

*Regulations of Connecticut State Agencies*

TITLE 13b. Transportation

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*Agency*

**Department of Transportation**

*Subject*

**Designation of Scenic Roads**

*Inclusive Sections*

**§§ 13b-31e-1—13b-31e-4**

CONTENTS

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Sec. 13b-31e-1.	Determination of effect upon designated scenic roads
Sec. 13b-31e-2.	Public notification of proposed improvements or alterations to a designated scenic road
Sec. 13b-31e-3.	Special improvement and maintenance standards for scenic roads
Sec. 13b-31e-4.	Emergency repairs

**Designation of Scenic Roads**

**Sec. 13b-31e-1. Determination of effect upon designated scenic roads**

(a) **Determination of effect:** Improvements proposed to scenic roads shall be reviewed by the Advisory Committee to evaluate whether the improvements will have a significant effect upon or alter the specific features or characteristics that qualified it to be designated as scenic.

(1) No adverse effect: If the Advisory Committee finds that the proposed improvement will not significantly affect these features or characteristics, the undertaking may proceed as proposed.

(2) Adverse effect: If the Advisory Committee finds that the proposed improvement will have a significant adverse impact on the features or characteristics of the scenic road, it shall:

(A) Notify the Commissioner of their finding.

(B) Return the project to the designer with recommended alternate courses of action that could avoid, mitigate or minimize adverse effects of undertaking on the scenic road. These recommendations could include, but are not limited to, consideration of a waiver of Department or Federal standards, the use of tinted pavements, stone wall replacements and tree or shrub replacements.

(C) If alternatives or waivers are not considered to be feasible by the designer, the Advisory Committee shall make recommendations to the Commissioner as to whether the project should be constructed as proposed.

(D) In all cases, the Commissioner shall make the final determination as to whether to approve or deny the proposed improvements or alterations.

(Effective May 1, 1989)

**Sec. 13b-31e-2. Public notification of proposed improvements or alterations to a designated scenic road**

(a) For those highway construction or maintenance activities that a majority of the Advisory Committee determines to constitute an “improvement” to a designated scenic road within the meaning of Section 1 (d) of this regulation, the Department shall publish, in a newspaper of general circulation in the area of the proposed improvements, a notice describing the alteration or improvement. There shall be a thirty (30) day comment period following this notice during which interested persons may submit written comments.

(b) The Advisory Committee shall review and evaluate all written comments. A report of findings will be prepared outlining the resolution of the various comments and forwarded to the Commissioner.

(c) In all cases, the Commissioner shall make the final determination as to whether to approve or deny the proposed improvements or alterations.

(Effective May 1, 1989)

**Sec. 13b-31e-3. Special improvement and maintenance standards for scenic roads**

(a) At the time a highway is officially designated as scenic, the characteristics responsible for this designation shall be clearly identified and recorded. Any alteration to a scenic road shall maintain these characteristics, if practical.

(b) Improvements to scenic roads shall be developed in conformity with current Department design and/or maintenance standards for the type road unless it is determined that using such standards will have a significant adverse impact upon the roadway's scenic characteristics. In which case, exemption from Department or Federal standards may be considered to preserve the roadway's scenic qualities.

(c) In designing improvements to and/or preparing for maintenance on a designated scenic road, special consideration should be given to the following:

(1) **Widening of the Right of Way:** The Department may not purchase additional property along a designated scenic road unless the Commissioner has first determined that property acquisition is necessary. The area purchased should be kept to a minimum with the need and use outlined in a detailed report to the Commissioner.

(2) **Widening of the Traveled Portion:** Wherever possible and as safety allows, roadway widening should be kept to a minimum width and accomplished within the existing highway right-of-way. The Department may not widen or issue a permit to allow others to widen any portion of a designated scenic road unless the Commissioner has first determined, after review and approval of a traffic engineering report, that such an improvement is necessary to improve an existing or potential traffic problem.

(3) **Guide Rails (Guardrails):** Guide rails should be replaced in kind in accordance with current Department standards unless the Commissioner determines after review and approval of a traffic engineering report, that a safety problem exists and another type of guard rail system is necessary for more positive protection.

(4) **Paving:** Paving is to be accomplished in accordance with current Department standards. The pavement type, drainage appurtenances and curbing installation will be accomplished as required with consideration given to the characteristics of the scenic road. The width of paving should not extend more than 12 inches beyond the existing shoulder.

(5) **Changes of Grade:** Wherever possible, proposed changes in grade should be designed to a minimum to restrict the impact on the scenic features. Changes of grade must be approved by the Commissioner after review and approval of a traffic engineering report where it has been determined that such an improvement is necessary to improve an existing or potential traffic problem.

(6) **Straightening or Removal of Stone Walls:** The Commissioner may approve the straightening or removal of a stone wall after review and approval of a traffic engineering report that has determined that such action is necessary to improve an existing or potential safety hazard, improve a sight line restriction, for installation of drainage appurtenances or for other sound reason. The Department will attempt, if practical, to relocate the stone wall within the highway right-of-way or on private property of the abutting property owner. The stone wall should be reconstructed in a manner consistent with its former appearance.

*Regulations of Connecticut State Agencies*

TITLE 13b. Transportation

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*Department of Transportation*

*§13b-31e-4*

(7) **Removal of Mature Trees:** Wherever possible and as safety allows, mature trees within the highway right-of-way should not be removed. If roadway widening is approved, the alignment should be such as to restrict its impact on mature trees. The Commissioner may approve the removal of mature trees after review of an engineering report which outlines the need.

(8) **General Maintenance:** All scenic roads shall receive the level of maintenance necessary for safe public travel.

(9) **Road Bed Maintenance:** Necessary improvements, as determined by the Director of Maintenance, may be made to improve safety, drainage or reduce a maintenance problem, but shall not disturb the scenic characteristics for which the roadway was designated.

(10) **Cross Drainage Maintenance:** Cross drainage shall be maintained where necessary to prevent damage to the highway, possible washouts and other problems which may be detrimental to the safety of the traveling public.

(11) **Vegetation Maintenance:** Where necessary for the safety or protection of the traveling public, tree branches and shrubs may be trimmed. Mowing shall be performed as necessary in accordance with Department standards for health and safety requirements.

(12) **Sign Maintenance:** All informational, regulatory, warning and identification signs shall be erected and maintained as necessary or provided for by the State Traffic Commission.

(13) **Winter Maintenance:** Winter maintenance procedures shall be conducted in accordance with standard Department policy. Snow and ice control shall be performed in accordance with the latest Department policy.

(Effective May 1, 1989)

**Sec. 13b-31e-4. Emergency repairs**

Should the Commissioner declare an emergency, as specified under Section 13b-26 (f) of the General Statutes, repairs will be made in a manner which will minimize, as much as reasonably possible, the effect upon the features for which the highway was designated as scenic.

(Effective May 1, 1989)