



# Senate

General Assembly

**File No. 205**

February Session, 2010

Senate Bill No. 344

*Senate, March 30, 2010*

The Committee on Transportation reported through SEN. DEFRONZO of the 6th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

***AN ACT CONCERNING THE UPGRADE OR ELIMINATION OF HAZARDOUS RAILROAD CROSSINGS AT GRADE.***

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

1 Section 1. Section 13b-276 of the 2010 supplement to the general  
2 statutes is repealed and the following is substituted in lieu thereof  
3 (*Effective October 1, 2010*):

4 (a) ~~[The]~~ If the Commissioner of Transportation [, if he] finds that a  
5 dangerous condition exists at such crossing, except a dangerous  
6 condition arising out of improper or inadequate maintenance, said  
7 commissioner shall issue [such] an order to such municipality or to  
8 any such public service company directing the removal, change or  
9 relocation of such crossing, highway, tracks, pipes, wires, poles or  
10 other fixtures or tree or building or other structure, as may be  
11 necessary to eliminate such dangerous condition; and shall apportion  
12 the cost thereof among such public service company or companies,  
13 such municipality and the state, and shall determine the conditions  
14 and the time and manner of the payment of such apportionments,

15 provided the portion of the cost to be paid by such public service  
16 company in the elimination of any such dangerous conditions on state  
17 maintained highways shall not exceed ten per cent. The party or  
18 parties ordered by said commissioner to perform the work necessary  
19 to remove such dangerous condition shall serve written notice, at least  
20 thirty days prior to the approximate date of the commencement of  
21 such work, upon all other parties in interest, including any public  
22 service company whose plant is involved or affected by such work,  
23 and any such public service company shall provide such means as may  
24 be necessary for the continued use of such plant in such manner as to  
25 best serve the interests and convenience of the public.

26 (b) The Commissioner of Transportation shall, not later than  
27 October 1, 2009, and every three years thereafter, provide a report, in  
28 accordance with the provisions of section 11-4a, to the joint standing  
29 committees of the General Assembly having cognizance of matters  
30 relating to transportation and finance, revenue and bonding, regarding  
31 any railroad crossing at grade. Such report shall (1) list all the at-grade  
32 rail crossings in the state, (2) identify such crossings that create a  
33 hazardous situation, (3) provide a budget and identify funding  
34 sources, including any available federal funding, for upgrading or  
35 eliminating such hazardous crossings, (4) prioritize the upgrades or  
36 eliminations that are recommended in such report, and (5) for reports  
37 submitted pursuant to this subsection after the initial report, describe  
38 the progress to date in upgrading or eliminating hazardous at-grade  
39 crossings.

40 (c) The Commissioner of Transportation shall implement a program  
41 to upgrade or eliminate any railroad crossing at grade that is identified  
42 in a report submitted pursuant to subsection (b) of this section as  
43 creating a hazardous situation. The commissioner shall apply for any  
44 federal funding available for such program and shall set aside, for the  
45 upgrade or elimination of such crossings, five per cent of funds from  
46 the Fix-it-First program for state roads.

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

Section 1	<i>October 1, 2010</i>	13b-276
-----------	------------------------	---------

**TRA**      *Joint Favorable*

---

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

---

**OFA Fiscal Note**

**State Impact:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 11 \$</b>	<b>FY 12 \$</b>
Department of Transportation	TF - See Below	See Below	See Below

Note: TF=Transportation Fund

**Municipal Impact:** None

**Explanation**

Mandating that the Department of Transportation set aside 5% of Fix-it-First State Road Program funds for the upgrade or elimination of hazardous railroad crossings will result in additional debt service costs to the Special Transportation Fund to the degree that additional Special Tax Obligation (STO) bonds must be authorized and issued to cover the cost of such projects. A total of \$90 million in STO bonds has been authorized to date for the Fix-it-First State Road Program. The current unallocated balance is approximately \$19 million.

**The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

**OLR Bill Analysis****SB 344*****AN ACT CONCERNING THE UPGRADE OR ELIMINATION OF HAZARDOUS RAILROAD CROSSINGS AT GRADE.*****SUMMARY:**

By law, every three years the transportation commissioner must submit a report to the Transportation and Finance, Revenue and Bonding committees that lists all the at-grade rail crossings in the state and indentify those crossings that are hazardous. The next report is due by October 1, 2012. This bill requires the commissioner to (1) implement a program to upgrade or eliminate any crossing identified hazardous, (2) apply for any federal funding available for this program, and (3) set aside 5% of funds from the Fix-it-First program for state roads for the upgrade or elimination of these crossings.

EFFECTIVE DATE: October 1, 2010

**COMMITTEE ACTION**

Transportation Committee

Joint Favorable

Yea 36 Nay 0 (03/14/2010)