

PACTS

Portland Area Comprehensive Transportation Committee

Planning Committee Meeting Notice

November 1, 2007
9:00 a.m.
PACTS, 68 Marginal Way, Portland

Agenda

1. **Call to order, and welcome new members: Gary Lamb of Old Orchard Beach and Amanda Stearns of Falmouth**
2. **Minutes of October 4th meeting**
3. **New Funding for Transportation Improvements**
 - A. Impact Fees (Mark Eyerman)
 - B. Follow up from our October 4th discussion of other sources
 - C. Next steps
4. **Status Reports**
5. **Reschedule December meeting**
6. **Adjourn**

Next Meeting: To be determined

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Agenda Item 2: Minutes of October 4th Meeting

Members Present: Donna Larson, Chair, Freeport; Dan Bacon, Scarborough; Dawn Emerson, Yarmouth; Deb Fossum, Gorham; Tex Haeuser, South Portland; Alex Jaegerman, Portland; Molly Just, Westbrook; Robert Kahn, Policy Committee Appointee; Mike Laberge, Maine DOT; Jonathan Labonte, MTA; Steve Linnell, GPCOG; Brooks Moore, Windham; Peter Morelli, Saco; Tom Reinauer, SMRPC; Amanda Stearns (for Amy Lamontagne), Falmouth; Greg Tansley, Vice-Chair, Biddeford.

Members Absent: Gary Guerette, Policy Committee Appointee; Carla Nixon, Cumberland; Maureen O'Meara, Cape Elizabeth; John Perry, FHWA; Jon McNulty, Public Transportation.

Staff and Guests: Jim Carmody, Portland; Julia Dawson, PACTS; John Duncan, PACTS; Tom Errico, Wilbur Smith Associates; Steve Landry, MaineDOT; Sue McIntyre, GPCOG; Paul Niehoff, PACTS; Jen Paul, MaineDOT; John Peverada, Portland Parking Div.; Ben Smith, Windham.

1. **Call to Order.** Donna Larson, Chair called the meeting to order at 9:02 a.m.
2. **Minutes of September 6th, 2007 meeting**
Greg Tansley moved for approval of the September 6th meeting minutes, seconded by Brooks Moore. It was noted that Maureen O'Meara should have been listed among "members present" and was not absent. Correction noted. Vote taken. All were in favor. Minutes were unanimously accepted as amended.
3. **New Funding for Transportation Improvements**
 - A. **MaineDOT's Traffic Movement Permit**

Steve Landry provided insight on the MDOT delegated review authority process.

- MDOT has jurisdiction only on development that generates more than a 100 vehicle trips.
- A town can apply to MDOT for delegated review authority and must meet certain criteria.
- Portland, Lewiston and Auburn applied and have received delegated review authority.
- A town can take the traffic movement permit further with developers with impact fees for those that generate under 100 vehicle trips.
- Topsham, Brewer and Ellsworth had similar issues with road congestions. Things that these communities did included the development of a parallel road from monies fronted by the developers.
- A municipality can partner with other entities including the private sector and use all of that money to make a roadway improvement.

Steve noted that in his view, impact fees might be better if communities could get together and set up a regional impact fee. Towns would have to work hard and decide on what area the impacts are. That is where an MPO would come in to oversee that and establish a review process that would be done by a committee such as this. Steve does not see any DOT regulations that would stand in the way of doing something like that. Towns have the authority to develop impact fees, if it is voluntary. It is just a matter of towns getting together to decide what they want to do. They could bond a project, build it, use the impact fees, TIF fees, etc. There are many things that could work. Further discussion was generated.

Among topics discussed:

- Developers are often willing to put some monies upfront if a TIF is applied for infrastructure related to development
- In a bond supported TIF, it is the town that usually fronts the money.

- Fees and incentives utilized with the new Biddeford Shopping Center, the Biddeford-Saco mills, and the downtown areas in this region.
- Transit, park 'n ride lots, other commuter type ideas as an option to reduce vehicle trips and congestion.
- MDOT's role in respect to the internal flow of a "big box store" development. That is done at the local level.

Tools to consider as possible regional solutions in Travel Demand Management (TDM)

- Incentives for developers to come up with internal solutions that would address limited parking and vehicle trips.
- Internal solutions could include such things as land use issues and an integrated daycare.
- A portion of regional fees collected could stay in the local communities while another portion could stay in the region.
- Vehicle trip reduction could be accounted for as in a vanpool or carpool. Incorporating these reductions could reduce a developer's mitigation requirements and reduce their study area. It must be quantified and documented. (This is already allowed).
- Building a regional "war chest" from regional fees for a better transit system.
- Parking on the outskirts of the city with accessible in-town bound transit and/or buses.
- Developers/new businesses could provide free transit passes.
- Special assessment districts
- Access fees
- Voluntary donations
- Impact fees are supposed to be for new capacities.

A discussion ensued regarding damage done to collector roads by heavy construction vehicles. The idea of a regional impact fee system with PACTS that could be used for collector roads was considered. It was noted that this type of fee is possible if you can make the case that traffic from the new development is causing the road to considerably wear down. However, the fee cannot go to an existing deficiency. It must be designed to show additional wear and tear. Freeport has an impact fee for both new residential and commercial construction based on the square footage and length of road.

Other items discussed in considering regional fees:

- Equity issues
- Incremental issues.
- State laws
- Cost recovery fees for traffic systems
- Establishment of a TIF district
- Economic pros and cons
- Cost sharing
- Regional significance
- Partial exactions or fees for partial projects/intersection type projects
- Impact fees for development outside the cities going toward rotaries
- Development of regional impact fees for smaller sub-regions.
- A threshold value where a flat fee or per trip fee has been calculated based on per unit or size of the development.
- Who would manage the impact fee program? How much time and monies would it take?
- Consultants and conflict of interest.

- Impact fees for a traffic movement permit should go “over and above” and should not be applied to the local match.
- Impact fees and abutting communities.

There was agreement that there is no one solution but a host of different options as solutions. It was noted that with the regionalization of the school systems throughout the State that we may actually see a regional school impact fee system in the near future. That could break the ground for towns to work together with regional impact fees for traffic movement. In respect to MaineDOT scoping meetings, it may be more conducive to hold the meetings in the respective municipality rather than at the MaineDOT regional office.

Tom Reinauer spoke of SMRPC’s attendance at all the MaineDOT scoping meetings that occur in the MPO area. For other parts of the region they call the towns and ask if they have received the notice and ask if they would like SMRPC to attend. He noted that this has worked well for them. Steve Landry added that educating the towns on this topic is well worth while. (MDOT notices/invitations will be sent out to the municipal Planner and Planning Board).

Further discussion followed on the pros and cons of traffic movement permits. One of the “pros” could provide a potential of tailoring items that would include things such as streetscapes, for instance. The “cons” might include involvement of local politics and more liability to the communities. A neutral issue is that you would still have MDOT for assistance.

Alex noted that the transit element should have a regional aspect to it. Some kind of regional mechanism is appropriate. Deb Fossum said that she would like to add corridor to sub regions. You could see three or four towns in a corridor.

A flat fee based on trips that apply to all new construction whether residential or commercial, Greg said he was not convinced that that is the best thing. Donna explained that if there is a traffic movement permit required and the impact fee is paid because of that, the impact fee could be collected by the town or the region. It is easier. She added that the group should additionally consider some sort of incentive program in lieu of impact fees. Greg said he also agreed with Amanda’s idea earlier in the discussion that there should be a toolbox outline made available.

The group will focus on refining what we have and discuss other tools such as TIFs, special assessment districts, negotiations, etc. at the next meeting. An umbrella approach to the funding issue as well as how to approach educating the public on unmet needs and what it actually costs to modernize the interstate will also be discussed.

4. PACTS 2009 High Priority Projects Candidates List (Attachment)

There was consensus to submit the High Priority Projects Candidates List as is to the Policy Committee for review.

5. Status Reports

Tabled until next meeting.

6. Adjourn

The next meeting is scheduled for November 1st, 2007 at 9:00 a.m. Meeting adjourned at 11:00 a.m.

Agenda Item 3 – New Funding for Transportation Improvements

At last month's Planning Committee meeting the group agreed that we need to create a mechanism to charge and collect funds to ensure that new development bears its proportionate share of the capital costs of off-site transportation improvements. Money generated by such a fee will help ensure our transportation infrastructure and public transit needs will be serviced to a level that meets the needs of today and development of tomorrow.

Findings

The potential for developing a regional fee system was positively received; however there are concerns regarding who should pay a fee, how should funds be distributed and who should collect such fees. There are pros and cons for all fee systems and finding the right option for the region will take more research. Many options were touched on and some of the following options will be discussed further.

- Traffic Movement Permits
- Impact Fees
- TIFs
- Special Assessment Districts
- Mitigation Fees
- Extractions, and
- Negotiations

The discussion of Traffic Impact Fees clearly rose to the surface and the group agreed we need to focus on refining what we have before we move on to alternative options. That being said the following is a summary of what we have discussed thus far.

Trip Based Regional Traffic Impact Fee

Create a regional traffic impact fee which would “piggy back” on the MaineDOT's Traffic Movement Permit authority. The MaineDOT currently has a permitting policy that only applies to development that generates more than 100 vehicle trips. This approach falls well short of capturing the full funding potential of the private sector. The accumulative effect of residential commuters on the transportation system is extensive and it is inevitable that they should pay their fare share of the costs to maintain and improve the system.

Fee Structure and Collection

- Establish a flat trip based fee system for all development that generates fewer than 100 peak hour trips. This would include both residential and commercial.
- Fees would be collected by the municipality as part of the building permitting process.
- Create sub-regions or corridors with the PACTS region.

- A portion of the fees would stay locally while the remaining funds would be directed to a sub-region/corridor fund.
- Administration could be done locally in a comprehensive way.

Applicable Uses

Investment plans: Municipalities would create an investment plan that would identify improvements needed because of growth pressures. Investments that are projected to be required due to growth pressures on public facilities could then be paid for with the fees collected. Improvements might include:

- Intersection improvements to increase capacity.
- Roadway expansions including turn lanes, through lanes and new roads to handle new capacity.

Mitigation Plans: Regional transit improvements identified by municipalities that expand the system and improve air quality could be used with funds from the sub-region/corridor fund. Improvements might include:

- Capital investments such as new buses.
- New or improved bus shelters.
- Expanded service area.

Incentive Program

Fees can be reduced or eliminated if improvements are made that reduce the number of expected trips such as, capital improvements to the transit system, or significantly reducing parking and implementing other TDM methods.

Oversight

An independent oversight committee made up of key stakeholders or possibly a PACTS sub committee should be established to administer the program. Duties would include:

- Fee collection and distribution oversight.
- Investment/Mitigation Plan and project review.
- Conflict resolution.

Pros and Cons:

- ☞ Communities would still need to apply to the MaineDOT for delegated review authority for developments that generate over 100 trips (assuming fees collected are to stay local).
- ☞ Local control could be satisfied by retaining a portion of the fee, while a general fund could be generated by redirecting the remaining portion of the fee collected.

- ☞ Streamline process; local approach done in a comprehensive way.
- ☞ Review process has the potential of being more political.
- ☞ Municipalities may take on more liability
- ☞ Potential for more tailored improvements such as streetscapes and pedestrian facilities.

Next Steps

We have invited Mark Eyerman to speak with us and help us build upon what we have, and to describe how such a program could be executed, including the creation of a fee collection and distribution system. Also identify other pros and cons of such a program.

Coming Months

Over the next couple of months we will continue to explore and refine alternative funding options such as, TIFs, special assessment districts and extractions, for transportation improvements. Use the group's findings to prepare a matrix for eventual submission to the Policy Committee. The Policy Committee will use the matrix to help develop the best course of action for the PACTS region.

Discussion thus far has highlighted the fact that there is no one solution but a host of different options. There is agreement however that a corridor or sub-region approach should be established.

As each topic is discussed as necessary, a short white paper will be prepared and the matrix will be completed. The final product will be a tool box of options that can be used to assist communities in deciding what approach works best for them and their sub-region.

A sample/draft matrix might look something like the following table:

	TMP	TIFs	Impact Fees	SAD	Extractions	Negotiations	Other
Who	All new development	Limited: Big Development	New Development	Limit: Designated areas only			
Fee Type	Trip based	Tax	Sliding Fee	Tax	Sliding Fee	Sliding Fee	
Collection Method	Local	Local	Local	Local	Local	Local	
Distribution	Local and Regional	Local	Local	Local	Local and Regional	Local and Regional	
Incentive	Y	Y	Y	N	Y	Y	
Pros and Cons			<ul style="list-style-type: none"> • Political resistance • Potential for sprawl • Local control 				

Agenda Item 4: Status Reports

The Policy Committee held a retreat last month. Donna Larson and Greg Tansley attended. The focus was on possible new PACTS organizational frameworks. Twenty nine people attended. They will reconvene for a follow-up retreat on November 14th.

The Transit Committee reviewed the draft High Priority Projects list and a new formula for allocating FTA funds.

The Technical Committee reviewed the draft High Priority Projects list, discussed collector paving funding, and heard a presentation on the Maine Historic Preservation process from the MaineDOT Environmental Office.

Our TIP Process Committee held their second meeting in October. Donna Larson represents the Planning Committee on it.

PACTS staff is participating in the Turnpike's toll rate equity study process.

MaineDOT is looking for obligation authority to finance the local studies per our August 16th proposal.

The MaineDOT has scheduled three public meetings regarding the final draft of their I-295 Corridor Study:

Yarmouth November 13, 2007 (7-9 p.m.)
Log Cabin 196 Main Street (next to Key Bank) Yarmouth
I-295 Corridor Study Report *and Portland North Rail Planning Study presentations*

Brunswick November 20, 2007 (7-9 p.m.)
Old High School Library (corner of Spring and McKeen St) Brunswick
I-295 Corridor Study Report presentation

Portland December 11, 2007 (7-9 p.m.)
State of Maine Room Portland City Hall, 389 Congress St. Portland
I-295 Corridor Study Report presentation