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State of Connecticut General Assembly  
Judiciary Committee Public Hearing

Comments in Favor of Raised Bill No. 1231

**AN ACT CONCERNING NOTICE OF AN ACTION REGARDING A DEFECTIVE HIGHWAY, BRIDGE,  
SIDEWALK, ROAD OR RAILING.**

My brother George S. Rumbold, a lifelong resident of Woodbridge, died at the age of 66 on November 13, 2007, as a result of his vehicle failing to negotiate a curve on Haddad Road in Seymour in close proximity to Peat Swamp Reservoir. At the time, there was no railing along Haddad Road where it comes within ten feet of the reservoir. His pickup truck rolled down the steep embankment and came to rest on its roof in four feet of water. No cause was ever determined as to why his vehicle failed to negotiate the curve.

In my efforts to secure the installation of a guard rail on Haddad Road, I discovered that the operation of the existing Connecticut defective highway statutes precludes the necessary improvements to dangerous highways to protect the citizens of and visitors to Connecticut.

Specifically, Sec. 13a-111 requires municipalities to erect and maintain railings in accordance with specifications approved by the Commissioner of Transportation. When I contacted the DOT in 2008, I discovered that they have interpreted this statute narrowly, to only apply to new highway construction or major highway improvements, although no such restrictions appear in the statute. I find it contrary to public policy and safety for DOT to effectively nullify this statute.

Furthermore, the existing 90-day notice requirements in the defective highway statutes provide an incentive for municipalities to delay the issuance of accident reports so as to make it difficult for claimants to initiate actions under the statutes. The notice provisions of the existing statutes require the claimant to specify the cause of the accident. Often this is not possible without the issuance of the accident report by the responsible authority. In the case of my brother's accident, the Seymour police department delayed the issuance of the final report until 13 months after the accident, and ten months after the investigation had been completed and then only upon my initiative.

I am specifically addressing changes to Connecticut Title 13a, Chapter 238, Sections as follows:

13a-144. Damages for injuries sustained on state highways or sidewalks

13a-149. Damages for injuries by means of defective roads and bridges

13a-152. Damages for failure to maintain railings or fence

More specifically, I am seeking changes to the notice requirement to the commissioner, selectman, clerk, or party which is currently ninety days.

The changes I am seeking are as follows:

1. That the notice be increased to 180 days.
2. That in the case of death or permanent disability the notice be one year.
3. That the notice time period starts upon the issuance of the official and complete accident report to the injured party or executor, administrator or conservator thereof by the responsible government body.

The experience with my brother's untimely and preventable death draws me to the conclusion that municipalities are or may be reluctant to take action and/or spend funds to correct public safety concerns, specifically dangerous roadways.

In 2003 the first selectman of Seymour was on the official record twice stating that Haddad Road was dangerous. He was speaking in favor of a proposal by a private firm to quarry rock on the hill adjacent to Haddad Road, which would have required a realignment of Haddad Road, away from close proximity to Peat Swamp Reservoir. The proposal was defeated in a public referendum and Haddad Road was never realigned.

The residents of Woodbridge and Seymour living in the environs of Haddad Road had sensed for years that the unprotected sharp curve adjacent to the reservoir was dangerous. This became more apparent in recent years when Woodbridge built recreation fields next to the transfer station, resulting in heavier traffic over Haddad Road with children passengers in the vehicles.

After the November 13, 2007 death of my brother the Seymour police chief went on the record stating that: a) the road was safe, b) there had never been another accident at the location, and c) that a caution sign could be erected. Firstly, there had been another accident at the same location, in 2005 when a vehicle failed to negotiate the curve and landed upright in the reservoir. Secondly, I wondered what the proposed caution sign on a safe road might read; "Caution, Safe Sharp Curve Ahead!"

On October 16, 1987 a vehicle with five occupants failed to negotiate a curve on Dillon Road in Woodbridge, adjacent to Lake Glen Reservoir. At the time there was no guard rail to protect traffic on that portion of Dillon Road – a stretch of Dillon Road that was known to be dangerous. Four teenagers perished in the reservoir on that day. A guard rail was later erected.

Some years ago, over a period of several years, six fatalities occurred at the intersection of Acorn Hill Road and Seymour Road (Route 67) in Woodbridge. It took several years and much advocacy by the Woodbridge Police Department before a traffic control signal was installed.

The main purpose of government in society is to provide for the security and safety of the public. Statutes are enacted to further this aim. Unfortunately, there are those in government who act to obviate such statutes for budgetary or other reasons. The Connecticut Department of Transportation has chosen by regulation or otherwise to obfuscate 13a-111. Municipalities like Seymour may choose to delay reporting on accidents in order to avoid claims under the defective highway statutes, and therefore to avoid the cost of rectifying serious road hazards. The 1,000 foot guard rail installed on Haddad Road in April 2009 by the Southern Connecticut Regional Water Authority cost about \$27,000 – a small price to protect the lives of the public.

I urge the honorable members of the Judiciary Committee to move this bill on to the General Assembly and to vote in favor of the bill.

Respectfully submitted,



