

Consultative Planning Process for Non-Metropolitan Local Officials



prepared by the

Maine Department of Transportation

Bureau of Transportation Systems Planning

December 2010

Dear Maine Residents and Local Officials:

I am writing to seek and incorporate your feedback to improve the way the Maine Department of Transportation (MaineDOT) interacts with municipal officials. Since federal funding contributes to most transportation improvement projects, MaineDOT must comply with federal rules and regulations. The attached Consultative Planning Process for Non-Metropolitan Local Officials is part of a federal requirement for all state departments of transportation to document and obtain input into the processes for which state DOT's consult with municipal officials. At least once every five years, MaineDOT must review the Consultative Planning Process for Non-Metropolitan Local Officials and solicit comments from local officials and other interested parties about the effectiveness of the process.



To that end, I have attached for your review MaineDOT's Consultative Planning Process for Non-Metropolitan Local Officials, on which the Department will be accepting written comments until March 22, 2011. Copies of the Plan are available on MaineDOT's web site at www.maine.gov/mdot/municipalinfo, and may also be obtained by contacting Chris Mann at the e-mail or address below. Written comments may be e-mailed to chris.a.mann@maine.gov, or sent to:

Christopher A. Mann
Bureau of Transportation Systems Planning
Maine Department of Transportation
16 State House Station
Augusta, ME 04333-0016

The final plan will be modified to incorporate all substantive comments received. In the event that MaineDOT does not incorporate certain proposed modifications, we will document the request and explain why MaineDOT is not accepting the proposed modifications.

Thank you for your attention to this request and I look forward to your input.

Sincerely,



David Cole
Commissioner

Table of Contents

Introduction

Background	1
Related State Legislation	2
Transportation Planning Process	3
Additional Consultation Opportunities	5
Planning Organizations (Map)	7
Selective MaineDOT Consultation Practices	9

**Maine Department of Transportation
Consultative Planning Process for Non-Metropolitan Local Officials**

I. Background

On January 23, 2003, the Federal Highway Administration (FHWA) issued the Final Rule in the Federal Register for local consultation by States with non-metropolitan local officials. The effective date of the Final Rule was February 24, 2004.

This rule changed the Code of Federal Regulations (23 CFR Part 450) by amending the planning regulation as it relates to consultation with non-metropolitan local officials in the statewide transportation planning process. In compliance with this rule, the State of Maine's Department of Transportation developed a process that was "separate and discrete" from the existing public involvement process. The regulation further states that in follow up:

- (1) At least once every five years (as of February 24, 2006), the State shall review and solicit comments from non-metropolitan local officials and other interested parties for a period of not less than 60 calendar days regarding the effectiveness of the consultation process and any proposed changes. A specific request for comments shall be directed to the state association of counties, state municipal league, regional planning agencies, or directly to non-metropolitan local officials.
- (2) The State, at its discretion, shall be responsible for determining whether to adopt any proposed changes. If a proposed change is not adopted, the State shall make publicly available its reasons for not accepting the proposed change, including notification to non-metropolitan

Copies of MaineDOT's Consultative Planning Process for Non-Metropolitan Local Officials are being made available to the Maine Municipal Association, Regional Planning Council's, Metropolitan Planning Organizations, and depository libraries. MaineDOT will accept written comments until **March 22, 2011**. Copies of the Plan are available on MaineDOT's web site at www.maine.gov/mdot/municipalinfo. Written comments may be e-mailed to chris.a.mann@maine.gov, or sent to:

Christopher A. Mann
Bureau of Transportation Systems Planning
Maine Department of Transportation
16 State House Station
Augusta, ME 04333-0016

The term "**non-metropolitan local official**" is defined as "the elected and appointed officials of general purpose local government, in non-metropolitan areas, with jurisdiction/responsibility for transportation." This may include counties, cities, towns, townships, and villages. For purposes of the rule, **non-metropolitan area** applies to everywhere in Maine exclusive of the 4 Metropolitan Planning Organization areas as indicated in the attached map. (see page 7)

II. Related State Legislation

Planning and Land Use Regulation Act

In 1989, the Planning and Land Use Regulation Act (30-A M.S.R.A., sub-section 4301) was passed requiring every Maine municipality to develop a comprehensive plan. MaineDOT reviews municipal comprehensive plans for consistency with State transportation goals and law. Once plans are deemed in compliance with the Planning and Land Use Regulation Act by the Maine State Planning Office, MaineDOT must consider them in transportation planning and programming. Therefore, developing a comprehensive plan which thoroughly addresses the municipality's transportation system is a principal opportunity for municipal involvement in transportation decision-making.

Sensible Transportation Policy Act

The State of Maine's Sensible Transportation Policy Act (STPA) was enacted by voter referendum in November 1991. The STPA and MaineDOT's associated Rule created a planning process that provides meaningful public involvement opportunities and gives proper consideration to the diverse transportation needs of the people of the State and to transportation efficiency, energy conservation, and the effects of transportation on the environment.

The original Rule that was created to achieve the goals of the STPA required MaineDOT to use Regional Transportation Advisory Committees (RTAC) created by the Transportation Policy Advisory Committee. RTACs played a significant role in facilitating a higher degree of public participation and worked well for over a decade. MaineDOT expanded upon the success of the RTAC process by broadening the scope of its public outreach and involvement process in 2004. To this end, MaineDOT partnered with the State's 11 Regional Planning Councils (RPCs) to develop public outreach strategies that:

- Are tailored specifically to their region,
- Are consistent with the requirements of the STPA,
- Encourage strong regional partnerships,
- Increase grassroots and local government involvement,
- Provide opportunities for interested former RTAC members to participate, and
- Foster a more consistent statewide approach.

The STPA law and its associated Rule were rewritten through a public involvement process and enacted by the legislature in 2008 to address the disconnection between land use, which is the responsibility of municipalities, and transportation decision-making, a State responsibility administered by MaineDOT. The Maine Turnpike Authority owns and operates the Maine Turnpike and also must coordinate with municipalities and their roles in land use planning. The STPA Rule therefore also updated and clarified the MaineDOT and Maine Turnpike Authority roles and responsibilities. The Rule also incorporated a new chapter on municipal and multi-municipal planning. The Rule further added incentives for municipalities that conduct a higher level of transportation planning and improve their land use management efforts towards the preservation of transportation facilities.

The STPA law is located at <http://www.mainelegislature.org/legis/statutes/23/title23sec73.html>. The latest version of the STPA Rule can be found at http://www.maine.gov/mdot/planning-documents/stpa/documents/FINAL_ADOPTED229c103-2008-351_09112008.doc. A companion

STPA Handbook entitled *Sensible Transportation A Handbook for Local and Inter-Community Transportation Planning in Maine* is available online at <http://www.maine.gov/mdot/mlrc/stpa-doc.php>.

III. Transportation Planning Process

Transportation Planning Documents

The *Statewide Long-Range Transportation Plan, Connecting Maine* the *Mid-Range Transportation Plan* and the *Biennial Capital Work Plan* are MaineDOT's principal planning and programming documents. Other planning documents guide transportation decision-making and serve as supporting documents. Examples include *Explore Maine*, the *State Visitor Information Center Plan*, the *Maine Transit Needs Study*, the (Transit) *Biennial Operations Plans*, the *Maine Aviation Systems Plan*, the *Integrated Freight Plan* and the *Rail Plan*.

Statewide Long-Range Transportation Plan

The Statewide Long-Range Transportation Plan is a comprehensive multimodal transportation plan that sets goals, objectives and strategies for MaineDOT to pursue in response to overall transportation needs. MaineDOT periodically updates the Twenty-Year Plan every three years to meet the State mandate of a long-range multimodal plan of at least 10 years and the federal mandate of a long-range plan of at least 20 years. As per the STPA, MaineDOT's Twenty-Year Plan evaluates and makes recommendations for improvement to the following systems:

- Current highway and bridge system,
- Public transit service,
- Intercity and local passenger rail and bus service,
- Bicycle lanes, paths and facilities,
- Sidewalks, trails and other pedestrian facilities,
- Seaports and airports including access to these facilities,
- Freight rail service,
- Transportation demand management,
- Ridesharing and other multiple occupant vehicle programs,
- Scenic, historic and natural resource connections with transportation systems, and
- Current and emerging technological innovations relative to transportation.

MaineDOT alternates between a technical update and a comprehensive update of the Twenty-Year Plan. The technical update is done primarily to conform to Clean Air Act Amendments. Once in draft form, it is made available to the public through posting a notice in the newspaper and by publishing the plan on www.mainedot.gov. A comment period of at least 45 days is established with instructions for commenting. MaineDOT also makes a copy of the draft available at all Metropolitan Planning Organizations, MaineDOT Region Offices and depository libraries.

MaineDOT's latest long range transportation plan, *Connecting Maine: Statewide Long-Range Transportation Plan 2008-2030*, can be viewed at www.mainedot.gov. The Plan's policies and initiatives reflect the vision and priorities expressed by Maine citizens. Its development involved significant participation of Maine citizens during five years of public outreach. The public involvement

process included significant and ongoing participation of Maine citizens, scholars, economists, legislators, municipal leaders, business representatives, transportation experts, Maine's four Metropolitan Planning Organizations, three federally recognized Native American Tribal Governments, the Maine Turnpike Authority and 11 Regional Planning Councils.

Connecting Maine also involved the State's 11 Regional Planning Councils, who developed Regional Transportation Assessments (RTAs). These RTAs, conducted through region-specific public involvement processes, led to the identification of 38 *Corridors of Regional Economic Significance to Transportation* (CRESTs) statewide. These CRESTs represent the major movement of goods and people in and through Maine. For each CREST, the regional councils identified the principal transportation, land use and economic objectives. The Regional Planning Councils then developed strategic investment plans for each CREST, focusing on policy issues, planning needs and the necessary capital investments required to meet their identified objectives. Corridor plans are now being conducted as the next public involvement process proceeds.

Mid-Range Transportation Plan

The Mid-Range Transportation Plan links the policy-based *Connecting Maine* to the project-based biennial Capital Work Plan. Mid-Range Plan when projects are selected with the intent that they will be funded over the next ten State fiscal years. The Mid-Range Plan provides the opportunity for earlier public input into the project planning process, including suggestions for the scope of work of individual projects. It is updated approximately every two years.

MaineDOT begins Mid-Range Plan updates by asking stakeholders including all municipalities, county commissioners for unorganized territories and tribal government officials for project priorities. A draft Mid-Range Plan is posted on www.mainedot.gov and MaineDOT accepts comments for at least 30 days.

Biennial Capital Work Plan

There are two primary opportunities for local officials to influence the Biennial Capital Work Plan, which is developed every two years in support of MaineDOT's budget request. The first opportunity is during the development of the Mid-Range Plan when projects are selected with the intent that they will be funded over the next ten State fiscal years. MaineDOT develops the Mid-Range Plan with input and support from local officials, Regional Planning Council's and Economic Development Agencies. The second opportunity for local officials to influence the Capital Work Plan is through project solicitation mailed to all Maine municipalities, county commissions, Native American nations and tribes, and state agencies. MaineDOT also publishes the Work Plan at www.mainedot.gov and accepts comments and questions on a regular basis.

Statewide Transportation Improvement Program

The Statewide Transportation Improvement Program (STIP) is a federally-required document. All projects funded with either Federal Highway Administration (FHWA) or Federal Transit Administration (FTA) resources must be included. The STIP provides an additional opportunity for local official input for all projects included in the Biennial Capital Work Plan. In addition to reflecting the public input processes for the Mid-Range Plan and Capital Work Plan, MaineDOT solicits additional public input for the STIP by making a draft document available for public comment for a period of 30 days.

Changes in project schedules, funding needs, new priorities, and project scopes invariably occur as projects proceed. These changes require revising the approved STIP. Public comment periods ranging from 14 to 30 days are provided when revisions are made to the STIP. The longer comment period is provided if there are impacts to air quality in those portions of the State subject to federal air quality conformance requirements. Notice of the draft STIP is published in major statewide newspapers and it is posted on the MaineDOT web site.

Major Studies

MaineDOT undertakes major studies whenever the potential exists for expanded or new transportation facilities, or for which potential investments could result in significant environmental impacts. Major studies must abide by the requirements of the Maine Sensible Transportation Policy Act (STPA) and the National Environmental Policy Act (NEPA) if any project phase uses federal funds. Major Studies include transportation feasibility studies, Environmental Assessments (EA) and Environmental Impact Statements (EIS). Each major study includes a project-specific public involvement process. Examples of public involvement used for major studies include stakeholder advisory committees, internet sites, business surveys, formal public meetings and newsletters.

Enhanced Project Scoping

Enhanced Project Scoping is a coordinated process involving stakeholders specific to any project to clearly define a project's purpose and need, assess alternatives to achieve it and ultimately develop a clear scope of work. Projects are typically selected for enhanced project scoping based on comments on the Mid-Range Plan.

IV. Additional Consultation Opportunities

In addition to opportunities for participating in the selection of projects through MaineDOT's transportation planning and programming processes, municipal officials have substantial access and input as transportation projects are developed and also may advise MaineDOT on certain maintenance and operations activities. MaineDOT staff also regularly holds workshops and meetings with municipalities.

Project Development Public Involvement

Once a project is funded in a Biennial Capital Work Plan, it proceeds to the design, right-of-way acquisition and construction stages as appropriate. The amount and type of public involvement depends upon the size, scope and potential impact of the project. For instance, MaineDOT may not ask for additional public input beyond including the project in a Biennial Capital Work Plan or contacting local officials for simple, low cost projects that do not alter the existing template of a transportation facility. However, MaineDOT usually holds one or more project-specific public meetings. MaineDOT may hold a preliminary public meeting early in the design process to gather information followed by a formal meeting once a Preliminary Design Report is completed. For large, high profile projects that significantly impact the flow of traffic, MaineDOT may utilize methods including but not limited to the internet, media, mailing lists, etc. to communicate and receive project information.

Regional Planning Councils

MaineDOT actively supports Maine's Regional Planning Council (RPC) network. These regional groups help coordinate with local governments and play a direct role in rural transportation planning.

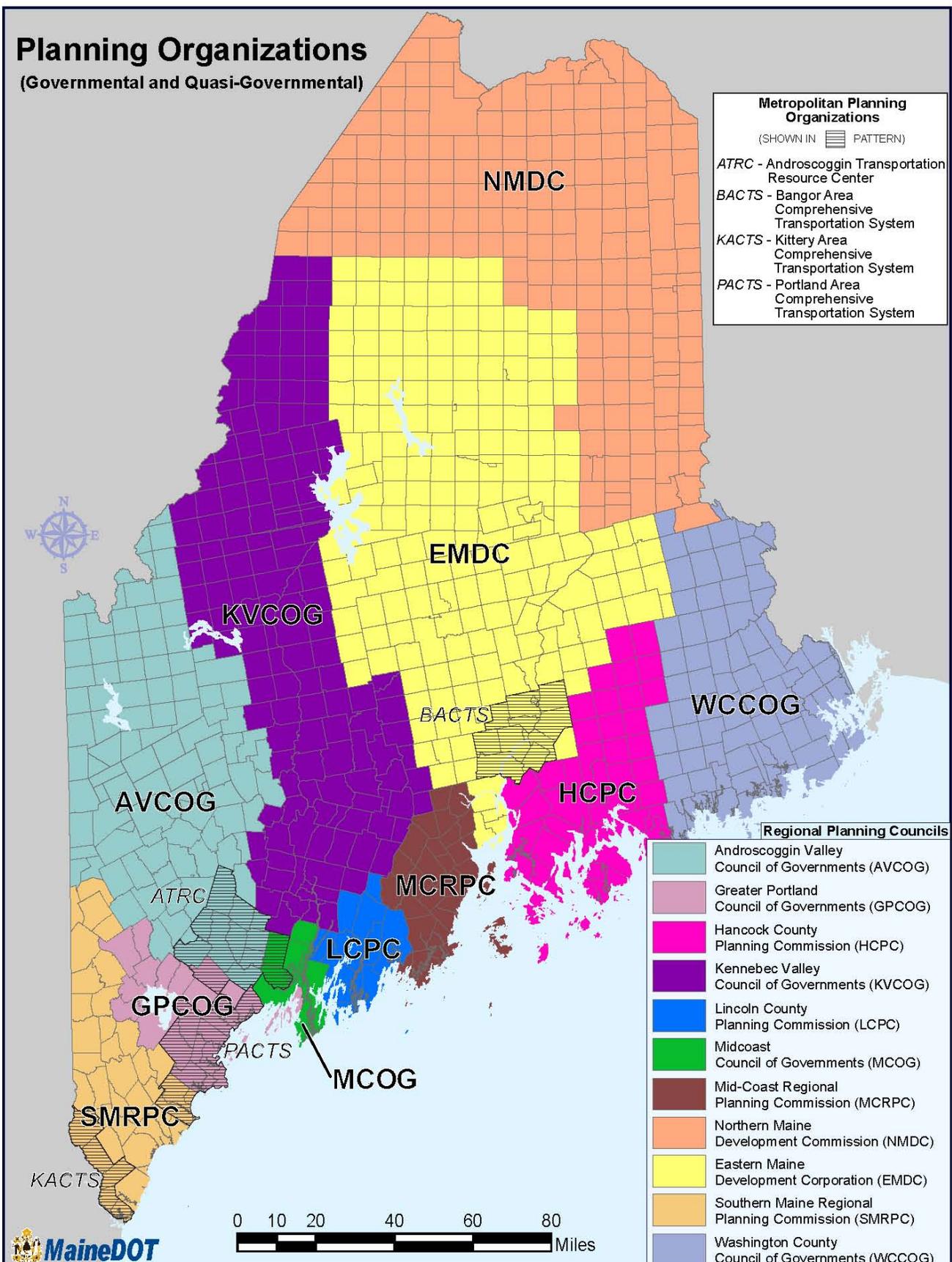
MaineDOT financially supports and partners with the RPCs to provide outreach and work with local communities and officials on planning activities.

The 11 RPCs and their contact information are listed in alphabetical order below:

<p>Androscoggin Valley Council of Governments 125 Manley Road, Auburn, ME 04210 (207) 783-9186 www.avcog.org</p>	<p>Midcoast Regional Planning Commission 166 South Main Street Rockland, ME 04841 (207) 594-2299 www.midcoastplanning.org</p>
<p>Greater Portland Council of Governments 68 Marginal Way Portland, ME 04101 (207) 774-7891 www.gpcog.org</p>	<p>Northern Maine Development Commission 11 West Presque Isle Road P.O Box 779 Caribou, ME 04736-0779 (207) 498-8736 www.nmdc.org</p>
<p>Hancock County Planning Commission 395 State Street Ellsworth, ME 04605 (207) 667-7131 www.hcpme.org</p>	<p>Eastern Maine Development Corporation 40 Harlow Street Bangor, ME 04401 (207) 942-6389 www.emdc.org</p>
<p>Kennebec Valley Council of Governments 17 Main Street Fairfield, ME 04937 (207) 453-4258 www.kvcog.org</p>	<p>Southern Maine Regional Planning Commission 21 Bradeen Street, Suite 304 Springvale, ME 04083-1901 (207) 324-2592 www.smrpc.org</p>
<p>Lincoln County Planning Commission P.O. Box 249 Wiscasset, ME 04578 (207) 882-6311 www.co.lincoln.me.us</p>	<p>Washington County Council of Governments P.O. Box 631 Calais, ME 04619 (207) 454-0465 www.wccog.net</p>
<p>Midcoast Council of Governments 7 Park Street Bath, ME 04530 (207) 443-5790 www.mcbdp.org</p>	

Planning Organizations

(Governmental and Quasi-Governmental)



DISCLAIMER - The Maine Department of Transportation provides this publication for information only. It is subject to revision and may be incomplete depending upon changing conditions. Reliance upon this information is at the user's own risk. The Department assumes no liability if injuries or damages result from this information.

Maintenance and Operations

Opportunities for input from local officials also exist through MaineDOT's Region Offices. These offices regularly hold workshops where Senior Staff are available to answer questions from local officials about pending or future projects, salt/sand storage and use, capital improvements and planning. The Region Offices also routinely send out maintenance and operation surveys to better understand municipal concerns and meet municipalities' needs.

Maine Local Roads Center

The Maine Local Roads Center (MLRC) has been providing technical assistance to all levels of municipal government since 1986. Through workshops, "hands-on" training, the quarterly "Maine Local Roads News" newsletter, free publications, a videotape lending library, and over-the-phone assistance, municipal officials from all corners of Maine have become better informed and valuable to their local government.

Over 85% of Maine's 492 municipalities have utilized one or more of the services of the Center since 1986. It is estimated that Maine municipalities have saved hundreds of thousands of dollars by utilizing information provided by the MLRC.

Administered by the MaineDOT, the MLRC is one of over 50 Technology Transfer Centers in the nation established by the Local Technical Assistance Program of the Federal Highway Administration. The Center receives guidance from an Advisory Committee representing all levels of Maine government – from town road commissioners and town managers to MaineDOT and University of Maine representatives.

Maine Roads Scholar Program

MLRC holds approximately 70-85 workshops a year with annual attendance ranging from 1,500-2,000 officials. Workshops vary in topic from "How a Pothole Forms" and "Winter Plowing and Sanding Issues" to "Traffic Issues" and "Work Zone Safety /Flagging". In an effort to recognize local road officials for their desire to learn and improve their skills, the MLRC has established the "Maine Roads Scholar Program". The goal of this program is to provide the opportunity for municipal officials to achieve a solid foundation in local road technical and management skills. These skills help municipalities save tax dollars through more cost effective techniques and products.

MLRC also produces a quarterly newsletter for municipalities, called the "Maine Local Roads News," to assist Maine towns in dealing with local transportation concerns. Useful publications, such as "Working with the Maine Department of Transportation – A Guide for Municipal Officials" is continuously updated and made available to municipal officials. The "Guide" is a popular resource for local officials because it helps them understand the structure of MaineDOT, where responsibilities lie for certain actions, and where to address questions, concerns and applications.

Locally Administered MaineDOT Projects

A Locally Administered Project (LAP) is any MaineDOT project in which a municipality locally administers the development, design and construction of the project. Any municipal official or municipal engineer can locally administer a MaineDOT project if they are LAP Certified by the

Department. MaineDOT provides LAP certification training to municipal officials and municipal engineers on federal and State requirements involved with transportation projects.

V. Selective MaineDOT Consultation Practices:

State Process to Compile Transportation Needs: During the development of the Mid-Range Plan and the Biennial Capital Work Plan, MaineDOT solicits candidate transportation improvement projects and priorities from municipalities, Maine Indian Nations, county commissioners, and provides official notification to all State agencies.

Regional Hearings: MaineDOT and the Regional Planning Councils frequently hold public information meetings across the State. The draft Long-Range Plan, draft Mid-Range Plan and draft STIP are made available for formal review and comment.

Presentations and Attendance at Local Meetings: Presentations are made to local officials through a number of venues, such as town meetings, State legislative hearings, Corridor Planning Advisory Committees, and various Regional Planning Council Transportation Advisory Committees. In addition, MaineDOT seeks input through attendance at annual Regional Planning Council board meetings, municipal workshops conducted at MaineDOT Region Offices, and attendance at Maine Municipal Association meetings.

Coordination with the State Planning Office on Comprehensive Planning Activities: MaineDOT works with the State Planning Office and local officials to review municipal comprehensive plans for consistency with State transportation goals and law.

Media: MaineDOT uses numerous types of media, such as mailings, informational videos, newsletters, newspapers, television, and the MaineDOT web site (which includes a specific site dedicated to municipal concerns, and a comment area) to communicate and consult with local officials. In addition, the Department utilizes the Maine Municipal Association’s newsletter “The Maine Townsman” to communicate with local officials.





Maine Department of Transportation
Bureau of Transportation Systems Planning
16 State House Station
Augusta, ME 04333-0016
www.MaineDOT.gov
Voice: 207-624-3300
Fax: 207-624-3301