

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 11-256—sHB 6540

Transportation Committee

Judiciary Committee

Appropriations Committee

Higher Education and Employment Advancement Committee

Public Safety and Security Committee

AN ACT CONCERNING HIGHWAY SAFETY, STATE FACILITY TRAFFIC AUTHORITIES, MUNICIPAL BUILDING DEMOLITION, STATE TRAFFIC COMMISSION CERTIFICATES, AT GRADE CROSSINGS, THE NAMING OF ROADS AND BRIDGES IN HONOR OR IN MEMORY OF PERSONS AND ORGANIZATIONS, AND A TRAIN STATION IN NIANTIC

SUMMARY: This act prohibits anyone operating a motor vehicle other than an emergency vehicle from following less than 100 feet behind an ambulance that is using flashing lights or a siren. Violators are subject to a \$50 fine (§ 17).

The act extends the law that doubles the fine for speeding or committing other moving offenses in a state highway construction zone to construction zones on municipal roads. It imposes the same signage requirements and liability protections for the municipal work zones as apply to state highway work zones (§ 18).

The act subjects drivers who park on a limited access highway to circumvent or avoid a scale or safety inspection site on the highway to a fine of \$250 to \$500 for a first offense and \$500 to \$1,000 for each subsequent offense (§ 12).

By law, the maximum length of a single unit vehicle and the semitrailer portion of a tractor-trailer unit are 45 and 48 feet, respectively (trailers up to 53 feet long are permitted under certain circumstances). The act specifies that the 45 and 48 foot limits include the vehicle's loads. It also codifies in statute a specific length maximum for automobile transporters that had been applied by reference to federal regulations (§ 10).

By law, a Department of Transportation (DOT) permit is required for a vehicle to operate on highways and bridges if it exceeds statutory size or weight limits. The act subjects a person driving a vehicle under a forged oversize or overweight permit to a minimum fine of \$10,000, in addition to any other penalties that may be assessed. In addition, the vehicle must be impounded until the penalty is paid or the Superior Court orders its release. A permit is considered forged if has been falsely made, completed, or altered, as these terms are used in the penal code (CGS § 53a-137) (§ 13).

The law requires DOT to issue permits for mobile homes that meet certain size limits. Under prior law, for towed motor homes, the limits were (1) a combined length of 100 feet if the towing vehicle is more than 80 feet and (2) a combined length of 104 feet if the towing vehicle is 80 feet or shorter. The act

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instead imposes these limits based on the length of the towed mobile home, rather than the towing vehicle (§ 11).

The act requires DOT to use the proceeds of a 2007 DOT bond authorization for general and related projects for the Stamford Transportation Center rather than for repairing, reconstructing, or expanding the parking garage at the center, including alternative temporary parking needed during the repair, reconstruction, or expansion of the garage and related projects (§ 42).

The act also:

1. advances, from December 31, 2013, to October 1, 2011, the effective date of the law requiring drivers to clear their vehicles of snow and ice as it applies to noncommercial vehicles (§§ 19 & 56);
2. exempts certain development projects from the need to obtain a State Traffic Commission (STC) certificate and makes other changes regarding the certificate process (§§ 14, 15);
3. allows various state agencies and institutions to install stop signs with STC approval (§§ 2-8);
4. requires the governor and DOT to take various steps regarding highway safety programs (§ 1);
5. allows motorcycles and other non-commercial vehicles other than automobiles to use the Wilbur Cross Parkway (§ 57);
6. requires DOT to study the feasibility of establishing a passenger train station in Niantic (§ 44);
7. requires the DOT commissioner or his designee to attend a public hearing concerning the safety and condition of an at-grade railroad crossing upon receiving a petition requesting his attendance signed by 25 or more voters in the municipality where the crossing is located (§ 16); and
8. eliminates a requirement that DOT adopt regulations for a program of competitive grants for commercial rail freight lines (§ 43).

Under prior law, any town, city, or borough could adopt an ordinance imposing a waiting period of up to 180 days before granting a demolition permit. The act eliminates this authority in cases where DOT needs the permit to remove a structure it has acquired for a transportation project (§ 9).

The act names various roads and highways, and requires that signs be installed in various locations.

EFFECTIVE DATE: Upon passage, except the provisions on the authority to install stop signs, the changes to maximum vehicle lengths (other than for mobile homes), the ambulance, municipal construction zone, snow and ice removal which are effective October 1, 2011.

§§ 19 & 56 — SNOW AND ICE REMOVAL

Under prior law, starting December 31, 2013, the driver of any vehicle would have been required to remove any accumulated ice or snow from the vehicle, so that the accumulation did not pose a threat to persons or property while it was being driven on a street or highway. The act advances the effective date of these provisions to October 1, 2011 for noncommercial vehicles. It retains the December 31, 2013, date for commercial vehicles.

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By law, any driver who fails to remove accumulated ice or snow that poses such a threat must be fined \$75. If a driver of a noncommercial vehicle violates this provision and snow or ice is dislodged from the vehicle and causes personal injury or property damage, the driver must be fined between \$200 and \$1,000 for each offense. For drivers of commercial vehicles, the fine is \$500 to \$1,250. By law, these provisions do not apply to any driver (1) during a period of snow, sleet or freezing rain that began and continued during the period of the vehicle's operation or (2) while the vehicle is parked.

§ 14-15 — STC CERTIFICATES

Exemptions

The act exempts certain developments from the requirement to obtain an STC certificate for large traffic generators that affect state highways. Under prior law, a certificate was needed when a development (1) had an entrance or exit on or near a state highway or (2) substantially affected traffic on a state highway. The act eliminates the requirement for a certificate if a development has an entrance or exit on or near a state highway but does not substantially affect traffic on the highway. It also specifies that it is STC that determines whether a development substantially affects traffic on a state highway.

The exemption includes a development to be built in phases, without regard to when such phases are approved by the municipal planning and zoning agency or other responsible municipal agency. The act exempts any development that contains a total of 100 or fewer residential units if it is a residential-only development and is not part of a mixed-use development that contains office, retail or other such nonresidential uses. If any future development increases the total number of residential units to more than 100 and such total substantially affects state highway traffic within the state as determined by the STC, a certificate is required.

The act also eliminates a provision that allows the STC to postpone, until a municipal planning and zoning or other municipal agency approves an application, action on a certificate to create additional parking spaces or to build a large traffic generating development by combining individual parcels of land. Thus the STC must issue the certificate within 120 days after the request is filed unless the decision is tolled because the STC needs additional information before making a decision.

Other Changes

The act requires the STC, to the extent practicable, to begin reviewing an application before final approval of the proposed activity by the municipal planning and zoning agency or other responsible municipal agency. It allows the STC to require improvements to be made by the applicant to the extent that they address impacts to highway safety created by the addition of the applicant's proposed development or activity.

By law, a local building official may not issue a building or foundation permit to a person or entity for a development until the applicant provides the official a

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copy of the STC certificate. The act additionally bars the official from granting a certificate of occupancy for homes on single-family home building lots within a subdivision of land, for which an STC certificate is required and which do not have a direct exit or entrance on, or directly abut or adjoin any state highway, until the applicant provides the official a copy of the STC certificate and the official confirms that the certificate conditions have been satisfied.

§§ 2-8 — STOP SIGNS

The act allows the following authorities to install stop signs: (1) the UConn board of trustees; (2) the traffic and parking committees appointed by the community-technical colleges board of trustees for each community-technical college; (3) the commissioner of Veterans' Affairs; (4) the superintendent of any Department of Children and Families (DCF) institution; and (5) the superintendent or director of any state-operated facility within the Department of Mental Health and Addiction Services (DMHAS) or Department of Public Health (DPH). In each case, the State Traffic Commission must approve the installation. In addition, the installation of signs (1) at the community-technical colleges requires the approval of the system's board of trustees and (2) at the DCF, DMHAS, and DPH facilities requires the approval of the respective commissioners.

§ 1 — HIGHWAY SAFETY PROGRAMS

The act requires the governor to:

1. do all things necessary or convenient on the state's behalf to secure all benefits available under the federal Highway Safety Act,
2. designate DOT to administer the highway safety program and coordinate highway safety activities in the state, and
3. communicate with the federal government regarding the state highway safety program.

The act allows the governor, or a person he designates within DOT, to establish standards and procedures for the content, coordination, submission, and approval of a highway safety program, including highway safety education and the integration and coordination of safety efforts at the state and local levels, with the goal of reducing highway deaths and injuries. (DOT already administers such programs.) It allows DOT, with the governor's approval, to adopt regulations to implement the program.

§ 44 — NIAN TIC RAIL STATION STUDY

The act requires DOT to immediately begin studying the feasibility of establishing a passenger train station in Niantic. The study must examine all steps needed to establish the station. It must include an estimate of the time and funding required for the completion of each step and a projected date to complete the station. DOT must use existing budgetary resources for the study and submit a progress report to the Transportation Committee by February 15, 2012.

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§§ 20-30, 32, 34-41, 45-46 & 48 — ROAD AND BRIDGE NAMING

The act names:

1. the portion of Route 79 located in Durham the “David Lavine Memorial Highway;”
2. the portion of Route 83 located in Vernon the “Thomas Wolff Memorial Highway;”
3. the portion of highway located between Exit 13 of I-91 and Route 5 in Wallingford the “Major Rauol Lufbery Highway;”
4. Route 434 in East Haddam east to Smith Road the “Constable Thomas D. Jahelka Memorial Highway;”
5. the western section of Route 214 in Ledyard between routes 117 and 12 the “Wesley J. Johnson, Sr. Memorial Highway;”
6. the portion of Route 175 in Newington that runs east from Fenn Road to Main Street the “Newington Police Department Memorial Highway;”
7. the Route 8 bridge and overpass over Hull Street in Ansonia, the “Brigadier General Brian F. Phipps Memorial Bridge;”
8. Route 151 (Town Street) between routes 149 and 82 in East Haddam the “Jacinta Marie Bunnell Memorial Way;”
9. the bridge on Route 44 in Avon the “Corporal Gildo T. Consolini Memorial Bridge;”
10. the scale house in Middletown the “Trooper Kenneth Hall Memorial Scale House;”
11. the Route 7 bridge over Little Brook in New Milford the “Officer Donald Hassiak Memorial Bridge;”
12. Route 218 in West Hartford from Route 44 north to the Bloomfield town line the “Lt. Col. Michael J. McMahon Memorial Highway;”
13. SSR 454 from Route 110 northerly to Birchbank Road #1 locally known as Indian Well Road in Shelton the “Police Sergeant Orville Smith Memorial Highway;”
14. the bridge on Route 72 passing over the Pequabuck River in Bristol the “CSM Anthony V. Savino Memorial Bridge;” and
15. an unspecified portion of Interstate 84 in Hartford the “Tuskegee Airmen Memorial Highway.”

It eliminates the designation of part of Route 161 in East Lyme the “Warrant Officer Corps Memorial Highway” (§ 58).

The act also corrects the locations of several existing road and bridge naming provisions (§§ 34-41).

§§ 31, 33, 47, 49, 50-55 — SIGNS

The act requires that:

1. two signs be placed on Route 9 to designate the exit for the Ivoryton Playhouse in Essex, one on Route 9 northbound before Exit 3 and the other on Route 9 southbound before Exit 5;
2. DOT place a sign on one of the railroad bridge’s concrete supports in downtown Milford that directs shoppers to downtown retail locations and

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- contains the words “More Shops Ahead” or similar language;
3. DOT place informational signs on Interstate 95, northbound and southbound at Exit 90, for the “Olde Mistick Village Shopping Center;”
 4. DOT install informational signs on Interstate 84, eastbound and westbound at Exit 63, for the “Manchester Fire Fighters Memorial Garden;”
 5. a plaque be placed at the Folly Brook picnic area located on Route 165 in Preston in memory of John Richard Pardo;
 6. DOT place signs on I-84 eastbound and westbound before Exit 5, to designate the exit for “Rogers Park, Home of the Danbury Westerners;”
 7. DOT place signs on Route 133 in Brookfield, eastbound and westbound, approaching the intersection of Obtuse Road South, to designate the location of “Shakespeare’s Garden at Burr Farm;”
 8. DOT place signs on I-95, northbound and southbound, before Exit 91, to designate the exit for the “Old Lighthouse Museum” and the “Captain Palmer House” in Stonington;
 9. DOT place a sign on I-95 in Groton between the Thames River and Exit 87, with the words “Submarine Capital of the World;” and
 10. DOT place three signs to indicate the location of the “Prudence Crandall Museum” in Canterbury, one on Route 395 northbound before Exit 83a; one at the end of the Exit 83a exit ramp on Route 169; and one on Route 169 southbound in Brooklyn.

OLR Tracking: KM:JK:PF:ts