

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 18-167—sHB 5314
Transportation Committee

**AN ACT CONCERNING RECOMMENDATIONS BY THE
DEPARTMENT OF TRANSPORTATION**

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§ 1 — LAPSE OF TOWN AID ROAD (TAR) FUNDS TO SPECIAL TRANSPORTATION FUND

Lapses to the Special Transportation Fund excess TAR funds reserved for funding certain infrastructure repairs in towns following a natural disaster

By law, any balance of TAR appropriations that exceed the amounts to be distributed to towns under statutory formulas may be made available to towns to defray the cost of repairing or replacing roads, bridges, and dams that become public safety threats due to a natural disaster. Under prior law, the balance did not lapse to the General Fund and had to continue to be available to towns for funding those repairs and replacements. Beginning June 30, 2018, the act instead requires the balance to lapse to the Special Transportation Fund.

EFFECTIVE DATE: Upon passage

§ 2 — APPLICATION FEES FOR STATE HIGHWAY RIGHT-OF-WAY ENCROACHMENT PERMITS

Restores the authority of the Department of Transportation (DOT) commissioner to adopt regulations concerning certain state highway right-of-way encroachment permit application fees

The act restores the DOT commissioner's authority to adopt regulations setting reasonable fees for state highway right-of-way encroachment permit applications. The FY 18-19 budget act repealed his authority to do so (PA 17-2, June Special Session, § 673).

By law, unchanged by the act, the commissioner must establish application fees for state highway right-of-way encroachment permits for open air theaters, shopping centers, and other developments generating large volumes of traffic that mirror the application fees charged by the Massachusetts DOT for such permits.

EFFECTIVE DATE: October 1, 2018

§§ 3, 9 & 16 — EXPRESS FINDINGS BY DOT COMMISSIONER

Repeals requirements that the DOT commissioner draft an "express finding" in order to exercise certain statutory powers

The act eliminates provisions that required the DOT commissioner to make an

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“express finding” before he could exercise some of his position’s statutory powers, such as acquiring property necessary for transportation services. Specifically, he had to make express findings that:

1. specific and necessary transportation facilities may be discontinued, disrupted, or abandoned; such changes will be detrimental to the state’s general welfare; and exercising his powers is essential to continue such facilities;
2. specific transportation facilities may not be operated in the manner required by the state’s general welfare, or that additional transportation facilities are required, and exercising his powers is essential to improve transportation facilities and services; or
3. state acquisition or control of transportation rights-of-way, properties, or other facilities are required by the state’s future growth and needs.

The act also makes conforming changes.

EFFECTIVE DATE: October 1, 2018

§§ 4 & 5 — STATUTORY REFERENCES TO THE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

Makes technical changes to correct references to a federal agency

The act makes technical changes to update references from the Federal Highway Administration (FHWA) to the Federal Motor Carrier Safety Administration (FMCSA). Prior to being established as a separate administration, FMCSA was a part of FHWA.

EFFECTIVE DATE: Upon passage

§ 6 — PARKING NEAR INTERSECTIONS IN NEW HAVEN

Narrows the applicability of exceptions to laws on parking near intersections in New Haven to apply only to intersections entirely under the city’s jurisdiction

By law, vehicles generally cannot park within 25 feet of an intersection, a marked crosswalk at an intersection, or a stop sign. Prior law provided exceptions for certain intersections in New Haven by allowing a vehicle to park:

1. as close as 10 feet from (a) an intersection that has a curb extension as wide as or wider than the parking lane or (b) a marked crosswalk at such an intersection or
2. within 25 feet of a stop sign where permitted by New Haven’s traffic authority at the intersection of one-way streets.

The act limits these exceptions to intersections entirely made up of roads under New Haven’s jurisdiction.

EFFECTIVE DATE: Upon passage

§ 7 — SMOKING IN BUS AND RAIL PLATFORM SHELTERS

Prohibits certain types of smoking in bus and rail platform shelters

The act expands the areas where smoking is prohibited to include bus shelters

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and partially-enclosed shelters on rail platforms that are owned and operated, or leased and operated, by the state or a local government. It applies to smoking cigarettes, cigars, pipes, and similar devices, but not electronic devices, such as electronic cigarettes, that may be used to simulate smoking (see CGS § 19a-342a). By law, smoking in prohibited areas is an infraction (see Table on Penalties).

EFFECTIVE DATE: October 1, 2018

§ 8 — AUTONOMOUS VEHICLE TASK FORCE

Allows a Transportation Committee chairperson to act as chairperson for an autonomous vehicle task force until its chairpersons are appointed and modifies the task force's meeting and reporting requirements

PA 17-69 created a task force to, among other things, study fully autonomous vehicles and develop legislative recommendations for regulating them. Under PA 17-69, the Senate president pro tempore and the House speaker must select the task force's chairpersons, and those chairpersons had to schedule and hold its first meeting by August 26, 2017.

Under the act, if the chairpersons were not selected or did not schedule and hold the task force's first meeting by that date, then any Transportation Committee chairperson must schedule the first meeting, act as its chairperson, and schedule any other meetings deemed necessary until (1) the Senate president pro tempore and House speaker select the chairpersons and (2) those chairpersons schedule a task force meeting.

The act also (1) eliminates the first of two interim reports from the task force, which under prior law was due by January 1, 2018, and (2) extends the deadlines for its remaining reports by one year so that its interim report is due on July 1, 2019, rather than July 1, 2018, and its final report is due on January 1, 2020, rather than January 1, 2019. The act also pushes out the task force's termination date by one year to January 1, 2020.

EFFECTIVE DATE: Upon passage

§ 10 — TRANSPORTATION OF CERTAIN HOUSING STRUCTURES

Requires DOT to create a pilot program allowing particular housing to be transported on most limited access highways during certain daylight hours

The act requires DOT to establish, within available appropriations, a one-year pilot program to allow vehicles to transport on limited access highways, other than Interstate 95, motor homes, modular homes, house trailers, and sectional houses that are between 14 feet and 16 feet long. (The act appears to incorrectly refer to length instead of width.)

During the pilot program period (July 1, 2018, to July 1, 2019), DOT may grant permits for such transportation to take place from 10 A.M. to 2 P.M. on Mondays through Thursdays provided (1) the permit requires the transporting vehicle to have three police vehicle escorts and (2) the transportation does not obstruct DOT's or any municipality's construction or maintenance activities. Under the act, the police escort is responsible for assuring compliance with the

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permit. The act also allows DOT to limit the number of permits to one per day.

By February 1, 2019, DOT must report, in consultation with the Department of Emergency Services and Public Protection and the Department of Motor Vehicles, 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.

EFFECTIVE DATE: Upon passage

§ 11 — AGGRAVATED ASSAULT OF A PUBLIC TRANSIT EMPLOYEE

Creates a special class C felony offense for aggravated assault of a public transit employee

By law, assaulting a public transit employee is a class C felony (CGS § 53a-167c), punishable by one to 10 years in prison, a fine of up to \$10,000, or both. The act creates a special class C felony offense for aggravated assault of a public transit employee, punishable by imprisonment for one to 10 years, a maximum fine of \$20,000, or both.

Under the act, a person commits such aggravated assault when he or she assaults a public transit employee, 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 contract with the DOT commissioner to provide transportation services, who (1) operates a vehicle or vessel for public ferry or fixed route bus service or performs duties directly related to operating that vehicle or vessel or (2) is a train operator, conductor, inspector, signal person, or station agent for public rail service (CGS § 53a-167c(a)).

EFFECTIVE DATE: October 1, 2018

§ 12 — PROTECTIVE HEADGEAR FOR CHILDREN BICYCLING, SKATEBOARDING, SKATING, AND SCOOTERING

Expands protective headgear requirements for children under age 16 and modifies public awareness duties of the Department of Consumer Protection commissioner

The 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 act:

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 the protective headgear to be properly fitted and fastened.

Prior law authorized the Department of Consumer Protection 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 act

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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.

The act also makes technical changes.

EFFECTIVE DATE: October 1, 2018

§§ 13-15 — TECHNICAL CHANGES

Corrects bridge designations and a highway sign

The act makes technical corrections to bridge names and a highway sign.

EFFECTIVE DATE: Upon passage