

# OFFICE OF FISCAL ANALYSIS

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sHB-6744

AN ACT CONCERNING COMPENSATORY REFORESTATION PLANS, THE CONSTRUCTION OF NOISE BARRIERS, DECIBEL TESTING FOR MOTOR VEHICLES AND IDLING MOTOR VEHICLES..

## **OFA Fiscal Note**

### **State Impact:**

Agency Affected	Fund-Effect	FY 24 \$	FY 25 \$
Department of Transportation	TF - Cost	500,000	50 million - 100 million
Department of Energy and Environmental Protection	GF - See Below	See Below	See Below
Department of Motor Vehicles	TF - Cost	See Below	See Below

Note: TF=Transportation Fund; GF=General Fund

### **Municipal Impact:**

Municipalities	Effect	FY 24 \$	FY 25 \$
Various Municipalities	Revenue Gain	Potential	Potential

### **Explanation**

**Section 1** requires the Departments of Transportation (DOT) and Energy and Environmental Protection (DEEP) to take numerous actions regarding reforestation with respect to planned DOT projects involving deforestation.

This section requires DOT to annually develop and submit to DEEP for approval, a plan for the compensatory reforestation for all DOT-owned and -maintained areas of at least half an acre that are scheduled for deforestation in the upcoming year, with the first plan due by July 1, 2024. The plan must comply with regulations that DEEP adopts,

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including planting priority as it relates to native species and other reforestation considerations. This has no fiscal impact to DEEP as the department has expertise within its Forestry Division that can be used for this purpose.

This section requires DOT to enter into a memorandum of agreement (MOA) with DEEP to reimburse DEEP for the actual labor hours spent reviewing and implementing DOT's compensatory reforestation plans. If reforestation cannot be accomplished for a given project, then DOT must pay the value of the required trees, as determined by the plan, to an account managed by DEEP for reforestation. This would result in costs to DOT associated with the value of the number of trees required under the reforestation plan, and a revenue gain to DEEP in the same amount.

The annual cost to DOT for developing the plan and for paying DEEP to either plant trees directly and/or fund the newly-established reforestation account is expected to be significant. DOT does not have experience planting trees but, based on the amount of land the department deforests in any given year through both its maintenance and construction programs, reforestation efforts are expected to be in the \$50 million - \$100 million range annually, beginning in FY 25. Minor costs are also expected in FY 24 to support plan development.

**Sections 2 and 3** require DOT to conduct an evaluation of constructing noise barriers for Type II projects (i.e., retrofit of existing highways), to establish a priority list of such projects, and to submit the results to the Transportation Committee by February 1, 2024. This is expected to cost up to \$500,000 for DOT to hire a consultant to perform the evaluation and prioritization work.

**Section 6** allows municipalities to impose a fine of up to \$90 for violating the vehicle idling ban. This results in a potential revenue gain to municipalities beginning in FY 24. Any revenue gain would be dependent on if the municipality imposes the fine, the amount of the fine, and the number of violations.

**Section 8** requires the Department of Motor Vehicles (DMV) to establish a 12-month noise testing pilot program at five of its emissions stations and to submit the results of such program to the Appropriations and Finance, Revenue, and Bonding Committees by January 1, 2025. The cost of such a program depends on planning decisions to be made by DMV but is not expected to be significant.

***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation and the terms of the MOA between DOT and DEEP.