

**KITTERY AREA COMPREHENSIVE TRANSPORTATION COMMITTEE
METROPOLITAN PLANNING ORGANIZATION**

KACTS

Meeting

Wednesday

September 21, 2005

9:15 AM

South Berwick Town Hall

Voting Members Present: Dan Blanchette – Eliot; Jon Carter – Kittery; Terry Oliver – South Berwick; Tom Reinauer – Southern Maine Regional Planning Commission (SMRPC); Rick Rossiter – Kittery; Duane Scott – Maine Department of Transportation (MDOT)

Others present: Josh Mack – Southern Maine Regional Planning Commission (SMRPC); Dave Sherlock – Maine DOT.

Agenda Items

1. Approval of Minutes to June 15, 2005 Meeting

The Committee approved the minutes as written.

2. Fiscal Year 2006-2008 Transportation Improvement Program (TIP)

Overview of TIP

- Tom Reinauer introduced the KACTS TIP explaining that the document includes projects with committed funding for Fiscal Years 2006-2008. There are three projects in the document that are partially funded by Kittery, and several other projects funded by other Maine DOT programmed funds that are not specifically out of the KACTS budget. Two of the three projects using Kittery local funding matches are the Route 1 reconstruction and sidewalk project efforts.

Haley Road Project, Project ID 13046

- Tom reported that Rick Rossiter contacted him with questions about a project included in the TIP yesterday afternoon (described as Project Number 13046 on page 8 of the draft project list, “Kittery, Haley Road, Highway Rehabilitation from Route 103 to Bartlett Road.” Rick explained that the way the Haley Road project is described in the TIP is confusing and has caused several issues for the Kittery Public Works Department. Rick noted that there are four sections separated by nodes on the stretch of road with three different funding responsibilities: two sections are the responsibility of Kittery, one is the responsibility of Maine DOT and one is the responsibility of KACTS. Rick

- explained that Kittery approved paving on Haley Road from Route 1 to Goose Point at a distance of 1.88 mi, but that this is different from what is described in the TIP (*Draft TIP description is Haley Road from Route 103 to Bartlett Road with no distance indicated*). The project described in the TIP contains a section of road that Maine DOT paved last year. Because of discrepancy of project description, Rick has had to send several notices out to highway abutters that the project will occur and then that the project will not occur.
- Dave Sherlock responded with several points regarding the project's entry in the KACTS TIP. First he noted that the Rural Road Initiative program cannot be in MPOs because there are no minor collectors in MPOs, which is what the RRI funds. He also noted that projects are capped at \$450,000 so it is important that the length and width of roadway of the proposed project need to take this into account. Finally, he stated that the project records in the Regional Office do not corroborate with the TIP project description. He noted that the KACTS TIP, the Maine DOT Work Plan, and the STIP all have this incorrect project description. Dave Sherlock also explained that the RRI program doesn't discriminate as to whether road sections are in urban compacts.
 - Tom explained that even if a project is not funded by KACTS, such as an RRI program, that KACTS has traditionally included other projects in the TIP document if they are near the KACTS area in order to give TIP reviewers a comprehensive view of projects occurring in the area.
 - Duane Scott suggested changing the description to Haley Road from Route 1 to Goose Point. This will be updated in other Bureau of Planning documents like the work plan, but is likely to be put on hold. The work plan will be undergoing a major overhaul because of recent funding projections of the recently passed federal transportation bill, SAFETEA-LU.

Route 1 at Route 103 Intersection Improvement, Project ID 12752

- Tom said that another TIP project description that is not entirely clear is Project ID, 12752, "Kittery, Route 1 at Route 103 Intersection Improvement w/ Signal.
- Rick explained that the intersection has 2 northbound and 2 southbound lanes with a median island. The project is to reconstruct the two left hand turning lanes so that they face each other.
- Tom noted that there was a candidate project with a similar description distributed by Maine DOT a few months ago and was wondering if the project was a misprint. The candidate project described an intersection improvement on Route 103 north of the Portsmouth Naval Shipyard.
- Jon Carter stated that Kittery is looking at doing a project on Route 103 by Gate 2 of the Shipyard.
- Tom asked the Committee if the TIP should be approved in light of recent preliminary discussions indicating that SAFETEA-LU legislation will decrease MPO allocations. Duane responded that the STIP has already been submitted to Federal Highway Administration (FHWA). In order to complete the FHWA submittal process, he recommended that KACTS vote on the TIP. Any refinements to the TIP could occur at a later date.

- **Jon Carter made a motion to adopt the KACTS Transportation Improvement Plan, for Fiscal Years 2006-2008, with the previously discussed change to the Haley Road Project description, Project ID #13046. Terry Oliver seconded the motion. All were in favor.**

SAFETEA-LU Impacts on KACTS TIP

- Duane Scott handed out a packet describing recent funding implications of the enactment of SAFETEA-LU with regard to KACTS. A letter written by Maine DOT Commissioner David Cole explains that one of the major funding sources, the “Minimum Guarantee”, a funding source that the state has traditionally depended on, will not be allocated to Maine through this legislation. Minimum Guarantee (now called the Equity Bonus Program) was a provision in the former transportation bill that ensured that state governments get an equitable rate of return on the State’s contribution to the Highway Trust Fund. Because Maine received over \$179 million in funding for high priority project earmarks, it is not eligible for the minimum guarantee. Assuming a 90% obligation limit, KACTS will receive a biennial budget of approximately \$1.2 million. Duane explained that the 90% obligation limit may actually be closer to an 80% obligation limit however.
- Tom stated that York County received only \$1 million of the \$179 million total value of earmark projects from SAFETEA-LU in Maine, and that it behooves the towns to recognize how important the legislative delegation is to bringing transportation earmarks to York County.
- Tom noted that at a transit conference that he attended last week, that a Federal Transit Administration representative gave the impression that obligation funds were no longer part of SAFETEA-LU. Duane responded that the message from FHWA was that there will be obligation limits. Duane added that not only will the allocation be smaller, but Maine DOT will likely have to payback “minimum guarantee” allocation money it has received since the beginning of Fiscal Year 2005 (October 1, 2004 to September 30, 2005). That is equal to a payback of between \$2-3 million statewide.
- Jon Carter asked if KACTS had a prioritization process for the TIP. Tom explained that the committee has been using a list derived from the Maine DOT Six Year Plan, but the list needs to be revisited. Duane stated that all MPOs will want to do some reprioritizing or at least revisiting their prioritization processes in the near future, once more is known about actual MPO capital projects budgets.
- Jon Carter asked if KACTS planning funds would also be readjusted? Duane explained that SAFETEA-LU will be providing Maine MPOs with slightly more planning funds. Preliminary forecasts show that there may be a 10% increase in funds for KACTS planning activities. Jon asked if the Route 236 study should be curtailed until Maine DOT has a better idea of what kind of funding will be available. Duane responded that the 236 study is still worth pursuing. Funding comes from an older pot of money that should be used as a way to continue leveraging funds. Also, the 236 study is based on planning funds, which are separate from the capital funds that will decrease.

- Tom asked about the discrepancies in amounts shown on the green chart in the packet compared to the letter. Duane stated that two different figures are shown, the letter goes by the 90% obligation and the green chart by the 80% obligation.
- Josh Mack asked if Maine DOT will take into consideration the fact that since the earmarks eliminated Maine's minimum guarantee funds, that Maine DOT will take that into account when it is deciding on capital project funds to MPOs and the State as it revises its Work Plan. Some regions of the state are receiving a disproportionate amount of funding through earmarks, while many regions are not. Will this influence how project monies are allocated to MPOs and to towns in the State? Will MPOs and regions of the state that are not benefiting from earmark money, have special consideration for needed project monies? Duane responded that although this might be a more equitable way to allocate money within the state, because money is going to be so tight, that this probably cannot happen.
- Dave Sherlock asked if other Maine DOT funding sources are at risk. Is the Maine Highway Fund at risk because of high gas prices? Duane stated that early indications are that Maine people are driving less as a result of the higher gas prices.

3. KACTS Long Range Transportation Plan Update

- Josh Mack explained that KACTS staff has began reviewing and updating several sections of the plan. Many major updates occurred during the last Transportation Update in 2003. However, there are new pieces of data and new information that need to be incorporated. Josh explained that he would like to send copies of draft chapters of the 2005 update to committee members as they are drafted for Committee feedback.
- Josh noted that two handouts had been prepared for the committee's review regarding KACTS Goals, Objectives and Strategies. With the new SAFETEA-LU legislation, MPO "planning factors" (guideline requirements for MPO planning) have changed slightly so that there is a new separate planning factor emphasizing an MPO's need to plan for "security." "Security" was formally coupled with safety in the former legislation. Also, a planning factor was expanded, requiring MPOs to actively strive for consistency with state and local transportation, land use and economic development planning activities and plans. Josh pointed to the handout comparing the content and the format of the existing KACTS Goals, Objectives and Strategies to other "peer" MPOs including ATRC, BACTS, PACTS and the Seacoast MPO. The handout listed "peer" MPO goals not explicitly adopted by KACTS, and it showed examples of how KACTS goal, objective and strategy language is somewhat broader than other "peer" MPOs. Depending on how the section is written and in which direction the MPO wants to go, broad or more precise language may be wanted, especially in light of the budget constraints that we will now face with SAFETEA-LU.
- Rick Rossiter responded that he would like to see broader language used and pointed out that many of the goals adopted by other MPOs are also in KACTS objectives or strategies.

- Jon Carter agreed that the broader language would give more flexibility to the document and that flexibility will be needed with funding constraints.
- Terry Oliver said that he would need more time to study the handouts, but believes that it may be warranted to expand goals and add a “security” related goal. He explained that it would be useful down the road to have that type of goal in order to access Homeland Security funding. Rick asked if there is any homeland security funding for public works at this point, or whether it is reserved for police and fire. Terry said that South Berwick’s public works department has accessed some funds already. Tom noted that the Downeaster was accessing security funds to have cameras set up at the Wells train station. Duane Scott said he expects programs to be developed down the road to address this new separate planning factor. Also leveraging some money for the Portsmouth Naval Shipyard might be a possibility in the future.
- Dan Blanchette agreed that broad language was preferable, but that security should probably be part of the new goal structure. He asked that deadlines be put on draft comments for the Transportation Plan.
- Josh asked Duane what the latest schedule for the Transportation Plan will be. Duane responded that a draft should be complete by the end of the year, and a final long range plan should be done by March or April of 2006. Duane added that the Committee should be aware that there are three Maine DOT products that the agency is now working on that should be completed soon: The Long Range Plan – a visioning document for the Maine DOT; Transportation 2025 – a discussion of funding needs and financing ideas for transportation in Maine; and the 6 Year Plan – a document that bridges visioning of the Long Range Plan with the more project focused Work Plan.

4. Route 236 Corridor Implementation Committee Update

- Tom gave a brief update on recent Route 236 Corridor Committee activities. The committee has completed a draft action plan. The action plan is available on the KACTS/SMRPC website: <http://www.smrpc.org/transportation/dm/documents.htm#236>. The Committee is also developing a new informational website and brochure describing the 236 planning effort, targeting legislators and others. KACTS staff has made progress on several of the short term action items in the Action Plan. A focus lately has been on commercial vehicle enforcement on the 236 corridor. Staff has connected local police forces with the State Police Commercial Vehicle Enforcement Division to enhance communication procedures and provide additional training on commercial vehicle enforcement. In addition, the Committee will be hosting a second meeting with the Maine Overlimit Permitting Office, the Maine State Police, the Maine Turnpike Authority and private manufactured housing builders and haulers to further discuss this issue. That meeting will occur next week, September 27th at 1:30 PM in the South Berwick Town Hall’s auditorium.
- Tom explained that the Maine DOT engineering study is going forward. Maine DOT will be collecting data this fall for the study, but because there is currently a

repaving project on the corridor this month, the engineer is awaiting project completion before any data is collected. Tom noted that KACTS has already committed \$45,000 for the \$90,000 study. Maine DOT and KACTS are currently working out an arrangement to use Maine DOT and KACTS reserve funds to help pay for the remainder of the study.

- Tom also mentioned that the 236 Committee is currently trying to get the Kittery, Eliot and South Berwick boards all present at a meeting to discuss the results of the 236 Corridor Committee and try to solicit support from the towns. Dan asked that Berwick also be invited to this meeting.

5. Other Business

- Tom noted that Maine DOT, Southern Maine Regional Planning Commission (SMRPC) and Greater Portland Council of Governments (GPCOG) will be holding a Southern Maine Regional Transportation Forum. The event will focus on findings of the Regional Needs Assessment and to make communities aware of the funding gap that Maine DOT expects over the coming years. All committee members should be receiving an invitation to the meeting from Maine DOT. Tom has invited the Hannaford Fleet Manager to be the keynote speaker and hopes to have other noteworthy panelists. Terry asked if the forums could have a speaker with experience using the new private “design, build and maintain” model that is becoming more popular in the U.S., particularly in the western part of the country. Duane said there might be folks with experience that we can draw from right here in Maine—the folks that worked on the Bath-Woolrich Bridge, or the folks working on the Waldo-Hancock Bridge.

Meeting adjourned at 10:55 AM.

Meeting notes submitted by Josh Mack, SMRPC, September 22, 2005.