

Appendix I: Smart Growth Documentation

I-1 NYSDOT and NYSTA Smart Growth Policies



ENGINEERING DIRECTIVE

FROM:

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CHIEF ENGINEER

4/7/2011
DATE

NUMBER: 2011-1

SUBJECT:

COMPLIANCE WITH THE STATE SMART GROWTH PUBLIC INFRASTRUCTURE POLICY ACT

DISTRIBUTION:

See Below

In 2010, the New York State Environmental Conservation Law was amended by the addition of the State Smart Growth Public Infrastructure Policy Act ("Act") which requires State infrastructure entities, including the New York State Thruway Authority and New York State Canal Corporation ("Authority/Corporation"), to review infrastructure projects for compliance with relevant smart growth criteria as set forth within Section 6-0107 of the statute.

To ensure such compliance, the Act requires each State infrastructure entity to complete a written Smart Growth Impact Statement ("Statement") for each proposed infrastructure project that: 1) attests to its compliance with the relevant criteria to the extent practicable, 2) justifies in detail why compliance is considered impracticable or 3) describes in detail why it does not meet the criteria.

Authority/Corporation compliance with the Act will be attained through the existing scoping review process whereby:

- The Office of Transportation Planning and Environmental Services will complete the Statement for incorporation into design documents for applicable Authority infrastructure projects; or
- The Canal Design Bureau will complete the Statement for incorporation into design documents for applicable Corporation infrastructure projects; or
- Corporation staff will complete the Statement for applicable Corporation infrastructure projects not designed by the Canal Design Bureau (e.g., Canal Greenway grant projects).

The Executive Director has designated each Statement be approved and signed by: the Chief Engineer for applicable Authority infrastructure projects and applicable Corporation infrastructure projects designed by the Canal Design Bureau; or the Deputy Director of Canal Maintenance and Operations for applicable Corporation infrastructure projects not designed by the Canal Design Bureau. The Office of Transportation Planning and Environmental Services will retain a repository of signed Statements for record-keeping purposes.

Additionally, pursuant to the Act, the Executive Director has designated a Smart Growth Advisory Committee, that shall meet not less than annually, prior to the approval of the subsequent year's Contracts Program. The Committee shall meet to review this process and the contents of the Statement, and review their applicability to projects on the upcoming Contracts Program.


Questions regarding the Act or the compliance process in general should be directed to the Office of Transportation Planning and Environmental Services at (518) 436-3190.

DISTRIBUTION:

ED

Deputy Director of Canal Maintenance and Operations

Transportation Analyst

 <p>NEW YORK STATE DEPARTMENT OF TRANSPORTATION</p> <p>OFFICIAL ORDER</p>	<p>NUMBER: 1695</p> <p>SUPERSEDES: N/A</p>
<p>APPROVED:</p> <p><i>Joan McDonald</i> <u>10/21/11</u></p> <p>JOAN MCDONALD COMMISSIONER</p> <p>DATE</p>	<p>SUBJECT:</p> <p>OFFICIAL SMART GROWTH ADVISORY COMMITTEE</p>

AUTHORITY: Pursuant to §16 of the Transportation Law and Article 6 of the Environmental Conservation Law, the Commissioner of Transportation (Commissioner) hereby creates, within the Department of Transportation (Department), a Smart Growth Advisory Committee (SGAC) to set policy and direction for the Department regarding the implementation of the Smart Growth Infrastructure Policy Act .

- I. The following agency officials are designated as members of SGAC:
 - A. Director of Policy and Planning Division;
 - B. Chief Counsel;
 - C. Director of the Office of Regional Affairs;
 - D. Chief Engineer;
 - E. Director of Operations;
 - F. Director of External Relations;
 - G. Director of Audit and Civil Rights.
- II. The Director of the Policy and Planning Division shall serve as Chairperson of SGAC. The Chairperson shall designate an employee to function as Secretary of the respective committee.
- III. Any member of the SGAC may designate in writing a representative and an alternate representative to act on their behalf. Such designations shall be filed with the Secretary of the SGAC and with the Audit and Civil Rights Division.
- IV. SGAC shall convene in a timely fashion as necessary to discuss and/or review matters relating to the policy and direction for the Department regarding the implementation of the Smart Growth Infrastructure Policy Act. In addition, the SGAC will delegate the following responsibilities to the Regional Offices (with exception noted in V):
 - A. Ensuring the requirement has been met to solicit input from and consult with various representatives of affected communities, or verifying public outreach per ECL § 6-0109;
 - B. Ensuring the development and completion of support information for the development of Smart Growth Attestations.
 - C. The Regional Directors or their designees will be responsible for signing the Smart Growth Attestation Statements for individual projects through the powers delegated in Official Order 1658 (issued 7/16/09 and ratified by Official Order 1694, dated 2/1/2011). The Smart Growth

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Attestations will address the Smart Growth Public Infrastructure Policy Act criteria enumerated in ECL § 6 -0107 (2) as follows:

- a. To advance projects for the use, maintenance or improvement of existing infrastructure;
- b. To advance projects located in municipal centers;
- c. To advance projects in developed areas or areas designated for concentrated infill development in a municipally approved comprehensive land use plan, local waterfront revitalization plan and/or brownfield opportunity area plan;
- d. To protect, preserve and enhance the State's resources, including agricultural land, forests, surface and groundwater, air quality, recreation and open space, scenic areas, and significant historic and archeological resources;
- e. To foster mixed land uses and compact development, downtown revitalization, brownfield redevelopment, the enhancement of beauty in public spaces, the diversity and affordability of housing in proximity to places of employment, recreation and commercial development and the integration of all income and age groups;
- f. To provide mobility through transportation choices including improved public transportation and reduced automobile dependency;
- g. To coordinate between state and local government and inter-municipal and regional planning;
- h. To participate in community base planning and collaboration;
- i. To ensure predictability in building and land use codes;
- j. To promote sustainability by strengthening existing and creating new communities which reduce greenhouse gas emissions and do not compromise the needs of future generations, by among other means encouraging broad based public involvement in developing and implementing a community plan and encouraging the governance structure is adequate to sustain its implementation.

V. The Main Office Director or Main Office designee for projects (including but not limited to Aviation, Rail, Transit, State-aid and Scenic ByWays) will be responsible for:

- A. Soliciting input from and consulting with various representatives of communities affected, or verifying public outreach per ECL § 6-0109.
- B. Preparing support information for the development of Smart Growth attestations for modal projects and development of Smart Growth attestations for modal projects;
- C. Preparing attestations in a written Smart Growth statement for individual modal projects per ECL § 6 – 0107 (3);

VI. All members or their designees must be present for the SGAC to act. The consensus of all of the members of the SGAC shall be required to set policy regarding the Department's implementation of the Smart Growth Infrastructure Policy Act. Appropriate Regional Staff shall provide the Regional Director with their recommendations in regard to the consistency of any project with the Smart Growth Infrastructure Policy Act and the Regional Director shall have decision making authority on provision of written attestations for individual projects per ECL § 6 – 0107 (3).

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- VII. All existing Official Orders, Department procedures, or portions thereof, that are applicable to the functions, powers and duties mentioned herein that are consistent herewith shall be and are hereby continued. Any other Official Orders, Department procedures, or portions thereof, that are applicable to the functions, powers and duties mentioned herein that are inconsistent are hereby canceled and superseded.
- VIII. This Official Order shall take effect immediately.