



General Assembly

January Session, 2007

Raised Bill No. 1168

LCO No. 4236

04236_____TRA

Referred to Committee on Transportation

Introduced by:
(TRA)

AN ACT CLARIFYING STATE TRAFFIC COMMISSION STATUTES.

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

1 Section 1. Section 14-311 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) No person, firm, corporation, state agency, or municipal agency
4 or combination thereof shall build, expand, establish or operate any
5 open air theater, shopping center or other development generating
6 large volumes of traffic, having an exit or entrance on, or abutting or
7 adjoining, any state highway or substantially affecting state highway
8 traffic within this state until such person or agency has procured from
9 the State Traffic Commission a certificate that the operation thereof
10 will not imperil the safety of the public.

11 (b) No local building official or state building inspector shall issue a
12 building or foundation permit to any person, firm, corporation, state
13 agency or municipal agency to build, expand, establish or operate such
14 a development until the person, firm, corporation or agency provides
15 to such official or inspector a copy of the certificate issued under this
16 section by the commission. No such official or inspector shall issue a

17 certificate of occupancy to any person, firm, corporation, state agency
18 or municipal agency until such official or inspector has confirmed with
19 the commission that all certificate requirements have been satisfied. (1)
20 If the commission determines that any person, firm, corporation, or
21 state or municipal agency has [(1)] started building, expanding,
22 establishing or operating such a development without first obtaining a
23 certificate from the commission [or (2) has failed to comply with the
24 conditions of such a certificate,] and providing a copy of such
25 certificate to a local building official or state building inspector for
26 purposes of obtaining a building or foundation permit, it shall order
27 the person, firm, corporation or agency to [(A)] cease constructing,
28 expanding, establishing or operating the development. [or (B) comply
29 with the conditions of the certificate within a reasonable period of
30 time.] If such person, firm, corporation or agency fails to [(i)] cease
31 such [work or (ii) comply with an order of the commission within such
32 time as specified by the commission] action, the commission may
33 [make an application to the superior court for the judicial district of
34 Hartford or the judicial district where the development is located
35 enjoining the construction, expansion, establishment or operation of
36 such development] impose a civil fine of not more than five thousand
37 dollars per day for any continued construction, expansion,
38 establishment or operation of such development prior to the issuance
39 of such certificate by the commission. (2) If the commission determines
40 that any person, firm, corporation, state agency or municipal agency
41 has started operating such a development after obtaining a certificate
42 from the commission and providing a copy of such certificate to a local
43 building official or state building inspector for purposes of obtaining a
44 building or foundation permit, but has failed to comply with the
45 conditions of such certificate issued by the commission, the person,
46 firm, corporation or agency shall be ordered by the commission to
47 comply with the conditions of the certificate within a reasonable
48 period of time. If such person, firm, corporation, state agency or
49 municipal agency fails to comply with such order of the commission
50 within such time as specified by the commission, the commission may

51 impose a civil fine of not more than five thousand dollars per day or
52 revoke such certificate at any time from the date of notification
53 specified by the commission, for any continued operation of such
54 development until the commission has determined that all certificate
55 conditions have been satisfied.

56 (c) The State Traffic Commission shall issue its decision on an
57 application for a certificate under subsection (a) of this section not later
58 than one hundred twenty days after it is filed, except that, if the
59 commission needs additional information from the applicant, it shall
60 notify the applicant in writing as to what information is required and
61 (1) the commission may toll the running of such one-hundred-twenty-
62 day period by the number of days between and including the date
63 such notice is received by the applicant and the date the additional
64 information is received by the commission, and (2) if the commission
65 receives the additional information during the last ten days of the one-
66 hundred-twenty-day period and needs additional time to review and
67 analyze such information, it may extend such period by not more than
68 fifteen days. The State Traffic Commission may also, at its discretion,
69 postpone action on any application submitted pursuant to this section
70 or section 14-311a until such time as it is shown that an application has
71 been filed with and approved by the municipal planning and zoning
72 agency or other responsible municipal agency.

73 (d) In determining the advisability of such certification, the State
74 Traffic Commission shall include, in its consideration, highway safety,
75 the width and character of the highways affected, the density of traffic
76 thereon, the character of such traffic and the opinion and findings of
77 the traffic authority of the municipality wherein the development is
78 located. If the State Traffic Commission determines that traffic signals,
79 pavement markings, channelization, pavement widening or other
80 changes or traffic control devices are required to handle traffic safely
81 and efficiently, one hundred per cent of the cost thereof shall be borne
82 by the person building, establishing or operating such open air theater,
83 shopping center or other development generating large volumes of

84 traffic, except that such cost associated with the construction of a
85 municipal building wholly owned and operated by a municipality
86 shall not be borne by any municipal agency. The Commissioner of
87 Transportation may issue a permit to said person to construct or install
88 the changes required by the State Traffic Commission.

89 (e) Any person aggrieved by any decision of the State Traffic
90 Commission hereunder may appeal therefrom in accordance with the
91 provisions of section 4-183, except venue for such appeal shall be in the
92 judicial district in which it is proposed to operate such establishment.
93 The provisions of this section except insofar as such provisions relate
94 to expansion shall not apply to any open air theater, shopping center
95 or other development generating large volumes of traffic in operation
96 on July 1, 1967.

97 Sec. 2. Section 14-311c of the general statutes is repealed and the
98 following is substituted in lieu thereof (*Effective from passage*):

99 (a) No group of persons, firms, corporations, state agencies or
100 municipal agencies or combination thereof shall build, expand,
101 establish or operate any open air theater, shopping center or other
102 development generating large volumes of traffic on any group of
103 individual parcels of land which are separately owned but are utilized
104 together for a single development purpose, whether or not such
105 parcels are separated by any state, local or private roadway, having an
106 exit or entrance on, or abutting or adjoining, any state highway or
107 substantially affecting state highway traffic within this state until such
108 group has procured from the State Traffic Commission a certificate
109 that the operation thereof will not imperil the safety of the public.

110 (b) No local building official or state building inspector shall issue a
111 building or foundation permit to any such group or member thereof to
112 build, expand, establish or operate such a development until the group
113 or member provides to such official or inspector a copy of the
114 certificate issued under this section by the commission. No such
115 official or inspector shall issue a certificate of occupancy to any group

116 or member thereof until such official or inspector has confirmed with
117 the commission that all certificate requirements have been satisfied. (1)
118 If the commission determines that any group or member has [(1)]
119 started building, expanding, establishing or operating such a
120 development without first obtaining a certificate from the commission
121 [or (2) has failed to comply with the conditions of such a certificate,]
122 and providing a copy of such certificate to a local building official or
123 state building inspector for purposes of obtaining a building or
124 foundation permit, it shall order the group or member to [(A)] cease
125 constructing, expanding, establishing or operating the development,
126 [or (B) to comply with the conditions of the certificate within a
127 reasonable period of time.] If such group or member fails to [(i)] cease
128 such [work or (ii) comply with an order of the commission within such
129 time as specified by the commission] action, the commission [or the
130 traffic authority of the municipality wherein the development is
131 located may make an application to the superior court for the judicial
132 district of Hartford or the judicial district where the development is
133 located enjoining the construction, expansion, establishment or the
134 operation of such development] may impose a civil fine of not more
135 than five thousand dollars per day for any continued construction,
136 expansion, establishment or operation of such development prior to
137 the issuance of such certificate by the commission. (2) If the
138 commission determines that any group of persons, firms, corporations,
139 state agencies or municipal agencies, or combination thereof, has
140 started operating such a development after obtaining a certificate from
141 the commission and providing a copy of such certificate to a local
142 building official or state building inspector for purposes of obtaining a
143 building or foundation permit, but has failed to comply with the
144 conditions of such certificate issued by the commission, the group of
145 persons, firms, corporations, state agencies or municipal agencies, or
146 combination thereof, shall be ordered by the commission to comply
147 with the conditions of the certificate within a reasonable period of
148 time. If such group of persons, firms, corporations, state agencies or
149 municipal agencies fail to comply with such order of the commission

150 within such time as specified by the commission, the commission may
151 impose a civil fine of not more than five thousand dollars per day or
152 revoke such certificate at any time from the date of notification
153 specified by the commission, for any continued operation of such
154 development until the commission has determined that all certificate
155 conditions have been satisfied.

156 (c) The State Traffic Commission shall issue its decision on an
157 application for a certificate under subsection (a) of this section not later
158 than one hundred twenty days after it is filed, except that, if the
159 commission needs additional information from the applicant, it shall
160 notify the applicant in writing as to what information is required and
161 (1) the commission may toll the running of such one-hundred-twenty-
162 day period by the number of days between and including the date
163 such notice is received by the applicant and the date the additional
164 information is received by the commission, and (2) if the commission
165 receives the additional information during the last ten days of the one-
166 hundred-twenty-day period and needs additional time to review and
167 analyze such information, it may extend such period by not more than
168 fifteen days. The State Traffic Commission may also, at its discretion,
169 postpone action on any application submitted pursuant to this section
170 or section 14-311a until such time as it is shown that an application has
171 been filed with and approved by the municipal planning and zoning
172 agency or other responsible municipal agency.

173 (d) In determining the advisability of such certification, the State
174 Traffic Commission shall include, in its consideration, highway safety,
175 the width and character of the highways affected, the density of traffic
176 thereon, the character of such traffic and the opinion and findings of
177 the traffic authority of the municipality wherein the development is
178 located. If the State Traffic Commission determines that traffic signals,
179 pavement markings, channelization, pavement widening or other
180 changes or traffic control devices are required to handle traffic safely
181 and efficiently, one hundred per cent of the cost thereof shall be borne
182 by the group building, establishing or operating such open air theater,

183 shopping center or other development generating large volumes of
184 traffic, except that such cost associated with the construction of a
185 municipal building wholly owned and operated by a municipality
186 shall not be borne by any municipal agency. The Commissioner of
187 Transportation may issue a permit to said group to construct or install
188 the changes required by the State Traffic Commission, in consultation
189 with the local traffic authority.

190 (e) Any group aggrieved by any decision of the State Traffic
191 Commission hereunder may appeal therefrom in accordance with the
192 provisions of section 4-183, except venue for such appeal shall be in the
193 judicial district in which it is proposed to operate such establishment.
194 The provisions of this section except insofar as such provisions relate
195 to expansion shall not apply to any open air theater, shopping center
196 or other development generating large volumes of traffic which has
197 received all necessary permits, variances, exceptions and approvals
198 from the municipal zoning commission, planning commission,
199 combined planning and zoning commission and zoning board of
200 appeals in which such development is located prior to or on July 1,
201 1985, or to any such development which is in operation on that date.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	14-311
Sec. 2	<i>from passage</i>	14-311c

Statement of Purpose:

To further clarify the role and responsibility of the State Traffic Commission and the local building official when a qualifying development is required to obtain and operate under a certificate of operation issued by the State Traffic Commission.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]