

Regulations of Connecticut State Agencies

TITLE 13b. Transportation

Agency

Department of Transportation

Subject

Encroachment Permit Regulations

Inclusive Sections

§§ 13b-17-1—13b-17-308

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Encroachment Permit Regulations

Sec. 13b-17-1. Purpose and applicability

These regulations are intended to provide control of Bureau of Highways' right of way on the State highway system for use other than movement of vehicles, loads and pedestrians by others than the Department of Transportation; to prevent unsafe and hazardous conditions, annoying interruptions to traffic, and interference with future highway needs; and, to insure compliance with Federal laws, State statutes and other State policies, procedures and regulations.

Where these regulations do not specify definite requirements, standards or specifications, the following current publications may be used by the Commissioner as guides for approval; DOT geometric highway design standards; DOT Drainage Manual; DOT Construction Manual; Connecticut General Statutes; Connecticut State Regulations; DOT Standard Specifications for Roads, Bridges and Incidental Construction; DOT Handbook of Safe Practices; DOT Policy on the Accommodation of Utilities on Highway Rights of Way; Manual on Uniform Traffic Control Devices.

No work shall be performed within the State's right of way until a permit has been issued, except as provided in Section 13b-17-24—Emergency Permits.

(Effective August 27, 1992)

Sec. 13b-17-2. Definitions

When used in these regulations, the following words and phrases shall have the meaning herein allocated:

Application for Permit—a standard form of application which must be filed with the District Maintenance Manager before a permit is issued.

Bond—a written obligation which binds the signatory to answer for the debt, default, or miscarriage of the terms of a permit.

Bureau—The Bureau of Engineering and Highway Operations established in the Department of Transportation.

Certificate of Insurance—a Department of Transportation—Bureau of Engineering and Highway Operations form used to indicate protective liability insurance coverage by the permittee.

Commissioner—the Commissioner of Transportation.

Department—the Department of Transportation.

District Maintenance Manager—the authorized agent of the Commissioner of Transportation in matters pertaining to permits.

Encroachment—an intrusion or use of a highway right of way for purposes other than for traveling.

Encroachment Permit—a document issued by the District Maintenance Manager, allowing the use of highway right of way, to a permittee who has met certain qualifications, herein referred to as “permit.”

General Statutes—The General Statutes of Connecticut, as revised.

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Highway, State Highway—a highway, bridge or appurtenance to a highway or bridge designated as part of the State highway system.

Major Traffic Generator—within the context of sections 14-311 and 14-311a of the General Statutes of Connecticut, as revised, any open air theater, shopping center or other development generating large volumes of traffic shall mean any development providing two-hundred or more parking spaces, or a gross floor area of 100,000 square feet or more which substantially affects State highway traffic within this State, and as provided for in the Administrative Regulations promulgated by the State Traffic Commission.

Non-Access Highway, Limited Access Highway—State highways so designated to allow access only at highway intersections or at designated points, in accordance with the General Statutes of Connecticut, as revised.

Non-Access Line—a line established to delineate the portions of a highway to which access is denied.

Parking Area—a place set apart from the travelway and used for the purpose of parking vehicles.

Permittee—the individual, firm, public utility company, municipality, or other state agency to whom a permit is issued.

Right of Way—real property, the title to which was obtained with or without fee and which is under the custody and control of the Department.

Roadway—the portion of the highway, including shoulders, for the movement of vehicles.

Shoulder—part of the roadway between the travelway and gutter or ditch.

Sight Distance—the length of roadway visible to the driver of a vehicle at a given point on the roadway when the view is unobstructed.

State Highway System—a system of highways which includes State primary highways, State secondary highways, State special service highways, and all highways in the interstate highway system, pursuant to the General Statutes of Connecticut, as revised.

Title 13b—refers to title 13b of the General Statutes of Connecticut, as revised.

Travelway—the portion of the roadway for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

(Effective August 27, 1992)

Sec. 13b-17-3. Conditions for issuance of permits

The Commissioner, having jurisdiction over highways, may issue permits for use of highway rights of way by individuals, firms, public utility companies, or municipalities or other state agencies when the following conditions are met:

(1) The use requested by the permittee will not interfere with the needs for highway purposes.

(2) The use requested by the permittee will not interfere with Department operations, will not create a traffic hazard, and will not interfere with the safe and free flow of traffic.

(3) There is compliance with all regulations herein mentioned.

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(4) There is an understanding and acknowledgment by the permittee that the permit is revocable at the discretion of the Commissioner when the requirements of the permit are violated or can no longer be met.

(5) The authority to grant permission is authorized by statute.

(6) Approval is granted by the Federal Highway Administrator where special permission is needed on Federal Aid highways.

(Effective September 2, 1980)

Sec. 13b-17-4. Application for permit

(1) An Application for Permit must be filed with the District Maintenance Manager before an investigation is made or the permit issued. Standard application forms for these permits may be obtained at the office of the District Maintenance Manager. The following information shall be included:

(a) For minor encroachments, such as service connections, private drives, etc., a sketch shall be included on the application form or separate sheet, in duplicate.

(b) For more complex installations and for commercial enterprises, three sets of complete plans and related documents shall be submitted. If it is deemed necessary, more sets of plans may be required by the District Maintenance Manager when a major traffic generator is involved. Application must be made to the State Traffic Commission and a certificate issued prior to application to the District Maintenance Manager.

(c) For major improvements to State highways by municipalities in conjunction with redevelopment, major utility or sewer construction and encroachments on limited access highways, eight copies of complete plans and related documents shall be submitted.

(d) When the removal or the trimming of trees and shrubs from within the highway right-of-way for the purpose of obtaining or improving the sight line for an outdoor advertiser is involved, application must be made to the outdoor advertising section of the Department of Transportation and their approval obtained prior to application to the District Maintenance Manager.

(2) In all cases, the sketches on plans shall show the location of the work to be done in relation to the outstanding features of the highway, such as property lines, pavement lines, sidewalks, curbs, trees, intersection roads, drainage facilities, traffic control appurtenances, utility poles by number, and utility lines. All plans shall be drawn to a 40 SCALE, or as otherwise directed with a North arrow indication. All plans should be so detailed that a Permit Investigator can determine the exact location of the various parts of the work, the risk of injury to road users, and the effect upon private property, trees, shrubs and highway structures.

All applications shall indicate that compliance with section 16-345-4, "Call Before You Dig" regulations, have been met.

(3) Information relating to the character, and extent of the work, materials to be used, and methods of construction are also required.

(4) In the event that work or repairs not designated in the original permit must be done

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in the same location, the permittee shall make application to the District Maintenance Manager for a permit authorizing such additional work or repairs.

(5) For applications requiring a drainage review, no work shall be performed until the complete plans and computations have been reviewed by the Bureau of Highways and the permit has been issued. Drainage requirements are listed in Section 13b-17-13.

(6) Permit fees must be submitted with an application for permit in the following amounts:

Class 1	Major traffic generators (W/S.T.C. Certificate)	No fee
Class 2	(a) Buried longitudinal utilities equal to or over 500 feet	\$100
	(b) Industrial/commercial developments, redevelopment projects and large traffic generators which do not require an S.T.C. certificate	
	(c) Construction or reconstruction of a major commercial driveway	
Class 3	(a) Buried longitudinal utilities less than 500 feet	\$25
	(b) Transverse buried utilities and buried service connections	
	(c) Sidewalk construction or repair	
	(d) Longitudinal utility attachment to state bridge (not including any fees required under section 13a-126c of the C.G.S.)	
	(e) Any excavation or alteration of lesser magnitude than class 2	
	(f) Material removal from highway right-of-way	
	(g) Utility cable crossing attached to state bridge	
	(h) Test pits, \$25 each, 4 or more \$100 per permit	
	(i) Tree or shrub trimming or removal for advertising signs. per advertising sign location	\$25
	(j) Subsequent sign work associated with specific information (logo) signs	
Class 4	(a) Construction or reconstruction of a residential driveway or minor commercial driveway	\$10
	(b) Driveway repaving including major and minor commercial driveways	
	(c) Removal or installation of fence	
	(d) Installation of banners, murals, plaques, etc.	
	(e) Installation of signs	
	(f) Tree or shrub trimming or removal	
	(g) Planting of shrubbery	
Class 5	(a) First permit for installation of specific information (logo) signs.	No fee

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- (b) Work performed by municipal forces including authorities functioning as ad hoc municipal entities
- (c) Utility pole installation or replacement including guy wires and anchors, push braces or stay pole
- (d) Overhead utility repair, installations or disconnections including blanket permits for overhead utility work
- (e) Tree trimming and removal in conjunction with overhead utilities
- (f) Utility installations, relocations and/or adjustments, including test pits, in conjunction with DOT construction or resurfacing projects
- (g) Installation of public telephones

Permit applications of an unusual manner shall be included in one of the above-designated classes as determined by the District Maintenance Manager. The permit fees are waived for permits issued to municipalities for work actually performed by municipal forces.

(Effective August 27, 1992)

Sec. 13b-17-5. Rejection of applications

When it appears that the work called for in an application would cause substantial or needless damage to a highway, create excessive disturbance to traffic or result in dangerous conditions, or is detrimental to the aesthetics of the highway, the request for a permit will be denied. The applicant will be informed of such denial by letter from the District Maintenance Manager which will state the results of the investigation and the reason for the denial. The District Maintenance Manager may refuse to issue a permit to any person, company or municipality when work performed under a previously issued permit was not properly executed, or when said applicant has failed to reimburse the State for recoverable charges billed under the terms governing a previous permit.

(Effective September 2, 1980)

Sec. 13b-17-6. Inviolability of non-access lines

No violations of non-access lines will be permitted except when it is advantageous to the State from the standpoint of aesthetics, necessary for drainage control, or when it is necessary to accommodate utility installations to conform to the AASHO regulation, "A Policy on the Accommodation of Utilities on Freeway Rights of Way."

(Effective November 1, 1974)

Sec. 13b-17-7. Issuance of permit

A permit to use the highway right of way or to plant, remove or trim trees and shrubs may be issued by the District Maintenance Manager only after receiving a report from the

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Permit Investigator subsequent to completion of the examination of all aspects of the proposal and upon receipt of the surety bond, properly executed and in the correct amount. A permit form must be signed by the District Maintenance Manager before it becomes valid. The first two copies of the permit shall be sent or handed to the applicant. The applicant shall sign both copies of the permit. The original shall be retained by the permittee and the second copy returned promptly to the District Maintenance Manager. The permittee is forbidden to commence work until the above-mentioned second copy of the permit has been received by the District Maintenance Manager and the permittee has notified the Permit Inspector of the exact date and hour work is to begin. Contractors who are performing work for a permittee, including municipalities and utility companies, must have a copy of the permit issued to the permittee with them while work is being performed.

If a municipality or a utility company has any utility facilities located within the right of way of an interstate highway or any other designated limited access highway, a continuing permit may be issued, upon written request, for emergency operations and servicing of such facilities in accordance with the terms of a Master Maintenance Agreement executed between the State and the municipality or utility company, covering the interstate highway system, or a similar agreement covering limited access highways. Emergency work shall be covered by a written permit issued after the emergency, even though the continuing agreement justified the work during the period of urgency. Upon written request from the municipality or utility company, a permit may be issued to authorize each instance of inspection and servicing which is not an emergency. (See Sec. 13b-17-24 concerning emergency permits for work on State highways other than those mentioned in this paragraph.)

(Effective August 27, 1992)

Sec. 13b-17-8. Bond requirements

Except in instances where public service companies have filed a statement of solvency acceptable to the Secretary of the State, pursuant to the General Statutes, it is the responsibility of the District Maintenance Manager to determine who shall furnish the permit bond and the amount of the guarantee to be provided to the State in connection with each permit, after receiving a report on the proposed work from the Permit Investigator. The District Maintenance Manager shall specify that a permit bond in a definite amount shall be delivered to his/her office before a permit is issued. The permit bond shall remain in effect for a sufficient period after the completion of construction to insure the repair of any work which has settled, eroded or deteriorated. The bond may be released after this waiting period upon request in writing. The permit bond requirements may be waived for permits issued to municipalities when the work covered by the permit is to be performed by municipal forces.

With the exception mentioned herein, the amount of the permit bond shall be established separately for each permit so that the State will be protected against loss in the event of the failure of the permit holder to complete the work or make required repairs or restorations

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involving the work or encroachment authorized by the permit. Immediately upon the approval of an application for permit, the District Maintenance Manager will advise the applicant of the amount of the permit bond required. On major utility projects such as new sewer and water main installations the permit bond amount shall be established during the plan review stage of the project. An annual blanket permit bond, acceptable to the Department, may be deposited to avoid the inconvenience and expense of obtaining individual bonds for each permit requested.

(Effective August 27, 1992)

Sec. 13b-17-9. Insurance requirements

(1) The permittee shall indemnify and save harmless the State of Connecticut, the Department of Transportation, its officers, agents and employees from all claims, suits, actions, damages, and costs of every name and description caused by or resulting from the permit, its use and/or maintenance by the permittee, its contractors and/or invitees, the effect of the permit on the operation, use and/or maintenance of the state highways(s); or the negligent performance and/or non-performance of the terms of the permit, and such indemnity shall not be limited by reason of any insurance coverage.

(2) Prior to the issuance of a permit, the permittee will be required to provide a Certificate of Insurance, Form CON 32, in such amounts as determined by the state which are applicable to the nature of work involved and as provided for in article 1.03.07 of “the State of Connecticut, Standard Specifications for Roads, Bridges and Incidental Construction,” as revised.

(3) In cases where a joint permit is issued to a property owner and his/her contractor, a Certificate of Insurance which covers one or both of the permittees will be acceptable.

(4) Insurance coverage requirements may be waived in regard to permits issued to municipalities, public service companies (as defined by section 16-1 of The Connecticut General Statutes, as revised) and churches provided that these groups actually perform the work covered by the permit. However, when the work is to be performed by a contractor a Certificate of Insurance will be required.

(Effective August 27, 1992)

Sec. 13b-17-10. Obligation of the permittee and the state

(1) The issuance of a permit in no way obligates the State to issue any further permit, to continue or extend the permitted work, to relocate the facilities of others encountered during the initial installation, or for any cause whatsoever.

(2) All applicable local ordinances, federal and State statutes and regulations shall be complied with, and all licenses and permits shall be obtained by the permittee before this permit becomes effective.

(3) When permitted work is to be accomplished within an area where, at any time during the life of the permit, the State has a contractor performing work, the permittee shall arrange his/her work and shall place and dispose of the materials being used so as not to interfere

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with the operations of the State's contractor. The permittee shall coordinate his/her operations with those of the State's contractor and cooperate in every way possible, to avoid interfering with the State contractors operations. The permittee shall hold the State's contractor, State and Federal government free and harmless of all costs or liability resulting from delays, rescheduling, redesign or for whatever cause necessary, to comply with this requirement.

(4) All work, once started, shall be prosecuted during times and days allowed, without interruption, and the site immediately placed in a condition satisfactory to the state.

(5) Delays or costs incurred by the permittee as the result of any adjustment, abandonment, redesign, rescheduling or redoing of permitted work to comply with the permit shall be totally at the expense of those other than the State.

(6) The permittee agrees and warrants that in the performance of the permit, he/she will not discriminate or permit discrimination against any person or group of persons on the grounds of race, color, religious creed, age, marital status, national origin, sex, mental retardation or physical disability, including, but not limited to blindness, unless it is shown by the permittee that such disability prevents performance of the work involved in any manner prohibited by the laws of the United States or of the State of Connecticut, and further agrees to provide the commission on human rights and opportunities with such information requested by the commission concerning the employment practices and procedures of the permittee as relate to the provisions of this section.

(Effective August 27, 1992)

Sec. 13b-17-11. Cost of permit work

(1) With the exception of the relocation or removal of public service facilities by direction of the Transportation Commissioner, in the manner provided by the General Statutes, acceptance of a permit by an individual, private or municipal corporation to whom or which it is granted, shall obligate the permittee to reimburse the Department of Transportation for all expenses incurred by the Department in connection with the permit as follows:

(a) The time of all employees of the Department, including Permit Inspectors, laborers and General Supervisors, will be charged to the permittee for the number of hours of service rendered in connection with the permit, with the exception that no charge will be made for the time and travel expense of a Permit Inspector on any day when the inspector is on the project less than two hours.

(b) Charges for State-owned equipment will be made according to the rental rate established by the Commissioner in applying equipment costs to the Department's routine work on the State highway system.

(c) Supplies and materials furnished by the State will be charged at the State's cost.

(d) Expenses of travel of Permit Inspectors and other Department personnel will be charged at cost, based on a rate per mile established by the Department.

(e) When work under a permit necessitates the removal of any guide railing, the removal may be performed by the permittee unless the permit specifically provides to the contrary.

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In all instances where guide rail is to be removed, the permittees at their own expense, shall fill the area behind the rail with material acceptable to the District Maintenance Manager to such extent, elevation and drainage control as the District Maintenance Manager shall direct. The required backfilling shall be completed prior to the removal of the railing. All railing shall remain the property of the State and shall be delivered to the State garage designated by the District Maintenance Manager.

(f) To cover overhead, administrative and engineering expenses of the Department, a percentage, as determined by the Department, of the total direct labor, equipment and material costs will be charged to the permittee in addition to the actual expenses.

(g) When the work of a permittee is in a location where a State highway monument, boundary marker, base line monument or geodetic monument must be disturbed, the permittee shall identify, locate and protect it and then notify the District Maintenance Manager prior to any work in the area so that Department surveyors may record measurements essential to the resetting of the monument by the State after the permittee has completed permit related work. The permittee will be billed by the Department for full engineering and replacement costs of monuments that are disturbed or destroyed by the permittee's operations.

(h) When any State highway warning or directional sign, State-owned historical site marker or colonial milestone must be removed, relocated or disturbed by the operations of the permittee, the permittee shall notify the District Maintenance Manager. The removal, storage and restoration of such signs, markers or historical stones will be done by the Department at the expense of the permittee.

(i) When the traffic signal or signal actuation device is disturbed or destroyed or is in imminent danger of being rendered inoperable by permitted work, the permittee shall notify the state at once. Temporary arrangements to accommodate the interruption will be made by the state as well as providing a permanent repair to the damaged equipment. The temporary accommodations and final restoration of the signals operation shall be done at the expense of the permittee.

(j) The charges to the permittee will be compiled by the Department and appropriate invoices will be forwarded to the permittee. Invoices shall be paid promptly when received by the permittee. Every effort will be made by the Department to keep the expenses of inspection and other work performed to a minimum, consistent with adequate protection of the road user and the investment of the State in the highway.

(Effective August 27, 1992)

Sec. 13b-17-12. Removal of material from highway right of way

When the permittee desires to excavate and remove 200 cubic yards or more of material, he/she shall notify the District Maintenance Manager prior to the commencement of excavation work. The permittee must submit cross sections and quantity figures, certified by a Professional Engineer and/or Land Surveyor licensed to practice in the State of Connecticut, showing the actual amount of material to be removed from within the highway

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right of way. The Department will set the price per cubic yard for the material using this figure, a certified check covering the total value of material removed shall be made payable to the Treasurer of the State of Connecticut, and deposited by the permittee with the Department, before any excavation work is undertaken.

Upon completion of all work in the permit, the amount of material removed will be computed and certified by a professional engineer and/or land surveyor, when requested by the Department, and the excess amount of the deposit refunded, or, if there is an increase in the amount of material, the permittee will be billed for the increase by the Department.

(Effective August 27, 1992)

Sec. 13b-17-13. Drainage requirements

(1) The following information is required on the plans for drainage review:

(a) Original and proposed finished grades and contours, sufficient to determine the original slope of the land and the proposed slope at all points.

(b) Size and location of all buildings, existing and to be erected, and their provision for roof drainage.

(c) Location of all driveways, roads and/or areas to be paved, showing type of paving and provision for berms or curbs.

(d) Grades along the traveled path and gutter of the State highway in front of and adjacent to the proposed work, sufficient to determine the slope of the highway at any point and the capacity of the gutter.

(e) All existing and proposed drainage structures and/or outlets into, out of, and adjacent to the property to be developed (including existing State drainage facilities), showing types of structures, size and type of pipe, elevations of grates and inverts, accompanied with drainage computations as specified in the current edition of the Connecticut Department of Transportation Drainage Manual.

(f) All existing and proposed drainage easements, to whom deeded, and the current owner of record.

(2) No diversion of runoff from another watershed into State property will be allowed until proper drainage rights have been recorded.

(3) The Bureau of Engineering and Highway Operations is not obligated to allow a connection of private storm drainage to its facilities. Where State facilities are adequate, the Bureau may allow a connection after it has been determined that sufficient drainage rights exist or have been obtained by the permittee.

(4) In cases where the State drainage system is not adequate, the permittee may be required to replace the State facilities with a system of adequate capacity. Where no State drainage system exists, the permittee may be caused to install a separate outlet after obtaining necessary easements. A special agreement must be made with the Bureau of Engineering and Highway Operations covering the maintenance of such a separate outlet. The maintenance of the system may be undertaken by the municipality if the permit involves a street to be accepted by the municipality. A letter must be obtained from the appropriate

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municipal officials covering this maintenance, prior to the issuance of the permit.

(5) Agreements consummated with a second party for the installation and maintenance of a private storm sewer within the State's right of way shall be recorded in the Municipal Land Records, and proof of recording must be submitted to the District Maintenance Manager prior to the effective date of the permit.

(6) Minor connections from private properties to the State drainage system may be allowed if they discharge clean water only, do not overtax the State system, will not jeopardize the State drainage rights, and are made at drainage structures in a manner approved by the District Maintenance Manager. The permission to connect is of a temporary nature only and may be withdrawn at any time for any reason. A drainage connection concurrence form must be completed and filed in the Bureau of Engineering and Highway Operations records. In some instances, these agreements may require filing with the municipal clerk. In such cases, the responsibility and cost of filing shall rest with the permittee and shall be accomplished prior to the issuance of the permit, with proof of filing submitted to the District Maintenance Manager.

(7) In order to protect the State highway system, permittees may be required to present plans for the control of silting and erosion during construction, particularly in cases where extensive excavations are to be made above the grade of the highway.

(8) For drainage facilities crossing non-access lines, when it is advantageous to the State from the standpoint of hydraulic characteristics or aesthetics, a permit may be issued to install pipes within the highway right of way to extend an existing storm sewer outlet. It is also possible that in some cases it is of benefit to the State to allow a drainage outlet to be extended across a non-access highway. In these cases a sleeve must be jacked or bored under the highway with the drainage pipe encased in the sleeve. Access for installation and maintenance shall be for other than the limited or non-access highways. Applications for this type of permit shall conform to the current policy on inviolability of non-access lines.

(9) The computations and plans shall consider all drainage areas contributing to the site, including roof areas, whether within the proposed development or outside of it.

(10) All drainage of subdivisions and commercial sites shall be designed so that no flooding or damage to the State highway facilities will be caused by a storm having a 25-year frequency for surface runoff and a 50-year frequency for water courses.

(Effective August 27, 1992)

Sec. 13b-17-14. Construction of roads and streets

All permits for the construction or reconstruction of state highways, roads or streets crossing or intersecting State highways must be requested by the property owner, developer or a municipal official responsible for public works, and a surety bond must be filed with the District Maintenance Manager by the responsible applicant.

The required number of sets of plans and profiles shall be produced by the applicant for all proposed roads or streets, in sufficient extent and detail determined by the district maintenance manager. This information shall be used by the State in determining

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stipulations to be included in the permit to be issued. All streets constructed to intersect a State highway must be surfaced with bituminous concrete or other material acceptable to the District Maintenance Manager for the entire area graded toward the State highway. The side slopes draining to these streets shall be stabilized to prevent erosion.

Intersections shall be designed and constructed to meet the existing gutter grade of the State highway unless specified otherwise by the District Maintenance Manager. Traffic signals shall conform with the traffic signal guidelines in the Manual On Uniform Traffic Control Devices. Grades and drainage installations shall conform with the requirements of Department policy. Sight distances shall conform to the Department's geometric design standards. Width of road or street and the radii of intersection flares shall be adequate to permit turning by an entering or exiting WB50 design vehicle without encroachment on an opposing directional lane of the State highway or the intersecting road or street unless otherwise directed by the District Maintenance Manager.

The municipal official responsible for public works shall be contacted by the permit applicant to determine the municipalities requirements for acceptance of public streets or roads, if this is a factor in the applicant's plan.

(Effective August 27, 1992)

Sec. 13b-17-15. Driveways

Approval of an application for a permit for a driveway shall be subject to Sec. 13a-143a Driveway Permits, which reads "no person shall construct a new driveway or relocate an existing driveway leading onto a state highway without first obtaining a permit from the commissioner of transportation. In determining the advisability of issuing such permit, the commissioner shall include, in his consideration, the location of the driveway with respect to its effect on highway drainage, highway safety, the width and character of the highways affected, the density of traffic thereon and the character of such traffic. The person to whom the permit is issued shall comply with the provisions and restrictions contained therein at his own expenses."

Such approval shall also be subject to the following conditions:

(1) The applicant is the owner of the property, or owner jointly with the contractor, and any driveway approach constructed is for the bona fide purpose of securing access to the applicant's property and not for the purpose of parking or servicing vehicles on the highway right of way. The applicant may be directed to reconstruct driveways or perform other construction activities affecting property not owned by the applicant if so required by the provisions of a state traffic commission certificate or directed by the District Maintenance Manager.

(2) Any driveway, approach or improvement constructed under permit within the right of way shall be subject to inspection at any time by the State. The right is reserved by the District Maintenance Manager to require such changes, additions and relocations thereto as, in the manager's opinion, may be necessary for the relocation, reconstruction, widening or maintenance of the highway or to provide protection to life and property on or adjacent

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to the highway.

(3) No driveway, approach or other improvement constructed on the right of way, under permit, shall be relocated or its dimensions altered without written permission of the District Maintenance Manager.

(4) The applicant agrees to comply with all insurance requirements set forth in Sec. 13b-17-9 of these regulations.

(5) The proposed location, design and construction of any driveways under permit shall be evaluated by the State in accordance with the following criteria:

(a) For permit purposes, the priority of use by the abutting landowner of that portion of the roadside fronting on his/her land shall be confined between lines drawn from the frontage corners of the property to the centerline of the roadway either at right angles to the centerline on tangents or on a radial line on curves.

(b) No more than one combination entrance and exit shall be allowed for any property with frontage of less than 50 feet. Parcels having a frontage from 50 to 100 feet may be permitted two entrances if a minimum of one-third of the total frontage is used to separate the driveways. Lots with frontage in excess of 100 feet shall conform to such driveway and channelization layout as the District Maintenance Manager shall prescribe.

(c) The width of any entrance or exit shall not exceed 30 feet, measured parallel to the direction of the State highway at the property line, except as may otherwise be designated by the District Maintenance Manager because of municipal ordinances or other valid reason. The area within State property between the entrance and exit shall not be improved to facilitate vehicular traffic or parking. This area shall be considered restricted and may be developed only as hereinafter provided in paragraph (1).

(d) The grade of entrance and exists shall conform to current highway design standards for typical treatment of drives.

(e) In rural or suburban regions, no entrance or exit shall be so constructed that any part of such entrance or exit is less than ten feet from the extended common boundary separating adjacent private properties, except for returns, the radius of which shall not exceed 50 feet. In urban areas, or where there is a curb and gutter, the distance from the boundary may be five feet. See paragraph 5 (a) above for limitations on radius termini.

(f) The construction of parking areas on the highway right of way is prohibited, except as provided for under the regulations governing parking areas under lease within the highway right of way. Places of business requiring parking space for their customers shall provide such facilities on their own premises.

(g) Drainage discharged from a State highway or flowing within the right of way shall not be altered or impeded and the permittee must provide suitable drainage structures as directed by the District Maintenance Manager.

(h) When a curb and gutter are removed, the entrance and exit shall be constructed so that the curbing along the highway shall be returned into the entrance and exit on a radius of not less than two feet or more than 50 feet unless otherwise directed by the District Maintenance Manager.

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(i) All entrances and exits shall be so located that vehicle operators approaching or using them shall have adequate sight distances in both directions along the State highway in accordance with current department of transportation geometric design standards. All slopes shall be stabilized by the permit applicant by loaming and seeding or other method directed by the Permit Inspector.

(j) All entrances and exits constructed under permit shall be paved on the entire section within the State highway right of way with bituminous concrete, portland cement concrete, or as directed by the District Maintenance Manager. The remainder of the area graded to drain to the State highway shall be stabilized to prevent erosion and washing of material onto the State highway. All costs of such paving shall be borne by the permittee. This pavement shall be joined in a straight line at its intersection with the State highway shoulder and shaped as the Inspector shall require, to accommodate highway drainage.

(k) No entrance or exit shall be constructed at the intersection of two Ste highways, town road, or city street within the area lines drawn perpendicular to the centerline of the highway from points on the right of way lines, for a distance of 25 feet from the intersection of said right of way lines at non-signalized intersections. Driveways at signalized intersections shall be constructed as directed by the District Maintenance Manager.

(l) The area between entrances and exits and those portions of rights of way which have been defined hereinabove in (c) as restricted area may be filled in only when surface drainage is provided, so that all surface water on the improved area is carried away from the highway road bed and shoulder in a suitable manner, and when the drainage facility installed under any filled area is adequate to carry the water along the State highway. No headwall or other structure so designed as to be a hazard to an errant vehicle shall be constructed in the highway right of way within the clear zone as specified in the guidelines for highway design. The District Maintenance Manager will determine whether or not berms or curbs are to be constructed around this separating island area and also along the edges of any end island areas. Driveway side slopes within the highway clear zone should not exceed 6:1 maximum.

(m) At locations of new, single homes being constructed adjacent to and lower than the State highway pavement, the property owner may be required to grade the frontage within highway limits so as to confine highway surface water to the gutter or construct a bituminous concrete lip curb. These berms or curbs, either grassed earth or bituminous concrete, are maintained by the State upon satisfactory completion by the permittee. Particular care must be exercised to see that the permittee constructs driveway entrances so as to confine surface drainage to the highway gutter.

(n) At new housing developments, shopping centers, industrial parks, and similar development, the owner shall be required to construct a bituminous concrete lip curb adjacent to the gutter along the entire frontage of the property being developed unless otherwise directed by the district maintenance manager.

(o) In instances where the property abutting a State highway is already developed and it becomes necessary to construct a bituminous concrete berm to confine the highway surface

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drainage, a total cost of constructing the berm is the obligation of the Department.

(p) Where any school, church, playground, housing development, park, reservoir, commercial or industrial properties are developed abutting the non-access or limited-access lines of State highways, the developer shall obtain a permit and install a six (6) foot chain link fence along such line between the sideline boundaries unless otherwise directed by the District Maintenance Manager. Any existing stock fence removed shall become the property of the State, unless fencing is property of abutting property owner. The cost for establishing the boundary line and the fence installation shall be borne by the permittee.

(Effective August 27, 1992)

Sec. 13b-17-16. Major traffic generators

No permit for work under Section 14-311 will be issued by the District Maintenance Manager and no work shall be started by the permittee until a State Traffic Commission Certificate is issued, a town or municipal government building permit has been obtained by the developer, and a complete review of the applicant's plans and drainage proposals has been made and approved by the State.

Subsequent to completion of the work described in the Bureau of Engineering and Highway Operations permit and prior to opening the development to the public, the permittee must notify the District Maintenance Manager that the work within the State highway right of way is ready for inspection. The District Maintenance Manager will report the results of the inspection to the State Traffic Commission by copy of the letter of acceptance sent to the permittee.

(Effective August 27, 1992)

Sec. 13b-17-17. Utility installation requirements

The requirements for the new installation of utilities on any State or interstate highway are contained in the current edition of the Department of Transportation publication, "A Policy on the Accommodation of Utilities on Highway Rights of Way" and the AASHTO publication, "A Policy on the Accommodation of Utilities on Freeway Rights of Way."

The granting of permits to install public utility and other structures does not diminish or waive the jurisdiction of the Transportation Commissioner over State highways. If, in the opinion of the Transportation Commissioner, it becomes necessary at any time to remove or relocate any of the structures or fixtures installed under a permit, the removal or relocation, upon notification by the Commissioner or an authorized agent, shall be made immediately by the owner thereof, in accordance with the Connecticut General Statutes, as revised.

(Effective August 27, 1992)

Sec. 13b-17-18. Parking areas within the highway right of way

No highway right of way shall be used as any part of a parking area for the benefit of the permittee except under lease with the State and subject to certain conditions.

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A highway area shall be eligible for parking if it conforms to zoning regulations in the area, its presence does not conflict with scenic highway standards or create a traffic hazard, and it is not needed for immediate highway purposes.

For areas fronting on a public street, the priorities for lease shall be to:

- (1) another State agency
- (2) a municipality
- (3) a federal agency
- (4) a corporation, public or private business firm, company or individual.

For areas abutting the right of way line, the priorities for lease shall be to:

(1) abutting owners whose rear property lines are contiguous to the highway right-of-way line and who apply to the Transportation Commissioner to lease that portion of the right of way lying within the projection of their side boundaries to such a point within the right of way as the Transportation Commissioner shall determine.

(2) another State agency, municipality or a federal agency, if the right of way can be secured from the abutting owner.

(Effective August 27, 1992)

Sec. 13b-17-19. Signs

(1) Advertising signs on private property shall conform to current State administrative regulations concerning outdoor advertising signs, displays and devices adjacent to the national system of interstate and defense highways, limited-access federal aid primary highways, other limited-access highways, and unlimited access federal-aid primary highways.

(2) No person, firm or corporation may erect any sign within 300 feet of any State highway which shall have thereon the words STOP — CAUTION — DANGER — WARNING — SLOW — or any words, characters or symbols intended to give warning or direction to traffic, except by written permission from the Transportation Commissioner. This does not prevent any municipal officer or public utility company from maintaining danger or warning signs required by statute or essential to the operations of a public utility. Such signs shall not bear the name of any product or any advertisement. The Transportation Commissioner or an authorized agent may enter upon private property and remove any violation of the statutes or regulations governing such signs. Fines up to \$100 for the first offense and up to \$500 for each subsequent offense may be levied.

(3) No signs shall be allowed on State highways except as listed below:

A. State, municipal or federal regulatory or information signs.

B. Church or ecclesiastical society signs. The size of the sign shall not exceed six square feet and no side of any such sign shall exceed three feet. Such sign may identify the church, location, direction and the schedule of religious services. Church signs shall not be erected on any federal-aid highway system except where permitted by federal regulations.

C. Informational signs as listed below. These signs will be erected by the Bureau of Engineering and Highway Operations upon request when these signs will not have a

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detrimental effect on traffic operations or other traffic control devices. No advertising or commercial name shall appear on the sign except as provided for in Sec. 13b-17-19 (3) g.

(1) Signs directing people to permanent public buildings, parks or recreational facilities, usually requested by the proper town officials.

(2) Signs indicating the existence of natural phenomena (e.g., “Talking Hills of Moodus”).

(3) Signs directing attention to sites of historical or cultural interest made usually by societies organized to perpetuate these sites.

(4) Signs signifying cattle or deer crossings, bridle paths, etc.

(5) Signs directing attention to unusual botanical gardens, natural caves, etc.

(6) Signs prohibiting normal use of roadside due to existence of public water supplies, warning signs of health hazards or danger (e.g., “Danger — Quicksand”).

(7) Signs directing the public to the “off highway” location of major industries in a community.

D. Entrance and exit signs. These signs shall conform to standards established by the Department of Transportation.

E. Temporary regulatory signs for work within the highway right of way. Permission for these signs will be considered as being granted under the work permit, construction or maintenance contract.

F. Service organization signs. It is suggested that the organizations combine all of their signs on one panel on private property.

G. Specific information signs and business signs on limited access highways. Permits will be issued only after the applicant has been approved by the office of traffic engineering and all provisions in the “regulations for specific information signs and business signs on limited access highways” have been complied with.

(4) Permits for Christmas lights, ornaments and official civic banners (e.g., Red Cross, Community Chest, etc.) to be suspended over a State highway will be issued only for noncommercial purposes. The minimum clearance over the pavement shall be 18 feet. The permittee shall file certificates covering

Public Liability in the minimum amount of \$500,000 (single limit) and Property Damage in the amount of \$100,000/\$200,000 with the District Maintenance Manager. These permits must be for a limited time only.

(5) A penalty of up to \$100 fine and imprisonment up to 30 days may be levied against any person or firm who maliciously or wilfully removes, defaces, destroys, knocks down or tampers with any barrier, warning, detour, cautionary, directional or informational sign or light placed on a State highway by the Transportation Commissioner.

(Effective August 27, 1992)

Sec. 13b-17-20. Mailboxes

Individual mailboxes which conform to United States Postal Service Regulations may be installed without a permit; however, they shall be installed on a wood post of less than 25 square inches. If metal is used it shall be aluminum or of sufficient weakness to break

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upon impact of any highway vehicle. No masonry posts or enclosures will be allowed. Any development or group of persons desiring to combine several mailboxes in a single structure shall apply to the District Maintenance Manager for a permit. The District Maintenance Manager will determine if the structure will be approved by our present safety standards.

(Effective August 27, 1992)

Sec. 13b-17-21. Gasoline stations

By statute, the approval of the layout of a gasoline station and the issuance of a license for its operation is within the purview of the Commissioner of Motor Vehicles. Work in the highway right of way will be specified in a highway permit in accordance with the plan approved by the Motor Vehicle Department. Operation of the station as a retail business will not be permitted until the work within the State right of way is completed in the manner prescribed in the permit.

(Effective September 2, 1980)

Sec. 13b-17-22. Parades, block dances, etc.

Permit applications for use of a State highway for parades, block parties or other celebrations shall be filed with the State Traffic Commission.

(Effective November 1, 1974)

Sec. 13b-17-23. Holidays

All permit work, except as determined by the District Maintenance Manager, on the highway and within 30 feet of the traveled portion of the highway shall be stopped at 12:00 noon on the day before a legal holiday and no work shall be resumed until 12:00 noon on the day following the holiday. Weekends shall be considered as part of the holiday when the legal holiday falls on either Friday or Monday.

Before the work stoppage, all excavations shall be filled, obstructions and equipment removed and all precautions taken to guarantee the safety of the traveled way.

(Effective September 2, 1980)

Sec. 13b-17-24. Emergency permits

(1) The District Maintenance Managers will issue an annual permit to all utility companies and municipalities in their Districts to perform emergency repair work such as broken gas, water or sewer mains within State highways. The utilities and municipalities must contact the District Permit Section prior to performing any emergency repair work to obtain verbal permission. The District Permit Section will maintain a log for the purpose of recording each instance when verbal permission is granted to perform emergency work. After the issuance of the annual permit for emergency work, no further written permission will be required once verbal permission has been granted by the District Maintenance Manager. This procedure does not apply to emergency permits for work on interstate or other designated limited-access highways covered in Section 13b-17-7. A written application

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for permit must be forwarded to the district permit office within 24 hours of receiving verbal permission.

(2) In those cases where private utility connections must be repaired under emergency conditions, the person or company concerned must contact the District Permit Section and receive verbal permission prior to performing any emergency work. Within 24 hours after verbal permission has been granted, a written Application for Permit must be submitted to the District Permit Section in the same manner prescribed for non-emergency work. A written permit will be sent in confirmation of the verbal permission as a permanent record of the transaction.

(3) Appropriate bond and insurance certificates must be on file with the District Permit Section prior to the issuance of verbal or written permission for emergency work.

(Effective September 2, 1980)

Sec. 13b-17-25. Extension of time

All work shall be completed in a manner satisfactory to the State before the expiration date shown on the permit; otherwise, the permit holder shall request the State to allow an extension of time. Extension of time may be granted upon written application by the permittee to the District Maintenance Manager.

The District Maintenance Manager may validate the time extension by transmitting an appropriate memorandum to the permittee and by revising the original records in the manager's office to reflect the additional time granted.

(Effective August 27, 1992)

Sec. 13b-17-26. Responsibility for boundary lines

Permit applicants may retain their own licensed land surveyors to determine the existing line and must inform themselves of the demarcation between the public domain and private holdings. When a portion of a developer's frontage is to be deeded to the State, and included as part of the highway right of way, the developer shall perform the necessary field survey work and prepare the deed for signature and filing. The costs incurred by the Department to bound the new or existing right of way lines and preparation of related plans and documents will be borne by the permittee.

(Effective August 27, 1992)

Sec. 13b-17-27. Construction or repair of sidewalks, curbs or steps

An application for permit to construct, reconstruct or repair a sidewalk, curb or steps within the highway right of way shall contain definite information as to width and length and the materials to be used. The location of new installations with respect to the right of way lines or other established lines or objects shall be determined by the District Maintenance Manager. Sidewalks shall be located, wherever possible, so as to give not less than eight feet from edge of shoulder to the near edge of the walk in order to provide protection for pedestrians and to have a storage area for plowed snow. The location and

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grade of sidewalks and curbs will be approved by the State subsequent to a conference with the local municipal authorities relative to the permit applicant's proposal. At no time shall steps be constructed closer to the travelway than eight feet from the back edge of the shoulder, gutter or curb. Steps closer than 30 feet from the edge of the travelway shall not protrude above the surrounding slope.

Handicap ramps conforming with Connecticut General Statutes, Sec. 7-118a, shall be incorporated in all proposed sidewalks at all street intersections, and at all other locations where the grade of a driveway or other facility takes precedence over the grade of the proposed sidewalk.

(Effective August 27, 1992)

Sec. 13b-17-28. Safety to traffic

It shall be the duty of the permittee to make certain that the security of the traveling public is safeguarded and that their rights are not unreasonably curtailed. During the working periods, the permittee shall install and maintain signs in conformance with the Department's current signing patterns. These signs shall be supplied by and at the expense of the permittee. Unless specifically stated in the permit or authorized by the Permit Inspector, the traveled path shall not be obstructed. Also, such portion of the right of way within 30 feet of the traveled way which otherwise would be an obstruction-free roadside area shall not be obstructed by the storage of material, equipment, or any other object which might be a hazard to an errant vehicle. The portions of the highway which are torn up, are used for storing materials, or are otherwise unsafe for public travel shall be adequately protected at all times to avoid the possibility of accident. Such areas shall be marked at night by lights, flashing beacons or other warning devices approved by the Permit Inspector. To protect the users of the highway, additional traffic control warning devices shall be placed by the permittee when ordered by the Permit Inspector. When portions of the traveled way are made dangerous for the movement of vehicles or pedestrians, a sufficient number of uniformed police officers or other traffic control personnel shall be employed by the permittee to direct traffic safely through the areas. If such conditions exist at the close of the working day, a watchperson and a sufficient number of traffic control personnel shall be assigned by the permittee to direct traffic at night. The work must be planned to avoid such conditions whenever possible.

(Effective August 27, 1992)

Sec. 13b-17-29. Removal of existing pavement surfaces

Excavations in the traveled way shall not be started until the Permit Investigator has approved the position and size of a proposed opening and the protection to be provided by the permittee for the users of the highway. The pavement surface shall be removed in a manner acceptable to the Permit Inspector, with all edges cut to a straight line, except in the case of permits for raising manholes, where a circular cut may be used around the manhole. Preferably such removal shall be accomplished with either a bullpoint pavement

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breaker or cut with a concrete saw. Under no circumstances shall pavement slab be subjected to blows from a hammer or dropped weight. When excavating within a reinforced concrete pavement, to the extent possible the concrete shall be removed without cutting the reinforcement. The bars or mesh, when cut, shall be severed as close to the center of the trench as practicable and bent back to permit accomplishment of the work. When the pavement is ready to be permanently replaced, the reinforcement shall be bent back into position and reinforced with other bars or mesh which shall overlap the ends of reinforcement not less than 12 inches and shall be securely wired. The initial cutting of the pavement shall be restricted to the area directly over the sidewalls of the proposed trench to be excavated, or as directed by the District Maintenance Manager.

Permanent paving replacement for keyhole excavations in asphalt pavement shall be installed in such a manner that the pavement replacement shall be continuous throughout the entire work area. The existing pavement shall be cut to neat lines one foot from edges of excavation at start of work area, and shall extend parallel and unbroken to include all subsequent excavations. The pavement between the neat lines, including the pavement between consecutive keyhole excavations, shall be removed and permanent pavement installed as required. All abutting surfaces shall be coated with an approved joint sealer and the permanent pavement shall be rolled to conform to existing cross slope, or as directed by the District Maintenance Manager. The permittee shall also be responsible for replacement of pavement damaged by construction work, and assumes continuing responsibility for the maintenance of the work area per the provisions of this permit.

(Effective August 27, 1992)

Sec. 13b-17-30. Excavating and trenching

All excavating and trenching operations shall conform to the current regulations for excavations published by the United States Department of Labor, Occupational Safety and Health Administration.

The size of the excavation shall be kept as small as practicable to carry on the work. Excavated material shall be placed so as to interfere as little as possible with the ordinary use of the highway. Excavated material must not be placed in drainage ditches. Where there is a drainage structure in the vicinity of the excavation, the water in the trench shall be discharged into this structure. Contaminated or excessively muddy water shall not be allowed to flow in the gutter or enter the State drainage system. Where excavations in the shoulder area disturb earth berms, these berms shall be replaced and stabilized in a manner acceptable to the District Maintenance Manager. Water in trench must not be pumped onto the pavement or travelway. A sump hole and pump should be employed if water is present in the ditch or trench and cannot be stopped or diverted. The permittee is prohibited from opening more trench than can be closed in one day.

(Effective August 27, 1992)

Sec. 13b-17-31. Trench support

When trench support has been required a Permit Inspector may direct that such trench support be left in place in order to protect the highways from damage by settlement during and after construction. Sheeting and bracing shall be removed to a minimum depth of five feet below the surface unless the Permit Inspector directs otherwise.

(Effective August 27, 1992)

Sec. 13b-17-32. Slide and cave-ins

If the pavement, shoulder or sidewalk along the side of the trench or excavation becomes damaged due to slides or cave-ins or other movements of the side of an excavation, whether or not it is sheeted, the permittee or his/her contractor shall remove or safeguard the damaged pavement, improved shoulder or sidewalk and take immediate remedial measures to prevent further deterioration of the highway or its appurtenances. The permittee is responsible for replacing the entire amount of pavement, shoulder or sidewalk destroyed by such slides or cave-ins and for satisfactorily repairing or replacing them when damaged by lesser movements.

(Effective August 27, 1992)

Sec. 13b-17-33. Jacking, boring or tunnelling

Pipes and conduits crossing limited access highways, highways with heavy traffic, in areas of deep excavations or other special circumstances, shall be installed by jacking, boring or tunnelling, except where proven to the satisfaction of the State, by the permittee, to be technically impractical. Installations on all other highways, in areas where jacking and boring are technically impractical, or installations parallel to the traffic, may be placed by the open-cut method if approved by the District Maintenance Manager. No jetting or other use of water will be allowed in connection with jacking or boring.

The permittee shall be responsible for careful investigation of the permit area to determine the location of all existing utility, municipal, private or State-owned pipe or conduit lines and service connections. When required, he/she shall submit a plan and profile showing all such lines and indicating, thereon, the location of the proposed installation to be made by them.

When jacking or boring installations are under consideration, the permit applicant shall submit detailed plans showing the method of operation, including the jacking and receiving pits, cradles and thrust blocks. If the plan is approved, the permit will be issued on this basis. The permittee shall submit soil exploration data when required to do so by the District Maintenance Manager.

(Effective August 27, 1992)

Sec. 13b-17-34. Blasting

Blasting must be accomplished in accordance with the provisions set forth in the current edition of the "Manual on Storage, Transportation and Use of Explosives and Blasting

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Agents,” available from the State Fire Marshal’s Office.

(Effective November 1, 1974)

Sec. 13b-17-35. Backfilling

The backfilling of excavations in State highways shall be performed so that the least possible settling will occur. The excavation shall be filled with suitable material and thoroughly tamped in layers not to exceed six inches in thickness. Acceptability of excavated material to be used in the backfill shall be determined by the State.

Tamping shall be by means of mechanical rams, vibrators, hand tamps or by pneumatic tampers. If pneumatic tampers are used they shall have a tamping face area of not less than 50 square inches and each complete assembly shall have a weight of not less than two pounds per square inch. If a hand tamp is used it shall weigh not less than 12 pounds and have a tamping face area of not more than 50 square inches. When approved or directed by the State, the backfill shall be thoroughly consolidated by flushing the excavation with water. When sheeting and bracing are to be wholly or partly removed, this shall be done as backfilling progresses. When backfilling has reached the bottom brace, the latter and its horizontal rangers shall be removed, and this procedure shall be repeated throughout the backfilling operation. The sheeting shall be pulled in short increments, care being taken to avoid significant lateral movements of the sides of the trench. During and after pulling the sheeting, the backfill in the space formerly occupied by the sheeting shall be thoroughly rodded and tamped. The base in the pavement area and shoulder area shall be in accordance with current Standard Specifications for Roads, Bridges and Incidental Construction, as revised, or as directed by the District Maintenance Manager. Unsuitable material must be removed promptly from the work site by the permittee or his Contractor. Backfill around tree roots shall be placed carefully, tamped and puddled to prevent air pockets, root damage or settlement.

Compaction tests of the completed trench backfill may be required prior to the installation of the pavement replacement to ensure that this section’s requirements are strictly enforced. Where broken stone bedding is used around the pipe, provision shall be made to physically prevent the encroachment into the voids between the stones of fine material present in the trench backfill material. This may be accomplished by covering the stone with an acceptable plastic sheeting or equivalent material.

(Effective August 27, 1992)

Sec. 13b-17-36. Temporary pavement repairs and improved shoulder repairs

As soon as the excavations have been backfilled and tamped, the pavement shall be replaced temporarily by the permittee. The temporary pavement shall consist of bituminous concrete mixture approved by the Inspector, compressed to a minimum depth of two inches on a base in accordance with current Standard Specifications for Roads, Bridges and Incidental Construction, as revised. The surface of the temporary pavement shall not extend above or below the surface of the surrounding permanent pavement and shall be reasonably

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smooth. The permittee shall be responsible for the temporary pavement and shall keep this pavement in repair until the permanent surface can be replaced. Additional material shall be added, as necessary, as the backfill settles. In any case, if the permittee does not maintain the temporary pavement adequately, the District Maintenance Manager will make the necessary repairs to prevent accidents and the permittee will be charged by the State for this work, with a minimum charge of \$400 per incident.

(Effective August 27, 1992)

Sec. 13b-17-37. Period of settling

Depending upon the character of the excavation, the depth, the kind of material used in backfilling, the degree of compactness obtained and other conditions, an Inspector may require that the temporary pavement repair of an excavation be maintained until he/she is satisfied that the settlement of the backfill material is practically complete and that the permanent repair can be made without creating a hazard to the users of this highway.

(Effective August 27, 1992)

Sec. 13b-17-38. Making repairs on roadsides

In the area between the edge of the shoulder and right-of-way line, backfilled material shall be tamped in excavations in the manner previously described until flush with the surrounding ground surface. Excess material, roots, stones and debris shall be removed by the permittee and all areas affected by his operations shall be left in a neat and orderly condition. As the backfilled material settles, additional material shall be placed by the permittee from time to time, as required, to keep the surface reasonably even. After the settlement is completed, the excavated area shall be left by the permittee in as good a condition as before the work started.

Where the operations of the permittee are expected to disturb gardens, lawns or shrubs, the permittee shall secure the District Maintenance Manager's approval, in advance, as to the method of accomplishing the work. The District Maintenance Manager shall designate, at that time, what part, if any, of the removal and restoration shall be done by the State, at the permittee's expense. The permittee shall be responsible for the cost of reestablishing lawns or turfed areas and shall not be relieved of this responsibility until the grass on the seeded or turfed areas has attained a uniformly dense growth with a height of at least three inches.

Grass seed used by the permittee shall be in accordance with State of Connecticut Standard Specifications for Roads, Bridges, and Incidental Construction as revised regarding purity, germination, seed varieties by weight and application rate. Grass seed may be applied by hand or by cyclone-type distributor. In established lawn areas, the permittee may be required to reestablish disturbed areas with suitable sod.

Fertilizer of the commercial type and lime should be applied to the seed bed as required by soil conditions.

Seeding will not be permitted between July 1 and August 15, unless specifically

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authorized by the District Maintenance Manager.

Loam, when supplied by a permittee, shall consist of loose, friable material without the admixture of subsoil, refuse, rocks, weeds or any other material which will prevent or interfere with the formation of a suitable seed bed. Prior to stripping, it shall have demonstrated by the occurrence of healthy crops, grass or other vegetative growth upon it, that it is of good quality and reasonably well-draining. The permittee shall inform the Permit Inspector of the source of the topsoil prior to transporting it to the project, to afford the State Bureau of Highways the opportunity to examine it. Any loam spilled on the surface of the State highway during haulage shall be removed promptly, before it becomes compacted by traffic. Such material, when removed, must not be cast upon the roadsides.

(Effective August 27, 1992)

Sec. 13b-17-39. Responsibility for replacement of pavement, shoulders and other parts of the highway

Portions of the highway damaged by the permittee's operations shall be repaired or replaced to the satisfaction of the District Maintenance Manager at the permittee's expense. In excavated areas where concrete pavement had been overlaid with bituminous concrete, the District Maintenance Manager will determine whether Portland cement concrete or pre-mixed bituminous concrete will be used for the permanent repair.

The replacement of highway signs, highway monuments and all historical monuments shall be performed by the Transportation Department at the permittee's expense.

(Effective August 27, 1992)

Sec. 13b-17-40. Quality of construction and repair work

Construction, repair and maintenance work done by a permittee shall be of the highest grade and materials used shall be of the best quality for each class of work performed. All work shall conform to the specifications of the Department and to recognized standards of construction, repair and maintenance, and must be acceptable to the District Maintenance Manager.

(Effective August 27, 1992)

Sec. 13b-17-41. Final inspection, acceptance of work and closing out of permits

Final inspection of work performed under permit will be made by the applicable District personnel. The purpose of such inspection is to ascertain whether the work has been performed according to the terms of the permit and in a manner satisfactory to the Department. In any case, before the work will be accepted, the traveled way, shoulders, roadside, ditches and other parts of the highway must be placed in as good a condition as before the work was started.

(Effective August 27, 1992)

Sec. 13b-17-42. Refusal to do acceptable work

If, at any time, a permittee refuses or neglects to conduct the work or furnish material as directed, the Permit Inspector shall stop the work immediately, and shall cause the permittee to arrange for a change of workmen, materials and methods. If the permittee thereafter refuses to comply with the instructions of the Permit Inspector, the District Maintenance Manager, through the Transportation Commissioner, may revoke the permit and restore the highway right-of-way and charge the permittee for all costs of this work.

(Effective September 2, 1980)

Sec. 13b-17-43. Revoking permits

Any permit issued by the Department of Transportation is revocable immediately upon written notification to the permittee by the District Maintenance Manager.

(Effective August 27, 1992)

Sec. 13b-17-44. Keeping drainage system open

The work performed under permit shall be planned and carried out so that the drainage system of the highways is effective at all times. Any costs for damages arising from the failure of a permittee to properly keep culverts, ditches, catch basins or any other drainage device from becoming obstructed must be borne by the permittee, and the deposit guarantee or performance bond shall be held by the Department until such damages are paid. When it is necessary to use a ditch or gutter area for the storage of excavated materials, supplies, construction materials or equipment, pipe or culvert of sufficient size adequate to handle normal runoff shall be placed temporarily in the ditch or gutter before the work starts. Extreme care must be exercised to see that such culverts are kept clean at all times.

(Effective August 27, 1992)

Sec. 13b-17-45. Protecting tree roots

The greatest care shall be exercised to protect tree roots from damage, not only when excavating but also on all subsequent operations of construction and backfilling. Power machinery, such as trench diggers and shovels, shall not be allowed to operate within the root areas of trees in State highways except when specifically authorized by the Department. When roots are encountered near the base of a tree, the permittee will be required to tunnel under the root systems as directed by the Inspector. When earth has been removed from around tree roots, the roots shall be protected by wrapping with burlap or by covering with mulch. When excavated materials must be piled around the base of trees, the trunks shall be wrapped with burlap from the ground surface to a height well above that of the materials. No stones, metal products, lumber or other hard substances shall be piled in direct contact with burlap so placed. A section of trench passing within the confines of the crown spread of any tree shall be backfilled with a soil having texture and fertility sufficient to sustain plant life. No rubbish or rock shall be placed in this area at any time. Where trench sheeting or bracing is necessary within the root areas of trees on State highways, it shall be placed

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so that the root systems sustain the least damage.

(Effective November 1, 1974)

Sec. 13b-17-46. Detours

When, in the opinion of the District Maintenance Manager, the pavement of a State highway may be obstructed by the permit applicant's proposed operations to such extent as to unduly restrict public usage or make hazardous its use and a parallel town road bypass is available, the following procedures shall apply:

(1) The permit applicant shall secure written permission from the town to establish a temporary detour via town roads. Any commitment made to the town and all expenses incurred by the permittee as a result of the establishment, use and restoration of said detour shall be the entire responsibility of the permittee.

(2) The permittee shall notify the State and local police and local fire department of the layout and expected time of use of the detour.

(3) Upon receipt of a written statement from the town that it has authorized a permittee to establish a detour, the permittee, at his own expense, shall supply and maintain such signs and other traffic controls as may be required on the detour.

(4) Unless the District Maintenance Manager grants special permission to the contrary, the permittee shall close all excavations in the State highway right of way by the end of the work day and the right of way shall not be obstructed or restricted from sunset to sunrise. If special permission is granted by the District Maintenance Manager to allow an excavation to remain open overnight, the special precautions described under "SAFETY TO TRAFFIC" shall be rigidly enforced. Safety regulations apply to pedestrians as well as vehicle operators.

(5) Preliminary to the detouring of State highway traffic to the local road bypass, an inspection shall be made by representatives of the State, town and permittee to determine the adequacy of the signs and the structural condition of the town roads concerned. A second inspection shall be made by the same persons when the detour is terminated so that there will be agreement as to the extent of repairs to be made by the permittee to restore the conditions equal to those existing prior to the establishment of the detour.

(6) Before the permittee shall be released from his/her obligations under the terms of his/her permit he/she must present to the District Maintenance Manager a statement, in writing, from the town or municipal government indicating that he/she has fulfilled the conditions stipulated by the local government when he/she was granted authority to establish the town road detour.

(Effective August 27, 1992)

Sec. 13b-17-47. Repealed

Repealed August 27, 1992.

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Sec. 13b-17-48—13b-17-99. Reserved

**Rail Regulatory Activities Initiated Pursuant to Chapters 278, 279 and 280 of the
Connecticut General Statutes**

Sec. 13b-17-100—13b-17-155. Repealed

Repealed October 6, 1997.

Rules of Practice

ARTICLE ONE

GENERAL PROVISIONS

Part 1

Scope and Construction of Rules and Conduct

Sec. 13b-17-100a. Procedures governed

Sections 13b-17-100a through 13b-17-152a, inclusive, of the Regulations of Connecticut State Agencies govern practice and procedures before the Department of Transportation, in all contested cases and proceedings on petitions, regulations or declaratory rulings under the applicable laws of the State of Connecticut.

(Adopted effective October 6, 1997)

Sec. 13b-17-101a. Definitions

As used in sections 13b-17-100a to 13b-17-152a, inclusive, of the Regulations of Connecticut State Agencies for the purpose of these sections:

- (1) “Agency” means the Department of Transportation.
- (2) “Annexed materials” means any and all documents, petitions, exhibits, data, models, illustrations and other materials that the petitioner deems necessary and desirable to support the granting of an application.
- (3) “Appellant” means a person who takes an appeal to the commissioner from any transit district within the State of Connecticut.
- (4) “Applicant” means a party applying for any license, permit, certificate, or authority from the commissioner.
- (5) “Case-in-chief” means the main part of a person’s case when all of the evidence that will be used in support of his case is submitted to the commissioner.
- (6) “Citation” means a notice served upon a holder of a license, permit, or certificate alleging a violation of a statute, regulation, license or order administered or issued by the commissioner or any other violation relevant to the licensed activity, based upon a complaint initiated by any person or the agency.

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(7) “Commissioner” means the commissioner of transportation or his designee.

(8) “Complainant” means any person who complains to the commissioner of any act or omission in violation of statutes or regulations within the jurisdiction of the commissioner or an order of the commissioner.

(9) “Document” means and includes, but is not limited to, applications, briefs, complaints, correspondence, exhibits, forms, lists, memoranda, motions, notices petitions and all other written material filed for the purpose of any proceeding before the commissioner.

(10) “Hearing” means that portion of the agency’s procedures required by law in the disposition of matters delegated to the commissioner’s jurisdiction wherein an opportunity for a presentation of evidence and argument occurs, which is preceded by due notice and which includes both an opportunity present such written and oral testimony and argument as the presiding officer deems appropriate and an opportunity for parties to examine and cross-examine any witness giving testimony therein. Any such hearing shall be a public hearing.

(11) “Motion” means any procedural request to the commissioner as part of a proceeding.

(12) “Operator” means a holder of a license granted by the order of the commissioner which authorizes activities under the jurisdiction of the agency.

(13) “Operating Authority” means any license granted to an operator by the order of the commissioner which authorizes activities under his jurisdiction.

(14) “Petition” means a request to the commissioner to take formal action pursuant to chapter 54 of the Connecticut General Statutes.

(15) “Petitioner” means a person who has filed a petition with the commissioner.

(16) “Proceeding” means the regular and orderly progress of agency action pursuant to chapter 54 of the Connecticut General Statutes.

(17) “Representative” means an attorney at law, duly admitted to practice before the Superior Court of the State of Connecticut or any other person who appears before the agency in any hearing or proceeding, on behalf of a party or intervenor.

(18) “Respondent” means a person against whom an order or a citation is directed. (19) “Statute” means appropriate and applicable sections of the Connecticut General Statutes, as revised.

(19) “Statute” means appropriate and applicable sections of the Connecticut General Statutes, as revised.

(Adopted effective October 6, 1997)

Sec. 13b-17-102a. Applicability, purpose and construction

(a) Sections 13b-17-100a to 13b-17-152a, inclusive, of the Regulations of Connecticut State Agencies, shall govern in all agency proceedings except that other substantive regulations of the agency, which are specific to certain proceedings, shall take precedence. Other procedural regulations of the agency which impose requirements in addition to those imposed by said sections shall also apply.

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(b) As used in this section, words in the singular include the plural, words in the feminine include the masculine or neuter and vice versa, as the case may be.

(c) Sections 13b-17-100a through 13b-17-152a, inclusive, of the Regulations of Connecticut State Agencies shall apply on and after their effective date to every agency hearing or proceeding, whether such hearing or proceeding commenced before or after such effective date, except where application to a hearing or proceeding that commenced before such effective date would unavoidably result in unfairness to any party or intervenor or would prejudice the public health, safety or welfare.

(Adopted effective October 6, 1997)

Sec. 13b-17-103a. Construction and amendment

Sections 13b-17-100a through 13b-17-152a, inclusive, of the Regulations of Connecticut State Agencies shall be so construed by the commissioner so as to secure the just and speedy determination of the issues presented in hearings and proceedings.

(Adopted effective October 6, 1997)

Sec. 13b-17-104a. Computation of time

In computing any period of time prescribed or allowed by sections 13b-17-100a to 13b-17-152a, inclusive, of the Regulations of Connecticut State Agencies, or by an order, ruling, proposed final decision, final decision, regulation, license or other action of the commissioner, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, a Sunday or a state designated holiday, in which case the last day shall be the day immediately following said Saturday, Sunday or state designated holiday which is not a Saturday, Sunday or state designated holiday.

(Adopted effective October 6, 1997)

Sec. 13b-17-105a. Extension of time

At the discretion of the commissioner, for good cause shown, any time limit prescribed or allowed by sections 13b-17-100a to 13b-17-152a, inclusive, of the Regulations of Connecticut State Agencies, may be extended, except where specified or prohibited in the Connecticut General Statutes. All requests for extensions shall be made before the expiration of the period originally prescribed or as previously extended. The commissioner shall cause all parties to be notified of the action upon any such motion.

(Adopted effective October 6, 1997)

Sec. 13b-17-106a. Date of filing

The submission of all notices, correspondence, memoranda, motions, exhibits, briefs, petitions, complaints, applications or any other document shall be deemed to have been filed on the date they are stamped at the agency office as described in subsection (c) of

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section 13b-17-117a.

(Adopted effective October 6, 1997)

Sec. 13b-17-107a. Effect of filing

(a) The filing with the agency of any document, or any other filing of any nature whatsoever shall not relieve any person of the obligation to comply with any statute, regulation or order of the commissioner.

(b) Unless the commissioner provides otherwise in writing, accepting the filing of any non-conforming document of any kind whatsoever, shall not be construed as a waiver of compliance with sections 13b-17-100a to 13b-17-152a, inclusive, of the Regulations of Connecticut State Agencies.

(c) Any document filed pursuant to said sections shall be public record, except when expressly excluded by state or federal law.

(d) All cited deficiencies in any filed document shall be corrected by the party filing the document, and if ordered, within the time period so designated by the commissioner. Failure to correct cited deficiencies in the manner directed by the commissioner or in the time period so stated, shall be grounds for denying or rejecting an application or filing for lack of proper submission.

(Adopted effective October 6, 1997)

Sec. 13b-17-108a. Acceptance or rejection of filing non-waiver

(a) By accepting the filing of any document of any kind, whatsoever, the commissioner shall not have waived any failure to comply with sections 13b-17-100a to 13b-17-152a, inclusive, of the Regulations of Connecticut State Agencies. Where appropriate, the commissioner may reject any filing or require the amendment of said filing.

(b) Where the regulations of the agency require that specific exhibits or data be prepared and submitted as part of any petition or application, and the petition or application is not in compliance with the regulations of the agency or the law as enumerated in the statutes, the commissioner may reject and return to the sender any petition or application that the commissioner finds to have failed to comply with such criteria for the submission of information pursuant to this section and section 13b-17-118a.

(Adopted effective October 6, 1997)

Sec. 13b-17-109a. Consolidation

Proceedings involving related questions of law or fact may be consolidated in the discretion and as directed by the commissioner.

(Adopted effective October 6, 1997)

Sec. 13b-17-110a. Rules of conduct of parties, intervenors and representatives

(a) A party or intervenor may appear in person or by representative. The representative shall be deemed to have appeared as the agent of said party or intervenor. Each party,

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intervenor or representative thereof shall promptly file, with the agency, a written notification of appearance. Any person appearing on behalf of the party or intervenor is deemed to be authorized to act on behalf of said party or intervenor.

(b) Each person making an appearance before the commissioner is subject to the agency's regulatory jurisdiction in connection with any hearing and shall promptly notify the agency, in writing, in order that same may be made a part of the record.

(c) The Rules of Professional Ethics and the Code of Judicial Conduct as adopted and approved by the Judges of the Superior Court shall govern the conduct of all attorneys in any proceeding before the agency on behalf of any public or private person, firm, corporation or association.

(d) Any attorney, agent, representative or any other person present at any proceeding before the agency who engages in disruptive behavior or misconduct that prevents or disrupts an orderly hearing or proceeding may be removed from or limited in further participation, at the discretion of the commissioner.

(e) Any person who testifies falsely to any material fact in any contested case wherein he has given oath or affirmation or who willfully falsifies any account, book, paper, record, report, financial statement or any other exhibit that is made a part of the record in any contested case with the intent to mislead or deceive the commissioner shall be referred to the state's attorney for prosecution, as provided by law.

(Adopted effective October 6, 1997)

Sec. 13b-17-111a. Client absenteeism

Party or intervenor status shall not be granted to any person, whether represented or not, seeking such status unless the person seeking status is present at the hearing.

(Adopted effective October 6, 1997)

Sec. 13b-17-112a. Time of commencement of proceeding

The commencement of each proceeding shall differ when considering the following:

(1) **Contested Case:** Upon the date of service of the initial notice of hearing wherein a party's rights, duties, and privileges are to be determined;

(2) **Declaratory Ruling:** Upon receipt of filing of petition requesting a declaratory ruling from the agency;

(3) **Reconsideration of Final Decision:** Upon receipt of filing of petition requesting reconsideration, or upon the commissioner's own motion;

(4) **Adoption, Repeal or Amendment of Regulation:** Upon receipt of filing of petition requesting adoption, repeal or amendment of a regulation, or upon the commissioner's own motion.

(Adopted effective October 6, 1997)

Sec. 13b-17-113a. Record

The agency shall maintain the official record of all hearings or proceedings and the record

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shall be kept in accordance with chapter 54 of the Connecticut General Statutes.

(Adopted effective October 6, 1997)

Sec. 13b-17-114a. Recording

Any interested person may, after giving notice to the commissioner at least five (5) days prior to the commencement of a hearing, record any portion of a proceeding subject to the direction of the commissioner. The commissioner may limit the number of recording devices in any hearing. These recordings shall not be deemed to be an official record of the agency.

(Adopted effective October 6, 1997)

Sec. 13b-17-115a. Sanctions

If a party or intervenor has failed to comply with an order of the presiding officer that such party or intervenor comply with a request for production, the presiding officer may make such order as the ends of justice require. Such orders may include the following:

- (1) The denial of the petition or application of the party failing to comply;
- (2) The entry of an order that the matters regarding which the discovery was sought or other related facts shall be taken to be established for the purposes of the action in accordance with the claim of the party or intervenor obtaining the order;
- (3) The entry of an order prohibiting the party who has failed to comply from introducing designated matters into evidence;
- (4) The limitation of participation by the party or intervenor who has failed to comply in the hearing on issues or facts relating to the discovery sought;
- (5) The enforcement of the order in court.

(Adopted effective October 6, 1997)

Part 2

Formal Requirements

Sec. 13b-17-116a. Office

The office of the agency where all correspondence of any nature shall be filed, including service upon the commissioner, and where all official business and all hearings shall be conducted, unless otherwise notified, shall be at the Department of Transportation, 2800 Berlin Turnpike, Newington, Connecticut. The mailing address is 2800 Berlin Turnpike, P.O. Box 317546, Newington, Connecticut, 06131-7546. The office hours are from 8:30 a.m. to 4:30 p.m. Monday through Friday, excepting Saturdays, Sundays, and state designated holidays.

(Adopted effective October 6, 1997)

Sec. 13b-17-117a. Service of process

- (a) **General rule.** Service of all documents and other papers filed in all hearings and

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proceedings, including but not limited to motions, petitions, applications, notices, briefs, and exhibits shall be by personal delivery or by first class mail, except as otherwise designated by the commissioner.

(b) **On whom served.** In addition to the filing requirements of subsection (a) of this section, one copy of each document served on the commissioner in any hearing or proceeding, by a party, intervenor or representative thereof, shall be served on every person who has requested party or intervenor status or after such a determination, has been designated a party or intervenor in the hearing or proceeding. Certification of such service shall be endorsed on any and all documents and other papers when filed with the commissioner.

(c) Service upon the commissioner, of any document, shall be effective upon receipt at the office of the agency as designated by the official date stamp.

(d) **Service of written notice.** Written notice of all orders, decisions or authorizations issued by the commissioner shall be given to all parties, by personal service upon such person, by bulk certified first class mail or by certified first class mail, or such other method as the commissioner determines, in accordance with the Connecticut General Statutes.

(Adopted effective October 6, 1997)

Sec. 13b-17-118a. Formal requirements as to documents and other papers filed in hearings and proceedings

(a) **Copies.** Except for routine correspondence and inquiries by the public, and as may be otherwise required by sections 13b-17-100a to 13b-17-152a, inclusive, of the Regulations of Connecticut State Agencies, or by any other regulations of the commissioner or as ordered or expressly requested by the commissioner, the original of such documents shall be furnished to the commissioner. In addition to the original, there shall also be filed with the agency, four (4) copies, unless a greater or lesser number of such copies is expressly requested by the commissioner.

(b) **Form.** Except for such forms as may from time to time be provided or adopted by the commissioner and used where appropriate, all documents shall be on only one side of an eight and one half by eleven (8½" x 11") inch paper, and shall be double spaced. Copies shall be mimeographed, multigraphed, photoduplicated or similarly reproduced and will be accepted provided all copies filed are clear and permanently legible.

(Adopted effective October 6, 1997)

Sec. 13b-17-119a. Electronic filing

No document submitted to the agency, pursuant to an order, may be electronically filed without the commissioner's prior consent.

(Adopted effective October 6, 1997)

Sec. 13b-17-120a. Identification of communications

When the subject matter of any document or any other filing pertains to a hearing or

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proceeding pending before the commissioner, the title and the docket number of the hearing or proceeding shall be clearly designated on each and every page of said document or other filing pertaining thereto.

(Adopted effective October 6, 1997)

Sec. 13b-17-121a. Calendar of hearings

The agency shall maintain a calendar of all hearings. Hearings shall be placed on the hearing calendar in the order in which they are docketed, unless otherwise directed by the commissioner. Hearings shall be placed on docket only when the application has been deemed complete by the commissioner.

(Adopted effective October 6, 1997)

Sec. 13b-17-122a. Agency action

The agency on its own motion, may initiate an investigation or fact-finding proceeding as it deems necessary or upon the receipt of any notice of complaint by any person concerning any matter within the agency's jurisdiction.

(Adopted effective October 6, 1997)

Sec. 13b-17-123a. Voluntary withdrawal of proceedings

An applicant may withdraw an application at any time, and a petitioner for a declaratory ruling under section 4-176 of the Connecticut General Statutes, as amended, may withdraw the petition at any time. Upon withdrawal of an application or petition, said proceeding shall be deemed terminated. Upon termination of any proceeding, all procedural orders issued by the commissioner are null and void. Any fee, submitted with an application or petition, as required by statute or regulation, shall be considered forfeited to the agency upon withdrawal of said application or petition.

(Adopted effective October 6, 1997)

Sec. 13b-17-124a. Failure to pursue in a timely manner

When the agency is prepared to go to hearing and notifies the applicant or petitioner, and the applicant or petitioner refuses or is unprepared to go forward, said matter shall be placed at the end of the docket file. If a matter is subsequently called for hearing and the applicant or petitioner again refuses or is unprepared to go forward, said matter shall be deemed a voluntary withdrawal in accordance with section 13b-17-123a.

(Adopted effective October 6, 1997)

Sec. 13b-17-125a. Time for submission of documents

Submission of any document in support of any party's case shall be made within seven (7) days, unless otherwise prescribed by specific provisions of sections 13b-17-100a to 13b-17-152a, inclusive, of the Regulations of Connecticut State Agencies, prior to the

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commencement of any hearing or as otherwise directed by the commissioner.

(Adopted effective October 6, 1997)

Sec. 13b-17-126a. Motions

(a) All motions shall (1) be in writing unless made orally on the record, (2) state with particularity the grounds therefore and (3) set forth the relief or ruling sought.

(b) Any party, intervenor or representative thereof, may file a response supporting or opposing the motion within ten (10) days of service of a written motion or such other time as the commissioner may prescribe. The movant shall have no right to reply.

(c) The movant shall have the burden of demonstrating that the relief or ruling sought in the motion should be granted.

(Adopted effective October 6, 1997)

Part 3

Application for Authorization

Sec. 13b-17-127a. General rule

(a) Petitions and applications placed before the agency pursuant to law, including but not limited to petitions for declaratory ruling, petitions for the adoption, amendment or repeal of regulations and applications for any license, shall include any and all proposals and requests, with all required filings of whatever nature.

(b) The petition or application and annexed materials may be treated by the commissioner as a substantially complete statement of the case in chief of the applicant or petitioner and shall be submitted in accordance with section 13b-17-128a.

(Adopted effective October 6, 1997)

Sec. 13b-17-128a. Required components, generally

(a) **Form** – The form to be followed in the filing of petitions and applications pursuant to sections 13b-17-100a to 13b-17-152a, inclusive, of the Regulations of Connecticut State Agencies will vary to the extent necessary to provide for the nature of the legal rights, duties or privileges involved therein. In addition to the special provisions for particular types of petitions and applications as described in said sections and provided by statute, all petitions and applications shall include the following:

(1) a statement setting forth clearly and concisely the authorization and relief sought. The statement shall cite by appropriate reference the statutory provision or other authority under which such authorization or relief is to be granted by the commissioner.

(2) the exact legal name of each person seeking the authorization and relief and the address or principal place of business of each such person. If any applicant or petitioner is a corporation, trust, association or other organized group, it shall also give the state under the laws of which it was created or organized.

(3) the name, title, address and telephone number of the representative to whom

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correspondence or communications in regard to the applicant or application shall be addressed. Notice, orders and other papers may be served upon the person so named; and such service shall be deemed to be service upon the petitioner or applicant.

(4) a concise and explicit statement of the facts on which the commissioner is expected to rely in granting the authorization and relief sought.

(5) an explanation of any unusual circumstances involved in the petition or application to which the commissioner will be expected to direct particular attention, including the existence of emergency conditions or any request for the granting of interlocutory relief by way of an interim order in the proceeding.

(6) as to all applications for operating authority, there shall be submitted the results of a criminal history conviction information search provided by the state police in the state in which each of the following resides to the extent that such search is authorized by the Connecticut General Statutes for such authority: (A) where the proposed operator or transferee is an unincorporated sole association, each proprietor, partner and association member; (B) where the proposed operator or transferee is incorporated, or a limited liability company, each officer of the corporation, each person owning ten (10%) per cent or more of the outstanding debt or equity of the operator or transferee, and each member or the manager of the limited liability company.

(b) **Additional evidence submitted.** The enumeration of required items set forth in subsection (a) of this section as the minimum application or petition submission shall not preclude the submission of additional evidence in accordance with sections 13b-17-100a to 13b-17-152a, inclusive, of the Regulations of Connecticut State Agencies, at the discretion of the commissioner.

(Adopted effective October 6, 1997)

Sec. 13b-17-129a. Original records

When the commissioner so requires, any party, intervenor or representative thereof shall furnish or make available to the commissioner, witnesses, records, physical evidence, papers and documents relative to a proceeding in accordance with chapter 54 of the Connecticut General Statutes. Failure to comply with the commissioner's request shall result in action pursuant to section 13b-17-115a.

(Adopted effective October 6, 1997)

Sec. 13b-17-130a. Fees

All application fees or other charges required or authorized by law shall be payable to the Treasurer, State of Connecticut, at the time that the application is filed. Any fees submitted with an application shall be non-refundable.

(Adopted effective October 6, 1997)

Sec. 13b-17-131a. Subsequent filing of application

A final decision or judgment shall have been rendered and become effective before any

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applicant may file a subsequent application seeking additional operating authority of the same type of service, in the same or overlapping territory which is the subject of the pending proceeding.

(Adopted effective October 6, 1997)

Sec. 13b-17-132a. Waiver of rules

At the discretion of the commissioner or any presiding officer where good cause appears, the commissioner or any presiding officer may permit deviation from sections 13b-17-100a to 13b-17-152a, inclusive, of the Regulations of Connecticut State Agencies, except where specified or prohibited in the Connecticut General Statutes.

(Adopted effective October 6, 1997)

ARTICLE II

CONTESTED CASES

Part 1

GENERAL PROVISIONS

Sec. 13b-17-133a. Purpose of hearing

The purpose of a hearing in a contested case shall be to provide all parties whose legal rights, duties and privileges are to be determined, an opportunity to present evidence and arguments on all issues.

(Adopted effective October 6, 1997)

Sec. 13b-17-134a. Place of hearing

Unless a different place is designated by direction of the commissioner, all hearings shall be held at the office of the Department of Transportation, pursuant to section 13b-17-116a. The commissioner shall give written notice, as required by law, by newspaper publication and by any other means as the commissioner deems appropriate and advisable.

(Adopted effective October 6, 1997)

Sec. 13b-17-135a. Date and time of hearing

All hearings shall commence at the specific date and time designated by the commissioner. Failure of any party, intervenor, petitioner or representative thereof to appear at the designated date and time of such hearing as specified by the commissioner within thirty (30) minutes of noticed time for such hearing may result in the imposition of sanctions pursuant to section 13b-17-115a.

(Adopted effective October 6, 1997)

Sec. 13b-17-136a. Order of procedure at hearings

(a) In hearings on complaints, applications and petitions, the party that shall open and close the presentation of any part of the matter shall be the complainant, applicant or petitioner. In a case where the opening portion has already been submitted in written form as provided by sections 13b-17-100a to 13b-17-152a, inclusive, of the Regulations of Connecticut State Agencies, the applicant shall open with the introduction into evidence of said written information previously submitted and the hearing shall then continue with the cross examination of persons who have given written testimony.

(b) In the event that any person has given written testimony and has been subpoenaed but is not available for such cross examination at the time and place directed by the commissioner, all of such written testimony may be stricken from the record at the direction of the commissioner.

(Adopted effective October 6, 1997)

Sec. 13b-17-137a. Burdens of proof

In a proceeding on an application, the applicant shall have the burden of going forward with evidence and the burden of persuasion with respect to each issue which the commissioner is required, by law, to consider in deciding whether to grant or deny the application.

(Adopted effective October 6, 1997)

Part 2

NOTICE, BILL OF PARTICULARS

Sec. 13b-17-138a. Notice of hearing

(a) In a contested case, all parties shall be afforded an opportunity for hearing after reasonable notice. Reasonable notice shall be deemed to be written notice of the date and time of hearing sent by the agency no later than fourteen (14) days prior to the date of the hearing.

(b) Notwithstanding subsection (a) of this section, in a hearing on a citation, notice of such hearing shall not be less than fourteen (14) days prior to the date of the hearing on the citation.

(c) Nothing in sections 13b-17-100a to 13b-17-152a, inclusive, of the Regulations of Connecticut State Agencies shall preclude a summary suspension of a license pursuant to chapter 54 of the Connecticut General Statutes.

(Adopted effective October 6, 1997)

Sec. 13b-17-139a. Bill of particulars

Any party may request a bill of particulars containing a more definite and detailed statement of facts from the commissioner, no later than seven (7) days after notice is issued. Upon receipt of such request, if the commissioner finds that a more definite and detailed

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statement of such facts is necessary and appropriate, a bill of particulars shall be prepared as directed by the commissioner and a copy sent to each person requesting party or intervenor status.

(Adopted effective October 6, 1997)

Sec. 13b-17-140a. Disposition of case

Any contested case may be resolved by stipulation, agreed settlement, consent order or default upon the approval of such resolution by the commissioner.

(Adopted effective October 6, 1997)

Part 3

PARTIES, INTERVENORS AND REPRESENTATIVES

Sec. 13b-17-141a. Petition for designation as party or intervenor

(a) **Filing of Petition.** Any person who proposes to be named or admitted as a party to any proceeding shall comply with the requirements of chapter 54 of the Connecticut General Statutes.

(b) **Contents of Petition.**

(1) The petition shall state the exact legal name of each person seeking relief and the last known address of the residence or the principal place of business of each person. If petitioner has received operating authority from the commissioner, it shall attach to said petition a copy of its present operating authority along with a list of all motor vehicles presently registered to the petitioner under Title 14 of the Connecticut General Statutes relating to motor vehicles.

(2) The petition shall state the name, title, address and telephone number of the representative to whom correspondence or communication in regard to the petition is to be addressed.

(3) The petition shall further state the relief sought by petitioner; the statutory and regulatory authority for such petition; and the nature of the evidence, if any, to be presented at hearing.

(4) There shall be annexed to the petition, any exhibits, data, models, illustrations, and all other materials that the petitioner deems necessary and desirable to support the granting of the petition.

(5) Each petition shall certify that the applicant and all other known petitioners have received a copy of the petition and all materials annexed thereto.

(Adopted effective October 6, 1997)

Sec. 13b-17-142a. Persons not named as a party or intervenor

At the discretion of the presiding officer, any person or entity not named as a party or intervenor may be given the opportunity to present an oral or written statement. The

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presiding officer may require any such statement to be given under oath or affirmation.

(Adopted effective October 6, 1997)

Sec. 13b-17-143a. Requests for continuances

Continuances of any hearing may be granted upon motion of any party under the following circumstances:

- (1) When any party or representative of record for good cause is unable to attend and when a substitute representative cannot be provided; or
- (2) Other good cause as determined by the commissioner. Failure to adhere to this policy may result in the imposition of sanctions pursuant to section 13b-17-115a; and
- (3) No undue burden is placed upon the commissioner.

(Adopted effective October 6, 1997)

Part 4

AUTHORITY OF PRESIDING OFFICER

Sec. 13b-17-144a. Powers and duties of the presiding officer

(a) The presiding officer shall conduct a fair and impartial proceeding, assure that the relevant facts are fully elicited, adjudicate issues of law and fact and prevent delay and harassment.

(b) In addition to any other powers provided by law and limited to the proceeding for which the person is presiding officer, said presiding officer shall have the power to:

- (1) Determine the scope of the hearing;
- (2) Dispose of motions and requests;
- (3) Make all necessary or appropriate rulings with regard to evidentiary matters;
- (4) Administer oaths and affirmations;
- (5) Subpoena witnesses and evidence;
- (6) Examine witnesses and control the examination of witnesses;
- (7) Consolidate proceedings or portions thereof; and
- (8) Issue proposed or final decisions.

(Adopted effective October 6, 1997)

Sec. 13b-17-145a. Prehearing conferences

(a) The commissioner may on motion or on his own initiative and prior to a hearing, schedule and hold a prehearing conference among the parties and intervenors and the representatives thereof to:

- (1) Clarify and simplify factual and legal issues in dispute;
- (2) Rule on stipulations of facts and evidence;
- (3) Pre-mark exhibits to be offered or admitted into evidence;
- (4) Dispose of pending motions and disputes;
- (5) Take such other actions as may aid in the orderly and expeditious disposition of the

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proceeding.

(b) Each party and intervenor and representative thereof shall appear at the prehearing conference. Upon failure to appear without good cause, and at his discretion, the hearing officer may proceed with the conference and may make decisions concerning all matters for which the conference was scheduled. Such decisions shall bind all parties and intervenors.

(c) At least one representative of each party and intervenor participating in the prehearing conference shall have authority to enter into stipulations and to make admissions regarding all matters that the participants should reasonably anticipate may be discussed at said conference.

(d) After the prehearing conference, the presiding officer may issue a prehearing conference order. The prehearing conference order shall, unless modified by the hearing officer on the record, control the subsequent course of the proceeding.

(Adopted effective October 6, 1997)

Part 5

EVIDENCE

Sec. 13b-17-146a. Generally

Rules of evidence as set forth in section 4-178 of the Connecticut General Statutes shall govern all contested cases conducted by the agency.

(Adopted effective October 6, 1997)

Sec. 13b-17-147a. Advance submission of proposed evidence

(a) A party or intervenor shall, regardless of whether a prehearing conference is held, and unless an earlier filing is required by the presiding officer, or a later filing is allowed for good cause shown, file with the agency, no later than seven (7) days prior to the hearing an original and four (4) copies of all prepared testimony and/or exhibits and documents intended to be introduced as evidence in a hearing by any party or intervenor.

(b) A party or intervenor shall not call any witness as an expert witness unless such expert has been disclosed seven (7) days prior to the hearing. Said disclosure shall include his education, experience and the subject matter on which he will testify.

(c) At the time the party or intervenor files the proposed evidence with the agency, he shall serve a copy thereof on all of those who have petitioned the agency for party or intervenor status.

(d) The commissioner may admit into evidence any document or testimony which was not submitted or identified prior to the hearing in accordance with subsection (a) of this section, upon a showing of good cause as to why the evidence was not prefiled as required by said subsection (a). If the commissioner admits such document or testimony, he may grant a continuance to any party or intervenor prejudiced thereby.

(e) Nothing in this section shall require the agency to submit evidence to the respondent

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in advance of the date of a hearing on a citation.

(Adopted effective October 6, 1997)

Sec. 13b-17-148a. Limitation of witnesses and hearing time

(a) To avoid irrelevant, immaterial or unduly repetitious evidence, the commissioner may limit the number of witnesses or the time for testimony in the course of a hearing.

(b) Cross-examination may be conducted by a party, by the commissioner and by any other member of the agency connected with the contested case as the commissioner shall find to be required for a full and true disclosure of the facts, subject to subsection (a) of this section.

(Adopted effective October 6, 1997)

Sec. 13b-17-149a. Filing of added documents and exhibits

(a) The commissioner, prior to issuing a final decision, may request any additional documents or evidence during or after the hearing necessary for the disposition of the case. The commissioner may further investigate or order such investigation on any aspect of the evidence presented at the hearing in order that a just and equitable final decision is rendered.

(b) Within ten (10) days after the commissioner mails notification that such additional evidence has been received by the commissioner, a party may request an opportunity for cross examination. The commissioner may grant an opportunity for cross examination limited solely to such additional evidence.

(Adopted effective October 6, 1997)

Sec. 13b-17-150a. Notice of agency expertise

The commissioner shall employ the agency's experience, technical competence and specialized knowledge and expertise in evaluating the evidence at the hearing.

(Adopted effective October 6, 1997)

Part 6

ORAL ARGUMENT/RECONSIDERATION

Sec. 13b-17-151a. Requests for oral argument and/or written exceptions

If a proposed final decision is issued, any party may make written request for oral argument and/or may file with the commissioner written exceptions thereto within fourteen (14) days after mailing of the proposed final decision. Unless otherwise specified by the commissioner, exceptions shall state with particularity the party's objections to the proposed final decision, and may not raise legal issues or factual issues which could have been, but were not, raised at the hearing. A date and time shall then be set for oral argument and all parties shall have the opportunity to present their arguments for a time period of no more

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than fifteen (15) minutes, unless such other time period is allowed by the commissioner.

(Adopted effective October 6, 1997)

Sec. 13b-17-152a. Petition for reconsideration

(a) All petitions for reconsideration shall be submitted in accordance with section 13b-17-128a. The contents of the petition for reconsideration shall state:

- (1) the error of law or fact that should be corrected;
- (2) the new evidence that has been discovered and how it materially affects the merits of the case and why the evidence was not presented at hearing; or

- (3) good cause.

(b) The petition shall:

- (1) specifically state the relief sought by petitioner and the statutory and regulatory authority for such relief;

- (2) state the exact legal name of each person seeking to petition for relief and the last known address of the principal place of business of each person; and

- (3) state the name, title, address and telephone number of the representative or petitioner to whom correspondence or communication in regard to the petition is to be mailed.

(Adopted effective October 6, 1997)

Sec. 13b-17-153a—13b-17-199a. Reserved

ARTICLE III

DECLARATORY RULINGS

PETITION AS TO VALIDITY OR APPLICATION OF REGULATION OR FINAL DECISION

Sec. 13b-17-200a. Form of petition

(a) Any petition submitted pursuant to section 4-176 of the Connecticut General Statutes shall be sent to the office of the agency by mail or delivered in person during normal business hours. Such petition shall state with specificity:

- (1) the exact legal name of the Petitioner and the last known address of the principal place of business of each person;

- (2) the name, title, address and telephone number of the attorney or other person to whom correspondence in regard to the petition is to be mailed;

- (3) the substance and nature of the request; identifying the regulation, final decision or order concerning which the inquiry is made and shall identify the particular aspect to which the inquiry is directed.

(b) The request for declaratory ruling shall be accompanied by a statement of any supporting data, facts, and arguments that support the position of the person making the

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inquiry.

(Adopted effective October 6, 1997)

Sec. 13b-17-201a. Procedure after petition filed

(a) The agency may receive and consider data, facts, arguments and opinions from persons other than the petitioner.

(b) If the agency deems a hearing necessary or helpful in determining any issue concerning the request for a declaratory ruling, the agency shall schedule such hearing and give such notice thereof.

(c) If the agency conducts a hearing in a proceeding for a declaratory ruling, the provisions of subsection (b) of section 4-177c, section 4-178 and section 4-179 shall apply to the hearing.

(Adopted effective October 6, 1997)

Sec. 13b-17-202a. Procedural rights of persons with respect to petitions

With respect to any petition filed for a declaratory ruling, a person may request party or intervenor status in accordance with Section 13b-17-141a of the Regulations of Connecticut State Agencies or may participate in the proceeding in accordance with Section 13b-17-142a of the Regulations of Connecticut State Agencies.

(Adopted effective October 6, 1997)

Sec. 13b-17-203a—13b-17-225a. Reserved

ARTICLE IV

ADOPTION, AMENDMENT OR REPEAL OF REGULATION

Sec. 13b-17-226a. Generally

Any interested person may petition the agency requesting the adoption, amendment or repeal of any regulation.

(Adopted effective October 6, 1997)

Sec. 13b-17-227a. Form of petition

(a) The form for each petition for the adoption, amendment or repeal of a regulation shall include the following components:

- (1) a statement setting forth the statutory authorization for such petition;
- (2) the exact legal name of each petitioner and the last known address of the principal place of business or residence of each said petitioner. If the person is a corporation, it shall annex to said petition a copy of its certificate of incorporation from the Secretary of the State of Connecticut or sufficient evidence indicating the certificate of incorporation is forthcoming and a copy of its biennial report listing the names of directors and officers. If any petitioner is a general partnership, limited partnership or any other organized group, or

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has adopted a trade name, it shall set forth in the application the state under the laws of which it is created or organized and, where applicable, annex to said petition a copy of the trade name certificate that was recorded on land records of the headquarter's town, or sufficient evidence indicating the certificate is forthcoming;

(3) the name, title, address and telephone number of the representative to whom correspondence or communication, in regard to the petition, is to be mailed. Such individual shall be deemed an agent of said petitioner; and

(4) a discussion detailing views, issues, circumstances, facts and conclusions as to why said petitioner wishes to have a regulation adopted, amended or repealed.

(b) There shall be attached to the petition any and all exhibits, data, models, illustrations, affidavits and any other documents and materials that the petitioner deems necessary or desirable to support the granting of the petition.

(c) Within thirty (30) days after the submission of a petition, the agency either shall deny the petition in writing stating its reasons for the denial or shall initiate regulation-making proceedings in accordance with section 4-168 of the Connecticut General Statutes.

(Adopted effective October 6, 1997)

Sec. 13b-17-228a—13b-17-249a. Reserved

Clearances on Railroads with Reference To Side Structures and Parallel Tracks

Part I

Definitions

Sec. 13b-17-156. Definitions

For the purpose of these regulations, definitions as hereinafter prescribed will govern.

1. "Height of a freight car" is the distance between the top of the rail and the top of the running board.

2. "Side of a freight car" is that part or appurtenance of a car at the maximum distance measured at right angles from the center line of the car.

3. "Width of a freight car" is twice the distance from the center line to the side of the car as defined herein.

4. "Overhead clearance" is the normal distance from the plane of the top of the rails to a structure or obstruction above.

5. "Side clearance" is the shortest distance from the center line of track to a structure or obstruction at the side of track.

6. "Main track" is a track on which the authorized speed of train is in excess of thirty miles per hour.

(Effective October 3, 1979)

Part II

Overhead Clearances

Sec. 13b-17-157. Tracks entering buildings

Reserved

Sec. 13b-17-158. Side tracks

Reserved

Sec. 13b-17-159. Equipment for electric operation excepted

Reserved

Part III

Side Clearances

Sec. 13b-17-160. Applicability

Minimum side clearances from the center line of tangent railroad tracks, except as hereinafter prescribed, shall be as shown below.

(Effective October 3, 1979)

Sec. 13b-17-161. Minimum clearance, generally

All structures and obstructions above the top of the rail, except those hereinafter specifically mentioned, shall have a minimum side clearance of eight feet, six inches.

(Effective October 3, 1979)

Sec. 13b-17-162. Platforms

(a) Side clearances at freight platforms, except freight platforms adjacent to mainline or passing tracks, four feet or less above the top of the rail may be reduced to six feet, six inches on both sides of such track or on one side when the track center line distance to an adjacent track is not less than fourteen feet. A notice of limited clearance, approved by the commissioner of transportation, must be clearly posted at freight platform location with reduced clearance on both sides of the track.

(b) Platforms four feet, six inches or less above the top of the rail, when used principally for loading or unloading refrigerator cars, shall be constructed at least eight feet from the center line of track.

(c) Platforms previously constructed at less than the clearance herein prescribed may be extended at such existing clearance, unless extension is in connection with the reconstruction of the original platform.

(d) Low passenger platforms not over eight inches above the top of the rail shall not be less than five feet, two inches from the center line of track.

(e) High level passenger platforms not over four feet, two inches above the plane of the

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top of rails on adjacent track shall not be less than five feet, seven and one-half inches from the center line of track.

(Effective February 3, 1981)

Sec. 13b-17-163. Tracks entering buildings

Side clearances, other than for platforms, on sidings only, at entrances to and inside of warehouse and industrial buildings, shall be not less than eight feet from the center line of track.

(Effective October 3, 1979)

Sec. 13b-17-164. Switch boxes and equipment

Switch boxes, switch operating mechanisms and accessories, necessary for the control and operation of signals and interlockers, four inches or less above the top of rail shall be not less than three feet from the center line of track.

(Effective October 3, 1979)

Sec. 13b-17-165. Signal and switch stands

The center of signal and switch stands three feet or less above the top of the rail and located between tracks, when not practicable to provide clearances otherwise prescribed in these regulations, shall be not less than six feet from the center line of track.

(Effective October 3, 1979)

Sec. 13b-17-166. Bridges on main line tracks

The side clearances for through bridges carrying main line tracks may be decreased to the extent defined by a line extending from a point one foot vertically above the top of rail and five feet, nine inches laterally from the center line of track, then diagonally to a point three feet, nine inches vertically above the top of the rail and six feet, six inches laterally from the center line of track, then horizontally for a distance one foot, six inches at a height of three feet, nine inches above the top of the rail to a point eight feet from the center line of track, then vertically to conform with other sections of these regulations.

(Effective October 3, 1979)

Sec. 13b-17-167. Tunnels, water and oil columns

Tunnels, water columns and oil columns shall be not less than eight feet from the center line of track.

(Effective October 3, 1979)

Sec. 13b-17-168. Miscellaneous obstructions

The clearances for (a) water barrel platforms and refuge platforms on bridges and trestles not provided with walkways, (b) handrails, (c) water barrels, (d) water columns, (e) oil columns, (f) cattle guards and (g) stock chutes, when all or portions thereof are four feet or

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less above the top of the rail, may be decreased to the extent defined by a line extending diagonally upward from a point level with the top of the rail and five feet distant laterally from the center line of track to a point four feet above the top of the rail and eight feet distant laterally from the center line of track; provided the minimum clearance for handrails and water barrels on bridges with walkways shall be seven feet, nine inches, and provided the minimum clearance for fences of cattle guards shall be six feet, nine inches.

(Effective October 3, 1979)

Sec. 13b-17-169. Exception re handrails and water barrels

The lesser clearances authorized in Section these regulations, provided for handrails and water barrels, shall not be applicable to through bridges where the work of trainmen or yardmen requires them to be upon the decks of such bridges for the purpose of coupling and uncoupling cars in the performance of switching service on a switching load.

(Effective October 3, 1979)

Sec. 13b-17-170. Exception re mail cranes

The side clearances specified herein shall not apply to mail cranes during such time as the arms of such mail cranes are supporting a mail sack for delivery, provided the top arm is not then higher than ten feet, eight inches above the top of the rail and neither arm extends within six feet, five inches from the center line of track.

(Effective October 3, 1979)

Sec. 13b-17-171. Exception re fences

Side clearances specified herein shall not apply to intertrack fences located on the center line between tracks.

(Effective October 3, 1979)

Sec. 13b-17-172. Curved tracks

All minimum side clearances prescribed in this part are for tangent tracks. Structures adjacent to curved tracks shall have an additional minimum side clearance compensating for the curvature.

(Effective October 3, 1979)

Part IV

Overhead and Side Clearances

Sec. 13b-17-173. Decrease of clearances

Reserved

Sec. 13b-17-174. Exceptions

Reserved

Sec. 13b-17-175. Canopies over freight platforms

Reserved

Part V

Clearance Between Parallel Tracks

Sec. 13b-17-176. Main line and yard tracks, generally

The minimum distance between the center lines of parallel main line tracks shall be not less than thirteen feet and for yard tracks not less than fourteen feet, except as hereinafter provided.

(Effective October 3, 1979)

Sec. 13b-17-177. Tracks adjacent to main line or passing tracks

The center line of any track, except a main track or a passing track, parallel and adjacent to a main track or a passing track, shall be at least fifteen feet from the center line of such main track or passing track; provided, where a passing track is adjacent to and at least fifteen feet distant from the main track, any other track may be constructed adjacent to such passing track with clearance of not less than fourteen feet.

(Effective October 3, 1979)

Sec. 13b-17-178. Ladder tracks

The center line of any ladder track, constructed parallel to any other adjacent track, shall have a clearance of not less than eighteen feet from the center line of such other track, except that parallel ladder tracks shall have a clearance of not less than nineteen feet center line to center line.

(Effective October 3, 1979)

Sec. 13b-17-179. Team, house and industry tracks

The minimum distance between the center lines of parallel team, house and industry tracks shall be not less than thirteen feet.

(Effective October 3, 1979)

Sec. 13b-17-180. Extension of existing tracks

Tracks constructed prior to May 1, 1956, may be extended without increasing distances between tracks.

(Effective October 3, 1979)

Part VI

Other Conditions and Obstructions Adjacent to Tracks

Sec. 13b-17-181. Articles on adjacent ground or platform

No merchandise, material or other articles shall knowingly be permitted to remain piled or assembled on the ground or on platforms adjacent to any track at a distance less than eight feet, six inches from the center line of track.

(Effective October 3, 1979)

Sec. 13b-17-182. Walkways between tracks

The space between tracks ordinarily used by train and yardmen and other employees as a walkway in the discharge of their duties and the space beside such tracks within eight feet, six inches of the center line thereof shall be kept in a reasonably suitable condition for such purpose.

(Effective October 3, 1979)

Part VII

Lesser Clearances Created Prior to May 1, 1958

Sec. 13b-17-183. Minimum clearances on relocation or reconstruction

Except as otherwise provided, where the overhead or side clearances between a track and any building, structure or facility are less than the minimum prescribed in these regulations or by statute, but were created prior to May 1, 1956, the minimum clearances prescribed shall be provided whenever the building, structure or facility is relocated or reconstructed.

(Effective October 3, 1979)

Part VIII

Exemptions

Sec. 13b-17-184. Construction, maintenance and operation material or equipment

Nothing herein shall be construed as preventing the movement or distribution of material over tracks when such material is necessary in the construction or maintenance of such tracks, nor in the movement of special work equipment used in the construction, maintenance or operation of the railroad, provided such movements shall be carried on under conditions reasonably necessary to provide for the safety of all concerned.

(Effective October 3, 1979)

Sec. 13b-17-185. Engine houses, shops and facilities

The clearances provided in these regulations shall not apply to engine houses, shops or

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engine house facilities.

(Effective October 3, 1979)

Sec. 13b-17-186. Emergencies

No restricted clearance set out herein shall apply to temporary construction made necessary on any construction project or temporary emergency conditions caused by derailments, washouts or other unavoidable disasters.

(Effective October 3, 1979)

Sec. 13b-17-187—13b-17-299. Reserved

General Course and Method of Operation

Sec. 13b-17-300. Definitions

As used in sections 13b-17-300 to 13b-17-308, inclusive, of the Regulations of Connecticut State Agencies:

- (a) “Department” means the Department of Transportation.
- (b) “Commissioner” means the Commissioner of Transportation.
- (c) “Deputy Commissioner” means the Deputy Commissioner of Transportation.

(Effective July 7, 1998)

Sec. 13b-17-301. Description of organization

(a) The Department was established by the State Transportation Act in 1969, Public Act No. 768, which brought under one Department the responsibilities, functions, and resources of the Highway Department, the Department of Aeronautics, the Connecticut Transportation Authority, and the Commission of Steamship Terminals. The Department is responsible for all aspects of the planning, development, maintenance, and improvement of transportation in the State of Connecticut.

(b) The Department is headed by the Commissioner who is appointed by the Governor in accordance with the provisions of sections 4-5 to 4-8 of the Connecticut General Statutes. The Commissioner’s general powers, duties, and responsibilities are outlined in section 13b-4 of the Connecticut General Statutes.

(c) The Commissioner is assisted by the Deputy Commissioner. The Deputy Commissioner performs such duties and responsibilities as assigned by the Commissioner. In the event of the absence, disability, or disqualification of the Commissioner, the Deputy Commissioner performs all functions and has all powers and duties of the Commissioner.

(Effective July 7, 1998)

Sec. 13b-17-302. Office of the commissioner of transportation

The Commissioner’s staff is responsible for: (a) insuring compliance with affirmative action and equal opportunity laws and regulations in all operational areas and in all employment areas for both current and prospective employees; (b) coordinating all

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legislative activity in the Department; (c) gathering opinions of the public on the conduct of affairs of the Department and keeping the public informed through the media of the activities, progress, plans, public hearings, and services rendered by all bureaus of the Department; (d) providing the Commissioner with timely and effective financial and operational internal audits and reviews of all aspects of Department operations and providing security related functions; (e) coordinating all activities of the State Traffic Commission which is composed of the commissioners of Transportation, Motor Vehicles, and Public Safety; (f) administering consultant selection panel and negotiation panel activities; and (g) operation of the Department of Transportation Library.

(Effective July 7, 1998)

Sec. 13b-17-303. Bureau of aviation and ports

The Bureau of Aviation and Ports is responsible for all aspects of air and waterborne transportation falling under the jurisdiction of the Department, including but not limited to: (a) the development, maintenance, and operation of State-owned airports which include Bradley International, Groton-New London, Hartford-Brainard, Waterbury-Oxford, Windham, and Danielson; (b) the licensing and regulating of aviation facilities in the State; (c) the development of aviation safety programs in close liaison with the Federal Aviation Administration; (d) the licensing of pilots and shipping agents on Connecticut's navigable waters; and (e) operation of the Chester/Hadlyme and Rocky Hill/Glastonbury ferries and the State Pier in New London.

(Effective July 7, 1998)

Sec. 13b-17-304. Bureau of engineering and highway operations

The Bureau of Engineering and Highway Operations is responsible for all aspects of highway transportation falling under the jurisdiction of the Department, including but not limited to: (a) the design, construction, maintenance, and operation of the State highway system; (b) the design and construction of facilities for all modes of transportation; (c) real property acquisition on all types of transportation projects; (d) sales and leases of State land for the Department; and (e) managing National Highway Safety and Federal Highway Safety Program grants to cities, towns, municipalities, and other State agencies.

(Effective July 7, 1998)

Sec. 13b-17-305. Bureau of finance and administration

The Bureau of Finance and Administration is responsible for the general administrative functions of the Department including: fiscal services; information systems; property and facility services; contract administration; purchasing and stores; external audits; personnel; training; and employee safety.

(Effective July 7, 1998)

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Sec. 13b-17-306. Bureau of policy and planning

The Bureau of Policy and Planning is responsible for long and short-range planning, managing federal planning and research programs, providing capital transportation policy and assuring that the Department's programs, plans, and projects meet the environmental requirements of State and federal statutes and regulations.

(Effective July 7, 1998)

Sec. 13b-17-307. Bureau of public transportation

The Bureau of Public Transportation is responsible for the development, maintenance, operation, regulation, and oversight of safe and efficient transportation services for the movement of people and goods by land that fall under the jurisdiction of the Department, including but not limited to transportation by rail, bus, ridesharing, and motor carrier. The Bureau administers the distribution of authorized financial assistance to privately and publicly owned transportation services for capital improvements and operating expenses.

(Effective July 7, 1998)

Sec. 13b-17-308. Requests to the department

Any person wishing to comment on transportation matters falling under the jurisdiction of the Department may submit oral or written data, views or arguments to the Office of the Commissioner.

(Effective July 7, 1998)