

**Highway Simplification Study  
Policy Working Group**

**Tuesday, November 9, 2010  
Maine Municipal Association**

**Attendees:**

**Policy Working Group Members**

Michelle Beal, Ellsworth  
David Bernhardt, MaineDOT  
David Cole, Gorham  
Clint Deschene, Hermon (Co-chair)  
Greg Dore, Skowhegan  
John Johnson, Jay  
Rob Kenerson, BACTS  
Galen Larrabee, Knox  
Glen Ridley, Litchfield  
John Sylvester, Alfred  
Bruce Van Note, MaineDOT (Co-chair)

**Policy Working Group Staff**

Peter Coughlan, MaineDOT  
Kate Dufour, MMA

**Guests**

John Duncan, PACTS  
Denny Keschl, Belgrade  
John Melrose, Maine Tomorrow

**Absent**

Elwood Beal, Lisbon  
Bob Belz, Auburn  
Gerry James, Presque Isle  
Jim Hanley, Pike Industries

Co-chairs Clint Deschene and Bruce Van Note convened the meeting at 10:10 a.m. During its four hour meeting, the Policy Working Group (PWG) discussed and took actions on the following issues:

**Item 1: Revisions to Agenda**

None.

**Item 2: Comments on LPC Discussion**

Kate Dufour provided a brief overview of MMA's Legislative Policy Committee's (LPC) discussion of the PWG's "fix and swap" proposal. In a nutshell, the LPC appreciates the work of the PWG and supports many of the recommendations developed to-date. The one major area of disagreement remains the funding of future minor collector road capital improvements. As a result, the LPC recommended supporting a version of the "fix and swap" proposal that requires the state to retain the capital funding responsibility over the minor collector road system after the implementation of the "fix and swap" proposal.

**Item 3: Alternative Minor Collector Proposal**

John Melrose provided an overview of an alternative minor collector road proposal for consideration by the PWG. As proposed, the municipalities would obtain maintenance and

capital improvement responsibility over an unimproved minor collector road system, but in turn would be provided access to state revenue on the basis of an average vehicle miles of travel (AVMT) formula. According to statistics provided by Mr. Melrose, travel over local and minor collector roads account for approximately 18% of total miles traveled. Applying that percentage to the MaineDOT's \$240 million share of available Highway Fund revenues, \$43.2 million in state aid would be distributed per year to municipalities for repair and maintenance of local and minor collector roads.

The PWG members posed several questions and postponed taking an official position on the proposal until later in the day (*See Item 9*).

#### **Item 4: Review of Roads That Need Reclassification**

After much back-and-forth debate and discussion, the PWG took the following votes on the road reclassification issue:

*Motion 1:* A motion was made by David Cole and seconded by Rob Kenerson to include as part of its final recommendation the creation of a 5-member Appeals Committee. Membership on the Committee would include representation from the Federal Highway Administration, Maine Department of Transportation Counsel, Maine Municipal Association Counsel, Attorney General's Office and the Maine Chapter of the American Society of Civil Engineers. The Committee would be available to municipalities interested in appealing state-level road functional classification and compact border designation decisions.

***Motion 1 prevailed by a vote of 11-0.***

*Motion 2:* After three false starts, a motion was made by Bruce Van Note and seconded by Greg Dore to address current and future road reclassification concerns. The two-part motion directs MaineDOT staff to finalize, as best as possible, a detailed list of the road reclassifications currently being explored and implements a four year moratorium on the expansion of the reclassification list, unless the reclassification is mutually agreed to by both the municipality and MaineDOT.

***Motion 2 was adopted by consensus.***

***These motions were relative to the Simplification Study and do not override longstanding law under Title 23 §52, 53, and 801 where municipalities or the state can initiative a review.***

#### **Item 5: Compact Definition Revisited**

Peter Coughlan outlined MaineDOT's proposed amendment to the PWG's previously developed proposal. As previously developed, eligibility to be a compact area would be based on whether a community has at least 2.5+ miles of dense development on state major collector and arterial roads. As result of that eligibility standard, 75 communities qualified as compact.

In response to an alternative proposal supported by the municipal members of the PWG, under MaineDOT's amended proposal municipalities with 2.5+ mile development density on state roads in compact areas that have populations less than 4,000 could opt-out of being a compact area. This supplements the earlier recommendation that any proposed compact area municipality could petition MaineDOT to opt out if it proves that it does not have the staff or equipment necessary to maintain a compact area. Under the amended proposal, 63 communities would be required to participate in the compact program.

*Motion 3:* After a brief discussion, Rob Kenerson moved and Galen Larrabee seconded acceptance of this amendment to the proposed compact definition.

**Motion 3 prevailed by a vote of 10-1.**

As a result of the nearly unanimous vote, Kate Dufour was asked to develop an alternative two-tiered compact program for review by the PWG. As directed by the PWG, the municipal responsibilities over state roads in the compact area, as well as the level of state funding provided would vary between the two tiers. (*Although open to more discussion on this issue, the PWG acknowledged the need for the Department to proceed with drafting the final report in order to meet its January 15, 2011 report back deadline.*)

**Item 6: Compact Duties – Municipal and State Roles**

Pete Coughlan and David Bernhardt led the PWG through a review of the list of state and municipal responsibilities in compact areas.

*Motion 4:* After a discussion around cross culvert replacements, John Sylvester moved and Greg Dore seconded adoption of an amended state and municipal duties in compact areas list that requires municipalities to maintain cross culverts and the state to replace cross culverts.

**Motion 4 prevailed by a vote of 9-2.**

**Item 7: MPO Allocation Review**

By consensus, the PWG voted to keep existing MPO funding allocation formulas intact.

**Item 8: Vehicle Excise Tax Law**

The PWG debated whether or not the final report should include a recommendation requiring municipalities to use motor vehicle excise tax revenue for transportation-related purposes only. This recommendation mirrors the constitutional limits placed on state fuel tax and motor vehicle registration funds.

*Motion 5:* John Sylvester moved and David Bernhardt seconded a recommendation requiring municipal motor vehicle excise tax revenue to be used to fund local transportation-related expenses, including the cost of administration, payments of municipal road and bridge improvement debt, cost of construction, maintenance and repair of municipal roads and bridges, and cost of traffic law enforcement.

**Motion 5 prevailed by a vote of 11-0. The unanimous vote was based on the premise that the proposal would be promoted as part of the entire package of recommendations and not as a standalone recommendation.**

**Item 9: Proceed With Partial Implementation?**

Bruce Van Note questioned whether the PWG wanted to proceed with a partial implementation of the “fix and swap” proposal. The PWG members quickly expressed an interest in drafting a final report that simply listed and discussed the areas of agreement and disagreement among PWG members. Based on outcomes of previous discussion, it appears that with two exceptions, the recommendations of the PWG are unanimous. The two exceptions include funding future minor collector capital improvement projects, as discussed in *Item 2*, and the implementation of a redefined compact program, as discussed in *Item 5*.

*Motion 6:* As a result of the discussion, John Sylvester moved and David Cole seconded a motion to exclude from the final report a discussion on the average vehicle miles of travel funding proposal promoted by Maine Tomorrow’s John Melrose (see *Item 3*).

**Motion 6 prevailed by a vote of 8-3.**

Although no subsequent motions were made, it was assumed that on the basis of the LPC discussion (see *Item 2*), that the municipal community would support a version of the Highway Simplification Study proposal that would hold the state accountable for future minor collector capital improvement costs. The state continues to support a version of “fix and swap” proposal that was endorsed by the PWG before the LPC recommendation that calls for increased state support for minor collectors in the form of road repairs plus an increased URIP base rate plus an additional stipend for those towns that have a higher number of minor collectors than major collectors.

That being said, both the state and municipal members of the PWG remain open to discussing other alternatives. As a result, Kate Dufour was asked to draft an alternative that requires a state/municipal share in future minor collector road improvement costs. (*Although open to more discussion on this issue, the PWG acknowledged the need for the Department to proceed with drafting the final report in order to meet its January 15, 2011 report back deadline.*)

**Item 10: Final Report Writing**

Although MaineDOT will be the primary author of the report, a draft will be made available to PWG members for review and comments. The final report must be submitted to the Legislature on later than January 15, 2011.

**Item 11: Other/Next Meeting**

Barring any emergencies, it was determined that no further in-person meetings of the PWG would be necessary.

**Item 12: Adjournment**

The final meeting of the PWG was adjourned at 3:00 p.m.