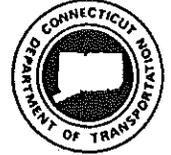




STATE OF CONNECTICUT

DEPARTMENT OF TRANSPORTATION

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Office of the
Commissioner

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Public Hearing – February 22, 2012
Transportation Committee

Testimony Submitted by Commissioner James P. Redeker
Department of Transportation

H.B. 5170 - AN ACT STREAMLINING TRAFFIC SAFETY EVALUATIONS.
(Department of Transportation proposal)

The Department of Transportation (ConnDOT) strongly supports H.B. 5170, AA Streamlining Traffic Safety Evaluations.

Section 10 of PA 11-1, (October Job's bill) required a consultant to apply LEAN practices and principles to the permitting and enforcement processes of several agencies, including ConnDOT, which business entities most frequently use. The practices of the State Traffic Commission (STC) have successfully gone through the LEAN process to achieve the intent of last year's act and the Department is pleased to propose legislation that will decrease the timeframe in which STC certificates and decisions are rendered pursuant to the LEAN review recommendations.

Background

In December 2010, the STC conducted a review of the 585 applications received and approved from January, 2007 to November, 2010. The applications consisted of several types of developments (retail, residential, industrial and schools), sizes (100,000 sq. /ft. to 7,000,000 sq. /ft.) and parking spaces (200 to 10000). The average number of days it took the STC to approve an application using the existing process was 94 days.

In January 2011, the STC implemented an "Administrative Decision" process whereby potential applicants may request that a decision be made as to the need for formal STC action where the development does not substantially affect state highways. The STC has reviewed and approved 47 applications with an average approval time of 60 days. In the past, these applications would have required a full review by the Department and as such the number of days for an approval would have been higher.

The actions that are currently leading to faster approval times are attributed to the follow process improvements implemented by STC staff administratively to improve the process for its users:

- Detailed drainage information is no longer being required for an entire site when only minor expansions of developments already constructed per a STC Certificate are being proposed. Instead, drainage information need only be provided relative to the minor expansion, itself.
- Developers are allowed to phase-in their projects; frequently resulting in lower bonding requirements and a quicker start to construction.
- The STC website has been greatly improved by providing one location where the public and engineering firms working with the STC can go, to quickly find needed information.
- The STC office implemented an "Administrative Decision" (AD) process whereby potential applicants may request that a decision be made as to the need for formal STC action regarding major traffic generators that do not have a significant impact on a state highway.

It is our hope that the proposed changes in H.B. 5170 to the STC and traffic evaluations will further reduce the timeframes in which applications are reviewed and decisions are rendered.

2011 State Traffic Commission (STC) LEAN Review

The Office of the State Traffic Commission recently participated in a LEAN process review looking for ways to further improve upon and reduce the number of days for an approval. The LEAN review revealed that there are numerous processes associated with obtaining an approval and identified the following areas which have caused delays in the approval process and need to be improved upon:

- Many applications are coming in insufficient
- Applicant not following MTG submission checklist and Department standards
- Applicant needs more guidance
- The order of review process causing duplication and rework by ConnDOT staff
- ConnDOT staff ending up solving applicants issues

The STC was able to reduce the number of process greatly and is currently working on implementing the new process.

Legislative changes recommended as a result of LEAN Review

In an effort to further expedite STC approval of regulatory items currently requiring formal STC action, the following are proposed changes in H.B. 5170:

- CGS 14-298 – Eliminates the State Traffic Commission (STC) concept and replaces it with the Office of the State Traffic Administration (OSTA).
- Throughout Section 14- Various -All duties and powers of the former commission would be transferred to the OSTA. Routine regulatory items that were formerly acted on by the STC at one of its regularly scheduled monthly meetings can now be acted on by the OSTA immediately upon completion of departmental review; instead of waiting until an STC meeting.
- CGS 14-311 - Provides the Office of the State Traffic Administration the authority to approve the issuance of certificates for major traffic generators that were formerly acted on by the STC at one of its regularly scheduled monthly meetings. Such approvals can now be acted on by the OSTA upon completion of departmental review. Removal of 120 day clock language to eliminate the conflict with 60 day clock imposed by Public Act 11-1 was inadvertently not shown in the raised bill but needs to be included (see attached).
- CGS 14-311(f) - For new developments, the OSTA will require a pre-application meeting with Department of Transportation (Department) staff, the property owners/developers, and their engineers in an effort to refine and abbreviate the information necessary for the certificate application review.
- CGS 14-311a – Repeal this statute. The new administrative decision process eliminates the need for this statute.

H.B. 5170 also includes the following changes:

CGS13b-292 and 13b-345 Removal of the State Traffic Commission. Existing statutory language allows Commissioner of Transportation to authorize the establishment of a private rail crossing but only after imposing specific requirements for the protection of persons using the crossing. Traffic control devices or traffic control measures are currently prescribed by the Commissioner of Transportation under the rail regulatory docket process and are integral in deciding if the crossing should be allowed. Requiring an additional approval of such devices or measures by the STC is therefore redundant.

Also, attached is substitute language for Sec. 36 of the bill proposed by the Department, but not reflected in H.B. 5170 as written.

For further information or questions, please contact Pam Sucato, Legislative Program Manager for ConnDOT at (860) 594-3013 or pamela.sucato@ct.gov.

Sec. 36. Section 14-311 of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2012*):

(a) No person, firm, corporation, state agency, or municipal agency or combination thereof shall build, expand, establish or operate any open air theater, shopping center or other development generating large volumes of traffic that substantially affect state highway traffic within this state, as determined by the [State Traffic Commission] Office of the State Traffic Administration, until such person, firm, corporation, or agency has procured from [the State Traffic Commission] said office a certificate that the operation thereof will not imperil the safety of the public, except that any development, including any development to be built in phases, without regard to when such phases are approved by the municipal planning and zoning agency or other responsible municipal agency, that contains a total of one hundred or fewer residential units shall not be required to obtain such certificate if such development is a residential-only development and is not part of a mixed-use development that contains office, retail or other such nonresidential uses, provided if any future development increases the total number of residential units to more than one hundred, and such total substantially affects state highway traffic within the state as determined by the [State Traffic Commission] Office of the State Traffic Administration, a certificate shall be procured from said [commission] office.

(b) Except as otherwise provided in this subsection, no local building official shall issue a building or foundation permit to any person, firm, corporation, state agency or municipal agency to build, expand, establish or operate such a development until the person, firm, corporation or agency provides to such official a copy of the certificate issued under this section by the former commission or the office, as the case may be. If

the [commission] office determines that any person, firm, corporation, or state or municipal agency has (1) started building, expanding, establishing or operating such a development without first obtaining a certificate from [the commission] said office, or (2) has failed to comply with the conditions of such a certificate, it shall order the person, firm, corporation or agency to (A) cease constructing, expanding, establishing or operating the development, or (B) comply with the conditions of the certificate within a reasonable period of time. If such person, firm, corporation or agency fails to (i) cease such work, or (ii) comply with an order of the [commission] office within such time as specified by the commission, the [commission] office may make an application to the superior court for the judicial district of Hartford or the judicial district where the development is located enjoining the construction, expansion, establishment or operation of such development.

Notwithstanding the provisions of this subsection, for single family home building lots within a subdivision of land, for which a certificate is required and which do not have a direct exit or entrance on, or directly abut or adjoin any state highway, no local building official shall issue a certificate of occupancy to any person, firm, corporation, state agency or municipal agency to occupy homes on such lots until the person, firm, corporation or agency provides to such official a copy of the certificate issued under this section by the [commission] office and such official confirms that the certificate conditions have been satisfied.

(c) [The State Traffic Commission] Office of the State Traffic Administration shall issue its decision on an application for a certificate under subsection (a) of this section not later than one hundred twenty days after it is filed, except that, if the [commission] office needs additional information from the applicant, it shall notify the applicant in writing as to what information is required and (1) the [commission] office may toll the running of such one-hundred-twenty-day period by the number of days between and including the date such notice is received by the applicant and the date the additional information is received by the [commission] office, and (2) if the [commission] office receives the additional information during the last ten days of the one-hundred-twenty-day period and needs additional time to review and analyze such information, it may extend such period by not more than fifteen days. The [State Traffic Commission] Office of the State Traffic Administration may also, at its discretion, postpone action on any application submitted pursuant to this section [or section 14-311a] until such time as it is shown that an application has been approved by the municipal planning and zoning agency or other responsible municipal agency.] The [State Traffic Commission] Office of the State Traffic Administration, to the extent practicable, shall begin its review of an application prior to final approval of the proposed activity by the municipal planning and zoning agency or other responsible municipal agency.

(d) In determining the advisability of such certification, the [State Traffic Commission] Office of the State Traffic Administration shall include, in its consideration, highway safety, the width and character of the highways affected, the density of traffic thereon, the character of such traffic and the opinion and findings of the traffic

authority of the municipality wherein the development is located. The [State Traffic Commission] Office of the State Traffic Administration may require improvements to be made by the applicant to the extent that such improvements address impacts to highway safety created by the addition of the applicant's proposed development or activity. If the [State Traffic Commission] Office of the State Traffic Administration determines that such improvements, including traffic signals, pavement markings, channelization, pavement widening or other changes or traffic control devices, are required to handle traffic safely and efficiently, one hundred per cent of the cost thereof shall be borne by the person building, establishing or operating such open air theater, shopping center or other development generating large volumes of traffic, except that such cost shall not be borne by any municipal agency when the development consists entirely of municipal facilities. The Commissioner of Transportation may issue a permit to said person to construct or install the changes required by the [State Traffic Commission] Office of the State Traffic Administration.

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

(f) Before submitting an application for a major traffic generator to the Office of the State Traffic Administrator, the individual or entity submitting such application for a new development shall attend a mandatory meeting with the Office of the State Traffic Administration and other staff from the Department of Transportation. At such meeting, such individual or entity shall present the applicant's proposed development to such department staff and receive feedback, including, but not limited to, information as to what needs to be submitted for an application to be considered complete.