



STATE OF CONNECTICUT

DEPARTMENT OF TRANSPORTATION

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Office of the
Commissioner

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Public Hearing – March 14, 2011 Transportation Committee

Testimony Submitted by Acting Commissioner James P. Redeker Department of Transportation

H.B. 6116 – An Act Concerning Insurance and Bond Requirements for Persons Working in a State Highway Right-Of-Way.

The Department of Transportation (Department) is opposed to H.B. 6116.

In accordance with Section 13b-17-9 and Section 13b-17-10 of the Department's Highway Encroachment Permit Regulations, both bond and insurance is required to persons performing work within the State right-of-way prior to the issuance of an encroachment permit. These requirements provide assurances that any work performed within the DOT right-of-way will be completed satisfactorily and as approved. The insurance requirement (\$1,000,000/\$2,000,000 limits) covers liability to the Department as a result of the work being performed within the right-of-way. If an injury or accident were to occur as a result of the work, the insurance requirements indemnifies and holds harmless the Department from claims, suits, actions and damages caused by or as a result of the permit.

Without a bond requirement, incomplete and unsatisfactory work performed within the state right-of-way cannot be enforced and could lead to roadway deterioration and failure and damage claims. This requirement also enables the Department to have incomplete or unsatisfactory work completed by use of the bond under a bond call. These requirements should not be relaxed for individuals as they are not similar to municipalities which are covered under their own insurance and are allowed to perform minor work without a bond requirement.

State Traffic Commission (STC) certificates issued in accordance with CGS 14-311(d) requires that the entire cost of traffic signals, pavement markings, channelization, pavement widening or other changes or traffic control devices required by STC to safely and efficiently handle traffic be borne by the person building the development. A bonding condition is typically included in any STC certificate where mitigation is required in order to ensure that the work specified in the STC certificate is completed. Elimination of the bonding condition could result in a development being built and operational without the required mitigation being in place to safely and efficiently accommodate the development's added traffic.

For further information or questions, please contact Pam Sucato, Legislative Program Manager for the Department of Transportation, at (860) 594-3013.