

**INTERDEPARTMENTAL
MESSAGE**

STATE OF CONNECTICUT

TO	Mr. Benjamin Barnes, Secretary of the Office of Policy and Management	March, 2015
	Office of the Secretary 450 Capital Avenue, Hartford, Connecticut 06106-1379	
FROM	James Redeker, Commissioner of the Department of Transportation	594-3000
	Department of Transportation, 2800 Berlin Turnpike, Newington, Connecticut 06131-7546	

The purpose of this memorandum is to detail the Department of Transportation (DOT) proposed practice and procedure for consistency with the Conservation & Development Policies: The Plan For Connecticut, 2013-2018, prepared by the Office of Policy and Management, herein referred to as the C&D Plan. The information provided in this document is intended to address certain referenced requirements of Connecticut General Statutes (CGS) Chapters 297 and 297a and to propose a list of project categories that will always comply with the plan. Attachment A describes project/program categories and the Department's efforts to be consistent with CGS Chapter 297, Section 16a-31. The final paragraph of this memorandum describes our process to identify the Department's Growth Related Projects per CGS Chapter 297a, Section 16a-35c(a)(2). The Department's proposal has considered recent minor technical amendments to CGS 16a-35c resulting from Public Act 14-239.

The mission of the Department of Transportation is to provide a safe and efficient intermodal transportation network that improves the quality of life and promotes economic vitality for the State and the region. In order to meet that goal the DOT expends close to \$1.0 billion per year of state and federal funds to preserve and improve the infrastructure across the state. The Department must continue to make strategic investments in our transportation system to address critical infrastructure preservation and repair needs. Such investments in the transportation system must be made in a manner that also supports the State's goals of improving quality of life, promoting responsible growth, and improving the environment. These expenditures are generally capital projects, equipment and material purchases and maintenance functions.

There are four actions in CGS Chapter 297, Section 16a-31(a) (1-4), shown below for reference, that when undertaken by a state agency are required to be consistent with the Plan.

- (1) The acquisition of real property when the acquisition costs are in excess of two hundred thousand dollars;
- (2) The development or improvement of real property when the development costs are in excess of two hundred thousand dollars;
- (3) The acquisition of public transportation equipment or facilities when the acquisition costs are in excess of two hundred thousand dollars; and
- (4) The authorization of each state grant, any application for which is not pending on July 1, 1991, for an amount in excess of two hundred thousand dollars, for the acquisition or development or improvement of real property or for the acquisition of public transportation equipment or facilities.

A significant number of the Department's projects and/or programs fall within these four actions. As a result and in a continued effort to streamline the Department's business practices we are requesting a programmatic-type approach to be consistent with the C&D Plan. As allowed under CGS Chapter 297 section 16a-31(b), the Department, by copy of this memorandum, is requesting the Secretary of the Office of Policy and Management to provide an advisory statement based on the information provided that the program categories mentioned in Attachment A are consistent with the Plan.

Additionally, as part of our typical project development process, the Department requests an Environmental Review (ER) at the outset of early engineering activities. In an effort to capture those projects that are not described in Attachment A, we will incorporate into the ER process a determination of whether a project is a Growth Related project or not. If the proposal is a Growth Related project, we will subsequently determine 1) is it in a Priority Funding area; 2) it is not in a Priority Funding area but qualifies for an exception under 16a-35d(b); or 3) the proposal is not in a Priority Funding area and does not qualify for an exception. As required under 16a-35d(c) the Department will annually report to OPM grants made under items numbers 2 and 3 in this paragraph.

Should you have additional questions please contact Hugh H. Hayward, Principal Engineer at 860-594-3219.

Attachment A

State Conservation and Development Plan

Definitions Relating to the Department of Transportation

The following is the Department of Transportation's (Department's) interpretation of the applicability of the State Conservation and Development Plan (Plan) to the Department's broad range of activities. It is intended for use in determining the Department's consistency with the plan. It should be noted that the requirement to determine consistency with the Conservation and Development plan only applies to activities with a cost over \$200,000.

Sec. 16a-31, item (2) refers to "The development or improvement of real property". The Department is responsible for maintaining many roads which are located within Right of Way owned by the State either in fee or by easement. For the purpose of this plan, certain improvements to these roads, or construction of new roads on property acquired, are considered to be improvements of this real property. Improvements to roads can fall into many categories which are further described below.

Sec. 16a-35c, item (2), sub item (D), sub-sub item (i) refers to "Projects for maintenance, repair, additions or renovations to existing facilities". For the purpose of this plan, "facilities" are considered to include highways, bridges, buildings, rail lines, sidewalks, multi-use trails, and public transportation pathways such as a busway.

The Department conducts a very large and varied array of activities. For the purpose of this plan, the activities performed by all Bureaus within the Department have been categorized in order to be able to efficiently discuss consistency with the plan. These categories, which are explained in more detail below, are:

- Maintenance, Repair and Restoration *
- Non-Motorized User Accommodations *
- Traffic Improvements *
- Renovations For Safety, No Capacity Improvement
- Renovations With Capacity Improvements
- New Facilities, Expansions

(*) – Activities in these categories are exempt from the consistency requirements of CGS Sec. 16a-31(a) but are listed here for to provide a comprehensive list of all activities

CATEGORIES EXEMPT FROM CONSISTENCY REVIEW:

Maintenance, Repair, and Restoration:

This is a very broad category of activities and includes:

- Repairs to damaged components of the transportation system
- Restoring a component of the transportation system to like new condition
- Preserving features within the transportation system
- Replacing any component of the transportation system after it has reached the end of its useful life
- Extending the useful life of the transportation system via a major capital investment

Maintenance work generally involves work to keep a facility in good working. Repairs can consist of repairs to items such as pavement, rail lines, busways, associated drainage features such as end walls, culverts, and catch basins, safety features such as guiderail and attenuation systems, retaining walls, signs and various electrical devices, whether caused by damage or vandalism. Restoration involves repairs required by typical deterioration. Generally, repairs and restoration return the item to the condition that previously existed or to a like new condition. This could include resurfacing a road within its current footprint, rehabilitation work on an existing bridge, or work on a building that does not change its original size, shape, or function. The work described above may be performed by Departmental staff, through a Vendor In Place (VIP) contract, or using designed plans and specifications and the low bidder selection process. Purchases in this category generally include the acquisition of equipment or materials needed to accomplish the overall mission of maintaining transportation facilities, including replacement or repair of outdated or old equipment such as trucks, buses, and rail cars. This could include purchasing snow plowing equipment, trucks, mowers, tree cutting equipment, or other specialized equipment. It can also consist of purchasing a wide variety of materials such as road salt or de-icing materials, signs, guiderail parts, pavement, pavement marking materials, and concrete.

Non-Motorized User Accommodations:

This category of projects includes construction, renovation or additions to existing or proposed features utilized by non-motorized users, primarily bicyclists and pedestrians but also sometimes including equestrians. The features included in this category can include:

- Sidewalks
- Improvements for compliance with ADA (Americans with Disabilities Act) requirements
- Multi-use trails, either paved or unpaved
- Associated items such as fencing and signing

Traffic Projects:

This category includes projects to install or replace typical traffic control items such as:

- traffic signals
- roundabouts

- signs and pavement markings

Replacement of these features is done as a typical maintenance activity to keep these items in good working condition and provide the visibility and safety required by Federal guidelines. The installation of new signals or roundabouts is based on a review of existing traffic volumes and crash history and as such, the purpose of such work is to either address a safety issue, which could involve motorized and/or non-motorized users, or to relieve a congestion issue, typically involving congestion on a side street approach to a State road. It is important to note that when a significant development is proposed on, or affecting, a State road, that development is required to undergo a traffic review by the Office of State Traffic Administration. Any traffic related improvements required as a result of that review, such as the installation of a traffic signal or widening to provide a turning lane, would be the responsibility of the developer and no State or Federal funds would be involved in those improvements. Therefore, the typical State traffic projects are not intended to foster growth but rather to address existing safety and/or congestion issues.

CATEGORIES REQUIRING A CONSISTENCY REVIEW:

Renovations For Safety, No Significant Capacity Improvement:

In contrast to restoration work, renovations include upgrading features to a condition superior to that which previously existed. This category has been further defined as either renovations providing additional capacity (for motorized vehicles, not including non-motorized users which are covered in the previous category) or renovations primarily intended for safety improvements. It is recognized that some renovations for safety may also provide an increase in operational capacity (aka level of service), whether intentional to address congestion related crash patterns or incidental, but the intent of these projects is not to increase the capacity of the road. Further, any increase in operational capacity is differentiated from an increase in corridor capacity which is typically obtained by activities such as adding additional through lanes to a road. Examples of activities in this category include:

- Repaving a road with a wider shoulder area at an intersection for accommodation of non-motorized users or to allow for the bypassing of stopped left-turning vehicles, for safety and/or congestion relief purposes
- Widening a travel lane to meet design standards for safety reasons (generally, widening a travel lane provides little or no increase in capacity, however if that is the reason for the proposed widening, the activity would fall under the "Renovations with Additional Capacity" category described further below)
- Widening a bridge to widen the shoulder or travel lanes for safety reasons
- Providing turning lanes at intersections, with or without the addition of a new traffic signal, for safety purposes (if done primarily for capacity reasons the activity would fall under the "Renovations with Additional Capacity" category)
- Congestion mitigation projects, defined as improvements intended to handle existing traffic volumes on a facility (plus typical annual growth) but not intended to non-typical growth such as planned developments or expansions. Congestion mitigation projects are intended to reduce existing delays, fuel consumption and pollution.

- Improving the horizontal or vertical curvature of a road
- Upgrading roadside safety features such as guiderail, removal of fixed objects, such as trees or rock outcrops, which are too close to the road
- Installation or upgrading of illumination
- Improvements to sight lines
- Extension of acceleration or deceleration lanes on expressways

The Department's interpretation is that this category of activities is consistent with the Plan through GMP # 1 (Redevelop and Revitalize Regional Centers and Areas with Existing or Currently Planned Physical Infrastructure), and GMP #5 (Protect and Ensure the Integrity of Environmental Assets Critical to Public Health and Safety), specifically the State policies "*Ensure the safety and integrity of existing infrastructure over its useful life through the timely budgeting for maintenance, repairs and necessary upgrades*", "*Attain National Ambient Air Quality Standards in accordance with Connecticut's State Implementation Plan, with emphasis on cost-effective strategies and effective enforcement of regulated sources*", "*Reduce carbon dioxide emissions in this state consistent with the recommendations of the Connecticut Climate Change Preparedness Plan*", and "*Emphasize pollution prevention, the efficient use of energy, and recycling of material resources as the primary means of maintaining a clean and healthful environment*". Furthermore, it is the Department's interpretation that this category of projects constitutes an exception to the definition of a GRP as defined in Sec. 16a-35c, Item (2), Subsection (D), Sub-Subsection (i) "Projects for maintenance, repair, additions or renovations to existing facilities".

Renovations With Capacity Improvements

Changes to an existing facility that increase the capacity of the corridor or facility are intended, at least in part, to facilitate growth in areas served by that corridor or facility and therefore meet the definition of a Growth Related Project. These projects may also provide an improvement in safety, but the intended purpose is to allow more motorized vehicles to use a roadway corridor. Activities in this category include:

- The addition of a through lanes(s) with a length of at least one-half mile to an existing roadway, whether accomplished by increasing the footprint of the road or re-striping the existing pavement width
- Converting an existing road with at-grade intersections to a freeway with grade separated interchanges, regardless of whether additional lanes are provided. However, conversion of one or more at-grade intersections to a grade separated interchange, if done primarily for safety reasons, would fall under the "Renovations for Safety" category.
- Capacity improvements to public transit facilities such as addition of rail lines, bus routes

The Department's interpretation is that this category of activities is consistent with the Plan through GMP # 1 (Redevelop and Revitalize Regional Centers and Areas with Existing or Currently Planned Physical Infrastructure), specifically the State policy "*Ensure the safety and integrity of existing infrastructure over its useful life through the timely budgeting for maintenance, repairs and necessary upgrades*". Although projects such as widening an entire expressway corridor could be considered a renovation of an existing facility and thereby considered an exception to a GRP, the Department's interpretation is that this category of activities falls under the intended definition of a GRP. Such projects would need to follow the

process of determining whether they are located in a Priority Funding Area, and if not, whether it is consistent with the plan of conservation and development of the municipality in which it is located and whether it meets any of the exceptions listed in Sec. 16a-35d. Projects which are determined to meet one of the exceptions in Sec. 16a-35d will be reported on an annual basis.

New Facilities, Expansions

Projects in this category generally consist of:

- New construction or the expansion of an existing building, rail station, parking garage or commuter parking lot
- Construction of a new road on a new alignment
- Purchase of new public transit equipment (buses, rail cars) for the purpose of expanding existing service (purchases to replace existing outdated equipment falls under Maintenance)

The Department's interpretation is that this category of activities is consistent with the Plan through GMP # 1 (Redevelop and Revitalize Regional Centers and Areas with Existing or Currently Planned Physical Infrastructure), specifically the State policy "*Ensure the safety and integrity of existing infrastructure over its useful life through the timely budgeting for maintenance, repairs and necessary upgrades*" and GMP #3 (Concentrate Development Around Transportation Nodes and Along Major Transportation Corridors to Support the Viability of Transportation Options), specifically the State policy "*Improve transit service and linkages to attract more customers through better integration of all transportation options and advances in technology, while providing convenience, reliability, safety and competitive modal choices*". It is the Department's interpretation that construction of new facilities or expansion of existing facilities falls under the intended definition of a GRP. Such projects would need to follow the process of determining whether they are located in a Priority Funding Area, and if not, whether it is consistent with the plan of conservation and development of the municipality in which it is located and whether it meets any of the exceptions listed in Sec. 16a-35d. Projects which are determined to meet one of the exceptions in Sec. 16a-35d will be reported on an annual basis.

9. Conservation & Development Plan Consistency Determination and Related Requirements of CGS Chapter 297 Section 16a-31(a) and Chapter 297a. Section 16a-35(c) and 16a-35(d)

Additional information and CTDOT's policies for implementing these requirements can be found by visiting:
www.ct.gov/environmentaldocuments

- A. **The Project is exempt from the consistency requirements of CGS Section 16a-31(a) since the proposed action is for the reason checked below. No further action is required by your office.**
- a. Maintenance, Repair and Restoration
 - b. Non-Motorized User Accommodations
 - c. Traffic Improvements
- B. **The Project is consistent with the requirements of CGS Section 16a-31(a) for the following reason(s):**
- C. **The Project is a "Growth Related Project" located ENTIRELY in one or more of the following Priority Funding Areas as defined under CGS Section 16a-35(c). No further action is required by your office. The project may proceed without an exception.**
- a. Priority Funding Area
 - b. Balanced Priority Funding Area (See note below describing how any policy conflicts will be addressed).
 - c. Village Priority Funding Area (See note below describing how the project will sustain village character).
- D. **The Project is a "Growth Related Project' NOT ENTIRELY located in a Priority Funding Area, but qualifies as an exception under CGS Section 16a-35d(b). The project can proceed provided:**
- a. The project is consistent with the Plan of Conservation and Development of the municipality in which the project is located;
 - b. The project falls under the following categorical exception(s) listed in CGS Section 16a-35d(b):
- Note: This project will be included as part of a yearly report prepared by OEP to OPM describing grants made under CGS Section 16a-35d(b). No further action is required by your office.
- E. **The Project is not consistent with the requirements of CGS Section 16a-31(a) or is a "Growth Related Project" NOT ENTIRELY located in a Priority Funding Area and does not qualify for an exception under CGS Section 16a-35d(b). The project cannot go forward.**

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