



Senate

General Assembly

File No. 427

January Session, 2001

Substitute Senate Bill No. 1125

Senate, April 24, 2001

The Committee on Environment reported through SEN. WILLIAMS of the 29th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE MEMBERSHIP OF THE STATE TRAFFIC COMMISSION AND CONSIDERATIONS FOR ISSUANCE OF CERTIFICATES OF OPERATION.

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

1 Section 1. Section 14-298 of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 (a) There shall be within the Department of Transportation a State
4 Traffic Commission. Said Traffic Commission shall consist of the
5 Commissioner of Transportation, the Commissioner of Public Safety
6 and the Commissioner of Motor Vehicles. For the purpose of
7 standardization and uniformity, said commission shall adopt and
8 cause to be printed for publication regulations establishing a uniform
9 system of traffic control signals, devices, signs and markings consistent
10 with the provisions of this chapter for use upon the public highways.
11 The commissioner shall make known to the General Assembly the
12 availability of such regulations and any requesting member shall be

13 sent a written copy or electronic storage media of such regulations by
14 the commissioner. Taking into consideration the public safety and
15 convenience with respect to the width and character of the highways
16 and roads affected, the density of traffic thereon and the character of
17 such traffic, said commission shall also adopt regulations, in
18 cooperation and agreement with local traffic authorities, governing the
19 use of state highways and roads on state-owned properties, and the
20 operation of vehicles including but not limited to motor vehicles, as
21 defined by section 14-1, and bicycles, as defined by section 14-286,
22 thereon. A list of limited-access highways shall be published with such
23 regulations and said list shall be revised and published once each year.
24 The commissioner shall make known to the General Assembly the
25 availability of such regulations and list and any requesting member
26 shall be sent a written copy or electronic storage media of such
27 regulations and list by the commissioner. A list of limited-access
28 highways opened to traffic by the Commissioner of Transportation in
29 the interim period between publications shall be maintained in the
30 office of the State Traffic Commission and such regulations shall apply
31 to the use of such listed highways. Said commission shall also make
32 regulations, in cooperation and agreement with local traffic authorities,
33 respecting the use by through truck traffic of streets and highways
34 within the limits of, and under the jurisdiction of, any city, town or
35 borough of this state for the protection and safety of the public. If said
36 commission determines that the prohibition of through truck traffic on
37 any street or highway is necessary because of an immediate and
38 imminent threat to the public health and safety and the local traffic
39 authority is precluded for any reason from acting on such prohibition,
40 the commission, if it is not otherwise precluded from so acting, may
41 impose such prohibition. Said commission may place and maintain
42 traffic control signals, signs, markings and other safety devices, which
43 it deems to be in the interests of public safety, upon such highways as
44 come within the jurisdiction of said commission as set forth in section
45 14-297. The traffic authority of any city, town or borough may place

46 and maintain traffic control signals, signs, markings and other safety
47 devices upon the highways under its jurisdiction, and all such signals,
48 devices, signs and markings shall conform to the regulations
49 established by said commission in accordance with this chapter, and
50 such traffic authority shall, with respect to traffic control signals,
51 conform to the provisions of section 14-299.

52 (b) In making decisions on applications for certification under
53 sections 14-311, as amended by this act, and 14-311c, as amended by
54 this act, the membership of the State Traffic Commission shall consist
55 of the Commissioner of Transportation, the Commissioner of Public
56 Safety, the Commissioner of Motor Vehicles, the executive director of
57 the Council on Environmental Quality, the Commissioner of
58 Environmental Protection and the chairperson of the regional planning
59 agency operating in the planning region, designated or redesignated
60 by the Secretary of the Office of Policy and Management pursuant to
61 section 16a-41, in which the development for which an application has
62 been filed is located.

63 Sec. 2. Section 14-311 of the general statutes is repealed and the
64 following is substituted in lieu thereof:

65 (a) No person, firm, corporation, state agency, or municipal agency
66 or combination thereof shall build, expand, establish or operate any
67 open air theater, shopping center or other development generating
68 large volumes of traffic, having an exit or entrance on, or abutting or
69 adjoining, any state highway or substantially affecting state highway
70 traffic within this state until such person or agency has procured from
71 the State Traffic Commission a certificate that the operation thereof
72 will not imperil the safety of the public.

73 (b) No local building official shall issue a building or foundation
74 permit to any person, firm, corporation, state agency or municipal
75 agency to build, expand, establish or operate such a development until
76 the person, firm, corporation or agency provides to such official a copy

77 of the certificate issued under this section by the commission. If the
78 commission determines that any person, firm, corporation, or state or
79 municipal agency has (1) started building, expanding, establishing or
80 operating such a development without first obtaining a certificate from
81 the commission, or (2) has failed to comply with the conditions of such
82 a certificate, it shall order the person, firm, corporation or agency to
83 (A) cease constructing, expanding, establishing or operating the
84 development, or (B) comply with the conditions of the certificate
85 within a reasonable period of time. If such person, firm, corporation or
86 agency fails to (i) cease such work, or (ii) comply with an order of the
87 commission within such time as specified by the commission, the
88 commission may make an application to the superior court for the
89 judicial district of Hartford or the judicial district where the
90 development is located enjoining the construction, expansion,
91 establishment or operation of such development.

92 (c) The State Traffic Commission shall issue its decision on an
93 application for a certificate under subsection (a) of this section not later
94 than one hundred twenty days after it is filed, except that, if the
95 commission needs additional information from the applicant, it shall
96 notify the applicant in writing as to what information is required and
97 (1) the commission may toll the running of such one-hundred-twenty-
98 day period by the number of days between and including the date
99 such notice is received by the applicant and the date the additional
100 information is received by the commission, and (2) if the commission
101 receives the additional information during the last ten days of the one-
102 hundred-twenty-day period and needs additional time to review and
103 analyze such information, it may extend such period by not more than
104 fifteen days. The State Traffic Commission may also, at its discretion,
105 postpone action on any application submitted pursuant to this section
106 or section 14-311a until such time as it is shown that an application has
107 been filed with and approved by the municipal planning and zoning
108 agency or other responsible municipal agency.

109 (d) In determining the advisability of such certification, the State
110 Traffic Commission shall include, in its consideration, highway safety,
111 the width and character of the highways affected, the density of traffic
112 thereon, the character of such traffic, [and] the opinion and findings of
113 the traffic authority of the municipality wherein the development is
114 located and consistency with the state plan of conservation and
115 development. If the State Traffic Commission determines that traffic
116 signals, pavement markings, channelization, pavement widening or
117 other changes or traffic control devices are required to handle traffic
118 safely and efficiently, one hundred per cent of the cost thereof shall be
119 borne by the person building, establishing or operating such open air
120 theater, shopping center or other development generating large
121 volumes of traffic, except that such cost shall not be borne by any
122 municipal agency. The Commissioner of Transportation may issue a
123 permit to said person to construct or install the changes required by
124 the State Traffic Commission.

125 (e) Any person aggrieved by any decision of the State Traffic
126 Commission hereunder may appeal therefrom in accordance with the
127 provisions of section 4-183, except venue for such appeal shall be in the
128 judicial district in which it is proposed to operate such establishment.
129 [The provisions of this section except insofar as such provisions relate
130 to expansion shall not apply to any open air theater, shopping center
131 or other development generating large volumes of traffic in operation
132 on July 1, 1967.]

133 Sec. 3. Section 14-311c of the general statutes is repealed and the
134 following is substituted in lieu thereof:

135 (a) No group of persons, firms, corporations, state agencies or
136 municipal agencies or combination thereof shall build, expand,
137 establish or operate any open air theater, shopping center or other
138 development generating large volumes of traffic on any group of
139 individual parcels of land which are separately owned but are utilized

140 together for a single development purpose, whether or not such
141 parcels are separated by any state, local or private roadway, having an
142 exit or entrance on, or abutting or adjoining, any state highway or
143 substantially affecting state highway traffic within this state until such
144 group has procured from the State Traffic Commission a certificate
145 that the operation thereof will not imperil the safety of the public.

146 (b) No local building official shall issue a building or foundation
147 permit to any such group or member thereof to build, expand,
148 establish or operate such a development until the group or member
149 provides to such official a copy of the certificate issued under this
150 section by the commission. If the commission determines that any
151 group or member has (1) started building, expanding, establishing or
152 operating such a development without first obtaining a certificate from
153 the commission, or (2) has failed to comply with the conditions of such
154 a certificate, it shall order the group or member to (A) cease
155 constructing, expanding, establishing or operating the development, or
156 (B) to comply with the conditions of the certificate within a reasonable
157 period of time. If such group or member fails to (i) cease such work, or
158 (ii) comply with an order of the commission within such time as
159 specified by the commission, the commission or the traffic authority of
160 the municipality wherein the development is located may make an
161 application to the superior court for the judicial district of Hartford or
162 the judicial district where the development is located enjoining the
163 construction, expansion, establishment or the operation of such
164 development.

165 (c) The State Traffic Commission shall issue its decision on an
166 application for a certificate under subsection (a) of this section not later
167 than one hundred twenty days after it is filed, except that, if the
168 commission needs additional information from the applicant, it shall
169 notify the applicant in writing as to what information is required and
170 (1) the commission may toll the running of such one-hundred-twenty-
171 day period by the number of days between and including the date

172 such notice is received by the applicant and the date the additional
173 information is received by the commission, and (2) if the commission
174 receives the additional information during the last ten days of the one-
175 hundred-twenty-day period and needs additional time to review and
176 analyze such information, it may extend such period by not more than
177 fifteen days. The State Traffic Commission may also, at its discretion,
178 postpone action on any application submitted pursuant to this section
179 or section 14-311a until such time as it is shown that an application has
180 been filed with and approved by the municipal planning and zoning
181 agency or other responsible municipal agency.

182 (d) In determining the advisability of such certification, the State
183 Traffic Commission shall include, in its consideration, highway safety,
184 the width and character of the highways affected, the density of traffic
185 thereon, the character of such traffic, [and] the opinion and findings of
186 the traffic authority of the municipality wherein the development is
187 located and consistency with the state plan of conservation and
188 development. If the State Traffic Commission determines that traffic
189 signals, pavement markings, channelization, pavement widening or
190 other changes or traffic control devices are required to handle traffic
191 safely and efficiently, one hundred per cent of the cost thereof shall be
192 borne by the group building, establishing or operating such open air
193 theater, shopping center or other development generating large
194 volumes of traffic, except that such cost shall not be borne by any
195 municipal agency. The Commissioner of Transportation may issue a
196 permit to said group to construct or install the changes required by the
197 State Traffic Commission, in consultation with the local traffic
198 authority.

199 (e) Any group aggrieved by any decision of the State Traffic
200 Commission hereunder may appeal therefrom in accordance with the
201 provisions of section 4-183, except venue for such appeal shall be in the
202 judicial district in which it is proposed to operate such establishment.
203 [The provisions of this section except insofar as such provisions relate

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: Potential Costs

Affected Agencies: Department of Transportation, Office of Policy and Management

Municipal Impact: None

Explanation

State Impact:

The bill expands from three to six the membership of the State Traffic Commission (STC) when it is considering and approving operating certificate applications for major traffic-generating developments. It adds the Commissioner of Environmental Protection, the Executive Director of the Environmental Quality Council and the Chairman of the regional planning agency where a proposed development is located. It also requires the STC to consider whether or not a major traffic generator is consistent with the state plan of conservation and development.

It is anticipated the STC and the Office of Policy and Management (OPM) will handle the additional workload created from having to consider the consistency of major traffic generators with the state plan of conservation and development within available resources. However, if the intent of the legislation is to retroactively certify previously grandfathered in permits, the Department of

Transportation (DOT) would need additional positions both in the STC division and in the Bureau of Engineering and Operations.

Municipal Impact:

It is anticipated that any participation by affected local governmental entities can be handled within available resources.

OLR Bill Analysis

sSB 1125

AN ACT CONCERNING THE MEMBERSHIP OF THE STATE TRAFFIC COMMISSION AND CONSIDERATIONS FOR ISSUANCE OF CERTIFICATES OF OPERATION.**SUMMARY:**

This bill expands, from three to six, the membership of the State Traffic Commission (STC) when it is acting in its capacity to consider and approve operating certificate applications for major traffic-generating developments. Currently, the STC consists of the commissioners of transportation, public safety, and motor vehicles. The bill adds the environmental protection commissioner, the environmental quality council executive director, and the chairman of the regional planning agency where a proposed development is located. (It is not clear what would happen in the case of a traffic generator that straddles the boundary of two regional planning agencies.) For its other traffic regulating functions, such as approving speed limits on state and local roads, the three-member STC remains unchanged.

In weighing an operating certificate application, the bill also requires the STC to consider whether a major traffic generator is consistent with the state plan of conservation and development. For these applications, current law requires the STC to consider (1) highway safety, (2) the width and character of the affected highways, (3) the density of traffic on the affected highways, (4) the type of traffic, and (5) the opinion and findings of the municipal traffic authority where the development is located.

The bill also eliminates language that exempted major traffic generators from the operating certificate process if the developments were already in operation or had the necessary local approvals before certain dates. It is not clear whether this language is outdated and the change has no effect or it would mean facilities in operation prior to the specified dates would have to apply for an operating certificate.

EFFECTIVE DATE: October 1, 2001

BACKGROUND

Major Traffic-Generating Developments

Under state regulations, a development is considered a major traffic generator, and thus is subject to the operating certificate requirements, if the project involves at least 100,000 square feet of floor area or at least 200 parking spaces.

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Substitute Change of Reference
Yea 16 Nay 1

Environment Committee

Joint Favorable Report
Yea 26 Nay 2