



Senate

General Assembly

File No. 462

January Session, 2011

Senate Bill No. 1169

Senate, April 7, 2011

The Committee on Energy and Technology reported through SEN. FONFARA of the 1st Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING ROAD CUTS.

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

1 Section 1. (NEW) (*Effective October 1, 2011*) A public service
2 company, as defined in section 16-1 of the general statutes, a municipal
3 waterworks system established under chapter 102 of the general
4 statutes, a district, metropolitan district, municipal district or special
5 services district established under chapter 105 or 105a of the general
6 statutes, any other general statute or any public or special act, which is
7 authorized to supply water, or any other waterworks system owned,
8 leased, maintained, operated, managed or controlled by any unit of
9 local government under any general statute or any public or special
10 act, that cuts a public highway in the course of repairs or installations
11 shall send to the public works department of the municipality in which
12 the cut was made (1) notice of any temporary and permanent patches
13 made to repair the cut, and (2) the name of the contractor, if applicable,
14 used to make such patches. Such notice shall include certification by
15 the notice provider or contractor that any such patches meet generally

16 accepted standards of repair. For one year after such notice is received
17 by such department, the notice provider and the contractor, if
18 applicable, shall share responsibility for any additional repairs needed
19 as determined by such department.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	New section

ET *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: None

Municipal Impact:

Municipalities	Effect	FY 12 \$	FY 13 \$
Various Municipalities	Cost Avoidance	Potential	Potential

Explanation

To the extent that the bill precludes a municipality from incurring expenses for certain road repairs, a corresponding cost avoidance would result. The magnitude of potentially averted costs would vary directly with the scope of the repairs.

It should be noted that under current law (CGS Section 16-229) a municipality may require that a public service company obtain a permit prior to opening or making any excavations in a public highway. A municipality may set forth reasonable terms and conditions that must be adhered to by the applicant when granting a permit. Additionally, CGS Section 16-230 requires the company to either file a bond, or otherwise prove financial ability to pay, to accommodate any damages resulting from negligent work.

The Out Years

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

OLR Bill Analysis**SB 1169*****AN ACT CONCERNING ROAD CUTS.*****SUMMARY:**

The bill requires utilities that cut a public highway in the course of repairs or installations to send to the public works department of the municipality where the cut was made (1) notice of any temporary and permanent patches made to repair the cut and (2) if applicable, the name of the contractor, who made the patches. The notice must include a certification by the utility or contractor that the patches meet generally accepted repair standards. For one year after the department receives the notice, the utility and the contractor, if applicable, must share responsibility for any additional repairs needed, as determined by the local department.

The requirements apply to utility companies; municipal waterworks systems; districts authorized by law to supply water (including metropolitan, municipal, and special districts); and any other waterworks system owned, leased, maintained, operated, managed, or controlled by any unit of local government under the statutes or public or special act.

EFFECTIVE DATE: October 1, 2011

COMMITTEE ACTION

Energy and Technology Committee

Joint Favorable

Yea 21 Nay 0 (03/22/2011)