



House of Representatives

General Assembly

File No. 385

January Session, 2003

Substitute House Bill No. 6671

House of Representatives, April 16, 2003

The Committee on Transportation reported through REP. COCCO of the 127th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE
TRANSPORTATION STRATEGY BOARD CONCERNING
TRANSPORTATION.***

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

1 Section 1. (NEW) (*Effective from passage*) As used in sections 1 to 24,
2 inclusive, of this act:

3 (1) The following terms have the meanings specified in section 13b-
4 57d of the general statutes: "Board"; "department"; "commissioner";
5 "local planning agency" and "TIA";

6 (2) "Initial strategy" means the transportation projects and
7 supporting documentation contained in the report submitted by the
8 board in accordance with subdivision (1) of subsection (k) of section
9 13b-57g of the general statutes, as amended by this act;

10 (3) "Transportation project" means any planning, capital or
11 operating project recommended by the board in its initial strategy

12 report;

13 (4) "Economic development plan" means a comprehensive plan
14 describing (A) existing economic development projects, and (B)
15 proposed economic development projects for which a letter of
16 commitment has been issued by the Department of Economic and
17 Community Development; and

18 (5) "Economic development project" means any project, as defined
19 in subsection (d) of section 32-23d of the general statutes, which is to
20 be used or occupied by any person for (A) manufacturing, industrial,
21 research, office or product warehousing or distribution purposes or
22 hydroponic or aquaponic food production purposes and which the
23 authority determines will tend to maintain or provide gainful
24 employment, maintain or increase the tax base of the economy, or
25 maintain, expand or diversify industry in the state, or (B) controlling,
26 abating, preventing or disposing land, water, air or other
27 environmental pollution, including without limitation thermal,
28 radiation, sewage, wastewater, solid waste, toxic waste, noise or
29 particulate pollution, except resources recovery facilities, as defined in
30 section 22a-219a of the general statutes, used for the principal purpose
31 of processing municipal solid waste and which are not expansions or
32 additions to resources recovery facilities operating on July 1, 1990, or
33 (C) the conservation of energy or the utilization of cogeneration
34 technology or solar, wind, hydro, biomass or other renewable sources
35 to produce energy for any industrial or commercial application, or (D)
36 any other purpose which the authority determines will materially
37 contribute to the economic base of the state by creating or retaining
38 jobs, promoting the export of products or services beyond state
39 boundaries, encouraging innovation in products or services, or
40 otherwise contributing to, supporting or enhancing existing activities
41 that are important to the economic base of the state.

42 Sec. 2. (NEW) (*Effective from passage*) (a) The General Assembly
43 approves sections I to VII, inclusive, of the initial strategy report,
44 except that no state funds shall be provided for marketing any services

45 at Bradley International Airport, for state ownership or management of
46 Tweed-New Haven Airport or for implementation of the Tweed-New
47 Haven Airport master plan adopted by the Tweed-New Haven Airport
48 Authority. The transportation projects specified in this subsection shall
49 be completed, to the extent feasible, prior to any other transportation
50 project:

51 (1) In the Coastal Corridor TIA, as defined in section 13b-57d of the
52 general statutes:

53 (A) Acquire twelve electric locomotives for the New Haven Line for
54 use in intrastate service;

55 (B) Acquire forty coaches for the New Haven Line for use in
56 intrastate service;

57 (C) Construct or expand stations on the New Haven Line that can
58 accommodate rail service and one or more other modes of
59 transportation and have:

60 (i) Facilities for one thousand or more parking spaces;

61 (ii) Connections to bus and other transit systems;

62 (iii) Opportunity for community revitalization;

63 (iv) Opportunity for transit oriented development;

64 (v) Ease of auto, bus, bicycle and pedestrian access to the station
65 facility;

66 (vi) Potential to attract sufficient riders to support additional
67 express trains; and

68 (vii) Operation under control of the state;

69 (D) Make improvements to Long Island Sound, including, but not
70 limited to, dredging, upon removal of prohibitions imposed by federal
71 law, and bulkheading, expand passenger facilities, including facilities

72 at the Bridgeport Intermodal Facility, and resolve land access issues to
73 support high speed ferry service; and

74 (E) Establish container barge service for the port of Bridgeport.

75 (2) In the I-84 Corridor TIA, as defined in section 13b-57d of the
76 general statutes:

77 (A) Establish express bus services from Bridgeport and New Haven
78 to Bradley International Airport;

79 (B) Complete the New Britain to Hartford busway and establish
80 other bus rapid transit service in Hartford and surrounding towns;

81 (C) Establish bus service or commuter rail service, as determined in
82 the Hartford-Springfield-New Haven Implementation Study
83 conducted by the department, that runs through New Haven, Hartford
84 and Springfield, with a connection to Bradley International Airport;
85 and

86 (D) Expand rail passenger service on the Norwalk to Danbury-New
87 Milford Branch Line to assist commuter movement on Route 7 and I-
88 95.

89 (3) In the I-91 Corridor TIA, as defined in section 13b-57d of the
90 general statutes:

91 (A) Upgrade and rehabilitate trains, upgrade or construct
92 maintenance facilities and parking facilities and upgrade feeder bus
93 services for passenger rail service, particularly along the Metro North-
94 New Haven line; and

95 (B) Establish container barge service for the port of New Haven in
96 accordance with section 3 of this act.

97 (4) In the I-395 Corridor TIA, as defined in section 13b-57d of the
98 general statutes:

99 (A) Establish rail freight service with connections to the New

100 London port;

101 (B) Expand the frequency of bus service, number of runs and
102 connections within and outside of the region, particularly in and to
103 Norwich and New London; and

104 (C) Complete Route 11 from its terminus in Salem to the I-95 and I-
105 395 intersect, including greenway purchases made in accordance with
106 section 13a-142e of the general statutes.

107 (5) In the Southeast Corridor TIA, as defined in section 13b-57d of
108 the general statutes:

109 (A) Acquire eight electric locomotives and twenty-four coaches for
110 the Shoreline East Railroad Line;

111 (B) Make operational improvements, as identified by the
112 department, to highways that improve the flow of traffic on I-95 and I-
113 395, and maintain and improve local roads; and

114 (C) Establish container barge service for the port of New London in
115 accordance with section 3 of this act.

116 (6) State-wide:

117 (A) Implement Bradley International Airport area access
118 improvements, including increased air cargo services, adopted as
119 Bradley Project 2002 by the Bradley Board of Directors, established and
120 created under section 15-101mm of the general statutes;

121 (B) Expand marketing by the department of the Deduct-a-Ride
122 program to all eligible employers;

123 (C) Continue funding the Jobs Access Program;

124 (D) Implement regularly scheduled and enforced hours of operation
125 for weigh stations established by the Department of Motor Vehicles in
126 consultation with the Department of Public Safety; and

127 (E) Continue development of the Commercial Vehicle Information
128 System and Networks, part of the Federal Highway Administration's
129 Intelligent Transportation/Commercial Vehicle Operations plan, to be
130 managed by the department.

131 (b) Any transportation project included in subsection (a) of this
132 section requiring expenditures of more than one hundred thousand
133 dollars shall be accompanied by an economic development plan that
134 provides for planned growth to support such transportation project,
135 except that an economic development plan shall not be required for
136 any transportation project whose sole purpose is public safety.

137 Sec. 3. (NEW) (*Effective from passage*) (a) The board shall, after
138 container barge service is established for the port of Bridgeport
139 pursuant to subdivision (1) of subsection (a) of section 2 of this act,
140 determine whether container barge service should be established for
141 the port of New Haven pursuant to subdivision (3) of subsection (a) of
142 section 2 of this act. In making such determination, the board shall find
143 that: (1) Establishing the container barge service will benefit the
144 movement of freight into and out of the state, and (2) establishing the
145 container barge service will not be detrimental to freight service at the
146 port of Bridgeport. If the board determines that container barge service
147 should be established for the port of New Haven, it shall make a
148 recommendation to that effect in any report required under
149 subdivision (1) or (2) of subsection (k) of section 13b-57g of the general
150 statutes, as amended by this act, and such recommendation shall be
151 accompanied by the analysis required under subsection (b) of section 9
152 of this act.

153 (b) The board shall, after container barge service is established for
154 the port of New Haven pursuant to subdivision (3) of subsection (a) of
155 section 2 of this act, determine whether container barge service should
156 be established for the port of New London pursuant to subdivision (5)
157 of subsection (a) of section 2 of this act. In making such determination,
158 the board shall find that: (1) Establishing the container barge service
159 will benefit the movement of freight into and out of the state, and (2)

160 establishing the container barge service will not be detrimental to
161 freight service at the ports of Bridgeport or New Haven. If the board
162 determines that container barge service should be established for the
163 port of New London, it shall make a recommendation to that effect in
164 any report required under subdivision (1) or (2) of subsection (k) of
165 section 13b-57g of the general statutes, as amended by this act, and
166 such recommendation shall be accompanied by the analysis required
167 under subsection (b) of section 9 of this act.

168 Sec. 4. (NEW) (*Effective from passage*) (a) The board shall coordinate
169 preparation of a performance report on the transportation projects
170 specified in section 2 of this act that require accompanying economic
171 development plans.

172 (b) The board, in consultation with the Departments of
173 Transportation and Economic and Community Development and the
174 Office of Policy and Management, shall determine the format for the
175 report. The report shall include, but not be limited to, the following: (1)
176 A map delineating the boundaries of each TIA and identifying
177 proposed and actual transportation and economic development
178 projects; (2) a description of funding for, implementation status of and
179 estimated completion date of each economic development and
180 transportation project; (3) an explanation of how each economic
181 development project complements each transportation project; (4) a
182 statement describing how each economic development and
183 transportation project addresses the goals and objectives of the state
184 plan of conservation and development prepared under chapter 297 of
185 the general statutes; (5) a description of the role of municipalities and
186 regional planning agencies in planning and implementing each
187 transportation and economic development project; (6) a description of
188 the extent to which all of the economic development projects and
189 transportation projects in each TIA address the transportation
190 problems, needs or concerns of the TIA; and (7) an evaluation of how
191 each transportation and economic development project addresses the
192 transportation problems, needs or concerns of the TIA based on
193 statistical measures which shall be developed jointly by the board and

194 the Departments of Transportation and Economic and Community
195 Development and the Office of Policy and Management.

196 (c) The report required under subsection (b) of this section shall be
197 submitted, in accordance with the provisions of section 11-4a of the
198 general statutes, not later than December 31, 2004, and on each June
199 thirtieth and December thirty-first thereafter, along with the report
200 required on the same dates under subdivisions (1) and (2) of
201 subsection (k) of section 13b-57g of the general statutes, as amended by
202 this act, to the joint standing committees of the General Assembly
203 having cognizance of matters relating to transportation, planning and
204 development and finance, revenue and bonding. Not later than fifteen
205 days after receipt of the December thirty-first report each year, the
206 joint standing committees of the General Assembly having cognizance
207 of matters relating to transportation and planning and development
208 shall review the report and submit comments and recommendations to
209 the bonding subcommittee of the joint standing committee of the
210 General Assembly having cognizance of matters relating to finance,
211 revenue and bonding. Not later than thirty days after receipt of the
212 report, the joint standing committee of the General Assembly having
213 cognizance of matters relating to finance, revenue and bonding shall
214 conduct a public hearing on the report.

215 (d) After the hearing required under subsection (c) of this section,
216 the bonding subcommittee of the joint standing committee of the
217 General Assembly having cognizance of matters relating to finance,
218 revenue and bonding may recommend to said committee changes in
219 existing bond authorizations for economic development projects to
220 implement the transfer of any such authorization from the Department
221 of Economic and Community Development to any other state agencies
222 authorized to undertake economic development.

223 Sec. 5. (NEW) (*Effective from passage*) On or before January 1, 2004,
224 the Commissioner of Transportation, in consultation with the
225 Department of Public Safety and the Department of Motor Vehicles,
226 shall establish a program to use existing weigh stations and rest areas

227 for increased truck parking and to increase the size of weigh station
228 facilities for weighing and inspecting vehicles. Not later than
229 September 1, 2003, and annually thereafter, the commissioner shall
230 submit a report on the program to the joint standing committee of the
231 General Assembly having cognizance of matters relating to
232 transportation.

233 Sec. 6. (NEW) (*Effective from passage*) On or before January 1, 2004,
234 the Commissioner of Transportation, in consultation with the
235 Department of Public Safety and the Department of Motor Vehicles,
236 shall develop a program to identify and implement operational
237 improvements necessary to facilitate the movement of traffic in heavily
238 congested areas. Not later than September 1, 2003, and annually
239 thereafter, the commissioner shall submit a report on the program to
240 the board.

241 Sec. 7. (*Effective from passage*) (a) There is established a task force to
242 be known as the "Highway Incident Management Task Force". The
243 task force shall develop policies and implementation plans including,
244 but not limited to: (1) Standards for highway incident response times;
245 (2) diversion plans for serious incidents that close freeways; (3)
246 primary authority among responders to a highway incident to manage
247 the incident scene; (4) availability and positioning of tow vehicles prior
248 to the occurrence of highway incidents; (5) expansion of the
249 Connecticut Highway Assistance Motorist Patrol service, including
250 areas of expansion and desired coverage levels; and (6) installation of
251 vision barriers to reduce traffic congestion due to operator onlooking
252 during incidents.

253 (b) The task force shall consist of the following members:

254 (1) A member of the board appointed by the chairperson of the
255 board to serve as the task force chairperson;

256 (2) The Commissioners of Transportation, Environmental
257 Protection, Public Safety and Motor Vehicles, or the commissioners'
258 designees;

259 (3) Two appointed by the speaker of the House of Representatives,
260 one of whom shall represent a local emergency response agency and
261 one of whom shall be a local public official;

262 (4) Two appointed by the president pro tempore of the Senate, one
263 of whom shall represent a local emergency response agency and one of
264 whom shall be a local public official.

265 (c) All appointments to the task force shall be made no later than
266 thirty days after the effective date of this section. Any vacancy shall be
267 filled by the appointing authority.

268 (d) Not later than September 1, 2003, the task force shall submit a
269 report on its findings and recommendations to the board.

270 Sec. 8. (*Effective from passage*) (a) The Chief Court Administrator, in
271 consultation with the Chief State's Attorney, the Chief Public Defender
272 and the Commissioner of Public Safety, or their designees, shall
273 conduct a study on means for achieving more effective prosecutions of
274 moving violations, as defined in subsection (a) of section 14-111g of the
275 general statutes, including, but not limited to, a review of: (1) The
276 procedures of state and local police departments for identifying and
277 charging violators, (2) the policies of the Office of the Chief State's
278 Attorney for charging and prosecuting alleged offenders, (3) the
279 procedures of courts for processing cases involving moving violations
280 in a timely manner, and (4) the feasibility of establishing traffic courts.

281 (b) Not later than January 1, 2004, the Chief Court Administrator
282 shall report, in accordance with the provisions of section 11-4a of the
283 general statutes, the findings and recommendations of the study,
284 including recommendations for policies and procedures to implement
285 the findings and recommendations, to the joint standing committees of
286 the General Assembly having cognizance of matters relating to
287 transportation and judiciary.

288 Sec. 9. (NEW) (*Effective from passage*) (a) The board shall prepare an
289 analysis, based on appropriate metrics, methodologies and standards,

290 developed by the board or by any agency or other unit of government
291 of the state, of the short-term and long-term effects of the initial
292 strategy on: (1) The present and future transportation needs of the state
293 for the movement of both people and goods; (2) economic
294 development in the state; and (3) the environment, including air
295 quality, wetlands, open space and energy consumption. Said analysis
296 shall include the projected return on investment for each
297 transportation project. The board shall submit such analysis, in
298 accordance with section 11-4a of the general statutes, to the Governor
299 and to the joint standing committee of the General Assembly having
300 cognizance of matters relating to transportation along with the report
301 due on December 15, 2004, pursuant to subdivision (3) of subsection
302 (k) of section 13b-57g of the general statutes, as amended by this act.

303 (b) The board shall monitor the planning and implementation of the
304 transportation projects specified in sections 2, 3 and 5 to 7, inclusive, of
305 this act, and shall report to the Governor and the General Assembly in
306 accordance with subdivision (2) of subsection (k) of section 13b-57g of
307 the general statutes, as amended by this act. Any recommended
308 update or revision to any transportation project or to the initial
309 strategy, including any project recommended as an addition to the
310 initial strategy, included in the report due on December 15, 2004, and
311 each report due every two years thereafter, pursuant to subdivision (3)
312 of subsection (k) of section 13b-57g of the general statutes, as amended
313 by this act, shall be accompanied by an analysis made in accordance
314 with subsection (a) of this section.

315 Sec. 10. (NEW) (*Effective from passage*) Not later than September 1,
316 2003, and annually thereafter, the Commissioner of Transportation
317 shall submit a report to the board listing projects, other than
318 transportation projects, that the department determines to be of
319 greatest importance and the reasons for such determination.

320 Sec. 11. Subsection (e) of section 13b-11a of the general statutes is
321 repealed and the following is substituted in lieu thereof (*Effective from*
322 *passage*):

323 (e) On or before January first, annually, the commission shall submit
324 in writing to the commissioner, [and] the Governor and the
325 Connecticut Transportation Strategy Board, established pursuant to
326 section 13b-57e, (1) a list of public transportation projects, which, if
327 undertaken by the state, would further the policy set forth in section
328 13b-32, including projects specifically for elderly and disabled users;
329 (2) recommendations for improvements to existing public
330 transportation service and projects, incorporating transportation
331 service and projects relative to the needs of elderly and disabled
332 persons and including proposals for legislation and regulations; (3)
333 recommendations for disincentives to free parking, including urban
334 and suburban employment centers; (4) off-peak transit services; and (5)
335 the establishment of urban center loop shuttles. The commissioner
336 shall notify members of the joint standing committee of the General
337 Assembly having cognizance of matters relating to transportation, on
338 or before January first, annually, and all members of the General
339 Assembly on or before February first, annually, of the availability of
340 the commissioner's comments and analysis of priorities. A written
341 copy or electronic storage media of such comments and analysis shall
342 be distributed to members of such committee who request them. The
343 commissioner shall meet with the commission at least once during
344 each calendar quarter.

345 Sec. 12. Subsection (k) of section 13b-57g of the general statutes is
346 repealed and the following is substituted in lieu thereof (*Effective from*
347 *passage*):

348 (k) The board shall submit the following reports, in accordance with
349 section 11-4a, to the Governor and the joint standing committee of the
350 General Assembly having cognizance of matters relating to
351 transportation: (1) Not later than January 15, 2002, [the board shall
352 submit] an initial strategy and preliminary projections of the cost
353 necessary to implement the strategy over the first ten years, [to the
354 Governor and the General Assembly in accordance with section 11-4a.
355 Such strategy] which shall be subject to approval by the General
356 Assembly; [On] (2) on June 30, 2002, and each December thirty-first

357 and June thirtieth thereafter, [the board shall submit] a status report on
358 the implementation of and any needed revisions to the strategy and
359 the quarterly report provided by the Department of Economic and
360 Community Development, pursuant to subsection (b) of section 32-6k;
361 [to the joint standing committee of the General Assembly having
362 cognizance of matters relating to transportation in accordance with
363 section 11-4a. On] and (3) on December 15, 2002, and every two years
364 thereafter, [the board shall update or revise the strategy, if necessary,
365 and shall submit] an update or revision of the strategy, if necessary,
366 which shall be subject to approval by the General Assembly, and a
367 report on implementation of the strategy. [to the Governor and the
368 General Assembly, as provided in section 11-4a. All such updates and
369 revisions shall be subject to approval by the General Assembly.]

370 Sec. 13. Section 16a-27 of the general statutes is repealed and the
371 following is substituted in lieu thereof (*Effective from passage*):

372 (a) The secretary, after consultation with all appropriate state,
373 regional and local agencies and other appropriate persons shall prior
374 to March 1, 2003, complete a revision of the existing plan and enlarge it
375 to include, but not be limited to, policies relating to transportation,
376 energy and air. Any revision made after May 15, 1991, shall identify
377 the major transportation proposals, including proposals for mass
378 transit, contained in the master transportation plan prepared pursuant
379 to section 13b-15. Any revision made after July 1, 1995, shall take into
380 consideration the conservation and development of greenways that
381 have been designated by municipalities and shall recommend that
382 state agencies coordinate their efforts to support the development of a
383 state-wide greenways system. The Commissioner of Environmental
384 Protection shall identify state-owned land for inclusion in the plan as
385 potential components of a state greenways system. Any revision made
386 after the effective date of this section shall take into account (1)
387 economic and community development needs and patterns of
388 commerce, and (2) linkages of affordable housing objectives and land
389 use planning with transportation systems.

390 (b) Thereafter on or before March first in each revision year the
391 secretary shall complete a revision of the plan of conservation and
392 development.

393 Sec. 14. Section 16a-31 of the general statutes is repealed and the
394 following is substituted in lieu thereof (*Effective from passage*):

395 (a) All plans for transportation, economic development, housing,
396 water supply, sewers, farmland preservation, open space and natural
397 heritage preservation that are required by state or federal law and
398 prepared by state departments, agencies or institutions shall be
399 consistent with the state plan of conservation and development not
400 more than two years after the effective date of this section. Thereafter,
401 each state department, agency or institution shall revise each such plan
402 not more than two years after adoption by the General Assembly of the
403 state plan of conservation and development. A draft of any such plan
404 shall be submitted to the secretary for review. The secretary shall
405 provide to the preparer of the plan a report commenting on the extent
406 to which the proposed plan conforms to the state plan of conservation
407 and development. The state department, agency or institution shall
408 revise the plan accordingly.

409 [(a)] (b) The following actions when undertaken by any state
410 agency, with state or federal funds, shall be consistent with the plan,
411 except if federal law requires actions that are inconsistent with the
412 plan:

413 (1) The acquisition of real property when the acquisition costs are in
414 excess of one hundred thousand dollars;

415 (2) The development or improvement of real property when the
416 development costs are in excess of one hundred thousand dollars;

417 (3) The acquisition of public transportation equipment or facilities
418 when the acquisition costs are in excess of one hundred thousand
419 dollars; and

420 (4) The authorization of each state grant, any application for which

421 is not pending on July 1, 1991, for an amount in excess of one hundred
422 thousand dollars, for the acquisition or development or improvement
423 of real property or for the acquisition of public transportation
424 equipment or facilities.

425 [(b)] (c) A state agency shall request, and the secretary shall provide,
426 an advisory statement commenting on the extent to which any of the
427 actions specified in subsection [(a)] (b) of this section conforms to the
428 plan and any agency may request and the secretary shall provide such
429 other advisory reports as the state agency deems advisable.

430 [(c)] (d) The secretary shall submit and the State Bond Commission
431 shall consider prior to the allocation of any bond funds for any of the
432 actions specified in subsection [(a)] (b) of this section an advisory
433 statement commenting on the extent to which such action is in
434 conformity with the plan of conservation and development.

435 [(d)] (e) Notwithstanding subsection [(b)] (c) of this section, The
436 University of Connecticut shall request, and the secretary shall
437 provide, an advisory statement commenting on the extent the projects
438 included in the third phase of UConn 2000, as defined in subdivision
439 (25) of section 10a-109c, conform to the plan and the university may
440 request and the secretary shall provide such other advisory reports as
441 the university deems advisable. Notwithstanding subsection [(c)] (b) of
442 this section, the secretary shall submit and the State Bond Commission
443 shall consider prior to the approval of the master resolution or
444 indenture for securities for the third phase of UConn 2000, pursuant to
445 subsection (c) of section 10a-109g, the advisory statement prepared
446 under this subsection.

447 [(e) Whenever a state agency is required by state or federal law to
448 prepare a plan, it shall consider the state plan of conservation and
449 development in the preparation of such plan. A draft of such plan shall
450 be submitted to the secretary who shall provide for the preparer of the
451 plan an advisory report commenting on the extent to which the
452 proposed plan conforms to the state plan of conservation and
453 development.]

454 Sec. 15. (NEW) (*Effective from passage*) The Secretary of the Office of
455 Policy and Management shall develop a set of recommendations for
456 growth management goals and specific land use development policies
457 to be enacted by state law. Such goals and policies should be sufficient
458 to be used as a prescriptive management tool but should not (1)
459 preclude site or project accommodation, or (2) be a basis for
460 challenging state actions under any provision of the general statutes.
461 The secretary shall submit a report to the joint standing committees of
462 the General Assembly having cognizance of matters relating to
463 planning and development and transportation of such
464 recommendations on or before January 1, 2005.

465 Sec. 16. Subsection (a) of section 8-2 of the general statutes is
466 repealed and the following is substituted in lieu thereof (*Effective from*
467 *passage*):

468 (a) The zoning commission of each city, town or borough is
469 authorized to regulate, within the limits of such municipality, the
470 height, number of stories and size of buildings and other structures;
471 the percentage of the area of the lot that may be occupied; the size of
472 yards, courts and other open spaces; the density of population and the
473 location and use of buildings, structures and land for trade, industry,
474 residence or other purposes, including water-dependent uses as
475 defined in section 22a-93, and the height, size and location of
476 advertising signs and billboards. Such bulk regulations may allow for
477 cluster development as defined in section 8-18. Such zoning
478 commission may divide the municipality into districts of such number,
479 shape and area as may be best suited to carry out the purposes of this
480 chapter; and, within such districts, it may regulate the erection,
481 construction, reconstruction, alteration or use of buildings or
482 structures and the use of land. All such regulations shall be uniform
483 for each class or kind of buildings, structures or use of land throughout
484 each district, but the regulations in one district may differ from those
485 in another district, and may provide that certain classes or kinds of
486 buildings, structures or uses of land are permitted only after obtaining
487 a special permit or special exception from a zoning commission,

488 planning commission, combined planning and zoning commission or
489 zoning board of appeals, whichever commission or board the
490 regulations may, notwithstanding any special act to the contrary,
491 designate, subject to standards set forth in the regulations and to
492 conditions necessary to protect the public health, safety, convenience
493 and property values. Such regulations shall be made in accordance
494 with a comprehensive plan and in adopting such regulations the
495 commission shall consider the plan of conservation and development
496 prepared under section 8-23, as amended by this act, except that not
497 more than two years after the municipal plan of development is
498 revised pursuant to section 8-23, as amended by this act, the
499 regulations shall be made to be consistent with the municipal plan of
500 conservation and development. Such regulations shall be designed to
501 lessen congestion in the streets; to secure safety from fire, panic, flood
502 and other dangers; to promote health and the general welfare; to
503 provide adequate light and air; to prevent the overcrowding of land; to
504 avoid undue concentration of population and to facilitate the adequate
505 provision for transportation, water, sewerage, schools, parks and other
506 public requirements. Such regulations shall be made with reasonable
507 consideration as to the character of the district and its peculiar
508 suitability for particular uses and with a view to conserving the value
509 of buildings and encouraging the most appropriate use of land
510 throughout such municipality. Such regulations may, to the extent
511 consistent with soil types, terrain, infrastructure capacity and the plan
512 of conservation and development for the community, provide for
513 cluster development, as defined in section 8-18, in residential zones.
514 Such regulations shall also encourage the development of housing
515 opportunities, including opportunities for multifamily dwellings,
516 consistent with soil types, terrain and infrastructure capacity, for all
517 residents of the municipality and the planning region in which the
518 municipality is located, as designated by the Secretary of the Office of
519 Policy and Management under section 16a-4a. Such regulations shall
520 also promote housing choice and economic diversity in housing,
521 including housing for both low and moderate income households, and
522 shall encourage the development of housing which will meet the

523 housing needs identified in the housing plan prepared pursuant to
524 section 8-37t and in the housing component and the other components
525 of the state plan of conservation and development prepared pursuant
526 to section 16a-26. Zoning regulations shall be made with reasonable
527 consideration for their impact on agriculture. Zoning regulations may
528 be made with reasonable consideration for the protection of historic
529 factors and shall be made with reasonable consideration for the
530 protection of existing and potential public surface and ground
531 drinking water supplies. On and after July 1, 1985, the regulations shall
532 provide that proper provision be made for soil erosion and sediment
533 control pursuant to section 22a-329. Such regulations may also
534 encourage energy-efficient patterns of development, the use of solar
535 and other renewable forms of energy, and energy conservation. The
536 regulations may also provide for incentives for developers who use
537 passive solar energy techniques, as defined in subsection (b) of section
538 8-25, as amended by this act, in planning a residential subdivision
539 development. The incentives may include, but not be limited to, cluster
540 development, higher density development and performance standards
541 for roads, sidewalks and underground facilities in the subdivision.
542 Such regulations may provide for a municipal system for the creation
543 of development rights and the permanent transfer of such
544 development rights, which may include a system for the variance of
545 density limits in connection with any such transfer. Such regulations
546 may also provide for notice requirements in addition to those required
547 by this chapter. Such regulations may provide for conditions on
548 operations to collect spring water or well water, as defined in section
549 21a-150, including the time, place and manner of such operations. No
550 such regulations shall prohibit the operation of any family day care
551 home or group day care home in a residential zone. Such regulations
552 shall not impose conditions and requirements on manufactured homes
553 having as their narrowest dimension twenty-two feet or more and
554 built in accordance with federal manufactured home construction and
555 safety standards or on lots containing such manufactured homes
556 which are substantially different from conditions and requirements
557 imposed on single-family dwellings and lots containing single-family

558 dwellings. Such regulations shall not impose conditions and
559 requirements on developments to be occupied by manufactured homes
560 having as their narrowest dimension twenty-two feet or more and
561 built in accordance with federal manufactured home construction and
562 safety standards which are substantially different from conditions and
563 requirements imposed on multifamily dwellings, lots containing
564 multifamily dwellings, cluster developments or planned unit
565 developments. Such regulations shall not prohibit the continuance of
566 any nonconforming use, building or structure existing at the time of
567 the adoption of such regulations. Such regulations shall not provide
568 for the termination of any nonconforming use solely as a result of
569 nonuse for a specified period of time without regard to the intent of
570 the property owner to maintain that use. Any city, town or borough
571 which adopts the provisions of this chapter may, by vote of its
572 legislative body, exempt municipal property from the regulations
573 prescribed by the zoning commission of such city, town or borough;
574 but unless it is so voted municipal property shall be subject to such
575 regulations.

576 Sec. 17. (NEW) (*Effective from passage*) (a) On and after zoning
577 regulations, adopted under section 8-2 of the general statutes or any
578 special act, are revised to be consistent with the plan of conservation
579 and development of the municipality, adopted under section 8-23 of
580 the general statutes, as amended by this act, the zoning commission or
581 combined planning and zoning commission shall determine if each
582 application, petition, request or plan concerning a project on any site is
583 consistent with said plan of conservation and development.

584 (b) If the commission determines the application, petition, request or
585 plan is not consistent with the plan of conservation and development,
586 the application, petition, request or plan shall be considered as a
587 proposal to amend the plan of conservation and development, or, if
588 there is a separate planning commission, the zoning commission shall
589 ask the planning commission to amend the sections of the plan of
590 conservation and development that are not consistent with the
591 application, petition, request or plan. The planning commission shall

592 consider such proposal to amend the plan of conservation and
593 development in the same manner that it considers amendments that
594 the planning commission proposes. The zoning commission and the
595 planning commission shall conduct a joint public hearing on the
596 application in accordance with section 8-23 of the general statutes, as
597 amended by this act, and such hearing shall be deemed sufficient to
598 comply with section 8-7d of the general statutes. If the combined
599 planning and zoning commission or the planning commission, as the
600 case may be, adopts the amendment, the zoning commission shall find
601 that the application, petition, request or plan is consistent with the
602 plan of conservation and development and such application, petition,
603 request or plan may be approved by the zoning commission.

604 Sec. 18. Section 8-23 of the general statutes is repealed and the
605 following is substituted in lieu thereof (*Effective from passage*):

606 (a) (1) At least once every ten years, the commission shall prepare or
607 amend and shall adopt a plan of conservation and development for the
608 municipality. Following adoption, the commission shall regularly
609 review and maintain such plan. The commission may adopt such
610 geographical, functional or other amendments to the plan or parts of
611 the plan, in accordance with the provisions of this section, as it deems
612 necessary. The commission may, at any time, prepare, amend and
613 adopt plans for the redevelopment and improvement of districts or
614 neighborhoods which, in its judgment, contain special problems or
615 opportunities or show a trend toward lower land values.

616 (2) If a plan is not amended decennially, the chief elected official of
617 the municipality shall submit a letter to the Secretary of the Office of
618 Policy and Management and the Commissioners of Transportation,
619 Environmental Protection and Economic and Community
620 Development that explains why such plan was not amended. Until the
621 plan is amended in accordance with this subsection, a copy of such
622 letter shall be included in each application by the municipality for
623 funding for the conservation or development of real property
624 submitted to said secretary or commissioners.

625 (b) In the preparation of such plan, the commission may appoint
626 one or more special committees to develop and make
627 recommendations for the plan. The membership of any special
628 committee may include: Residents of the municipality and
629 representatives of local boards dealing with zoning, inland wetlands,
630 conservation, recreation, education, public works, finance,
631 redevelopment, general government and other municipal functions. In
632 performing its duties under this section, the commission or any special
633 committee may accept information from any source or solicit input
634 from any organization or individual. The commission or any special
635 committee may hold public informational meetings or organize other
636 activities to inform residents about the process of preparing the plan.

637 (c) In preparing such plan, the commission or any special committee
638 shall consider the following: (1) The community development action
639 plan of the municipality, if any, (2) the need for affordable housing, (3)
640 the need for protection of existing and potential public surface and
641 ground drinking water supplies, (4) the use of cluster development
642 and other development patterns to the extent consistent with soil
643 types, terrain and infrastructure capacity within the municipality, (5)
644 the state plan of conservation and development adopted pursuant to
645 chapter 297, (6) the regional plan of development adopted pursuant to
646 section 8-35a, as amended by this act, (7) physical, social, economic
647 and governmental conditions and trends, (8) the needs of the
648 municipality including, but not limited to, human resources,
649 education, health, housing, recreation, social services, public utilities,
650 public protection, transportation and circulation and cultural and
651 interpersonal communications, and (9) the objectives of energy-
652 efficient patterns of development, the use of solar and other renewable
653 forms of energy and energy conservation. In any revision made after
654 the plan is updated in accordance with this section, the commission
655 shall note on the record any inconsistency with the state plan of
656 conservation and development and the reasons for such inconsistency.
657 The commission shall notify the Secretary of the Office of Policy and
658 Management of the inconsistency and the reasons therefor.

659 (d) (1) Such plan of conservation and development shall (A) be a
660 statement of policies, goals and standards for the physical and
661 economic development of the municipality, (B) be designed to
662 promote, with the greatest efficiency and economy, the coordinated
663 development of the municipality and the general welfare and
664 prosperity of its people, (C) recommend the most desirable use of land
665 within the municipality for residential, recreational, commercial,
666 industrial, conservation and other purposes, (D) recommend the most
667 desirable density of population in the several parts of the municipality,
668 (E) note any inconsistencies it may have with the state plan of
669 conservation and development adopted pursuant to chapter 297, (F)
670 make provision for the development of housing opportunities,
671 including opportunities for multifamily dwellings, consistent with soil
672 types, terrain and infrastructure capacity, for all residents of the
673 municipality and the planning region in which the municipality is
674 located, as designated by the Secretary of the Office of Policy and
675 Management under section 16a-4a, (G) promote housing choice and
676 economic diversity in housing, including housing for both low and
677 moderate income households, and encourage the development of
678 housing which will meet the housing needs identified in the housing
679 plan prepared pursuant to section 8-37t and in the housing component
680 and the other components of the state plan of conservation and
681 development prepared pursuant to chapter 297.

682 (2) For any municipality that is contiguous to Long Island Sound,
683 such plan shall be (A) consistent with the municipal coastal program
684 requirements of sections 22a-101 to 22a-104, inclusive, (B) made with
685 reasonable consideration for restoration and protection of the
686 ecosystem and habitat of Long Island Sound, and (C) designed to
687 reduce hypoxia, pathogens, toxic contaminants and floatable debris in
688 Long Island Sound.

689 (e) Such plan may show the commission's and any special
690 committee's recommendation for (1) conservation and preservation of
691 traprock and other ridgelines, (2) a system of principal thoroughfares,
692 parkways, bridges, streets and other public ways, (3) airports, parks,

693 playgrounds and other public grounds, (4) the general location,
694 relocation and improvement of public buildings, (5) the general
695 location and extent of public utilities and terminals, whether publicly
696 or privately owned, for water, sewerage, light, power, transit and other
697 purposes, (6) the extent and location of public housing projects, (7)
698 programs for the implementation of the plan, including (A) a schedule,
699 (B) a budget for public capital projects, (C) a program for enactment
700 and enforcement of zoning and subdivision controls, building and
701 housing codes and safety regulations, (D) plans for implementation of
702 affordable housing, and (E) plans for open space acquisition and
703 greenways protection and development, and (8) any other
704 recommendations as will, in the commission's or any special
705 committee's judgment, be beneficial to the municipality. The plan may
706 include any necessary and related maps, explanatory material,
707 photographs, charts or other pertinent data and information relative to
708 the past, present and future trends of the municipality.

709 (f) A plan of conservation and development or any part thereof or
710 amendment thereto prepared by the commission or any special
711 committee shall be reviewed, and may be amended, by the
712 commission prior to scheduling at least one public hearing on
713 adoption. At least sixty-five days prior to the public hearing on
714 adoption, the commission shall submit a copy of such plan or part
715 thereof or amendment thereto for review and comment to the
716 legislative body. Such body may hold one or more hearings on the
717 proposed plan and shall submit any comments to the commission
718 prior to the public hearing on adoption. The failure of such body to
719 report prior to or at the public hearing shall be taken as approval of the
720 plan. At least sixty-five days prior to the public hearing on adoption,
721 the commission shall submit a copy of such plan to the regional
722 planning agency for review and comment. The regional planning
723 agency shall report its comments to the commission at or before the
724 hearing. The failure of the regional planning agency to report at or
725 before the hearing shall be taken as approval of the plan. The report of
726 the regional planning agency shall be advisory. Prior to the public
727 hearing on adoption, the commission shall file in the office of the town

728 clerk a copy of such plan or part thereof or amendment thereto but, in
729 the case of a district commission, such commission shall file such
730 information in the offices of both the district clerk and the town clerk.
731 The commission shall cause to be published in a newspaper having a
732 general circulation in the municipality, at least twice at intervals of not
733 less than two days, the first not more than fifteen days, nor less than
734 ten days, and the last not less than two days prior to the date of each
735 such hearing, notice of the time and place of any such public hearing.
736 Such notice shall make reference to the filing of such plan in the office
737 of the town clerk, or both the district clerk and the town clerk, as the
738 case may be.

739 (g) The commission may adopt the plan or any part thereof or
740 amendment thereto by a single resolution or may, by successive
741 resolutions, adopt parts of the plan and amendments thereto. Any
742 plan, section of a plan or recommendation in the plan, not endorsed by
743 the legislative body of the municipality may be adopted by the
744 commission by a vote of not less than two-thirds of all the members of
745 the commission. Upon adoption by the commission, any plan or part
746 thereof or amendment thereto shall become effective at a time
747 established by the commission, provided notice thereof shall be
748 published in a newspaper having a general circulation in the
749 municipality prior to such effective date. Any plan or part thereof or
750 amendment thereto shall be filed in the office of the town clerk, except
751 that, if it is a district plan or amendment, it shall be filed in the offices
752 of both the district and town clerk.

753 (h) Following adoption of a new plan by the commission, the
754 legislative body of any municipality may hold one or more hearings on
755 the proposed plan and, by resolution, may endorse the plan for the
756 municipality.

757 Sec. 19. Section 8-25 of the general statutes is repealed and the
758 following is substituted in lieu thereof (*Effective from passage*):

759 (a) No subdivision of land shall be made until a plan for such
760 subdivision has been approved by the commission. Any person, firm

761 or corporation making any subdivision of land without the approval of
762 the commission shall be fined not more than five hundred dollars for
763 each lot sold or offered for sale or so subdivided. Any plan for
764 subdivision shall, upon approval, or when taken as approved by
765 reason of the failure of the commission to act, be filed or recorded by
766 the applicant in the office of the town clerk within ninety days of the
767 expiration of the appeal period under section 8-8, or in the case of an
768 appeal, within ninety days of the termination of such appeal by
769 dismissal, withdrawal or judgment in favor of the applicant but, if it is
770 a plan for subdivision wholly or partially within a district, it shall be
771 filed in the offices of both the district clerk and the town clerk, and any
772 plan not so filed or recorded within the prescribed time shall become
773 null and void, except that the commission may extend the time for
774 such filing for two additional periods of ninety days and the plan shall
775 remain valid until the expiration of such extended time. All such plans
776 shall be delivered to the applicant for filing or recording not more than
777 thirty days after the time for taking an appeal from the action of the
778 commission has elapsed or not more than thirty days after the date
779 that plans modified in accordance with the commission's approval and
780 that comply with section 7-31 are delivered to the commission,
781 whichever is later, and in the event of an appeal, not more than thirty
782 days after the termination of such appeal by dismissal, withdrawal or
783 judgment in favor of the applicant or not more than thirty days after
784 the date that plans modified in accordance with the commission's
785 approval and that comply with section 7-31 are delivered to the
786 commission, whichever is later. No such plan shall be recorded or filed
787 by the town clerk or district clerk or other officer authorized to record
788 or file plans until its approval has been endorsed thereon by the
789 chairman or secretary of the commission, and the filing or recording of
790 a subdivision plan without such approval shall be void. Before
791 exercising the powers granted in this section, the commission shall
792 adopt regulations covering the subdivision of land. No such
793 regulations shall become effective until after a public hearing, notice of
794 the time, place and purpose of which shall be given by publication in a
795 newspaper of general circulation in the municipality at least twice, at

796 intervals of not less than two days, the first not more than fifteen days
797 nor less than ten days, and the last not less than two days prior to the
798 date of such hearing. Such regulations shall provide that the land to be
799 subdivided shall be of such character that it can be used for building
800 purposes without danger to health or the public safety, that proper
801 provision shall be made for water, sewerage and drainage, including
802 the upgrading of any downstream ditch, culvert or other drainage
803 structure which, through the introduction of additional drainage due
804 to such subdivision, becomes undersized and creates the potential for
805 flooding on a state highway, and, in areas contiguous to brooks, rivers
806 or other bodies of water subject to flooding, including tidal flooding,
807 that proper provision shall be made for protective flood control
808 measures and that the proposed streets are in harmony with existing
809 or proposed principal thoroughfares shown in the plan of conservation
810 and development as described in section 8-23, especially in regard to
811 safe intersections with such thoroughfares, and so arranged and of
812 such width, as to provide an adequate and convenient system for
813 present and prospective traffic needs. Such regulations shall also
814 provide that the commission may require the provision of open spaces,
815 parks and playgrounds when, and in places, deemed proper by the
816 planning commission, which open spaces, parks and playgrounds
817 shall be shown on the subdivision plan. Such regulations may, with
818 the approval of the commission, authorize the applicant to pay a fee to
819 the municipality or pay a fee to the municipality and transfer land to
820 the municipality in lieu of any requirement to provide open spaces.
821 Such payment or combination of payment and the fair market value of
822 land transferred shall be equal to not more than ten per cent of the fair
823 market value of the land to be subdivided prior to the approval of the
824 subdivision. The fair market value shall be determined by an appraiser
825 jointly selected by the commission and the applicant. A fraction of
826 such payment the numerator of which is one and the denominator of
827 which is the number of approved parcels in the subdivision shall be
828 made at the time of the sale of each approved parcel of land in the
829 subdivision and placed in a fund in accordance with the provisions of
830 section 8-25b. The open space requirements of this section shall not

831 apply if the transfer of all land in a subdivision of less than five parcels
832 is to a parent, child, brother, sister, grandparent, grandchild, aunt,
833 uncle or first cousin for no consideration, or if the subdivision is to
834 contain affordable housing, as defined in section 8-39a, equal to twenty
835 per cent or more of the total housing to be constructed in such
836 subdivision. Such regulations, on and after July 1, 1985, shall provide
837 that proper provision be made for soil erosion and sediment control
838 pursuant to section 22a-329. Such regulations shall not impose
839 conditions and requirements on manufactured homes having as their
840 narrowest dimension twenty-two feet or more and built in accordance
841 with federal manufactured home construction and safety standards or
842 on lots containing such manufactured homes which are substantially
843 different from conditions and requirements imposed on single-family
844 dwellings and lots containing single-family dwellings. Such
845 regulations shall not impose conditions and requirements on
846 developments to be occupied by manufactured homes having as their
847 narrowest dimension twenty-two feet or more and built in accordance
848 with federal manufactured home construction and safety standards
849 which are substantially different from conditions and requirements
850 imposed on multifamily dwellings, lots containing multifamily
851 dwellings, cluster developments or planned unit developments. The
852 commission may also prescribe the extent to which and the manner in
853 which streets shall be graded and improved and public utilities and
854 services provided and, in lieu of the completion of such work and
855 installations previous to the final approval of a plan, the commission
856 may accept a bond in an amount and with surety and conditions
857 satisfactory to it securing to the municipality the actual construction,
858 maintenance and installation of such improvements and utilities
859 within a period specified in the bond. Such regulations may provide,
860 in lieu of the completion of the work and installations above referred
861 to, previous to the final approval of a plan, for an assessment or other
862 method whereby the municipality is put in an assured position to do
863 such work and make such installations at the expense of the owners of
864 the property within the subdivision. Such regulations may provide
865 that in lieu of either the completion of the work or the furnishing of a

866 bond as provided in this section, the commission may authorize the
867 filing of a plan with a conditional approval endorsed thereon. Such
868 approval shall be conditioned on (1) the actual construction,
869 maintenance and installation of any improvements or utilities
870 prescribed by the commission, or (2) the provision of a bond as
871 provided in this section. Upon the occurrence of either of such events,
872 the commission shall cause a final approval to be endorsed thereon in
873 the manner provided by this section. Any such conditional approval
874 shall lapse five years from the date it is granted, provided the
875 applicant may apply for and the commission may, in its discretion,
876 grant a renewal of such conditional approval for an additional period
877 of five years at the end of any five-year period, except that the
878 commission may, by regulation, provide for a shorter period of
879 conditional approval or renewal of such approval. Any person, firm or
880 corporation who, prior to such final approval, sells or offers for sale
881 any lot subdivided pursuant to a conditional approval shall be fined
882 not more than five hundred dollars for each lot sold or offered for sale.

883 (b) The regulations adopted under subsection (a) of this section shall
884 also encourage energy-efficient patterns of development and land use,
885 the use of solar and other renewable forms of energy, and energy
886 conservation. The regulations shall require any person submitting a
887 plan for a subdivision to the commission under subsection (a) of this
888 section to demonstrate to the commission that such person has
889 considered, in developing the plan, using passive solar energy
890 techniques which would not significantly increase the cost of the
891 housing to the buyer, after tax credits, subsidies and exemptions. As
892 used in this subsection and section 8-2, passive solar energy techniques
893 mean site design techniques which maximize solar heat gain, minimize
894 heat loss and provide thermal storage within a building during the
895 heating season and minimize heat gain and provide for natural
896 ventilation during the cooling season. The site design techniques shall
897 include, but not be limited to: (1) House orientation; (2) street and lot
898 layout; (3) vegetation; (4) natural and man-made topographical
899 features; and (5) protection of solar access within the development.

900 (c) The regulations adopted under subsection (a) of this section,
901 may, to the extent consistent with soil types, terrain, infrastructure
902 capacity and the plan of development for the community, provide for
903 cluster development, and may provide for incentives for cluster
904 development such as density bonuses, or may require cluster
905 development.

906 (d) Not more than two years after the municipal plan of
907 conservation and development is revised pursuant to section 8-23, as
908 amended by this act, the regulations shall be reviewed, and revised, if
909 needed, to be consistent with the municipal plan of conservation and
910 development. The commission shall note on the record any
911 inconsistency with the state plan of conservation and development and
912 the reasons for such inconsistency. The commission shall notify the
913 Secretary of the Office of Policy and Management of the inconsistency
914 and the reasons therefor.

915 Sec. 20. (NEW) (*Effective from passage*) (a) On and after subdivision
916 regulations adopted under subsection (a) of section 8-25 of the general
917 statutes, as amended by this act, are revised to be consistent with the
918 plan of conservation and development of the municipality, adopted
919 under section 8-23 of the general statutes, as amended by this act, the
920 planning commission shall determine if each application, request or
921 appeal submitted to the commission is consistent with said plan of
922 conservation and development.

923 (b) If the commission determines the application, request or appeal
924 is not consistent with the plan of conservation and development, the
925 application, request or appeal shall be considered as a proposal to
926 amend the plan of conservation and development. The commission
927 shall conduct a public hearing on the proposal in accordance with
928 section 8-23 of the general statutes, as amended by this act, and such
929 hearing shall be deemed sufficient to comply with section 8-26d of the
930 general statutes. If the planning commission adopts the amendment,
931 the commission shall find that the application, request or appeal is
932 consistent with the plan of conservation and development and such

933 application, request or appeal may be approved by the planning
934 commission.

935 Sec. 21. Section 8-35a of the general statutes is repealed and the
936 following is substituted in lieu thereof (*Effective from passage*):

937 (a) Each regional planning agency shall make a plan of development
938 for its area of operation, showing its recommendations for the general
939 use of the area including land use, housing, principal highways and
940 freeways, bridges, airports, parks, playgrounds, recreational areas,
941 schools, public institutions, public utilities and such other matters as,
942 in the opinion of the agency, will be beneficial to the area. Any
943 regional plan so developed shall be based on studies of physical,
944 social, economic and governmental conditions and trends and shall be
945 designed to promote with the greatest efficiency and economy the
946 coordinated development of its area of operation and the general
947 welfare and prosperity of its people. Any revision made after the
948 effective date of this section shall take into account (1) economic and
949 community development needs and patterns of commerce, and (2)
950 linkages of affordable housing objectives and land use planning with
951 transportation systems. Such plan may encourage energy-efficient
952 patterns of development, the use of solar and other renewable forms of
953 energy, and energy conservation. Such plan shall be designed to
954 promote abatement of the pollution of the waters and air of the region.
955 The plan of each region contiguous to Long Island Sound shall be
956 designed to reduce hypoxia, pathogens, toxic contaminants and
957 floatable debris in Long Island Sound. Before adopting the regional
958 plan of development or any part thereof or amendment thereto the
959 agency shall hold at least one public hearing thereon, notice of the
960 time, place and subject of which shall be given in writing to the chief
961 executive officer and planning commission, where one exists, of each
962 member town, city or borough, and to the Secretary of the Office of
963 Policy and Management, or his designee. Notice of the time, place and
964 subject of such hearing shall be published once in a newspaper having
965 a substantial circulation in the region. Such notices shall be given not
966 more than twenty days nor less than ten days before such hearing.

967 Adoption of the plan or part thereof or amendment thereto shall be
968 made by the affirmative vote of not less than a majority of the
969 representatives on the agency. A copy of the plan or of any
970 amendments thereto, signed by the chairman of the agency, shall be
971 transmitted to the chief executive officers, the town, city or borough
972 clerks, as the case may be, and to planning commissions, if any, in
973 member towns, cities or boroughs, and to the Secretary of the Office of
974 Policy and Management, or his designee. The regional planning
975 agency shall assist municipalities within its region and state agencies
976 and may assist other public and private agencies in developing and
977 carrying out any regional plan or plans of such regional planning
978 agency. The regional planning agency may provide administrative,
979 management, technical or planning assistance to municipalities within
980 its region and other public agencies under such terms as it may
981 determine, provided, prior to entering into an agreement for assistance
982 to any municipality or other public agency, the regional planning
983 agency shall have adopted a policy governing such assistance. The
984 regional planning agency may be compensated by the municipality or
985 other public agency with which an agreement for assistance has been
986 made for all or part of the cost of such assistance.

987 (b) The regional planning agency shall update the plan of
988 development not more than two years after the effective date of this
989 section. Thereafter, the regional planning agency shall note on the
990 record any inconsistency with the state plan of conservation and
991 development and the reasons for such inconsistency. The regional
992 planning agency shall notify the Secretary of the Office of Policy and
993 Management of the inconsistency and the reasons therefor.

994 Sec. 22. (NEW) (*Effective October 1, 2003*) (a) The Commissioner of
995 Economic and Community Development shall establish a program to
996 expedite the review and approval of projects on preselected sites. The
997 program shall include provisions for: (1) Identification and
998 preselection of sites by municipalities for expedited review and
999 approval; (2) lists of local and state permits required for development;
1000 (3) an inventory of sites specifying characteristics and preferred uses;

1001 (4) a process for marketing the sites to preferred users to be
1002 implemented by the Department of Economic and Community
1003 Development and municipalities; and (5) designation of local and state
1004 teams to facilitate regulatory approval and resolve potential disputes.

1005 (b) In developing the program established in subsection (a) of this
1006 section, the Commissioner of Economic and Community Development
1007 shall consult with the Secretary of the Office of Policy and
1008 Management, the Commissioners of Environmental Protection,
1009 Transportation, Public Health and Revenue Services, the Labor
1010 Commissioner and regional planning agencies and municipalities.

1011 (c) On or before January 1, 2004, and annually thereafter, the
1012 Commissioner of Economic and Community Development shall
1013 submit a report on the program, in accordance with section 11-4a of
1014 the general statutes, to the joint standing committee of the General
1015 Assembly having cognizance of matters relating to planning and
1016 development.

1017 Sec. 23. (*Effective from passage*) The Chief Court Administrator, in
1018 consultation with the Commissioners of Transportation, Economic and
1019 Community Development and Environmental Protection,
1020 municipalities, regional planning agencies and developers and the
1021 public, shall conduct a study on the feasibility of a docket separate
1022 from other civil matters for the hearing of matters related to land use.
1023 The Chief Court Administrator shall submit a report on the study,
1024 including recommendations for policies and procedures to implement
1025 the docket and recommendations for the development of a program of
1026 land use education for judicial staff, to the joint standing committees of
1027 the General Assembly having cognizance of matters relating to
1028 planning and development and the judiciary on or before January 1,
1029 2004, in accordance with section 11-4a of the general statutes.

1030 Sec. 24. (NEW) (*Effective from passage*) (a) There is established a
1031 Geographic Information Systems Council consisting of the following
1032 members or their designees: (1) The Secretary of the Office of Policy
1033 and Management; (2) the Commissioner of Environmental Protection;

1034 (3) the Commissioner of Economic and Community Development; (4)
1035 the Commissioner of Transportation; (5) the Commissioner of
1036 Information Technology; (6) two members appointed by the president
1037 pro tempore of the Senate, one representing a municipality with a
1038 population of more than sixty thousand and one representing a
1039 regional planning agency; (7) two members appointed by the
1040 Governor, one representing a municipality with a population of less
1041 than sixty thousand but more than thirty thousand and one who is a
1042 user of geographic information systems; and (8) two members
1043 appointed by the speaker of the House of Representatives, one
1044 representing a municipality with a population of less than thirty
1045 thousand and one who is a user of geographic information systems.
1046 The Secretary of the Office of Policy and Management, or a designee,
1047 shall serve as chairperson of the council. The Governor shall fill any
1048 vacancy by appointment for the unexpired portion of the term vacated.
1049 Members shall receive no compensation for their services on said
1050 council, but shall be reimbursed for necessary expenses incurred in the
1051 performance of their duties. Said council shall hold one meeting each
1052 month and such additional meetings as may be prescribed by council
1053 rules. In addition, special meetings may be called by the chairperson or
1054 by any three members upon delivery of forty-eight hours' written
1055 notice to each member.

1056 (b) The council shall coordinate a uniform geographic information
1057 system capacity for the state and municipalities which shall include
1058 provisions for application, policy and standards for government
1059 information system implementation. In establishing such capacity, the
1060 council shall consult with state agencies, municipalities and other users
1061 of geographic information system technology.

1062 (c) The council shall administer a program of technical assistance to
1063 regional planning agencies and municipalities to develop geographic
1064 information systems.

1065 (d) On or before January 1, 2004, and annually thereafter, the
1066 council shall submit a report on activities under this section to the joint

1067 standing committee of the General Assembly having cognizance of
 1068 matters relating to planning and development.

This act shall take effect as follows:	
Section 1	<i>from passage</i>
Sec. 2	<i>from passage</i>
Sec. 3	<i>from passage</i>
Sec. 4	<i>from passage</i>
Sec. 5	<i>from passage</i>
Sec. 6	<i>from passage</i>
Sec. 7	<i>from passage</i>
Sec. 8	<i>from passage</i>
Sec. 9	<i>from passage</i>
Sec. 10	<i>from passage</i>
Sec. 11	<i>from passage</i>
Sec. 12	<i>from passage</i>
Sec. 13	<i>from passage</i>
Sec. 14	<i>from passage</i>
Sec. 15	<i>from passage</i>
Sec. 16	<i>from passage</i>
Sec. 17	<i>from passage</i>
Sec. 18	<i>from passage</i>
Sec. 19	<i>from passage</i>
Sec. 20	<i>from passage</i>
Sec. 21	<i>from passage</i>
Sec. 22	<i>October 1, 2003</i>
Sec. 23	<i>from passage</i>
Sec. 24	<i>from passage</i>

TRA *Joint Favorable Subst.*

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:

Agency Affected	Fund-Type	FY 04 \$	FY 05 \$
Transportation, Dept.; Motor Vehicle Dept.	TF - See Below	See Below	See Below
Department of Agriculture; Department of Economic & Community Development; Department of Environmental Protection; Policy & Mgmt., Off.; Public Safety, Dept.	GF - See Below	See Below	See Below
Comptroller Misc. Accounts (Fringe Benefits)	GF - Cost	33,000	162,000

Note: TF=Transportation Fund; GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 04 \$	FY 05 \$
All Municipalities	See Below	See Below	See Below

Explanation

Even though the bill formally approves the recommendations and projects of the CT Transportation Strategy Board (CTSB) as published in its report, the bill does not provide any funding mechanism for the various projects outlined within it.

The Department of Transportation (DOT) requires 3 additional employees at a cost of approximately \$120,000 for three-quarters of a year and \$165,000 for FY 05 for a full year in order to comply with the additional reporting requirements for both DOT and the Connecticut Transportation Strategy Board (CTSB). The CTSB does not have any support staff or employees and depends on DOT for its administrative support. Additionally, the Office of Policy and Management (OPM) will require significant additional resources to comply with the

reporting requirements of the bill.

The fringe benefit costs for state employees are budgeted centrally in the Miscellaneous Accounts administered by the Comptroller. The total fringe benefit reimbursement rate as a percentage of payroll is 40.21%, effective July 1, 2003. However, first year fringe benefit costs for new positions do not include pension costs lowering the rate to 18.81% in FY 04. The state's pension contribution is based upon the prior year's certification by the actuary for the State Employees Retirement System.

The bill requires the Commissioner of Transportation, in consultation with the Department of Motor Vehicle and the Department of Public Safety, to report to the Transportation Committee by September 1, 2003 how it will implement programs to (a) increase the size of state truck weighing areas for truck inspection and the use of existing weigh stations and rest areas for truck parking and (b) identify and implement operational improvements to facilitate traffic movement in heavily congested areas. The programs must be established by January 1, 2004. It is anticipated that any increases in costs will be identified in the report.

The bill specifies that the CTSB provide copies of its reports to the Transportation Committee rather than the entire General Assembly as it currently is required will result in a minimal cost savings to the DOT. The CTSB does not have any support staff or employees and depends on DOT for its administrative support.

Requiring the Connecticut Public Transportation Commission to submit a copy of its report on list of recommendations to the CTSB will be handled within normal duties. Under current law, the commission already provides copies of the report to the governor and the transportation commissioner.

Requiring the Department of Environmental Protection (DEP) to be a member on the Highway Incident Management Task Force will be handled within the normal duties of the agency.

Any additional costs to the DEP due to permitting any of the projects required are anticipated to be offset by fees from the permits.

Requiring the Department of Economic and Community Development (DECD) to establish a program to expedite the review and approval of projects on sites that are pre-selected by the municipalities is estimated to require up to 3 additional employees at a cost of approximately \$120,000 for three-quarters of a year and \$165,000 for FY 05 for a full year.

The fringe benefit costs for state employees are budgeted centrally in the Miscellaneous Accounts administered by the Comptroller. The total fringe benefit reimbursement rate as a percentage of payroll is 40.21%, effective July 1, 2003. However, first year fringe benefit costs for new positions do not include pension costs lowering the rate to 18.81% in FY 04. The state's pension contribution is based upon the prior year's certification by the actuary for the State Employees Retirement System.

The bill establishes a Geographical Information System (GIS) Council and appoints the OPM Secretary to serve as its chairperson. The council must coordinate a uniform GIS capacity for the state and municipalities and provide technical assistance to regional planning agencies. It is anticipated that OPM would require a Planning Analyst I with associated salary of \$75,000 to provide technical assistance.

The fringe benefit costs for state employees are budgeted centrally in the Miscellaneous Accounts administered by the Comptroller. The total fringe benefit reimbursement rate as a percentage of payroll is 40.21%, effective July 1, 2003. However, first year fringe benefit costs for new positions do not include pension costs lowering the rate to 18.81% in FY 04. The state's pension contribution is based upon the prior year's certification by the actuary for the State Employees Retirement System.

Requiring the DEP to be a member on the Geographic Information Systems Council is not anticipated to have a fiscal impact since they

are already working on establishment of such a system. Any workload increase to the DECD for participation is anticipated to be minimal and handled within routine activities of the agency.

Requiring the Judicial Department to conduct studies and reports required in Sections 8 and 23 of the bill will result in a minimal cost to the agency. Various other criminal justice agencies required to give consultation to the Judicial Department under Section 8 of the bill would be able to do so without needing additional appropriations.

Section 14 of the bill requires that all agency plans for transportation, economic development, housing, water supply, farmland preservation, open space and natural heritage preservation be consistent with the state plan of conservation and development could increase costs to the DEP, the Department of Economic and Community Development (DECD), Historical Commission, the Department of Agriculture, and DOT. The exact costs to each agency would depend on the changes made to the plan and what agency plans would need to be redone. The exact impact is not known.

Municipal Impact

The bill requires municipalities to address and note on record any inconsistencies of their local land use plans and regulations with those of the state plan. The bill requires planning commissions to notify OPM as to the rationale for such inconsistencies. Any workload increase to the planning commissions is anticipated to be minimal and handled within routine activities of the commissions.

OLR Bill Analysis

sHB 6671

**AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE
TRANSPORTATION STRATEGY BOARD CONCERNING
TRANSPORTATION****SUMMARY:**

This bill formally approves the initial transportation strategy for Connecticut submitted to the legislature by the Connecticut Transportation Strategy Board (CTSB) pursuant to state law. It approves all the substantive and project-related recommendations of the strategy, but not the recommendations related to funding mechanisms. The bill also prohibits the use of any state funds for the recommendations relating to marketing services at Bradley International Airport, state ownership or management of Tweed-New Haven Airport, or implementation of the Tweed-New Haven Airport Master Plan.

The bill also establishes numerous requirements with respect to both the transportation-related and land use- and economic development-related recommendations of the transportation strategy.

With respect to the transportation-related recommendations, the bill:

1. designates some of the strategy-related projects recommended by the CTSB (and one other program) as priority projects to be completed to the extent feasible before any of the other recommended projects;
2. establishes a priority order for developing container barge services at the three Connecticut deep water ports;
3. requires any of the priority transportation strategy projects needing an expenditure of more than \$100,000, unless their sole purpose is public safety, to be accompanied by an economic development plan that provides for planned growth to support the project, and establishes related requirements for this process;
4. requires the CTSB to prepare and periodically submit an analysis of

the short- and long-term effects of the initial transportation strategy on state transportation, economic development, and environmental concerns using the metrics and analytical methods it develops by itself or in conjunction with other state agencies, and establishes procedures for developing and submitting the analysis with other required reports;

5. requires the Department of Transportation (DOT) to consult with the Department of Motor Vehicles (DMV) and the Department of Public Safety (DPS) and submit to the Transportation Committee by September 1, 2003, reports detailing how it will implement programs to (a) increase the size of state truck weighing areas for truck inspection and the use of existing weigh stations and rest areas for truck parking and (b) identify and implement operational improvements to facilitate traffic movement in heavily congested areas;
6. requires the DOT commissioner to submit a report to the CTSB annually, beginning September 1, 2003, listing all transportation projects, other than ones identified and recommended in the transportation strategy, considered to be of the greatest importance and explaining the reasons why;
7. requires the chief court administrator, in consultation with others, to study and submit a report to legislative committees, by January 1, 2004, on more effective prosecution of moving violations and the feasibility of establishing traffic courts;
8. creates a Highway Incident Management Task Force to develop policies and implementation plans for highway incident management and make recommendations to the CTSB;
9. designates the Transportation Committee, rather than the entire General Assembly, as the recipient of the reports and updates the CTSB must, by law, provide to the governor and legislature; and
10. requires the Connecticut Public Transportation Commission to submit its statutorily required annual list of recommendations to the CTSB, in addition to the governor and transportation commissioner.

With respect to land use, planning, and economic development

recommendations of the CTSB, the bill requires:

1. future revisions of the state Plan of Conservation and Development (PC&D) to take into account economic and community development needs, patterns of commerce, and linkages between affordable housing objectives, land use planning, and transportation systems;
2. state agency plans to be consistent with the state PC&D;
3. greater consistency among local land use plans and regulations and requires municipalities to note on the record inconsistencies between local plans and regulations and the state PC&D;
4. regional planning agencies (RPAs) to update their plans of development and note inconsistency with the state PC&D;
5. the Office of Policy and Management (OPM) secretary to develop legislative recommendations for growth management goals and land use development policies;
6. the Department of Economic and Community Development (DECD) to establish a program to expedite the review and approval of projects on pre-selected sites; and
7. the chief court administrator to study the feasibility of establishing a separate docket for civil land use issues.

Finally, the bill establishes a Geographical Information Systems (GIS) Council to coordinate a uniform GIS capacity for the state and municipalities and provide technical assistance to regional planning agencies and municipalities to develop such systems.

EFFECTIVE DATE: Upon passage, except the provisions on pre-selected development sites are effective October 1, 2003.

TRANSPORTATION-RELATED PROVISIONS

Approval of Initial Transportation Strategy

The bill formally approves Sections I through VII of the transportation strategy submitted by the CTSB to the legislature in January 2003 as required by law. These constitute the substantive general

recommendations regarding the overall strategy and the specific recommendations for the various transportation modes (air, highway, transit, and water), land use and development, and evaluation and metrics. The approval does not include Section VIII of the strategy, which contains the projections of funding needs and funding recommendations. Also, the bill prohibits the use of any state funds for the recommendations involving (1) marketing services at Bradley International Airport, (2) ownership or management of Tweed-New Haven Airport, or (3) implementation of the Tweed-New Haven Airport Master Plan.

Transportation Strategy Priority Projects

The bill establishes certain projects recommended in the strategy (and one additional program as noted) as priorities. It requires them to be completed, to the extent feasible, before any of the other projects recommended in the strategy. The bill designates the priority strategy projects by Transportation Investment Area (TIA) as shown in the following table.

Priority Transportation Strategy Recommended Projects

Coastal Corridor TIA

- Acquire 12 electric locomotives and 40 coaches for New Haven Line intrastate service
- Construct or expand stations on the New Haven Line that can accommodate rail service and one or more other modes of transportation and have:
 - Facilities for 1,000 or more parking spaces
 - Connections to bus and other transit systems
 - Opportunity for community revitalization
 - Opportunity for transit oriented development
 - Ease of auto, bus, bicycle, and pedestrian station access
 - Potential to attract sufficient riders to support additional express trains
 - Operation under state control
- Make improvements to Long Island Sound, including, at least, dredging, (upon removal of prohibitions imposed by federal law), bulkheading, expanding passenger facilities, including the Bridgeport Intermodal Facility, and resolving land access issues to support high speed ferry service
- Establish container barge service for the port of Bridgeport

I-84 Corridor TIA

- Establish express bus services from Bridgeport and New Haven to Bradley International Airport
- Complete the New Britain-Hartford busway and establish other bus rapid transit services in Hartford and surrounding towns
- Establish bus or commuter rail service as determined in the New Haven-Hartford-Springfield Implementation Study being conducted by the DOT, including connection to Bradley International Airport
- Expand rail passenger service through Danbury to New Milford on the Danbury branch line of the New Haven Line service (Norwalk to Danbury)

I-91 Corridor TIA

- Upgrade and rehabilitate trains, upgrade or construct maintenance facilities and parking facilities, and upgrade feeder bus services for passenger rail service, particularly along the Metro North-New Haven Line
- Establish container barge service for the port of New Haven in accordance with the bill

I-395 Corridor TIA

- Establish rail freight service with connections to the New London port
- Expand bus service frequency and connections within and outside of the region, particularly in and to Norwich and New London
- Complete Route 11 from its terminus in Salem to the I-95 and I-395 intersection, including greenway purchases

Southeast Corridor TIA

- Acquire 8 electric locomotives and 24 coaches for the Shoreline East Railroad Line
- Make highway operational improvements identified by DOT that improve traffic flow on I-95 and I-395, and maintain and improve local roads
- Establish container barge service for the port of New London in accordance with the bill

Statewide Projects and Programs

- Implement Bradley International Airport access improvements, including increased cargo services, adopted as the Bradley Project 2002 by the Bradley board of directors

- Expand marketing by DOT of the Deduct-a-Ride program to all eligible program
- Continue funding the Jobs Access Program
- Implement regularly scheduled and enforced hours of operation for weigh stations by DMV in consultation with DPS (NOTE: The initial transportation strategy makes no recommendation with respect to expanded weigh station operations.)
- Continue development of the Commercial Vehicle Information System and Network (CVISN) initiative to be managed by the DOT

The five TIAs were created by the law that established the CTSB. They cover the entire state geographically and are oriented toward major transportation facilities. TIAs must develop corridor plans and make recommendations to the CTSB. The CTSB may incorporate TIA recommendations in its overall state strategy. Some municipalities are in more than one TIA.

Container Barge Service

After container barge service is established at the port of Bridgeport, the CTSB must determine whether such service should be established in the port of New Haven. In deciding this, the CTSB must determine that establishing the service (1) will benefit freight movement into and out of the state and (2) will not be detrimental to the service in Bridgeport. Following establishment of container barge service in New Haven, the CTSB must make a similar determination with respect to recommending establishment of such a service in the port of New London. It must use the same criteria, taking into account the effect on the services in both Bridgeport and New London.

Any such recommendation for container barge service in new Haven and New London must be included in an update to the strategy and must be accompanied by the strategic analysis the bill establishes.

Transportation Project Economic Development Plans and Performance Report

The bill requires any of the priority transportation strategy projects it identifies that requires an expenditure of more than \$100,000 to be accompanied by an economic development plan. The plan must

provide for planned growth to support the project. A plan is not required if the sole purpose of the transportation project is public safety.

The bill requires the CTSB to coordinate the preparation of a performance report on the priority transportation strategy projects identified in the bill that require accompanying economic development plans. The board must consult with DOT, the Department of Economic and Community Development, and the Office of Policy and Management in determining the report format.

The performance report must include, at least:

1. a TIA map that identifies the proposed and actual transportation and economic development projects;
2. a funding description, implementation status, and estimated completion date for each economic development and transportation project;
3. an explanation of how each economic development project compliments each transportation project;
4. a statement of how each economic development and transportation project addresses the goals and objectives of the state PC&D;
5. a description of the roles of municipalities and regional planning agencies in planning and implementing each transportation and economic development project;
6. a description of the extent to which the transportation and economic development projects in a TIA address its transportation problems, needs, or concerns; and
7. an evaluation of how each transportation and economic development project addresses the TIA's transportation problems, needs, or concerns in terms of the statistical measures the CTSB develops jointly with the other agencies.

The economic development projects subject to this review are projects that qualify for funding under the Connecticut Development Authority.

This report must be submitted by December 31, 2004, and every six months thereafter (June 30 and December 31), along with the other reports required by law. This report must go to the Transportation; Planning and Development; and Finance, Revenue and Bonding committees. No later than 15 days after receiving the December 31 report each year, the Transportation and Planning and Development committees must submit their comments and recommendations to the Finance, Revenue, and Bonding Committee's bonding subcommittee. The Finance, Revenue, and Bonding Committee must conduct a public hearing within 30 days of receiving the committee report.

Following the hearing, the bonding subcommittee may recommend to the full committee changes to existing bond authorizations for economic development projects to implement any transfer of any such authorization from the economic and community development to any other state agencies authorized to undertake economic development.

Performance Analysis

The bill requires the CTSB to prepare an analysis of the short and long term effects of the initial transportation strategy, using the metrics, methodologies, and standards it develops or adopts from any other government agency. The analysis must assess the strategy's effect on (1) present and future state transportation needs for moving people and goods; (2) state economic development; and (3) the environment, including air quality, wetlands, open space, and energy consumption.

The analysis must include the projected return on investment for each transportation project identified in the strategy. The CTSB must submit its analysis to the governor and Transportation Committee along with its other required reports due on December 15, 2004, as required by law.

The CTSB must monitor the planning and implementation of the priority transportation strategy projects, container barge service, truck parking program, operational improvements program, and incident management task force and report to the governor and legislature. Any recommended update or revision to any transportation strategy project or to the initial strategy, including any project recommended in addition to the initial strategy, included in the December 2004 or future updates to the strategy must include the impact analysis required

above.

Weigh Station and Rest Area Truck Parking Program

The bill requires DOT, in consultation with DMV and DPS, to establish a program to (1) use existing weigh stations and rest areas for increased truck parking and (2) increase the size of weigh station facilities for inspection purposes. The program must be established by January 1, 2004, and DOT must submit a report on the program to the Transportation Committee by September 1, 2003 and annually thereafter.

Operational Improvements Study

The bill requires DOT, in consultation with DMV and DPS, to develop a program to identify and implement operational improvements required to facilitate traffic movement in heavily congested areas. DOT must develop the program by January 1, 2004 and submit a report on it to the Transportation Committee by September 1, 2003 and annually thereafter.

Highway Incident Management Task Force

The bill establishes a nine-member Highway Incident Management Task Force consisting of a member of the CTSB appointed by the chairman; the Transportation, Environmental Protection, Public Safety, and Motor Vehicles commissioners, or their designees; two members appointed by the House speaker; and two members appointed by the Senate president pro tempore. The CTSB member must serve as the task force chairman. The House speaker and Senate president pro tempore must each appoint one person representing a local emergency response agency and a local public official. All appointments must be made within 30 days of the act taking effect.

The task force must develop policies and implementation plans including, at least: (1) standards for highway incident response times; (2) diversion plans for serious accidents that close limited access highways; (3) primary authority among responders to manage a highway incident scene; (4) availability and positioning of tow vehicles before occurrence of highway incidents; (5) expanding the Connecticut Highway Assistance Motor Patrol (CHAMPS) service, including expanded coverage areas and levels; and (6) installing vision barriers to reduce congestion resulting from opposite direction drivers looking

at accidents.

The task force must submit its findings and recommendations to the CTSB by September 1, 2003.

Study on Prosecution and Adjudication of Traffic Violators

The bill requires the chief court administrator, in consultation with the chief state's attorney, chief public defender, and public safety commissioner, or their designees, to study ways to achieve more effective prosecution of moving violations. The study must review, at least: (1) state and local police procedures for identifying and charging violators, (2) policies of the Office of the Chief State's Attorney for charging and prosecuting alleged offenders, (3) court procedures for processing cases involving moving violations in a timely manner, and (4) the feasibility of establishing traffic courts.

A report with findings and recommendations must be submitted to the Transportation and Judiciary committees by January 1 2004.

LAND USE, PLANNING, AND ECONOMIC DEVELOPMENT PROVISIONS

State PC&D

The bill requires that any future revision of the state PC&D take into account (1) economic and community development needs; (2) patterns of commerce; and (3) linkages between affordable housing objectives, land use planning, and transportation systems.

Consistency of State Agency Plans with the State PC&D

The bill requires state agency plans to relate more closely with the state PC&D. Under current law, a state agency must consider the state PC&D when it prepares other plans required by state or federal law. The bill instead requires that the agency plans be consistent with the PC&D starting in 2005. Agencies must revise all mandated plans within two years after the legislature adopts the PC&D.

By law, the agency must submit a draft of its plan to the OPM secretary for his review, and he must provide the agency with a report describing the extent to which its plan conforms to the state PC& D.

The bill requires the agency to revise its plan to make it consistent with the state PC&D.

Under current state law, various agency actions, such as the acquisition of \$100,000 or more, must be consistent with the PC&D. The bill exempts actions required by federal law from the consistency requirement.

Consistency of Local Plans and Regulations with the State Plan

By law, planning commissions must develop a local PC&D at least every 10 years. The bill requires that they note in the record any inconsistency of the local plan with the state PC&D in any revision to the local plan and the reasons for the inconsistency. They must notify the OPM secretary as to the rationale. The bill also requires planning commissions to note on the record any inconsistency of their subdivision regulations with the state PC&D and notify the secretary as to the rationale for such inconsistencies.

Consistency Among Local Plans and Regulations

The bill requires that zoning regulations be made consistent with the local PC&D within two years of the local plan's revision. It also requires all municipalities to review, and if necessary revise, their subdivision regulations within two years of the revision of the local plan in order to make the regulations consistent with the local plan.

Under the bill, once the zoning regulations are made consistent with the local PC&D, the zoning commission or combined planning and zoning (P&Z) commission must determine if each application (including petitions, requests, or plans) is consistent with the local PC&D. If the commission finds an inconsistency, it must treat the application as an amendment to the local plan. (In municipalities with separate planning commissions, the zoning commission must request the planning commission to revise the plan to make it consistent. The planning commission must consider such requests in the same way it treats amendments to the plan.) The P&Z commission must hold a public hearing on the application; in municipalities with separate planning and zoning commissions, they must hold a joint hearing. If the planning commission adopts the amendment, the zoning commission must determine whether the application is consistent with the local plan and may approve it.

Similar provisions apply with regard to subdivision regulations, with the planning commission having the responsibility for ensuring consistency between applications before it and the local plan.

Regional Plans

The bill requires RPAs update their plans of development by 2005. It requires them to note on the record any inconsistency between proposed revisions of their plans and the state plan and notify the OPM secretary of the rationale for the inconsistency. The bill also requires that any future revision to the regional plan of development take into account (1) economic and community development needs; (2) patterns of commerce; and (3) the links between affordable housing objectives, land use planning, and transportation systems.

Growth Management Goals

The bill requires the OPM secretary to develop recommendations for growth management goals and land use development policy legislation. The goals and policies should be sufficient to be used as a prescriptive management tool. But, they should not preclude site or project accommodation. (The bill does not define these terms.) Nor should they provide a basis for challenging state actions under the statutes. The secretary must submit his recommendations to the Planning and Development and Transportation committees by January 1, 2005.

Pre-Selected Sites

The bill requires DECD to establish a program to expedite the review and approval of projects in pre-selected sites. The program must (1) provide for identification of eligible sites by municipalities; (2) list local and state permits needed for development; (3) develop an inventory of sites, specifying characteristics and preferred uses; (4) include a process for DECD to market the sites to preferred users; and (5) provide for the establishment of state and local teams to facilitate regulatory approvals and resolve potential disputes. In developing the program, DECD must consult with OPM; the departments of Environmental Protection (DEP), DOT, Public Health, Labor, and Revenue Services; municipalities; and regional planning agencies. DECD must report on the program to the Planning and Development Committee by January 1 annually.

GIS Council

The bill establishes a GIS Council consisting of agency heads and appointees of the governor and legislative leaders. The members are:

1. the OPM secretary (who serves as the council's chairperson) and the DEP, DECD, DOT, and Information Technology commissioners;
2. two people appointed by the governor, one representing a municipality with a population of 30,000 to 60,000 and the other a GIS user;
3. two people appointed by the Senate president pro tempore, one representing a municipality with a population above 60,000 and the other representing a regional planning agency; and
4. two people appointed by the House speaker, one representing a municipality with a population under 30,000 and the other a GIS user.

The council must meet at least monthly. The OPM secretary or any three members can call a special meeting with at least 48 hours notice to all members. Members are not paid but are reimbursed for their expenses. The governor can fill any vacancy for the unexpired portion of the member's term.

The council must coordinate a uniform GIS capacity for the state and municipalities, which must include provisions for application, policy, and standards for government information system implementation. In establishing this capacity, the council must consult with state agencies, municipalities, and other GIS users. The council also must provide technical assistance to RPAs and municipalities to develop their systems. The council must report on its activities to the Planning and Development Committee by January 1 annually.

Land Use Docket

The bill requires the chief court administrator to study the feasibility of establishing a separate docket for civil land use issues. He must consult with DOT, DECD, DEP, municipalities, RPAs, developers, and the public in conducting the study. He must report on the study to the

Planning and Development and Judiciary committees by January 1, 2004. The report must include his recommendations for policies and procedures to implement the docket and recommendations for land use education for judicial staff.

BACKGROUND

Related Bill

The Planning and Development committee favorably reported sHB 6641, *"An Act Implementing the Recommendations of the Connecticut Transportation Strategy Board for Land Use and Economic Development"* to the Transportation Committee on March 26. The Transportation Committee incorporated the provisions of sHB 6641 into sHB 6671 (§§ 13-24).

The Connecticut Transportation Strategy Board

The board was created in 2001 to develop and recommend a transportation strategy for Connecticut that considers the interrelationship of transportation, land use, planning, economic development, and environmental issues. The strategy must serve as a guide over a 20-year period and the board must recommend a set of actions and programs to achieve the strategies during the next 10 years, the projected capital and operating investments required, and recommended revenue sources to fund the investments.

The board submitted its initial transportation strategy in January 2003. By law, it must submit the strategy and any future modifications to it to the legislature for approval.

COMMITTEE ACTION

Transportation Committee

Joint Favorable Substitute

Yea 20 Nay 5