



# House of Representatives

General Assembly

**File No. 557**

January Session, 2009

Substitute House Bill No. 6465

*House of Representatives, April 8, 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 substitute bill ought to pass.

## **AN ACT CONCERNING SMART GROWTH AND TRANSPORTATION PLANNING.**

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

1 Section 1. Section 13b-57g of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2009*):

3 (a) Not later than January 15, 2002, the board shall propose to the  
4 General Assembly an initial transportation strategy.

5 (b) In developing the strategy and the revisions, the board shall take  
6 into account: (1) The strategic concerns associated with the movement  
7 of people and goods; (2) the technological options and multimodal  
8 options, including, but not limited to, transportation by rail, road, air  
9 or water, available to address such concerns; (3) the relationship of  
10 such concerns and options to sustainable economic growth,  
11 environmental quality, urban development, open space, open space  
12 preservation, access to employment by residents of the state and public

13 safety; (4) that transportation is a cornerstone of the state's economic  
14 vitality and overall quality of life and therefore inextricably linked to  
15 other key policies that deal with the state's future including, but not  
16 limited to, land use planning, environmental quality, urban vitality  
17 and access to quality jobs and services for the state's residents; (5) the  
18 connectivity of the state to the northeast, continental and international  
19 economies and that the mobility of people and goods within the state  
20 are critical to vibrant and sustainable economic growth; (6) that the  
21 benefits of leveraging existing transportation assets and infrastructure,  
22 especially in urban centers, and the reduction of automobile-oriented  
23 demands, are highly desirable; (7) managing demand for  
24 transportation assets, including using employer and employee-based  
25 initiatives as an integral part of the strategy; (8) the integration of  
26 brownfields remediation and affordable housing and access to  
27 employment that should occur as a result of implementing the  
28 strategy; (9) the need to engage local planning agencies and other  
29 relevant constituencies in developing the strategy; (10) the need to  
30 engage representatives of the state's major transportation assets and of  
31 the transportation industry in the strategy to help ensure that the  
32 strategy is multimodal and integrated; (11) the benefits of technology  
33 to expand capacity, enhance safety, provide information and access  
34 funding alternatives; (12) the need to reduce congestion by  
35 encouraging greenway initiatives, safe-routes-to-school programs and  
36 rideshare programs; (13) the need to fully explore the sources and  
37 methodologies for funding investments in transportation  
38 infrastructure, and for annual operating and maintenance costs and the  
39 regulations applicable to the expenditure of federal and state funds;  
40 (14) that the development of appropriate metrics, methodologies and  
41 standards is essential for determining customer needs, for evaluating  
42 the return on transportation investments and for the prioritization of  
43 specific projects and the degree of success in meeting these needs; (15)  
44 that the state needs to play a leadership role with the other  
45 northeastern states and the eastern Canadian provinces in developing  
46 and advocating a transportation strategy for the northeast region of the  
47 continent; (16) that the analyses and decision-making related to

48 transportation initiatives in the strategy needs to be done expeditiously  
49 within the existing statutory and regulatory framework and that any  
50 amendments to the general statutes or to the Regulations of  
51 Connecticut State Agencies that are needed to achieve such objectives  
52 should be identified; (17) the development, renovation and expansion  
53 of Bradley International Airport; (18) the state conservation and  
54 development plan, established pursuant to section 16a-24; and (19) that  
55 the role, including the role of financial incentives, of private sector  
56 companies, public agencies and institutions needs to be clearly defined  
57 with respect to (A) encouraging and supporting employees to use  
58 public transportation, (B) providing employees with appropriate  
59 alternatives to the locations at which and during the times they  
60 perform their work, including, but not limited to, flexible working  
61 hours and telecommuting, (C) developing an effective means for  
62 delivering goods within and through the state, and (D) encouraging  
63 different sectors to participate with the state in specific initiatives. In  
64 developing the strategy and the revisions pertaining to roads, the  
65 board shall establish as its priority for improving transportation on  
66 public highways the use of public transportation and other traffic  
67 mitigation methods not involving the improvement or expansion of  
68 public highways. The board shall propose improving public highway  
69 transportation by the improvement or expansion of public highways  
70 only after it has determined that no means of public transportation or  
71 other traffic mitigation method exists that will accomplish such  
72 improvement. The board shall include an explanation and  
73 documentation of such determination with any proposed  
74 improvement or expansion of any public highway.

75 (c) The board shall design the strategy and any revisions to it to  
76 achieve the following results:

77 (1) Public benefits that consist of (A) stimulating sustainable  
78 economic growth and enhancing the quality of life for the residents of  
79 the state, and (B) developing and continuously upgrading analytical  
80 tools to demonstrate the link between transportation and the public  
81 benefits;

82 (2) Ease of mobility of people and goods within the state and the  
83 TIAs, that consists of (A) reducing traffic congestion, (B) enabling  
84 inter-corridor movement within the state, and (C) enabling access to  
85 employment opportunities and essential services;

86 (3) Connectivity in access to the regional, national and global  
87 economies, that consists of (A) improving access (i) to surrounding  
88 states, consisting of the Interstate 95 corridor to New York, the  
89 Connecticut River Valley and Interstate 91 corridor to Springfield,  
90 Massachusetts and southeastern Connecticut to Massachusetts, New  
91 York and Rhode Island, and (ii) to the national and global economies;  
92 and (B) expanding modal choices for passenger and freight, consisting  
93 of (i) developing an airport system that stimulates growth, (ii) linking  
94 the state to international rail grids, (iii) developing water-borne  
95 alternatives, and (iv) assuring workable freight access to the ports of  
96 New York and New Jersey and the corridor related to the North  
97 American Free Trade Agreement;

98 (4) Safety and security that consists of (A) adequately maintaining  
99 infrastructure and equipment, and (B) enforcing safe operations and  
100 use of the transportation systems by customers and operators; and

101 (5) Expanded use of public transportation and other traffic  
102 mitigation methods to relieve congestion on public highways.

103 (d) In designing the strategy to achieve the results provided in  
104 subsection (c) of this section, the board shall evaluate specific tactics  
105 and approaches in the strategy by using the following criteria:

106 (1) Focusing on people who use transportation systems by (A)  
107 involving such people directly in planning and through ongoing  
108 market research, (B) creating a seamless interface with state, regional,  
109 national and global systems, and (C) developing transportation  
110 systems that operate as if they had intelligence, including, but not  
111 limited to, systems that provide real-time information to their users;

112 (2) Oriented to economic growth by (A) responsiveness to general

113 business needs, (B) responsiveness to specific industry cluster needs,  
114 and (C) support for state urban development strategies;

115 (3) Being environmentally responsible by (A) improving air quality,  
116 (B) leveraging existing assets to minimize impact on wetlands and  
117 open space by directing development to the areas of the state that have  
118 the infrastructure to support the development, and (C) reducing  
119 energy consumption;

120 (4) Encouraging and enabling intermodal links and usage wherever  
121 possible, and managing the transportation systems from a multimodal  
122 perspective; and

123 (5) Involving the TIAs by (A) building upon natural economic and  
124 service areas, (B) enhancing connectivity of all population centers in  
125 the state, and (C) implementing strategic priorities through TIAs.

126 (e) The board shall include in the strategy and any revisions to it the  
127 criteria by which the board, the commissioner and the department will  
128 evaluate and prioritize existing and proposed transportation projects.

129 (f) The board shall identify in the strategy and any revisions to it the  
130 tools and measures by which it intends to assess transportation system  
131 performance and analyze the value of projects proposed to implement  
132 the strategy, including their overall value to the state as a public  
133 investment.

134 (g) The board shall include in the strategy and any revisions to it (1)  
135 a projection of the required capital investments and operating costs  
136 over the next succeeding ten years and the recommended sources of  
137 such funds, (2) a distinction between transportation costs for  
138 operations and maintenance and transportation investments which  
139 shall (A) be based on the strategy and evaluated against strategic goals,  
140 (B) provide additional benefits that are tangible and attainable, (C)  
141 include a range of transportation uses including, but not limited to,  
142 transit, airways, highways, waterways and freight, to gain public  
143 support, (D) reach as many people as possible throughout the entire

144 community in each TIA, and (E) respond to widely perceived needs.

145 (h) The board shall review the TIA corridor plan prepared by each  
146 TIA, as provided in section 13b-57f, and may incorporate all or parts of  
147 such plans in the strategy and any revisions to it.

148 (i) In developing and revising the strategy, the board may: (1)  
149 Conduct public hearings; (2) consult and cooperate with officials and  
150 representatives of the federal government, neighboring states,  
151 interstate commissions and authorities, local agencies and authorities,  
152 interested corporations and other organizations concerning problems  
153 affecting transportation in the state; (3) request and receive from any  
154 agency or other unit of the government, of the state or of any political  
155 subdivision of the state, or from any public authority, such assistance  
156 and data as may be necessary to enable the board to carry out the  
157 board's responsibilities under this section; and (4) to the extent the  
158 board may deem appropriate, make use of, and incorporate in the  
159 strategy and any revisions to it, any existing long-range transportation  
160 plan, survey or report developed by any public or private agency or  
161 person.

162 (j) Not later than January 1, 2007, and quadrennially thereafter, the  
163 board shall review and, if necessary, revise the strategy adopted  
164 pursuant to subsection (a) of this section. A report describing any  
165 revisions and the reasons for them shall be submitted to the Governor  
166 and, pursuant to section 11-4a, the General Assembly. Such report  
167 shall include a prioritized list of projects which the board, in  
168 consultation with the commissioner, determines are necessary to  
169 implement the recommended strategy, including the estimated capital  
170 and operating costs and time frame of such projects, and completion  
171 schedule for all projects. Not later than January 31, 2007, and  
172 quadrennially thereafter, the joint standing committees of the General  
173 Assembly having cognizance of matters relating to transportation,  
174 finance, revenue and bonding and planning and development and the  
175 chairpersons and ranking members of the joint standing committee  
176 having cognizance of matters relating to commerce, shall meet with the

177 Commissioners of Transportation and Economic and Community  
178 Development, the Secretary of the Office of Policy and Management,  
179 the chairperson of the Transportation Strategy Board and such other  
180 persons as they deem appropriate to consider the report required by  
181 this subsection.

182 (k) Copies of the strategy and revisions to the strategy shall be kept  
183 on file as a public record in the department.

184 (l) The board shall include in any revision after October 1, 2009, a  
185 capital plan for transportation investment that incorporates the  
186 principles of smart growth, as defined in section 1 of substitute house  
187 bill 6467 of the current session.

188 Sec. 2. (NEW) (*Effective October 1, 2009*) The Transportation Strategy  
189 Board shall submit to the State Bond Commission, prior to the  
190 allocation of any bond funds for any transportation capital project, an  
191 advisory statement commenting on the extent to which such project  
192 incorporates the principles of smart growth, as defined in section 1 of  
193 substitute house bill 6467 of the current session. The commission shall  
194 consider the advisory statement in the allocation of bond funds for  
195 such project.

196 Sec. 3. Subsection (g) of section 3-20 of the general statutes is  
197 repealed and the following is substituted in lieu thereof (*Effective*  
198 *October 1, 2009*):

199 (g) (1) With the exception of refunding bonds, whenever a bond act  
200 empowers the State Bond Commission to authorize bonds for any  
201 project or purpose or projects or purposes, and whenever the State  
202 Bond Commission finds that the authorization of such bonds will be in  
203 the best interests of the state, it shall authorize such bonds by  
204 resolution adopted by the approving vote of at least a majority of said  
205 commission. No such resolution shall be so adopted by the State Bond  
206 Commission unless it finds that there has been filed with it (A) any  
207 human services facility colocation statement to be filed with the  
208 Secretary of the Office of Policy and Management, if so requested by

209 the secretary, pursuant to section 4b-23; (B) a statement from the  
210 Commissioner of Agriculture pursuant to section 22-6, for projects  
211 which would convert twenty-five or more acres of prime farmland to a  
212 nonagricultural use; (C) prior to the meeting at which such resolution  
213 is to be considered, any capital development impact statement  
214 required to be filed with the Secretary of the Office of Policy and  
215 Management; (D) a statement as to the full cost of the project or  
216 purpose when completed and the estimated operating cost for any  
217 structure, equipment or facility to be constructed or acquired; [and] (E)  
218 a statement from the Transportation Strategy Board for any  
219 transportation capital project on the extent to which such project  
220 incorporates the principles of smart growth, as defined in section 1 of  
221 substitute house bill 6467 of the current session; and (F) such requests  
222 and such other documents as it or said bond act requires, provided no  
223 resolution with respect to any school building project financed  
224 pursuant to section 10-287d or any interest subsidy financed pursuant  
225 to section 10-292k shall require the filing of any statements pursuant to  
226 subparagraph (A), (B), (C), (D), [or] (E) or (F) of this subdivision and  
227 provided further any resolution requiring a capital impact statement  
228 shall be deemed not properly before the State Bond Commission until  
229 such capital development impact statement is filed. Any such  
230 resolution so adopted by the State Bond Commission shall recite the  
231 bond act under which said commission is empowered to authorize  
232 such bonds and the filing of all requests and other documents, if any,  
233 required by it or such bond act, and shall state the principal amount of  
234 the bonds authorized and a description of the purpose or project for  
235 which such bonds are authorized. Such description shall be sufficient if  
236 made merely by reference to a numbered subsection, subdivision or  
237 other applicable section of such bond act.

238 (2) The agenda of each meeting shall be made available to the  
239 members of the commission not later than five business days prior to  
240 the meeting at which such agenda is to be considered. The day of the  
241 meeting shall count as one of the business days. The agenda of each  
242 meeting, or any supporting documents included with such agenda,  
243 shall include a reference to the statute or public or special act which is

244 the source of any funds to be used for any project on such agenda,  
245 including any contingency funds and any reuse or reallocation of  
246 funds previously approved for any other use or project, and a notation  
247 of the outside source from which any funds for any such project were  
248 received, if any.

249 (3) Upon adoption of a resolution, the principal amount of the  
250 bonds authorized therein for such purpose or project shall be deemed  
251 to be an appropriation and allocation of such amount for such purpose  
252 or project, respectively, and subject to approval by the Governor of  
253 allotment thereof and to any authorization for such project or purpose  
254 that may otherwise be required, contracts may be awarded and  
255 obligations incurred with respect to any such project or purpose in  
256 amounts not in the aggregate exceeding such authorized principal  
257 amount, notwithstanding that such contracts and obligations may at a  
258 particular time exceed the amount of the proceeds from the sale of  
259 such bonds theretofore received by the state. In any such resolution so  
260 adopted, the State Bond Commission may include provision for the  
261 date or dates of such bonds, the maturity of such bonds and,  
262 notwithstanding the provisions of any bond act taking effect prior to  
263 July 1, 1973, provision for either serial or term, sinking fund or other  
264 reserve fund requirements, if any, due dates of the interest thereon, the  
265 form of such bonds, the denominations and designation of such bonds,  
266 registration, conversion and transfer privileges and the terms of  
267 redemption with or without premium and the date and manner of sale  
268 of such bonds, provisions for the consolidation of such bonds with  
269 other bonds including refunding bonds for the purpose of sale as  
270 provided in subsection (h) of this section, limitations with respect to  
271 the interest rate or rates on such bonds, provisions for receipt and  
272 deposit or investment of the good faith deposit pending delivery of  
273 such bonds and such other terms and conditions of such bonds and of  
274 the issuance and sale thereof as the State Bond Commission may  
275 determine to be in the best interest of the state, provided the State  
276 Bond Commission may delegate to the Treasurer all or any part of the  
277 foregoing powers in which event the Treasurer shall exercise such  
278 powers until the State Bond Commission, by adoption of a resolution

279 prior to exercise of such powers by the Treasurer shall elect to  
 280 reassume the same. Such powers shall be exercised from time to time  
 281 in such manner as the Treasurer shall determine to be in the best  
 282 interests of the state and the Treasurer shall file a certificate of  
 283 determination setting forth the details thereof with the secretary of the  
 284 State Bond Commission on or before the date of delivery of such  
 285 bonds, the details of which were determined by the Treasurer in  
 286 accordance with such delegation.

287 (4) The State Bond Commission may authorize the Commissioner of  
 288 Economic and Community Development to defer payments of interest  
 289 or principal, or a portion thereof, in the case of a troubled loan, as  
 290 defined in subdivision (1) of subsection (e) of section 8-37x, made by  
 291 the commissioner under any provision of the general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	13b-57g
Sec. 2	<i>October 1, 2009</i>	New section
Sec. 3	<i>October 1, 2009</i>	3-20(g)

**PD**            *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:

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## **OFA Fiscal Note**

### **State Impact:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 10 \$</b>	<b>FY 11 \$</b>
Policy & Mgmt., Off.	GF - Cost	Potential	Potential
Department of Transportation	TF - None	None	None

Note: GF=General Fund; TF=Transportation Fund

**Municipal Impact:** None

### **Explanation**

#### **The Out Years**

This bill requires the Transportation Strategy Board (TSB) to prepare a capital plan for transportation investment that incorporates the principles of smart growth as defined in sHB 6467. By law, the Office of Policy and Management (OPM) provides staff support to the TSB. Since the TSB does not currently develop capital plans for transportation investments it is likely that OPM or the Department of Transportation (DOT) will be required to do so<sup>1</sup>. It is anticipated that DOT will be able to prepare the plan within its normal budgetary resources because the agency currently develops all transportation capital plans. However, if DOT is unable to develop such a plan additional costs may be incurred for consultants. Additionally, OPM may incur costs for additional part time staff, anticipated to be less than \$50,000, to assist the TSB in evaluating transportation related bond requests and providing an advisory statement on the extent to which such projects incorporate the smart growth principles.

#### **The Out Years**

The annualized ongoing fiscal impact identified above would

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<sup>1</sup> DOT currently collaborates with the TSB by providing staff resources for presentations at meetings and project updates.

continue into the future subject to inflation.

**OLR Bill Analysis****sHB 6465*****AN ACT CONCERNING SMART GROWTH AND  
TRANSPORTATION PLANNING.*****SUMMARY:**

This bill requires the Transportation Strategy Board to include a capital plan for transportation investment that incorporates the principles of smart growth, as defined in sHB 6467, in any revision of the state's transportation strategy it prepares after October 1, 2009. By law, the board must revise the plan every four years, with the next plan due January 1, 2011. Revisions must include a projection of required capital investments.

The bill requires the board to submit to the Bond Commission, prior to the allocation of any bond funds for any transportation capital project, an advisory statement commenting on the extent to which project incorporates the smart growth principles. It (1) bars the Bond Commission from authorizing bonds for such projects until it has received this statements and (2) requires the Bond Commission to consider the advisory statement in allocating bond funds for the project.

EFFECTIVE DATE: October 1, 2009

**SMART GROWTH PRINCIPLES**

Under sHB 6467, "smart growth principles" mean standards and objectives that support and encourage smart growth when used to guide actions and decisions. These include, standards and criteria for:

1. integrated planning that coordinates state and local tax, transportation, housing, environmental, and economic development policies;

2. reducing municipal reliance on the property tax by creating efficiencies and coordinating services on the regional level while reducing interlocal competition for grand list growth;
3. redeveloping existing infrastructure and resources, including brownfields and historic places;
4. transportation choices that provide alternatives to automobiles, including rail, bikeways, and walking, while reducing energy consumption,
5. developing or preserving a workforce or affordable housing for households of varying income in locations close to transportation, employment centers, or other eligible locations, and concentrated, mixed-use development around transportation nodes and civic and cultural centers; and
6. conserving and protecting natural resources by preserving open space, farmland, and historic properties and furthering energy efficiency.

## **BACKGROUND**

### ***Related Bill***

sHB 6467, reported favorably by the Planning and Development Committee, requires that future versions of the state Plan of Conservation and Development and regional and local land use plans incorporate the smart growth principles. It also requires the Office of Policy and Management to develop model zoning regulations to be used by zoning commissions that incorporate these principles.

## **COMMITTEE ACTION**

Planning and Development Committee

Joint Favorable Substitute

Yea 19 Nay 0 (03/20/2009)