
OLR Bill Analysis

sHB 5330

AN ACT IMPLEMENTING RECOMMENDATIONS OF THE DEPARTMENT OF TRANSPORTATION.

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Makes driving a motor vehicle on a limited-access highway while engaged in any activity prohibited by the state's existing distracted driving law a reckless driving violation

BACKGROUND

SUMMARY

Among other things, this bill (1) makes a change to the Office of the State Traffic Administration's (OSTA) enforcement of laws related to major traffic generating developments; (2) allows the use of bicycle-control signals at intersections and authorizes the Department of Transportation (DOT) to set variable speed limits on limited-access highways; (3) requires motorcycle drivers, and their passengers, to wear a helmet until they have had their motorcycle endorsement for more than three years; and (4) makes driving on a limited-access highway while engaged in any activity prohibited by the state's distracted driving law a reckless driving violation.

It also makes various minor, technical, and conforming changes.

EFFECTIVE DATE: Various; see below.

§ 1 — VIOLATIONS OF TRAFFIC CONTROL AND ROAD SAFETY ORDERS

Increases, from \$5,000 to \$10,000, the maximum fine for a person or entity that does not comply with certain orders related to traffic control and road safety

The bill increases, from \$5,000 to \$10,000, the maximum fine for any person, firm, or corporation that does not comply with certain orders related to traffic control and road safety (e.g., OSTA orders related to major traffic generating developments (see § 2) or local traffic authorities' orders related to traffic control devices). As under existing

law, a violator is also subject to imprisonment of up to 30 days and can have his or her driver's license or vehicle registration suspended or revoked.

EFFECTIVE DATE: October 1, 2024

§§ 2-5 — MAJOR TRAFFIC GENERATING DEVELOPMENTS

Requires OSTA to order local building officials to revoke building or foundation permits for major traffic generating developments that do not have an OSTA certificate

By law, entities building, expanding, or establishing a major traffic-generating development (i.e., one with at least 100,000 square feet of floor area or at least 200 parking spaces; see Conn. Agencies Regs., § 14-312-1) generally must get an OSTA certificate. Local building officials may not issue a (1) building or foundation permit to these entities until they show their certificate and (2) certificate of occupancy for these developments until the OSTA certificate's conditions have been met. Under the bill, if OSTA determines that a local building official issued a building or foundation permit to an entity that does not have a certificate, it must order the building official to revoke the permit.

The bill also makes a conforming change applying the same requirement to major traffic-generating developments that consist of separately owned parcels.

EFFECTIVE DATE: July 1, 2024

§ 6 — BICYCLE-CONTROL SIGNALS

Allows the use of bicycle-control signals at intersections and requires cyclists to comply with them

The bill permits the use of bicycle-control signals at intersections and requires cyclists to comply with them. Under existing law, cyclists riding on the traveled portion of roads are generally subject to the same statutory duties applicable to motor vehicle drivers (CGS § 14-286a). In other words, current law generally requires these cyclists to comply with traffic control signals in the same way as vehicular traffic. Under the bill, when both traffic control signals and bicycle-control signals are present at an intersection, cyclists must comply with the bicycle signals.

Under the bill, bicycle-control signals are three lens signal heads with green, yellow, or red bicycle-stenciled lenses. A green, red, or yellow bicycle indicates bicycle traffic facing the signal may proceed, must stop, or is warned in the same way as currently for the following traffic control signals: a green alone, red alone, or steady yellow. A flashing red or yellow bicycle indicates bicycle traffic must stop or may proceed in the same way as for a flashing red or yellow traffic control signal.

EFFECTIVE DATE: October 1, 2024

§§ 7 & 8 — LOCAL TRAFFIC AUTHORITIES

Allows a municipality, by vote of its legislative body, to establish a new LTA replacing the entity currently designated as such

The bill allows municipalities to create a separate entity to serve as their local traffic authority (LTA) instead of the board of police commissioners or another entity current law prescribes. The bill applies despite any contrary provisions in a municipality’s charter, special act, or home rule ordinance.

Under the bill, any municipality, by vote of its legislative body, may establish an LTA and appoint members to serve on it. The municipality’s legislative body also sets the qualifications, terms, and compensation, if any, of these members. An LTA created through this process replaces the entity currently filling this role in the municipality and has all the powers and duties the law assigns to LTAs (see BACKGROUND).

As shown in the table below, current law designates different local bodies or officials to serve as a municipality’s LTA, depending mainly on whether the municipality has a board of police commissioners. Under existing law, unchanged by the bill, OSTA is the traffic authority for state roads and bridges and has authority over certain elements specified in law (e.g., traffic control signals).

Table: Entities Current Law Designates as Local Traffic Authorities

<i>Jurisdiction</i>	<i>Designated Entity</i>
City, town, or borough with police commissioners	Board of police commissioners

<i>Jurisdiction</i>	<i>Designated Entity</i>
City, town, or borough without commissioners, but with a regularly appointed police force	City or town manager, police chief, police superintendent, or any elected or appointed official or board with similar powers and duties
Town without a city or borough that has a regularly appointed police force	Board of selectmen

EFFECTIVE DATE: July 1, 2024, except a conforming change is effective October 1, 2024.

§ 9 — VARIABLE SPEED LIMITS

Allows DOT to set variable speed limits on limited-access highways to address traffic, construction, or other safety conditions

The bill allows DOT to set variable speed limits (i.e., temporarily lower the posted speed limit) on limited-access highways or portions of these highways. It may do so to address traffic congestion, road construction, or other conditions affecting safe and orderly traffic movement. Under the bill, a variable speed limit must be (1) based on an engineering investigation; (2) no less than 10 mph below the posted speed limit; and (3) effective when it is posted and accompanied by a sign, between 500 and 1,000 feet before the point at which it takes effect, notifying drivers of the speed limit change. The bill requires DOT to use stationary or portable, changeable message signs to give this notice.

The bill's variable speed limit provisions replace a provision of current law allowing DOT to modify limited-access highway speed limits during weather events or emergencies, so long as there are electronic signs indicating the speed limits.

EFFECTIVE DATE: October 1, 2024

§ 10 — BUS FACILITY ADVERTISEMENTS

Generally allows advertising signs, displays, or devices to be erected within 660 feet of the interstate and other limited-access highways in connection with bus facilities, subject to DOT approval and related regulations

The law generally prohibits the erection of billboards and advertising signs within 660 feet of the edge of the interstate and other limited-access highways. However, the DOT commissioner may allow certain

types of signs subject to its regulations, such as directional and other official signs.

The law also makes an exception for advertising signs, displays, or devices located on, built on, or abutting property in areas owned, managed, or leased by a public authority for (1) railway or rail infrastructure facilities and certain associated structures; (2) bus rapid transit corridors and associated shelters, structures, or facilities; (3) airport development zones; or (4) any other transit or freight purpose. The bill adds bus facilities to these exceptions.

As under existing law, these advertisements cannot be built where state law, local ordinance, or zoning regulations prohibit them.

EFFECTIVE DATE: July 1, 2024

§ 11 — MODERNIZING AND MAINTAINING BUS STOPS AND SHELTERS

Specifies that existing law's requirement that, beginning on July 1, 2024, bus stops and shelters constructed by DOT or transit districts comply with the ADA and certain plans developed by these entities applies only to those that are newly built on and after this date

By law, beginning July 1, 2024, each bus stop or shelter constructed by DOT or a transit district must be (1) built according to certain modernization and maintenance plans the department must jointly develop with transit districts and (2) compliant with the federal Americans with Disabilities Act's (ADA) physical accessibility guidelines. The bill specifies that these requirements apply only to new bus stops or shelters built on and after this date.

Existing law already requires that the state building code, which generally regulates the design, construction, use, and alteration of buildings and structures including bus stops and shelters, be in substantial compliance with the ADA (CGS §§ 29-252 & 29-269).

EFFECTIVE DATE: July 1, 2024

§§ 12 & 13 — FARE ENFORCEMENT ON PUBLIC BUSES

Allows employees of DOT and certain third-party contractors with fare inspection duties to issue citations to people who deliberately ride public buses without paying the required

fare, rather than specifically requiring these citations be issued by employees that are “fare inspectors,” as under current law

Under current law, “fare inspectors” are DOT employees the commissioner designates or third-party contractors the department employs. They are responsible for inspecting passengers’ tickets, passes, or other documentation on state-owned or controlled public buses proving the passenger paid the required fare (i.e., “fare inspection duties”), when all or part of the fare must be paid before boarding. Fare inspectors are authorized to issue citations to people who deliberately ride these buses without paying the required fare.

The bill instead allows employees of DOT or third-party contractors with fare inspection duties to issue these citations, eliminating reference to the specific “fare inspector” job title.

Under existing law, unchanged by the bill, it is an infraction (see BACKGROUND) for a person to ride a state-owned or controlled public bus while intentionally not paying the required fare.

EFFECTIVE DATE: July 1, 2024

§ 14 — METRO NORTH INDEMNIFICATION

Specifies that the DOT commissioner can only indemnify Metro North Railroad against certain claims when it is acting in its capacity as the state’s contracted maintainer of the M-8 rail car fleet

Current law allows the DOT commissioner, if he finds it is in the state’s best interest, to indemnify and hold harmless Metro North Railroad against claims brought by the National Railroad Passenger Corporation (Amtrak) or other third parties against Metro North related to M-8 rail car operation on Amtrak property, as long as the indemnification does not relieve Metro North of liability for its willful or negligent acts or omissions.

The bill specifies that the commissioner can do so only when Metro North is acting in its capacity as the state’s contracted maintainer of the M-8 rail car fleet.

EFFECTIVE DATE: July 1, 2024

§§ 15-17 — MOTORCYCLE HELMET REQUIREMENT

Requires (1) motorcycle and motor-driven cycle drivers, and their passengers, to wear a helmet until they have had their motorcycle endorsement for more than three years and (2) these endorsements to display the issuance date

The bill requires motorcycle and motor-driven cycle drivers, and their passengers, to wear a helmet meeting federal safety standards for three years after the driver is issued a motorcycle endorsement. Existing law requires helmets for (1) drivers and passengers under age 18 and (2) motorcycle instruction permit holders of any age.

Under the bill, violations are infractions (see BACKGROUND) subject to a fine of at least \$90, as is the case under existing law for violations of the helmet requirement for drivers and passengers under age 18. By law, the fine for motorcycle instruction permit holders is subject to the general infraction parameters and is currently set at \$50.

By law, a motor-driven cycle is a motorcycle, motor scooter, or bicycle with an attached motor (except an electric bicycle) that has a (1) seat height of at least 26 inches and (2) motor with a piston displacement under 50 cc. As under current law, the bill's helmet requirement does not apply to autocycles.

The bill requires driver's licenses that also authorize motorcycle operation (i.e., a motorcycle endorsement) to display the date that the Department of Motor Vehicles (DMV) issued the endorsement.

Additionally, the bill specifies that the helmets existing law requires for drivers with a motorcycle instruction permit must meet the federal safety standards referenced above. Current law requires these helmets to meet certain specifications set in DMV regulations that were repealed in 2014.

EFFECTIVE DATE: October 1, 2024

§§ 18 & 19 — RECKLESS DRIVING VIOLATIONS FOR DISTRACTED DRIVING ON LIMITED-ACCESS HIGHWAYS

Makes driving a motor vehicle on a limited-access highway while engaged in any activity prohibited by the state's existing distracted driving law a reckless driving violation

The bill makes driving a motor vehicle on a limited-access highway

while engaged in any activity prohibited by the state's existing distracted driving law a reckless driving violation (see Table below).

The distracted driving law generally prohibits a person, while driving, from talking or listening with a hand-held cell phone (unless he or she uses a hands-free device), using any mobile electronic device, or texting on these devices. It provides for certain exceptions, such as using a hand-held cell phone in an emergency to contact an emergency response operator or police department. It also prohibits, with certain exceptions, the use of these devices (even with hands-free accessories) by drivers under age 18 or school bus operators driving with passengers.

Table: Reckless and Distracted Driving Penalties

<i>Reckless Driving</i>	
First offense	\$100-\$300 fine, up to 30 days imprisonment, or both
Subsequent offense	Up to \$600 fine, up to 364 days imprisonment, or both
<i>Distracted Driving</i>	
First violation	\$200 fine
Second violation	\$375 fine
Third or subsequent violation	\$625 fine

Under the bill, a person cannot be prosecuted for both a reckless driving violation and a distracted driving violation due to the same offense.

EFFECTIVE DATE: October 1, 2024

BACKGROUND

Authority of Local Traffic Authorities

With respect to streets under their jurisdiction, the law generally gives LTAs authority (in some cases only with OSTA approval) to, among other things, (1) place and maintain traffic control signals, signs, markings, and other safety devices following OSTA regulations (CGS § 14-298); (2) set speed limits on roads and bridges, under certain conditions (CGS § 14-218a); (3) designate school zones (in which fines for certain violations may be doubled) and pedestrian safety zones (CGS §§ 14-212b & -307a); (4) designate one-way streets (CGS § 14-303); (5)

allow golf carts to be driven on streets during daylight hours (CGS § 14-300g); and (6) adopt regulations necessary to exercise their authority (CGS § 14-312).

Infractions

Infractions are punishable by fines, usually set by Superior Court judges, of between \$35 and \$90, plus a \$20 or \$35 surcharge and an additional fee based on the fine's amount. There may also be other applicable charges depending on the type of infraction. For example, certain motor vehicle infractions trigger a Special Transportation Fund surcharge of 50% of the fine. An infraction is not a crime and violators can generally pay the fine by mail without making a court appearance.

COMMITTEE ACTION

Transportation Committee

Joint Favorable Substitute

Yea 22 Nay 14 (03/18/2024)