

RICHARD BLUMENTHAL
ATTORNEY GENERAL



55 Elm Street
P.O. Box 120
Hartford, CT 06141-0120

Office of The Attorney General
State of Connecticut

Tel (860) 808-5090
Fax (860) 808-5384

July 1, 2009

S. Derek Phelps
Executive Director
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051


RE: Docket No. 370: Consolidated proceeding pursuant to the Connecticut Energy Advisory Board (CEAB) Request for Proposal (RFP) process under C.G.S. Sec. 16a-7c. Original application: Application of the Connecticut Light and Power Company for Certificate of Environment Compatibility and Public Need for the Connecticut Portion of the Greater Springfield Reliability Project and for the Manchester to Meekville Junction Circuit Separation Project. Competing Application: NRG Energy, Inc. application pursuant to C.G.S. Sec. 16-50l(a)(3) for consideration of a 530 MW combined cycle generating plant in Meriden, CT.

Dear Mr. Phelps:

Attached please find an original and fifteen copies of the Prefiled Testimony of the Connecticut Department of Transportation ("CDOT") for the above referenced matter.

Thank you for your attention in this matter.

Connecticut Department of Transportation

By: 
Eileen Meskill
Assistant Attorney General

Cc: Service List

**STATE OF CONNECTICUT
SITING COUNCIL**

The Connecticut Light & Power Company
Application for a Certificate of Environmental
Compatibility and Public Need for (1) the
Connecticut Portion of the Greater Springfield
Reliability Project that traverses the municipalities
Of Bloomfield, East Granby, and Suffield, or
Potentially including an alternate portion that
traverses the municipalities of Suffield and Enfield,
terminating at the North Bloomfield Substation; and
(2) the Manchester Substation to Meekville Junction
Circuit Separation Project

Docket No. 370

July 1, 2009

DEPARTMENT OF TRANSPORTATION'S PREFILED TESTIMONY

**Testimony of Mr. Joseph J. Obara, PE
Transportation Division Chief**

1. Would you state your name, title, duties and responsibilities with the Connecticut Department of Transportation (ConnDOT)?

My name is Mr. Joseph Obara, and I am a Transportation Division Chief for the ConnDOT. I am a registered Professional Engineer in the state of Connecticut and have over 37 years of experience with the ConnDOT. My duties and responsibilities include the supervision of staff who are responsible for the design and review of state transportation improvement projects with specific emphasis on bridge inspections, geotechnical engineering, hydraulics and drainage, environmental compliance, cost estimating, contract development and public service facilities. Most relevant to this proceeding, I have developed ConnDOT positions for all of the underground transmission installations (Dockets 217, 272 and 292) involving state highways.

2. Do you have any concerns about the CLP's 345 kV proposals?

Yes, ConnDOT's concerns are related to the potential longitudinal underground transmission line installations within the right of way of state highways. I recognize that Connecticut Light & Power's (CL&P) "proposed" routing is an overhead installation within their existing right of way. However, since the Siting Council is required to consider all available alternatives, including CL&P's alternative alignments, it is important for the ConnDOT to state its position regarding the longitudinal installation of underground transmission lines within the right of way of any state highway.

3. What are ConnDOT's concerns regarding the longitudinal installation of underground transmission lines within the right of way of a state highway?

- A. The ConnDOT's infrastructure improvement program routinely impacts the various utilities that are present within the highway right-of-way. Underground transmission lines are extremely costly to install, and future relocation or readjustment of these lines will likely be even more expensive than the original installation.
- B. All direct and indirect financial costs as a result of a transmission project are a hardship to the Department. However, these concerns can be mitigated if CL&P was to enter into a formal agreement as was done previously in Dockets 217, 272 and 292. This ensures that all associated costs for future relocations or adjustments would not be eligible for reimbursement to CL&P and these costs would be borne by CL&P.
- C. ConnDOT engineers view the presence of any underground transmission facility as a major obstacle that must be properly addressed and overcome during design. Historically, expensive utility infrastructure becomes a design control, and, as such, the actual design can be significantly influenced by the presence of these facilities.
- D. State highways typically carry high volumes of traffic and minimizing disruptions to the free flow of traffic is of paramount concern. When the ConnDOT prepares design plans for roadway and bridge improvements, virtually every project includes extensive limitations on the operations of its contractors. The most significant limitations are briefly listed below:
- Curtailing the allowable hours of construction
 - Requiring night construction
 - Constructing temporary roadways, pavement and bridges to maintain the flow of traffic
 - Utilizing concrete separators to provide a safety barrier between the flow of traffic and the construction operations
 - Providing temporary detours
 - Creating long term (i.e. more than one 8-10 hour shift) roadway, bridge or lane closures
 - Acquiring additional rights of way or easements to construct the improvement or provide the needed work areas necessitated by the stage construction plans for the project

All of the above items add millions of dollars to the annual cost of accomplishing roadway and bridge improvement projects and the Department considers these to be a non-negotiable costs of doing business in Connecticut

- E. Underground transmission lines are spliced together at strategically placed junction chambers. These chambers are very large precast concrete structures that require an extensive excavation area and large construction equipment to carry out the installation. After the chambers are installed, the splicing operations can take several days to complete. Every attempt possible to place such an installation as far from the traveled way as possible should be undertaken even if additional rights of way are needed. Doing so would minimize traffic disruptions during construction and would likely minimize or eliminate disruptions to traffic during future maintenance operations.

4. Does the ConnDOT have any established criteria concerning the longitudinal installation of utilities within the right of way of “limited access” highways?

Yes. The ConnDOT has a publication titled “Utility Accommodation Manual,” dated February 2009, which is incorporated by reference into the Regulations of Connecticut State Agencies, Section 13b-17-17. This document contains definitive restrictions concerning the longitudinal installation of utilities within “limited access” highways. The “Utility Accommodation Manual is available online at the following web address:

<http://www.ct.gov/dot/lib/dot/documents/dutilities/ACCOMODATION.pdf>

A brief summary of these restrictions follows:

- A. The utility presence must not adversely affect the safety, design, construction, operation, maintenance, stability, or efficient use of the highway.
- B. Alternate locations are not available or cannot be implemented at reasonable cost.
- C. The utility installation must not impair the future expansion of the highway.

5. Would you define “limited access” highway?

“Limited access” highways are defined as those that the Commissioner of Transportation, with the advice and consent of the Governor and the Attorney General, designates as limited access highways to allow access only at highway intersections or at designated points. This is provided by Section 13b-27 of the Connecticut General Statutes (CGS).

6. Can you provide an example of limited access highways?

Yes. Interstate 91 is an example of limited access highway. Access onto and off of this highway only occurs at selected locations or interchanges. This is done to exert a high

level of control on vehicles entering or exiting the facility in order to improve safety, while accommodating a high volume of traffic flow.

7. Does the ConnDOT have a list of “limited access” highways?

Yes. The ConnDOT has a list of all “limited access” highways. The information is contained in the report titled “2008 Limited Access - State Numbered Highways,” dated December 31, 2007. This report is updated annually and published by the ConnDOT.

8. Would the applicant be required to have an encroachment permit and an encroachment agreement to work in any State right of way?

Yes. Anyone wishing to occupy the state highway right of way has to apply for and be issued an encroachment permit and inspection. The encroachment permit allows for the construction of the facility and the restoration of disturbed areas of the state highway right of way. The encroachment agreement defines in specific detail the terms of existence of the encroachment, as well as the maintenance and financial responsibility of the CL&P.