

INTERDEPARTMENTAL MESSAGE

STO-201 REV. 2/84 (Stock No. 6938-051-01)

STATE OF CONNECTICUT

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Received from Reel 7/2/86.

| | | |
|------|--|-----------------------|
| To | NAME, TITLE Hon. Julia H. Tashjian, Secretary of the State | DATE June 27, 1986 |
| | AGENCY, ADDRESS Office of the Secretary of the State, State Capitol, Hartford | |
| From | NAME, TITLE J. William Burns, Commissioner | TELEPHONE 3477 |
| | AGENCY, ADDRESS Transportation, 24 Wolcott Hill Road, Wethersfield | |

Subject: Orphan Bridge Regulations

Attached are an original and one certified copy of the Department's Regulations for the Repair and Maintenance of Orphan Bridges. These Regulations were approved by the Legislative Regulations Review Committee on June 17, 1986.

Copy to Bob & Jim!
 Please note these regs. apply to orphan bridges only (not to adopted bridges). Also note responsibility for priority listings and responsibility during inspections for supplying protection.

7/2/86.
 KOL

Attachments 2

bcc: Cornelius Tuohy, AAG

Raymond G. Godcher/cec
 bcc: Comr. Burns-Dep. Comr. Lazarek-J. Drake-W. Keish
 Dep. Comr. Leavitt
 John J. Spaulding
 William J. Lynch-Benjamin P. Lenda-Raymond G. Godcher
 Rail Files
 Central Files

RECEIVED

JUL - 2 1986

OFFICE OF BRIDGES & STRUCTURES

DEPUTY COMMISSIONER
 RECORDS
 JUN 30 1986
 REGULATORY
 BUREAU OF HIGHWAYS

F.

IMPORTANT: Read instructions on bottom of Certification Page before completing this form. Failure to comply with instructions may cause disapproval of proposed Regulations.

STATE OF CONNECTICUT REGULATION

OF

NAME OF AGENCY

TRANSPORTATION

Concerning

SUBJECT MATTER OF REGULATION

MAINTENANCE AND REPAIR OF ORPHAN BRIDGES

SECTION _____

The Regulations of Connecticut State Agencies are amended by adding Sections 13b-283-1 through 13b-283-9 as follows:

(NEW) SECTION 13b-283-1 DEFINITIONS

For the purpose of Sections 13b-283-2 through 13b-283-9 shall mean:

- (1) "AASHTO" means the American Association of State Highway and Transportation Officials.
- (2) "Additional Work" means contract items and/or related services constructed or performed as a part of a project which have been specifically requested by the municipality of the railroad and which are determined by the commissioner to be not essential to the repair or replacement of a structure.
- (3) "Alternative Analysis" means the consideration of various degrees of structural replacements to ensure the most cost effective means to ensure a safe, reliable and long-term intersection of railroad and highway rights-of-way. Such analysis should also include establishment of at-grade crossings, where allowable, or the removal of a structure where traffic can be reasonably redirected.
- (4) "Bridge Replacement" means the complete replacement of the structure including any necessary approach work.
- (5) "Coding Guide" means the "Recording and Coding Guide For the Structure Inventory and Appraisal of the Nation's Bridges", dated January, 1979, as may be updated from time to time, prepared by the Federal Highway Administration.

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(6) "Commissioner" means the Commissioner of the Connecticut Department of Transportation.

(7) "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.

(8) "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.

(9) "Construction Contract" means an agreement between the State and a contractor whereby the contractor undertakes to remove or replace, in whole or part, an orphan bridge.

(10) "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.

(11) "Deck Replacement" means the complete replacement of that portion of the superstructure that provides a smooth traveling surface for motor vehicles, including subdecking and wearing surface if any, and includes curbing within the limits of the replacement.

(12) "Department" means the Connecticut Department of Transportation.

(13) "Inventory Rating In Tons" means the numerical rating of from 0 to 20 applicable to the load rating of a span determined in accordance with the single unit inventory rating criteria set forth in the Coding Guide.

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(New) Section 13b-283-1

(14) "Maintenance" means any interim work done to preserve the bridge's structural elements to ensure its continued safe utilization.

(15) "Municipal Road" means any road accepted, owned and maintained by a municipality and open to traffic.

(16) "Municipality" means any town, city, borough, consolidated town and city, consolidated town and borough, district or other political subdivision of the State.

(17) "Non-structural Elements" means curbs, sidewalks, lighting, fencing and wearing surface except those wooden deck surfaces generally considered to be structural elements.

(18) "Orphan Bridge" means any bridge which spans a railroad right-of-way not owned by the State that carries a municipal road.

(19) "Physical Conditions" means the physical condition of an orphan bridge based on its structural deficiencies, sufficiency rating and load capacity, all as determined by the Commissioner.

(20) "Priority Listing" as determined by the Commissioner means the listing of bridges which shall be developed considering the following formula and other factors:

$$SR - 2 \left[1 - \frac{(DC + SUB + SUP)}{27} \right] - 4 \left[1 - \frac{(IR)}{20} \right]$$

"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

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Having completed this computation for each structure, the commissioner shall then consider the essentiality, criticality of defect, and load carrying capacity of the structure in establishing its final priority listing. This listing may be modified and updated as necessary.

(21) "Project" means any orphan bridge, superstructure or deck replacement in whole or in part, or bridge removal and/or at-grade crossing construction work initiated by the Department.

(22) "Project Costs" means the costs of a replacement project determined by the Commissioner to be necessary and reasonable in accordance with Section 13b-283-7 of these regulations.

(23) "Railroad" or "Railroad Company" means the railroad company owning the orphan bridge which spans the railroad's right-of-way.

(24) "Repair" means any initiated project required to return the existing structure to a suitable condition to perform satisfactorily for a substantial period of time or to replace or remove the entire structure.

(25) "Sufficiency Rating" means the sufficiency rating of a span determined in accordance with the criteria set forth in the Coding Guide.

(26) "Structural Integrity" means a physical condition which is equal to or greater than minimum AASHTO standards for town roads and bridges.

(27) "Superstructure Replacement" means the complete replacement of the superstructure including deck, wearing surface, parapets, curbing and sidewalk on the existing abutments, piers and/or bents and also includes replacement of the fencing and guide railing beyond the limits of the superstructure as necessary for an integral system.

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(NEW) SECTION 13b-283-2. RESPONSIBILITIES OF THE STATE

A. Inspection

The Commissioner shall inspect all orphan bridges in accordance with National Bridge Inspection Standards.

B. Priority Listings

(1) On or before July 1, 1986, the Commissioner shall establish a priority listing, based upon existing data, for each orphan bridge. The list so determined shall constitute the basic order in which projects are considered.

(2) On or before July 1, 1986, the Commissioner shall issue to the affected municipalities and railroads a listing of projects based upon the priority listing, and for which funds will be requested in State Fiscal Years 1987 and 1988.

(3) On or before January 1 in each succeeding year, the Department shall issue to the affected municipalities and railroads updated priority listings for the entire program as well as a priority listing for the fiscal year beginning the following July 1.

(4) Notwithstanding the provision of Subsections (1), (2) and (3), the Commissioner may disregard, at his discretion, the priority listing for the purpose of public emergency or other relevant reason.

D. Maintenance

The State shall be solely responsible for the maintenance, as defined in Section 13b-283-1 of these regulations, of all orphan bridges.

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(NEW) SECTION 13b-283-3. RESPONSIBILITIES OF THE MUNICIPALITY

(1) The municipality in which such orphan bridge is located shall keep in a suitable condition the wearing surface and all non-structural elements on the bridge, and shall be responsible for the removal of ice and snow from the bridge. The cost of these responsibilities shall be borne solely by the municipality.

(2) The municipality shall be responsible for promptly posting and enforcing the load limits for each orphan bridge when so directed by the Commissioner.

(3) Upon demand, but no sooner than thirty days prior to the contract advertising date, the municipality legally obligated to participate in each project during that fiscal year shall deposit with the State the full municipal share of each project.

(4) The municipality shall hold the State harmless for personal injury and property damage resulting from the municipality's failure to carry out its responsibilities under this Section.

(NEW) SECTION 13b-283-4. RESPONSIBILITIES OF THE RAILROAD

(1) Upon reasonable notice, except in the case of circumstances deemed as public emergency by the Commissioner, the railroad shall provide, without charge or fee, the right of entry and necessary protection services and equipment for Department personnel undertaking inspections or maintenance required under these regulations. The railroad shall solely bear the cost of these responsibilities.

(2) Upon demand, but no sooner than thirty days prior to the contract advertising date, a railroad legally obligated to participate in one or more project during that fiscal year shall deposit with the State the full railroad share of each project.

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(3) The railroad shall hold the State harmless for personal injury and property damage resulting from the railroad's failure to carry out the railroad's responsibility under this Section.

(NEW) SECTION 13b-283-5. APPORTIONMENT OF COST

(1) The State shall pay seventy percent (70%) of all project costs. The municipality in which the orphan bridge is located shall pay fifteen percent (15%) of all project costs. The railroad over which an orphan bridge passes shall pay fifteen percent (15%) of all project costs, except on those projects where a federal aid funding is used, the Railroad's share shall be in accordance with federal law. In the case where more than one railroad company owns track beneath an orphan bridge, the cost shall be divided equally between such railroad companies.

For those portions of the project costs that the municipality and the railroad are legally obligated to pay, there shall be no restrictions on the source of these funds and may include funds made available through other Federal or State grant or loan programs, as those programs allow.

(2) The State shall bear the full cost of orphan bridge inspection and maintenance as defined in Section 13b-283-1 of these regulations. Services provided by the municipality and the railroad in accordance with Section 13b-283-3, Subsection (1) and Section 13b-283-4, Subsection (1) respectively, shall be considered as "in-kind service" contributions for expenses incurred by the Department for inspection and maintenance.

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(NEW) SECTION 13b-283-6. PROJECT SCOPE AND COSTS FOR PROJECTS

Prior to the start of design the Commissioner shall solicit input from the municipality and the railroad for the purpose of defining the scope of the project.

After due consideration, the Commissioner shall have final authority in determining the scope and allowable costs relative to all projects. All elements of work and project costs must be determined to be reasonable and necessary. Such determination will be made when, in their nature and amount, they do not exceed that which would be prescribed by a prudent person in the conduct of a competitive business. Requests for additional work by the municipality or the railroad will be considered provided the expense of this work is borne solely by the party requesting such work.

A. Alternative Analysis

(1) In establishing project scopes and related project costs, the Commissioner shall consult with the affected municipality and railroad to determine the most cost effective measure to ensure a safe, reliable, and long-term solution for the intersection of railroad and highway rights-of-way. All alternatives to grade separation which can be effected under existing State statute or Department policy, may be considered. If any orphan bridge is replaced by an at-grade crossing, the State will have no responsibility in the continued maintenance or repair of the crossing surface or protective devices. Maintenance and repair of such crossings shall become the responsibility of the railroad and the municipality in accordance with State statute.

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(2) Those items of cost which will ordinarily be considered as allowable costs and in which all parties must participate include:

- (a) preliminary engineering activities;
- (b) property acquisition;
- (c) construction engineering studies including inspection and materials testing;
- (d) construction costs.

(NEW) SECTION 13b-283-7. JOINT AGREEMENTS

Terms, conditions, scope of work and the obligation of funds which control the administration of each orphan bridge project will be contained in an agreement jointly executed by the State, the municipality and the railroad.

(NEW) SECTION 13b-283-8 POWERS OF THE COMMISSIONER IN A PUBLIC EMERGENCY

(1) When, for whatever reason, the physical condition of an orphan bridge requires its closure or a substantial reduction in its load carrying capacity resulting in the isolation of, or a significant delay in, the accessibility of emergency vehicle services to people, to an extent that the safety of such people is jeopardized, the Commissioner may declare a public emergency. Having made such declaration the Commissioner will exercise full statutory authority in employing such agents, assistants or employees for the prompt restoration of access across the railroad right-of-way.

(2) In restoring access under a declared public emergency, the Commissioner shall have the right to apportion costs, in accordance with Section 13b-283-5 of these regulations, to the municipality and the railroad.

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(NEW) SECTION 13b-283-9 SANCTIONS

In the event that any municipality or railroad fails to meet its legal obligation pursuant to any section of these regulations, the Commissioner may enforce any provision of these regulations pursuant to his authority under Conn. Gen. Stat. § 13b-235.

STATEMENT OF PURPOSE: To apportion costs and assign responsibilities among the State, the municipality in which such bridge is located and the railroad whose line(s) pass under such bridge.

CERTIFICATION
39 REV. 1/77

is it known that the foregoing:

Regulations Emergency Regulations

Are:

Adopted Amended as hereinabove stated Repealed

By the aforesaid agency pursuant to:

Section _____ of the General Statutes.

Section _____ of the General Statutes, as amended by Public Act No. _____ of the _____ Public Acts.

Public Act No. 85-540 of the Public Acts.

After publication in the Connecticut Law Journal on OCTOBER 29 1985, of the notice of the proposal to:

Adopt Amend Repeal such regulations

(if applicable): And the holding of an advertised public hearing on 15th day of JANUARY 1986

HEREFORE, the foregoing regulations are hereby:

Adopted Amended as hereinabove stated Repealed

Effective:

When filed with the Secretary of the State.

(OR)

The _____ day of _____ 19____.

| | | | |
|--------------------|---------|--|---------------------------------|
| A Witness Whereof: | DATE | SIGNED (Head of Board, Agency or Commission) | OFFICIAL TITLE, DULY AUTHORIZED |
| | 3/13/86 | <i>J. William Burns</i> | COMMISSIONER |

| | | |
|---|---------------------|---------------------------------|
| Approved by the Attorney General as to legal sufficiency in accordance with Sec. 4-169, as amended, C.G.S.: | SIGNED | OFFICIAL TITLE, DULY AUTHORIZED |
| | <i>W. E. Kieddo</i> | Dep. Atty. Gen. |

APR 18 1986

Approved

Disapproved

Disapproved in part, (Indicate Section Numbers disapproved only)

Rejected without prejudice.

| | | |
|--|---------|---|
| by Legislative Regulation Review Committee in accordance with Sec. 4-170, as amended, of the General Statutes. | DATE | SIGNED (Clerk of the Legislative Regulation Review Committee) |
| | 5/17/86 | <i>N. G. ...</i> |

certified copies received and filed, and one such copy forwarded to the Commission on Official Legal Publications in accordance with Section 4-172, as amended, of the General Statutes.

| | |
|----------------------------------|----|
| SIGNED (Secretary of the State.) | BY |
| | |

INSTRUCTIONS

One copy of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the Attorney General for his determination of legal sufficiency. Section 4-169 of the General Statutes.

Fifteen copies of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the pending Legislative Regulation Review Committee for its approval. Section 4-170 of the General Statutes.

Each regulation must be in the form intended for publication and must include the appropriate regulation section number and section heading. Section 4-172 of the General Statutes.

Indicate by "(NEW)" in heading if new regulation. Amended regulations must contain new language in capital letters and deleted language in brackets. Section 4-170 of the General Statutes.

AGENCY FISCAL ESTIMATE OF PROPOSED REGULATION

AGENCY SUBMITTING REGULATION Transportation DATE April 1, 1986

SUBJECT MATTER OF REGULATION Maintenance and Repair of Orphan Bridges

REGULATION SECTION NO. 13b-283-1 STATUTORY AUTHORITY PA 85-540

OTHER AGENCIES AFFECTED None

EFFECTIVE DATE USED IN COST ESTIMATE April 1, 1986

ESTIMATE PREPARED BY Raymond Godcher TELEPHONE 566-7046

SUMMARY OF STATE COST AND REVENUE IMPACT OF PROPOSED REGULATION

Agency Transportation Fund Affected Bond

| | First Year FY 1986 | Second Year FY 1987 | Full Operation FY 1988 - 1996 |
|--------------------------------|-----------------------|------------------------|----------------------------------|
| Number of Positions | | | |
| Personal Services | | | |
| Other Expenses PE/Construction | 12,600,000 | 12,600,000 | 71,400,000 |
| Equipment | | | |
| Grants | | | |
| Total State Cost (Savings) | 12,600,000 | 12,600,000 | 71,400,000 |
| Estimated Revenue Gain (Loss) | | | |
| Total Net State Cost (Savings) | 12,600,000 | 12,600,000 | 71,400,000 |

EXPLANATION OF STATE IMPACT OF REGULATION:

At the present time there are approximately 92 orphaned bridges which will require either total replacement or major rehabilitation over the next ten years. Assuming an average cost of \$1.5 Million per bridge, a total program need of \$138 Million spread over a ten year period is required.

Assuming that 60 of the 92 structures require major rehabilitative work in the first five years of the program, a program for those years of \$90 Million (60 x \$1.5 Million) is needed. The remaining \$48 Million could be spread over the remaining five years of the program, or \$9.5 Million per year.

Since the proposed apportionment ratio dictates that the State contribute 70% of the program costs, then the average annual breakdown of costs for the first five years will be: \$90 Million x 70% = \$63 Million ÷ five years = \$12.6 Million per year. The cost to the State for the remaining five years of the program will then be: \$48 Million x 70% = \$33.6 Million ÷ five years = \$6.72 Million per year.

EXPLANATION OF MUNICIPAL IMPACT OF REGULATION:

Thirty-four municipalities shall bear 15 % of the total cost of \$138,000,000 over a ten year period. The cost to each shall be 15% of the cost to repair the orphan bridge(s) located in their town.