

Smart Growth Screening Tool
New York State Department of Transportation



Guidance on Completing the
Smart Growth Screening Tool,
Smart Growth Impact Statement and Attestation

June 2013

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Introduction

With the passage of the Smart Growth Public Infrastructure Policy Act (the Act) or (SG Law) ¹in August 2010, state infrastructure agencies such as the New York State Department of Transportation (Department or NYSDOT) are required to ensure public infrastructure projects that we approve, undertake, support or finance undergo a consistency evaluation and attestation using 10 smart growth criteria. In addition, the infrastructure agencies must solicit input and consult on projects with affected communities and organizations within those communities. To comply with these requirements, the overall approach of the Department is to build upon existing programs in NYSDOT and integrate the Smart Growth requirements in our federal and state mandated planning and project development processes. For example, the Department has well documented public involvement processes and procedures for many of our projects and programs, thus providing an approach for “soliciting input and consulting” on projects.

This document has two purposes. First, it provides guidance to Department staff and local sponsors of projects (locally administered federal aid projects) on the basic tenets of the SG law including a discussion on the broader context. Understanding the context of the SG Law and context for projects is essential in order to effectively evaluate a project’s consistency with the criteria. While not all criteria may be relevant to an individual project, understanding the intent and purpose of the SG law can help show how a project can be compliant with the criteria. Second, the document includes the **Smart Growth Screening Tool (Tool)** which will be used to evaluate projects, to the extent practicable, for consistency with the criteria. This Tool is relatively simple to fill out and allows the project sponsor to demonstrate the Smart Growth merits of the project, and ultimately whether the project meets the intent of the law and should be advanced onto the Transportation Improvement Plan (TIP).



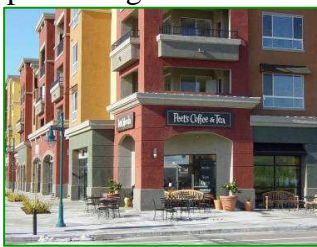
Finally, the document has an appendix entitled, “Definitions of Smart Growth Terminology”. The definitions should be used as a guide, and as the Department moves forward with the implementation of the SG Law, there may be adjustments to reflect refinements of the definitions.

¹ The Smart Growth Public Infrastructure Policy Act was signed into law on 8/2010.

I. What Is Smart Growth?

The affects of sprawling land use patterns are being felt in all regions of New York State. As a growing segment of the population has moved to the suburbs so have jobs moved or are moving outside of the central business district (CBD). In a recent report on New York State Travel Demand Management², it was pointed out that in New York City the expansion of businesses into the outer boroughs is making commuting a challenge; simply because transit service is not as widespread. Rochester has experienced a similar phenomenon, with more businesses at the fringe than in the CBD. Also, numerous cities like Binghamton are seeing a declining city-center population while the suburbs continue to expand even further away from the city. This land use trend will continue unless local governments start to adopt more sustainable land use patterns that support development and growth in our downtowns and inner suburbs.

Smart Growth is sensible, planned, efficient growth that integrates economic development and job creation with community quality-of-life by preserving and enhancing the built and natural environments.



Smart Growth encourages growth in developed areas with existing infrastructure to sustain it, particularly municipal centers, downtowns

("Main Streets"), urban cores, historic districts and older first-tier suburbs.

Smart Growth means growing in a way that enhances our communities and our daily lives, now and in the future. This is growth that doesn't magnify our traffic problems, that doesn't result in higher municipal costs, and that doesn't needlessly

pollute or consume open space. This is growth that enhances all the places where we spend time.

Smart Growth has two primary features: the "where" and the "how." Smart Growth occurs "where" a project can be accommodated with minimal impacts and "where" it takes advantage of existing infrastructure. Smart Growth addresses the "how" by ensuring that the completed project works in harmony with its neighbors and offers choices that can otherwise be lost to sprawl: to walk or bike to work or shop, to use transit rather than a car, to spend time with friends and family in attractive common spaces, to provide a range of housing choices for all members of the community, to avoid wasteful spending by using public infrastructure and services more efficiently.

Related to Smart Growth is the concept of complete streets. In New York State, Complete Streets legislation was signed into law by Governor Cuomo on August 15, 2011. The purpose of this law is to enable safe access to public roads for all users by utilizing complete street design principles, such as sidewalks, paved shoulders suitable for use by bicyclists, controlled signalization, cross walks, road diets, curb cuts and traffic calming measures. As with Smart Growth, there is an emphasis on providing opportunities for all modes of transportation. For more information, go to: <http://open.nysenate.gov/legislation/bill/S5411A-2011>

NYSDOT supports Smart Growth as evidenced by our commitment to preserving our existing core transportation assets, as well as the many programs and initiatives in the Department that are aligned with Smart Growth. Examples include the NYSDOT GreenLITES program which can be found at www.dot.ny.gov/programs/greenlites, the Smart Planning website located at www.dot.ny.gov/programs/smart-planning, and the adoption of Context Sensitive Solutions in the design of projects.

² New York State Travel Demand Management Program Analysis, Technical Memorandum # 3, prepared by ICF International, February 18, 2011

II. Smart Growth Public Infrastructure Policy Act

Purpose of the Act

The New York State Smart Growth Public Infrastructure Policy Act defines its purpose as follows:

“...to augment the state’s environmental policy by declaring a fiscally prudent state policy of maximizing the social, economic and environmental benefits from public infrastructure development through minimizing unnecessary costs of sprawl development including environmental degradation, disinvestment in urban and suburban communities and loss of open space induced by the funding or development of new or expanded transportation, sewer and waste water treatment, water, education, housing and other publicly supported infrastructure inconsistent with smart growth infrastructure criteria.”

Requirements

- 1. Smart Growth Consistency Evaluation:** NYSDOT cannot approve, undertake, support or finance an infrastructure project, including grants, awards, loans or assistance programs, unless, to the extent practicable, it is consistent with the relevant Smart Growth Public Infrastructure Criteria.
- 2. Smart Growth Impact Statement:** Before making any commitment, including entering into an agreement or incurring any indebtedness for the purpose of acquiring, constructing, or financing any project covered by the provisions of the Act, the NYSDOT Commissioner must attest in a written **Smart Growth Impact Statement** that the project, to the extent practicable, meets the relevant Smart Growth criteria. If the project does not meet the criteria or

compliance is seen as impracticable, the Department must complete a statement of justification.

- 3. Smart Growth Advisory Committee:** The NYSDOT Commissioner will create a Smart Growth Advisory Committee composed of appropriate Department personnel to advise the Department on compliance with the Smart Growth criteria as it relates to our policies, programs and projects. Also, the Committee will solicit input from and consult with various representatives of affected communities and organizations within those communities, and give consideration to the local and environmental interests affected by the activities of the Department.

What Are the Smart Growth Criteria?

Every project has different characteristics, needs, objectives, and opportunities. As a result, how we assess a project’s compatibility with Smart Growth is likely to vary project to project based on whether it is in a city, a suburb, or a rural town or village. Still, each project can work towards a better future by examining its context and weighing how it will contribute to an attractive, economically efficient, user-friendly community.

Based on the legislation signed into law the Smart Growth criteria (Section 6-0107) are outlined below:

- a. To advance projects for the use, maintenance or improvement of existing infrastructure;
- b. To advance projects 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 ground water, 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,

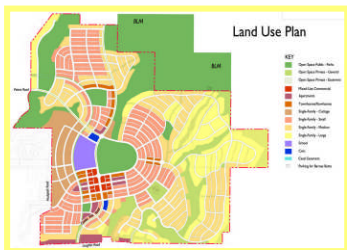
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brownfield redevelopment, the enhancement of beauty in public spaces, the diversity and affordability of housing in proximity to places of employment, recreation and commercial development and the integration of all income groups;

- f. To provide mobility through transportation choices including improved public transportation and reduced automobile dependency;*
- g. To coordinate between state and local government and municipal and regional planning;*
- h. To participate in community based 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 ensuring the governance structure is adequate to sustain and implement.*

III. The Broader Context

In an attempt to provide additional context, and before the reviewer begins the Screening Tool it is important that they understand some of the broader issues connected with Smart Growth. This is not simply about compliance.



As mentioned earlier in this document, transportation policies both at the federal and state level have helped contribute to sprawl, and unsustainable

development. Even though land use decisions are made at the municipal level within New York State, those decisions impact the transportation system and vice versa. Sustainability is the overarching concern with respect to the enactment and implementation of this new law.

NYSDOT defines sustainability as follows: “A sustainable society manages resources in a way that fulfills the community/social, economic and environmental needs of the present without compromising the needs and opportunities of future generations.”

A transportation system that supports a sustainable society is one that:

- Allows individual and societal transportation needs to be met in a manner consistent with human and ecosystem health with equity within and between generations.
- Is safe, affordable, and accessible, operates efficiently, offers choice of transport mode, and supports a vibrant economy.
- Protects and preserves the environment by limiting transportation emissions and wastes, minimizes the consumption of resources and enhances the existing environment as practicable.

As part of the Department’s 2011 Comprehensive Program Update, sustainability was described as one of the four guiding principles. The intent of NYSDOT is to develop a sustainable program, one that maximizes our return on investment, extends the life of our assets, and provides our customers a safe, reliable, balanced, and environmentally sound transportation system.

NYSDOT has long recognized the importance of sustainability and the role that context evaluation has in producing quality projects. In 2001, with the issuance of Engineering Instruction 01-020, NYSDOT formally adopted the principles of Context Sensitive Solutions. The Smart Growth Screening Tool will serve as a means of renewing this commitment to context evaluation and help bring CSS to the forefront of our project development process.

CSS can be defined as follows: *Context Sensitive Solutions is a collaborative, interdisciplinary approach that involves all stakeholders in providing a transportation facility that fits its settings. It is an approach that leads to preserving and enhancing scenic, aesthetic, historic, community and environmental resources while improving or maintaining safety, mobility, and infrastructure conditions. These processes are mutually inclusive and depend on one another for optimum transportation decision making.*

With that said, the following Smart Growth Screening Tool is intended to address the questions necessary to ensure (as much as is practicable) that transportation decisions support sustainable solutions. You will see as you work through the Tool that this new process goes a long way toward achieving these goals. It also provides a thoughtful process, and clarifies the criteria necessary to ensure sustainable projects at NYSDOT while acknowledging the broader context.

IV. How to Use The Screening Tool

PURPOSE: The screening tool is a mechanism for documenting compliance or non-compliance with the Smart Growth criteria as described in the Smart Growth Law. The Law does not require that projects be consistent with all criteria, however, it is important that projects be assessed against all relevant criteria.

PLANNING PHASE: Complete the Screening Tool as part of the planning process by documenting compliance or non-compliance with the SG criteria to the extent practicable, and note where and why project deviates from the criteria. Include the completed Screening Tool as an attachment to the IPP.

DESIGN PHASE: Verification of SG consistency evaluation occurs as an integral part of the design process. In the event that project scope changes (e.g., village reconstruction becomes highway resurfacing) the attestation will be amended. Verification will be documented within the Design Approval Document (DAD).

DIRECTIONS: The Tool is broken into seven sections covering the 10 SG criteria.³ Together, the questions in these sections address the planning elements required to evaluate how the project is consistent with the Smart Growth criteria. Simply read the questions in each section and check the appropriate box “Yes”, “No” or “N/A” as follows:

Yes If the project is compliant with the criterion, and explain how
No If the project is not compliant with the criterion, and explain in detail
N/A If NOT Applicable to project, and explain why not

A space has been provided at the end of each section for the reviewer to provide details on their answers with respect to the subject question. For example, if your project is located in a brownfield opportunity area plan, reference the plan and provide a link for more information.

For clarification on specific Smart Growth criteria, refer to Appendix 1.

QUESTIONS from Local Sponsors: If you need assistance with the questions, please contact your MPO (www.nysmpos.org) or NYSDOT Regional Office.

Step 1

NYSDOT: Fill out the Smart Growth Screening Tool until the directions indicate to **STOP** for the project type under consideration. For all other projects, complete answering the questions; incorporate brief documentation in the screening tool, along with a reference to the sections in the Initial Project Proposal where the issue is discussed. Upon completion of the Tool, go to Step 2.

Special Instructions for Maintenance Projects:

- If the project falls under one of the four types of maintenance projects listed in the screening tool, continue filling out the screening tool. If the project does not fall under the four types of maintenance projects, **STOP** completing the Tool and attach it to the programmatic Smart Growth Impact Statement

³ The tool does not follow the ordering of the criteria as presented in the law. Instead, the tool is structured to capture priorities of the NYSDOT. The Sustainability question appears second to reflect the Department’s mission of integrating sustainability into the Department’s decisions and practices in planning, constructing, maintaining and operating the State’s transportation.

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and signed attestation for Maintenance projects, which can be found in Appendix 2 of this Guidance document.

- A smart growth consistency evaluation will not be required for “Where and When” contracts, which typically involve maintenance work. The NYSDOT Smart Growth Advisory Committee has determined that it is impracticable to evaluate these projects due to the open-scope of these contracts. “Where and When” contracts involve placing a contractor on stand-by to supplement the Department’s maintenance forces, in order to perform scheduled or un-scheduled maintenance work.
- When multiple alternatives for a project are being considered at the Planning Phase, try to incorporate answers for all alternatives on one Screening Tool, e.g. bridge replacement verses bridge rehabilitation. Any documentation that speaks to the evaluation of alternatives will be useful in complying with SEQRA and NEPA requirements.

Local Sponsors: Fill out the Smart Growth Screening Tool until the directions indicate to **STOP** for the project type under consideration. For all other projects, complete answering the questions. There will be additional guidance in Chapters 7 and 8 of the *Procedures for Locally Administered Federal Aid Projects* manual - <https://www.dot.ny.gov/plafap>

Step 2

NYSDOT: Complete a Smart Growth Impact Statement (SGIS) using the information from the Screening Tool. (See SAMPLE below)

Local Sponsors: The local sponsors are **not** responsible for completing a Smart Growth Impact Statement, and are to proceed to Step 3.

Sample: Smart Growth Impact Statement

PIN xxxx.xx
Bus Lane Re-Designation

Pursuant to ECL Article 6, this project is compliant with the New York State Smart Growth Public Infrastructure Policy Act. This project has been determined to meet the relevant criteria, to the extent practicable, described in ECL Sec. 6-0107. Specifically, the project:

- Is located in a municipal center.
- Proposes to realign the mainline between Main Street and Second Avenue; construct auxiliary lanes in each direction between 1st and 3rd St ramps; and pave the medium to extend the bus lanes from the existing termination at Albany Street to the west. Although these improvements are outside of the existing infrastructure, they are necessary to correct safety features and address deficiencies to facilitate traffic operations.
- Protects air quality by improving existing transit operations.
- Provides mobility through transportation choices because the project incorporates new bus lanes/HOV lanes to help promote public transit use and reduce automobile dependency.
- Received the support of the community during public meetings held by the MPO and city government (provide dates of public meetings or reference web site that contains this information).
- Is consistent with the city Comprehensive Master Plan (identify Plan and include references to passages in Plan that support the project or concept for this type of project).

This publically supported infrastructure project complies with the state policy of maximizing the social, economic and environmental benefits from public infrastructure development. The project will not contribute to the unnecessary costs of sprawl development, including environmental degradation, disinvestment in urban and suburban communities, or loss of open space induced by sprawl.

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Step 3

NYSDOT: Commissioner or official designee (as per SG MAP Procedures) will review and sign the attestation for Locally Administered Projects and NYSDOT– let Projects. The signed attestation, SGIS and screening tool is attached to IPP.

Local Sponsors: Submit the completed SG Screening Tool and project certification statement to Responsible Local Official for signature. Send the documents to NYSDOT for review. The NYSDOT is responsible for signing the attestation as noted above.

APPENDIX 1 - Definitions of SG Criteria Terminology

The definitions should be used as a guide in providing clarification on the SG criteria.

A. Does the project use, maintain or improve existing infrastructure?

The majority of NYSDOT projects involves repairing or maintaining existing infrastructure, and therefore is consistent with this criterion. This policy of fixing the existing infrastructure tends to encourage or enable development in previously developed areas already served by infrastructure. Those projects on new locations or which lead to the creation of new general purpose travel lanes will require a justification for non-compliance with the criterion.

B. Does the project 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 ensuring the governance structure is adequate to sustain its implementation?

Factors to consider:

- Does the project reduce automobile dependence (thus reducing transportation-based air pollution and greenhouse gas emissions) by offering alternative modes, such as transit, walking, biking, or ridesharing accommodations?
- Is the project aligned with the GreenLITES in planning criteria?
<https://www.dot.ny.gov/programs/greenlites/GreenLITESplanning>
- Is the project consistent with the community's vision for the area?

C. Is the project located in a municipal center?

A municipal center is an area of concentrated and mixed land use that serves as a center for various activities, including but not limited to, central business districts, main streets, downtowns, Brownfield Opportunity Areas, downtown areas within Local Waterfront Revitalization Program Areas, transit oriented developments, Environmental Justice areas and hardship areas. Also, areas adjacent to municipal centers are considered part of the Municipal Center when they have a clearly defined border; are designated for future development in a comprehensive plan; exhibit strong land use, transportation, infrastructure and economic connections to the center; and are appropriately zoned. In more rural areas, the main street(s) of villages/hamlets can be considered the municipal center.

D. Is the project located 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?

Areas designated for concentrated “infill development” would include new development on vacant, bypassed, and underutilized land within built up areas of existing communities, where infrastructure is already in place. The designation of a developed area or an infill developed area must be reflected in the planning documents described above. Example - Report on Erie/Niagara Region, go to chapter 3: <http://www2.erie.gov/regionalframework/index.php?q=FrameworkPlan>

E. Does the project 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?

A specific transportation project may not in itself foster mixed land use, compact development, or downtown development, however, the project may be part of a community's comprehensive plan or visioning effort that is focused on achieving those results. Determining a project's alignment with this criterion would require some knowledge of the community's comprehensive plans or MPO long range

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transportation plans. With regard to the part of the criterion that focuses on enhancement of beauty in public spaces, factors to consider include:

- Is the project design sensitive to or compatible with surrounding land uses and/or the community's unique character? Though aesthetic treatments are usually not considered in the project initiation stage, the SG Screening Tool can still address this point in a broad sense.
- Does the project minimize the public's view of parking by using natural barriers (trees, plantings) or locating parking spaces behind buildings?

F. Does the project provide mobility through transportation choices including improved public transportation and reduced automobile dependency?

Factors to consider include:

- The project incorporates wider shoulders to improve bicycle safety.
- The project incorporates the use of accessible and interconnected sidewalks/bicycle lanes/multi-use paths to help promote non-vehicular transportation.
- The project incorporates new bus lanes/Bus Rapid Transit (BRT) routes, with accessible stops, to help promote public transit use and reduce automobile dependency.
- The project incorporates the expansion of existing or construction of a new park and ride lot to promote carpooling.
- The project is adding HOV/HOT lanes to promote the use of carpooling.
- The project includes traffic calming streetscape design to allow safe walking/biking and accessibility to transit stops.

G. Does the project coordinate between state and local government and inter-municipal and regional planning?

NYSDOT has a policy that requires a Public Involvement Plan (PIP) be prepared and followed for all projects in the Design phase. The PIP lays out the process for coordination between the Department and all affected parties including local officials and the public. A similar process occurs in the Planning phase of projects as per the MPO public involvement activities.

H. Was there community based planning and collaboration involved in the development of the project proposal?

Community based planning and collaboration for transportation projects takes place at the planning phase and design phase for a project. For more information on the planning phase, go to the NYSDOT manual, "Public Involvement for Transportation Planning", which describes the planning process carried out in collaboration with the State's 13 Metropolitan Planning Organizations. For the rural areas, go to the NYSDOT "Procedures for Consultation with Public Officials in Rural Areas" on statewide transportation planning and programming activities. The link to these documents is: <https://www.dot.ny.gov/divisions/policy-and-strategy/planning-bureau> . During the design phases of a project, the Public Involvement Plan lays out the strategy for public involvement.

I. Does the project conform to building and land-use codes?

This criterion is not applicable to most transportation projects. There are exceptions such as transit projects that involve a building, such as an intermodal facility.

J. Does the project 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?

Whereas SEQRA seeks to avoid or mitigate adverse environmental impacts, Smart Growth is more proactive in that it seeks to enhance and preserve natural resources and functions. For NYSDOT projects, the SEQRA review findings can provide useful information; however, the Smart Growth Impact Statement should go beyond those findings and incorporate sustainable development components into their projects.

APPENDIX 2

(**Note:** This standardized statement is to be used for all maintenance projects with the exception of shoulder rehabilitation and repair; upgrade signs and/or traffic signals; Park & Ride lot rehabilitation; & 1R projects that include single course surfacing)

OPTIONAL: Indicate PIN below Attestation signature.

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Smart Growth Impact Statement & Attestation for Maintenance Projects

Smart Growth Impact Statement


Pursuant to ECL Article 6, Maintenance Projects are found to be compliant with the New York State Smart Growth Public Infrastructure Policy Act. Maintenance Projects have been determined to meet the relevant criteria, to the extent practicable, described in ECL Sec. 6-0107. This finding is based on the following factors:

- Advancing projects to maintain existing facilities (maintenance-only projects) is consistent with the Department's preservation strategy as described in the 2011 NYSDOT Comprehensive Program Update Guidance. The Guidance espouses a "planned strategy of cost effective treatments to our existing infrastructure to extend the life of or improve the serviceability of that infrastructure." This approach is considered more sustainable than previous asset management strategies.
- The location of these projects is not relevant since the projects involve maintenance, and do not involve new infrastructure or expansion of existing infrastructure. Maintaining existing facilities is considered "smart growth" since it does not contribute to sprawl development.
- Maintenance projects focus on existing infrastructure rather than new or expanded infrastructure which has potential to adversely affect agricultural land, forests, open space and other undeveloped land. By maintaining existing infrastructure, the NYSDOT helps to protect and preserve natural resources.
- And, maintaining existing transportation infrastructure helps to support established communities.

This publically funded infrastructure project complies with the state policy of maximizing the social, economic and environmental benefits from public infrastructure development. The project will not contribute to the unnecessary costs of sprawl development, including environmental degradation, disinvestment in urban and suburban communities, or loss of open space induced by sprawl.

Attestation

NOW THEREFORE, pursuant to ECL Article 6, this project is compliant with the New York State Smart Growth Public Infrastructure Policy Act, to the extent practicable, as described in this Smart Growth Impact Statement.



Commissioner (or designee)



Date

Rod Sechrist
Assistant Commissioner/Director of Operations