
OLR Bill Analysis

sHB 5314

AN ACT CONCERNING RECOMMENDATIONS BY THE DEPARTMENT OF TRANSPORTATION.

TABLE OF CONTENTS:

[§ 1 — LAPSE OF CERTAIN TOWN AID ROAD FUNDS](#)

Lapses, to the Special Transportation Fund, the balance of certain Town Aid Road funds

[§ 2 — ENCROACHMENT PERMIT FEES](#)

Reinstates DOT's ability to charge fees for most highway right-of-way encroachment permits

[§ 3 — INSURANCE COVERAGE FOR TRANSIT VEHICLES](#)

Authorizes the Department of Transportation (DOT) to indemnify transit operators in order to provide for transit vehicle insurance coverage

[§§ 4 & 12 — EXPRESS FINDING](#)

Eliminates a requirement that the DOT commissioner draft an "express finding" in order to exercise his public transportation-related powers, with one exception

[§§ 5 & 6 — TECHNICAL CHANGES](#)

Makes technical changes to correct references to federal agencies

[§ 7 — RAILROAD CROSSINGS AND CERTAIN COMMERCIAL AND PASSENGER-CARRYING VEHICLES](#)

Incorporates a federal exception to certain railroad crossing laws for crossings equipped with traffic signal devices

[§ 8 — NEW HAVEN TRAFFIC LAWS](#)

Specifies that the exception to the law on parking near intersections that applies to certain New Haven intersections applies only to intersections entirely under the city's jurisdiction

[§ 9 — SMOKING AT BUS SHELTERS](#)

Prohibits smoking in bus shelters

[§ 10 — SPEED WARNING SIGNS ON I-95](#)

Requires DOT to erect speed warning signs on certain portions of I-95

[§ 11 — AUTONOMOUS VEHICLE \(AV\) TASK FORCE](#)

Allows a Transportation Committee chair to act as the AV task force's chair until the task force's chairs are appointed

SUMMARY

This bill makes various unrelated changes related in the transportation statutes. Among other things, the bill:

1. authorizes the Department of Transportation (DOT) to indemnify transit operators in order to provide insurance coverage (§ 3);
2. reinstates DOT's ability to charge fees for most highway right-of-way encroachment permits (§ 2);
3. lapses, to the Special Transportation Fund, the balance of certain Town Aid Road (TAR) funds (§ 1);
4. eliminates a requirement that the DOT commissioner draft an "express finding" in order to exercise his public transportation-related powers (§ 12); and
5. allows a Transportation Committee chair to act as the autonomous vehicle (AV) task force's chair until the task force's chairs are appointed (§ 11).

EFFECTIVE DATE: Upon passage, unless otherwise noted below

§ 1 — LAPSE OF CERTAIN TOWN AID ROAD FUNDS

Lapses, to the Special Transportation Fund, the balance of certain Town Aid Road funds

Existing law requires the balance of TAR appropriations that exceeds the amount distributed as TAR grants to be made available to towns to fund the replacement of or repairs to roads, bridges, and dams that are considered a threat to public safety due to a natural disaster. Under current law, this balance does not lapse at the end of the fiscal year and must continue to be available to towns for emergency funding. Beginning June 30, 2018, the bill instead requires this balance to go the Special Transportation Fund.

§ 2 — ENCROACHMENT PERMIT FEES

Reinstates DOT's ability to charge fees for most highway right-of-way encroachment permits

The bill reinstates DOT's authority to charge for most right-of-way encroachment permits by allowing DOT to adopt regulations

establishing reasonable fees for state highway right-of-way encroachment permit applications. The FY 18-19 budget act repealed such authority while requiring DOT to generally increase the fees it charges for encroachment permits awarded for certain large developments in order to mirror the fees charged by Massachusetts (PA 17-2, June Special Session, § 673).

EFFECTIVE DATE: October 1, 2018

§ 3 — INSURANCE COVERAGE FOR TRANSIT VEHICLES

Authorizes the Department of Transportation (DOT) to indemnify transit operators in order to provide for transit vehicle insurance coverage

The bill authorizes the commissioner, if he determines it is in the state's best interest, to include in contracts with common carriers or transit districts a provision for the state to indemnify the entities and hold them harmless for the purpose of allowing the state to purchase insurance with a deductible clause. In practice, DOT maintains a "Statewide Insurance Consortium," which provides transit vehicle insurance coverage on behalf of eligible public transit entities.

§§ 4 & 12 — EXPRESS FINDING

Eliminates a requirement that the DOT commissioner draft an "express finding" in order to exercise his public transportation-related powers, with one exception

The bill repeals the broad requirement that the DOT commissioner, before exercising his public transportation-related powers, draft an express finding that:

1. a specific transportation facility may be discontinued, disrupted, or abandoned, which would be detrimental to the state's welfare, and exercising the powers is essential to continue such facilities;
2. a specific transportation facility may not be operated in the manner required by the general welfare of the state, or that additional transportation facilities are needed, and exercising his powers is necessary to improve transportation facilities or services; or

3. the state's future growth and needs require state acquisition or control of transportation rights-of-way, property, or other facilities.

The bill retains a provision requiring that the commissioner send an express finding to a rail company if he decides to acquire a rail company's abandoned or inactive properties. However, it eliminates the requirement that the express finding meet the conditions described above.

EFFECTIVE DATE: October 1, 2018

§§ 5 & 6 — TECHNICAL CHANGES

Makes technical changes to correct references to federal agencies

The bill makes technical changes to correct statutes that incorrectly refer to the Federal Highway Administration instead of the Federal Motor Carrier Safety Administration.

§ 7 — RAILROAD CROSSINGS AND CERTAIN COMMERCIAL AND PASSENGER-CARRYING VEHICLES

Incorporates a federal exception to certain railroad crossing laws for crossings equipped with traffic signal devices

Existing state and federal laws require operators of specified commercial and passenger-carrying vehicles, before crossing railroad tracks, to (1) stop their vehicles within 15 to 50 feet from the track's nearest rail and (2) listen and look in each direction for approaching trains. This requirement applies to operators of service buses, vehicles transporting school children, and commercial vehicles with cargo tanks, carrying passengers, or hazardous materials.

The bill incorporates an exception to this requirement, as provided under federal law (49 C.F.R. § 392.10), which allows operators of such vehicles to cross without stopping if the railroad crossing is controlled by a functioning highway traffic signal transmitting a green light.

The bill additionally eliminates the commissioner's authority to adopt regulations related to railroad crossings by such vehicles, which may include exemptions allowed under federal law.

EFFECTIVE DATE: October 1, 2018

§ 8 — NEW HAVEN TRAFFIC LAWS

Specifies that the exception to the law on parking near intersections that applies to certain New Haven intersections applies only to intersections entirely under the city's jurisdiction

By law, motor vehicles generally cannot park within 25 feet of an intersection, marked crosswalk at an intersection, or a stop sign. PA 17-230, § 16, created exceptions for certain intersections in New Haven, allowing a vehicle to be parked (1) as close as 10 feet from an intersection that has a curb extension as wide as or wider than the parking lane and (2) within 25 feet of a stop sign at the intersection of one-way streets in New Haven where permitted by its traffic authority.

Under the bill, these exceptions apply only at intersections comprised entirely of highways under New Haven's jurisdiction.

§ 9 — SMOKING AT BUS SHELTERS

Prohibits smoking in bus shelters

The bill adds bus shelters to the list of state-owned and -operated or state-leased and -operated property where smoking is prohibited. Under existing law, smoking in such prohibited areas is an infraction.

EFFECTIVE DATE: October 1, 2018

§ 10 — SPEED WARNING SIGNS ON I-95

Requires DOT to erect speed warning signs on certain portions of I-95

The bill requires the DOT commissioner to erect and maintain speed warning signs on I-95 between Old Saybrook and East Lyme, as approved by the Office of State Traffic Administration, in order to guide people traveling on that highway.

EFFECTIVE DATE: October 1, 2018

§ 11 — AUTONOMOUS VEHICLE (AV) TASK FORCE

Allows a Transportation Committee chair to act as the AV task force's chair until the task force's chairs are appointed

PA 17-69 established a task force to, among other things, study AVs and make recommendations to the legislature on AV regulation.

Under the act, the Senate president pro tempore and the House speaker must select the task force's chairs from the task force members, and the chairs must schedule and hold the task force's first meeting by August 26, 2017 (i.e., 60 days after the act's effective date.)

Under the bill, if the chairs are not selected or do not schedule the first meeting within the timeframe, any Transportation Committee chair must schedule the task force's first meeting, act as the task force's chair, and schedule other meetings deemed necessary until (1) the Senate president pro tempore and House speaker select the chairs and (2) the chairs schedule a task force meeting.

COMMITTEE ACTION

Transportation Committee

Joint Favorable Substitute

Yea 36 Nay 0 (03/23/2018)