

**Simplification Study
Policy Working Group**

**Friday, December 11, 2009
MaineDOT Room 216**

Attendees:

Policy Working Group Members

Elwood Beal, Lisbon Public Works Director
Michelle Beal, Ellsworth City Manager
Dave Bernhardt, Director of Maintenance and Operations, MaineDOT
Bob Belz, Auburn Public Works Director
Clint Deschene, Hermon Town Manager, PWG Co-Chair
Greg Dore, Skowhegan Road Commissioner
Richard Freethey, Brooklin Selectman
Jim Hanley, Pike Industries
John Johnson, Jay Public Works Director
Rob Kenerson, BACTS
Galen Larrabee, Knox Selectman
Ryan Pelletier, St. Agatha Town Manager
John Sylvester, Alfred Selectman
Bruce Van Note, Deputy Commissioner, MaineDOT, PWG Co-Chair

Absent:

David Cole, Gorham Town Manager

Policy Working Group Staff

Peter Coughlan, MaineDOT Director Community Services Division
Dale Doughty, MaineDOT Regional Manager, Region 4 Bangor
Kate Dufour, MMA Legislative Advocate
Fred Michaud, Public Service Coordinator

Other Guests

Denny Keschl, Belgrade Town Manager
Glen Ridley, Litchfield Selectman

Meeting Minutes:

Co-chair Bruce Van Note convened the meeting at 10:03 a.m. During its three hour meeting, the Policy Work Group had discussions and took actions on the following issues:

Item 1: Review and Adoption of November 20, 2009 PWG Meeting Minutes.

Galen Larrabee moved and John Sylvester seconded acceptance of the minutes. The PWG voted unanimously to accept the minutes with a minor amendment regarding moving Dave Bernhardt from the MaineDOT staff attendance category to the PWG member category.

Item 2: Revisions to Agenda—none

Item 3: Administrative Matters

- *Meeting minutes drafting, review and distribution policy.* After a brief discussion it was decided that within 24 business hours of a PWG meeting, MMA's Kate Dufour would draft PWG meeting minutes for review and comment by MaineDOT's Peter Coughlan and provide the draft minutes to the members of the PWG for comments. Exceptions to this timeline will be made on an as needed basis (i.e., holidays, shutdown days, etc.). PWG members will have 24 hours from receipt to review and comment on minutes, after which "official" meeting minutes will be posted on MaineDOT's website.
- *Comments forms.* Clint Deschene shared with the PWG a draft comment form. The intent of the form is to allow any interest parties to submit comments and concerns about the Simplification Study process to the working group for consideration. The PWG, by consensus, voted to make the form available on MaineDOT's website. Interested parties are asked to submit completed forms to MMA's Kate Dufour. All submitted comments will be reviewed at the PWG's next regularly scheduled meeting.
- *Development and distribution of PWG meeting materials and agendas.* After a brief discussion it was decided that MaineDOT's Peter Coughlan would take the lead and MMA's Kate Dufour would assist in the development of future PWG meeting materials and agendas. Materials and agendas will be reviewed by the PWG co-chairs before being forwarded to all other members. All meeting materials will be provided to the PWG members at least two days before the scheduled meeting.

Item 4: Discussion – Need for Change/Simplification

The crux of the meeting focused on a PWG member discussion of the need, if any, to simplify the existing road classification process and the responsibilities (i.e., state versus municipal, etc.) over the existing road system. Specifically, members were asked if they believed a problem existed with the existing system. Much discussion about the existing system ensued with four common themes emerging: 1) funding; 2) education; 3) construction standards; and 4) state/municipal relationships/communication. Below is a synopsis of the thoughts, suggestions and concerns shared by the members of the PWG.

Funding

- Probably need some change, but more funding is necessary. There is an expectation that the same or an increased level of services will be provided without any new investments into the system.

- Need to figure out how to adequately fund the existing system. We cannot slash our way out of this problem.
- Private industry is very concerned with funding levels.
- A problem does exist and it is largely financial. Need to focus on resources. All the talk about road classification and responsibilities will not matter if we don't find the resources necessary to maintain the infrastructure.
- Need to focus attention on finding a stable alternative to the fuel taxes as a way to fund the state/municipal transportation infrastructure system.
- Infrastructure is beyond bad and Legislature needs to step up and pay for it.
- Need to stay away from alternatives that shift costs onto the property taxpayers. It is the last "stable" revenue source (i.e., in comparison to the declining sales, income and fuel taxes) and any proposal to shift additional burdens to the property taxpayers is dead on arrival.
- Examine the way the Maine Turnpike Authority funds and maintains its infrastructure.
- Need to prioritize funding on roads that demonstrate the need and by considering traffic counts. For example, in our urban area we have 150 miles of road, but have enough resources to maintain 2 miles per year. We are on the 75-year plan. Need to look at what can be done for the urban areas (i.e. local option taxes)
- Focus on leveraging local level efficiencies without handing over responsibilities.

Education

- Need to address myths and misperceptions around the Legislature's highway-related budget/funding practices and decisions. For example, although a historical study conducted by the state's Office of Fiscal and Program Review illustrates otherwise, one prevalent misperception is that state road "money" (i.e., fuel taxes) is being diverted and used to fund other state General Fund programs and agencies (i.e., Department of Health and Human Services, etc.). In fact, 49% of State Police budget comes from the Highway Fund and that's the lowest it has ever been.
- Need to illustrate how spending less now will cost us more in the future.
- Need to build on the successful public education campaign that led to the defeat of the excise tax initiative (*November 3, 2009 referendum ballot*). The general public needs to become part of the solution. Also need to build on the fact that the voters "get it" and supported a \$72.5 million bond during the same election.

- Need to work on both the myths and actual occurrences relating to state and local employee work ethic (i.e., leaning on shovels, etc.).
- Need to focus educational campaigns on what it actually costs to maintain and fix roads.
- Need to educate the public on what an increase to the fuel tax actually means. For example, a penny increase in the gas tax will cost the average Maine driver about \$6 per year and not hundreds. The cost of front-end alignments, tire repairs, etc. is far more expensive.
- Public education will be the key to the success of any proposed plan.
- Public wants same level-of-service but does not want to pay for it.

Construction Standards

- Need to first focus our attention on determining how and which roads should be fixed, to what standard to fix the roads, and at what cost, before we determine who should be responsible for maintenance and repairs of the roads.
- Not only do we need to focus on road construction standards, but other transportation policies and practices that impact other local and state road-related issues such as drainage, right-of-way, sidewalks, telephone poles, etc.
- Link standards to traffic count/vehicle miles traveled. Higher traffic areas should trigger higher construction standards. Need to consider different standards for major vs minor collectors.

State/Municipal Relationships/Communication

- Concerned about the impact the outcome of the PWG recommendations will have on municipalities and would be hard pressed to support initiatives that shift additional burdens onto the property taxpayers. That being, said, willing to listen and work together on figuring out how to make the existing system better.
- Good municipal/state relationships are important. Need to review state level policies, rules and laws that create hurdles to these relationships. Finding ways to share resources will yield good outcomes.
- Problems, confusions and complexities may occur in some parts of the state and not in others. In some parts of the state, municipal officials believe the existing system and state/municipal relationships are working and changes are not necessary.
- Good municipal/state relationships do exist throughout the state, but it takes time to address some of the simplest issues. Need to make working together easier and barrier-free.

- Need better communication between the state and municipalities. Municipal public works officials have information for projects that could save the state time and money. Unfortunately, sometimes the state asks for advice only after they encounter problems.
- Great faith in the voters and taxpayers, but waning faith in some state and local level decision makers. People like their roads.
- State needs to ask local leaders where the transportation problems exist in town rather than deciding for themselves. People who travel the same roads, day in and day out know where the problems exist and have ideas for how to fix those problems.
- Quality of state (non-financial) assistance to municipalities is based on who you call at MaineDOT. Both regional and state MaineDOT contacts are largely based on personal relationships fostered over a period of time. While these relationships work now, it is not based on a dependable/stable working environment.

Item 7: Presentation – Ability to Change Federal and State Rule

During the lunch break, MaineDOT's Peter Coughlan made a brief presentation regarding what, if any, of the regulations used to determine federal and state road classification systems could be amended by the work of the PWG. In summary it was concluded that the PWG would not have much success amending the existing federal road classification system as those changes would require federal level law and rule changes. However, since the state level road designation process is outlined in state statutes, the PWG can more easily recommend that the Maine State Legislature amend existing rules, policies and laws to make the necessary changes.

Pete also provided the PWG with a chart that compared the federal guidelines for urban and rural road mile classification percentages (i.e., arterial, collector and local road miles) versus the actual percentages in Maine. For example, according to federal guidelines, the number of rural arterial miles should fall between 6 and 12% of the total public miles in a state. In Maine, rural arterial road miles account for 10.6% of the total miles. The figures in the chart also show that the federal guidelines for rural collector miles should fall in the 20 – 25% range. In Maine, rural collector miles account for 27.2% of total miles. The chart includes comparisons for urban and rural arterial, collector and local road miles.

Items 5 & 6: Discussion – PWG and Subcommittee Charters

- *Public Working Group charter review.* The charter describes the charges to the PWG, the relationship between the PWG and the subcommittees and a set of by-laws to guide the work of the PWG. Rob Kenerson moved and Bob Belz seconded acceptance of the charter. The PWG voted unanimously to accept the charter with amendments to include the minute meeting reviewing and posting policy and the process for reviewing public comments.
- *Standards/Cost Subcommittee charter review.* The charter describes subcommittee membership, charges, and reporting responsibilities to the PWG. Greg Dore moved and Elwood Beal seconded acceptance of the charter. The

PWG voted unanimously to accept the charter with amendments to include the addition of two members, one representing public works directors and the other representing engineers, correcting a typo, and amending the subcommittee reporting charge to require the inclusion of meeting minutes in the materials provided to the PWG, if minutes are recorded.

- *Urban Issues Subcommittee charter review.* The charter describes subcommittee membership, charges, and reporting responsibilities to the PWG. Ryan Pelletier moved and Jim Hanley seconded acceptance of the charter. The PWG voted unanimously to accept the charter with amendments to include an additional task authorizing the subcommittee to identify other urban-related issues the PWG should consider and amending subcommittee reporting charge to require the inclusion of meeting minutes in the materials provided to the PWG, if minutes are recorded.

During the discussion, the PWG also recommended creating a Strategic Communications Subcommittee. This subcommittee would be responsible for creating educational, marketing and outreach programs for informing decision makers and the general public about the recommendations of the PWG. The PWG also agreed to continue to discuss and establish other subcommittees as necessary. All future PWG meeting agendas will include an item regarding the creation of new subcommittees.

It was also agreed that all the charters would be reconsidered or reformatted after the subcommittees met a few times to discuss their goals and purposes.

Item 8: Meeting Schedule

The PWG voted on the following meeting schedule:

- Friday, January 29, from 10:00 a.m. to 1 p.m. at MaineDOT, Rm 216.
- Friday, February 12, from 10:00 a.m. to 1 p.m. Location to be determined.
- Friday, February 26, from 10:00 a.m. to 1 p.m. Location to be determined.

Item 9: Other Matters—none

Item 10: Adjournment

Greg Dore moved and Galen Larrabee seconded adjournment. The meeting adjourned at 1:10 p.m.