

Maine Turnpike Authority
Policy for Initiating Studies of Existing and New Interchanges and Access Roads

Whereas, in 1981 the legislature authorized the Maine Department of Transportation (“Department”)/ Maine Turnpike Authority (“Authority”) Interchange Program through the enactment of 23 MRSA §§1965(1)(P) and 1974(3) (see appendix A for statute language); and

Whereas, the Sensible Transportation Policy Act (23 MRSA §§73, 1961(5)), adopted in December, 1991, and the rules and regulations promulgated thereunder, further defined the roles and responsibilities of the Authority and the Department in respect to the planning, location, funding, design and construction of interchanges on the Maine Turnpike;

Whereas, responsibilities for development and implementation of interchange projects on the Maine Turnpike were further defined in the February 13, 1997 Interchange Agreement between the Department and the Authority (that agreement as modified or replaced from time to time being the "Interchange Agreement");

Whereas, modifications to existing Turnpike interchanges and access roads, and construction of additional Turnpike interchanges and access roads related thereto may be beneficial to the local, regional, and state transportation network, and the Turnpike;

Whereas, it is the Authority's responsibility to set the level of revenues that should be committed to interchange projects based, among other things, on the relationship of each project to the public's use of the turnpike and the orderly regulation and flow of vehicular traffic using the turnpike

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Whereas, the results of planning for interchange projects and the Authority's determinations under Section § 1974(3) to date identify additional interchanges at Grove Street, Sabattus / Lewiston and South Main / Route 136 Auburn at locations to be determined as active interchange projects for which support from Authority resources is justified;

Whereas, the planning for interchange projects and related access roads, the Authority's determinations and the availability of Authority resources further suggest that the relationship of future projects may require contributions from entities other than the Authority;

Whereas, as stated in the MTA 2004-2013 Ten Year Plan, the Authority wishes to adopt a policy relating to the identification, planning, design and construction of and funding for future interchange projects and related access roads; and

Now, Therefore, Be it Resolved that the following be adopted as the official policy of the Maine Turnpike Authority regarding interchanges:

Interchange Project Information Submittals:

Any municipality (a "proponent") may request that the Authority undertake preliminary studies of modifications to an existing interchange and related access road or studies of a new interchange and related access road that the Authority or the Department has not otherwise determined should be studied (a "proposed project") by submitting a written justification to the Authority and the Department. Information submitted by the proponent may be preliminary in nature but should be of sufficient detail to warrant expenditure of Authority funds on further study and include at a minimum the following:

- (a) A preliminary statement of the purpose of and need for the proposed project. This statement should identify existing and anticipated capacity, safety, and/or accessibility deficiencies and the basic project objectives. Technical measures such as traffic volumes, level of service, delays, queues, travel times, accident data, pedestrian data, land use data, and other relevant information should be supplied, to the extent that this information is available to or may be developed by the proponent without burdensome expense, as determined by the MTA, to demonstrate the need for the proposed project.
- (b) Provide a written statement by the municipality (ies) that the proposed project would be consistent with the applicable municipal comprehensive plan(s).
- (c) A list of alternatives that the proponent believes are worthy of consideration. This need not be exhaustive, but should include any alternatives that have been previously considered or discussed, even in a preliminary manner.
- (d) Documentation of any previous studies that have been conducted.
- (e) Minutes, records and transcripts if available of any public meetings or hearings that have occurred relative to the requested project.
- (f) A statement of why the expenditure of Authority funds for the proposed project would be justified under 23 MRS § 1974(3) which statement shall address, at a minimum, the factors listed under 1974(3) as A, B, D, E, F, H, I and L.

Because planning and implementation of transportation projects must be done in accordance with the Sensible Transportation Policy Act, the proponent should describe, and commit to fulfill, its role in assisting the Authority and Department in complying with the Act and the rules and regulations promulgated thereunder.

Each proponent should submit documentation of the actions of its governing body that authorize the submission and the commitments of the proponent contained therein. The Authority may require that such documentation include the opinion of outside counsel to the proponent regarding the valid and binding nature of the undertakings in question. Each proponent should submit documentation of its coordination with other municipalities in the region and the positions of those municipalities with respect to the proponent's proposed project.

Following receipt of the information that is prepared and submitted by the proponent, the Authority and Department will jointly consider whether the proposed project warrants further study based, in part, on the following criteria:

1. The proposed project would not conflict with the Enabling Act authorizing the Department/Authority Interchange Program, the Department's Statewide Transportation Plan and the other requirements of the Authority's current 10 Year Planning Report;
2. Funding for the planning, location, design, construction and maintenance of the Project is reasonably likely to be available;
3. The proposed project would not adversely affect the operation of the transportation system and Turnpike;
4. The proponent has demonstrated, at the sole judgment of the Authority, that community support for the proposed project exists at the local and regional levels;
5. The proponent has documented the transportation purpose and need for the proposed project in terms of existing or anticipated capacity, safety, and/or accessibility deficiencies and a sufficient relationship of the proposed action to the Turnpike and its patrons;
6. The Department has made a preliminary determination that the proposed action would be consistent with state transportation plans and policies;
7. The proponent has demonstrated that the proposed action would be consistent with the applicable municipal comprehensive plan(s); and
8. The judgment of the Department and the Authority as to the priority of such project relative to other projects that are under review or development at the time.

The Authority may not undertake a study unless the proponent commits to participate in the study through funding, staff involvement, technical resources, and/or other suitable means. At its sole discretion, the Authority may segment a study into component elements or may implement a phased study. Before initiating a study, the Authority will require a Memorandum of Agreement (MOA) be entered into, which will detail the Authority and the proponent's respective commitments. This MOA will bind the proponent to pay a certain percentage of costs related to the study, planning and preliminary design of the proposed project, which percentage will be negotiated and may depend, in part, on the proponent's level of commitment of other resources and, when applicable, the proponent's ability to obtain funding from other interested municipalities or organizations. The maximum percentage required shall normally be 20%, unless the project's primary justification is to promote specific economic development rather than to benefit the transportation system or a region as a whole, in which case a greater percentage may be required. The proponent will not be required to pay for costs relating to the final design, permitting, construction or operation of the project, except for those costs incurred due to changes made at the request of the proponent when said changes, in the opinion of the Authority, are not necessary for

proper functioning of the project. The Authority may require, as a condition of the MOA, that the municipality institute a policy of requiring impact fees from future developments that will create or increase traffic impacts on the project, which impact fees shall be paid to the Authority to use for future repair, maintenance and modification of the project..

In those instances where the proposed project is located on a non-toll section of the Interstate Highway System, the proponent will work with the Authority and/or Department to prepare a formal request to the Federal Highway Administration for approval to add a new or modified access point to the Interstate Highway System.

The Authority will consider each proposed project and provide the proponent with a written decision within one hundred and eighty (180) calendar days of receipt of a submission meeting the requirements of this policy as to whether the proposed project has been accepted for recommendation to the Authority's board for final approval, conditionally accepted for recommendation, or denied for further study. The Authority reserves the right, in its sole discretion, to reject any proposed project, to stipulate conditions on which further study of a proposed project will be approved, and/or to require that any information submitted by the proponent be supplemented, completed or clarified before consideration by the Authority. The Authority's authorization of a study of a proposed project does not in any way assure that the proposed interchange or related access road will be constructed.

Funding for Future Interchange Projects:

The amount of any funding for a proposed project to modify an existing interchange or for a proposed new interchange project from Authority resources must be determined by the Authority on a case-by-case basis under the provisions of 23 MRSA §1974(3). Accordingly, any determination to study a new interchange project initially and every decision at each stage of planning and development thereafter whether to continue with the development process or not will involve an assessment of the availability of funds from its own and possibly other sources to complete and operate such project.

Questions Regarding This Policy

This interchange policy has been approved by the Maine Turnpike Authority and is effective as of January 27, 2006. It is subject to revision or amendment, with Authority approval, without prior notice. Anyone with questions regarding this policy should contact the Authority's Government Relations Department at 871-7771, x111.

APPENDIX A

§ 1965. Maine Turnpike Authority; powers; membership

1. POWERS. The Maine Turnpike Authority, as created by Private and Special Law 1941, chapter 69 and as authorized by [Title 5, section 12004-F](#), subsection 4, is and shall continue to be a body both corporate and politic in the State and may:

P. Provide from revenues to or for the use of the department funds for the maintenance, construction or reconstruction of interchanges determined pursuant to section 1974, subsection 3, for which the authority has not otherwise provided;

§ 1974. Use of turnpike revenues

3. REVENUES FOR ADDITIONAL INTERCHANGES. In addition to interchanges which have been incorporated into the turnpike, the authority shall authorize turnpike revenues to be utilized for interchanges determined pursuant to the terms and conditions of this section, provided that the department shall request use of revenues by submitting a proposed program for additional interchanges or improvements to existing interchanges, and provided that the authority shall have and exercise sole discretion to set the level of revenues, and provided further that the additional interchanges or improvements have or would have a sufficient relationship to the public's use of the turnpike and the orderly regulation and flow of vehicular traffic using the turnpike so that the use of the turnpike revenues is warranted to pay all or any portion of the cost of maintaining or constructing such additional interchanges or improvements and all or a portion of the access roads required in connection therewith. In making the determination of whether a sufficient relationship exists, the department and the authority shall consider the following factors, no one of which may necessarily be determinative:

A. The existing road network;

B. The traffic impact of the construction or reconstruction on the existing road network;

C. The probable change in departmental or authority expenditures resulting from construction or maintenance;

D. The relative number of vehicles using or expecting to use those access roads on the way to or from the turnpike;

E. The road distance of those access roads or portions thereof from the nearest entrance to or exit from the turnpike;

F. The effect the construction or improvement will have on the flow of traffic to, from and on the turnpike, and in diverting vehicular traffic off or away from the turnpike;

G. The probable availability of turnpike revenues to make the payments;

H. The availability of alternative roads to or from the turnpike;

I. Priority shall be given to the construction or improvement of interchanges and related access roads which will promote industrial and economic development of communities adjacent to or near the turnpike, whose present lack of access tends to discourage that

development. In determining the extent of effect on industrial and economic development, the department and the authority shall consider existing, committed, proposed and potential development. The first priority for the use of available toll revenues for interchanges shall be for new or a modification of present interchanges and access roads to provide the necessary access for the development of industrial parks in Lewiston and Auburn. The authority and the department shall make every effort to begin construction or modification of interchanges by January 2, 1984;

J. Financial condition of the turnpike and financial impact of maintenance, improvement and construction;

K. The existence of any seasonal interchanges which with nominal capital expenditure could be placed into year-round operation; and

L. Such other factors deemed relevant, including, but not limited to, expert opinion.

In state fiscal year 1990-91, the authority shall make a \$ 6,300,000 early payment representing amounts agreed to be paid by the authority for the Scarborough interchange project.

4. REPEALED. 1991, I.B. 1, § 8; Laws 1993, c. 680, § A-26, eff. April 14, 1994.