



# STATE OF CONNECTICUT

## OFFICE OF POLICY AND MANAGEMENT

### **Testimony of Robert L. Genuario, Secretary of the Office of Policy and Management, before the Transportation, March 10, 2010.**

Thank you for the opportunity to present this testimony in opposition to House Bill 5460, AN ACT CONCERNING THE TRANSPORTATION STRATEGY BOARD.

Before turning to the specific provisions of House Bill 5460, I want to note that, in 2006, this General Assembly initiated legislation which moved the responsibility for supporting the Transportation Strategy Board (TSB) from the Department of Transportation to the Office of Policy and Management in order to ensure its independent decision making.

Today the Board is supported by staff from the Department of Transportation and the Office of Policy and Management and can call on staff from several other state agencies as necessary. Simply stated we believe that the current arrangement has worked well and should not be changed.

Section 1 of the bill eliminates the Governor's authority to appoint the chair of the Transportation Strategy Board. The current system has resulted in the appointment of three distinguished, highly regarded and non-political chairs, Oz Griebel, Kevin Kelleher and Bruce Alexander, and we see no reason to change it.

The same section also authorizes the Board to appoint an executive director and a board administrator. It is unclear how these staff members would be selected; how much they would be paid or who they would report to. However, since they would be appointed by the Board these positions would presumably be outside the classified service. There also is no funding provided for these positions. For all of those reasons we can not support this change.

The committee should also be aware that the provisions concerning the selection of the chair and executive director are inconsistent with existing state law which has, for more than thirty years, required that the chairs and executive directors, if any, of almost all executive branch agencies be appointed by the Governor.

We also have serious concerns about Section 2 of the bill which transfers the responsibility for "comprehensive long-range planning concerning the future transportation needs of the state" from the Department of Transportation to the Transportation Strategy Board. We believe that would be a serious mistake.

The Transportation Strategy Board is charged with the development of a high level strategic transportation plan for the state. Other state planning documents, including DOT planning documents, are required to be consistent with that plan. However, that is not the same as the detailed multi-modal planning required of

DOT under both state and federal law. That responsibility should remain with the Department of Transportation.

Section 3 of the bill appears to largely duplicate the requirements of Subsection (j) of Section 13b-57g of the General Statutes, which provides that:

“Not later than January 1, 2007, and quadrennially thereafter, the board shall review and, if necessary, revise the strategy adopted pursuant to subsection (a) of this section. A report describing any revisions and the reasons for them shall be submitted to the Governor and, pursuant to section 11-4a, the General Assembly. Such report shall include a prioritized list of projects which the board, in consultation with the commissioner, determines are necessary to implement the recommended strategy, including the estimated capital and operating costs and time frame of such projects, and completion schedule for all projects. Not later than January 31, 2007, and quadrennially thereafter, the joint standing committees of the General Assembly having cognizance of matters relating to transportation, finance, revenue and bonding and planning and development and the chairpersons and ranking members of the joint standing committee having cognizance of matters relating to commerce, shall meet with the Commissioners of Transportation and Economic and Community Development, the Secretary of the Office of Policy and Management, the chairperson of the Transportation Strategy Board and such other persons as they deem appropriate to consider the report required by this subsection.”

Finally, I want to note two concerns about the provisions of this bill which add the chairs and ranking members of this committee to the Transportation Strategy Board. First, under existing law the chairs of the Transportation Committee appoint one member of the TSB. Under this bill, they both appoint a member of the TSB and serve as members of the Board.

Second, under this bill a majority of the members of the TSB would be legislators or legislative branch appointees. Any time that legislators and legislative appointees constitute a majority of the members of an executive branch commission it raises serious issues under both the separation of powers and -- in this case -- dual job ban provisions of the state constitution.

For all of these reasons, we oppose House Bill 5460.