



CONNECTICUT DEPARTMENT OF TRANSPORTATION

POLICY STATEMENT

POLICY NO. E&C - 37
April 8, 2011

SUBJECT: Cost Sharing on Drainage Installations

The following is the Department's policy for cost sharing on drainage installations:

Cost Sharing With a Property Owner

When a property owner seeks Department participation for the extension of a pipe, the District Drainage Engineer will first determine whether the pipe conveys a watercourse since this policy does not apply to watercourses. The District Drainage Engineer will then request the Office of Rights of Way to determine the type of rights the State possesses at the drainage outlet. When it is determined that the rights are by prescription (in accordance with Section 47-37 of the Connecticut General Statutes), the Department may enter into a cost sharing agreement with the downstream property owner to extend the pipe. The acquisition of deeded rights in lieu of adverse rights is the benefit derived by the State for the cooperative participation.

To accomplish a cost sharing plan, it should first be determined that funds are available to perform the work in sufficient time to meet the owner's schedule. The property owner must agree in writing to grant to the State, without cost, a deeded Drainage Right of Way. A survey will be required to determine the length of the Drainage Right of Way required to insure a proper terminus of the proposed pipe. The width of the Drainage Right of Way is to be in accordance with the Office of Engineering's "Policies and Procedures for Property Maps." The property owner must also agree to furnish the amount of pipe in the type and size as determined by the design.

The change in location of the outlet in relation to a third party's property may necessitate the acquisition of an Easement to Drain onto the third party property owner's land. The owner seeking the extension must negotiate with the adjacent owners to grant, without cost to the State, an Easement to Drain from the proposed relocated outlet.

Under this plan, the State makes the necessary survey, plans, design, and instruments for recording the Drainage Right of Way, installs the pipe furnished by the property owner within the Drainage Right of Way, constructs the necessary structures, and maintains the storm drainage system in the future.

In certain cases where the Department cannot accomplish the work in time and a Drainage Right of Way has been obtained, the State may furnish the necessary pipe, and the extension would be made by the property owner under permit from the Department.

The property owner, if time is of the essence, through his/her engineer and attorney can be allowed to make the necessary title searches and surveys, prepare the required maps and deeds, all according to Department criteria and procedures. Copies of the recorded instruments and reproducible maps would be submitted to the District Drainage Engineer and then forwarded to the Office of Rights of Way for processing.

Cost Sharing With Developers or Permittees

When improvements are made to lands adjacent to a State-maintained road and certain undesirable drainage conditions exist within the State's Right of Way, the Department may enter into a cost sharing drainage improvement with the party or parties involved. This is generally considered in cases where the Department does not have proper drainage facilities or possesses rights by prescription only. In such cases, the District Drainage Engineer will make a careful study of the problem, the Department's drainage needs for the area, and the benefits that would be derived from a cooperative installation. The District Drainage Engineer will then make a tentative design proposal and obtain approval from the District Maintenance Manager, prior to submitting the proposal to the developer or permittee. Improvement to the Department's facilities can be made at considerable savings, to the State, which is the benefit derived when cost sharing of this type is utilized.

Cost Sharing With Towns

Drainage improvements may often be made on a cooperative basis with towns or municipalities where a mutual problem exists. Proposals may be submitted to the Hydraulics and Drainage Unit for their review along with a rough draft of any agreement to be consummated.

Permits

The party seeking to enter into a cost sharing drainage installation will be responsible for obtaining all necessary permits which may include, but is not limited to, Inland Wetland and Watercourse, Stream Channel Encroachment Line Authorization, Flood Plain Management Certification, Structures and Degrading, Tidal Wetlands, Coastal Area Management, Section 404 of the Clean Water Act (33 United States Code 1344) issued by the United States Army Corps of Engineers, etc.

(This Policy Statement abolishes Policy Statement No. E&H.O -42 dated March 25, 1991)

James P. Redeker
Acting Commissioner