

DOCKET NO. 163 - An application of the Connecticut : Connecticut  
Department of Transportation, Bureau of Public :  
Transportation for a Certificate of Environmental : Siting  
Compatibility and Public Need for the construction, :  
maintenance, and operation of a telecommunications : Council  
facility located at Connecticut Transit administration/ :  
maintenance property, 470 James Street, New Haven, : December 5, 1994  
Connecticut.

**DECISION AND ORDER**

Pursuant to the foregoing Findings of Fact and Opinion, the Connecticut Siting Council (Council) finds that the effects associated with the construction, operation, and maintenance of a telecommunications tower and associated equipment at a Connecticut Transit building at 470 James Street, New Haven, Connecticut, including effects on the natural environment; ecological integrity and balance; public health and safety; scenic, historic, and recreational values; forests and parks; air and water purity; and fish and wildlife are not disproportionate either alone or cumulatively with other effects when compared to need, are not in conflict with the policies of the State concerning such effects, and are not sufficient reason to deny the application and therefore directs that a Certificate of Environmental Compatibility and Public Need as provided by section 16-50k of the Connecticut General Statutes (CGS), be issued to the Connecticut Department of Transportation (DOT), Bureau of Public Transportation, for the construction, operation, and maintenance of a telecommunications tower and associated equipment at the proposed site in New Haven, Connecticut.

The facility shall be constructed, operated, and maintained substantially as specified in the Council's record in this proceeding, and subject to the following conditions:

1. The proposed self-supporting roof-mounted lattice tower shall be designed no taller than necessary to provide the proposed communications and in no event shall it exceed a total height of 170 feet above ground level with antennas and appurtenances.
2. The Certificate Holder shall prepare a Development and Management (D&M) Plan for the site in accordance with sections 16-50j-75 through 16-50j-77 of the Regulations of Connecticut State Agencies (RCSA). The D&M Plan shall be submitted to and approved by the Council prior to the commencement of facility construction and shall include locations of all antennas to be attached to this tower and a schedule of development.
3. The Certificate Holder shall provide a copy of any additional microwave signal pathway analysis conducted during system testing prior to commencement of commercial operation.

4. The Certificate Holder shall provide copies of all regulatory permits and approvals, upon receipt, for construction and operation of the telecommunications facility.
5. The Certificate Holder shall comply with existing and future radio frequency (RF) standards promulgated by State or federal regulatory agencies. Upon the establishment of any new State or federal RF standards, the facility granted herein shall be brought into compliance with such standards.
6. The Certificate Holder shall provide the Council a recalculated report of electromagnetic radio frequency power density if and when circumstances in operation cause a change in power density above the levels originally calculated and provided in the application.
7. The Certificate Holder shall permit public or private entities to share space on the proposed tower for fair consideration, or shall provide any requesting entity with specific legal, technical, environmental, or economic reasons precluding such tower sharing.
8. If the facility does not initially provide, or permanently ceases to provide DOT telecommunications service following completion of construction, this Decision and Order shall be void, and the tower and all associated equipment shall be dismantled and removed or re-application for any new use shall be made to the Council before any such new use is made.
9. The Certificate Holder shall notify the Council upon completion of construction.

Unless otherwise approved by the Council, this Decision and Order shall be void if all construction authorized herein is not completed within five (5) years of the effective date of this Decision and Order or within five years after all appeals to this Decision and Order have been resolved.

Pursuant to CGS section 16-50p, we hereby direct that a copy of the Findings of Fact, Opinion, and Decision and Order be served on each person listed below, and notice of issuance shall be published in Connecticut Post, New Haven Register, and The Hartford Courant.

By this Decision and Order, the Council disposes of the legal rights, duties, and privileges of each party named or admitted to the proceeding in accordance with section 16-50j-17 of the RCSA.

The party to this proceeding is:

**APPLICANT**

Connecticut Department of Transportation

**ITS REPRESENTATIVES**

Patricia Zedalis  
Deputy Commissioner  
Department of Transportation  
Bureau of Transportation  
2800 Berlin Turnpike  
P.O. Box 317546  
Newington, CT 06131-7546

**CERTIFICATION**

The undersigned members of the Connecticut Siting Council (Council) hereby certify that they have heard this case, or read the record thereof, in Docket No. 163 - An application of the Connecticut Department of Transportation, Bureau of Public Transportation for Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility located at Connecticut Transit administration/maintenance property, 470 James Street, New Haven, Connecticut.

Council Members

Vote Cast

  
Mortimer A. Gelston  
Chairman

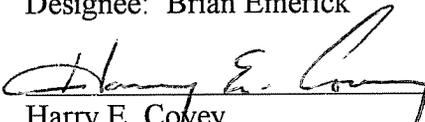
Yes

  
Commissioner Reginald J. Smith  
Designee: Gerald J. Heffernan

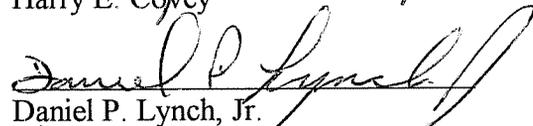
Yes

  
Commissioner Timothy R.E. Keeney  
Designee: Brian Emerick

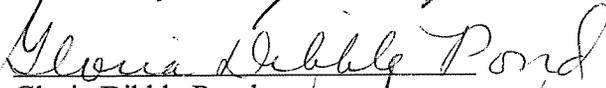
Yes

  
Harry E. Covey

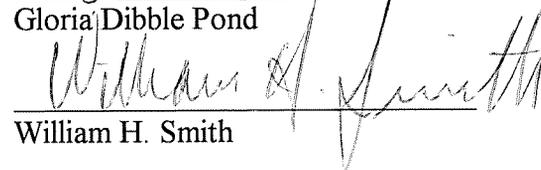
Yes

  
Daniel P. Lynch, Jr.

Yes

  
Gloria Dibble Pond

Yes

  
William H. Smith

Yes

\_\_\_\_\_  
Colin C. Tait

Absent

\_\_\_\_\_  
Dana J. Wright

Absent

Dated at New Britain, Connecticut December 5, 1994.