



House of Representatives

General Assembly

File No. 158

January Session, 2009

House Bill No. 5873

House of Representatives, March 24, 2009

The Committee on Planning and Development reported through REP. SHARKEY of the 88th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

***AN ACT CONCERNING THE AUTHORITY OF PLANNING
COMMISSIONS TO APPROVE MUNICIPAL ROAD IMPROVEMENTS.***

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

1 Section 1. Section 8-24 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2009*):

3 No municipal agency or legislative body shall (1) locate, accept,
4 abandon, widen, narrow or extend any street, bridge, parkway or
5 other public way, (2) locate, relocate, substantially improve, acquire
6 land for, abandon, sell or lease any airport, park, playground, school or
7 other municipally owned property or public building, (3) locate or
8 extend any public housing, development, redevelopment or urban
9 renewal project, or (4) locate or extend public utilities and terminals for
10 water, sewerage, light, power, transit and other purposes, until the
11 proposal to take such action has been referred to the commission for a
12 report. Notwithstanding the provisions of this section, a municipality
13 may take final action approving an appropriation for any proposal
14 prior to the approval of the proposal by the commission pursuant to

15 this section. The failure of the commission to report within thirty-five
 16 days after the date of official submission of the proposal to it for a
 17 report shall be taken as approval of the proposal. In the case of the
 18 disapproval of the proposal by the commission the reasons therefor
 19 shall be recorded and transmitted to the legislative body of the
 20 municipality. A proposal disapproved by the commission shall be
 21 adopted by the municipality or, in the case of disapproval of a
 22 proposal by the commission subsequent to final action by a
 23 municipality approving an appropriation for the proposal and the
 24 method of financing of such appropriation, such final action shall be
 25 effective, only after the subsequent approval of the proposal by (A) a
 26 two-thirds vote of the town council where one exists, or a majority
 27 vote of those present and voting in an annual or special town meeting,
 28 or (B) a two-thirds vote of the representative town meeting or city
 29 council or the warden and burgesses, as the case may be. The
 30 provisions of this section shall not apply to maintenance or repair of
 31 existing property, [public ways or] buildings or public ways,
 32 including, but not limited to, resurfacing of roads.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2009</i>	8-24

PD *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill explicitly allows a municipal agency or legislative body to resurface roads without the recommendations of a planning commission, and has no fiscal impact.

OLR Bill Analysis**HB 5873*****AN ACT CONCERNING THE AUTHORITY OF PLANNING COMMISSIONS TO APPROVE MUNICIPAL ROAD IMPROVEMENTS.*****SUMMARY:**

By law, a municipal agency or legislative body cannot implement a proposed infrastructure or public works project without first obtaining the planning commission or combined planning and zoning commission's recommendations. But they may maintain or repair existing property or public ways without obtaining their recommendations. This bill explicitly allows them to resurface roads without obtaining such recommendations.

EFFECTIVE DATE: July 1, 2009

BACKGROUND***Planning Commission Review of Municipal Projects***

The law requires municipal agencies and legislative bodies to submit proposed infrastructure and public works projects to the planning commission for recommendations. This requirement also applies to real estate transactions for specific purposes, such as abandoning roads, public buildings, or other municipal property. It also applies to improvements made to existing property, including bridges, terminals, and public buildings.

The municipality may implement these actions if the commission approves them or submits no recommendations within 35 days after receiving the project proposal. The municipality may still implement the project if the commission disapproves the proposal, but a two-thirds vote of the municipality's legislative body must approve it.

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable

Yea 20 Nay 0 (03/06/2009)