

**Highway Simplification Study
Policy Working Group**

**Thursday, May 6, 2010
Maine Municipal Association**

Attendees:

Policy Working Group Members

Michelle Beal, Ellsworth City Manager
David Bernhardt, MaineDOT
Bob Belz, Auburn Public Works Director
David Cole, Gorham Town Manager
Clint Deschene, Hermon Town Manager, (Co-Chair)
Jim Hanley, Pike Industries
Gerry James, Presque Isle Public Works Director
John Johnson, Jay Public Works Director
Rob Kenerson, BACTS
Galen Larrabee, Knox Selectman
Glen Ridley, Litchfield Selectman
John Sylvester, Alfred Selectman
Bruce Van Note, MaineDOT, (Co-Chair)

Policy Working Group Staff

Peter Coughlan, MaineDOT
Kate Dufour, MMA

Absent:

Elwood Beal, Lisbon Public Works Director
Greg Dore, Skowhegan Road Commissioner

Co-chairs Clint Deschene and Bruce Van Note convened the meeting at 10:15 a.m. During its 4 hour meeting, the Policy Working Group (PWG) discussed and took actions on the following issues:

Item 1: Subcommittee Updates

Standards/Cost Subcommittee. David Bernhardt walked the PWG through the final draft version of the *Minor Collector Improvement Program* document, which outlines the standards that will be used to improve a minor collector road to a 10-year life. The PWG recommended amending the document to make a technical clarification, as well as one establishing a significant process policy.

On the clarification side, the PWG recommended adding a paragraph to the document stating that the developed standards are the highest standards that will be applied. However, municipalities will be authorized to request improvements to minor collector roads that fall short of the established standard, provided that the requested “lesser” standard meets DOT traffic safety policy requirements.

After much discussion, the PWG also agreed to the following process for fixing and swapping year-round maintenance responsibilities over minor collector roads:

1) MaineDOT and municipalities walk through the project to determine the work necessary to improve the minor collector road to the 10-year life standard;

2) MaineDOT generates the estimated cost for improving the road, taking into account all fixes agreed to in step 1;

3) Municipality decides whether to make the improvements at the local level (i.e., with in-house or contracted staff) or have the state make the improvements. If the municipality chooses to make the improvements and savings are realized (i.e., the municipality can do the project at a lower cost than the state cost estimate provided in step 2), the municipality keeps the savings and must certify that the “savings” were used for other highway-related purposes;

4) In order to provide MaineDOT maximum flexibility in setting regional or local minor collector road improvement schedules, year-round maintenance responsibilities are transferred only when the all of the minor collector roads in the community have been improved or the state provides the municipality with the funds necessary to make the improvements.¹

David also shared that after conducting a more detailed analysis of the state’s average winter and summer per lane mile maintenance costs, adjustments to the previously provided data were necessary to ensure that a more “apples-to-apples” cost comparison was being made to the municipal data. MaineDOT’s most recent analysis shows that the state’s average winter maintenance costs are \$4,297 per lane mile, while the average summer maintenance cost, excluding paving, are \$3,143 per lane mile. (A previously used methodology resulted in per lane mile cost calculations of \$3,448 for winter maintenance and \$2,555 for summer.)

Urban Issues Subcommittee. Peter Coughlan reported that the Urban Issues Subcommittee had nearly completed its work on developing an approach for identifying the communities that would be classified as “built-up”. After reviewing maps showing development patterns for nearly 150 municipalities, it was concluded that communities that have a sustained development density for a cumulative total of 2.5 miles on arterial and major collector roads would be mandatory participants in the newly defined urban compact program.

At first cut, the review of the 150 communities showed that 69 communities would be classified as mandatory participants in the new urban compact program. Of the 69 communities on the list: 43 of those fall under the existing urban compact community definition; 12 communities are winter compacts; and 14 communities are “new to the family”. The towns of Bridgton and Oxford are currently winter compact communities, but appear to fall shy of the 2.5 mile density factor. Also, of the 14 communities who are new to the compact list, all were at one time, as recently as 1980, defined as winter compact communities.

¹ This issue may need further discussion.

Peter shared that additional fine-tuning of the density approach was necessary and a final list would be distributed at the PWG's next meeting.

Item 2: Review of Spreadsheet Variables

Taking into consideration that the Standards/Cost Subcommittee is in the process of finalizing the state's average per lane mile winter and summer cost data and that the Urban Issues Subcommittee has not yet completed its work on defining urban compact communities, MaineDOT representatives cautioned that the municipal fiscal impact data provided may be inaccurate. As a result, the PWG unanimously decided to postpone a "town-by-town" review of the fiscal impact data and instead discussed how it should proceed once the most accurate fiscal impact data is provided.

John Sylvester kicked off the discussion by sharing the results of a MMA Executive Committee poll, outlining the preferred process for implementing the "fix and swap" proposal. In summary, the members of the Executive Committee do not support the plan as it is currently crafted and proposed to be implemented. A strong majority of the Executive Committee advocates for an approach that guarantees that municipal concerns are addressed. However, those respondents are divided on how to approach that guarantee. One approach supported by five of the Executive Committee members was to devise a "good faith" implementation plan that would be incorporated in the PWG's final recommendation or appended as a "minority" recommendation to the final report. A revised version of the "good faith" implementation plan presented at the April 22nd meeting was provided. Another alternative approach supported by four of the Executive Committee members was to drop the plan to shift current responsibilities over the collector road system between the state and municipalities, and instead work collaboratively with the Department to find the revenues necessary to enable the state to fulfill its existing responsibilities.

In response to the Executive Committee poll results, Bruce Van Note suggested that the PWG explore an option whereby a certain percentage of the Department's highway road and bridge program funding would be diverted to a Maine Municipal Bond Bank (MMBB) account to be used for making improvements to the minor collector road program. Under this approach those revenues, to the extent possible, would be "unavailable" to the Transportation Committee, as well as the entire Legislature. (That being said, short of a constitution provision the PWG understands that the MMBB proposal does not entirely "protect" against legislative actions.) Many members of the PWG felt that a program of this nature would address several of the "trust" issues. On that note, it was recommended that the PWG rephrase its "trust" concerns to one of reliability; that is, future legislatures cannot be relied upon to honor the commitments made by previous legislatures.

After a detailed review of the variables that have and will be used to determine the fiscal impacts of the proposed fix and swap proposal on individual municipalities, the Department was tasked with two assignments. First, the Department was asked to review all of the variables to ensure to the extent possible, that the data used is the most accurate available. Second, after developing the town-by-town spreadsheet showing the "winners and losers" using the discussed variables, the Department was asked to amend those variables in one or several ways to mitigate the impacts. The purpose of this second exercise is to find ways to mitigate the impacts on the "losing" communities by amending variables to make winners less "winning". In order to enable

the PWG to prepare for future discussions, the Department was also asked to provide the town-by-town impact data well in advance of the next meeting.

It is anticipated that with this information it will be possible for the PWG to determine whether or not the fix and swap proposal, as it is currently designed, can be implemented, both from an economic and political feasibility perspective. One member of the PWG suggested that the feasibility test could be based on whether or not municipalities would be negatively impacted, both on the short and long term, if future legislatures decide to abandon the fix and swap plan post enactment.

Again, PWG members suggested that public outreach and education will be an important element of a successful implementation plan.

Item 3: Future Meetings

The PWG has scheduled meetings for the following dates:

- Wednesday, May 19, 10:00 a.m. to 3:00 p.m. at MMA (lunch provided).
- Tuesday, June 8, 10:00 a.m. to 3:00 p.m. at MMA (lunch provided).
- Friday, June 18 (if needed), 10:00 a.m. to 3:00 p.m. at MMA (lunch provided).

In addition to scheduling its own meetings, the PWG discussed the format of the upcoming May 26th Sounding Board meeting. The PWG agreed that the meeting should run from 10:00 a.m. to 4:30 p.m., with the first part of the meeting (10:00 a.m. to 1:00 p.m.) focused on providing information on the impacts of the Urban Issues Subcommittee's work to identify "built-up" communities. The remainder of the meeting (1:30 p.m. to 4:30 p.m.) will be focused on providing information on the "fix and swap" proposal to a broader municipal audience. The PWG also recommended that members of the Legislature's Transportation Committee be encouraged to attend the Sounding Board meeting.

Item 4: Adjournment

The meeting was adjourned at 2:35 p.m.