

Regulations of Connecticut State Agencies

TITLE 13a. Highways and Bridges

Agency

Department of Transportation

Subject

Local Bridge Program

Inclusive Sections

§§ 13a-175u-1—13a-175u-7

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Local Bridge Program

Sec. 13a-175u-1. Definitions

The following terms shall have the following respective meanings:

(a) “AASHTO” means the American Association of State Highway and Transportation Officials, 444 North Capitol Street, N.W., Suite 249, Washington, D.C. 20001.

(b) “AENGLC” means as of the date grant percentages are determined in accordance with section 3 of these regulations, the adjusted equalized net grand list per capita of a town prepared as of the immediately preceding January 1 by the State pursuant to Section 10-261 of the Connecticut General Statutes.

(c) “Bridge design requirements” means the design requirements for a span established by the “Standard Specifications for Highway Bridges” of AASHTO and, in addition, the following:

(1) minimum life expectancy of 20 years after construction completion;

(2) an HS-20 limit for a newly constructed or rehabilitated span, except that a municipality may approve a lesser load limit for a rehabilitated span so long as such load limit is not less than a 12-ton single unit load limit;

(3) compliance with DOT guidelines for fatigue of existing structural elements;

(4) guide railings of a safe design at the leading ends of a span;

(5) upgrading of existing parapet and traffic railings to AASHTO standards.

(d) “Bridge” means a structure with defined abutments with a distance between the faces of abutments of 6 feet or more, measured along the centerline of the bridge, and whose superstructure is integral with the roadway.

(e) “Coding Guide” means the “Recording and Coding Guide for the Structure Inventory and Appraisal of the Nation’s Bridges”, dated December, 1995, as may be updated from time to time, prepared by the Federal Highway Administration.

(f) “Commissioner” means the Commissioner of the Department of Transportation.

(g) “Commitment to fund” means a commitment issued to a municipality by the Commissioner to fund the project costs of an eligible bridge project through a project grant, a project loan, or both, in accordance with section 13a-175u-5 of the Regulations of Connecticut State Agencies.

(h) “Condition rating of substructure” means the numerical rating of from 0 to 9 applicable to the substructure of a bridge determined in accordance with the criteria set forth in the Coding Guide.

(i) “Condition rating of superstructure” means the numerical rating of from 0 to 9 applicable to the condition of the superstructure of a bridge determined in accordance with the criteria set forth in the Coding Guide.

(j) “Construction contract” means an agreement between a municipality and a contractor whereby the contractor undertakes to complete the removal, replacement, reconstruction, rehabilitation or improvement of an eligible bridge.

(k) “Culvert” means (a) a box culvert with a distance between the faces of side walls of 6 feet or more whose superstructure is not integral with the roadway, or (b) a concrete or

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metal arched structure or a metal plate pipe structure with an interior span length of 6 feet or more. A prefabricated metal, concrete or other pipe culvert does not constitute a “culvert”.

(l) “Culvert condition rating” means the numerical rating of from 0 to 9 applicable to the condition of a culvert determined in accordance with the criteria set forth in the Coding Guide.

(m) “Deck condition rating” means the numerical rating of from 0 to 9 applicable to the condition of the deck of a bridge determined in accordance with the criteria set forth in the Coding Guide.

(n) “Eligible bridge” means:

(1) a bridge which has a condition rating of 4 or less given to any of the following components: superstructure, substructure, or deck condition, or an appraisal rating of 2 or less given to the structure evaluation or waterway adequacy, or

(2) a culvert with a culvert condition rating of 4 or less.

(o) “Eligible bridge project” means the removal, replacement, reconstruction, rehabilitation or improvement of an eligible bridge by one or more municipalities.

(p) “Factor” means the number equal to the following:

(High AENGLC-Low AENGLC)

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(q) “Filing date” means with respect to any fiscal year the filing date set forth in section 13a-175u-5 of the Regulations of Connecticut State Agencies.

(r) “Fiscal year” means the fiscal year of the State.

(s) “Grant percentage” means the number equal to the following:

33 - (Municipal AENGLC-Low AENGLC)

Factor

(t) “High AENGLC” means the AENGLC of a town which is higher than the AENGLC of any other town.

(u) “Inventory rating in tons” means the numerical rating, denoting the safe sustained load capacity of a structure, determined in accordance with the load factor method described in the manual for condition evaluation of bridges. The live load used in the analysis shall be the MS18 (HS 20) truck or lane loading, whichever controls.

(v) “Local bridge revolving fund” means the local bridge revolving fund created under section 13a-175r of the Connecticut General Statutes.

(w) “Low AENGLC” means the AENGLC of a town which is lower than the AENGLC of any other town.

(x) “Managing municipality” means the municipality designated by those municipalities filing joint preliminary and supplemental applications pursuant to section 13a-175u-5 of

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the Regulations of Connecticut State Agencies to act as the municipalities' liaison with the Department of Transportation and to coordinate the efforts of such municipalities in undertaking and completing an eligible bridge project.

(y) "Manual for condition evaluation of bridges" means the most recent edition of the "manual for condition evaluation of bridges, 1994", dated September 1996, prepared by the AASHTO subcommittee on bridges and structures, and published by AASHTO.

(z) "Municipality" means any town, city, borough, consolidated town and city, consolidated town and borough, district or other political subdivision of the State, owning or having responsibility for the maintenance of all or a portion of an eligible bridge.

(aa) "Municipal AENGLC" means the AENGLC of a municipality, but if no AENGLC is determined for the municipality, then it is the AENGLC of the town in which the municipality is located.

(bb) "Municipal official" means the chief elected official, town manager, city manager, or other official of a municipality duly authorized to act on behalf of such municipality in connection with the local bridge program.

(cc) "Physical condition" means the physical condition of a span based on its structural deficiencies, sufficiency rating and load capacity all as determined by the Commissioner.

(dd) "Preliminary application" means an application prepared in accordance with subsections (a), (b), and (c) of section 13a-175u-5 of the Regulations of Connecticut State Agencies.

(ee) "Priority list of eligible bridge projects" means the priority list determined in accordance with Section 13a-175u-2 of the Regulations of Connecticut State Agencies.

(ff) "Professional engineer" means a professional engineer licensed by the State of Connecticut pursuant to chapter 391 of the General Statutes.

(gg) "Priority rating" as determined by the Commissioner means:

(1) with respect to a bridge, the number equal to the following:

$$SR-2 \left[1 - \frac{DC+SUB+SUP}{27} \right] - 4 \left[1 - \frac{(IR)}{36} \right]$$

"SR" means sufficiency rating

"DC" means deck condition rating

"SUB" means condition rating of substructure

"SUP" means condition rating of superstructure

"IR" means inventory rating in tons

(2) with respect to a culvert, the number equal to the following:

$$SR-2 \left[1 - \frac{CUL}{9} \right] - 4 \left[1 - \frac{(IR)}{36} \right]$$

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“SR” means sufficiency rating

“CUL” means culvert condition rating

“IR” means inventory rating in tons

(hh) “Project costs” means the costs of an eligible bridge project determined by the Commissioner to be necessary and reasonable.

(ii) “Project grant” means a grant-in-aid made to a municipality pursuant to Section 13a-175s of the Connecticut General Statutes.

(jj) “Project grant agreement” means a grant agreement between the State and a municipality with respect to a project grant.

(kk) “Project loan” means a loan made to a municipality from the local bridge revolving fund and evidenced by the municipality’s project loan obligation.

(ll) “Project loan agreement” means a loan agreement with respect to a project loan as provided for in subsection (c) of section 13a-175s of the Connecticut General Statutes.

(mm) “Project loan obligation” means an obligation of a municipality issued to evidence indebtedness under a project loan agreement and payable to the State for the benefit of the local bridge revolving fund.

(nn) “Public emergency” means a situation in which the physical condition of a bridge requires it to be closed or its load limit to be reduced substantially resulting in the isolation of, or a significant delay in the availability of emergency vehicle service to, people to such an extent that the safety of such people is jeopardized.

(oo) “Rehabilitation” means the improvement of an existing span in such manner as to preserve the existence of all or any portion of such span.

(pp) “Span” means a bridge or culvert.

(qq) “Structure evaluation” means the overall rating of the structure which takes into account all major structural deficiencies, and evaluates a bridge in relation to the level of service it provides, as compared with a new bridge built to current standards.

(rr) “Sufficiency rating” means the sufficiency rating of a span determined in accordance with the criteria set forth in the Coding Guide.

(ss) “Supplemental application” means the application described in subsection (e) of section 13a-175u-5 of the Regulations of Connecticut State Agencies.

(tt) “Waterway adequacy” means the appraisal of the adequacy of the waterway opening with respect to the passage of flow through the bridge.

(Effective October 24, 1984; Amended October 7, 1999)

Sec. 13a-175u-2. Priority list of eligible bridge projects

(a) As of July 1 of each fiscal year, the Commissioner shall establish a priority rating for each bridge or culvert which is located within one or more municipalities, and is owned in whole or in part by a municipality. Each such priority rating shall be based upon the then most recently available data obtained by or submitted to and accepted by the Commissioner.

(b) As of July 1 of each fiscal year, the Commissioner shall rank all spans for which a completed preliminary application has been received in the order of their priority ratings,

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with the span having the lowest priority rating being ranked first and the span having the highest priority rating being ranked last. The list so determined shall constitute the priority list of eligible bridge projects for the then current fiscal year.

(c) Notwithstanding the provisions of subsection (b) of this section, upon receipt by the Commissioner of an application of a municipality, which application shall include all necessary supporting data, the Commissioner may disregard the priority list of eligible bridge projects and issue a commitment to fund an eligible bridge project if a public emergency exists with respect to such project.

(Effective October 24, 1984; Amended October 7, 1999)

Sec. 13a-175u-3. Grant percentage

(a) As of March 1 of each fiscal year, the Commissioner shall determine a grant percentage for each town. The grant percentage of a town shall be applicable to any municipality located in such town.

(b) The grant percentage of a municipality determined as of March 1 of any fiscal year shall be used to determine the amount of the project grant for which a municipality would be eligible under a commitment to fund issued during the next succeeding fiscal year.

(Effective October 24, 1984; Amended October 7, 1999)

Sec. 13a-175u-4. Project costs

(a) The Commissioner shall fund through project grants and project loans only those costs of an eligible bridge project which he finds necessary and reasonable. A cost is necessary and reasonable if, in its nature or amount, it does not exceed that which would be incurred by a prudent person in the conduct of a competitive business. In determining the necessity and reasonableness of a given cost, the Commissioner shall consider the following:

(1) whether the cost is of a type generally recognized as reasonable and necessary for the performance of the project taking into account established contracting or construction practices;

(2) restraints or requirements imposed by such factors as generally accepted sound business practices, Federal and state laws and regulations, and contract terms and specifications;

(3) generally accepted accounting practices and principles appropriate under the circumstances;

(4) whether the cost would be incurred by a prudent businessman under the circumstances, considering his responsibilities to the owners of his business, his employees, his customers, the government, and the public at large; and

(5) any limitations or exclusions set forth in these regulations or the applicable project grant agreement or project loan agreement.

(b) In any given project the reasonableness or necessity of certain items of cost may be difficult to determine. In order to avoid a possible subsequent disallowance or dispute based on a cost being found unnecessary or unreasonable, a municipality may seek advance

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approval from the Commissioner as to the treatment to be accorded such cost.

(c) Those items of cost which ordinarily will be considered eligible project costs include:

(1) preliminary engineering activities, including engineering studies undertaken to determine whether a bridge is eligible for inclusion on the priority list of eligible bridge projects, provided that the aggregate cost thereof does not exceed 15% of the construction costs of the project;

(2) property acquisition;

(3) construction engineering services including inspection and materials testing, provided that the cost thereof does not exceed 15% of the construction costs of the project;

(4) construction costs;

(5) municipally owned utility adjustment and relocation costs; and

(6) in the case where a municipality undertakes a project using its own labor, equipment and material, the following:

(A) payroll costs of municipal employees working on the project;

(B) burden and fringe costs, such as FICA, vacation pay, sick leave pay, and pension contributions, of such employees so long as such costs can be audited;

(C) documented costs of materials;

(D) costs per hour of an item of equipment so long as such costs can be audited; if such costs cannot be audited then the then current equipment charges published by the Federal Emergency Management Agency.

(d) Any project costs incurred prior to the start of construction of an eligible bridge project will be eligible for reimbursement so long as actual construction of the project for which such costs were incurred commences no earlier than the date upon which the Commissioner issues a commitment to fund the project.

(e) Those items of cost which ordinarily will not be eligible for local bridge program funding include:

(1) administration, including the wages or salaries of municipal employees not working directly on the project;

(2) overhead costs of a municipality performing construction on its own account; and

(3) interim or final audits.

(Effective October 24, 1984; Amended October 7, 1999)

Sec. 13a-175u-5. Application for project grants and project loans; Issuance of commitments to fund

(a) A municipality must file a completed preliminary application with the Commissioner on or before March 1 in any fiscal year, unless otherwise extended by the Commissioner, in order to be eligible to receive a commitment to fund during the fiscal year next following such date.

(b) Any municipality which submits a completed preliminary application and which does not receive a commitment to fund as provided in subsection (a) of section 13a-175u-5 of the Regulations of Connecticut State Agencies shall be required to resubmit such

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preliminary application for it to be reconsidered for funding during the next succeeding fiscal year, or shall notify the Commissioner in writing that the municipality wants such preliminary application as previously submitted to be so reconsidered.

(c) A preliminary application shall provide all information requested by the Commissioner on the preliminary application form.

(d) Following each filing date the Commissioner shall rank in the order of the priority list of eligible bridge projects then in effect each preliminary application which is complete. On or before June 30 of the then current fiscal year, the Commissioner shall issue commitments to fund, in the order of such priority list, each eligible bridge project the construction of which is scheduled to commence within the next succeeding fiscal year, to the extent moneys therefore are available, provided, however, that a municipality may request a waiver of the construction commencement date from the Commissioner if justification can be provided for not commencing construction of an eligible bridge project within the next succeeding fiscal year. However, for eligible projects for which the preliminary application was filed on or before October 1, 1984, or such later date as may be established by the Commissioner, commitments to fund shall be issued by the Commissioner within 90 days of such date.

(e) A commitment to fund shall lapse (1) as to a project loan or a project grant if the municipality's supplemental application as filed with the Commissioner contains estimated project costs in excess of those set forth in the municipality's preliminary application and insufficient moneys remain to fund the amount of the project loan or project grant or both, as the case may be, being requested, or (2) a municipality fails to file with the Commissioner within 270 days of the date its commitment to fund is issued, unless any such date is extended by the Commissioner for good cause shown, a completed supplemental application which shall contain all information requested by the Commissioner on the supplemental application form.

(e) In the case of an eligible bridge project involving more than one municipality, only one preliminary application and one supplemental application shall be filed. Each such application shall contain all the information required by these regulations with respect to each participating municipality and the preliminary application shall designate the managing municipality.

(Effective October 24, 1984; Amended October 7, 1999)

Sec. 13a-175u-6. Funding

(a) After a supplemental application is deemed complete by the Commissioner he shall enter into a project loan agreement or a project grant agreement or both, as the case may be, with the filing municipality, pursuant to which the State shall, on the date all of the conditions precedent to funding are met, pay to the municipality the project grant or make the project loan, or both.

(b) Subject to the terms and conditions set forth in each project grant agreement and project loan agreement, the Commissioner shall be obligated to fund the amount of project

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costs equal to the sum of (1) the municipality's grant percentage multiplied by the project costs allocable to such municipality and (2) the project loan amount requested by the municipality up to 50% of the project costs allocable to it.

(c) In addition to any other conditions precedent to funding the project established by the Commissioner, each project grant agreement and project loan agreement shall include the following conditions precedent to funding, if applicable:

- (1) certified copies of all bids of contractors;
- (2) written justification for awarding the construction contract to any person other than the lowest bidder;
- (3) evidence that the municipality and contractor have entered into a legally binding construction contract;
- (4) the municipality has available to it, or has made arrangements satisfactory to the Commissioner to obtain, funds to pay that portion of the project costs for which it is legally obligated and which are not met by project loans or project grants;
- (5) the municipality has established a tax exempt proceeds fund account for the receipt and disbursement of the proceeds of project loans and project grants;
- (6) in any case in which an eligible bridge is owned or maintained by more than one municipality, evidence satisfactory to the Commissioner that all such municipalities are legally bound to complete their respective portions of such project; and
- (7) evidence that the legislative body of the municipality has held at least one public hearing on the eligible bridge project in accordance with subsection (b) of section 13a-175t of the Connecticut General Statutes.

(d) In addition to any other agreement of a municipality required by the Commissioner, each project grant agreement and project loan agreement shall contain the following agreements:

- (1) the municipality will commence construction of the project within 30 days after the date such agreement or agreements are entered into, unless otherwise extended by the Commissioner;
- (2) the municipality will complete such project no later than the date of completion set forth in its supplemental application, unless otherwise extended by the Commissioner;
- (3) the municipality will operate and maintain the eligible bridge properly after completion of such project.

(Effective October 24, 1984; Amended October 7, 1999)

Sec. 13a-175u-7. Project completion

(a) Upon completion of construction a municipality will (1) certify to the Commissioner that the project is completed and (2) forward to the Commissioner an audit of the project prepared by a certified public accountant.

(b) The Commissioner will review the audit and notify the municipality of any overpayment or underpayment of project costs by the State. In case of underpayment, the Commissioner shall as soon as practicable, but in no event later than 90 days after

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determining such underpayment, reimburse the municipality for such underpayment. In case of overpayment the municipality shall as soon as practicable but in no event later than 90 days after such notification, reimburse the State for such overpayment.

(c) Any interest earned by a municipality from the proceeds of a project grant or project loan shall be expended by the municipality solely for transportation purposes within the municipality.

(Effective October 24, 1984)