



Connecticut DOT

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Bureau of Engineering and Construction

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ENGINEERING DIRECTIVE

Engineering Administrator

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, DOT administered municipal design and construction projects, Local Bridge Program and Local Transportation Capital Improvement Program.

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.

Municipality-owned utility: Any town, city, borough or district that owns, maintains and operates Utility Facilities, but shall not include municipal corporations created by two or more municipalities.

Privately-owned utility: Any person or company that owns, maintains, and operates Utility Facilities, but shall not include towns, cities, boroughs, districts or any municipal corporations or departments thereof.

Utility Facilities: Means and 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 equitable cost share is predicated on a number of factors; the below Cost Share Guidelines Table serves to provide instruction to insure cost share determinations made are in conformance with applicable statutes.

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

<u>NOTES</u>	
1	Project Type: Determined by a 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. SNEW), Cooperatively owned (e.g. MDC)
3	Cost Share: Determined by Project Type and Utility Ownership and is applied uniformly to each respective utility impacted by a project. Cost Share percentage (%) is applied to the total cost of constructing a facility of equal capacity in a new location 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 the federal surface transportation urban program (STP-U)* funding, excluding State Highway Projects. In general, DOT Activities are deemed STP-U eligible. Final determinations on STP-U eligibility for DOT Activities may require consultation with DOT Division of Capital Services. *Now known as Surface Transportation Block Grant (STBG) urban program.
5	Cost Of Apportionment: Costs are shared on the same basis as the cost of constructing such roadway or facility.

<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 occupies land through an estate interest 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 or right that makes them eligible for reimbursement pursuant to this exception.