

GUIDELINES

Partnering to Improve the Aesthetics of Transportation Corridors and Facilities

September 2019

Guidelines for Aesthetic Objects and Treatments within CTDOT ROW

I. Background

Infrastructure and other features within transportation rights of way have a significant impact on the aesthetics of public space. Consequently, the Department has a unique opportunity to provide and facilitate significant positive public benefits that complement its core transportation mission. Actions taken directly by the Department, primarily project design and construction, are one means of enhancing the visual experience of transportation users and other segments of the public. Efforts of this nature are of long standing and ongoing. Another strategy, and the subject of these guidelines, is to utilize the inspiration and resources of the public, acting through responsible governmental partners, to create, install and maintain artistic and aesthetic objects and treatments. Under these guidelines, the Department will selectively approve proposals from State agencies and municipalities to include artistic and aesthetic objects and treatments within Department-owned, non-freeway assets (i.e., rights of way, structures, facilities). Murals, banners, signs, statues, sculptures and decorative lighting are examples, but not a limiting list, of artistic and aesthetic objects and treatments covered by these guidelines. Additionally, a municipality or agency cannot receive a monetary benefit from the proposed artistic treatment located on DOT property.

These guidelines also provide general guidance on objects and treatments that will not be allowed within the Department's facilities and controlled space. The guidelines further outlines responsibilities for developing and implementing processes and procedures for reviewing and approving proposals.

II. Procedure

Requests to install artistic and aesthetic objects and treatments will only be considered from a State agency head or the chief elected official of the municipality in which the object or treatment will be located. These government entities will vet the artwork for appropriateness under these guidelines and then apply for an encroachment permit at the respective District office. The intent of the permitting process is to have the town officials vet the artwork for appropriateness under these guidelines and the Department will review the permit from an engineering point of view (safety and maintenance issues). Other parts of the community (e.g., individuals, schools, service organizations, businesses) may advocate and advance a proposal by first arranging for an eligible government entity to serve as the permittee.

III. Exclusions

Artistic and aesthetic objects and treatments will not be permitted within interstate or limited access rights of way or within assets visible to interstate or limited access traffic. Installations near connecting non-interstate roads leading into limited access highways, or on underpasses will be considered. Installations on ramps will be considered on a case-by-case basis.

The primary purpose of transportation assets is to facilitate safe and efficient movement of people and goods. To maintain the primacy of transportation functionality, safety and efficiency of these public spaces, proposals for artistic and aesthetic objects and treatments will be reviewed considering a variety of factors. The following will disqualify an object or treatment from installation:

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- a) Interferes with driver or operator visibility of safety-critical information (e.g., traffic control signs, signals), reduces sight distances or interferes with pavement markings;
- b) Interferes with or limits pedestrian paths of travel, cause non-conformance with Americans with Disabilities Act (ADA) / Public Right of Way Accessibility Guidelines (PROWAG) requirements
- c) Likely to distract drivers or operators;
- d) Likely to have a negative impact on traffic flow;
- e) Creates a roadside hazard as described in the Department's *Highway Design Manual*;
- f) Requires physical modification of a structure by cutting, breaking, demolishing, reconstructing, adding to or otherwise changing the shape and/or structural adequacy of a structure or structural component.
- g) Hinders inspection and maintenance of transportation infrastructure elements;
- h) Advertises or promotes a commercial product or service;
- i) Infringes on a copyright (documentation of a due diligence review is required by the applicant/permittee);
- j) Includes images, likenesses or caricatures of actual people without the written permission of the person(s) or, in the case of minors, the person's guardian;
- k) Portrays the sale or use of any products;
- l) Portrays unlawful conduct or possession of illegal goods;
- m) Includes bright or flashing lights;
- n) Contains obscene material or nude images;
- o) Contains political campaign speech;
- p) Declares or implies an endorsement by the State of Connecticut or Department of Transportation.
- q) Painting of Traffic Control Cabinets will not be allowed..
- r) Noise barriers will not be utilized for public art
- s) No encroachment permits for artwork on the Merritt Parkway will be considered through this process. Any requests for artwork on the Merritt Parkway will need to be done through the Merritt Parkway Advisory Committee.
- t) Any surfaces that need to be maintained will not be painted; removable banners or panels may be substituted for painted murals. This includes concrete surfaces which have been treated with penetrating sealant (paint will not adhere to treated surfaces)
- u) Does not comply or conflicts with Federal guidelines, including but not limited to, the Manual on Uniform Traffic Control Devices (MUTCD)

The Department will be the sole judge of suitability as to the safe and efficient movement of people and goods for transportation functionality including but not limited to the installation, maintenance and removal of an applicant's artistic and aesthetic object.

IV. Conditions

Through these guidelines, the Department supports and permits the selective installation of public art and aesthetics. To improve aesthetics while continuing stewardship of the State's transportation resources, the following conditions will be attached to all approvals:

1. The permittee (State agency or municipal applicant) will retain ownership of objects and materials and be responsible for all costs associated with the installation, maintenance, graffiti treatment, and removal, if needed, of the artistic or aesthetic object or treatment, as well as any damage to Department assets (e.g., bridges, buildings, pavements, walkways) or adjacent property caused by the installation or maintenance.

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2. The Department reserves the right to remove, cover or paint over objects and treatments if deemed necessary for maintenance or construction activities, to treat offensive graffiti or if it proves to be a traffic hazard or disrupts traffic flow. The permittee will not be compensated if such actions are taken. Subject to Department review/approval, the permittee may replace the object or treatment, in kind.
3. The Department will not be responsible for damage to objects and treatments, whether caused by vandals, natural causes or Department personnel in the course of general maintenance, inspection or graffiti removal.
4. If the Department determines that removal of a previously-permitted object or treatment is required, the permittee may seek approval, at its own expense, to reinstall the object or treatment at a different location.
5. If the Department determines that a previously-permitted object or treatment requires repair, maintenance or removal, it will direct the permittee to do so. Failure of the Permittee to take action will disqualify them for any future aesthetic requests. .
6. If the installed art object or aesthetic treatment differs significantly from the proposal depiction or specifications, the permittee will be required to revise or remove the object or treatment at no cost to the Department of Transportation. Failure of the Permittee to take action will disqualify them for any future aesthetic requests.
7. Municipal applicants will be required to indemnify the Department against all claims arising from claims related to display, including but not limited to copyright infringement.
8. A one million dollar liability insurance policy shall be required for the installation of any art objects or aesthetic treatments.
9. A municipality or agency cannot receive a monetary benefit from the proposed artistic treatment located on DOT property.

The Department may impose additional conditions of approval for specific installations, including but not limited to time limitations (i.e., durations) after which removal by the sponsor will be required.

V. Department Reviews

The Bureau of Public Transportation and Bureau of Highway Operations, with input from other Department bureaus, shall develop and implement review and approval processes and mechanisms (e.g., Encroachment Permit, Maintenance Agreement, License Agreement) conforming to these guidelines. The review processes shall provide for input from multiple perspectives and technical disciplines. The review/approval processes shall include coordination with the Scenic Road Advisory Committee for any proposals involving a designated Scenic Road and coordination with the Office of Environmental Planning for proposals involving historic sites. The review/approval process should address the need for engineering input (e.g., certification by a Professional Engineer) for some installations.