Agency
Department of Transportation

Subject
Sale of Excess Residential Property

Inclusive Sections
§§ 13a-80-1—13a-80-3

CONTENTS

Sale of Excess Residential Property

Sec. 13a-80-1. Statement of purpose

Section 13a-80 provides, in part, that no residential property upon which a single-family dwelling is situated at the time it is acquired by the Department of Transportation for highway purposes may subsequently be sold or transferred as excess property without the Department first offering to sell the property back to the former owner or owners at its current appraised value as determined in accordance with the provisions of Section 13a-80 of the Connecticut General Statutes. The purpose of Section 13a-80-1 through 13a-80-3 of the Regulations of Connecticut State Agencies is to establish procedures for the disposition of this excess residential property in the event that such property was owned by more than one person at the time of its acquisition by the Department.

(Effective May 1, 1989)

Sec. 13a-80-2. Notice requirements

(a) It shall be the responsibility of the former owner or owners of residential property that was acquired by the Department of Transportation for highway purposes to keep the Department informed of their current address for the purpose of providing notice of the right of first refusal under these regulations. Information concerning the current address shall be provided in writing to the Office of the Director, Rights-of-Way, Department of Transportation.

(b) It shall be the responsibility of the Department of Transportation to send to each former owner of residential property subject to the special sale provision of Section 13a-80 a Notice of First Refusal by registered or certified mail, return receipt requested, within one (1) year of the date a determination is made by the Commissioner of Transportation that such property is not necessary for highway purposes. This notice will be sent to the last-known address of the former owner on file with the Department.

(c) The former owner or owners must submit written notice of acceptance of the offer to repurchase the excess residential property to the Office of the Director, Rights-of-Way, Department of Transportation.

(d) The offer to sell excess residential property to the former owner or owners pursuant to the provisions of Section 13a-80 shall be terminated by the Department of Transportation if the Department does not receive written notice of the owner's acceptance of the offer within sixty (60) days of the date that the Notice of First Refusal was mailed.

(Effective May 1, 1989)

Sec. 13a-80-3. Multiple ownership procedures

(a) In the event that the excess residential property was owned by more than one person at the time of its acquisition by the Department of Transportation and the Department receives written notice of acceptance of the offer to repurchase pursuant to Section 13a-80-2 from the former owners indicating their desire to repurchase the property as multiple

owners, the Department shall proceed with the sale to said former owners subject to the required statutory approvals.

(b) If the Department of Transportation receives written notice of acceptance from more than one of the former owners and each such former owner indicates a desire to repurchase the property on an individual basis, the Department shall arrange and conduct a sealed bid sale of said property among all former owners who submitted written notice of acceptance. The current appraised value of the property, as determined in accordance with the provisions of Section 13a-80 of the Connecticut General Statutes shall serve as the minimum bid figure for the sealed bid sale. The property shall be sold to the highest bidder subject to the required statutory approvals.

(c) If the Department of Transportation receives written notice of acceptance from only one of the former owners, the Department shall proceed with the sale of the excess residential property to this former owner at the amount of its current appraised value as determined in accordance with the provisions of Section 13a-80 of the Connecticut General Statutes subject to the required statutory approvals.

(Effective May 1, 1989)

Agency
Department of Transportation

Subject
An Adopt a Highway Program

Inclusive Sections
§§ 13a-97b-1—13a-97b-7

CONTENTS

An Adopt a Highway Program

Sec. 13a-97b-1. Statement of purpose

The purpose of sections 13a-97b-1 to 13a-97b-7, inclusive, of the Regulations of Connecticut State Agencies, is to establish an "Adopt A Highway Program" which will permit business organizations and nonprofit community organizations to participate in litter control and beautification activities on all state highways and to receive recognition for their participation in such activities.

(Adopted effective July 3, 1997)

Sec. 13a-97b-2. Definitions

As used in Sections 13a-97b-1 through 13a-97b-7, the following words and phrases shall have the following meaning:

(1) "Commissioner" means the Commissioner of Transportation for the State of Connecticut.

(2) "CONNDOT" means the Department of Transportation of the State of Connecticut.

(3) "District" means any one of the four operational districts into which CONNDOT has divided the State of Connecticut in order to facilitate the maintenance of the state highway system.

(4) "Encroachment Permit" means the authorization document issued by CONNDOT which allows a person or organization to use a highway right of way for a purpose other than travel.

(5) "Highway" means a "state highway" as defined in Section 13a-1 of the Connecticut General Statutes.

(6) "Program" means the Adopt A Highway Program.

(7) "Transportation Maintenance Director" means the person authorized by the Commissioner of Transportation to approve or disapprove an application to participate in the Adopt A Highway Program, to issue an encroachment permit in connection with the program, and to otherwise administer all program activities within the district.

(Adopted effective July 3, 1997)

Sec. 13a-97b-3. Application

(a) Any business organization or nonprofit community organization that wishes to participate in the Adopt A Highway Program shall submit an application to the Transportation Maintenance Director in the district wherein the highway or section of highway which the organization wishes to adopt is located. The application shall be made on a form provided by CONNDOT and made available at the district administrative office.

(b) The Transportation Maintenance Director shall review the application to determine whether the applicant is qualified to participate in the program and, if so, whether the particular section of highway that the applicant wishes to adopt is suitable for inclusion in the program taking into consideration the highway's location, traffic volumes, geometrical

characteristics, and other factors relevant to public health, safety and welfare.

(Adopted effective July 3, 1997)

Sec. 13a-97b-4. Program activities

(a) The Transportation Maintenance Director, acting as the authorized agent of the commissioner, shall administer all program activities occurring within the district. The Transportation Maintenance Director shall make available to a participating organization the program guidelines. These guidelines shall be considered an attachment to any encroachment permit issued to the organization.

(b) In order to gain access to and engage in litter control and beautification activities within a highway right of way, each participating organization shall obtain an encroachment permit from the Transportation Maintenance Director. The application for such permit shall be made on a form provided by CONNDOT and made available at each district administrative office. Issuance of the encroachment permit shall be governed by the procedures set forth in Sections 13b-17-1 through 13b-17-46 of the Regulations of Connecticut State Agencies. The conditions set forth in Sections 13b-17-1 through 13b-17-46 shall govern and be adhered to by all participants in the program.

(c) A program concurrence shall be made available to the participating organization prior to the issuance of the encroachment permit. The program concurrence shall list the specific responsibilities of the organization and CONNDOT regarding the adopted section of highway, and shall be signed by every participating member of the organization prior to issuance of the encroachment permit. The program concurrence shall then become an attachment to the encroachment permit.

(Adopted effective July 3, 1997)

Sec. 13a-97b-5. Recognition

Recognition for each participating organization's efforts in furtherance of highway litter control and beautification shall be provided by CONNDOT in the form of a nameplate affixed to a semi-permanent sign which shall designate a section of highway as having been adopted by the organization. The sign shall be erected after the organization has engaged in litter control and beautification activities on a minimum of two occasions and has received a satisfactory performance evaluation from the Transportation Maintenance Director.

(Adopted effective July 3, 1997)

Sec. 13a-97b-6. Revocation of approval

The Transportation Maintenance Director may revoke an organization's approval to participate in the program when, in the opinion of the Director, the organization has violated a condition in the encroachment permit, the program guidelines or the program concurrence, or has otherwise engaged in conduct detrimental to the program.

(Adopted effective July 3, 1997)

Sec. 13a-97b-7. Administrative appeal

Any organization whose application to participate in the Adopt A Highway Program has been disapproved by the Transportation Maintenance Director, or whose approval to participate in the program has been revoked in accordance with Section 13a-97b-6, may appeal such decision to the Commissioner.

(Adopted effective July 3, 1997)

Agency
Commissioner of Transportation

Subject
Railings or Fences on State Highways or Bridges

Inclusive Sections
§§ 13a-111-1—13a-111-2

CONTENTS

Railings or Fences on State Highways or Bridges

Sec. 13a-111-1—13a-111-2. Repealed

Repealed November 5, 1999.

Agency
Commissioner of Transportation

Subject
Outdoor Advertising Signs, Displays and Devices Adjacent to the National System of Interstate and Defense Highways, Limited Access Federal-Aid Primary Highways, Other Limited Access State Highways and

Inclusive Sections

CONTENTS

Non-Limited Access Federal-Aid Primary Highways

Outdoor Advertising Signs, Displays and Devices Adjacent to the National System of Interstate and Defense Highways, Limited Access Federal-Aid Primary Highways, Other Limited Access State Highways and

Non-Limited Access Federal-Aid Primary Highways

Sec. 13a-123-1. Applicability

Sections 13a-123-1 to 13a-123-14 inclusive, apply to the erection and maintenance of outdoor advertising signs, displays, and devices within six hundred sixty feet of the edge of the right-of-way, the advertising message of which is visible from the main traveled way of any portion of the national system of interstate and defense highways, hereinafter referred to as interstate highways, limited access federal-aid primary highways, other limited access state highways and non-limited access federal-aid primary highways.

(Effective March 19, 1968)

Sec. 13a-123-2. Definitions

The following terms, when used in sections 13a-123-1 to 13a-123-14, inclusive, have the following meanings:

(a) "Centerline of the highway" means a line equidistant from the edges of the median separating the main traveled way of a divided interstate or other limited access highway, or the centerline of a main-traveled way of a nondivided highway.

(b) "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish, but it shall not include any of the foregoing activities when performed as an incident to the change of advertising message or customary maintenance or repair of a sign or sign structure.

(c) "Highway": (1) An "interstate" highway is a highway that is included in the national system of interstate and defense highways described in subsection (d) of section 103 of Public Law 85-767, 85th Congress, Title 23 of the U.S. Code; (2)*[1] a "limited access highway" is any state highway, or designated portion thereof, which the commissioner of transportation, with the advice and consent of the governor and the attorney general, laid out and constructed so as to allow access thereto only at highway intersections or at designated points, when in their opinion such limitation of access would be in the interest of public convenience, safety and necessity pursuant to section 13a-59 of the general statutes or any predecessor statute; (3) a "federal-aid primary highway" is a highway that is included in the primary system described in subsection (b) of section 103 of Public Law 85-767, 85th Congress, Title 23 of the U.S. Code; (4) "limited access primary highway" is a federal-aid primary highway which is also a limited access state highway; (5) "other limited access state highway" is a limited access state highway not on the interstate or federal-aid primary system; (6) "non-limited access federal-aid primary highway" is a federal-aid primary highway which is not a limited access state highway.

*1 *All interstate highways in Connecticut are limited access highways.*

(d) "Industrial or commercial zone" is an area zoned for industrial or commercial use under local ordinance or zoning regulation and which upon application is determined by the commissioner of transportation to be in actual use as an industrial or commercial area.

(e) "Maintain" means to allow to exist.

(f) "Main-traveled way" means the portion of a roadway for the movement of vehicles, exclusive of shoulders. In the case of divided highways, the traveled way of each of the separate roadways for traffic in opposite directions is a main-traveled way. It does not include such facilities as frontage roads, turning roadways or parking areas.

(g) "Protected areas" means all areas inside the boundaries of Connecticut which are adjacent to and within six hundred and sixty feet of the edge of the right-of-way of all portions of the interstate system, federal-aid primary and other limited access state highways. Where a portion of any of the above highways terminates at a state boundary which is not perpendicular or normal to the centerline of the highway "protected areas" also means all areas inside the boundary of Connecticut which are within six hundred and sixty feet of the edge of the right-of-way of any of the above highways in the adjoining state.

(h) "Sign" means any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard or other thing which is designed, intended or used to advertise or inform, any part of the advertising or informative contents of which is visible from any part of the main-traveled way of the interstate system, federal-aid primary system or other limited access state highway.

(i) "State law" means a state constitutional provision or statute, or an ordinance, rule or regulation enacted or adopted by a state agency or political subdivision of the state pursuant to state constitution or statute.

(j) "Trade name" includes brand name, trademark, distinctive symbol or other similar device or thing used to identify particular products or services.

(k) "Unzoned industrial or commercial area" means those areas within six hundred and sixty feet of the edge of the right-of-way not zoned by state or local law, regulation or ordinance, which are occupied by one or more industrial or commercial activities, other than outdoor advertising signs, and the land along the highway for a distance of five hundred feet immediately adjacent to the activities.

(l) "Industrial or commercial activities" for the purposes of subdivision (k) of this section means those activities generally recognized as commercial or industrial, by zoning authorities in this state, except that none of the following activities shall be considered commercial or industrial: (1) Agricultural, forester, grazing, farming and related activities, including but not limited to, wayside fresh produce stands, (2) transient or temporary activities, (3) activities not visible from the main-traveled way, (4) activities conducted in a building principally used as a residence, (5) railroad Cracks and minor sidings.

(m) "Visible" means capable of being seen, whether or not legible, without visual aid by a person of normal visual acuity.

(Effective March 19, 1968)

Sec. 13a-123-3. Measurement of distance

(a) Distance from the edge of a right-of-way shall be measured horizontally along a line normal or perpendicular to the centerline of the highway. (b) All longitudinal distances shall be measured along the centerline of the highway between two vertical planes which are normal or perpendicular to and intersect the centerline of the highway, and which pass through the termini of the measured distance.

(Effective March 19, 1968)

Sec. 13a-123-4. Signs prohibited in protected areas

Erection and maintenance of the following signs is not permitted in protected areas: (a) Signs advertising activities that are illegal, under state, federal or local laws or regulations in effect at the location of such signs or at the location of such activities; (b) obsolete signs; (c) signs that are not clean and in good repair; (d) signs that are not securely affixed to a substantial structure; (e) signs that are prohibited by state statutes or local ordinances or zoning regulations; (f) signs that are not consistent with the provisions of chapter 411 of the general statutes.

(Effective March 19, 1968)

Sec. 13a-123-5. Protected areas and spacing of signs adjacent to interstate and limited access primary highways

No signs except as otherwise permitted herein will be allowed within six hundred and sixty feet of the nearest edge of the right-of-way except in areas zoned industrial or commercial and in actual use as such as determined by the commissioner of transportation or which is an unzoned industrial or commercial area as defined in section 13a-123-2. Signs in zoned industrial or commercial areas in actual use and in unzoned industrial or commercial areas which are permitted shall be subject to the following spacing requirements and be consistent with the applicable provisions of this section and sections 13a-123-4 and 13a-123-13. (a) Spacing between sign structures along each side of the highway shall be a minimum of five hundred feet except that this spacing shall not apply to signs which are separated by a building or other obstruction in such a manner that only one sign located within the minimum spacing distance set forth above is visible from the highway at any one time. (b) Sign structures may not be located within five hundred feet of an interchange or rest area measured along the interstate or limited access primary highway from the sign to the nearest point of the beginning or ending of pavement widening at the exit from or entrance to the main traveled way. In any case where ramps exist only on one side of the roadway crossed by the above-mentioned highways, the five hundred foot distance shall also be measured from the centerline of the intersected roadway in the opposite direction from the ramps. The distance requirement from an interchange or rest area set forth above shall not apply within the boundaries of a municipality with a population of forty thousand or more according to the 1960 federal census if the state deems such to be consistent with

customary use in the area.

(Effective March 19, 1968)

Sec. 13a-123-6. Protected areas and spacing of signs adjacent to non-limited access primary highways

(a) No signs except as otherwise permitted herein will be allowed within six hundred and sixty feet of the nearest edge of the right-of-way except in areas zoned industrial or commercial and in actual use as such as determined by the commissioner of transportation or which is an unzoned industrial or commercial area as defined in section 13a-123-2. Sign structures in zoned industrial or commercial areas in actual use and in unzoned industrial or commercial areas which are permitted between streets, roads or highways entering into or intersecting the main traveled way shall conform to the following minimum spacing criteria to be applied separately to each side of the primary highway and must be consistent with the applicable provisions of this section and sections 18a-123-4 and 13a-123-13: (1) Where the distance between centerlines of intersecting streets or highways is less than one thousand feet, three sign structures, with a minimum spacing between structures of one hundred feet, double-faced, V-type or back to-back, may be permitted between such intersecting streets or highways; (2) where the distance between centerlines of intersecting streets or highways is one thousand feet or more, minimum spacing between sign structures, double-faced, V-type or back-to- back, shall be three hundred feet.

(b) (1) Alleys, undeveloped rights-of-way, private roads and driveways shall not be regarded as intersecting streets, roads or highways. (2) Only roads, streets and highways which enter directly into the main traveled way of the primary highway shall be regarded as intersecting. (3) Official and "on-premise" signs, as defined in section 131 (c) of Title 23, United States Code, shall not be counted nor shall measurements be made from them for purposes of determining compliance with the above spacing requirements. (4) The minimum distance between signs shall be measured along the nearest edge of the pavement between points directly opposite the signs.

(Effective March 19, 1968)

Sec. 13a-123-7. Signs permitted in protected areas on the interstate and federal-aid primary limited and non-limited access highways

Erection and maintenance of the following signs may be permitted in protected areas:

(1) Official signs: Directional or other official signs or notices erected and maintained by public officers or agencies pursuant to and in accordance with direction or authorization contained in state or federal law, for the purpose of carrying out an official duty or responsibility.

(2) On premises signs: Signs not prohibited by state or local law which are consistent with the applicable provisions of this section and sections 13a-123-4 and 13a-123-13 and which advertise the sale or lease of, or activities being conducted upon, the real property where the signs are located. Not more than one such sign advertising the sale or lease of

the same property may be permitted under this section in such a manner as to be visible to traffic proceeding in any one direction on any interstate or federal-aid primary highway. Not more than one such sign, visible to traffic proceeding in any one direction on any one interstate or federal-aid primary highway, and advertising activities being conducted upon the real property where the sign is located, may be permitted under this section more than fifty feet from the advertised activity. Signs permitted under this section may display trade names.

(Effective March 19, 1968)

Sec. 13a-123-8. Protected areas adjacent to other limited access state highways other than interstate and federal-aid highways

No signs except as otherwise permitted herein will be allowed within six hundred and sixty feet of the nearest edge of the right-of-way of any other limited access state highway which is not on the federal-aid primary system except in areas which are zoned for industrial or commercial use under local ordinances or zoning regulations and which have been determined by the commissioner of transportation to be in actual use as an industrial or commercial area at the time of application.

(Effective March 19, 1968)

Sec. 13a-123-9. Signs permitted in protected areas on other limited access state highways other than interstate and federal-aid primary highways

(a) Erection or maintenance of the following signs may be permitted in protected areas: Class A-Official signs: Directional or other official signs or notices erected and maintained by public officers or agencies pursuant to and in accordance with direction or authorization contained in state or federal law, for the purpose of carrying out an official duty or responsibility. Class B-On premises signs: Signs not prohibited by state or local law which are consistent with the applicable provisions of this section and sections 13a-123-4 and 13a-123-13, and which advertise the sale or lease of, or activities being conducted upon, the real property where the signs are located. Not more than one such sign advertising the sale or lease of the same property may be permitted under this class in such manner as to be visible to traffic proceeding in any one direction on any other limited access state highway. Not more than one such sign, visible to traffic proceeding in any one direction on any other limited access state highway, and advertising activities being conducted upon the real property where the sign is located, may be permitted under this class more than fifty feet from the advertised activity. A Class B sign may display trade names in accordance with subsection (b) of this section. Class C-Signs in the specific interest of the traveling public: Signs authorized to be erected or maintained by state law which are consistent with the applicable provisions of this section and sections 13a-123-4, 13a-123-10, 13a-123-11 and 13a-123-113 and which are designed to give information in the specific interest of the traveling public, (b) Only information about public places operated by federal, state or local governments, natural phenomena, historic sites, areas of natural scenic beauty or naturally

suited for outdoor recreation and places for camping, lodging, eating and vehicle service and repair is deemed to be in the specific interest of the traveling public. For the purposes of sections 13a-123-1 to 13a-123-113, inclusive, a trade name is deemed to be information in the specific interest of the traveling public only if it identifies or characterizes a place as herein enumerated or identifies vehicle service, equipment, parts, accessories, fuels, oils or lubricants being offered for sale at such a place. Signs displaying any other trade name may not be permitted under Class C.

(Effective March 19, 1968)

Sec. 13a-123-10. Signs permitted within informational sites

Informational sites for the erection and maintenance of Class C advertising and information signs when and if established, in accordance with the regulations for the administration of federal-aid for highways, on interstate highways shall be subject to location and frequency requirements as determined by agreements entered into between the secretary of commerce and the commissioner of transportation. Class C signs on these informational sites and those established on other limited access highways will be permitted in protected areas in a manner consistent with the following provisions: (1) No sign may be permitted which is not placed upon a panel. (2) No panel may exceed thirteen feet in height or twenty-five feet in length, including border and trim, but excluding supports. (3) No sign may exceed twelve square feet in area, and nothing on such sign shall be legible from any place on the main-traveled way of a turning roadway. (4) Not more than one sign concerning a single activity or place may be permitted within any one information site. (5) No sign may be permitted which moves or has any animated or moving parts. (6) No panel shall be illuminated by other than white lights, and no sign placed on any panel shall contain, include or be illuminated by any other lights, or any flashing, intermittent or moving lights. (7) No lighting may be used in any way in connection with any panel unless it is so shielded as to prevent beams or rays of light from being directed at any portion of the main-traveled way of an other limited access state highway or is of such low intensity or brilliance as not to cause glare or to impair the vision of the driver of any motor vehicle, or to otherwise interfere with any driver's operation of a motor vehicle.

(Effective March 19, 1968)

Sec. 13a-123-11. Class C signs permitted outside informational sites

(a) The erection or maintenance of the following signs is permitted within protected areas, outside informational sites: Class C signs which are more than twelve miles from the nearest panel within an informational site serving other limited access state highway traffic to which such signs are visible.

(b) Except as provided for in sections 13a-123-4 and 13a-123-9, no sign under subsection (a) of this section shall be erected or maintained in any manner inconsistent with the following;

(1) In protected areas in advance of an intersection of the main-traveled way of another

limited access state highway and an exit roadway, such signs visible to other limited access state highway traffic approaching such intersection shall not exceed the following number:

Distance from Intersection	*Number of Signs*
0-2 miles	0
2-5 miles	6
More than 5 miles	Average of one sign per mile

The specified distances shall be measured to the nearest point of the intersection of the traveled way of the exit roadway and the main-traveled way of the other limited access state highway.

(2) Subject to the other provisions of this subsection, not more than two such signs shall be permitted within any mile distance measured from any point, and no such signs shall be less than one thousand feet apart.

(3) Such signs shall not be permitted in protected areas adjacent to any other limited access state highway right-of-way upon any part of the width of which is constructed an entrance or exit roadway.

(4) Such signs visible to other limited access state highway traffic which is approaching or has passed an entrance roadway shall not be permitted in protected areas for one thousand feet beyond the furthest point of the intersection between the traveled way of such entrance roadway and the main-traveled way of the other limited access state highway.

(5) No such signs shall be permitted in scenic areas.

(6) Not more than one such sign advertising activities being conducted as a single enterprise of giving information about a single place shall be erected or maintained in such manner as to be visible to traffic moving in any one direction on any one other limited access state highway.

(c) Except as provided in sections 13a-123-4 and 13a-123-9, no Class C signs other than those permitted by this section shall be erected or maintained within protected areas, outside informational sites.

(Effective March 19, 1968)

Sec. 13a-123-12. Certain nonconforming signs permitted

Signs erected prior to March 19, 1968, in zoned commercial or industrial areas in actual use and unzoned commercial or industrial areas as defined herein, may be continued provided

(1) they are not prohibited by state statutes or regulations, local ordinances and zoning regulations in existence on March 19, 1968;

(2) they shall conform to section 13a-123-4 and subsections (a) and (d) of section 13a-123-13.

(Effective March 19, 1968)

Sec. 13a-123-13. General provisions

(a) The following signs shall not be permitted: (1) Signs which imitate or resemble any official traffic sign, signal or device, (2) signs which are erected or maintained upon trees or painted or drawn upon rocks or other natural features, (3) signs which are erected or maintained in such a manner as to obscure, or otherwise interfere with the effectiveness of an official traffic sign, signal or device, or obstruct or interfere with the driver's view of approaching, merging or intersecting traffic, (4) signs which have a movable advertising face permitting a modification, change or alternate in whole or in part in the advertising message contained on the sign.

(b) If any commercial or industrial activity, which has been used in defining or delineating an unzoned commercial or industrial area, ceases to operate for a period of six continuous months, any sign located within the former unzoned area shall be removed unless said sign is within five hundred feet of any other commercial or industrial activity.

(c) Size of signs: No sign shall exceed the following dimensions:

(1) Maximum area—nine hundred square feet.

(2) Maximum height—twenty-five feet.

(3) Maximum length—sixty feet.

The area shall be measured by the outer limits of the advertising space. A sign structure may contain one or two advertisements facing in the same direction, provided the total area of all advertising space shall not exceed the maximum area. Back-to-back or V-type sign structures will be permitted with the maximum area being allowed for each facing; and considered as one structure.

(d) Lighting:

(1) All signs may be illuminated.

(2) All signs must be shielded so as to prevent from being directed to any portion of the traveled way of the highway beams or rays of light which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interfere with any driver's operation of a motor vehicle.

(3) Signs which contain, include or are illuminated by any flashing intermittent or moving light or lights are prohibited, except those giving public service information such as time, date, temperature, weather or similar information.

(Effective December 7, 1972)

Sec. 13a-123-14. Exclusions

Sections 13a-123-1 to 13a-123-13, inclusive, shall not apply to

(1) markers, signs and plaques in appreciation of sites of historical significance for the erection of which provisions are made in an agreement between the commissioner of transportation and the secretary of commerce unless such agreement expressly makes all or any part of the regulations applicable;

(2) signs within six hundred and sixty feet of the nearest edge of the right-of-way of any other limited access state highway which is not on the federal-aid primary system in areas

which are zoned for industrial or commercial use under local ordinances or zoning regulations and which, upon application, have been determined by the commissioner of transportation to be in actual use as an industrial or commercial area at the time of application;

(3) any area adjacent to any interstate or primary federal-aid highway or any such highway in whole or in part if congress by amendment of Title I of the Highway Beautification Act of 1965 exempts such area or such highway in whole or in part from control of outdoor advertising structures, signs, displays or devices.

(Effective March 19, 1968)

Agency
Commissioner of Transportation

Subject
The Erection of Church Signs on State Highways

Inclusive Sections
§§ 13a-123a-1—13a-123a-5

CONTENTS

The Erection of Church Signs on State Highways

Sec. 13a-123a-1—13a-123a-5. Repealed

Repealed November 5, 1999.

Agency
Commissioner of Transportation

Subject
Control of Junkyard and Scrap Metal Processing Facilities Along the Federal Interstate and Primary Systems and Limited Access State Highways

Inclusive Sections
§§ 13a-123d-1—13a-123d-3

CONTENTS

Control of Junkyard and Scrap Metal Processing Facilities Along the Federal Interstate and Primary Systems and Limited Access State Highways

Sec. 13a-123d-1. Applicability (Repealed)

Repealed June 11, 2014.

(Effective May 14, 1968; Repealed June 11, 2014)

Notes: For 2014 repeal, see Sec. 54 of Public Act 14-187. (June 11, 2014)

Sec. 13a-123d-2. Definitions (Repealed)

Repealed June 11, 2014.

(Effective May 14, 1968; Repealed June 11, 2014)

Notes: For 2014 repeal, see Sec. 54 of Public Act 14-187. (June 11, 2014)

Sec. 13a-123d-3. Application for certificate of approval (Repealed)

Repealed June 11, 2014.

(Effective May 14, 1968; Repealed June 11, 2014)

Notes: For 2014 repeal, see Sec. 54 of Public Act 14-187. (June 11, 2014)

Agency
Department of Transportation

Subject
Specific Information Signs and Business Signs on Limited Access Highways

Inclusive Sections
§§ 13a-124a-1—13a-124a-7

CONTENTS

Specific Information Signs and Business Signs on Limited Access Highways

Sec. 13a-124a-1. Definitions

Except as defined in this section, the terms used in these regulations shall be defined in accordance with the definitions and usage of the "Manual on Uniform Traffic Control Devices" (MUTCD), which document is on file at the Department of Transportation.

(a) **Business sign**—a separately attached sign mounted on the rectangular sign panel to show the brand, symbol, trademark or name, or combination of these, for a motorist service available on a crossroad at or near an interchange.

(b) **Specific information sign**—a rectangular sign panel with:

(1) The words "Gas," "Food," "Lodging" or "Camping."

(2) Directional information.

(3) One or more business signs.

(c) **Business**—an establishment offering food, gas, lodging and/or camping facilities at a single address.

(d) **Initial business**—the first business to submit an application for specific information signing for a particular service at a particular interchange.

(e) **Bond**—a written obligation which binds the signatory to answer for the debt, default, or non-compliance with the terms of an agreement.

(f) **Certificate of insurance**—a Department of Transportation form used to indicate protective liability insurance coverage by the permittee.

(g) **Commissioner**—the Commissioner of Transportation appointed pursuant to Title 13b, Connecticut General Statutes as revised.

(h) **Department**—the State of Connecticut Department of Transportation, pursuant to Title 13b, Connecticut General Statutes as revised.

(i) **Encroachment permit**—a document issued by the District Maintenance Manager, allowing construction within the highway right of way, to a permittee who has met certain qualifications, herein referred to as "permit."

(j) **Title 13b**—the State Transportation Act.

(k) **Information sign maintenance concurrence**—a document stating the responsibility of the business with regard to maintaining the specific information sign panel and supports.

(Effective December 5, 1989)

Sec. 13a-124a-2. Interchanging signing criteria

Signs shall be installed in accordance with the MUTCD, the Federal-Aid Highway Program Manual Volume 6, Chapter 8, Section 3, Subsection 8 and such State and Federal regulations and standards as may apply to other highway signs, except as further defined in this section.

(a) Specific Information Signs may be installed based on the following:

(1) Limited access highways except parkways.

(2) Where the distance between the interchange considered and the adjacent upstream interchange is not less than 7,000′, as measured from the end of the upstream acceleration

lane to the beginning of the downstream deceleration lane; where camping exists the distance shall not be less than 7,800′.

(3) Where the upstream interchange is a half-interchange consisting of only an on-ramp in the direction being considered, the distance between the interchange considered and upstream interchange preceding the half interchange shall not be less than 9,000′; where camping exists the distance shall not be less than 9,800′.

(4) Where an interchange is at unlimited access highways.

(5) At interchanges where the motorist can conveniently reenter the expressway and continue in the same direction of travel.

(6) At interchanges where, in the opinion of the Department of Transportation, specific information signing will not have a detrimental effect on traffic operations.

(b) The number of specific information signs shall be limited to one for each type of service along an approach to an interchange. The number of business signs permitted on a specific information sign shall be six.

(c) A separate specific information sign shall be provided for each type of service for which business signs are displayed and shall be installed in successive order beginning with Camping, Lodging, Food and Gas in the direction of traffic. Specific information signs and business signs shall be installed on ramps where the business is not visible from the ramp termini. Businesses visible from the ramp terminus will not appear on ramp signs. Also, where a turn is required off of the roadway that intersects the ramp, business signs shall be installed at the crossroad to indicate the required turn. Only one turn will be allowed; businesses requiring more than one turn will not be eligible for the program. Excepted therefrom will be businesses requiring more than one turn but which are located adjacent to and/or clearly visible from the roadway intersecting the ramp or road onto which one turn has been made. The business shall be responsible for obtaining permission from the individual, group, or government having jurisdiction over the sign location to be used for the signs prior to sign installation. A business, if approved, shall qualify for signing on only one route.

(d) If the interchange closest to the business is signable in only one direction and the business qualifies at a second interchange which allows signing in the opposite direction on the same highway, the business may request signing at two interchanges. A business can have only one sign per direction of travel.

(e) Once a specific information sign has been installed at a given approach, reference to that service will be removed from any existing service signs for that approach.

(Effective December 5, 1989; Amended March 8, 2004)

Sec. 13a-124a-3. Minimum criteria for services

The minimum criteria by which gas, food, lodging and camping establishments may qualify for participation in specific information signing for travel services within highway right-of-way is as follows:

(a) **All**

Shall give written assurance of conformity with all applicable laws concerning the provision of public services without regard to race, color, religious creed, age, marital status, national origin, sex, mental retardation or physical disability including but not limited to blindness, and shall not be in breach of that assurance.

(b) **Gas**

(1) Shall be located not more than 1/2 mile from the ramp terminus;

(2) Shall provide public rest rooms, each containing sink, running water and flush toilet;

(3) Shall be in continuous operation at least 16 consecutive hours, 7 days a week year-round; and

(4) Shall provide public telephone.

(c) **Food**

(1) Shall be located not more than 1-1/2 miles from the ramp terminus;

(2) Shall display a valid permit from the appropriate public agency, as required by law;

(3) Shall be in continuous operation for at least 12 consective hours daily, beginning no later than 7:00 a.m., 7 days per week, year-round. The business shall serve in an indoor setting three meals per day including breakfast, lunch and supper; and

(4) Shall provide public telephone.

(d) **Lodging**

(1) Shall be located not more than 3 miles from the ramp terminus;

(2) Shall possess a valid permit from the appropriate public agency, as required by law;

(3) Shall have adequate sleeping accommodations for rent consisting of a minimum of 10 units, each including bathroom and sleeping room;

(4) Shall provide free off-street passenger vehicle parking space for each lodging unit for rent;

(5) Shall be in continuous 24-hour operation, 7 days per week, year-round; and

(6) Shall provide public telephone.

(e) **Camping**

(1) Shall be located not more than 10 miles from the ramp terminus via a paved road;

(2) Shall posses a valid license from the appropriate public agency, as required by law;

(3) Shall have adequate parking and camping accommodations for at least 30 vehicles;

(4) Shall have modern sanitary facilities and drinking water; and

(5) Shall be in continous 24-hour operation, 7 days per week, except that overnight camping facilities may be closed to the public for not more than 180 consecutive days between November 1 and the following May 1.

(Effective October 24, 1984; Amended March 8, 2004)

Sec. 13a-124a-4. Application process

All businesses interested in participating in the Connecticut Specific Information Signing Program may do so by following these steps:

(a) Upon request, the Department of Transportation will send interested parties an application package that includes an application, application instructions, program

regulations and, a list of interchanges that qualify for this program.

(b) All businesses requesting participation in State's specific information signing program shall submit an application form, provided by the Department of Transportation, containing the necessary information with the application fee in the form of a certified check or money order in the amout of $1,500.00 per interchange. The application fee will cover the cost of processing, field investigation, and permits. In the event the request is not approved, the application fee shall not be refunded.

(c) Upon approval of the application, the applicant shall receive an approval package. All approved applicants are required to submit a completed permit application to the Commissioner along with a D.O.T. furnished Certificate of Insurance (Form No. CON-32) indicating the correct protective liability insurance coverage by the permittee. In addition to the Form No. Con. 32, the initial approved business of a signing installation will also be required to execute an Information Sign Maintenance Concurrence and furnish a performance bond (minimum $5,000.00) to run for the life of the Concurrence.

(d) The first six applicants for gas, food, lodging and camping that meet the minimum criteria existing at the time of the initial application will be given the opportunity to participate in the program. The Department will allow a participating business to display its business signs for a period of not less than one year from the date of the initial installation of those signs, provided that business continues to operate under the terms of the Concurrence and in compliance with the minimum criteria. Excepted therefrom is the initial business who will be allowed to display its business signs for a period of not less than two years from the date of the initial installation of those signs. However, once the maximum number of similar type businesses are participating in the specific information program at a particular interchange and a similar type business, closer in distance, qualifies and desires to participate in this program, the farthest participating business will be removed from the program only after that business sign has been displayed for not less than one year from the date of initial installation or two years in the case of the initial business.

(Effective December 5, 1989; Amended March 8, 2004)

Sec. 13a-124a-5. Financial responsibility

Businesses participating in the Connecticut Specific Information Signing Program will assume financial responsibility as outlined in the following:

(a) Installation and maintenance of the specific information signs on the main line and ramp, by an approved contractor, shall be the financial responsibility of the initial business approved for a particular service at the given interchange. The initial business shall submit to the Department, paid receipts for labor and materials costs incurred as a result of the installation of the specific information sign. Subsequent businesses will be required to reimburse the initial business a percentage of the installation cost incurred by the initial business. The dollar amount will be determined by the Department assuming a full complement of businesses (six for gas, four for others) and a depreciation scale based on a twelve year life of sign. Fractions of a year will not be considered. Cost of removal and/or

replacement of the specific information sign for reasons other than those stated elsewhere in these regulations will be shared in accordance with the previously established percentages when the work is performed. If the first business does not require a ramp sign, the subsequent business requiring ramp signing will be responsible for the cost of erection and maintenance of ramp signing. Reimbursement for the cost of the ramp sign will be computed in the same manner as the main line sign. If a business is one turn off a crossroad and a sign for the turn is required by the Department that business will be responsible for the cost of the installation and maintenance of that sign. Any adjustment necessary to existing highway signing shall also be the financial responsibility of the business causing the specific information sign to be installed without reimbursement. No work shall be performed within the highway right-of-way without an encroachment permit issued from the Commissioner.

(b) All reimbursements must be completed prior to the issuing of a permit.

(c) All specific information signs shall become the property of the State upon acceptance of the installation.

(d) A business approved for participation in the specific information signing program that shall replace an existing participant must assume the responsibilities of the business it is replacing and reimburse that business in the amount equal to that portion of the value of the sign at the time the business is removed.

(e) If the initial business is to be removed, the applicant must also agree to assume the initial business' responsibility of maintenance and bond.

(f) Each business displaying a business sign will retain ownership of the business sign and be responsible for maintenance, removal and replacement of its business sign.

(g) If the initial business responsible for the maintenance and bond of the specific information sign withdraws or is removed from the program for reasons other than a new applicant, the remaining businesses on the sign will be notified. If one of the businesses accepts the responsibilities of the sign, a new permit bond and information sign maintenance concurrence will be required.

(h) If no business accepts responsibility within 60 days of notification the Department will remove the specific information sign and will return the business signs to the appropriate businesses.

(i) For all specific information signs erected after October 1, 1998 and all business signs installed on said sign, reimbursement will be as follows: the initial business and subsequent businesses approved in accordance with sections 13a-124a-1 to 13a-124a-7, inclusive, of the Regulations of Connecticut State Agencies, shall be reimbursed, by subsequent businesses on the same sign, the cost associated with said sign divided by the number of businesses on said sign. Reimbursement made by subsequent businesses shall be divided equally between the number of businesses on said sign prior to the approval of the subsequent business. For specific information signs erected prior to October 1, 1998 and business signs erected on said signs reimbursement shall be in accordance with subsection (a) of this section.

(j) In circumstances where a fifth applicant applies and is approved to participate in the

program, and requires a revision to an existing specific information sign to accommodate six businesses, an engineering evaluation will be conducted by the department to determine the extent of the signing revision. The fifth applicant will be financially responsible for the revision of the specific informtaion sign by an approved contractor and assume initial business responsibility for maintenance and bond for said sign. If the existing specific information sign is less than ten years of age, the fifth applicant will be responsible for all costs of the sign revision. If the specific information sign is greater than ten years of age, the costs of the sign revision will be divided equally among the businesses to be displayed on the said sign. In instances where the fifth applicant is responsible for all costs of the sign revision, an approved sixth applicant will reimburse the fifth applicant one half the cost of the sign revision prior to such sixth applicants's installing its business logo. All businesses on said sign will be responsible for costs associated with providing appropriately sized business logos for display on the revised specific information sign at the time of revision.

(Effective December 5, 1989; Amended November 5, 1999; Amended March 8, 2004)

Sec. 13a-124a-6. Sign installation requirements

The design and installation of the specific information signs and business signs shall be in accordance with State established specifications and standards. Exact sign locations for mainline and ramp signing will be determined by Department personnel.

(Effective October 24, 1984)

Sec. 13a-124a-7. Revoking permits

The Department of Transportation reserves the right to revoke permits and existing specific information signs or business signs upon written notification for any of the following reasons:

(a) Safety

(b) It becomes necessary to install higher priority highway signs.

(c) If the sign becomes unsightly, badly faded and/or in a substantial state of dilapidation.

(d) If the Department determines the signing can no longer be accommodated.

(e) If after a business has been approved to display its business sign, the business is found to be in violation of these regulations, the business will be notified and given 20 calendar days to come into compliance. If after 20 calendar days the business is still in violation of the regulations, the signs will be removed and returned to the business.

In all of the above situations, the state will not be liable for any remuneration, actual or implied, to the businesses displayed on the affected sign.

(Effective December 5, 1989)

Agency
Department of Transportation

Subject
Minimum Requirements Relative to Traffic Safety for any Car Wash Facility for Which a Building Permit is Issued

Section
§ 13a-143c-1

CONTENTS

Minimum Requirements Relative to Traffic Safety for any Car Wash Facility for Which a Building Permit is Issued

Sec. 13a-143c-1. Minimum requirements concerning traffic safety for a car wash facility

(a) All conditions required in Connecticut General Statutes Section 13a-143a, Driveway Permits, and Section 13a-143b, Car-wash Installation to Correct Icy Highway Conditions, as revised, and Connecticut Department of Transportation Highway Encroachment Permit Regulations Sections 13b-17-1 through Section 13b-17-46 inclusive, latest edition, shall be complied with.

(b) The distance from the entrance of a car wash building to the public highway right-of-way shall be sufficient in length to accommodate the maximum number of vehicles that can be serviced within a fifteen (15) minute period.

(c) The distance from the exit of a car wash building to the public highway right-of-way shall be of sufficient length to accommodate the greater of 50 feet or the maximum number of vehicles that can be serviced in a two (2) minute period.

(d) The minimum distance from the car wash site to a highway intersection shall be in accordance with Section 13b-17-15 - Driveways, of the Connecticut Department of Transportation Highway Encroachment Permit Regulations.

(Effective May 5, 1997)

Agency
Department of Transportation

Subject
Motor Vehicle Toll Rates and Charges

Section
§ 13a-154-6

CONTENTS

Motor Vehicle Toll Rates and Charges

Sec. 13a-154-6. Repealed

Repealed November 5, 1999.

Agency
Department of Transportation

Subject
Toll Plates for Certain Handicapped Drivers

Inclusive Sections
§§ 13a-155b-1—13a-155b-2

CONTENTS

Toll Plates for Certain Handicapped Drivers

Sec. 13a-155b-1—13a-155b-2. Repealed

Repealed November 5, 1999.

Agency
Department of Transportation

Subject
Toll Rates, Commutation Rates and Charges for the Connecticut Turnpike

Inclusive Sections
§§ 13a-156-1—13a-156-5

CONTENTS

Toll Rates, Commutation Rates and Charges for the Connecticut Turnpike

Sec. 13a-156-1—13a-156-5. Repealed

Repealed November 5, 1999.

Agency
Department of Transportation

Subject
Toll Rates and Commutation Rates for the Charter Oak Bridge

Inclusive Sections
§§ 13a-157-1—13a-157-3

CONTENTS

Toll Rates and Commutation Rates for the Charter Oak Bridge

Sec. 13a-157-1—13a-157-3. Repealed

Repealed November 5, 1999.

Agency
Department of Transportation

Subject
Toll Rates for Raymond E. Baldwin Bridge

Inclusive Sections
§§ 13a-159-1—13a-159-3

CONTENTS

Toll Rates for Raymond E. Baldwin Bridge

Sec. 13a-159-1—13a-159-3. Repealed

Repealed September 27, 1974.

Agency
Department of Transportation

Subject
Toll Rates and Commutation Rates for the Mohegan-Pequot Bridge

Inclusive Sections
§§ 13a-160-1—13a-160-2

CONTENTS

Toll Rates and Commutation Rates for the Mohegan-Pequot Bridge

Sec. 13a-160-1—13a-160-2. Repealed

Repealed November 5, 1999.

Agency
Department of Transportation

Subject
Certification of Disadvantaged Business Enterprises

Inclusive Sections
§§ 13a-165-1—13a-165-15

CONTENTS

Certification of Disadvantaged Business Enterprises

Sec. 13a-165-1. Statement of purpose

The purpose of sections 13a-165-1 through 13a-165-15 of the Regulations of Connecticut State Agencies is to provide information regarding the substantive criteria and administrative procedures employed by the Department of Transportation in determining whether a person, firm or corporation meets the eligibility requirements for certification as a Disadvantaged Business Enterprise (DBE) under the Department's DBE program. These regulations are intended to implement the disadvantaged business enterprise eligibility requirements of Title 49, Part 23 of the Code of Federal Regulations (i.e., 49 CFR Part 23) as those requirements are made applicable to federally-assisted programs or projects undertaken by the Department as a recipient of Federal funds.

(Effective January 4, 1990)

Sec. 13a-165-2. Definitions

As used in sections 13a-165-1 through 13a-165-15:

(a) "Applicant" means any small business concern which submits an application to the Department of Transportation seeking certification as a DBE pursuant to these regulations;

(b) "Certification" means the determination that an applicant is a DBE, using the criteria set forth in these regulations and in 49 CFR Part 23, and signifies that the applicant is eligible to bid on or to be awarded contract work in accordance with the affirmative action goals established in the Department's DBE program. Certification includes the requirement that the applicant be prequalified and is limited to the specific contract activity(ies) for which the applicant is prequalified;

(c) "Commissioner" means the Commissioner of Transportation, State of Connecticut;

(d) "Controlled" means the power to direct the management and policies of the business and to make the day-to-day as well as major decisions in matters of policy, management and operations. Control shall be real, substantial and continuing, not *pro forma.* It shall be exemplified by possession of the requisite knowledge and expertise to operate the particular business, and goes beyond simple majority, and does not include absentee ownership. Control by a minority or woman will not be deemed to exist if a non-minority owner or employee of the business is disproportionately responsible for the management or operation of the business;

(e) "DBE Certification Panel" means the administrative panel established by the Commissioner of Transportation for the purpose of determining whether a person, firm or corporation meets the eligibility requirements for certification as a Disadvantaged Business Enterprise under these regulations;

(f) "Department" means the Department of Transportation, State of Connecticut;

(g) "Decertification" means the determination that a small business concern, which was certified as a DBE by the Department of Transportation, no longer meets the requirements of a DBE as set forth in these regulations and in 49 CFR Part 23, and therefore is no longer eligible to participate in the DBE program;

(h) "Disadvantaged Business Enterprise" or "DBE" means a small business concern which is owned and controlled by one or more minorities or women who are economically and socially disadvantaged. It also includes a "minority business enterprise," as that term is defined in 49 CFR Part 23;

(i) "Independent business" means a business that is not inextricably associated with another business through common ownership, affiliation, sharing of employees, facilities, equipment, profits and losses. lf there is an "umbilical cord" relationship with a non-disadvantaged business, the business is not an independent business;

(j) "Line of service" means the particular contract activity for which the DBE has been prequalified (e.g., landscaping, bridge painting, paving, etc.);

(k) "Minority" means (1) Black Americans (i.e., all persons having origins in any of the black racial groups of Africa), (2) Hispanic Americans (i.e., all persons of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race), (3) Asian Pacific Americans and Pacific islanders, (4) American Indians and persons having origins in any of the original peoples of North America and maintaining identifiable tribal affiliations through memberships and participation or community identification, (5) Portuguese (i.e., a person of Portuguese, Brazilian or other Portuguese culture or origin, regardless of race), and (6) members of other groups, or other individuals, found to be economically and socially disadvantaged by the Small Business Administration under Section 8(a) of the Small Business Act, as amended (15 U.S.C. 637);

(*l*) "Office of Contract Compliance" or "OCC" means the administrative unit within the Department of Transportation which has been delegated the responsibility by the Commissioner for the implementation, development and management of the Department's DBE program, including but not limited to the processing of a DBE application and submittal of a certification recommendation to approve or deny a DBE application;

(m) "Owned" means (1) a sole proprietorship, owned and controlled by a minority or woman or (2) a partnership, joint venture or corporation in which the assets are at least 51 percent owned by one or more minorities or women, or if publicly owned, a business in which at least 51 percent of the stock of which is owned by one or more minorities or women;

(n) "Prequalified" means the determination by the Department of Transportation that an applicant has provided information satisfactory to the Department that the applicant possesses the requisite expertise, equipment, financial resources and ability to perform specific contract activities as a potential contractor or subcontractor on a Department project. Prequalification involves not only an evaluation of the applicant's ability to perform a particular type of contract activity (e.g., landscaping, printing, etc.) but also the size of that contract activity (e.g., a $50,000; $100,000; $500,000; etc. contract);

(o) "Small Business Concern" means a small business concern as defined pursuant to Section 3 of the Small Business Act, and relevant regulations promulgated pursuant thereto, and pursuant to 49 CFR Part 23. For example, currently a small business concern for purposes of highway and bridge construction cannot have annual average gross receipts in

excess of $14 million over the previous three fiscal years.

(Effective January 4, 1990)

Sec. 13a-165-3. Disadvantaged business enterprise (DBE) program

It is the policy of the Department of Transportation that disadvantaged business enterprises shall have the maximum opportunity to participate in the performance of contracts awarded by the Department. In furtherance of this policy, the Department shall take all necessary and reasonable steps to ensure that DBEs have the maximum opportunity to compete for and perform contracts, including the establishment of affirmative action goals for its entire contract program, specific projects and individual contracts. Consequently, any small business concern that considers itself to qualify as a DBE, under the criteria set forth in these regulations and in 49 CFR Part 23, is encouraged to apply to the Department for DBE certification so that it may become eligible to bid on or to be awarded contract work as a DBE.

(Effective January 4, 1990)

Sec. 13a-165-4. DBE eligibility criteria

(a) In determining whether a person, firm or corporation is eligible for certification as a DBE, the Department of Transportation shall use the following criteria:

(1) The applicant must be a small business concern as defined in section 13a-165-2 (o);

(2) The small business concern must be owned and controlled by one or more minorities, as defined in section 13a-165-2 (k), or women, and the minority member(s) or women in question must be economically and socially disadvantaged;

(3) Bona fide minority group membership shall be established on the basis of the individual's claim that he or she is a member of a minority group and is so regarded by that particular minority community. However, the Department is not required to accept this claim if it determines the claim to be invalid;

(4) An eligible disadvantaged business enterprise under these regulations shall be an independent business. The ownership and control by minorities or women shall be real, substantial and continuing, and shall go beyond the pro forma ownership of the business as reflected in its ownership documents. The minority or women owners shall enjoy the customary incidents of ownership and shall share in the risks and profits commensurate with their ownership interests, as demonstrated by an examination of the substance rather than form of arrangements. In determining whether a potential DBE is an independent business, the Department shall consider all relevant factors, including the date the business was established, the adequacy of its resources for contract work, and the degree to which financial, equipment leasing and other relationships with non-minority businesses vary from industry practice;

(5) The minority or women owners shall also possess the power to direct or cause the direction of the management and policies of the business and to make the day-to-day as well as major decisions on matters of management, policy and operations. The business

shall not be subject to any formal or informal restrictions, not customary, which limit the discretion of the minority or women owners; and,

(6) The contributions of capital or expertise by the minority or women owners to acquire their interests in the business shall be real and substantial. Examples of insufficient contributions include a promise to contribute capital, a note payable to the business or its non-minority owners, or the mere participation as an employee, rather than as a manager.

(b) In addition to the above criteria, the applicant must (1) satisfy the eligibility standards set forth in 49 CFR Part 23 and (2) be prequalified by the Department.

(Effective January 4, 1990)

Sec. 13a-165-5. Submission of application

(a) Any small business concern seeking DBE certification must obtain the necessary application forms from the Department of Transportation, Office of Contract Compliance (OCC). The OCC is available to provide the applicant with information about the DBE program and also to provide assistance in submitting the application.

(b) The applicant must complete the forms and submit all supporting documentation to the OCC for its review. The applicant must also submit supplemental data or information if requested to do so by the OCC. Failure to promptly submit all requested information shall be grounds for rejecting the applicant's application.

(c) The applicant shall not falsely certify, attest or represent that it is a DBE with knowledge that it does not meet the criteria/definition of a DBE as set forth in sections 13a-165-2 and 13a-165-4 of these regulations and 49 CFR Part 23.

(Effective January 4, 1990)

Sec. 13a-165-6. Application review

(a) The OCC will review the application for completeness and shall evaluate and verify the information submitted in the application, including supplemental data and documentation. The verification process may include personal interviews with the owner(s) or principals in the business and with employees and business associates, and may also include on-site visits.

(b) Within sixty (60) days after receipt of the completed application, the OCC shall make a written recommendation to the Department of Transportation's DBE Certification Panel and shall set forth the reasons for its recommendation as to whether the applicant should or should not be certified.

(c) The OCC shall give written notification to the applicant of its recommendation, the reasons for its recommendation, and the time, date and place when the Certification Panel will meet to consider the application. This notification shall be sent to the applicant by registered or certified mail, postage prepaid, at least ten (10) days prior to the scheduled meeting.

(Effective January 4, 1990)

Sec. 13a-165-7. DBE certification panel

The Commissioner of Transportation has established a DBE Certification Panel (hereinafter referred to as the "Certification Panel" or "Panel") for the purpose of determining whether an applicant is eligible for certification as a DBE using the criteria set forth in these regulations and 49 CFR Part 23. Membership of the Panel consists of a minimum of six (6) persons to be comprised of three (3) representatives of the Department of Transportation and one each from a minority, woman and construction organization or association. A quorum shall consist of one-half of the total membership of the Panel. Panel actions shall be by majority vote of those members present and voting, with each member of the Panel, including the Chairman, having one vote. A tie vote will constitute approval of the action recommended by the OCC.

(Effective January 4, 1990)

Sec. 13a-165-8. Certification determination

(a) Upon receipt of the OCC's recommendation, the Certification Panel shall review the application, supporting data and recommendation.

(b) At the scheduled meeting of the Certification Panel, the OCC shall make a presentation to the Panel and the applicant shall be provided with an opportunity to respond to the OCC's recommendation and to present information and arguments in support of its application. The OCC shall be provided with an opportunity to respond to the information and arguments offered by the applicant. It shall be the responsibility of the applicant to present sufficient verifiable information to the Panel to show that the applicant fully satisfies the eligibility requirements for certification as a DBE.

(c) Following the presentation by the applicant and OCC, the Panel shall notify the applicant of its determination, in writing, within seven (7) days. The Panel's decision shall be based on the criteria and standards set forth in sections 13a-165-2 (definitions), 13a-165-4 (eligibility criteria), 13a-165-12 (grounds for decertification) and 49 CFR Part 23 (i.e., the federal eligibility standards in effect at the time the certification decision is made).

(Effective January 4, 1990)

Sec. 13a-165-9. Reciprocity

(a) An applicant whose home office is located outside the State of Connecticut must file an application for DBE certification in the same manner as an applicant whose home office is located in Connecticut, except that if the applicant's home office is in any state, district or territory of the United States and the applicant is DBE certified in its home office area then the applicant may be certified as a DBE in Connecticut upon submission, review and verification of the applicant's out-of-state DBE certification documentation.

(b) Notwithstanding the provisions of subsection (a), the applicant shall be required to complete the prequalification portion of the DBE application process. The determination as to the ability of the applicant to perform a particular contract activity shall be made by

the Department of Transportation.

(Effective January 4, 1990; Amended March 3, 1998)

Sec. 13a-165-10. Certification period, update and review

(a) The DBE certification shall be valid for a period of four (4) years from the date that the Certification Panel makes its determination under section 13a-165-8. Thereafter, at least ninety (90) days prior to the certification expiration date, the DBE must submit a new application to the OCC pursuant to the provisions of sections 13a-165-5 et seq. if the DBE wishes to be recertified as a DBE for another four year period. This new application shall be processed in the same manner as the original application.

(b) Annually, on or about the anniversary of the initial date of certification, the OCC shall mail to the DBE an update report form which shall include an affidavit in which the DBE shall reaffirm the information contained in the original DBE certification application or in its most recently filed update report, if any. The DBE must file the completed update report (e.g., the executed affidavit), together with its most recent Federal Income Tax Return, with the OCC within thirty (30) days of the mailing of the update report form to the DBE. Failure to file a completed update report, or to provide any additional information requested by the OCC, shall be grounds for decertification.

(c) Within thirty (30) days of any change in ownership, control or management of the business, the DBE shall file with the OCC a supplemental application which shall contain the same information required for initial certification as a DBE. As with the initial application, the burden shall be on the business to clearly demonstrate that notwithstanding the change in ownership, control or management, the business fully satisfies the eligibility requirements for certification as a DBE as set forth in these regulations and 49 CFR Part 23. Failure to provide a supplemental application, or to provide information requested by the OCC, shall be grounds for decertification.

(d) The OCC shall review the update report or supplemental application for completeness and verify the information contained therein, and shall thereafter make a written recommendation to the Certification Panel regarding the status of the DBE certification (e.g., does the small business concern still meet the eligibility requirements for designation as a DBE as set forth in section 13a-165-4). The OCC shall give written notification to the DBE of its recommendation, the reasons for its recommendation, and the time, date and place when the Certification Panel will meet to consider the recommendation. This notification shall be sent to the DBE by registered or certified mail, postage prepaid, at least ten (10) days prior to the scheduled meeting.

(e) Upon receipt of the OCC's recommendation, the Certification Panel shall consider the matter at the scheduled meeting, except that if the OCC recommends decertification then the matter shall be handled in accordance with the provisions of section 13a-165-13.

(f) At the meeting of the Certification Panel, the OCC shall make a presentation to the Panel and the DBE shall be provided with an opportunity to respond to the OCC's recommendation and to present information and arguments in support of its continued

certification as a DBE. The OCC shall be provided with an opportunity to respond to the information and arguments offered by the DBE.

(g) Following the presentation by the DBE and the OCC, the Panel shall notify the DBE of its determination, in writing, within seven (7) days.

(Effective January 4, 1990)

Sec. 13a-165-11. Prequalification update/modification

(a) **Prequalification update**

In addition to the periodic review of DBE status provided for in section 13a-165-10, the OCC shall require that all DBE's (except manufacturers and suppliers) provide a separate update of the prequalification portion of the DBE eligibility requirements.

(1) The OCC shall mail to each DBE a prequalification update form on the twenty-eighth (28th) month following the ending date of the DBE's accounting year-end statement used for prequalification in the original DBE certification application. An update will continue to be required on the same time frame throughout the term of the DBE's certification.

(2) The prequalification update shall contain the financial statements and information of the DBE's most recently completed accounting year.

(b) **Prequalification Modification.**

(1) Should the DBE, during the intervening twenty-eight (28)-month prequalification period, desire to modify its prequalification line of service(s), it shall make a written request to the OCC. The OCC shall provide the DBE with the necessary forms to enable the OCC to review and evaluate the DBE's request.

(2) The Department, upon receipt, review and evaluation, shall issue a prequalification certificate for a line of service(s) as it deems appropriate.

(Effective January 4, 1990)

Sec. 13a-165-12. Grounds for decertification

A small business concern which has been certified as a DBE by the Department of Transportation may be decertified for good cause shown, including but not limited to the following:

(a) The business no longer meets the eligibility criteria for certification as a DBE as set forth in sections 13a-165-2, 13a-165-4 and/or 49 CFR Part 23;

(b) The business is not able to perform the contract work for which it was pre-qualified;

(c) The business has failed to provide information requested by the Department regarding any of the eligibility criteria for DBE certification or has provided false information;

(d) The business has failed to submit an update report or a supplemental application as required under section 13a-165-10, or has failed to submit a prequalification update in accordance with section 13a-165-11;

(e) The business has been decertified as a DBE by the Federal Government or another State; or

(f) The business, or any owner of the business, has been convicted or plead guilty under

State or Federal law to a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract.

(Effective January 4, 1990)

Sec. 13a-165-13. Decertification procedures

(a) At any time after a business has been certified as a DBE, the OCC may initiate a proceeding to decertify the DBE if the OCC has reasonable cause to believe that the DBE does not meet the requirements of a DBE as set forth in these regulations and in 49 CFR Part 23, or for other good cause. Following investigation, the OCC shall refer the matter to the Certification Panel for a decertification hearing.

(b) If the matter is referred to the Certification Panel for hearing, the DBE shall be provided with written notice including: (1) a statement of the time, place and nature of the hearing, (2) a statement of the legal authority and jurisdiction under which the hearing is to be held, (3) a reference to the particular sections of the statutes and regulations involved, and (4) a short and plain statement of the facts or conduct warranting decertification.

(c) At the hearing before the Certification Panel, any oral or documentary evidence may be received, but the Panel shall, as a matter of policy, provide for the exclusion of irrelevant, immaterial or unduly repetitious evidence. When the hearing will be expedited and the interest of the parties will not be prejudiced substantially, any part of the evidence may be received in written form.

(1) Documentary evidence may be received in the form of copies or excerpts, if the original is not readily available. Upon request, parties shall be given an opportunity to compare any copies or excerpts with the original.

(2) The parties may conduct cross-examinations required for a full and true disclosure of the facts.

(3) Notice may be taken of generally recognized technical facts within the Department of Transportation's specialized knowledge. Parties shall be notified either before or during the hearing, or by reference in reports or otherwise, of the material noticed, including any staff memoranda or data, and they shall be afforded an opportunity to contest the material so noticed.

(4) The Certification Panel's experience, technical competence and specialized knowledge may be utilized in the evaluation of the evidence.

(d) The Certification Panel shall render a decision in the matter within sixty (60) days following the close of evidence. The decision shall be in writing and shall contain the Panel's findings of fact and conclusions of law. A copy of the decision shall be sent to all parties by registered or certified mail, postage prepaid.

(Effective January 4, 1990)

Sec. 13a-165-14. Temporary certification

The Director of the Office of Contract Compliance may issue a temporary DBE

certification to a small business concern whenever the Director determines that such temporary certification is necessary or in the best interest of the State because of a situation which demands immediate attention to ensure the safety of the travelling public or because of the immediate press of construction schedules. A temporary certification shall be for a period not to exceed sixty (60) days and shall not be subject to extension or renewal. Rather, the small business concern must seek and obtain certification pursuant to sections 13a-165-5 through 13a-165-8 of these regulations.

(Effective January 4, 1990)

Sec. 13a-165-15. Federal appeal

Any person, firm or corporation which believes that it has been wrongly denied certification as a DBE by the Department, or has been wrongly decertified, may file an appeal with the United States Department of Transportation in accordane with the procedures set forth in 49 CFR Part 23. The filing of such an appeal shall not automatically stay enforcement of the decision at issue. Rather, the person must seek a stay from the Commissioner or the United States Department of Transportation.

(Effective January 4, 1990)

Agency
Department of Transportation

Subject
Local Bridge Program

Inclusive Sections
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CONTENTS

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

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:

$$\frac{\text{(High AENGLC-Low AENGLC)}}{23}$$

(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:

$$33 - \frac{\text{(Municipal AENGLC-Low AENGLC)}}{\text{Factor}}$$

(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

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:

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

"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,

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

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

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

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

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)

Agency
Department of Transportation

Subject
Use of State Dock at East Haddam

Inclusive Sections
§§ 13a-253-1—13a-253-10

CONTENTS

Use of State Dock at East Haddam

Sec. 13a-253-1. Excavation or installation at East Haddam dock

No person, firm or corporation shall excavate or install any construction on, over or under the pier at the state dock in East Haddam or other property of the state adjacent thereto, except with the approval of the commissioner of transportation. Any excavation or construction done without such approval shall be removed by and at the expense of the party responsible, upon written notice from the commissioner.

(Effective February 3, 1981)

Sec. 13a-253-2. Use of the pier and facilities

No person using the pier and the facilities provided for his convenience shall do any damage to or commit public nuisance upon the premises or leave any unsightly litter or debris as a result of his occupation.

(Effective February 3, 1981)

Sec. 13a-253-3. Disposal of refuse or trash

No refuse or trash of any nature whatsoever shall be thrown into the river from the dock or from a vessel while tied up to the dock.

(Effective February 3, 1981)

Sec. 13a-253-4. Storage of material on pier prohibited

Storage of material upon the pier or adjacent state-owned property is prohibited.

(Effective February 3, 1981)

Sec. 13a-253-5. Mooring of boats

Every boat moored alongside the dock, or berthed outside of another, shall have at least one line made fast to the dock from bow or stern, with a second line so laid as to prevent swing under wind or current action.

(Effective February 3, 1981)

Sec. 13a-253-6. Children on dock to be with adult

Children under twelve years of age shall not be permitted on the dock unless accompanied by responsible adults.

(Effective February 3, 1981)

Sec. 13a-253-7. Use of dock at risk of user. Responsibility for damage

Persons using the dock shall do so at their own risk and shall be held responsible for any damage which they or boats or vessels under their supervision may do to the dock and premises.

(Effective February 3, 1981)

Sec. 13a-253-8. Swimming off dock prohibited

Swimming, diving or bathing off the dock is prohibited.

(Effective February 3, 1981)

Sec. 13a-253-9. Dockage rates

Dockage rates shall be as follows:

(1) for all boats sixteen feet or less in length, two dollars ($2.00) for each twenty-four hour period or portion thereof in excess of thirty minutes.

(2) for all boats or vessels thirty-six feet or less but more than sixteen feet in length, five dollars ($5.00) for each twenty-four hour period or portion thereof in excess of thirty minutes.

(3) for all boats or vessels sixty-five feet or less but more than thirty-six feet in length, ten dollars ($10.00) for each twenty-four period or portion thereof in excess of thirty minutes.

(4) for all boats or vessels over sixty-five feet in length, twenty-five dollars ($25.00) for each twenty-four hour period or portion thereof in excess of thirty minutes. No fee shall be charged for dockage of thirty minutes or less. Vessels or boats of the federal government shal not be subject to a dockage fee.

(Effective February 3, 1981)

Sec. 13a-253-10. Management of dock

The management of the dock shall be by a representative of the commissioner of transportation who shall be authorized to colect dockage fees as specified in section 13a-253-9 and to give receipts therefor.

(Effective February 3, 1981)