

MEMORANDUM

To: Route 236 Implementation Committee and Interested Parties

From: Josh Mack, Transportation Planner

Date: June 7, 2006

RE: Meeting Notes from 236 Meeting on June 6, 2006

Those in attendance included Diane Brandon, Community Wellness Coalition; Jonathan Labonte, Maine Turnpike Authority; Josh Mack, Southern Maine Regional Planning Commission (SMRPC)/KACTS; Terry Oliver, South Berwick Public Works; Kate Pelletier, Town of Eliot Planner; Tom Reinauer, SMRPC/KACTS; Rick Rossiter, Kittery Public Works; Paul Schumacher, SMRPC; Conrad Welzel, Maine Turnpike Authority; Steve Workman, Eastern Trail Management District.

The meeting began with the following updates:

- **Engineering Study:** The Maine DOT Route 236 engineering study began last Thursday and Friday with data collection efforts in South Berwick. Data collection will continue on into this week in Eliot and Kittery. Staff spoke with Maine DOT yesterday and are working together to further develop the paper describing the scope. This draft scope will be forwarded to the committee in a few weeks.
- **Alternatives Analysis:** Maine DOT Commissioner Cole has responded to the alternative analysis request put forward by the Route 236 Corridor Implementation Committee. Carl Croce, Maine DOT's Bureau of Planning Director will be in touch with staff to have an initial meeting on this request.
- **Incident Management:** Route 236 Committee members are invited to attend the Route One Corridor Coalition meeting in which there will be a discussion with the Maine Turnpike Authority's (MTA) Gregory Stone, Director of Public Safety about incident management in York County.
- **Route 236 Design:** An initial design proposal for Route 236 at Main Street and Route 4 (near Cumberland Farms) in South Berwick is expected to be finalized in the coming weeks.
- **Overlimit Truck Inquiry at MTA:** Conrad Welzel announced that staff are in the process of looking at preliminary data on overlimit dimensions on Maine Turnpike and an internal discussion about overlimit vehicle policies. Harland Goodwin, a Board member and South Berwick resident is participating in this inquiry.

Federal and State Transportation Funding

Duane Scott began a presentation on state and federal transportation funding with respect to corridors planning efforts like Route 236. Duane started his presentation by explaining that transportation funding is basically disbursed into planning funds and funds for "bricks and mortar" capital projects. The Route 236 corridor is

somewhat unique in that it is eligible for funding from one of the state's four Metropolitan Planning Organizations (MPOs), in this case, the Kittery Area Comprehensive Transportation Study (KACTS) MPO. Other MPOs in the state are in Portland, Bangor and Lewiston-Auburn.

Planning Funds

- Planning funds (also referred to as pl funds) are used for planning functions, such as the current Route 236 Corridor Committee, the current Maine DOT engineering study on Route 236, and the Alternatives Analysis mentioned during the staff update portion of the meeting.
- Recently, planning funds for MPOs have been increasing a little every 2 to 3 years. However, recent funding recisions at the state level have discounted some pl funds.
- Diane Brandon asked if there was any threat to planning funds with all the cuts occurring lately. Duane and Tom Reinauer answered that they did not expect any problems in the short term. Long term cuts may be more of an issue.

Capital Funds

- The other category of transportation funds is for capital projects. Congress recently passed the new transportation bill, SAFETEA-LU, which is disbursed to the states.
- The formula that the federal government uses to pass on to the states is used to calculate funds that the state disburses to MPOs. This is based on a formula that accounts for vehicle miles traveled and population which are calculated with weighting factors.
- SAFETEA-LU contained a large number of high-priority projects, also known as "earmarks".
- MPOs obtain funding through three federal programs: Surface Transportation Program, National Highway System funds, and the Equity Bonus program (formally called "Minimum Guarantee). Through the last federal transportation bill, Maine was one of four states that did not receive the equity bonus funds. This is because the state did well overall in receiving high priority funds for its earmark projects. Josh asked Duane to clarify approximately what percentage was minimum guarantee funding in the MPO capital budget through the previous federal bill, and Duane estimated that it would be about 40% of the total budget (an \$11 million budget). Paul Schumacher pointed out that York County received only one partial earmark, for Eastern Trail development in York and Cumberland County. Duane noted that with the loss of dollars, the state also is without a category of funding that allows for more flexibility for transportation system development.
- Duane noted that KACTS in the 2006-2007 biennium is enduring \$800,000 in losses in capital project funding. This is due to the recent decision of Maine DOT to defer projects across the state. Deferrals were made for several reasons, one of which is that we are living in high inflationary times, and petroleum/construction costs are at a 25% increase above expectations.
- There is some good news however, in that the Maine Legislature has restored \$30 million to pay for the gap in projects from the deferral process. \$150,000 of that money will be restored to KACTS, making KACTS losses in the 2006-2007 biennium at \$650,000 rather than \$800,000.

- With respect to new KACTS projects, there is a lot of catching up to do. Priorities will be given to deferred projects, projects identified in the last municipal solicitation packet that went out in Spring 2006, and funding for many other needs.
- Duane stated that it is likely that the State and smaller regions like the Route 236 area will need to take a more diversified funding approach and plan ahead for 10 years or more ahead.
- Duane noted that federal legislation has only a few years left, since there was a large delay before the passage of SAFETEA-LU.
- Paul Schumacher mentioned that York County Legislators earlier this year identified Route 236, with Route 111 and 109 as the most significant-priority highways in York County and all expressed support to improve those highways.
- Josh asked the group is it would be worth converging the York legislators again to further discuss that interest in the three highways. Representative Lewin suggested that Ron Collins and Terry McKenney, both outgoing state representatives on the Transportation Committee would be helpful to this cause.
- Conrad said that the state has about 1.5 billion in needs and only about 5-6 million to invest in these needs. The problem is that the pie is too small.
- Duane briefed the committee on the gas tax and how both the national and state highway funds are not sufficiently keeping up with highway costs. Jonathan Labonte noted that raising gas taxes is very unpopular now as gas prices continue to rise.

Local Opportunities for towns to leverage transportation funds

Tom Reinauer gave a presentation on several ways in which other communities in New England are using local tools to finance needs. The powerpoint presentation, which is available at the Route 236 Action Plan website (www.smrpc.org/236/htm) focused mainly on local option sales tax and impact fees. Josh distributed a handout on impact fees to the group. This handout was later sent out as an informational resource to planners and planning board chairmen for Kittery, Eliot and South Berwick. The handout, which includes links to local examples of impact fees, a question and answer on impact fees, and a reference to the Maine statute authorizing local use of impact fees, is also available on the Route 236 Action Plan website. Later the group discussed planning land use tools that can be used to leverage private financing for transportation needs.

Comments on Local Option Sales Tax

- There was some discussion about how local sales tax would get resistance from businesses, with the argument that the sales tax would inhibit people from coming to Maine and spending tourist dollars. However, the other side of the argument was made that a couple dollars on a meal or lodging would probably have a negligible impact on tourism. Conrad Welzel noted that the Maine Turnpike Authority received substantial resistance from the tourism industry when the agency was exploring the idea of congestion pricing, because congestion pricing would be implemented more frequently during the height of the tourist season. A point was made that lodging facilities typically raise their rates at the height of the tourist season and there seems to be a double standard on who can and who can't raise rates.
- Tom made the point that the Local Option Sales Tax would be good supplemental funding resource, but alone could not pay for all needed transportation projects.

- Tom’s Vermont example showed that several towns, had developed a useful source of revenue. A weakness of the Vermont system, is that many of the towns Tom interviewed had not decided what the revenue would be used for. If Maine were to look at this option, there should probably be a needs assessment performed. It was pointed out that transportation would probably compete with many other local infrastructure and/or programming needs, including property tax cuts. Rick Rossiter noted that there is also the problem with town “wants” versus “needs.” Revenue for a local sales tax could easily go to wants (such as land conservation) versus needs “redesign and capital funds for a dangerous intersection” because it would be influenced by local politics.

Comments on Impact Fees

- Tom noted that the current Maine DOT study that is underway will give some critical information to the towns in terms of doing the organizational framework necessary for an impact fee. It will develop a traffic growth prediction, the expected capacity issues related to traffic growth on Route 236, it will recognize projects that may be necessary to mitigate new capacity issues, and it will develop cost estimates of those projects.
- Diane Brandon asked if impact fees could be used for all of the roads (state and local). Tom explained that impact fees have to be based on a clear relationship with a development causing traffic impacts on a road. Typically this is the road that a development has frontage on.
- A question was asked about whether impact fees can be used for state roads and if it mattered if there was an urban compact or not. Tom answered that the impact fee can be used for any state or local public road. However, staff want to do some research on the feasibility of a regional impact fee, versus a locally managed impact fee.

Comments on Land Use Tools (Contract Zoning, Zoning, Permitting, etc)

- Per the request of the committee, Paul Schumacher also gave some information about contract zoning how it can be used to leverage private financing for transportation needs. Contract zoning is a tool towns use to make existing zoning more flexible, so that if a particular use does not meet the underlying zoning criteria (but still remains compatible with surrounding uses in that zone and with the comprehensive plan), then the town can develop a contract with the applicant to allow that use. Often times, the “contract” of the contract zone is utilized by the town as a negotiating tool to mitigate impacts of that development. For example, if the development is supposed to increase traffic in the area, the town can work with the developer to mitigate those traffic impacts as long as there is a “nexus” between the transportation improvement project and the expected traffic impact of the proposed site.
- Josh noted that the negotiating aspect of contract zoning can be applied to any planning board review and can apply to transportation improvements that contribute to the efficiency of the road system. However, some enabling language must be in place and the planning board must be proactive for the negotiating to take place. Josh gave an example that in many subdivision reviews, towns give themselves authority to require mitigation when a development will lower the Level of Service of a road. Site Plan review, driveway permits, design review and other local tools are available to local towns to negotiate and help improve the transportation system. All of these tools, however, must be directly related to the impact of the site in question.

- Josh also noted that the existing Maine DOT Traffic Movement Permit process should be taken advantage of more frequently by the towns. Maine DOT's regional engineers are always very receptive to local concerns and local insight on traffic issues. Traffic Movement Permits, which are a Maine DOT permit and review of a development or change of use that triggers 100 or more passenger car equivalent trips in the peak hour on any state or state-aid road, has a built-in scoping process in which the town that the development is in, plus abutting towns are provided the opportunity to weigh in on Maine DOT site plan requirements. SMRPC staff has observed that towns rarely attend such events. As a matter of policy, KACTS transportation planning staff attend all Traffic Movement Permit meetings in the KACTS region.

Next Steps

- Next meeting was scheduled for August 24th, location to be announced.
- SMRPC will be sending a revised Route 236 Engineering Study Scope within the next coming weeks.
- SMRPC will try to schedule a presentation by the Seacoast MPO on anticipated traffic diversion onto Route 236 with the reconstruction of the General Sullivan Bridge and Route 16.
- SMRPC will develop a semi-annual update to all town selectmen and council on the activities of the Route 236 Implementation Committee.
- SMRPC will be approaching towns on the 236 Corridor and offering impact fee workshops.
- SMRPC will examine if there is interest among York County legislators to have a follow up "transportation" meeting continuing discussion about 236, as well as 109 and 111.