

OFFICE OF FISCAL ANALYSIS

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sHB-6484

AN ACT CONCERNING RECOMMENDATIONS BY THE DEPARTMENT OF TRANSPORTATION.

As Amended by House "A" (LCO 10392), House "B" (LCO 10460)

House Calendar No.: 324

Senate Calendar No.: 574

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 22 \$	FY 23 \$
Resources of the General Fund; Resources of the Special Transportation Fund	GF&TF - Potential Revenue Gain	Minimal	Minimal
Department of Transportation	TF - Potential Savings	Up to 375,000	Up to 500,000
Department of Transportation	TF - Cost	Up to 2,368,000	None
Department of Transportation	TF - Potential Cost	Up to 366,777	Up to 377,780
State Comptroller - Fringe Benefits ¹	TF - Potential Cost	Up to 151,479	Up to 156,023
Judicial Dept.; Correction, Dept.	GF - Potential Cost	See Below	See Below

Note: GF&TF=General Fund & Transportation Fund; GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 22 \$	FY 23 \$
Various Municipalities	Potential Revenue Gain	See Below	See Below

Explanation

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 41.3% of payroll in FY 22 and FY 23.

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Section 2 clarifies when vehicle owners are liable for damages to bridges caused by overweight vehicles and, to the extent that the state or municipalities recover additional damages, results in a potential revenue gain.

Section 3 increases penalties for operating overweight vehicles on or under bridges from an infraction, which usually ranges from a \$100 to a \$300 fine, to up to a \$1,000 fine for a first offense and up to a \$2,500 fine for a subsequent offense, resulting in a potential revenue gain from fines. In FY 20 there were 219 violations with total revenue from fines of \$30,892.

Section 6 makes permanent DOT's authority to use two alternative contract methods. The impact of using either "construction-manager-at-risk" contracts with a guaranteed maximum price or design-build contracts will depend on 1) the type of project, 2) who provides architectural/engineering services and 3) the bid selection process. However, it is assumed that the department would not move forward on projects based on alternative contracts unless they resulted in cost savings compared to alternative procedures.

Section 12 expands circumstances where smoking is prohibited at bus and rail facilities and results in a potential minimal revenue gain from fines. In FY 20, the current statute prohibiting smoking in various locations resulted in 9 fines totaling \$675.

Section 15 expands seat belt requirements to most back seat passengers and makes it a secondary offense, prohibiting officers from stopping a vehicle unless another offense has occurred. This section results in a potential minimal revenue gain from fines.

Section 17 combines two DOT programs for signs on limited access highways and permits the department to enter into agreements for the erection, maintenance, and removal of specific service signs within certain state rights-of-way. To the extent the combined program generates additional sign requests, this section results in a potential minimal revenue gain.

Section 18 removes the requirement that DOT deliver surplus rail materials to eligible railroad companies requesting such material for purposes of upgrading state-owned rights-of-way. This section results in a potential savings to DOT of up to \$500,000 annually in avoided delivery charges.

Section 19 requires DOT to submit a report regarding the New Canaan and Danbury Branch lines to the Transportation Committee on or before January 1, 2022. This section does not result in a fiscal impact because this is within DOT's current expertise.

Section 21 results in a one-time cost of up to \$2.3 million in FY 22 for DOT to conduct a feasibility study concerning ground transportation services in eastern Connecticut by January 1, 2023. The estimated cost is to hire consultants to perform the analysis and produce the report and is based on similar studies DOT has done.

Section 22 prohibits vaping at bus and rail facilities and results in a potential minimal revenue gain to the General Fund from fines. In FY 20, the current statute prohibiting vaping in various locations resulted in 17 fines totaling \$1,996.

Section 23 establishes an Office of Innovative Finance and Project Delivery within DOT and requires the Commissioner of Transportation to assign personnel to the office in order to fulfill the duties described in the bill. To the extent that DOT assigns existing personnel to the office and subsequently hires new personnel to fulfill their former duties, this section results in a cost of up to \$518,256 in FY 22 and up to \$533,803 in FY 23 for salary and fringe benefit costs associated with as many as four fiscal/ administrative officer positions.²

Section 24 modifies the circumstances that constitute illegal street racing and results in a potential cost for incarceration or probation and a potential revenue gain to both the General and Special

² The cost will depend on the number of personnel hired and the actual job classes used.

Transportation Fund from fines.

As under current law, the bill makes violations subject to a fine of \$75 to \$600, up to one year imprisonment, or both for a first offense and a \$100 to \$1,000 fine, up to one year imprisonment, or both for any subsequent offense. Offenders are also subject to having the vehicle impounded if it is registered to them, or an additional monetary penalty if the vehicle used is registered to someone else.

On average, the marginal cost to the state for incarcerating an offender for the year is \$2,200³ while the average marginal cost for supervision in the community is less than \$700⁴ each year.

The potential revenue gain is dependent on any resulting change in violations or fines. In FY 20, 17 tickets were issued for illegal street racing and all were dismissed resulting in no fine revenue. In FY 19, 26 tickets were issued and all but three were dismissed, resulting in fine revenue of \$1,038.

Sections 25-53 designate names on certain roads and bridges which will result in a one-time cost in FY 22 of up to \$68,000 to DOT for highway signs.

Section 56 makes technical changes to the relationship between the Connecticut Airport Authority and the Department of Emergency Services and Public Protection regarding security services at Bradley International Airport, which are not anticipated to result in a fiscal impact.

Section 57 creates new violations concerning meteorological evaluation tower marking requirements and, to the extent that

³Inmate marginal cost is based on increased consumables (e.g. food, clothing, water, sewage, living supplies, etc.) This does not include a change in staffing costs or utility expenses because these would only be realized if a unit or facility opened.

⁴Probation marginal cost is based on services provided by private providers and only includes costs that increase with each additional participant. This does not include a cost for additional supervision by a probation officer unless a new offense is anticipated to result in enough additional offenders to require additional probation officers.

offenders are fined, results in potential minimal revenue gain to the General Fund.

Section 58 allows all municipalities, rather than just those with populations of 20,000 or more, to seize all-terrain vehicles (ATVs) under certain conditions and pursuant to a local ordinance. Any ATVs ordered forfeited pursuant to such an ordinance are required to be sold at public auction and results in a potential revenue gain that will vary based on the auction proceeds. As an illustration, the City of Waterbury sold five ATVs at public auction in FY 20, ranging from \$310 to \$1,326, for a total revenue gain to the city of \$3,791.

Other sections of the bill are technical in nature or otherwise do not have a fiscal impact.

House "A" lowered the penalty, as compared to the original bill, for operating overweight vehicles on or under bridge, struck sections 6 and 7 from the original bill, and added sections 21-58 to the bill, resulting in the fiscal impacts described above.

House "B" made technical corrections to section 24 and had no fiscal impact.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation, the number of violations, or as otherwise described.

The preceding Fiscal Impact statement is prepared for the benefit of the members of the General Assembly, solely for the purposes of information, summarization and explanation and does not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.