



Senate

General Assembly

File No. 846

January Session, 2011

Substitute Senate Bill No. 1169

Senate, May 26, 2011

The Committee on Planning and Development reported through SEN. CASSANO of the 4th Dist., Chairperson of the Committee on the part of the Senate, that the substitute 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.

20 Sec. 2. (NEW) (*Effective October 1, 2011*) The Secretary of the Office of
 21 Policy and Management shall establish standards for any permit to cut
 22 a public highway. Such standards shall include, but not be limited to,
 23 (1) a municipal application fee schedule, and (2) any bonding or
 24 insurance requirements for such permit. Each municipality shall issue
 25 a permit to cut a public highway and monitor the work performed
 26 under such permit in accordance with the standards established by
 27 said secretary pursuant to this section. Said secretary may adopt
 28 regulations, in accordance with chapter 54 of the general statutes, as
 29 necessary to implement the provisions of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	New section
Sec. 2	<i>October 1, 2011</i>	New section

PD *Joint Favorable Subst.*

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.

There is no fiscal impact for the Secretary of the Office of Policy and Management to establish standards for any permit to cut a public highway.

The Out Years

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

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

This 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 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.

The bill also requires the Office of Policy and Management (OPM) secretary to establish standards for any permit to cut a public highway. Such standards must at least include (1) a municipal application fee schedule and (2) any bonding or insurance requirements for such permit. Each municipality must issue a permit to cut a public highway and monitor the work performed under such permit in accordance with these standards. The secretary may adopt regulations to implement these provisions.

EFFECTIVE DATE: October 1, 2011

BACKGROUND

Legislative History

The Senate referred this bill (File 462) to the Planning and Development Committee, which reported a substitute that added the requirements for the OPM secretary regarding the statewide standards.

COMMITTEE ACTION

Energy and Technology Committee

Joint Favorable

Yea 21 Nay 0 (03/22/2011)

Planning and Development Committee

Joint Favorable Substitute

Yea 14 Nay 2 (05/16/2011)