
OLR Bill Analysis

sHB 5314 (as amended by House "A")*

AN ACT CONCERNING RECOMMENDATIONS BY THE DEPARTMENT OF TRANSPORTATION.

SUMMARY

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

1. creates a specific class C felony offense with a maximum fine of \$ 20,000 for aggravated assault of a transit employee (§ 11);
2. reinstates the Department of Transportation's (DOT) authority 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. requires DOT to establish a one-year pilot program allowing vehicles to transport specified structures, under certain conditions, on most limited access highways during daylight hours (§ 10); and
5. eliminates a requirement that the DOT commissioner draft an "express finding" in order to exercise his public transportation-related powers (§ 16).

*House Amendment "A" (1) eliminates provisions on transit insurance coverage, railroad crossings, and speed warning signs on I-95; (2) adds provisions on a pilot program for transporting certain structures, assault of public transit employees, protective headgear requirements, and bridge and highway name corrections; and (3) makes minor changes.

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 to the Special Transportation Fund.

§ 2 — ENCROACHMENT PERMIT FEES

Reinstates DOT's authority to adopt regulations setting reasonable fees for state highway right-of-way encroachment permit applications

The bill reinstates DOT's authority to adopt regulations setting reasonable fees for state highway right-of-way encroachment permit applications. The FY 18-19 budget act repealed such authority while statutorily requiring DOT to establish fees for encroachment permits awarded for certain large developments that mirror the fees charged by Massachusetts (PA 17-2, June Special Session, § 673).

EFFECTIVE DATE: October 1, 2018

§§ 3, 9 & 16 — EXPRESS FINDING

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

The bill repeals the 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.

EFFECTIVE DATE: October 1, 2018

§§ 4 & 5 — 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.

§ 6 — 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.

§ 7 — SMOKING AT BUS SHELTERS AND ON RAIL PLATFORMS

Prohibits smoking in bus shelters and certain areas on rail platforms

The bill adds bus shelters and partially-enclosed shelters on rail platforms 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. (The bill does not apply to electronic cigarettes.)

EFFECTIVE DATE: October 1, 2018

§ 8 — AUTONOMOUS VEHICLE (AV) TASK FORCE

Pushes back the AV task force's reporting deadlines and 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 had to select the task force's chairs from the task force members, and the chairs had to 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.

The bill also extends the task force's reporting deadlines, by one year, to (1) July 1, 2019, rather than July 1, 2018, for the interim report and (2) January 1, 2020, rather than January 1, 2019, for the final report. It correspondingly changes the task force's termination date to the day it submits its final report or January 1, 2020, whichever is earlier.

§ 10 — PILOT PROGRAM FOR TRANSPORTING CERTAIN STRUCTURES

Requires DOT to establish a one-year pilot program allowing vehicles to transport specified structures, under certain conditions, on most limited access highways during daylight hours

The bill requires DOT to establish, within available appropriations, a one-year pilot program to allow vehicles to transport the following structures on limited access highways (other than I-95) during daylight hours: motor homes, modular homes, house trailers, or sectional houses between 14 feet and 16 feet long.

During the pilot program period (July 1, 2018 to July 1, 2019), DOT may grant permits for such travel from 10 A.M. to 2 P.M. Mondays through Thursdays. DOT may issue a permit under the pilot program only if (1) the travel does not obstruct DOT's or any municipality's

construction or maintenance activities and (2) it requires the vehicle to have three police escorts, which are responsible for assuring compliance with the permit. The bill allows DOT to limit the number of permits to one per day.

By February 1, 2019, DOT must report, in consultation with the departments of motor vehicles and emergency services and public protection, to the Transportation Committee (1) the number of permits issued, (2) the time periods for which they were issued, and (3) any recommendations for statutory changes.

§ 11 — AGGRAVATED ASSAULT OF A PUBLIC TRANSIT EMPLOYEE

Creates a specific class C felony offense with a maximum fine of \$ 20,000 for aggravated assault of a transit employee

By law, assault of a public transit employee is a class C felony, punishable by up to ten years in prison, up to a \$ 10,000 fine, or both (CGS § 53a-167c). This bill creates a specific class C felony offense with a maximum fine of \$ 20,000 for aggravated assault of a public transit employee.

Under the bill, a person commits aggravated assault of a public transit employee when he or she assaults a reasonably identifiable public transit employee, with the intent of preventing the employee from performing his or her duties, and in doing so uses, is armed with and threatens to use, or displays or represents by words or conduct that he or she has, a knife, box-cutter, or firearm.

By law, a public transit employee is someone employed by the state, a political subdivision, or transit district or under a contract with the transportation commissioner to provide transportation services, who (1) operates a vehicle or vessel for public ferry or fixed route bus service or has duties directly related to operating the vehicle or vessel or (2) is a train operator, conductor, inspector, signal person, or station agent for public rail service (CGS § 53a-167c).

EFFECTIVE DATE: October 1, 2018

§ 12 — PROTECTIVE HEADGEAR REQUIREMENTS

Expands the types of activities during which children under age 16 must wear protective headgear and adds parks to the places where such headgear must be worn

Current law requires any child under age 16 who rides a bicycle on a public road to wear protective headgear that meets the minimum specifications established by the American National Standards Institute or the Snell Memorial Foundation. The bill:

1. expands the types of activities during which these children must wear such protective headgear to include skateboarding, non-motorized scootering, roller skating, and in-line skating;
2. adds parks, including skateboarding parks, to the places where the protective headgear must be worn; and
3. requires that the protective headgear is properly fitted and fastened.

Current law also authorizes the Department of Consumer Protection (DCP) commissioner to establish, within available appropriations, a public awareness campaign to educate the public on and promote the use of protective headgear when bicycling. The bill eliminates that authorization and instead requires the commissioner to post information on the department's website promoting the use of protective headgear during the above activities, including bicycling, and about the dangers of not doing so.

By law, failure to wear protective headgear is not considered a violation or an offense and cannot be considered contributory negligence by a parent or a child or be admissible in any civil action.

EFFECTIVE DATE: October 1, 2018

§§ 13-15 — HIGHWAY AND SIGN CORRECTIONS

Makes several technical corrections to signs and highway and bridge names

The bill makes several technical corrections to signs and highway and bridge names established in PA 17-230.

COMMITTEE ACTION

Transportation Committee

Joint Favorable Substitute

Yea 36 Nay 0 (03/23/2018)