



State of Connecticut

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Testimony

in Opposition to

HB 6851: An Act Establishing the Connecticut Transit Corridor Development Authority

Planning and Development Committee

March 6, 2015

Good morning, Senator Osten, Representative Miller, Senator Linares, Representative Aman, and distinguished members of the Planning and Development Committee. Thank you for this opportunity to deliver testimony on HB 6851, An Act Establishing the Connecticut Transit Corridor Development Authority.

This bill would create the Connecticut Transit Corridor Development Authority (TCDA), a quasi-public state entity that would promote transit-oriented development projects within a half-mile radius of any transit station. According to a fact sheet provided by the Office of Policy and Management, it would "help ensure that development near transit stations occurs more quickly and in concert with statewide transportation initiatives" such as new and existing rail lines. It can "focus on economic and transit-oriented development to concentrate housing, parking, cultural, and commercial development near transit stops."

I am a longtime advocate of transit-oriented development (TOD), and I wholeheartedly support the TOD concept, particularly because of the support and services it provides

younger, older, disabled, and less affluent members of our populations, and because of its role in economic development. But I cannot support this bill.

This bill undermines every reasonable and longstanding expectation our citizens have of shaping and maintaining the character of the towns and cities where they choose to live. Their local elected officials and the boards, councils, and commissions on which they serve are the custodians of that character. They know their towns and cities and the people who live there, their customs, their traditions, their issues, and their needs.

This bill strips local elected officials of the powers vested in them by their constituents that they are elected to exercise. Instead, it transfers those powers to a board of political appointees who have no responsibility to act on behalf of local residents. In turn, local residents completely lose their voice in planning, zoning, and development decisions for their towns.

Among the bill's key provisions are the following:

- The TCDA board would comprise 11 directors, all political appointees: four gubernatorial appointees, three legislative appointees, and four commissioners. The commissioners, although ex-officio, would have voting rights. The chief executive of a municipality hosting a development project would be an ad hoc member of the board for matters affecting that project, but would not have any voting rights. Local legislative bodies with planning or zoning authority are not mentioned in the bill.
- In fulfilling its duties, the TCDA is required to work "in cooperation and coordination" with the municipalities where development is taking place. Nowhere, however, is it required to obtain their approval.
- Similarly, the TCDA would have the power to "condemn properties that may be necessary or desirable to effectuate the purposes of the authority". It would be required to exercise this power "in consultation with" the affected municipality's chief elected official, but would not be required to obtain his or her approval. Lest there be any doubt about the legislative intent behind this provision, the OPM fact sheet explains that the TCDA "will have eminent domain powers within its designated development areas, in consultation with the chief elected official of the host municipality."
- The TCDA would have its own authority to issue bonds, which would be financed with TCDA revenues, collected through, among other things, fees, rents, other user charges, and state funding and taxes.

Many train and bus stations are located in the downtown or village areas of towns and cities. If this bill passes, those areas could change dramatically, with no consideration for the views of local residents or even property owners in TCDA development districts. Those changes could do a lot of good, like providing badly needed affordable housing or new transit parking facilities, but they could also do a lot of harm.

For example, the TCDA could demolish a beloved local merchant's shop to replace it with housing or offices. It could enlarge a municipal parking lot and decide that fees should go to the state instead of the town. It could erect a structure that exceeds the town's building height limits or otherwise does not respect the town's character. It could expropriate longstanding owners of private homes to develop retail or office space. Residential or commercial property owners could suffer great losses, as property in village areas is often highly valuable.

The political composition of the board also raises questions about contractor and developer selection and agreements – regardless of the political party or parties with appointment authority.

There are many ways this bill could have been drafted had the intention been to offer TOD assistance and incentives to municipalities and to give their citizens a critical role in the decision-making process. But it was not. Instead, it delegates to a state-level group of political appointees absolute authority for decision-making in a significant area of most of Connecticut's 169 towns. And it strips their citizens of any ability to do anything about it.

I urge the members of the Committee not to pass this bill, or at least to change it dramatically in order to preserve the fundamental ability of towns and cities to make crucial development decisions for themselves.

STATE OF CONNECTICUT

OFFICE OF POLICY AND MANAGEMENT

FACT SHEET

2015 LEGISLATIVE SESSION

HOUSE BILL NO. 6851 - AN ACT ESTABLISHING THE CONNECTICUT TRANSIT CORRIDOR DEVELOPMENT AUTHORITY

SUMMARY OF THE PROPOSAL:

To establish a quasi-public CT Transit Corridor Development Authority (TCDA) to focus on transit-oriented development projects within a half-mile radius of any transit station.

REASON FOR PROPOSAL:

To implement the Governor's budget recommendations.

SIGNIFICANT IMPACTS:

TCDA will be governed by an 11-member board of directors: four appointed by the Governor, one appointed jointly by the Speaker of the House and Senate President Pro Tempore, one appointed jointly by the majority leaders of the House and Senate, and one appointed jointly by the minority leaders of the House and Senate. The Secretary of the Office of Policy and Management, as well as the commissioners of the departments of Transportation, Housing and Economic and Community Development or their designees will be ex-officio members with the right to vote. The chief elected official of the municipalities in which development projects occur are ex-officio, non-voting members of the board for matters affecting that project.

TCDA will help ensure that development near transit stations occurs more quickly and in concert with statewide transportation initiatives such as the new rail line between New Haven-Hartford-Springfield, CTfastrak and the existing rail lines such as New Haven Line, Shore Line East, and branch lines. Such an authority can focus on economic and transit-oriented development to concentrate housing, parking, cultural and commercial development near transit stops. The authority will coordinate with the municipalities within which the development occurs along with regional organizations, the state departments of Economic and Community Development, Housing, Transportation and the Office of Policy and Management.

TCDA will have the authority to issue bonds and take other actions consistent with operation of a quasi-public entity. It will have eminent domain powers within its designated development areas, in consultation with the chief elected official of the host municipality.