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## **OLR Bill Analysis**

### **sHB 5170 (as amended by House "A")\***

#### ***AN ACT STREAMLINING TRAFFIC SAFETY EVALUATIONS.***

##### **SUMMARY:**

This bill creates an Office of State Traffic Administration (OSTA) within the state Department of Transportation (DOT) as the successor to the State Traffic Commission (STC). It transfers most of STC's duties and powers to OSTA.

It also (1) gives the DOT commissioner sole authority over railroad crossings on private ways; (2) eliminates a deadline for OSTA to make decisions about certain developments affecting highway traffic; and (3) makes conforming, minor, and technical changes.

Under current law, the STC, among other responsibilities, establishes a uniform system of traffic control signals, devices, signs, and markings for use on public highways and cooperates with local traffic authorities on the use and operation of vehicles on state highways and roads. Its members are the commissioners of the transportation, motor vehicles, and emergency services and public protection departments. The commissioner of economic and community development participates on matters of economic development.

The bill also (1) requires certain private schools to notify parents and guardians when their children are riding in a school bus where there may be an age difference among students of at least 10 years, (2) requires DOT and Metro North to provide automated renewal of monthly student passes, (3) adds certain snowplows to those vehicles that cannot operate on state roads or bridges without a written DOT permit, and (4) eliminates a provision in another bill (HB 5164) setting permit fees for certain types of wreckers.

\*House Amendment "A" adds the provisions on school buses, Metro North student passes, snowplows, and wreckers. It eliminates a 120-day deadline for STC to issue a decision for certain developments that generate a large volume of traffic. It also restores current law by eliminating a provision that exempts municipalities from paying for traffic improvements for developments that generate a large amount of traffic only if the development consists entirely of municipal facilities.

EFFECTIVE DATE: July 1, 2012, except the provisions affecting Metro North student passes, snowplows, and wreckers are effective on passage.

**§§ 1-47 & 52 — OFFICE OF STATE TRAFFIC ADMINISTRATION**

***Railroad Crossings §§ 12-13***

The bill gives the transportation commissioner sole authority over, and makes various changes to the law concerning, the intersections of at-grade railroad crossings and private ways used by people and vehicles ("private crossings").

The law requires cities, boroughs, and towns either to (1) build and maintain traffic control devices at private crossings or (2) require that the person who owns or has the right to use the crossing do so.

Under current law, the STC and DOT commissioner prescribe the type of traffic control device or traffic control measure (see BACKGROUND) to be installed at each private crossing and its approaches. If they order the installation of devices at a private crossing, and a town, city, or borough does not do so within 180-days, they must order the railroad to install them, with the cost of installation a lien on the premises owned by the person, association, or corporation that owns the crossing or has the right to use it.

The bill gives the commissioner sole authority to order the installation of these traffic devices or measures. It eliminates the 180-day period for the town, city, or borough to install the devices, instead requiring the town, city, or borough to erect it within the time the commissioner prescribes in the order.

The bill requires the transportation commissioner to (1) give notice of his intent to prescribe or order traffic control devices or measures, (2) afford anyone an opportunity to present evidence on the impact (presumably of the order), (3) render findings of fact, and (4) issue a decision (apparently stating his reasons for prescribing or not prescribing the devices or measures) before prescribing the devices or measures. The commissioner's decision is not considered a final decision in a contested case and is not subject to appeal to Superior Court.

The bill requires the commissioner to follow these same steps before ordering the closing of a private crossing. As with the prescription of traffic control devices and measures, the commissioner's decision is not a final decision in a contested case and is not subject to appeal to Superior Court. By law, the commissioner may order the closing of a private crossing if he finds the crossing is no longer needed or it poses a public safety hazard.

### ***Other Requirements***

Current law imposes a maximum \$100 fine on anyone who fails to comply with traffic control measures installed at private crossings. The bill imposes the same maximum fine on anyone who fails to comply with traffic control devices at such crossings.

Under current law, property owners ordered to install traffic control measures in addition to traffic control devices must pay (1) one-half the cost, if \$1,000 or less, or (2) one-third the cost, if more than \$1,000. The bill instead requires the property owner to pay the entire cost of the prescribed traffic control measures, regardless of cost.

### ***Grade Crossings on State Highways — § 13***

The bill requires the commissioner to (1) prescribe the nature of traffic control devices and traffic control measures where railroad tracks cross state highways at grade, and (2) approve signs advising the public to call 911 when a grade crossing gate or signal malfunctions. Current law requires the STC to prescribe the traffic control devices and measures, and requires either the STC or the

commissioner to approve the 911 signs.

***Developments Affecting Traffic — §§ 36 & 38***

By law, a person, firm, corporation, or state or municipal agency building, expanding, or operating an open air theater, shopping center, or similar development generating a large volume of traffic that substantially affects state highway traffic must, in most cases, first obtain from the STC a certificate finding that the development will not endanger public safety.

The same requirement applies when these people or entities conduct these activities on a group of individual parcels of land that are separately owned but used for a single development purpose.

The bill gives OSTA, rather than the STC, the authority to make decisions regarding traffic safety in such cases.

An individual or entity, before applying to OSTA for a development generating large volumes of traffic, must attend a meeting with OSTA and other DOT staff. The individual or entity must present its proposed development to DOT and receive feedback, including what additional information it needs to submit for the application to be considered complete. The bill does not apply these requirements to developments planned for separately-owned parcels.

Current law generally requires the STC to issue a decision within 120-days. The bill eliminates this deadline. (The law requires a final decision within 60 days of receiving a completed permit application for an economic development project, regardless of other laws. Such an application is deemed approved if a decision is not made within 60 days (CGS § 14-311d)).

***Other Related Changes***

The law allows motor vehicles to make a right turn on red at intersections unless there is a sign prohibiting such a turn. The bill requires that OSTA approve such signs.

The bill eliminates a law requiring developments in operation as of

July 1, 1967 to obtain a new certificate when seeking to increase parking by at least 50 spaces.

It erroneously requires OSTA to adopt certain regulations and publish them by July 1, 1984.

#### **§ 48 — SCHOOL BUSES**

The bill requires supervisory agents for each private school that receives transportation services from the local or regional school board where it is located to develop and implement a policy to notify parents and guardians of students when there may be an age difference of at least 10 years among students riding the same school bus.

#### **§ 49 — SNOW PLOWS**

The bill adds vehicles with snow plows with plow blades up to 12 feet wide to those vehicles that cannot operate on highways or bridges without a special written permit from the DOT commissioner.

#### **§ 50 — METRO NORTH STUDENT PASSES**

It requires DOT, in consultation with Metro North Railroad, to provide automated renewal of monthly student passes by December 1, 2012.

#### **§ 51 — WRECKERS**

Section 51 of HB 5164, passed by the House on May 2, requires the commissioner to adopt regulations for a wrecker towing or transporting emergency permit, and sets the annual permit fees at \$125 and \$250, depending on gross vehicle weight. The bill eliminates the fee requirement, thus allowing the commissioner to determine them.

### **BACKGROUND**

#### ***Traffic Control Devices and Traffic Control Measures***

The federal Manual of Uniform Traffic Control Devices define traffic control devices as signs, signals, markings, and other devices used to regulate, warn, or guide traffic placed on, over, or near roads, highways, or streets. It does not define traffic control measures, but DOT states these may be fences, barriers, or other measures.

**COMMITTEE ACTION**

Transportation Committee

Joint Favorable

Yea 37 Nay 0 (03/14/2012)