

SA 11-010

HB6126

House	1073-1081	9
Senate	6546, 6573-6578	7
Transportation	415, 416-418, 512-515, 572, <u>573-576, 724-740</u>	<u>30</u>
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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2011**

**VOL.54
PART 4
1040 – 1385**

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HOUSE OF REPRESENTATIVES

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April 27, 2011

On page 19, Calendar 249, Substitute for House
Bill Number 6126, AN ACT AUTHORIZING BICYCLISTS TO
CROSS THE HOUSATONIC RAILROAD AT GRADE IN NEW MILFORD,
favorable report of the Committee on Transportation.
SPEAKER DONOVAN:

The Chairman of Transportation Representative
Tony Guerrera, you have the floor, sir.

REP. GUERRERA (29th):

Thank you, Mr. Speaker.

Mr. Speaker, I move acceptance of the Joint
Committee's favorable report and passage of the bill.

SPEAKER DONOVAN:

The question is on acceptance of the Joint
Committee's favorable report and passage of the bill.

Will you remark sir?

REP. GUERRERA (29th):

Thank you, Mr. Speaker.

Mr. Speaker, this bill is very simple. It just
allows bicyclists on a bike path to cross the Housatonic
railroad at grade crossing in Sega Meadows Park in New
Milford. The Town of New Milford had requested this
to their delegation here. It passed the
Transportation Committee with a hundred percent
support, and therefore, I move passage of this bill.

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But before we do so I would ask that -- our fellow Representative Clark Chapin for a few comments.

SPEAKER DONOVAN:

Thank you, Representative.

I'll call on Representative Chapin.

Representative Chapin, you have the floor, sir.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

Mr. Speaker, in the writing of the bill it was a little unclear as to whether this would be a mandate on the municipality. In our effort to make sure that the municipality would only go forward if they chose to go forward, we reworded it a little with a strike-all amendment.

The Clerk has LCO 5354. I ask that it be called and I be allowed to summarize.

SPEAKER DONOVAN:

Will the Clerk please call LCO 5354, which will be designated House Amendment Schedule "A."

THE CLERK:

LCO Number 5354, House "A," offered by
Representative Chapin.

SPEAKER DONOVAN:

The Representative seeks leave of the Chamber to

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summarize the amendment. Any objection? Hearing none, Representative, you may proceed with summarization.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

Mr. Speaker, as I indicated earlier, this amendment seeks to remove the state mandate on it. It clearly says "upon the acceptance of the following terms and by affirmative vote of the majority of its legislative body." So, if the Town choses not to move forward through a vote of our town council, then it would no longer be a mandate. So that's, in essence, what the bill does.

And I move adoption.

SPEAKER DONOVAN:

The question before the Chamber is on adoption of the amendment. Would you care to remark further? Would you care to remark further on the amendment?

Representative Hetherington.

REP. HETHERINGTON (125th):

Mr. Speaker, it's on the bill actually, so I withdraw that. Thank you.

SPEAKER DONOVAN:

Thank you, Representative.

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Would you care to remark further on the amendment?
Would you care to remark further on the amendment? If
not, let me try your minds. All those in favor of the
amendment, please signify it by saying, aye.

REPRESENTATIVES:

Aye.

SPEAKER DONOVAN:

All those opposed, nay.

The ayes have it. The amendment is adopted.

Care to remark further on the bill as amended?

Representative Hetherington.

REP. HETHERINGTON (125th):

I think so. Okay. Yes. Thank you.

A question to the proponent, please. If I may?

SPEAKER DONOVAN:

Please proceed, sir.

REP. HETHERINGTON (125th):

Why is it necessary to have legislation to permit
the bikers to cross the track?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative, would you care to direct that
question to Representative Chapin? I think it might
be more appropriate.

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REP. HETHERINGTON (125th):

Yes. Certainly. Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Chapin, would you care to respond?

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

It's my understanding that in order to have any rail crossing approved in the State of Connecticut, it requires a special act of the Legislature.

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Hetherington.

REP. HETHERINGTON (125th):

Through you, Mr. Speaker.

Does a crossing have to be constructed at that point, that is, with material put between the rails and grading on each side to enable the bicycles to go across as in an automobile crossing?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

Again, I believe the last time this may have

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occurred happened to be in 1995 by special act. It was for actually this particular crossing. At the time the Town thought they may want to use the particular property for ball fields. At that time the approval granted was to construct a crossing that was suitable for motor vehicles. That's no longer the will of the community.

So, in this particular case, I'm not sure if there are specific standards that are outlined in regulation regarding what sort of material needs to be used. But again, that's the genesis of the bill.

Through you, Mr. Speaker.

REP. HETHERINGTON (125th):

Thank you.

SPEAKER DONOVAN:

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you. Last question, through you,
Mr. Speaker.

Does this increase the liability of the State or the Town or any other entity?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Chapin.

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REP. CHAPIN (67th):

Thank you, Mr. Speaker.

And again, through you, I'm not aware that it does. I would bring to the gentleman's attention in line 9 of the amendment, that the use of the crossing is subject to the protections set forth in 52-557(f) to 52-557(i). I believe that's the Recreational Use Liability Act. And certainly most people in this building are familiar with that particular provision of the statutes. I think there may have been 14 bills in the General Assembly that dealt with that issue this year.

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Hetherington.

REP. HETHERINGTON (125th):

I thank the proponent.

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Would you care to remark further?

Ranking Member of Transportation Representative
Scribner.

REP. SCRIBNER (107th):

Thank you, Mr. Speaker. Good morning.

SPEAKER DONOVAN:

Good morning, sir.

REP. SCRIBNER (107th):

I rise in support of the bill as amended and I'd like to praise Representative Chapin for bringing this forward on behalf of the Town of New Milford.

I can ensure you that the specifics of the bill have been fully vetted and widely supported, not only by enthusiasts who would like to be able to safely use this crossing, but by all of the local officials and the railroad itself.

There is no fiscal note that applies to the State of Connecticut, and it is in full agreement by local officials from the Town of New Milford.

Thank you.

SPEAKER DONOVAN:

Thank you, sir.

Would you care to remark further on the bill?

Representative Miner.

Would you care to remark further on the bill as amended? Would you care to remark further on the bill as amended? If not, staff and guests, come to the well of the House. Members take their seats. The machine will be open.

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THE CLERK:

The House of Representatives is voting by roll
call. Members to the chamber. The House is voting by
roll call. Members to the chamber, please.

SPEAKER DONOVAN:

Have all the members voted? Have all the members
voted? Please check the roll call board to make sure
your vote has been properly cast. If all members have
voted, the machine will be locked and the Clerk will
please take a tally.

The Clerk, please announce the tally.

THE CLERK:

House Bill 6216 as amended by House "A."

Total Number voting	142
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Necessary for adoption	72
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Those voting Yea	142
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Those voting Nay	0
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Those absent and not voting	9
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SPEAKER DONOVAN:

The bill as amended is passed.

Are there any announcements or introductions?

Any announcements or introductions?

Representative Sharkey.

REP. SHARKEY (88th):

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**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
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6546-6914**

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SENATE

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THE CHAIR:

So ordered sir.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, moving to calendar page 7,
Calendar 421 House Bill Number 6126.

Madam President, move to place that item on the
Consent Calendar.

THE CHAIR:

So ordered sir.

SENATOR LOONEY:

Thank you, Madam President.

Moving to calendar page 8, Calendar 449, Senate
Bill Number 1149.

Madam President, move to place the item on the
Consent Calendar.

THE CHAIR:

So ordered sir.

SENATOR LOONEY:

Thank you, Madam President.

Moving to calendar page 10, Calendar 470, House
Bill Number 5340.

Madam President, move to place the item on the
Consent Calendar.

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Mr. Clerk.

THE CLERK:

Immediate roll call's been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber. Immediate roll call's been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber.

THE CLERK:

Madam President, the items placed...

THE CHAIR:

I would ask the Chamber to be quiet please so we can hear the call of the Calendar for the Consent Calendar.

Thank you.

Please proceed, Mr. Clerk

THE CLERK:

Madam President, the items placed on the first Consent Calendar begin on calendar page 5, Calendar 336, House Bill 5697.

Calendar page 7, Calendar 421, Substitute for House Bill 6126.

Calendar page 8, Calendar 449, Senate Bill 1149.

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Calendar page 10, Calendar 470, Substitute for House Bill 5340. Calendar 474, Substitute for House Bill 6274. Calendar 476, House Bill 6635.

Calendar page 12, Calendar 499, Substitute for House Bill 6638. Calendar 500, House Bill 6614. Calendar 508, House Bill 6222.

Calendar page 13, Calendar 511, House Bill 6356. Calendar 512, Substitute for House Bill 6422. Calendar 514, House Bill 6590. Calendar 515, House Bill 6221. Calendar 516, House Bill 6455.

Calendar page 14, Calendar 517, House Bill 6350. Calendar 519, House Bill 5437. Calendar 522, House Bill 6303.

Calendar page 15, Calendar 523, Substitute for House Bill 6499. Calendar 524, House Bill 6490. Calendar 525, House Bill 5780. Calendar 526, House Bill 6513. Calendar 527, Substitute for House Bill 6532.

Calendar page 16, Calendar 528, House Bill 6561. Calendar 529, Substitute for House Bill 6312. Calendar 530, Substitute for House Bill 5032. Calendar 532, House Bill 6338.

Calendar page 17, Calendar 533, Substitute for House Bill 6325. Calendar 534, House Bill 6352.

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Calendar 536, House Bill 5300. Calendar 537, House
Bill 5482.

calendar page 18, Calendar 543, House Bill 6508.

Calendar 544, House Bill 6412. Calendar 546,
Substitute for House Bill 6538. Calendar 547,
Substitute for House Bill 6440. Calendar 548,
Substitute for House Bill 6471.

Calendar page 19, Calendar 550, Substitute for
House Bill 5802. Calendar 551, House Bill 6433.
Calendar 552, House Bill 6413. Calendar 553,
Substitute for House Bill 6227.

Calendar page 20, Calendar 554, Substitute for
House Bill 5415. Calendar 557, Substitute for House
Bill 6318. Calendar 558, Substitute for House Bill
6565.

Calendar page 21, Calendar 559, Substitute for
House Bill 6636.

Calendar page 22, Calendar 563, Substitute for
House Bill 6600. Calendar 564, Substitute for House
Bill 6598. Calendar 566, House Bill 5585.

Calendar page 23, Calendar 568, Substitute for
House Bill 6103. Calendar 570, Substitute for House
Bill 6336. Calendar 573, Substitute for House Bill
6434.

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Calendar page 24, Calendar 577, Substitute for
House Bill 5795.

Calendar page 25, Calendar 581, House Bill
6354.

Calendar page 26, Calendar 596, Substitute for
House Bill 6282. Calendar 598, Substitute for House
Bill 6629.

Calendar page 27, Calendar 600, House Bill
6314. Calendar 601, Substitute for House Bill 6529.
Calendar 602, Substitute for House Bill 6438.
Calendar 604, Substitute for House Bill 6639.

Calendar page 28, Calendar 605, Substitute for
House Bill 6526. Calendar 608, House Bill 6284.

Calendar page 30, Calendar number 615,
Substitute for House Bill 6485. Calendar 616,
Substitute for House Bill 6498.

Calendar page 31, Calendar 619, Substitute for
House Bill 6634. Calendar 627, Substitute for House
Bill 6596.

Calendar page 32, Calendar 629, House Bill
5634. Calendar 630, Substitute for House Bill 6631.
Calendar 631, Substitute for House Bill 6357.
Calendar 632, House Bill 6642.

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SENATE

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Calendar page 33, Calendar 634, Substitute for
House Bill 5431. Calendar 636, Substitute for
House, correction, House Bill 6100.

Page 34, Calendar 638, Substitute for House
Bill 6525.

Calendar page 48, Calendar 399, Substitute for
Senate Bill 1043.

Calendar page 49, Calendar 409, Substitute for
House Bill 6233. Calendar 412, House Bill 5178.
Calendar 422, Substitute for House Bill 6448.

Calendar page 52, Calendar 521, Substitute for
House Bill 6113.

Madam President, that completes the item placed
on the first Consent Calendar.

THE CHAIR:

Thank you, sir.

We call for another roll call vote. And the
machine will be open for Consent Calendar number 1.

THE CLERK:

The Senate is now voting by roll on the Consent
Calendar. Will all Senators please return to the
Chamber. The Senate is now voting by roll on the
Consent Calendar, will all Senators please return to
the Chamber.

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Senator Cassano, would you vote, please, sir.

Thank you.

Well, all members have voted. All members have voted. The machine will be closed, and Mr. Clerk, will you call the tally?

THE CLERK:

Motion is on option Consent Calendar Number 1.

Total Number Voting	36
Those voting Yea	36
Those voting Nay	0
Those absent and not voting	0

THE CHAIR:

Consent Calendar Number 1 has passed.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

We might stand at ease for just a moment as we prepare the next item..

THE CHAIR:

The Senate will stand at ease.

(Chamber at ease.)

**JOINT
STANDING
COMMITTEE
HEARINGS**

**TRANSPORTATION
PART 2
321 – 651**

2011

REP. CHAPIN: Good morning.

Thank you very much for the opportunity to provide testimony today in support of three separate bills. I'll be brief.

HB 6126

The first bill is Number 19 on your agenda, Senate Bill 718, AN ACT NAMING THE ROUTE 7 BRIDGE CROSSING OVER LITTLE BROOK IN NEW MILFORD IN HONOR OF THE LATE OFFICER DONALD HASSIAK.

Officer Hassiak was a New Milford resident and Danbury police officer, who was struck and killed by a motorist while he was riding his bicycle to work last summer. I, respectfully, ask the members of the Transportation Committee vote favorably on this legislation in recognition that such a tribute is warranted.

Item number two is Number 11 on your agenda, House Bill 5102, AN ACT REQUIRING THE COMMISSIONER OF TRANSPORTATION TO ATTEND CERTAIN PUBLIC HEARINGS CONCERNING RAILROAD CROSSINGS AT GRADE. This bill's intended to heighten the awareness of the Department of Transportation as to safety concerns being expressed by residents regarding the deteriorating conditions of at grade railroad crossings.

We have a rail crossing on Route 202 in the town of New Milford, and I would say the New Milford legislative delegation and local officials have spent a better part of two to three years trying to get that crossing permanently repaired so the 17,000 cars that travel over it each and every day aren't losing car parts, and I think Senator Roraback had said the fillings came right out of his teeth so I hope you'll review that bill and act favorably on that.

Last and not least, Number 12 on your agenda support of House Bill 6126, AN ACT AUTHORIZING BICYCLISTS TO CROSS THE HOUSATONIC RAILROAD AT GRADE IN NEW MILFORD. Obviously, not the same at grade crossing, but this legislation was introduced on behalf of the town and is intended to allow for a legal and safe means for bicyclists and pedestrians to cross railroad tracks which runs through a town-owned park called Sega Meadows.

Sega Meadows was purchased by the town in the early 1990s, coincidentally, at the time officials asked the legislative delegation at that time to introduce legislation to allow for an at grade crossing for motor vehicles with the intention of building little league baseball fields on that property. The Town has since abandoned those ideas, and it's used primarily for passive recreation and in the reference to create a greenway, as well as a bike path.

We're back, again, this year hoping that we can convince you of the worthiness of installing in at grade crossing without the expense of the gates and the signals.

And I'd be happy to answer any questions.

REP. GUERRERA: Any questions?

Yes, my distinguished co chair -- vice chair -- ranking member -- sorry. I'm new here.

SENATOR MAYNARD: Thank you, sir. Thank you, Mr. Chairman.

Good morning, Representative Chapin.

REP. CHAPIN: Good morning.

SENATOR MAYNARD: Thank you for bringing these matters to the forefront for the Transportation Committee.

I'd like to particularly take note of the rail crossing issue. As you well know, it is not a new issue. Not only is it, in my view unsafe, we have attempted to address it with the Department of Transportation in prior sessions. I'd suggest that it's unfortunate we would have to take further action but I do think we -- it's important that we elevate the prioritization of that for it to occur because I know the very rail crossing that you're making reference to in New Milford. But they're others in our region: Including one on Route 7 in Kent, including Route 25 in the Hawleyville section of New Town that are in very sad disrepair. And it has become, not just a nuisance, it's really a safety issue so thank you for bringing that to our attention.

HB 6126

REP. CHAPIN: Thank you, Representative.

REP. GUERRERA: Thank you. I'm sorry, Representative Chapin I was outside. Were you talking about the railroad crossings? Is that what you were --

REP. CHAPIN: Yes.

REP. GUERRERA: You know, you bring up a very good point because, you know, what I've noticed, too, is sometimes we do these overlay of patching, and so forth, for asphalt and believed it or not we jump right over those. I mean when we come to the railroad crossings, and so forth. So, I mean, I'm hoping that there's ways that we can try to implement monies to fix those crossings because they are deteriorating and they're falling apart and

(HB 5102)

they're terrible on the vehicle, as we know, when you try to cross them, and so forth. So I'm -- I'm glad to see you put some proposals ahead of us here.

REP. CHAPIN: Thank you, Mr. Chairman.

REP. GUERRERA: Any other comments?

SENATOR MAYNARD: Just that I share your concern for Senator Roraback's dental health so we'll be sure to act on that.

REP. GUERRERA: Thank you.

REP. CHAPIN: Thank you.

REP. GUERRERA: We're going to go to the public now, and we'll start to interchange back and forth.

So is Steven Bull here?

Steven will be the first speaker, and then we'll go to Senator Kissel.

Is Senator Kissel here?

Please stand by.

Good morning, Steve.

STEPHEN BULL: Morning, Mr. Chairman and members of the Transportation Committee. I want to thank you, again, for listening to our plea in the outlaid areas of Connecticut, sometimes confused with New York state.

SB 31
HB 5949
HB 6136

My name is Stephen Bull. I am president of the Greater Danbury Chamber of Commerce, which is a regional business advocacy organization in Northern Fairfield County. We represent over a thousand members and a workforce of over a

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February 18, 2011

sg/lg/cd TRANSPORTATION COMMITTEE

10:00 A.M.

project well into the future when studies have been completed, support organized and financing discussed.

Unfortunately, even the most optimistic proponent must admit that it would be years away. That is why this busway versus rail project is not an either/or proposition. We only want -- and have only wanted what is in the best interest of the city and the state.

Thank you, sir. Thank you committee members.

REP. GUERRERA: Thank you for your testimony.

Any comments?

Thank you, sir.

WILLIAM MILLERICK: Thank you very much.

REP. GUERRERA: Let's see. Is Tom -- Tom O'Brien here? Followed by Letia Ferguson

Good afternoon, Tom.

TOM O'BRIEN: Good afternoon. Sorry. I thought I was still way down the list.

My name is Tom O'Brien. I'm a resident of New Milford, Connecticut, and I'm here to speak in favor of House Bill Number 6126, AN ACT AUTHORIZING BICYCLISTS TO CROSS THE HOUSATONIC RAILROAD AT GRADE IN NEW MILFORD.

I grew up in the 1970s in a small town in upstate New York. From the age of 10 I recall walking and riding my bike everywhere. One of the advantages I enjoyed that I never fully appreciated until I moved away was the fact the Erie Canal Towpath, an early multiuse trail that now stretches almost uninterrupted from

Buffalo to Albany, was less than half a mile from my house.

I moved to New Milford in 1999. In almost all respects I found it to be an ideal place to raise a family, but I was disappointed to find that almost no kids walk or ride their bikes here. Like other towns in the state, the roads are narrow and heavily travelled and drivers are accustomed -- are not accustomed to sharing the road with bicyclists or pedestrians. Because of these hostile conditions, New Milford families who want to ride their bicycles typically park -- pack the bikes and kids into a car and make the 45-minute drive to New York's Harlem Valley Rail Trail. I've often joked that I can drive to a ski area in less time than it takes to get to a safe place to ride a bike but it's true.

Admittedly, New York -- New Milford does not have an historic canal with a towpath or an abandoned rail bed that could easily become a greenway but we're blessed with a scenic river and long stretch of undeveloped shoreline. And thanks to the efforts of the Mayor and concerned citizens, in 2010, we have a plan of conservation and development that allows for development of a riverside multiuse trail. Someday this trail will stretch from Brookfield to Gaylordsville.

And we're not alone, which is very exciting, as I'm speaking, efforts are underway in Danbury and Brookfield to create a greenway that follows the Still River northward towards its confluence with the Housatonic. Toward north, the Housatonic Covered Bridge Trail plans to run from New Milford through Kent and Cornwall and eventually Massachusetts. When all these pieces come together, Western Connecticut will be blessed with not only a vital resource for

recreation and transportation but a legitimate tourist attraction.

In New Milford, we're hoping to establish the first tri -- leg of what we are calling --

TOM O'BRIEN: Milford River Trail in Sega Meadows Park, a two-mile long ribbon of land that hugs the east bank of the Housatonic River on the north end of town. Running the length of that park is an ancient dirt road that could easily be regraded to make an appropriate surface for bikes and foot traffic. And the town is in possession of a grant from the GE PCB settlement fund that will pay most or all of the costs of this work.

Of course, every project that looks easy runs into unforeseen snags. In our case, the problem is a choke point just inside the south entrance to the park where steep slopes on both sides of the road force it to cross a single set of railroad tracks that are operated by the Housatonic Railroad Company. This intersection is currently designated as a private crossing.

If you approve Representative Chapin's bills and thereby grant bicyclists and pedestrians permission to carefully step over these tracks and continue their journey, it will represent a major improvement in transportation and recreational opportunities for kids and families in New Milford and Western Connecticut.

Thank you very much for your hearing me out.

REP. GUERRERA: Thank you for your testimony.

Any comments?

Representative Larson.

REP. LARSON: Thank you, Mr. Chairman.

I appreciate your testimony today. Is this one single crossing or is this multiple crossings?

TOM O'BRIEN: This is one single crossing.

REP. LARSON: Is it single track?

TOM O'BRIEN: One single track, low volume freight railroad, yes, sir.

REP. LARSON: I have a couple of rail crossings in my community that grade. I'm interested to talk to you further on this. I -- we have an issue before this commission, I believe, next week on a catwalk over a rail -- railroad. I think it's misworded. I think we want to actually take the catwalk down because it actually prevents a very poor segment of my community access to a very beautiful public park which you can spit at from one side of the -- and I think the fact that we have opportunities to do that is it's very important. I think that these trail systems add so much value to a community that they really should be explored and if there's ways to mitigate these -- these situations, I think we should -- we should then attempt to that. I'd like to speak with you afterwards, maybe a little bit more -- to get more background on that.

TOM O'BRIEN: Certainly, certainly.

REP. LARSON: Thank you, Mr. Speaker.

REP. GUERRERA: Couldn't agree with you more, Representative Larson.

better. I mean, the feds have a program where you can put existing infrastructure back on -- on pro forma notice and they're suppose to prove it in 30 days if it was already there. And -- and everybody will tell you a lot of things you can't do. We need somebody to tell you something you can do with the money you got so thank you and have a nice day.

Thank you for having me.

REP. GUERRERA: All right. Thank you.

Colin Pease, followed by Martin Mador.

COLIN PEASE: Good afternoon. With Syd, Roger, Pete, me, we seem to have all the old railroaders altogether. It's not a good sign.

I'm here today to testify on two bills. The first one is HB 5102, AN ACT REQUIRING THE COMMISSION OF TRANSPORTATION TO ATTEND GRADE CROSSING HEARINGS. I'm here to support the bill.

HB 6126

For over 70 years, there has been a growing recognition at the federal level, certainly, that highway/railroad grade crossings are part of the highway system and must be maintained by highway dollars. As early as 1935, Justice Brandeis, writing for the majority of the Supreme Court, recognized that. The Interstate Commerce Commission had a lengthy study in 1964 meant -- found that the problem with crossings are the highway vehicles, not the railroads. And for many years the Federal Highway Administration has supported funding through this so-called Section 130 program and more recently to broader funding mechanisms.

If you were to build a new grade crossing today with a new road surface, signals, gates and

lights and then run 200 million tons of rail freight over it, or more, but not plow it, salt it, dump highway water on it or heavy run -- run heavy trucks over it, that crossing would last 30 or 40 years. Today, we're lucky to get 10 to 15. It's the plows, the salt, the ice melting material, highway drainage and heavy trucks that are damaging and destroying crossings, including our rails and ties that are underneath that crossing. To make it worse the salt is also causing the crossing signals to fail. And by -- by doing that some of our crossings today, the circuitry just plain isn't working in the winter because the salt -- the ice melting material is highly corrosive and conductive.

We appreciate the efforts of this committee has made over the years to address the problems of crossings. We deeply appreciate it. We support the bill because it's another step to forging what we hope will be a productive relationship between railroads and the DOT as we deal with these crossings and try to address them.

As for House Bill 6126, AN ACT AUTHORIZING BICYCLISTS TO CROSS THE HOUSATONIC RAILROAD AT GRADE IN NEW MILFORD -- I should have mentioned I am vice president of the Housatonic Railroad.

We understand there's no other safe way that bicycles and pedestrian users of the proposed park, Sega Meadows Park, in New Milford, can access the park safely except to cross the railroad. Housatonic Railroad understands and appreciates the desire of the Town of New Milford to expedite the approval process and has no objection to that process provided that the legislation expressly addresses three matters: We ask that the bill include language that specifically excludes use of the bike path

by motorized vehicles; we ask that the new crossing be constructed and maintained at the sole expense of the Town of New Milford; and we ask that the crossing use and the Housatonic Railroad are subject to the protections of the Recreational Land Use Act. We've discussed all three of these conditions with the Town of New Milford with the mayor and they are agreeable to them.

We have included with our testimony in the -- which I gave to you some proposed draft language that could be attached to the bill. If that language were attached, we would be in support of the bill. Thank you.

REP. GUERRERA: Any comments for Colin?

Seeing none, thank you for your testimony, Colin.

COLIN PEASE: Thank you very much.

REP. GUERRERA: Martin, is Martin here?

Followed by Tiana. Is Tiana here?

MARTIN MADOR: Good afternoon, members of the Committee. I'm Martin Mador. I'm the legislative chair for the Connecticut Sierra Club. You've heard a lot of testimony on Senate Bill 800. I don't think you've heard nearly enough to be able to make a decision. I'm going to apologize to you now. I'm going to talk about railroads, but I'm not going to talk about Senate Bill 800. You've already heard the Sierra's Club position on that. Instead I'm going to talk about 6126, the bill that was just referred to, the grade crossing in New Milford.

Facilitating access to our natural world is a

high priority for the Sierra Club. Enjoying our open spaces, woods and forests, meadows and streams gives us a deeper appreciation for the world we live in, satisfies our deep, genetic need to connect with the natural world which is called biophilia -- and there's a paragraph on that word at in my testimony if you're interested -- and helps grow support -- public support for preserving it.

Encouraging people to get out of their cars and access the natural world on foot or with a bicycle is also a priority for us. Nonvehicular travel and recreation is a great way to improve our quality of life, not to mention our health and well-being.

The Sega Meadows Park along the banks of the Housatonic River in New Milford is a worthy project now being designed and created. To be successful, as you've heard, it means to cross a railroad line now used only for low volume freight traffic. The project needs legislative support. We endorse the creation of the park and we endur -- and we encourage passage of 6126.

Now, coincidentally, I received a copy of the railroad's testimony this afternoon, and I want to address one of the specific conditions. Obviously, I can't speak on the town -- on behalf of the town or anybody but Sierra, but, as you heard, the railroad -- one of the three conditions of the railroad is that they would be included in the Recreational Land Use Act, covered in sections 52-557.

I am one of the proponents working on restoration of that act for municipalities. You may know there are now 13 bills in the legislature. In Environment, Planning and Development and Judiciary all of them

essentially the same bill which aims to restore the protections the towns had until a court decision in 1996 stripped them of that protection. We want that restored for the towns so that the towns will not be in fear of opening open space. This would apply not only to towns but to all political subdivision of the state, such as MDC, and I'm sure you've all heard of the \$3 million judgment against MDC.

Well, I'm one of the leading proponents working on the language which would restore this. This is a very high priority for the Environment Committee to get that restored after the 15 years that it's failed -- it's failed because of special interests. And I'll just leave it at that. But our efforts there would be very much in line with what the railroad is asking for here and you can see our efforts would help support this third condition that the railroad is asking so thank you for your time.

REP. GUERRERA: Thank you, Martin. I appreciate you working on that environmental issue that is very important.

Any questions?

Seeing none, thank you for your testimony, Martin.

MARTIN MADOR: Thank you.

REP. GUERRERA: Is Tina here? Tiana? From the Operators Engineers Union. Okay.

Jim RePass. He's left? Okay.

Ryan Porter, followed by Eric Brown and who?

RYAN PORTER: Good afternoon, Representative Guerrero and members of the Transportation

SB 800

**JOINT
STANDING
COMMITTEE
HEARINGS**

**TRANSPORTATION
PART 3
652 – 961**

2011

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My name is Tom O'Brien. I'm a resident of New Milford, Connecticut, and I'm here to speak in favor of House Bill No. 6126 AN ACT AUTHORIZING BICYCLISTS TO CROSS THE HOUSATONIC RAILROAD AT GRADE IN NEW MILFORD.

I grew up in the 1970's in a small town in upstate NY. From the age of ten, I recall walking and riding my bike everywhere. One of the advantages I enjoyed, that I never fully appreciated until I moved away, was the fact that the Erie Canal Towpath—an early multi-use trail, that now stretches almost uninterrupted from Buffalo to Albany—was less than ½ mile from my house.

I moved to New Milford in 1999. In almost all respects I found it to be an ideal place to raise a family, but I was disappointed to discover that almost no kids walk or ride bikes here. Like other towns in the state, the roads are narrow and heavily-traveled, and drivers are unaccustomed to sharing the road with bicyclists or pedestrians.

Because of these hostile conditions, New Milford families who want to ride their bicycles typically pack the bikes and kids into a car, and make the 45 minute drive to New York State's Harlem Valley Rail Trail. I've often joked that I can drive to a ski area in less time than it takes to get to a safe place to ride a bike, but it's true.

Admittedly, New Milford does not have an historic canal, with ready-to-use towpath, or an abandoned rail bed that could easily be converted to a greenway. But we are blessed with a scenic river and long stretches of undeveloped shoreline. Thanks to the efforts of Mayor Pat Murphy and many concerned citizens, the 2010 Plan of Conservation and Development (POCD) allows for the development of a riverside multi-use trail. Someday this trail will stretch from the border with Brookfield (in the south) to Gaylordsville (in the north). And we're not alone.

As I'm speaking, efforts are underway in Danbury and Brookfield to create a greenway that follows the Still River northward toward it's confluence with the Housatonic. And to our north, The Housatonic Covered Bridge Trail plans to run from New Milford through Kent and Cornwall, and onward to Massachusetts. When all of these pieces come together, Western Connecticut will be blessed with not only a vital resource for recreation and transportation but a legitimate tourist attraction.

We're hoping to establish the first leg of the New Milford River Trail in Sega Meadows Park, a (2 mile long) ribbon of land that hugs the east bank of the Housatonic River on the northern end of town. Running the length of the park is an ancient dirt road that could easily be re-graded to make an appropriate surface for bikes and foot traffic.

Of course, every project that looks easy runs into unforeseen snags. In our case, the problem is a choke point, just inside the south entrance to the park where steep slopes on both sides of the road force it to cross a single set of railroad tracks that are operated by the Housatonic Railroad Company. This intersection is currently designated as a "Private Crossing."

If you approve Rep. Chapin's Bill and thereby grant bicyclists (and pedestrians) permission to carefully step over the tracks and continue their journey, it will represent a major improvement in transportation and recreational opportunities for kids and families in New Milford and throughout Western Connecticut.

Tom O'Brien

Tom O'Brien
134 Wellsville Ave
New Milford, CT 06776

**State of Connecticut****HOUSE OF REPRESENTATIVES
STATE CAPITOL**

REPRESENTATIVE CLARK J. CHAPIN
SIXTY-SEVENTH ASSEMBLY DISTRICT

LEGISLATIVE OFFICE BUILDING ROOM 4200
HARTFORD, CT 06106-1591

TESTIMONY IN SUPPORT OF HB 6126
An Act Authorizing Bicyclists to Cross the Housatonic Railroad
At-Grade in New Milford

Transportation Committee Public Hearing
February 18, 2011

Thank you for the opportunity to provide testimony in support of HB 6126, An Act Authorizing Bicyclists to Cross the Housatonic Railroad At-Grade in New Milford. This legislation was introduced on behalf of the Town and is intended to allow for a legal and safe means for bicyclists and pedestrians to cross railroad tracks which run through a town-owned park called Sega Meadows.

This property, which is located along the Housatonic River, was purchased in the early 1990's by the Town. In 1995, town officials explored the idea of siting youth baseball fields on the property. In anticipation of cars needing to cross the tracks in order to reach the ball fields, the legislature passed SA 95-9, approving the crossing for motor vehicles. Plans for the fields never moved forward and therefore, the crossing was never constructed. The Town has since decided to keep the property as open space for passive recreation.

Unfortunately, SA 95-9 required the installation of signals and gates. At the time, it was estimated that such an installation would cost more than \$300,000. Since motor vehicles will not be entering the park and crossing the tracks, we are requesting a new special act to authorize the construction of an at-grade crossing without signals and gates.

The tracks are presently used by Housatonic Railroad to move freight. It is my understanding that there are only two trips a day on average passing through this area. Housatonic Railroad has expressed support for the bill provided the Town assumes the responsibility for construction costs and liability issues are addressed.

Thank you for consideration of HB 6126. Passage of this bill will provide additional opportunities for recreational enthusiasts who wish to enjoy one of New Milford's most scenic open space areas. As always, I am happy to provide additional information or answer any questions.

Colin Pease



8 DAVIS ROAD WEST
P.O. BOX 687
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(860) 434-4303
FAX (860) 434-4306

Committee on Transportation
Connecticut General Assembly
February 17, 2010

Testimony Regarding Proposed Bill No. 6126 -
An Act Authorizing Bicyclists to Cross the Housatonic Railroad at Grade in New Milford.

Housatonic Railroad, pursuant to an agreement with Connecticut DOT, operates the railroad line through the Town of New Milford at the location referred to in Proposed Bill 6162.

C.G.S. section 13b-268(b) prohibits the construction of any new public crossing unless authorized by the General Assembly. The proposed crossing is for a bicycle/pedestrian crossing to access Sega Meadows Park on the banks of the Housatonic River. The Town proposes to exclude motorized vehicles. There is no other safe way that bicycle and pedestrian users of the park can access the park except by crossing the railroad. Housatonic Railroad understands and appreciates the desire of the Town of New Milford to expedite the approval process and has no objection to that process provided that the legislation expressly addresses the following matters.

1. That the crossing authorization excludes motorized vehicles.
2. That the new crossing will be constructed and maintained at the sole expense of the Town of New Milford.
3. That the crossing use and Housatonic Railroad are subject to the protections in the Recreational Land Use Act set forth in sections 52-557f to 52-557i, inclusive, of the general statutes.

Housatonic Railroad understands that these provisions are consistent with the intentions of the Town of New Milford and that the town has no objection to them.

Proposed new language for Proposed Bill 6162 is attached. If the substance of that language is adopted, Housatonic Railroad supports the bill. Without clarification of the cost and recreational use issues, Housatonic Railroad must oppose the bill until such time as the Commissioner of Transportation conducts an investigation and issues its report.

Submitted by: Edward J. Rodriguez, Executive Vice President and General Counsel, Housatonic Railroad Company, Inc.

Proposed revision to Proposed Bill 6126

AN ACT AUTHORIZING BICYCLISTS TO CROSS THE HOUSATONIC
RAILROAD AT GRADE IN NEW MILFORD

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

That, as required by C.G.S. section 13b-268(b), a new railroad crossing for bicycles and pedestrians, but not motorized vehicles, be authorized to cross the Housatonic Railroad at grade to access Sega Meadows Park in New Milford. That the cost of construction, installation and maintenance of said crossing shall be borne by the Town of New Milford and that users of such crossing shall be considered to be engaged in a "Recreational Purpose" and the Housatonic Railroad and its successors shall be deemed to be an "Owner" of the railroad line, both for purposes of sections 52-557f to 52-557i, inclusive, of the general statutes.

Submitted for consideration by Housatonic Railroad Company, Inc.
February 17, 2011



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Connecticut Chapter
 645 Farmington Ave.
 Hartford, Connecticut 06105
 Martin Mador, Legislative Chair

Transportation Committee
 February 18, 2011

Testimony In Favor of
 HB 6126 AA Authorizing Bicyclists To Cross
 The Housatonic Railroad At Grade In New Milford

I am Martin Mador, 130 Highland Ave., Hamden, CT 06518. I am the volunteer Legislative Chair for the Sierra Club-Connecticut Chapter. I am also a director of Rivers Alliance and of the Quinnipiac River Watershed Association. I sit on the Bike/Walk Legislative Advocacy Committee. I hold a Masters of Environmental Management degree from the Yale School of Forestry and Environmental Studies.

Facilitating access to our natural world is a high priority for the Sierra Club. Enjoying our open spaces, woods and forests, meadows and streams gives us a deeper appreciation for the world we live in, satisfies our deep, genetic, biophilic* need to connect with the natural world, and helps grow support for preserving it.

Encouraging people to get out of their cars and access the natural world on foot or with a bicycle is also a priority. Our excessive reliance on cars continues to cause environmental harm in many ways. Non-vehicular travel and recreation is a great way to improve our quality of life, not to mention our health and well-being.

The Sega Meadows Park along the banks of the Housatonic River in New Milford is a worthy project now being designed and created. To be successful, it needs to cross a railroad line now used only for low volume freight traffic. The project needs legislative support to obtain the rail crossing.

The Sierra Club endorses creation of the Park, and urges the legislature pass HB 6126 to complete the park and establish this recreational resources.

*Biophilia: people's genetically driven tendency to need to connect with the natural world, created through hundreds of thousands of years of evolution where a strong understanding of the natural world (weather, habitat, wildlife, water, vegetation, etc) was necessary for survival. Shows up in many ways, from hunch on a park bench to hiking through a forest to climbing mountains.

TESTIMONY IN SUPPORT OF HB 6126
An Act Authorizing Bicyclists to Cross the Housatonic Railroad
At-Grade in New Milford

Dear Representative Chapin,

On behalf of the New Milford Parks & Recreation Department, I would like to support proposed H.B. No. 6126. The crossing at Boardman Road will allow bicyclists and walkers access to Sega Meadows Park from the south-end of the park. As you know Sega Meadows consists of forty-three acres of undeveloped park land bordering the Housatonic River.

Thank you for your considering this worthwhile project.

Sincerely yours,

Daniel Calhoun
Director of Parks & Recreation
Town of New Milford
47 Bridge Street
New Milford, CT 06776
860-355-6050
860-355-6052 Fax
www.newmilford.org

TESTIMONY IN SUPPORT OF HB 6126
An Act Authorizing Bicyclists to Cross the Housatonic Railroad
At-Grade in New Milford

Hi Clark,

As Chairman of, and on behalf of, the New Milford Parks and Recreation Commission, I write in strong support of HB 6126 and approval of the railroad crossing necessary for the routing of a bike trail through, and to and from, Sega Meadows Park. There is strong local and regional support for this trail and, therefore, for the railroad crossing.

On behalf of all interested parties, I thank you for bringing this bill forward.

Tom Beecher
Collins, Hannafin, Garamella, Jaber & Tuozzolo, P.C.
148 Deer Hill Avenue
Danbury, CT 06810-7727
Tel. (203) 744-2150
Fax (203) 791-1126
<http://www.chgjlaw.com>

TESTIMONY IN SUPPORT OF HB 6126
An Act Authorizing Bicyclists to Cross the Housatonic Railroad
At-Grade in New Milford

TO: Transportation Committee

Re: House Bill 6126 - Act Authorizing bicyclists to cross the Housatonic Railroad at grade in New Milford

As residents of New Milford, my family and I are always looking for outdoor venues in which to hike and recreate. As a result, we were excited to hear about a project to develop a "New Milford River Trail" that would not only serve as a route for non-motorized transportation (bikes), but could also be used by hikers interested in exploring undeveloped shoreline along the Housatonic River. We expect that out-of-town visitors would also be attracted to this trail, and benefit the economies of New Milford and its neighboring villages.

We support the proposed bill, HB 6126, which seeks to further the development of the biking/hiking trail by establishing a crossing at grade across the Housatonic Railroad, where it intersects the trail at Sega Meadow.

Thank you for your consideration of this matter.

Edwin M. Wong
Ph.D., Molecular Biology
Associate Professor
Dept. of Biological & Environmental Sciences
Western Connecticut State University
Danbury CT 06810
wonge@wcsu.edu
<http://people.wcsu.edu/wonge>

**TESTIMONY IN SUPPORT OF HB 6126,
An Act Authorizing Bicyclists to Cross the Housatonic Railroad
At-Grade in New Milford**

Rep Clark Chapin,

I am a resident of Cornwall and involved with a trail along the Housatonic from Massachusetts to New Milford to connect with Tom Obrien's effort at Sega. We may also need similar crossings further north. I hope you will point out that this kind of crossing will help both recreation and tourism in the region, and facilitate lower cost trails. In Cornwall, where we have about 6 unsigaled crossings on River road between West Cornwall and Falls Village. These crossings are heavily used by walkers. I grew up in Cornwall about 60 years ago. In all those years, I have never heard of a problem.

Patrick H. Hare
Hare Planning
hareplanning@yahoo.com
860 672 2315h/w
POB 65
Cornwall, CT 06753
hareplanning@yahoo.com

TESTIMONY IN SUPPORT OF HB 6126
An Act Authorizing Bicyclists to Cross the Housatonic Railroad
At-Grade in New Milford

Dear Mr. Chapin,

I am so thankful that you have agreed to sponsor a bill for the Segal Meadows property in New Milford, Connecticut.

We are a family that comes from Germany and are used to doing much on our bikes. Unfortunately, the roads in New Milford are not safe for biking. This is what makes this bike path a start for a more bike/walk friendly town environment. We often travel to other towns to use their bike trails. It would be nice to have something local that is not so time consuming. Indeed, biking is environmentally friendly, however, if I must travel 20 miles to a bike path, I have not done the "right" thing environmentally.

We appreciate your support.

Sincerely,

Monica Harcken and family
harcken@sbcglobal.net

TESTIMONY IN SUPPORT OF HB 6126
An Act Authorizing Bicyclists to Cross the Housatonic Railroad
At-Grade in New Milford

Dear Representative Chapin:

I am writing to register my support for passage of the bill to allow bicycle and pedestrian traffic across this area in New Milford. I view this whole project, of which this bill is the first step, as a both a major quality of life and safety enhancement. Bike paths and running paths are few and far between in Western Connecticut. We are all supposed to be trying to instruct today's youth to be more active and health conscious, but at the same time don't provide good quality and safe places for them to be active. I find it ironic that there are more miles of groomed trails for biking and running in Manhattan than in Western Connecticut. With the nature of our narrow, winding and hilly country roads it is dangerous for pedestrians and bikers to take to the outdoors and practice a healthy lifestyle.

I urge you to pass this bill to allow New Milford residents to kick off a project that will greatly enhance the lives of all.

Kind regards,

Chris Cosgrove
143 Sunny Valley Rd.
New Milford, CT 06776
chriscsg@aol.com

TESTIMONY IN SUPPORT OF HB 6126
An Act Authorizing Bicyclists to Cross the Housatonic Railroad
At-Grade in New Milford

Clark,

I am in support of HB 6126 and approval of the railroad crossing necessary for the routing of a bike trail through, and to and from, Sega Meadows Park. There is strong local and regional support for this trail and, therefore, for the railroad crossing.

Thank you for bringing this bill forward,
Laurie Carmellini
New Milford, CT
LCarmellini@drs-ds.com

TESTIMONY IN SUPPORT OF HB 6126
An Act Authorizing Bicyclists to Cross the Housatonic Railroad
At-Grade in New Milford

I am in support of this bill. Thank you for your efforts in bringing it to fruition.

***AN ACT AUTHORIZING BICYCLISTS TO CROSS THE HOUSATONIC RAILROAD
AT GRADE IN NEW MILFORD.***

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

That bicyclists be authorized to cross the Housatonic Railroad at grade via a bicycle path located at Sega Meadows Park in New Milford, such crossing to be protected by cross bucks.

Statement of Purpose:

To allow a bicycle grade crossing at Sega Meadows Park in New Milford.

Helen R. Applebaum
75 Buckingham Road
New Milford, CT 06776

TESTIMONY IN SUPPORT OF HB 6126
An Act Authorizing Bicyclists to Cross the Housatonic Railroad
At-Grade in New Milford

Mr. Chapin,

As a resident of New Milford and a parent of an 11-year-old boy who rarely gets to ride his bike in our busy-traffic neighborhood, I am writing to express my full support for the New Milford Segra Meadows Bike Trail project. If there is anything I can do to help support your effort, please feel free to contact me.

Best regards,

Lisa Alexander
203 Wellsville Avenue
New Milford, CT 06776
alexander.ct@sbcglobal.net

TESTIMONY IN SUPPORT OF HB 6126
An Act Authorizing Bicyclists to Cross the Housatonic Railroad
At-Grade in New Milford

To Rep. Chapin,

As a 30 year New Milford resident, I would like to add my complete support to allow a bicycle grade crossing at Sega Meadows Park in New Milford. I have biked up River Road many times, and see it getting more and more popular. This crossing would increase its visibility, and I'm sure attract more people to come and exercise in beautiful New Milford along the Housatonic!

Pat Catchpole
13 Aspetuck Avenue
New Milford, CT 06776
catchct@netscape.net

TESTIMONY IN SUPPORT OF HB 6126
An Act Authorizing Bicyclists to Cross the Housatonic Railroad
At-Grade in New Milford

Clark,

I just wanted to express my support for your bill regarding the crossing at Sega Meadows in New Milford. I think it is important for New Milford to get started on these bike trails – it will increase the quality of life in our town. Thank you for getting the bill this far and I hope you can get it through with Tom's support.

Best Wishes,
Tricia Gregory
tgreg48@earthlink.net

TESTIMONY IN SUPPORT OF HB 6126
An Act Authorizing Bicyclists to Cross the Housatonic Railroad
At-Grade in New Milford

I am in favor of this bill and would like to see it expanded to allow cross country skiers and hikers as well.

Tom Saunders
New Milford, CT
TomHHI@aol.com