



House of Representatives

General Assembly

File No. 82

February Session, 2024

House Bill No. 5216

House of Representatives, March 21, 2024

The Committee on Environment reported through REP. GRESKO of the 121st Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING THE SAFETY CAPACITY AT GARDNER LAKE STATE PARK.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) The Commissioner of Energy
2 and Environmental Protection shall develop and post for members of
3 the public, on or before January 31, 2025, the capacity limit of Gardner
4 Lake State Park. Such capacity limit shall be determined utilizing the
5 following factors: (1) The number of visitors that can be safely
6 supervised, taking into account the staffing at said state park; (2) the
7 number of swimmers that can be safely supervised, taking into account
8 the lifeguard staffing in said state park; (3) the parking capacity at said
9 state park; (4) the public restroom facility capacity at such state park; (5)
10 the pedestrian and vehicular traffic on any state highway without a
11 sidewalk that leads to said state park that threatens, or is reasonably
12 likely to threaten, public safety by pedestrians walking on the side of the
13 highway or by impeding the travel of emergency vehicles because of the
14 high volume of vehicles parked or moving on the highway; and (6) the

15 authority of the commissioner to utilize the number of vehicles entering
16 said state park as a proxy for the number of visitors at said state park.
17 The commissioner shall coordinate with municipal and state law
18 enforcement agencies to implement traffic control efforts to minimize
19 public safety concerns on local roadways and any state highway outside
20 such state park and may close such state park to new entrants when such
21 capacity is reached, regardless of the means by which patrons enter such
22 state park.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section

ENV *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do 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.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 25 \$	FY 26 \$
Department of Energy and Environmental Protection	GF - Potential Cost	356,000	13,000
State Comptroller - Fringe Benefits ¹	GF - Potential Cost	5,000	5,000

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill results in a potential cost to the state of approximately \$361,000 in FY 25 and \$18,000 annually thereafter associated with managing pedestrian entry to Gardner State Park.

The bill allows the Department of Energy and Environmental Protection (DEEP) to close the park to all new entrants once capacity is reached. Currently, when the park is at capacity, DEEP prevents additional vehicles from entering but lacks sufficient resources and tools to prevent further pedestrian entries.

If DEEP chooses to manage pedestrian entries to the park, the department will incur a one-time cost of approximately \$320,000 in FY 25 to install fencing that allows limited pedestrian access. To monitor and enforce a capacity limit, the department may hire a seasonal Environmental Conservation patrol officer at a total cost of \$41,000 in

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 41.25% of payroll in FY 25.

FY 25, consisting of approximately \$12,000 for wages, \$5,000 for fringe benefits within the Office of the State Comptroller, and \$24,000 in other expenses including a vehicle. The personnel-related expenses would total approximately \$18,000 in FY 26 and annually thereafter.

The bill additionally requires DEEP to develop and post a capacity limit and to coordinate traffic control efforts. These aspects of the bill have no fiscal impact as: (1) they largely codify current practices; and (2) the department has sufficient resources to post a capacity limit sign.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**HB 5216*****AN ACT CONCERNING THE SAFETY CAPACITY AT GARDNER LAKE STATE PARK.*****SUMMARY**

This bill requires the Department of Energy and Environmental Protection (DEEP) commissioner to develop and publicly post the capacity limit of Gardner Lake State Park (in Salem) by January 31, 2025. Under the bill, she must use the following factors when determining the capacity limit:

1. the number of visitors and swimmers that can be supervised safely given the park and lifeguard staffing levels;
2. the park's parking and public restroom capacity;
3. pedestrian and vehicular traffic on any highway without a sidewalk leading to the park that threatens, or is reasonably likely to threaten, pedestrians' public safety or impede emergency vehicles using the highway due to the high volume of parked or moving vehicles; and
4. the commissioner's authority to use the number of vehicles entering the park as a proxy for the number of park visitors.

The bill also (1) requires the DEEP commissioner to coordinate with municipal and state law enforcement to implement traffic control efforts to minimize public safety concerns on local roads and state highways outside the park and (2) allows her to close the park to new entrants when it reaches the capacity limit.

EFFECTIVE DATE: Upon passage

COMMITTEE ACTION

Environment Committee

Joint Favorable

Yea 34 Nay 0 (03/08/2024)