

Updated: 12/29/18: Eversource CT: Guidelines For Cost Reimbursement For Utility Relocations

#	Trigger Project	Utility Co.'s Share of Relocation Cost	Laws
1	State Roadway Projects	<ul style="list-style-type: none"> ● Utility Co. pays 50% ● Applies whenever utilities abutting or in a “state highway or any other public highway” must be relocated because of “the construction or reconstruction of a state highway”. ● DOT is obligated to design the project in a manner that minimizes costs to DOT and Eversource ● If DOT and Eversource cannot agree on location of the relocated equipment, Commissioners of DOT & PURA resolve the dispute ● If DOT and Eversource cannot agree on allocation of the costs for the relocation work, then either may file claim in court. ● But C.G.S. § 13a-126a states Utility Co. pays 0% for any utility relocations requested by DOT for “aesthetic” reasons 	<ul style="list-style-type: none"> ● C.G.S. § 13a-126 ● C.G.S. § 13a-126a
2	Rail Facility Projects	<ul style="list-style-type: none"> ● Utility Co. pays 100% ● Applies when DOT orders a Utility Co. to relocate utility equipment on or in a rail structure or road abutting a rail structure ● <i>But Utility Co. entitled to 50% reimbursement for relocation of facilities abutting or on state highways or any other public highway when triggered by DOT’s construction or reconstruction of a state highway</i> 	C.G.S. § 13b-283(e)
3	Federal Surface Transportation Urban Program Roadway Projects	<ul style="list-style-type: none"> ● Utility Co. pays 100% ● Check if the relocation is triggered by a “federal surface transportation urban program roadway”¹ project ● <i>But Utility Co. entitled to 50% reimbursement for relocation of facilities abutting or on state highways or any other public highway when triggered by DOT’s construction or reconstruction of a state highway</i> 	C.G.S. § 13a-98f
4	State Flood Control Projects	<ul style="list-style-type: none"> ● Utility Co. pays 0% ● Applies whenever the construction of any flood control project, including its reservoirs, for which the State has agreed to provide the necessary lands, easements and rights-of-way, requires the readjustment, relocation or removal of utility equipment 	C.G.S. § 25-83a
5	Municipal Redevelopment Authority Projects	Utility Co. pays 50%	C.G.S. § 8-133a
6	All Other Municipal Projects	<ul style="list-style-type: none"> ● Betterments:² Utility Co. pays 0% ● “Proprietary” Projects:³ Utility Co. pays 0% ● Sewer or Pollution Abatement Projects:⁴ Utility Co. pays 0% ● All Other Municipal Projects that Require Utility Relocations: <ul style="list-style-type: none"> <u>1st Relocation:</u> Utility Co. pays 100% <u>2nd Relocation during Course of Exact Same Project:</u> Utility Co. pays 0% 	See footnotes

¹ “Federal surface transportation urban program roadway or facility” means “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, all amendments to said act and all applicable federal regulations”. C.G.S § 13a-98m.

² An example of a “betterment” would be if a municipality wanted existing above-ground utilities installed underground or relocated to a different location for aesthetic reasons, or to enhance recreational or community use of the area. PURA’s Sep. 18, 2013 decision in Docket No. 13-03-11 states that a “municipality does not have the authority to order . . . betterments to the system and thus shift that cost to the utility, *unless the betterment is proven to be in the public interest of utility ratepayers.*”² Additionally, PURA’s June 26, 1991 decision in Docket No. 86-02-14 concluded that – unless a municipality could demonstrate to PURA that a betterment provided “a direct benefit to . . . utilities or their ratepayers, or that a public necessity exists for” the betterment – then the municipality was solely responsible for the cost of the betterment.²

³ PURA’s Dec. 12, 1990 letter order in Docket No. 90-03-21 states that the term “proprietary” means that the utility relocation work is being performed for the benefit of a specific business, commercial development project or customer, and the work is not being performed for the overall safety and welfare of the general public. For example, road widenings for construction of a new or upgraded shopping plaza are “proprietary” and the associated utility relocation work must be paid for 100% by the developer and/or the municipality.

⁴ Whenever a municipality obtains funding from the State to pay for any portion of the cost to construct or reconstruct sewers or pollution abatement facilities, C.G.S. § 22a-470 requires it to provide 100% reimbursement to a Utility Company to relocate its utility facilities, subject to a deduction for salvage value and depreciation.