



THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



Victoria F. Sheehan
Commissioner

William Cass, P.E.
Assistant Commissioner

December 22, 2017

Pamela G. Monroe
Administrator
Site Evaluation Committee
21 South Fruit Street, Suite 10
Concord NH 03301

Subject: Joint application of Northern Pass Transmission, LLC and Public Service Company of New Hampshire d/b/a Eversource Energy for a Certificate of Site and Facility, NH Site Evaluation Committee Docket No. 2015-06

Dear Ms. Monroe:

The Department of Transportation has received the applicant's December 12, 2017 request for the SEC to delegate authority which includes several items to be assigned to NHDOT. A list of the Section III items being requested of the Department follows along with the Department's response to the request:

A. Monitoring and compliance authority with respect to the use of locally and state maintained roads during construction and operation of the Project

Response: NHDOT agrees it will monitor the construction of the utility project within the Department's Maintenance jurisdiction, for compliance with NHDOT permits and agreements, consistent with any other utility construction project.. Per the conditions of approval the applicant will be responsible for any costs associated with that construction monitoring effort. Due to the limited resource available to conduct normal operation, the Department intends to contract this work to private firms with limited oversight by the Department. The Department does not have the resources to monitor the work on municipally maintained local roads which would require knowledge of local ordinances and municipal operations which the Department does not have. Additionally the Department does not believe it should be approving and overseeing construction and making decisions that may impact long term operations and maintenance on roadways that others will have maintenance responsibilities for nor authority over.

B. Approval of exception requests submitted to DOT pursuant to the Utility Accommodation Manual

Response: NHDOT will approve exception requests for work within state maintained highways once the applicant has satisfied all of NHDOT's concerns. The Department has no jurisdiction on municipally maintain roadways and since we would have no long term maintenance responsibility or authority for the locally maintain sections, we do not believe NHDOT should be making decisions which could impact the long term operation and maintenance of their roadways.

C. Approval of detours on locally maintained roads and I-93

Response: NHDOT does not have the authority to approve detours on local roads and does not want to set the precedent that would usurp local authority with regards to usage for their roadways. All official detours for State Highway projects are required to use state maintained highways. The Department does not see any reason to change this longstanding requirement.

D. Approval of the traffic management plan and traffic controls prior to construction

Response: See Condition 22 of the NHDOT conditions of approval submitted to the SEC April 3, 2017. The Department has a policy of not using local roadways for project traffic control unless approved by the local community. The Department would not look favorably on using non state roads for detours and traffic control on this utility project unless this was a request and/or approved by the local community that is responsible for roadway operations and maintenance.

E. Approval of curb cut permits, driveway permits, and other specific access permits to the right-of-way for construction.

Response: NHDOT will approve all permits required for access to state maintained highways. The Department does not have the authority or resources to issue permits on local roads. There are 109 aerial crossings of state and local highways within the application. Of these, 29 cross state highways. Delegating the authority for access permits for these locations would more than triple the effort required of state staff for just these permits for this project.

The Department is willing to perform the above items on the State Highway system where they are responsible for roadway maintenance. The project review and permitting efforts to date have taxed the Department's resources and taken resources away from other Department functions. The Department does not have the funding or resources to extend itself to add the above requested project review and compliance monitoring functions for local municipal roads. An extension of the Department responsibilities would result in delays to normal Department duties such as processing other project driveway, excavation and utility permits, oversight of state project construction and potentially impact STIP projects if Department design staff has to be reassigned to meet this request.

There is also a concern that state highway funds would be used for non-state highway uses and that may be a violation of state law. Therefore, NHDOT requests that the SEC pursue other options for delegating that authority.

Please do not hesitate to contact Melodie Esterberg, Chief of Design Services if you need further information.

Sincerely,



William Cass, PE
Assistant Commissioner

WC/MAE/me
CC: V. Sheehan
D. Rodrigue
M. Esterberg