

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 12-132—sHB 5170
Transportation Committee

AN ACT STREAMLINING TRAFFIC SAFETY EVALUATIONS

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

Under prior law, STC, among other responsibilities, established a uniform system of traffic control signals, devices, signs, and markings for use on public highways, and cooperated with local traffic authorities on the use and operation of vehicles on state highways and roads.

The act gives the DOT commissioner sole authority over railroad crossings on private ways; eliminates a deadline for making decisions about certain developments affecting highway traffic; and makes conforming, minor, and technical changes.

The act also:

1. requires certain private schools to notify parents and guardians of children riding in a school bus if there may be an age difference among students on the bus 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 can operate on state roads or bridges without a special written DOT permit, and
4. eliminates specific fee amounts established in PA 12-81 for certain types of wrecker permits.

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

§§ 12-13 — RAILROAD CROSSINGS

§ 12 — *Private Crossings*

By law, the state and municipalities are responsible for traffic control at private crossings (at-grade railroad crossings on private ways used by people and vehicles). The state designates private crossings and prescribes the type of traffic control device or traffic control measure to be installed at the crossing and its approaches. Municipalities must either build and maintain these devices or require the person who owns or has the right to use the crossing to do so.

Under prior law, the state's responsibility was shared by STC and the DOT commissioner, which together prescribed the type of traffic control device or traffic control measure (see **BACKGROUND**) to be installed at each private

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crossing and its approaches. If they ordered the installation of devices at a private crossing, and a municipality did not comply within 180 days, STC and commissioner ordered the railroad to install them. By law, the cost of installation becomes a lien on the premises owned by the person, association, or corporation that owns the crossing or has the right to use it.

The act gives the commissioner sole authority to order the installation of these traffic devices or measures. It eliminates the 180-day period for the municipality to install the devices, instead requiring the municipality to erect them within the time the commissioner prescribes in the order. As under prior law, the commissioner must order the railroad to install them if the municipality fails to do so within the allotted time.

The act also imposes procedural requirements on the commissioner when ordering traffic control devices or traffic control measures to be installed. It requires him 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, (3) render findings of fact, and (4) issue a decision 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 act requires the commissioner to follow these same steps before ordering the permanent 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 that it poses a public safety hazard.

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

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

§ 13 — Grade Crossings

The act 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. Prior law required (1) STC to prescribe the traffic control devices and measures, and (2) either STC or the commissioner to approve the 911 signs.

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

§§ 36, 38 & 39 — Developments Affecting Traffic

Under prior law, a person, firm, corporation, or state or municipal agency

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building, expanding, establishing, or operating an open air theater, shopping center, or similar development generating a large volume of traffic that substantially affected state highway traffic had to, in most cases, first obtain from STC a certificate finding that the development would not endanger public safety.

The same requirement generally applied when these people or entities conducted these activities on a group of individual parcels of land that were separately owned but used for a single development purpose.

The act transfers to OSTA the authority to make decisions regarding traffic safety in such cases and imposes a procedural requirement.

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 at the meeting and receive feedback, including what additional information it needs to submit for the application to be considered complete. The act does not apply these mandatory meeting requirements to developments planned for separately-owned parcels.

Prior law generally required STC to issue a decision in these cases within 120 days. The act eliminates this deadline. By law and the act, the commissioner or OSTA (STC in prior law) must decide 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).

The act eliminates a law requiring developments with STC certificates or in operation as of July 1, 1967 to obtain a new certificate when seeking to increase parking by at least 50 spaces (§ 52).

§ 48 — SCHOOL BUSES

The act 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 act allows vehicles with attached snow plows with blades up to 12 feet wide to operate on state highways or bridges without a special written permit from the DOT commissioner, thus expanding the list of vehicles that can operate on highways or bridges without such a permit.

§ 50 — METRO NORTH STUDENT PASSES

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

§ 51 — WRECKERS

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PA 12-81, § 51, 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 act eliminates the specific fee amounts, thus apparently allowing the commissioner to determine them.

BACKGROUND

Traffic Control Devices and Traffic Control Measures

The federal *Manual of Uniform Traffic Control Devices* defines 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 that these may be fences, barriers, or other measures.

OLR Tracking: PF:JR:VR:ro:tjo:eh