



912 Silas Deane Highway  
Wethersfield, CT 06109

Tel: 860.529.6855

Fax: 860.563.0616

ccia-info@ctconstruction.org

www.ctconstruction.org

## Senate Bill 1169, An Act Concerning Road Cuts Energy and Technology Committee March 17, 2011

### CCIA Position: Opposed

Connecticut Construction Industries Association, Inc. (CCIA) represents the commercial construction industry in the state and seeks to advance and promote a better quality of life for all citizens in the state. Formed over 40 years ago, CCIA is an organization of associations, where all sectors of the commercial construction industry work together to advance and promote their shared interests. CCIA is comprised of about 350 members, including contractors, subcontractors, suppliers and affiliated organizations representing many sectors of the construction industry. CCIA and one of its divisions, Connecticut Environmental and Utilities Contractors Association, are comprised of a number of substantial contractors who have a long history of providing quality work for the public benefit and a great deal of experience in performing quality construction on underground utility construction projects across the state.

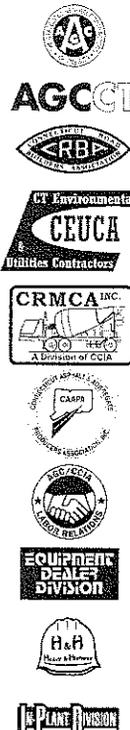
CCIA is **opposed** to Senate Bill 1169, An Act Concerning Road Cuts, and respectfully requests that the committee not act on the bill.

Senate Bill 1169 would require utility companies that cut highways in the course of repairs or installations to send to the local public works department notice of any temporary and permanent patches made to repair the cut, the name of the contractor used, and certification by the contractor that repairs meet generally accepted standards of repair. For one year after notice is received by the public works department, the utility company and the contractor are required to share responsibility for any additional repairs needed as determined by the department.

CCIA is opposed to Senate Bill 1169 because:

- it is not necessary, and a mechanism is already in place for this purpose;
- it raises a number of unanswered questions and could create unintended consequences; and
- it will not solve the problem it is designed to address.

The bill is not necessary, and a mechanism is already in place for this purpose. State and municipal permits required to perform road cuts regulate what the bill tries to. The state and most municipalities require a bond, which can be valid for up to five years, to be posted prior to a permit being approved. The bond covers any and all repairs in the event of default by the contractor.



Senate Bill 1169 raises a number of unanswered questions and could create unintended consequences. For example, the bill requires a contractor to serve notice on the local public works department certifying that "...any such patches meet generally accepted standards of repair." It is not clear who would be responsible to inspect the repair. Also, if the repair is to be completed in accordance with acceptable standards, the bill is not clear on the extent of the contractor's responsibility.

Additionally, if subsequent work is performed on the patch or previous work by others on adjacent utilities results in settlement or other damage, the bill does not clearly state how far the contractor's responsibility will carry. Lastly, will the contractor determine the extent of repairs once the utility work is started if the contractor determines it should be more extensive and compensable to protect his future liability?

Senate Bill 1169 will not solve any problems related to frost heaves due to weather conditions or road impressions caused by settlement over time, which is presumably the intent of the legislation.

The bill will create additional administrative burdens and costs and divert limited resources. Utility contractors pay substantial amounts in permit fees to municipalities, which set permit requirements that work. Contractors are accountable and are responsive to public works inspectors to repair any deficient work.

Please contact Matthew Hallisey, CCIA Director of Government Relations and Legislative Counsel and Executive Director of Connecticut Environmental and Utilities Contractors Association at 860-529-6855, if you have any questions or if you need additional information.