AM
To: Strand, CJ
Cc: Futtner, Edwina; thomas.j.kehoe@cga.ct.gov
Subject: Trans. Committee Testimony for 3.11.09 hearing
Follow Up Flag: Follow up
Flag Status: Green

This is testimony in support of Complete Streets legislation (SB 735), which requires that any funds received by ConnDOT or municipality for "the construction, resurfacing, restoration, rehabilitation or relocation of highways, roads or streets, a reasonable amount shall be expended to provide facilities for all users including, but not limited to, bikeways and sidewalks with appropriate curb cuts and ramps." The legislation also requires that at least one percent of these funds (and 25% of certain federal grants) be dedicated to bike, pedestrian, and transit access projects.

As an almost daily bicycle commuter (Hamden to New Haven and other nearby towns) for the past 21 years, I believe this legislation would go a long way toward protecting my right to use my "vehicle" (my bike) safely on city and town streets. Currently, for the most part cyclists are relegated to the edges of roads -- the law says we should ride as far to the right "as practicable," but it's often not practicable to ride on the right, what with potholes and other detritus, and cars passing much closer than the three feet mandated by the law passed last year. We are allowed to "take the lane," but that's also taking our life in our hands. As both cyclists and pedestrians, we need our own space in the public sphere!

Thanks to the legislators who are championing this bill, and I urge the House and Senate to support it.

Sincerely,

Melinda Tuhus
103 Carmalt Rd.
Hamden, CT 06517
203.287.9811

001848

Green, Chris

From: Jason Stockmann [bauhaus2@gmail.com]
Sent: Tuesday, March 10, 2009 6:00 AM
To: Strand, CJ
Cc: thomas.j.kehoe; Futtner, Edwina
Subject: Written Testimony for Transportation Committee on Bill 735 -- Please Print for 3/11
Follow Up Flag: Follow up
Flag Status: Green

Members of the Transportation Committee:

I am writing in support of Committee Bill 735 -- "An Act Improving Bicycle and Pedestrian Access."

This bill is an important step toward "completing" Connecticut's streets, making them more welcoming to cyclists, pedestrians, and disabled citizens. In addition to bringing about greater equality between private automobiles and other modes of transportation, this measure will make traveling by bicycle or by foot safer and more convenient throughout Connecticut. This will benefit the state in myriad ways, ranging from reduced greenhouse gas emissions to the easing of traffic congestion to improvements in public health.

Complete Streets also hold tremendous economic potential as the state looks for ways to encourage transit-oriented and pedestrian-friendly development. Developers know that locations which are inviting to pedestrians and cyclists command a premium. In addition to spurring new development, bike lanes and pedestrian infrastructure have been shown to increase the value of existing properties that are adjacent to them.

Committee Bill 735 represents a step forward for our state's transportation system, economy, and quality of life, and I hope that you will join me in lending it your enthusiastic support.

Sincerely,

001849

Jason Stockmann
1195 Chapel St Apt 2
New Haven, CT 06511

Graduate Student, Yale University, Magnetic Resonance Research Center
Member, Elm City Cycling

(315) 450-3309
bauhaus2@gmail.com

001850

JOINT
STANDING
COMMITTEE
HEARINGS

TRANSPORTATION
PART 7
1855 - 2081

2009

March 10, 2009

SB 735

Dear Transportation Committee:

I am submitting written testimony to whole-heartedly support the passage of Complete Streets legislation for the State of Connecticut. As a medical student at Yale School of Medicine in New Haven, I have been impacted greatly by the death of my fellow student, Mila Rainof, last April. Mila was crossing South Frontage Road at York Street, directly in front of Yale-New Haven Hospital. There was a truck pulling out of the loading dock into the intersection. Her walk cycle time ran out, so she started to run. A small black car, whose view was blocked by two SUVs in the adjacent lanes, accelerated as its signal turned green. Mila did not see the car that hit her as she approached the curb, and she landed on her head.

Like many, I was impacted by Mila's gigantic smile, warmth, and energy while she was living. She was about to graduate medical school and begin a career in emergency medicine. She would have had the opportunity to help countless people, and we are all worse off without her. I am sad for her family, friends, our Yale med community, her boyfriend who had to start his residency in California without her, and the many people who would have been healed by her warmth, intelligence and skill as her patients.

This bill is not only about Mila. Nor is it about 11-year-old Gabrielle Lee, who was killed by a car on Whalley Avenue only six weeks after Mila died. It is about all the people of New Haven and Connecticut whose lives will be made healthier, calmer, and safer with streets that reflect our values. As a medical student whose research focuses on childhood obesity, I am keenly aware of how unsafe streets contribute to sedentary lifestyles. Communities designed solely for cars make it much more difficult for people to walk and cycle for everyday transportation needs. Recent studies using objective measures of total physical activity have found that residents of high-walkable neighborhoods get one hour more of physical activity each week and are 2.4 times more likely to meet physical activity recommendations than residents of low-walkable neighborhoods.[1]

During clinical encounters, I have heard many adolescents tell me that their parents force them to stay inside with their televisions, video games and snacks. While crime is a major reason for their parents' fears, children are actually more likely to be hurt by cars than by crime. Motor vehicle collisions are the leading cause of death for all people ages 2 through 34. In addition, streets where there are more people walking and cycling might lead to a reduction in crime and a greater sense of security.

Since I have become involved in Elm City Cycling, the Yale Medical Campus Traffic Safety Group and the New Haven Safe Streets Coalition, I have had many discussions with members of the medical and public health community about the importance of designing streets that are safe for pedestrians and cyclists. The health benefits are clear:

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[1] Sallis et al "The role of built environments in physical activity, eating, and obesity in childhood." *The future of children*. 2006 vol:16 iss:1 pg:89-108.

reduction of traffic-related injuries and deaths, as well as improved fitness due to greater walkability and safer cycling. Passing Complete Streets Legislation for Connecticut is an important step to prevent needless deaths, and improve the health and quality of life of our population.

Sincerely,

Erica Mintzer

MD Candidate, 2009
Yale School of Medicine

170 Dwight Street, #2
New Haven, CT, 06511
617-320-8873
erica.mintzer@yale.edu

Green, Chris

From: Victorya McEvoy [vmcevoy@gmail.com]
Sent: Tuesday, March 10, 2009 3:15 PM
To: Strand, CJ
Cc: Futtner, Edwina; Thomas.J.Kehoe@cga.ct.gov
Subject: written testimony for transport committee hearing 3/11 -- please print & distribute
Follow Up Flag: Follow up
Flag Status: Green

To the members of the Transportation Committee: All three of me -- the driver, the cyclist and the pedestrian -- are writing to urge you to support the "Complete Streets" bill (SB 735). We ALL should be considered when transportation funds are being allocated.

Especially now, with our economy teetering on the brink, visionary leaders are recognizing the need to design our state in ways that support both present AND future transportation needs. Bike lanes, sidewalks, curb cuts, ramps -- all of these are just as essential to Connecticut residents as are new and improved roads, and they ALL deserve your wholehearted support.

Thank you,
Victorya McEvoy
New Haven

Green, Chris

From: brian.tang@yale.edu
Sent: Tuesday, March 10, 2009 2.50 PM
To: Strand, CJ
Cc: Futtner, Edwina; Thomas.J.Kehoe@cga.ct.gov
Subject: Written Testimony for Transportation Committee: Please Print for3/11 Hearing.

Follow Up Flag: Follow up
Flag Status: Green

SB735

Dear Transportation Committee,

My name is Brian Tang. I am a freshman at Yale University in New Haven, where the majority of my friends feel too intimidated by high speeds and aggressive drivers to bicycle in the street. Because crosswalks are inadequate and don't meet our needs, thousands of Yale students jaywalk across even the busiest, most dangerous streets on campus every day.

I would like to express my wholehearted support for statewide Complete Streets legislation. Streets need to do more than just allow drivers to get from point A to point B as quickly as physically possible. They need to be places for people, not just their cars. The street is the most important public space we have. How we use this space reflects the values and priorities of our culture.
Is this a society of cars or people?

I applaud the efforts the City of New Haven has made to allow our streets to better serve pedestrians and cyclists. There's only so much the City can do, however, and they need the full support of the State behind their efforts.

Please support this legislation.

Sincerely,

Brian Tang
345 Temple St
New Haven CT 06511

TESTIMONY IS SUPPORT OF HB 5640

One of the main factors that discourages transit use is the challenge of getting to and from the transit stop. It is common for transit customers to walk on busy roads, or in mud to reach a transit stop. This creates both an unsafe and unpleasant environment for transit customers. The attached photos illustrate the challenges facing transit customers.

This bill dedicates a small percentage of highway funds to correct these deficiencies statewide.

This bill doesn't call for new state expenditures.

If done on an annual basis, incremental improvements can be on-going.

This bill compliments SB 735 that calls for 'complete streets" which require that new roadways and/or reconstructed roadways be built to accommodate the needs of pedestrian, bicyclists and that users and HB 5523 which requires including transit system in the design review process.

This bill (and the others) will benefit more than just transit customer – it will benefit all pedestrians and provide safer walking conditions.

This bill fixes what is broken while the other bills are designed to avoid making the same mistakes again. Please support HB 5640 for the benefit of all transit user, future transit users and pedestrians.

Submitted by

Ron Kilcoyne
General Manager/CEO
Greater Bridgeport Transit
1 Cross Street
Bridgeport CT 06477

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Transit for Connecticut

Helping People, the Economy and the Environment

Transportation Committee
Public Hearing
March 11, 2009

In Support of RB 1093 AA Providing Funds for Municipal Matching Grants for Demand-Responsive Transportation for Elderly Persons and Persons with Disabilities
In Support of SB 735 AA Improving Bicycle and Pedestrian Access
In Support of HB 5640 AAC The Improvement of Public Access to Transit Stops

Dear Senator DeFronzo, Rep. Guerrera and Members of the Committee,

On behalf of Transit for Connecticut, I want to thank you for your support of bus transit in the state.

An integral part of transportation service for Connecticut residents is the Dial-A-Ride Program provided by municipalities with the help of matching grants from the state. The Dial-A-Ride Program is essential to the quality of life for many senior citizens and persons with disabilities. As the population ages and seniors want to stay in their homes, it is necessary that funding for the program be continued. Please support RB 1093.

It is also vital that residents have proper access to bus stops and bus services. With emphasis on energy conservation and healthy lifestyles, the number of walkers and bicyclists is growing. These residents along with residents living in close proximity to bus stops and transit service need proper access if they want to use public transit. To alleviate congestion on our roads, help clean up our air, get people to their jobs and facilitate walking and bicycling improved access to bus stops and transit services is needed. Please support SB 735 and HB 5640.

Thank you for your consideration.

Karen Burnaska, Coordinator
Transit for Connecticut
(203) 261-9243

Karen Burnaska, Coordinator
Transit for Connecticut
C/o Connecticut Fund for the Environment
205 Whitney Avenue, 1st floor
New Haven, CT 06511
Tel: (203) 261-9243

Transit for Connecticut

Helping People, the Economy and the Environment

AARP Connecticut
Bridgeport Regional Business Council
Capitol Region Council of Governments
Career Resources, Inc.
Connecticut Association for Community Transportation
Connecticut Association for Human Services
Connecticut Citizens Transportation Lobby
Connecticut Coalition on Aging, Inc.
Connecticut Conference of Municipalities
Connecticut Fund for the Environment
Connecticut Technology Council
ConnPIRG (Connecticut Public Interest Research Group)
Greater Bridgeport Regional Planning Agency
Greater Valley Chamber of Commerce
Greater Waterbury Chamber of Commerce
Hockanum Valley Community Council, Inc.
League of Women Voters of Connecticut
MetroHartford Alliance
Norwalk Chamber of Commerce
Regional Plan Association
Retired Senior Volunteer Program (Western Connecticut)
Southeast Area Transit
Southwestern Connecticut Agency on Aging, Inc.
South Western Region Metropolitan Planning Organization
South Western Regional Planning Agency
The Business Council of Fairfield County
The Connecticut – State Independent Living Council, Inc.
The Kennedy Center
The WorkPlace, Inc.
1000 Friends of Connecticut

Transit for Connecticut
c/o Connecticut Fund for the Environment
205 Whitney Avenue
New Haven, CT 06511
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CONNECTICUT ASSOCIATION FOR COMMUNITY TRANSPORTATION
Testimony of Gloria Mills, Executive Director
Before the Transportation Committee
In Support of Committee Bill 735; Committee Bill 5640
March 11, 2009

The Connecticut Association for Community Transportation (CACT) supports and urges passage of **Committee Bill 735, an act improving bicycle and pedestrian access**; and **Committee Bill 5640, an act concerning the improvement of public access to transit stops**. Both these bills seek to improve the ability of Connecticut residents to choose and safely use modes of transportation other than the automobile to reach their destinations in a manner that is beneficial to their own health as well as to their community's by promoting transit use, walking and bicycling as green and economical alternatives to their car; and, reducing their carbon footprint and its impact on the climate, environment and air quality. Furthermore, Committee Bills 735 and 5640 do not require "new" state expenditures.

Transit users face many unnecessary and discouraging obstacles at the bus stop, including the lack of curb cuts, sidewalks and other amenities that protect them from the effects of weather and the automobiles that share the road with them and the bus they are trying to board or depart. It is common for transit users to walk on busy roads or in mud to reach a bus stop. For example, below is a picture of the bus stop located on Park Avenue at Fairchild Wheeler Golf Course in Fairfield. It has no sidewalk, it is located on a side of a hill, and it is a distance to the nearest signal and safe road crossing.

Committee Bill 5640 improves pedestrian access to transit stops by providing that at least five per cent of federal economic recovery funds received by the state for highway purposes shall be used for to improve pedestrian access to transit stops, and at least one per cent of state highway funds shall be allocated for the improvement of such access for the state fiscal year ending June 30, 2010, and for each state fiscal year thereafter. Improved pedestrian access to transit stops also increases transit use.

Committee Bill 735 provides for the accommodation of all users in the planning, design, construction and operating activities of all highways, roads and streets. Furthermore, a reasonable amount of funds received by the Department of Transportation (DOT) or any municipality for the construction, resurfacing, restoration, rehabilitation or relocation of highways, roads or streets, shall be expended to provide facilities for all users including, but not limited to, bikeways and sidewalks with appropriate curb cuts and ramps, provided in no event shall less than one per cent of the total amount of funds received in any fiscal year be so expended. The DOT or municipality shall take future transit expansion plans into account where appropriate.

While this bill does not call for "new" state expenditures, it does provide that not less than twenty-five per cent of the funds received by the state from the federal government under the congestion mitigation and air quality improvement program and not less than twenty-five per cent of the funds received by the state from the federal government under the highway safety

improvement program shall be dedicated by the Commissioner of Transportation to projects that address bicycle and pedestrian needs, including, but not limited to:

(1) Safe routes to transit programs that improve pedestrian and bicycle access to transit,
(2) safe routes to schools programs that improve safety on walking and bicycling routes to schools,
(3) safe routes for seniors programs that improve pedestrian access to senior centers, senior housing and other locations frequented by elderly persons, and
(4) safe streets and traffic calming programs that eliminate hazards and address safety deficiencies for bicyclists and pedestrians.

Committee Bill 735 establishes a Connecticut Bicycle and Pedestrian Advisory Board within the Department of Transportation for administrative purposes only; and, it establishes a non-lapsing account within the General Fund to be used to enhance public awareness of the rights and responsibilities of bicyclists and motorists jointly using the highways and to promote bicycle safety.

CACT supports both Committee Bill 735 and Committee Bill 5640. We urge passage of Committee Bill 735 and Committee Bill 5640. Thank you.

Gloria Mills
Connecticut Association for Community Transportation (CACT)
9 Douglass Dr.
Granby, CT 06035
(860) 844-8594

TRI-STATE TRANSPORTATION CAMPAIGN

Mobilizing the Region

Written testimony of Ryan Lynch, senior planner and Connecticut coordinator
Tri-State Transportation Campaign
Joint Committee on Transportation

March 11, 2009

The Tri-State Transportation Campaign submits the below written testimony supporting Senate Bill 735, An Act Concerning Bicycle and Pedestrian Access, and House Bill 5640, An Act Concerning the Improvement of Public Access to Transit. The Campaign is a non-profit organization working for a more balanced transportation network in downstate New York, New Jersey, and Connecticut.

Enacting this legislation is integral to showing ConnDOT that the time is now to change its priorities. Adopting the legislation **as written** will prove to ConnDOT that comprehensive transportation policy, a policy that includes the needs of pedestrians, cyclists, transit users and drivers is needed now.

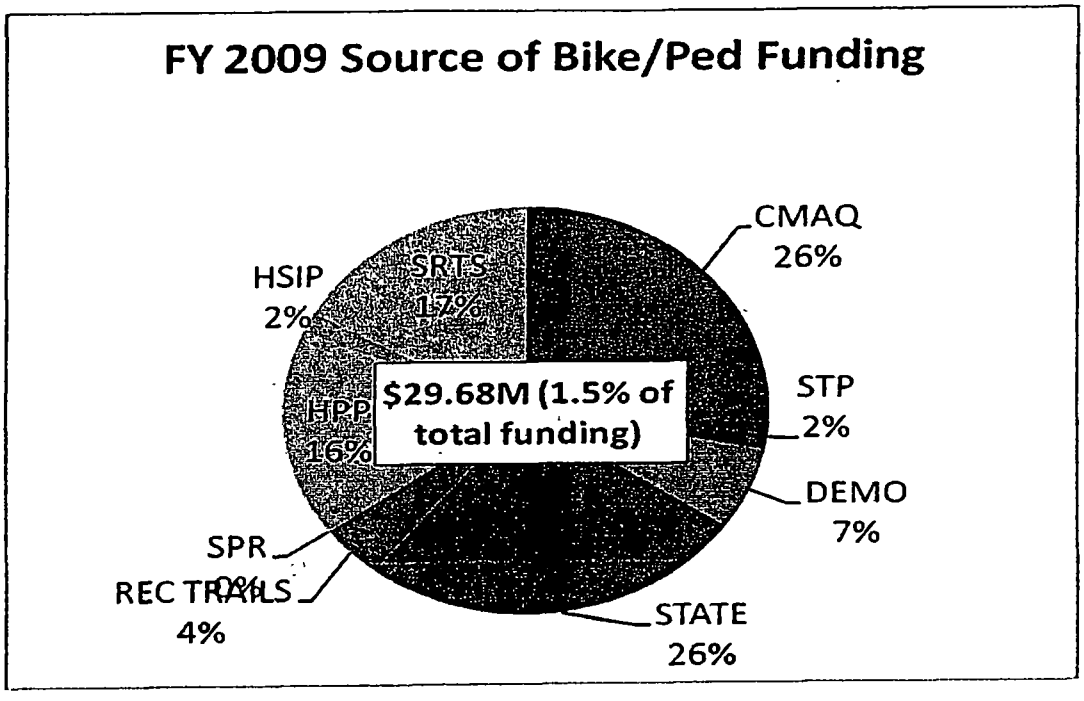
According to the 2007-2010 Statewide Transportation Improvement Program (STIP), the blueprint for transportation spending in the state, ConnDOT spends **$0.94 per person** on pedestrian and bike projects, **less than 1%** of total spending listed in the STIP, and almost **$5.40 less per capita than neighboring Rhode Island.** In contrast, close to **59% is spent on highway projects.**

This is not an isolated incident, but rather a long term problem within an agency that has historically built bigger and wider roads, prioritizing the needs of one set of users; drivers; at the expense of other users, communities and neighborhood development.

While there have been promising indications that ConnDOT is shifting away from this thinking and beginning to think more holistically about transportation policy, there is still great need for improvement. Senate Bill 735 is a good first step towards institutionalizing these promising changes. SB 735 requires that any funds received by ConnDOT or municipality for the construction, resurfacing, restoration, rehabilitation or relocation of highways, roads or streets, a reasonable amount is spent on provide facilities for all users, such as bikeways and sidewalks. The legislation also requires that **at least one percent** of these funds be dedicated to bike, pedestrian, and transit access projects and explicitly outlines only three exemptions where complete streets do not have to be implemented; in areas where non-motorized usage is prohibited, where there is a **demonstrated** absence of need and the accommodation of all users would **be excessively expensive to the total project cost**. This language has been drawn

from some of the best complete streets models in the United States, and should be kept in any bill moving forward.

There has been some concern expressed that federal money cannot be dedicated to bicycle and pedestrian projects. This is an unwarranted concern. For example, the State of New Jersey uses both Congestion Mitigation-Air Quality (CMAQ) and Highway Safety Improvement Program (HSIP) funds to support bicycle and pedestrian projects. The graph below is part of an analysis conducted by Tri-State Transportation Campaign of the New Jersey Department of Transportation Capital Program and shows the breakout of this funding in FY 2009. The total analysis has been included with this testimony.



CMAQ-Congestion Mitigation and Air Quality Improvement Program
HSIP-Highway Safety Improvement Program
STP-Surface Transportation Program
DEMO-Demonstration Project (Earmark)
SPR-State Planning and Research
Rec Trails-Recreational Trails
HPP-High Priority Project (Earmark)
SRTS-Safe Routes to School
State-State Funding

Another example of federal funding being dedicated to bicycle and pedestrian projects can be found in the State of Oregon's 'Bike Bill' which dedicates at least 1% of any Department of Transportation funds to bike and pedestrian projects. A copy of this legislation is also included.

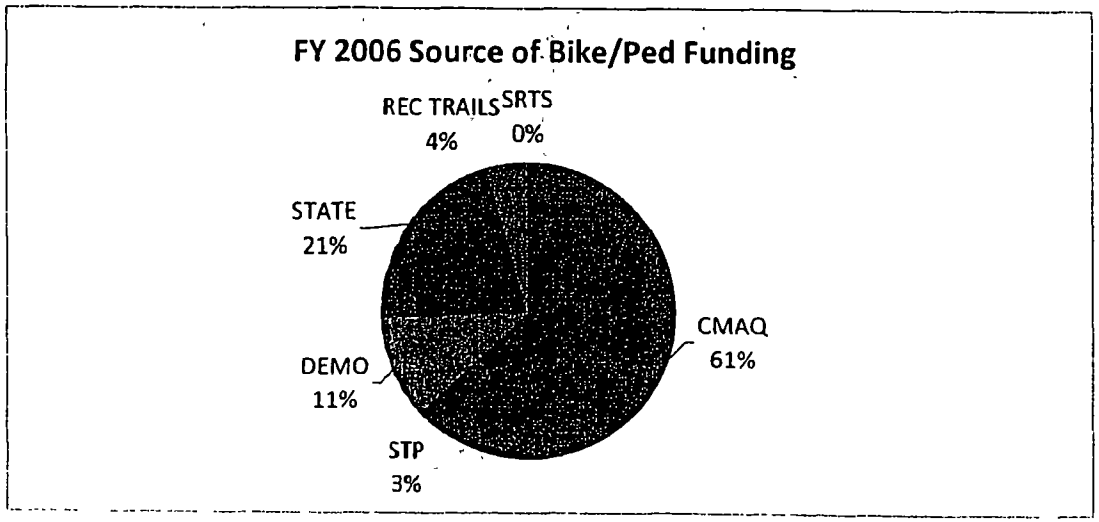
These are only two of the many examples throughout the country where federal dollars like CMAQ and HSIP have been utilzed to fund bicycle and pedestrian projects. Utilizing these types of funding for effective congestion mitigating measures is not radical, but rather the norm. Connecticut is simply behind the curve. Several photos of bike and pedestrian projects funded by CMAQ funds from throughout the country are also included at the end of this testimony. More examples can be found here:

http://www.fhwa.dot.gov/environment/cmaqpgs/viewphotos/index.cfm?cat=ALL&city=ALL&proj=ALL&search=&submit=Submit

This legislation comes at an ideal time to invest in the State's pedestrian, bicycle and transit infrastructure. In the current recession, we need to look for investments that will yield the biggest bang for the buck. These types of investments do just this. They come at very low costs but generate great benefits for the economy, environment and the public's health.

The legislation is also ideal because it does not call for more funding, simply asking for ConnDOT to spend funds in a slightly different way. It is long overdue. We request your support.

	2005		2006		2007		2008		2009		Change	
	Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent
Total DOT	$1,398.99		$1,603.28		$1,910.54		$2,040.83		$1,984.65		-2.8%	
Bike/Ped	$11.38	0.8%	$18.79	1.2%	$33.42	1.7%	$34.56	1 7%	$29.68	1.5%	-14.1%	-11.7%
CMAQ			$11 30	60 1%	$15 57	46 6%	$6 00	17 4%	$7.70	25.9%	28 3%	49 5%
STP	$1 05	9 2%	$0 55	2.9%	$2.30	6 9%	$2 25	6.5%	$0.65	2 2%	-71 1%	-66.4%
DEMO	$1 03	9 0%	$2 13	11.3%	$4.00	12.0%	$2.00	5.8%	$1 97	6.6%	-1 8%	14 4%
STATE	$8.00	70 3%	$4 00	21.3%	$0.00	0.0%	$11.00	31.8%	$7.70	25 9%	-30 0%	-18 5%
REC TRAILS	$0 81	7 1%	$0 81	4.3%	$1.22	3 7%	$1.26	3 7%	$1 30	4.4%	2.6%	19 5%
SPR	$0 50	4 4%										
HPP			$0 00	0.0%	$7.79	23.3%	$5.04	14 6%	$4.85	16 3%	-3.7%	12.1%
HSIP			$0.00	0.0%	$0.00	0.0%	$3.00	8 7%	$0.50	1.7%	-83.3%	-80 6%
SRTS			$0 00	0.0%	$2.54	7.6%	$4.01	11.6%	$5.01	16.9%	25.0%	45 6%



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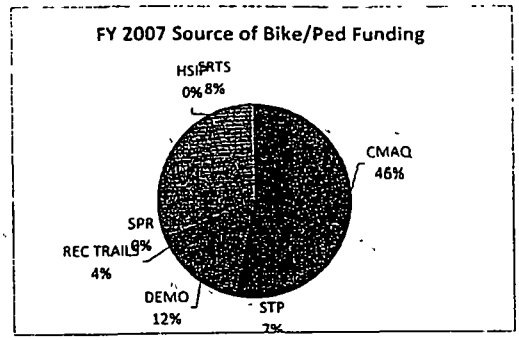
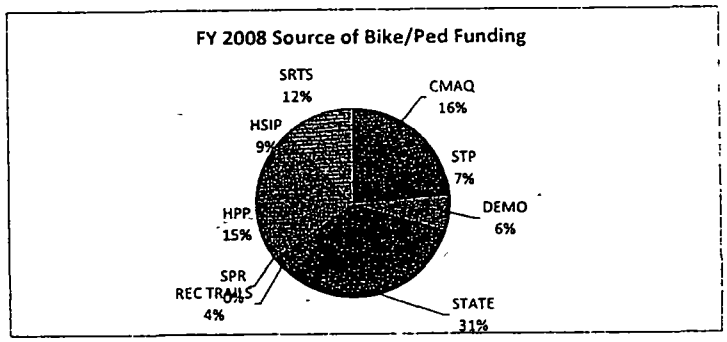
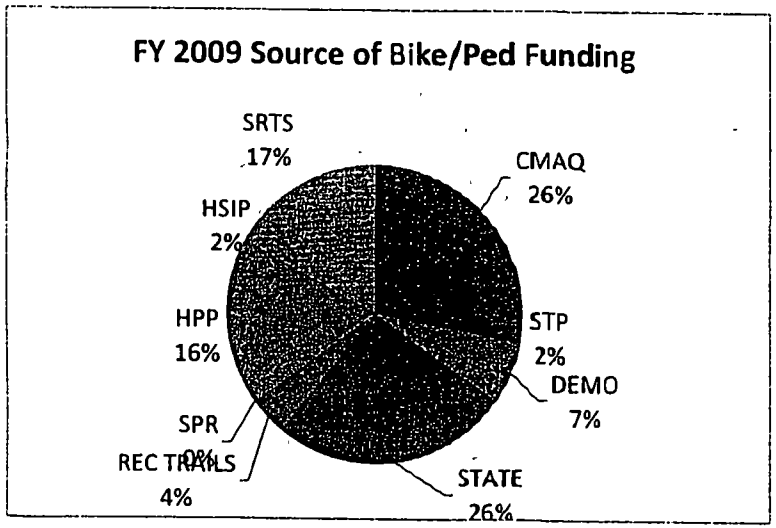

FY 2007 Source of Bike/Ped Funding
HSIP 0%
SRTS 8%
CMAQ 46%
SPR 0%
REC TRAILS 4%
DEMO 12%
STP 7%


FY 2008 Source of Bike/Ped Funding
SRTS 12%
CMAQ 16%
HSIP 9%
STP 7%
DEMO 6%
HPP 15%
SPR 0%
REC TRAILS 4%
STATE 31%


FY 2009 Source of Bike/Ped Funding
SRTS
17%
CMAQ
26%
HSIP
2%
HPP
16%
STP
2%
DEMO
7%
SPR
0%
REC TRAILS
4%
STATE
26%

366.514 Use of highway fund for footpaths and bicycle trails. (1) Out of the funds received by the Department of Transportation or by any county or city from the State Highway Fund reasonable amounts shall be expended as necessary to provide footpaths and bicycle trails, including curb cuts or ramps as part of the project. Footpaths and bicycle trails, including curb cuts or ramps as part of the project, shall be provided wherever a highway, road or street is being constructed, reconstructed or relocated. Funds received from the State Highway Fund may also be expended to maintain footpaths and trails and to provide footpaths and trails along other highways, roads and streets.

(2) Footpaths and trails are not required to be established under subsection (1) of this section:

(a) Where the establishment of such paths and trails would be contrary to public safety;

(b) If the cost of establishing such paths and trails would be excessively disproportionate to the need or probable use; or

(c) Where sparsity of population, other available ways or other factors indicate an absence of any need for such paths and trails.

(3) The amount expended by the department or by a city or county as required or permitted by this section shall never in any one fiscal year be less than one percent of the total amount of the funds received from the highway fund. However:

(a) This subsection does not apply to a city in any year in which the one percent equals $250 or less, or to a county in any year in which the one percent equals $1,500 or less.

(b) A city or county in lieu of expending the funds each year may credit the funds to a financial reserve fund in accordance with ORS 294.525, to be held for not more than 10 years, and to be expended for the purposes required or permitted by this section.

(c) For purposes of computing amounts expended during a fiscal year under this subsection, the department, a city or county may record the money as expended:

(A) On the date actual construction of the facility is commenced if the facility is constructed by the city, county or department itself; or

(B) On the date a contract for the construction of the facilities is entered with a private contractor or with any other governmental body.

(4) For the purposes of this chapter, the establishment of paths, trails and curb cuts or ramps and the expenditure of funds as authorized by this section are for highway, road and street purposes. The department shall, when requested, provide technical assistance and advice to cities and counties in carrying out the purpose of this section. The department shall recommend construction standards for footpaths and bicycle trails. Curb cuts or ramps shall comply with the requirements of ORS 447.310 and rules adopted under ORS 447.231. The department shall, in the manner prescribed for marking highways under ORS 810.200, provide a uniform system of signing footpaths and bicycle trails which shall apply to paths and trails under the jurisdiction of the department and cities and counties. The department and cities and counties may restrict the use of footpaths and bicycle trails under their respective jurisdictions to pedestrians and nonmotorized vehicles, except that motorized wheelchairs shall be allowed to use footpaths and bicycle trails.

(5) As used in this section, "bicycle trail" means a publicly owned and maintained lane or way designated and signed for use as a bicycle route. [1971 c.376 §2; 1979 c.825 §1; 1983 c.19 §1; 1983 c.338 §919; 1991 c.417 §7; 1993 c.503 §12; 1997 c.308 §36; 2001 c.389 §1]