I. PROCEDURE OVERVIEW

This procedure provides guidance to Department employees on meeting the requirements of the State Smart Growth Public Infrastructure Policy Act (SGPIPA). The SGPIPA was signed into law in August 2010, and requires state agencies to evaluate infrastructure projects, including grants, awards, loans or assistance programs, for consistency with smart growth criteria; to attest in a smart growth impact statement that a project, to the extent practicable, is consistent with the relevant smart growth criteria; and to create a Smart Growth Advisory Committee (SGAC) composed of Department personnel to advise the Department on compliance with the Smart Growth criteria as it relates to our policies, programs and projects. The SGAC is also responsible for ensuring that project managers solicit input and consult with various representatives of affected communities. The NYSDOT Official Order 1695 establishes the NYSDOT Smart Growth Advisory Committee.

The SGAC has adopted a Smart Growth Policy.

II. ROLES OF PARTICIPANTS

- Regional Planning offices, with the exceptions noted below, are responsible for soliciting input from and consulting with affected communities on projects; and, developing and completing support documentation (i.e. Smart Growth Screening Tool & Impact Statement). Exceptions: Main Office Program Directors are responsible for these tasks as it relates to specific programs, including but not limited to Aviation, Rail, Transit, and Scenic By-Ways. The Regional Traffic Engineer (RTE) or designee is responsible for these tasks as they relate to Highway Work Permits. The Regional Permit Engineer is responsible for these tasks for Permits for Use of State-Owned Property, and the Regional Real Estate Officer for Surplus Property Conveyance.

- Regional Design offices are responsible for verifying the documentation in the Smart Growth Screening Tool (except for Main Office programs noted above) for capital projects. If a project scope has changed, the Design staff will re-evaluate the project’s consistency with the smart growth criteria. Specific verification procedures will be issued through a separate Engineering Instruction.
- The Regional Director or designee will be responsible for evaluating the documentation and signing the Smart Growth Attestations for projects (with exceptions noted above). The Main Office Program Director or designee will be responsible for evaluating the documentation and signing the Smart Growth Attestations for Main Office programs.

### III. PROCEDURAL GUIDELINES

The procedural guidelines for conducting Smart Growth consistency evaluations, developing attestations and soliciting input from the public by types of project are described in the matrix below. The tools and forms that are used for specific project types are identified and linked to in the matrix.

<table>
<thead>
<tr>
<th>Project type</th>
<th>Smart Growth Consistency Evaluation (SGCE) in Planning</th>
<th>Smart Growth Attestation</th>
<th>Solicit Input &amp; Consult</th>
<th>Smart Growth Verification in Design</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Let Bridge/Highway projects</td>
<td>DOT (Region Planning Offices) conducts SGCE using Screening Tool &amp; attaches to IPP or IPP/FDR. In urban areas, copies of documents are sent to MPO for information.</td>
<td>Regional Director or RPPM signs</td>
<td>For projects in rural areas, follow Procedures for Consultation. In urban areas, follow MPO process.</td>
<td>SG Verification: Regional Design Engineer or designee recommends Design Approval. This approval is contingent on verifying SG documentation.</td>
</tr>
<tr>
<td>Locally Administered Federal Aid Projects</td>
<td>Sponsor conducts SGCE using Screening Tool, &amp; forwards to DOT for verification. For more information on Local Projects, go to: <a href="https://www.dot.ny.gov/plafap">https://www.dot.ny.gov/plafap</a></td>
<td>Regional Director/ or designee signs</td>
<td>For projects in rural areas, follow Procedures for Consultation. In urban areas, follow MPO process.</td>
<td>SG Verification: State Official recommends Design Approval. This approval is contingent on verifying SG documentation.</td>
</tr>
<tr>
<td>Highway Work Permits</td>
<td>DOT (Regional Traffic Engineer) will conduct SGCE using the Screening Tool for HW permits for category 2 &amp;3 operations. HW Permits for Category 1 will not require a SGCE. Refer to SG HW Permit procedures.</td>
<td>Regional Director or designee signs</td>
<td>NYSDOT &amp; Permit applicant</td>
<td>NA</td>
</tr>
<tr>
<td>CHIPS and Member Items</td>
<td>CHIPS &amp; Member Items are not evaluated for smart growth due to “impracticability”</td>
<td>SGAC approved attestation statement</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>Multi-Modal</td>
<td>Reimbursement program-SGCE will be completed by sponsor using Screening Tool prior to execution of the project’s contract.</td>
<td>Regional Director signs</td>
<td>Sponsor will be required to verify consultation</td>
<td>NA</td>
</tr>
<tr>
<td>Aviation Projects</td>
<td>State owned airport: Airprt applicant completes SGCE using Screening Tool (refer to specific guidance for Airports) and certifies information, except Stewart Airport in which case PANYNJ completes the SGCE. AIP Program: no review Bond projects use CFA process.</td>
<td>Director of PPD or designee signs</td>
<td>NYSDOT &amp; Airport responsibility</td>
<td>NA</td>
</tr>
<tr>
<td>Rail Projects</td>
<td>NYS Passenger and Freight Assistance Program: NYSDOT will complete the SG Worksheet, prepare a SGIS &amp; certify information. Most projects use CFA process.</td>
<td>Director of PPD or designee signs</td>
<td>NYSDOT &amp;Railroad responsibility</td>
<td>NA</td>
</tr>
<tr>
<td>Transit Capital Projects</td>
<td>The transit sub-recipient will complete the Screening Tool for infrastructure projects &amp; certify information.</td>
<td>Director of PPD or designee signs</td>
<td>TBD</td>
<td>TBD</td>
</tr>
</tbody>
</table>
IV. STEPS IN PROCEDURE

This Section outlines the specific procedures that must be followed for project types in meeting the SGPIPA requirements. The information below is also included in the matrix (Procedural Guidelines) which identifies the guidance and the tools used to address smart growth.

A. For State-Let Highway/Bridge Projects, Locally Administered Federal Aid Projects, Highway Work Permits, Sale of Surplus Property, Permits for Use of State Owned Property, Multi-Modal Projects and projects advanced through the Aviation Programs and Transit Programs, refer to instructions in the Guidance document on Completing the Smart Growth Screening Tool, Smart Growth Impact Statement and Attestation.

B. For Highway Work Permits, Sale of Surplus Property, Permits for Use of State Owned Property and the Aviation Program, there are program-specific instructions in addition to the Guidance document. These instructions are referenced in the matrix in Section III.

C. For NYSDOT Rail Programs, there are program-specific instructions and a Smart Growth Checklist in lieu of the Smart Growth Screening Tool. These instructions are referenced in the matrix in Section 111.

D. For other NYSDOT Programs, guidance will be forthcoming in future MAPs.

V. RELATED AUTHORITATIVE SOURCES

This policy is consistent with the goals and objectives of Federal and State legislation, guidance and strategic plans including:

- Current surface transportation authorization legislation
- 23 CFR Part 652 – Pedestrian and Bicycle Accommodation and Projects
- 23 USC Section217 – Bicycle Transportation and Pedestrian Walkways
Subject: Procedure Template

- 23 USC 109(a)(35) – Transportation Enhancement Activities
- 23 USC 109(m) – Protection of Non-motorized Transportation Traffic
- 23 USC 103(b)(6) Section 103 – Federal – aid systems [Eligibility for National Highway System Funds]
- 23 USC 134 – Metropolitan Planning
- 23 USC 135 – Statewide Planning
- 23 USC Section 206-Recreational Trails Program
- 23 USC 162(c)(4) – National Scenic Byways Program
- 49 USC Section 5307 – Transit Enhancement Activity
- 49 CFR 27.7 – Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance
- 28 CFR 35.150 Transition Plan (to comply with American with Disabilities Act of 1990)
- National Environmental Policy Act (NEPA)
- National Manual on Uniform Traffic Control Devices

State Authority & Guidance:

- Article 6 – NYS Environmental Conservation Law
- NYSDOT Highway Design Manual
- NYSDOT Project Development Manual
- NYSDOT Procedures for Locally Administered Federal-Aid Projects Manual (PLAFAP)
- NYS Vehicle and Traffic Law – Title 7, Articles 27 and 34
- NYS Highway Law – Article 2, Section 22; Article 3, Section 54; Article 11, Section 316; Article 11, Section 330
- 17 NYCRR, Part 15 “Procedures for Implementation of the State Environmental Quality Review Act” (SEQR)
- NYSDOT Environmental Manual (TEM)
- Complete Streets Act, NYS Highway Law, Chapter 398

Strategic Plans:

- Strategies for a New Age: New York State’s Transportation Master Plan for 2030 (NYSDOT)
- NYSDOT Americans with Disabilities Act Management Plan