

**Highway Simplification Study  
Policy Working Group**

**Thursday, September 9, 2010  
Maine Municipal Association**

**Attendees:**

**Policy Working Group Members**

Michelle Beal, Ellsworth  
Bob Belz, Auburn  
David Cole, Gorham  
Clint Deschene, Hermon (Co-chair)  
Greg Dore, Skowhegan  
Gerry James, Presque Isle  
Jim Hanley, Pike Industries  
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**

Denny Keschl, Belgrade

**Absent**

Elwood Beal, Lisbon  
David Bernhardt, MaineDOT

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

**Item 1: Revisions to Agenda**

Three discussion items were added to the agenda, including: 1) communications strategy; 2) development of a “plow rate” for services provided by municipalities on non-compact state roads; and 3) review of “Progress Report” to-do list.

**Item 2: Subcommittee and Subgroup Updates**

*A. Urban Issues Subcommittee.* MaineDOT’s Peter Coughlan provided an update of the July 21<sup>st</sup> Compact Communities Sounding Board meeting and the Urban Issues Subcommittee’s progress on efforts to restructure the existing urban compact program. Based on the information provided, the PWG took the following actions on the Subcommittee’s proposed compact community proposal.

*Motion 1:* A motion was made by Michelle Beal and seconded by Bob Belz to adopt the Urban Issues Subcommittee's recommendation to amend the current urban compact program by defining compact communities simply as those that have a sustained development density (i.e., structures separated by 200 feet or less for a distance of a ¼ mile) for a cumulative total of 2.5 miles or more on arterial and major collector roads in the community, with two amendments:

1. The 43 existing compact communities retain administrative local control of driveway and entrance permitting, opening permits and utility coordination on state roads in the compact area. For the remaining 32 proposed compact municipalities, local control over permitting and utility coordination will be delegated to a willing community at the discretion of the Department of Transportation; and

2. Compact municipalities will be authorized to petition the Commissioner of MaineDOT to opt-out of the compact community program. The petitioning community will have to illustrate that maintaining major collector and arterial roads in the identified compact area would run contrary to the Highway Simplification Study's goals of maximizing operational efficiencies and customer service. The municipality will have authority to grieve the decision of the Commissioner with an Appeals Board.

**Motion prevailed by a vote of 12-0. One member abstained from voting.**

*Motion 2:* A motion was made by David Cole and seconded by John Johnson to further amend the Urban Issues Subcommittee's Compact Community proposal to require that when the responsibility for maintaining a section of state highway in the compact area is transferred to a qualifying municipality, the Department will be required to prepare a capital and maintenance plan to ensure that the section of highway is in good repair at the time of transfer, as is required in existing urban compact law.

**Motion prevailed by a vote of 13-0.**

As a result of the discussions on the Compact Communities proposal, the PWG also directed the Standards and Cost Subcommittee to: 1) expand the existing list of municipal and state maintenance responsibilities in the compact area to include examples and type of work; and 2) review the proposed "fix and swap" 10-year improvement standard for the non-compact minor collector roads to determine level of applicability to compact minor collector roads and to recommend changes, if necessary.

The PWG also informally adopted an "equity standard" requiring, to the extent practical, that all of the policies and practices proposed by the PWG apply to all communities regardless of demographics or geography.

*B. Fiscal Issues Subgroup.* MMA's Kate Dufour and MaineDOT's Bruce Van Note, updated the PWG on the Fiscal Issues Subgroup's efforts to develop a local road assistance funding formula. As proposed by the Subgroup, municipalities would receive \$300 per lane mile for seasonal local roads, \$600 per lane mile for year-round local roads; a \$1,200 per lane mile "base rate" for minor collector roads; a \$2,240 per lane mile "stipend" for communities with

disproportionate shares of minor collector vs. major collector roads; and \$4,000 per lane mile for maintenance activities on state roads in compact areas. The proposal also incrementally repeals, over a four year period, the “hold harmless” provision of current funding model (URIP).

*Motion 3:* A motion was made by John Sylvester and seconded by David Cole to adopt the Fiscal Issues Subgroup’s municipal funding recommendation.

**Motion prevailed by a vote of 12-0.**

By consensus, the PWG also approved a meeting schedule change. The PWG will be meeting on Thursday, September 16<sup>th</sup> from 1:00 p.m. to 4:00 p.m. The next Sounding Board meeting will be held on October 7<sup>th</sup> from 1:00 p.m. to 4:00 p.m. Both meetings will be held at MMA.

*C. Standards/Cost Subcommittee.* By consensus, the PWG voted to postpone discussion of this agenda item to its September 16<sup>th</sup> meeting.

**Item 3: To Do List/Assignments**

*A. Oct 7<sup>th</sup> Sounding Board Meeting Planning.* By consensus, the PWG voted to postpone discussion of this agenda item to its September 16<sup>th</sup> meeting.

*B. Creation of an Appeals Committee.* Bruce reported that more work needed to be done with the “Appeals Committee” concept. As preliminarily designed, a five-member board including representatives from the Federal Highway Administration, Maine Department of Transportation, Maine Municipal Association, Attorney General’s Office, and one yet-to-be determined representative would be available to municipalities interested in appealing state-level road functional classifications and “compact” designations decisions.

*C. Motor Vehicle Excise Tax Law.* After a brief discussion and straw poll, a majority of the PWG decided to explore adopting a law that would require municipalities to use motor vehicle excise tax revenue for transportation-related purposes (i.e., maintenance or capital costs of highways, minor spans, transit support, traffic enforcement, etc.). Bruce and Kate were asked to seek advice from their legal departments to determine whether there is a state constitutional barrier to implementing a statutory use limitation on municipal excise tax revenue.

*D. Other Funding Issues.* By consensus, the PWG voted to postpone discussion of this agenda item to its September 16<sup>th</sup> meeting.

**Item 4: Other**

The PWG briefly discussed the agenda items for next Thursday’s meeting, which include:

1. A directive to the Standards/Cost Subcommittee to develop the plow rate to be used to reimburse municipalities that have contracted with the Department to provide winter maintenance on state roads.
2. Review of Appeals Committee concept.

3. Update on the constitutionality of a motor vehicle excise tax revenue use limitation.
4. Revenue-related discussions:
  - a. Funding the state's year-round responsibility over the major collector road system;
  - b. Funding efforts to continue state-level maintenance of the collector road system, pre-implementation;
  - c. Mechanism for funding the local road assistance program;
  - d. Identification of funding sources; and
  - e. Refunding municipalities for previous investment in minor collector roads (i.e., claw back – include or not include).
5. Review of “Progress Report” to-do list.
6. Communications strategy.
7. October 7<sup>th</sup> Sounding Board meeting preparations.

Pete Coughlan was also asked to forward any other issues to Kate for inclusion on the September 16<sup>th</sup> meeting agenda, including the need to discuss the standard to be applied when a local road is transferred to the state.

**Item 5: Adjournment**

The meeting was adjourned at 3:10 p.m.