



Connecticut DOT

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Bureau of Engineering and Construction

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ENGINEERING DIRECTIVE

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Utility Cost Share Determination

Purpose

This directive outlines the cost share parameters for utility companies when their public service facilities are impacted by Connecticut Department of Transportation (DOT) Activities.

Definitions

Cooperatively-owned utility: Any separate legal entity created by two or more municipalities that owns, maintains and operates Utility Facilities.

DOT Activities: Includes all DOT projects for the design, construction, maintenance and repair of state infrastructure as well as municipal projects which funding flows through the DOT. Municipal projects include but are not limited to DOT administered municipal design and construction projects, Local Bridge Program projects, and Local Transportation Capital Improvement Program projects.

Federal Surface Transportation Urban Program (STP-U) roadway or facility: Any state or locally maintained roadway or facility that is deemed eligible for surface transportation urban program funding in accordance with the Transportation Equity Act for the 21st Century or its successor program, including all amendments to said act and all applicable federal regulations.

Publicly-owned utility: Includes any town, city, borough or district owned, maintained and operated Utility Facilities, but does not include municipal corporations created by two or more municipalities.

Privately-owned utility: Includes any person or company owned, maintained, and operated Utility Facilities, but does not include ownership by towns, cities, boroughs, districts or any municipal corporations or departments thereof.

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Utility Facilities: Includes all privately, publicly or cooperatively owned lines, facilities and systems for producing, transmitting or distributing communications, cable television, power, electricity, light, heat, gas, oil, crude products, water, steam, waste, storm water not connected with highway drainage, and other similar commodities, including fire and police signal systems and street lighting systems, which directly or indirectly serve the public or any part thereof.

Background

DOT Activities routinely impact existing utility facilities necessitating their adjustment, relocation or removal in order to accommodate the proposed improvement. Utility companies, in their efforts to accommodate proposed improvements, may incur both engineering and construction costs while undertaking design and construction activities. Pursuant to applicable Connecticut General Statutes, utility companies may be entitled to recover an equitable share of the costs incurred in carrying out the design and/or construction related activities.

The Cost Share Guidelines Table below provides instruction to ensure cost share determinations are made in conformance with applicable statutes.

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Cost Share Table ^{A, B}				
	Project Type ¹	Utility Ownership ²	Cost Share ³	Law
	State Highway Project (Limited Access Highway)	Privately owned	DOT 100%, Utility 0%	C.G.S. § 13a-126
		Publicly owned	DOT 100%, Utility 0%	C.G.S. § 13a-126
		Cooperatively owned	DOT 100%, Utility 0%	C.G.S. § 13a-126
	State Highway Project (Non-limited access)	Privately owned	DOT 50%, Utility 50%	C.G.S. § 13a-126
		Publicly owned	DOT 100%, Utility 0%	C.G.S. § 13a-126
		Cooperatively owned	DOT 100%, Utility 0%	C.G.S. § 13a-126
	Other Roadway Projects and Facility Projects ⁴	Privately owned	DOT/Town 0%, Utility 100%	C.G.S. § 13a-98f
		Publicly owned	Cost of Apportionment ⁵	C.G.S. § 13a-98f
		Cooperatively owned	DOT/Town 100%, Utility 0%	C.G.S. § 13a-98f
Railroad Bridge Project ^{B, 6}	Privately owned	DOT 0%, Utility 100%	C.G.S. § 13b-283(e)	
	Publicly owned	Cost of Apportionment ⁵	C.G.S. § 13b-283(e)	
	Cooperatively owned	DOT 100%, Utility 0%	C.G.S. § 13b-283(e)	

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<u>Cost Share Exceptions</u>	
A	The state shall not bear any cost associated with electric transmission facilities located within the right of way of any public highway which are owned by an electric distribution company as defined in C.G.S. § 16-1. See C.G.S. § 13a-126.
B	In the event a utility occupation is through an estate interest, license or right, DOT may participate in the cost to relocate or adjust its facilities to accommodate the project. The Utility owner is responsible for providing documentation of their estate interest, license or right that makes them eligible for reimbursement pursuant to this exception.

<u>General Notes</u>	
1	Project Type: Determined by a DOT high level review of the overall project scope and review of the project's purpose and need statement.
2	Utility Ownership: Privately owned (e.g. Frontier), Publicly owned (e.g. Wallingford Electric), Cooperatively owned (e.g. MDC)
3	Cost Share: Determined by Project Type and Utility Ownership. Cost Share percentage (%) is applied to the total cost of constructing a facility of equal capacity in a new location. When pursuant to C.G.S. § 13a-126, total cost shall be an amount less deductions for the value of materials salvaged and less depreciation value of facility being replaced.
4	Other Roadway or Facility Projects: Denotes DOT Activities that are <u>eligible</u> for STP-U funding, excluding State Highway Projects. In general, most DOT Activities are deemed STP-U eligible. STP-U program is currently known as Surface Transportation Block Grant (STBG) program. See STBG program for eligible facility type projects.
5	Cost Of Apportionment: Cost share borne by a municipality for adjustments to its utility facility shall be same cost share established for constructing such project.
6	The cost of readjusting, relocating, or removing any Utility Facility necessitated by a Railroad Bridge Project which abuts or is within, on, over or under any state highway shall be apportioned in accordance with the provisions of C.G.S. § 13a-126.