

# Bill as Introduced

SB 186 - AS AMENDED BY THE SENATE

File

03/11/09 0652s

2009 SESSION

09-0873

06/05

SENATE BILL **186**

AN ACT relative to the establishment of a statewide transportation policy and a transportation advisory commission.

SPONSORS: Sen. Kelly, Dist 10; Sen. Janeway, Dist 7; Sen. Gilmour, Dist 12

COMMITTEE: Transportation and Interstate Cooperation

ANALYSIS

This bill establishes a statewide transportation policy and a transportation advisory commission.

.....

Explanation: Matter added to current law appears in *bold italics*.  
Matter removed from current law appears [~~in brackets and struck through~~].  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Nine*

AN ACT relative to the establishment of a statewide transportation policy and a transportation advisory commission.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 1 New Chapter; Statewide Transportation Policy. Amend RSA by inserting after chapter 240  
2 the following new chapter:

3 CHAPTER 241

4 STATEWIDE TRANSPORTATION POLICY

5 AND TRANSPORTATION ADVISORY COMMISSION

6 241:1 Findings and Public Purpose. The general court finds that:

7 I. It is essential to the well-being of New Hampshire's citizens and to the economic health of  
8 the state that New Hampshire have and maintain a sustainable and effective transportation system  
9 that is capable of efficiently transporting people and goods, and is responsive to changing user needs.

10 II. The cost of maintaining New Hampshire's transportation system and infrastructure has  
11 increased substantially, greatly outpacing the state's transportation funding resources. The  
12 widening gap between transportation costs and available revenues impedes the ability of the state to  
13 maintain and repair existing infrastructure, including bridges and roads, and to develop alternative  
14 transportation modes. Efforts are needed to ensure that the New Hampshire transportation system  
15 will be sustained for the long-term and that the system as a whole represents a wise investment of  
16 public funds.

17 III. A coordinated transportation policy is essential to ensure that New Hampshire's  
18 transportation system meets changing needs into the 21st century.

19 IV. The statewide transportation policy in this chapter is intended to inform and direct the  
20 department of transportation in its development and implementation of the long-term transportation  
21 policy of the state. This policy is not intended to be applied to any individual transportation project,  
22 nor does it create a right of private action by any person for the department's compliance with the  
23 policy as applied to the state or to any individual transportation project.

24 241:2 Statewide Transportation Policy.

25 I. The statewide transportation policy shall provide direction to the department in the  
26 development and advancement of a long-range transportation plan based upon the following  
27 principles and criteria:

28 (a) Enhancement of New Hampshire's quality of life by strengthening communities and  
29 the economy, protecting the natural environment, advancing the state's comprehensive development

1 plan and growth policy, and reducing the emission of greenhouse gases.

2 (b) Provision of a safe, efficient, intermodal transportation network through the repair  
3 and maintenance of roads, bridges, rail, and other transportation infrastructure.

4 (c) Realization of an effective regional transportation system that strengthens New  
5 Hampshire's economic position within the New England region.

6 (d) Achievement of a transportation system which includes multiple transportation  
7 options for moving people and goods effectively and efficiently, that serves the diverse needs of rural,  
8 urban, low-income, and elderly populations and people with disabilities, and that is adaptable and  
9 resilient to meet New Hampshire's future needs.

10 (e) Recognition of the land use goals and policies of the state, including the state's smart  
11 growth policy as established in RSA 9-B.

12 (f) Consideration of the full range of reasonable transportation alternatives for  
13 significant highway projects, including but not limited to:

14 (1) Transportation system management.

15 (2) Transportation demand management.

16 (3) Public transit.

17 (g) Consultation with local and regional land use planning organizations on significant  
18 highway projects programs.

19 (h) Enhancement of the energy efficiency of the transportation system, reduction of the  
20 effects of the transportation sector on climate change, and minimization of the impacts of  
21 transportation on public health, air and water quality, open spaces, and other natural resources.

22 (i) Promotion of effective intermodal connections with the state's major airports to enhance  
23 access for the citizens of the state, and to better integrate the state's major airports within the region's  
24 transportation system to enhance access to and from major population centers in New England.

25 (j) Promotion of context-sensitive solutions that are consistent with the unique  
26 character of urban and rural communities.

27 (k) Involvement of municipalities, regional planning commissions, metropolitan planning  
28 organizations, the public, and other interested parties in major transportation planning, capital  
29 investment, and project decisions through timely notice and the opportunity for comment,  
30 information sessions, and hearings consistent with applicable state and federal requirements.

31 (l) Provision of alternatives to minimize the effects of unforeseeable or economic  
32 conditions that could adversely affect a predominately single-mode transportation system.

33 II. Plans and policies developed under this statewide transportation policy shall be  
34 submitted to the director of the office of energy and planning for guidance in formulating the  
35 transportation section of the comprehensive plan under RSA 9-A:1, III (b)(3).

36 III. Nothing in this chapter creates a private right of action against the state, the  
37 department of transportation, its divisions, or the transportation advisory Commission established

1 under RSA 241:3, regarding any transportation plan or transportation project.

2 241:3 Transportation Advisory Commission Established. The transportation advisory  
3 commission is established to continue the efforts of the Community Advisory Committee and to  
4 update the New Hampshire Transportation Business Plan of the Community Advisory Commission.  
5 The commission shall act as a voice for New Hampshire citizens and provide recommendations on  
6 the development and implementation of a core transportation system with improved efficiency that  
7 meets the needs of New Hampshire communities. The commission is charged with assisting in the  
8 formulation of recommendations for future initiatives and improvements based upon the needs of  
9 transportation consumers and the Transportation Vision for 2030, of the Community Advisory  
10 Committee in 2006.

11 1. The commission's duties shall consist of:

12 (a) Developing a comprehensive long range statewide transportation plan for guidance to  
13 the department, the governor, and the legislature that:

14 (1) Reflects the statewide transportation policy established in RSA 241:2;

15 (2) Meets the changing needs of New Hampshire citizens, businesses, and  
16 communities;

17 (3) Advances the findings of the New Hampshire Transportation Business Plan and  
18 the Transportation Vision for 2030, which recognizes that the purpose of transportation is to serve  
19 common community aspirations for a better quality of life; and

20 (4) Serves a broad vision for the state and benefits the consumer of the New  
21 Hampshire core transportation system, while being cognizant of national perspectives, national  
22 initiatives, and varying inter-regional needs.

23 (b) Providing recommendations on an advisory basis on policy and implementation to the  
24 legislature, the governor, the department of transportation, and the governor's advisory commission  
25 on intermodal transportation to advance the statewide transportation plan.

26 (c) Providing recommendations on an advisory basis to the legislature, the governor, the  
27 department of transportation, and the governor's advisory commission on intermodal transportation  
28 on the drafts of the 10-year plan and their support of the vision and goals of the state's long range  
29 transportation plan.

30 (d) Compiling data on transportation trends, alternatives, and financing for planners at  
31 local, regional, and state levels.

32 (e) Researching, developing, and recommending funding mechanisms to ensure the  
33 transportation system continues to meet the state's changing needs.

34 (f) Reviewing existing public participation processes and outreach efforts relative to  
35 transportation issues and making recommendations to ensure that these processes are accessible to  
36 all users.

37 (g) Developing ideas to broaden and coordinate transportation services across all state

1 agencies to improve transportation choices and plans to implement these services.

2 (h) Reporting on how the state's transportation system meets the needs of the public.

3 11. The commission shall be comprised of the following members, who shall elect a  
4 chairperson by majority vote:

5 (a) The commissioner of the department of transportation, or designee.

6 (b) The commissioner of the department of environmental services, or designee.

7 (c) The commissioner of the department of health and human services, or designee.

8 (d) A member of the governor's advisory commission on intermodal transportation,  
9 appointed by the commission.

10 (e) The director of the office of energy and planning, or designee.

11 (f) A director of the New Hampshire Charitable Foundation, appointed by that  
12 organization.

13 (g) A member of the house public works and highway committee, appointed by the  
14 speaker of the house of representatives.

15 (h) A member of the senate transportation and interstate cooperation committee,  
16 appointed by the senate president.

17 (i) A member of a regional planning commission, nominated by the New Hampshire  
18 Association of regional planning commissions and appointed by the governor.

19 (j) A member of the New Hampshire Local Government Center, appointed by that  
20 organization.

21 (k) A member of the construction industry, appointed by the governor.

22 (l) A member of the aeronautics industry, appointed by the governor.

23 (m) A member of the rail industry, appointed by the governor.

24 (n) A member of the transit industry, appointed by the governor.

25 (o) A member of the trucking industry, appointed by the governor.

26 (p) Four members of the public who represent organizations that provide or assess  
27 transportation needs, including members with expertise in the environment, citizens with  
28 disabilities, and transportation user groups, including but not limited to bicyclists, appointed by the  
29 governor.

30 III. The commission shall be administratively attached to, but independent of, the  
31 department of transportation under RSA 21-G:10.

32 IV. The transportation advisory commission shall make a quadrennial report to the speaker  
33 of the house of representatives, president of the senate, the senate clerk, the house clerk, the  
34 chairpersons of the house transportation committee and public works and highway committee, the  
35 chairpersons of the senate transportation and interstate cooperation committee and capital budget  
36 committee, the governor, and the state library. The commission's first report shall be available for  
37 use by the public by March 1, 2011, prior to the convening of the governor's advisory commission on

SB 186 - AS AMENDED BY THE SENATE

- Page 5 -

1 intermodal transportation, and every 4 years thereafter.

2       2 Effective Date. This act shall take effect 60 days after its passage.

# Amendments



Rep. Campbell, Hills. 24  
May 12, 2009  
2009-1594h  
06/04

IF this amendment is adopted  
by the Committee, please  
deliver to the House Clerk  
(Room 317) or Senate Clerk  
(Senate Chamber), the 2  
originals and 2 copies.



Amendment to SB 186

1 Amend RSA 241:1, IV as inserted by section 1 of the bill by replacing it with the following:

2

3 IV. The statewide transportation policy commission established in this chapter is intended  
4 to advise the department of transportation in its development and implementation of the long-term  
5 transportation policy of the state. This policy advice is not intended to be applied to any individual  
6 transportation project, nor does it create a right of private action by any person for the department's  
7 compliance or non-compliance with the statewide transportation advisory policy commission's  
8 recommendations as applied to any state transportation plan, policy or project.

9

10 Amend the introductory paragraph of RSA 241:2, I as inserted by section 1 of the bill by replacing it  
11 with the following:

12

13 I. The statewide transportation policy advisory commission shall advise the department in  
14 the development and advancement of a long-range transportation plan based upon the following  
15 principles and criteria:

16

17 Amend RSA 241:2, I(c)-(d) as inserted by section 1 of the bill by replacing them with the following:

18

19 (c) Advancement of an effective regional transportation system that strengthens New  
20 Hampshire's economic position within the New England region.

21

22 (d) Advancement of a transportation system which includes multiple transportation  
23 options for moving people and goods effectively and efficiently, that serves the diverse needs of rural,  
24 urban, low-income, and elderly populations and people with disabilities, and that is adaptable and  
25 resilient to meet New Hampshire's future needs.

25

26 Amend RSA 241:2, II-III as inserted by section 1 of the bill by replacing them with the following:

27

28 II. Plans and policies recommended by this statewide transportation policy commission shall  
29 be submitted to the director of the office of energy and planning for advisory guidance in formulating  
30 the transportation section of the comprehensive plan under RSA 9-A:1, III (b)(3).

31

32 III. Nothing in this chapter creates a private right of action against the state, the  
department of transportation, its divisions, or the transportation advisory commission established

1 under RSA 241:3, regarding any transportation plan or transportation project.

2

3 Amend the introductory paragraph of RSA 241:3 and paragraph I as inserted by section 1 of the bill  
4 by replacing it with the following:

5

6 241:3 Statewide Transportation Advisory Commission Established. The statewide  
7 transportation advisory commission is established to continue the efforts of the Community Advisory  
8 Committee and to assist in updating the New Hampshire Transportation Business Plan of the  
9 Community Advisory Commission. The commission is charged with assisting in the formulation of  
10 recommendations for future initiatives and improvements based upon the needs of transportation  
11 consumers and the Transportation Vision for 2030, of the Community Advisory Committee in 2006.

12 I. The commission's duties shall consist of:

13 (a) Developing a comprehensive long range statewide transportation plan for guidance to  
14 the department that:

15 (1) Reflects the statewide transportation policy established in RSA 241:2;

16 (2) Meets the changing needs of New Hampshire citizens, businesses, and  
17 communities;

18 (3) Advances the findings of the New Hampshire Transportation Business Plan and  
19 the Transportation Vision for 2030, which recognizes that the purpose of transportation is to serve  
20 common community aspirations for a better quality of life; and

21 (4) Provides a broad vision for the state and benefits the consumer of the New  
22 Hampshire core transportation system, while being cognizant of national perspectives, national  
23 initiatives, and varying inter-regional needs.

24 (b) Providing recommendations on an advisory basis on policy and implementation to the  
25 department of transportation to advance the statewide transportation plan.

26 (c) Providing recommendations on an advisory basis to the department of transportation  
27 on the drafts of the 10-year plan and its vision and goals of the state's long range transportation  
28 plan.

29 (d) Compiling, through federal, state, regional, and local data, information on  
30 transportation trends, alternatives, and financing for planners at local, regional, and state levels.

31 (e) Researching, developing, and recommending funding mechanisms to assist the state's  
32 transportation system to continue to meet the state's changing needs.

33 (f) Reviewing existing public participation processes and outreach efforts relative to  
34 transportation issues and making recommendations to improve accessibility to all users.

35 (g) Developing ideas to broaden and coordinate transportation services across all state  
36 agencies to improve transportation choices and plans to implement these services.

37 (h) Reporting on how the state's transportation system meets the needs of the public.

Amendment to SB 186

- Page 3 -



1

2 Amend RSA 241:3, III-IV as inserted by section 1 of the bill by replacing them with the following:

3

4 III. The commission shall be administratively attached to the department of transportation  
5 under RSA 21-G:10.

6 IV. The statewide transportation advisory commission shall make a biennial report to the  
7 speaker of the house of representatives, president of the senate, the senate clerk, the house clerk, the  
8 chairpersons of the house transportation committee and public works and highway committee, the  
9 chairpersons of the senate transportation and interstate cooperation committee and capital budget  
10 committee, the governor, and the state library. The commission's first report shall be available for  
11 use by the public by March 1, 2011, prior to the convening of the governor's advisory commission on  
12 intermodal transportation, and every 4 years thereafter.

Amendment to SB 186

1 Amend RSA 241:1, IV as inserted by section 1 of the bill by replacing it with the following:

2  
3 IV. The statewide transportation policy commission established in this chapter is intended  
4 to advise the department of transportation in its development and implementation of the long-term  
5 transportation policy of the state. This policy advice is not intended to be applied to any individual  
6 transportation project, nor does it create a right of private action by any person for the department's  
7 compliance or non-compliance with the statewide transportation advisory policy commission's  
8 recommendations as applied to any state transportation plan, policy or project.

9  
10 Amend the introductory paragraph of RSA 241:2, I as inserted by section 1 of the bill by replacing it  
11 with the following:

12  
13 I. The statewide transportation policy advisory commission shall advise the department in  
14 the development and advancement of a long-range transportation plan based upon the following  
15 principles and criteria:

16  
17 Amend RSA 241:2, I(c)-(d) as inserted by section 1 of the bill by replacing them with the following:

18  
19 (c) Advancement of an effective regional transportation system that strengthens New  
20 Hampshire's economic position within the New England region.

21 (d) Advancement of a transportation system which includes multiple transportation  
22 options for moving people and goods effectively and efficiently, that serves the diverse needs of rural,  
23 urban, low-income, and elderly populations and people with disabilities, and that is adaptable and  
24 resilient to meet New Hampshire's future needs.

25  
26 Amend RSA 241:2, II-III as inserted by section 1 of the bill by replacing them with the following:

27  
28 II. Plans and policies recommended by this statewide transportation policy commission shall  
29 be submitted to the director of the office of energy and planning for advisory guidance in formulating  
30 the transportation section of the comprehensive plan under RSA 9-A:1, III (b)(3).

31 III. Nothing in this chapter creates a private right of action against the state, the  
32 department of transportation, its divisions, or the transportation advisory commission established

1 under RSA 241:3, regarding any transportation plan or transportation project.

2  
3 Amend the introductory paragraph of RSA 241:3 and paragraph I as inserted by section 1 of the bill  
4 by replacing it with the following:

5  
6 241:3 Statewide Transportation Advisory Commission Established. The statewide  
7 transportation advisory commission is established to continue the efforts of the Community Advisory  
8 Committee and to assist in updating the New Hampshire Transportation Business Plan of the  
9 Community Advisory Commission. The commission is charged with assisting in the formulation of  
10 recommendations for future initiatives and improvements based upon the needs of transportation  
11 consumers and the Transportation Vision for 2030, of the Community Advisory Committee in 2006.

12 I. The commission's duties shall consist of:

13 (a) Developing a comprehensive long range statewide transportation plan for guidance to  
14 the department that:

15 (1) Reflects the statewide transportation policy established in RSA 241:2;

16 (2) Meets the changing needs of New Hampshire citizens, businesses, and  
17 communities;

18 (3) Advances the findings of the New Hampshire Transportation Business Plan and  
19 the Transportation Vision for 2030, which recognizes that the purpose of transportation is to serve  
20 common community aspirations for a better quality of life; and

21 (4) Provides a broad vision for the state and benefits the consumer of the New  
22 Hampshire core transportation system, while being cognizant of national perspectives, national  
23 initiatives, and varying inter-regional needs.

24 (b) Providing recommendations on an advisory basis on policy and implementation to the  
25 department of transportation to advance the statewide transportation plan.

26 (c) Providing recommendations on an advisory basis to the department of transportation  
27 on the drafts of the 10-year plan and its vision and goals of the state's long range transportation  
28 plan.

29 (d) Compiling, through federal, state, regional, and local data, information on  
30 transportation trends, alternatives, and financing for planners at local, regional, and state levels.

31 (e) Researching, developing, and recommending funding mechanisms to assist the state's  
32 transportation system to continue to meet the state's changing needs.

33 (f) Reviewing existing public participation processes and outreach efforts relative to  
34 transportation issues and making recommendations to improve accessibility to all users.

35 (g) Developing ideas to broaden and coordinate transportation services across all state  
36 agencies to improve transportation choices and plans to implement these services.

37 (h) Reporting on how the state's transportation system meets the needs of the public.



1

2 Amend RSA 241:3, III-IV as inserted by section 1 of the bill by replacing them with the following:

3

4 III. The commission shall be administratively attached to the department of transportation  
5 under RSA 21-G:10.

6 IV. The statewide transportation advisory commission shall make a biennial report to the  
7 speaker of the house of representatives, president of the senate, the senate clerk, the house clerk, the  
8 chairpersons of the house transportation committee and public works and highway committee, the  
9 chairpersons of the senate transportation and interstate cooperation committee and capital budget  
10 committee, the governor, and the state library. The commission's first report shall be available for  
11 use by the public by March 1, 2011, prior to the convening of the governor's advisory commission on  
12 intermodal transportation, and every 4 years thereafter.

Amendment to SB 186

1 Amend RSA 241:1, IV as inserted by section 1 of the bill by replacing it with the following:

2

3 IV. The statewide transportation policy commission established in this chapter is intended  
4 to advise the department of transportation in its development and implementation of the long-term  
5 transportation policy of the state. This policy advice is not intended to be applied to any individual  
6 transportation project, nor does it create a right of private action by any person for the department's  
7 compliance or non-compliance with the statewide transportation advisory policy commission's  
8 recommendations as applied to any state transportation plan, policy or project.

9

10 Amend the introductory paragraph of RSA 241:2, I as inserted by section 1 of the bill by replacing it  
11 with the following:

12

13 I. The statewide transportation policy advisory commission shall advise the department in  
14 the development and advancement of a long-range transportation plan based upon the following  
15 principles and criteria:

16

17 Amend RSA 241:2, I(c)-(d) as inserted by section 1 of the bill by replacing them with the following:

18

19 (c) Advancement of an effective regional transportation system that strengthens New  
20 Hampshire's economic position within the New England region.

21

22 (d) Advancement of a transportation system which includes multiple transportation  
23 options for moving people and goods effectively and efficiently, that serves the diverse needs of rural,  
24 urban, low-income, and elderly populations and people with disabilities, and that is adaptable and  
25 resilient to meet New Hampshire's future needs.

25

26 Amend RSA 241:2, II-III as inserted by section 1 of the bill by replacing them with the following:

27

28 II. Plans and policies recommended by this statewide transportation policy commission shall  
29 be submitted to the director of the office of energy and planning for advisory guidance in formulating  
30 the transportation section of the comprehensive plan under RSA 9-A:1, III (b)(3).

31

32 III. Nothing in this chapter creates a private right of action against the state, the  
department of transportation, its divisions, or the transportation advisory commission established

Amendment to SB 186

- Page 2 -

1 under RSA 241:3, regarding any transportation plan or transportation project.

2  
3 Amend the introductory paragraph of RSA 241:3 and paragraph I as inserted by section 1 of the bill  
4 by replacing it with the following:

5  
6 241:3 Statewide Transportation Advisory Commission Established. The statewide  
7 transportation advisory commission is established to continue the efforts of the Community Advisory  
8 Committee and to assist in updating the New Hampshire Transportation Business Plan of the  
9 Community Advisory Commission. The commission is charged with assisting in the formulation of  
10 recommendations for future initiatives and improvements based upon the needs of transportation  
11 consumers and the Transportation Vision for 2030, of the Community Advisory Committee in 2006.

12 I. The commission's duties shall consist of:

13 (a) Developing a comprehensive long range statewide transportation plan for guidance to  
14 the department that:

15 (1) Reflects the statewide transportation policy established in RSA 241:2;

16 (2) Meets the changing needs of New Hampshire citizens, businesses, and  
17 communities;

18 (3) Advances the findings of the New Hampshire Transportation Business Plan and  
19 the Transportation Vision for 2030, which recognizes that the purpose of transportation is to serve  
20 common community aspirations for a better quality of life; and

21 (4) Provides a broad vision for the state and benefits the consumer of the New  
22 Hampshire core transportation system, while being cognizant of national perspectives, national  
23 initiatives, and varying inter-regional needs.

24 (b) Providing recommendations on an advisory basis on policy and implementation to the  
25 department of transportation to advance the statewide transportation plan.

26 (c) Providing recommendations on an advisory basis to the department of transportation  
27 on the drafts of the 10-year plan and its vision and goals of the state's long range transportation  
28 plan.

29 (d) Compiling, through federal, state, regional, and local data, information on  
30 transportation trends, alternatives, and financing for planners at local, regional, and state levels.

31 (e) Researching, developing, and recommending funding mechanisms to assist the state's  
32 transportation system to continue to meet the state's changing needs.

33 (f) Reviewing existing public participation processes and outreach efforts relative to  
34 transportation issues and making recommendations to improve accessibility to all users.

35 (g) Developing ideas to broaden and coordinate transportation services across all state  
36 agencies to improve transportation choices and plans to implement these services.

37 (h) Reporting on how the state's transportation system meets the needs of the public.



Amendment to SB 186  
- Page 3 -

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12

Amend RSA 241:3, III-IV as inserted by section 1 of the bill by replacing them with the following:

III. The commission shall be administratively attached to the department of transportation under RSA 21-G:10.

IV. The statewide transportation advisory commission shall make a biennial report to the speaker of the house of representatives, president of the senate, the senate clerk, the house clerk, the chairpersons of the house transportation committee and public works and highway committee, the chairpersons of the senate transportation and interstate cooperation committee and capital budget committee, the governor, and the state library. The commission's first report shall be available for use by the public by March 1, 2011, prior to the convening of the governor's advisory commission on intermodal transportation, and every 4 years thereafter.

# Committee Minutes

**HOUSE COMMITTEE ON  
PUBLIC WORKS AND HIGHWAYS**

**BILL NUMBER: SB 186**

**BILL TITLE: relative to the  
establishment of a statewide  
transportation policy and a  
transportation advisory commission.**

**DATE: MAY 26, 2009**

**THE COMMITTEE HAS VOTED TO RETAIN THIS BILL**

*Rep CW Bouchard*

---

**Rep. Candace W. Bouchard, Chairman**

# Speakers



# Hearing Minutes

---

HOUSE COMMITTEE ON PUBLIC WORKS AND HIGHWAYS

PUBLIC HEARING ON SB 186

**BILL TITLE:** relative to the establishment of a statewide transportation policy and a transportation advisory commission.

**DATE:** May 5, 2009

**LOB ROOM:** 201      **Time Public Hearing Called to Order:** 2:46 p.m.

**Time Adjourned:** 4:00 p.m.

(please circle if present)

**Committee Members:** Reps. Bouchard, Campbell, Cloutier, Lefandeaux, C. Brown, Cyr Long, Sprague, Mann, Ramsey, Chandler, Graham, Kausch, Gionet, Ingram, McConkey, Bailey, Kolodziej and Seidel.

**Bill Sponsors:** Sen. Kelly, Dist 10; Sen. Janeway, Dist 7; Sen. Gilmour, Dist 12

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

1. **Y: Sen. Molly Kelly, prime sponsor.**

- Mentioned SB 496, which was a similar bill that she had introduced last term on the subject of a state transportation policy. Said she believes SB 186 is an improvement upon SB 496.
- Emphasized one of SB 186's major differences from SB 496 which was considered last term. SB 186 prohibits a private right of action against the state and its relevant agencies in regard to transportation projects.
- Stated that bill is trying to look at "the big picture" in regard to transportation issues.
- Said that the quadrennial report mentioned on Line 32 of the bill's page 4 means a report filed once every four years.

2. **Y: DOT Commissioner George Campbell accompanied by DOT's Kathleen Mulcahy-Hampson**

- Commissioner Campbell mentioned and waved copies of written state transportation plans that he and his predecessors at DOT had hand- presented to legislature, but never accepted because of lack of public input.
- Passage of SB 186 would insure that the just mentioned situation would never happen.
- This bill wouldn't interfere with the current 10-Yr. Plan or GACIT process.
- In response to Rep. Ramsey's question, he defended governor's transportation funding proposals in contrast to the House position which includes raising gas tax.

**DOT Commissioner George Campbell (Continued)**

Said various branches of state government are having a discussion on funding options, not a disagreement.

- A comprehensive state transportation policy shouldn't just be an administrative procedure, but be developed with more legislative input.
- Commissioner Campbell said Charitable Fund Transportation Study cost about a \$1 million.
- In response to Rep. Rausch's questions and comments on SB 186, said a DOT Commissioner isn't "a dictator".
- Listened to the chair's recent bad experience with an advisory committee working with the Department of Resources and Economic Development in regard to the state park system and the Capital Budget and advisory committee similar to the one to be created in SB 186.

**3. Y: \*Department of Environmental Services (DES) Rebecca Ohler.**

- Submitted written testimony supporting bill from DES Commissioner Thomas Burack.

**4. Y: Lewis Feldstein of N. H. Charitable Foundation**

- Listened to Rep. Ramsey's complaint about organizations like his not supporting the House position on providing more transportation funding, including increasing the gas tax.

**5. Y: \*Sonke Darnblut and Kelly Clark of State Coordinating Council for Thansportation.**

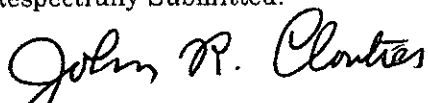
- Submitted written testimony in support of SB 186, with a suggestion for a proposed amendment.
- Ms. Clark said their organization is now interfacing with local planning agencies and senior citizen organizations.
- Submitted more information about her organization for committee.

**6. Y: Kerrie Diers of N. H. Association of Regional Planning Commissions**

- This bill creates a process to engage people – not just write a plan that sits on a shelf.
- Ms. Diers listened to Rep. McConkey's concerns in regard to regional planning commissions and the present way they operate in regard to transportation projects.

Hearing ended at 4:00 P.M. and chair said there would be a work session scheduled for May 12, 2009 on SB 186. Chair also passed out packet of current state laws in regard to issues raised in SB 186.

Respectfully Submitted:

  
Rep. John R. Cloutier, Clerk



HOUSE COMMITTEE ON PUBLIC WORKS AND HIGHWAYS

PUBLIC HEARING ON SB 186

**BILL TITLE:** relative to the establishment of a statewide transportation policy and a transportation advisory commission.

**DATE:** 5-5-09

**LOB ROOM:** 201      **Time Public Hearing Called to Order:** 2:46

**Time Adjourned:** 4:00

(please circle if present)

**Committee Members:** Reps. Bouchard, Campbell, Cloutier, Gerandean, C. Brown, Cyr, Long, Sprague, Mann, Ramsey, Chandler, Graham, Rausch, Gionet, Ingram, McConkey, Bailey, Kolodziej and Seidel

**Bill Sponsors:** Sen. Kelly, Dist 10; Sen. Janeway, Dist 7; Sen. Gilmour, Dist 12

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

(P.1)

SB 186  
S-S-09

1. Y: Sen Molly Kelly,  
prime sponsor

Mentioned SB 496  
which was a similar bill that  
she had introduced last term  
on the subject of a state  
transportation ~~policy~~ policy.  
Said she believes SB 186 is  
an improvement upon SB 496

Emphasized one of SB  
186's ~~major~~ major differences <sup>from SB 496</sup> which  
prohibits a private right of action  
against the state and its  
relevant agencies in regard to  
transportation projects

Stated that bill  
is trying to look at "the big  
picture" in regard to transportation  
issues

Said that the quadrennial  
report mentioned on line 32 of  
the bill's page 4 means  
a report filed once every  
four years

2. Y: DOT Comm George Campbell  
accompanied by DOT's Kathleen  
Mulcahey-Hampson

Comm Campbell  
mentioned ~~and~~ <sup>and</sup> waved copies  
of written state transportation  
plans that he and his ~~predecessor~~  
predecessor at DOT had presented  
to legislature, but never accepted  
because of lack of public input

(P.2)

SB 186

Comm. Campbell - Ramsey  
of SB-186 would insure that  
the ~~most~~ <sup>most</sup> ~~mentioned~~ <sup>mentioned</sup> situation would never again  
happen.

This bill would not  
interfere with the current  
10-Yr. Plan or GACIT process.

In response to  
Rep. Ramsey's question, he defended  
governor's transportation funding  
proposals in contrast to  
the House position which  
includes raising gas tax.  
Said various branches of  
state govt are having  
a discussion on funding  
options, not a disagreement.

A comprehensive  
state transportation policy shouldn't  
just be an administrative  
procedure, but be developed  
with more legislative input.

P.3

Comm. Campbell said Charitable Fund Transportation Study cost about a \$1 million. In response to Rep. Branch's questions and comments on SB 186, said a DOT Commissioner isn't "a dictator."

Had listened to the chair's recent experience with an advisory committee working with the Dept of Resources and Economic Development in regard to the state park system <sup>and the</sup> an advisory committee similar to the one to be created in SB 186.

3. Y. Dept. of Environmental Services' (DES), Rebecca Okler submitted written testimony supporting bill from DES, Comm. Thomas Branch & Y. Lewis Feldstein of NH Charitable Foundation.

Listened to Rep. Ramsey's complaint about organizations like his not supporting the House position on ~~the road~~ ~~the gas tax~~ providing more transportation funding, including increasing the gas tax.

SB 186

(P4) S. Y. Sonke Parablit  
and Kelly Clark  
of State Coordinating  
Council for Transportation

Submitted written  
testimony in support of  
SB 186 with a suggestion  
for a proposed amendment.  
Ms. Clark said  
their organization is now interfacing  
with local planning  
agencies and several  
citizen organizations

Submitted more  
info. about her organization  
for committee.

6. Y. Kerrie Diers of N.H. Assoc.  
of Regional Planning ~~Assoc.~~ <sup>(SB)</sup> Commissioners

The bill creates  
a process to engage  
people - not just write a  
plan that sits on a  
shelf.

(P.5)

Mr. Diers listened to Rep. ~~Frank~~ McConkey's concerns ~~about the~~ in regard to regional planning commissions and the present way they operate in regard to transportation projects.

Hearing ended at 4:00 P.M. and chair said there would be a work session ~~at~~ scheduled for 5-12-09 on SB 186. Chair

also passed out packet of current state laws in regard to issues raised in SB 186.

Rep. John R. Cloutier  
Clerk

# Sub-Committee Minutes

HOUSE COMMITTEE ON PUBLIC WORKS AND HIGHWAYS

SUBCOMMITTEE WORK SESSION ON SB 186

**BILL TITLE:** relative to the establishment of a statewide transportation policy and a transportation advisory commission.

**DATE:** September 8, 2009

**Subcommittee Members:** Reps. Bouchard, Campbell, Cloutier, Lerandea, Brown, Cyr, Long, Sprague, Mann, Ramse, Chandle, Graham, Rausch, Gionet, Ingram, McConkey, Bailey, Kolodziej, and Seidel

**Comments and Recommendations:** The chair, Rep. Bouchard opened work session at 1:18 p.m. Rep. Graham said the full committee should recommend SB 186 "Inexpedient to Legislate". DOT's Kathleen Mulcahey-Hampson, Senior Hearings Officer spoke on behalf of DOT Commissioner George Campbell. Said Commissioner strongly supports SB 186. Said bill involves long-term policy planning and should include other parties besides DOT. Added 10-Year. Transportation Plan is only a project specific plan now. Ms. Mulcahey-Hampson then answered questions and responded to concerns expressed by committee members present. Among other points, she said regional planning areas now advise DOT on the 10 Year Plan, but only in reference to their specific regions. Emphazied that the transportation advisory commission to be created under SB 181 would issue advisory recommendations to DOT only. Rep. Mann expressed qualified support for a state transportation policy that paints "a big picture" of state and future transportation needs not just a regional perspective. Executive Councilor Beverly Hollingsworth said current state transportation planning policy including GACIT (Governor's Advisory Commission on International Transportation / of which she is a member works well. Doesn't know why we need SB 186, but hasn't been able to ask DOT Commissioner is supporting bill. Ms. Mulcahey-Hampson again spoke, and DOT Commissioner's support for SB 186 in no way implies a criticism of GACIT and current 10 Year Transportation Plan process. Work Session ended at 1:47 p.m.

**Amendments:**

Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:



**Motions:**     OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. John R. Cloutier  
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON PUBLIC WORKS AND HIGHWAYS

SUBCOMMITTEE WORK SESSION ON SB 186

**BILL TITLE:** relative to the establishment of a statewide transportation policy and a transportation advisory commission.

**DATE:** September 8, 2009

**Subcommittee Members:**

~~Reps. Bouchard, Campbell, Cloutier, Lerondeau, Brown, Cyr, Long,  
Sprague, Mann, Ramsey, Chandler, Graham, Rausch, Gionet,  
Ingram, McConkey, Bailor, Kolodziej, and Seidel~~

**Comments and Recommendations:**

**Amendments:**

Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.  
Seconded by Rep.  
Vote:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.  
Seconded by Rep.  
Vote:

Respectfully submitted,

Rep.  
Subcommittee Chairman/Clerk

SB 186 Work Session  
9-8-09

(P.1)

See separate sheet for  
committee members present today

The chair, Rep. Bouchard,  
opened work session at 1:18 pm

Rep. Graham said  
the full committee should  
recommend SB 186 "immediately  
to legislate"

Shirley  
Hampson  
DOT  
Off. W.

Hampson DOT's Kathleen Mulcahy  
Hampson spoke on behalf  
of DOT Commissioner George  
Campbell said Commissioner  
strongly supports SB 186. Said  
bill ~~is~~ <sup>involves</sup> long-term policy  
planning and should include  
other parties ~~to~~ DOT. Added  
10-yr. Transportation Plan is only  
a project specific plan  
now.

Ms. Mulcahy-Hampson  
then answered questions and  
responded to concerns expressed  
by committee members present  
Among other points, she said  
regional planning areas <sup>now</sup> advise  
DOT on the 10-yr. Plan, but only  
in reference to their specific regions.  
Emphasized that the  
Transportation advisory commission  
to be created under SB 186 would  
issue advisory recommendations to  
DOT only.

Rep. Mann expressed  
qualified support for a state  
transportation ~~commission~~ <sup>policy</sup> ~~commission~~ <sup>GAC</sup>  
that paints <sup>66</sup> "a big picture"  
of state's future transportation  
needs not just a regional  
perspective.

(P. 2)

Executive Councilor  
Beverly Hollingworth ~~spoke~~  
current state transportation planning policy  
including ~~the~~ GACIT (Gov.'s  
Advisory Commission on Intermodal  
Transportation) & works well.

Doesn't know why we need  
SB 186, but hasn't been able to  
work with DOT Commission in  
session supporting bill  
at

1:47 pm again spoke, and DOT Commission  
John R. support for SB 186 in no way  
Cortes implies a criticism of GACIT  
and current 10-Yr. Transportation  
Plan process.

# Testimony

---

Complete Document

Can Be Viewed

In Bill Folder

File

## CHAPTER 9-A State Development Plan

- 9-A:1 Comprehensive Plan.
- 9-A:2 Office of Energy and Planning.
- 9-A:3 Transmittal of Plan.
- 9-A:4 Consultation With Other Agencies.

**Rescinded 1987 amendments.** 1987, 76:1, eff. July 1, 1987, provided for amendment of this chapter by the addition of a subdivision, entitled "Regional and Municipal Assistance," and comprised of RSA 9-A:5–9-A:8. However, under the terms of 1987, 283:14, eff. May 25, 1987, the provisions of 1987, 76:1 did not take effect. Provisions similar to those which appeared in 1987, 76:1, were included in RSA 4-C, as added by 1987, 283:3, See RSA 4-C:7–4-C:10.

**Cross References.** Council on resources and development, see RSA 162-C.

Office of state planning, see RSA 4-C.

### 9-A:1 Comprehensive Plan.

**I.** There shall be a comprehensive state development plan which establishes state policy on development related issues and proposes new or expanded programs to implement such policies. The plan shall provide a basis for identifying critical issues facing the state, determining state priorities, allocating limited state resources, and taking into account the plans of various state, regional, and local governmental units.

**II.** The comprehensive development plan shall establish policies in areas related to the orderly physical, social, and economic growth and development of the state.

**III.** The comprehensive development plan shall include:

(a) State policies to provide for the orderly growth and development of the state and to maximize smart growth.

(b) Goals and policies which are relevant to the topical areas included in the plan, including but not limited to:

(1) An overall vision section that serves as the direction for the other sections of the plan. This section shall contain a set of statements which articulates the desires of the public relative to the future. It shall contain a set of guiding principles and priorities to implement that vision, with special emphasis on maximizing the smart growth principles in RSA 9-B.

and energy programs”.

—2003. Substituted “office of state planning and energy programs” for “office of state planning” in pars. I and III.

**Cross References.** Preparation of plan generally, see RSA 4-C:2.



Complete Document

Can Be Viewed

In Bill Folder

## **CHAPTER 9-B**

### **State Economic Growth, Resource Protection, and Planning Policy**

9-B:1 Findings.

9-B:2 Policy.

9-B:3 Definition.

9-B:4 Expenditure of State or Federal Funds.

9-B:5 Procedures for Review.

9-B:6 Report to the General Court and the Governor.

#### **9-B:1 Findings.**

The general court finds that:

**I.** In addition to clean water and air, productive mountain, forest, and agricultural open space land is one of the state's most valuable assets, and is necessary for the economy and health and welfare of the citizens. The maintenance of this asset is vital if the state is to provide future generations with the same quality of life and environment that we have traditionally enjoyed.

**II.** Economic development is essential to the well-being and prosperity of our citizens. However, when haphazard development sprawls across the state's landscape, our collective well-being suffers. Fortunately, economic development can take place in a form that maximizes smart growth.

**III.** The state can encourage development in accordance with this chapter by regularly reviewing its operating procedures, granting policies, and regulatory framework.

**IV.** A coordinated and comprehensive planning effort by state agencies on future development in the state is needed, which will not only improve our economy, but also encourages smart growth by locating development in appropriate growth areas and thus retaining as much open space land as possible for the long-term.

**Source.** 2000, 292:6, eff. Aug. 20, 2000.

#### **9-B:2 Policy.**

It shall be the policy of the state of New Hampshire that state agencies act in ways that encourage smart growth.

**Source.** 2000, 292:6, eff. Aug. 20, 2000.

#### **9-B:3 Definition.**

**Source.** 2000, 292:6, eff. Aug. 20, 2000.

**9-B:5 Procedures for Review.**

The governor shall review actions taken by state agencies relative to the provisions of RSA 9-B:4 to ensure compliance with this chapter. The governor shall establish procedures for review no later than December 1, 2000.

**Source.** 2000, 292:6, eff. Aug. 20, 2000.

**9-B:6 Report to the General Court and the Governor.**

By October 1 of 2001, and every 4 years thereafter, the council on resources and development, established in RSA 162-C, shall report to the general court and the governor on the following:

**I.** Progress by state agencies in complying with the expenditure requirements under RSA 9-B:4.

**II.** Progress by the state agencies represented on the council in coordinating the activities to encourage smart growth.

**III.** Efforts made to encourage development in accordance with this chapter by regular review of state operating procedures, granting policies, and regulatory framework.

**IV.** Suggested policy changes or legislation that the council believes would strengthen the state's ability to achieve the smart growth goal of RSA 9-B:2.

**V.** An assessment of how state agencies are complying with the goals and objectives established in the statewide development plan, under RSA 9-A, and an identification of any suggested changes.

**Source.** 2000, 292:6, eff. Aug. 20, 2000. 2002, 229:6, 7, eff. July 1, 2002.

**Amendments**

—**2002.** Substituted "2001, and every 4 years thereafter" for "each year, beginning in the year 2000" in the introductory paragraph and added par. V.

Complete Document

Can Be Viewed

In Bill Folder

**21-L:4 Duties of Commissioner.**

*Consult w/ RPCs*

In addition to the powers, duties, and functions otherwise vested by law in the commissioner of the department of transportation, he shall:

**I.** Represent the public interest in the administration of the functions of the department and be responsible to the governor, the general court, and the public for such administration.

**II.** Consult regularly with regional planning commissions established pursuant to RSA 36:45-53 with regard to department planning activities.

**III.** Provide for a support unit within his office which shall include the function of monitoring projects and conducting audits of department activities to insure compliance with state and federal contracts, laws, and program objectives.

**IV.** Require the director of the division of finance, in consultation with the commissioner of administrative services and the state treasurer, to provide for a system of accounts and reports which will insure the integrity and lawful use of all revenues collected by the department, the use of which is restricted by state or federal law.

**V.** Adopt rules, under RSA 541-A, necessary to assure the continuation or granting of federal funds or other assistance not otherwise provided for by law.

**VI.** Approve rates for and regulate every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers appointed by any court, except municipal corporations operating within their corporate limits, owning or operating any toll bridge or toll road.

**Source.** 1985, 402:1. 1986, 136:2, eff. May 27, 1986. 2007, 263:82, eff. July 1, 2007.

Complete Document

Can Be Viewed

In Bill Folder

## Regional Planning Commissions

36:37 –36:44.

36:45 Purposes.

36:46 Formation of Regional Planning Commissions.

36:47 General Powers and Duties.

36:48 Organization, Officers, and Bylaws.

36:49 Finances.

36:49-a Status as a Political Subdivision.

36:50 Relationship To Local Planning Boards.

36:51 Assistance to Urban Renewal by Municipalities and Other Public Bodies.

36:52 Workable Programs.

36:53 Additional Powers and Duties of Regional Planning Commissions.

**Cross References.** Review of developments of regional impact, see RSA 36:54 et seq.

### RESEARCH REFERENCES

#### New Hampshire Bar Journal

For article, "Regional Economic Desegregation: *Britton v. Town of Chester*," see 33 N.H.B.J. 486 (1992).

36:37 –36:44.

[Repealed 1969, 324:2, eff. Aug. 29, 1969.]

**Former section(s).** Former RSA 36:37–36:44, relating to regional planning commissions, were derived from 1935, 55:37; RL 53:37; RSA 36:37; and 1955, 272:1. See now RSA 36:45 et seq.

#### 36:45 Purposes.

The purpose of this subdivision shall be to enable municipalities and counties to join in the formation of regional planning commissions whose duty it shall be to prepare a coordinated plan for the development of a region, taking into account present and future needs with a view toward encouraging the most appropriate use of land, such as for agriculture, forestry, industry, commerce, and housing; the facilitation of transportation and communication; the proper and economic location of public utilities and services; the development of adequate recreational areas; the promotion of good civic design; and the wise and efficient expenditure of public funds.

and/or counties within the region, economic development programs for the full development, improvement, protection and preservation of the region's physical and human resources.

**Source.** 1969, 324:1, eff. Aug. 29, 1969.

**Revision note.** Substituted "RSA 36:47" for "section 47" to conform reference to citation style of LEXIS New Hampshire Revised Statutes Annotated.



**Complete Document**

**Can Be Viewed**

**In Bill Folder**

Planning + GACIT

## Statewide Intermodal Transportation Planning and Improvement Program

228:98 Statement of Purpose.

228:99 Statewide Transportation Improvement Program (STIP).

228:100 Governor's Advisory Commission on Intermodal Transportation (GACIT) Established.

### 228:98 Statement of Purpose.

The purpose of this subdivision is to enable New Hampshire to respond to the planning and improvement objectives of the federal Intermodal Surface Transportation Efficiency Act, as amended.

Source. 1994, 283:1, eff. July 1, 1994.

**References in text.** The Intermodal Surface Transportation Efficiency Act, referred to in this section, is classified to 5 U.S.C.S. §§ 5314, 5316; 15 §§ 1392, 1413, 1414, 3708, 3711b, 3711c, 3712-3715; 16 §§ 460/-11, 1261, 1262; 23 §§ 101, 102, 104, 105, 106, 108, 109, 113, 114, 117-119, 120, 121, 125, 127, 129, 131, 133-135, 140-142, 144, 149, 153, 154, 156, 157, 160, 202, 203-205, 217, 303, 307, 321, 325, 326, 402, 403, 409, 410; 26 §§ 4041, 4051, 4071, 4081, 4091, 4221, 4481, 4482, 4483, 6156, 6412, 6420, 6421, 6427, 9503, 9504, 9511; 33 §§ 59cc, 59dd; 40 App. § 403; 42 § 4633; 45 § 831; 49 §§ 101, 107, 111, 301, 302, 309, 10723; 49 App. §§ 1601, 1602, 1603, 1607, 1607a, 1607a-1, 1607c, 1608, 1612, 1614, 1617-1619, 1622, 2456, 2511a, 2708, 2716, 2717.

### 228:99 Statewide Transportation Improvement Program (STIP).

The governor shall develop a statewide transportation improvement program as required by 23 U.S.C. sections 134 and 135, as amended. The governor shall revise and update the program every 2 years. Adoption of the STIP and revised STIP shall be as follows:

I. Each metropolitan planning organization and rural regional planning commission shall reach agreement with the department of transportation relative to funding unified planning work programs consistent with 23 U.S.C. sections 134 and 135 no later than December 1 of each even-numbered year. Each metropolitan planning organization and rural regional planning commission shall provide a regional transportation improvement program (TIP) to the department of transportation no later than April 1 of each odd-numbered year. Such plans shall include a public involvement plan and education initiative to ensure early and adequate input from residents, municipalities and any other interested parties in New Hampshire.

II. The commissioner shall submit the tentative STIP in accordance with the state planning process as required in 23 U.S.C. section 135 to the governor's advisory commission on

intermodal transportation no later than July 1 of each odd-numbered year.

**III.** The governor's advisory commission on intermodal transportation shall conduct at least one public hearing in each executive council district to present the tentative STIP to the public and to receive the public's comments and recommendations regarding the program. The governor's advisory commission on intermodal transportation shall submit such program along with the commission's recommendations to the governor no later than December 1 of each odd-numbered year. Each metropolitan planning organization and rural regional planning commission should conduct an informational meeting after the commission submits its recommendations to receive the public's final comments and recommendations regarding the proposed programs before adoption by the governor.

**IV.** The governor shall submit the STIP to the general court to be acted on no later than January 15 of each even-numbered year. After an enactment by the general court of the STIP or by June 1 of each even-numbered year, whichever is earlier, each metropolitan planning organization and rural regional planning commission should continue its public involvement program by conducting at least one informational meeting concerning the STIP.

**Source.** 1994, 283:1, eff. July 1, 1994.

**Revision note.** In the second sentence of par. I, inserted "a regional transportation improvement program" preceding "(TIP)" for purposes of clarity.

**228:100 Governor's Advisory Commission on Intermodal Transportation (GACIT) Established.**

There is established a governor's advisory commission on intermodal transportation. The members of the commission shall include the members of the executive council and the commissioner of the department of transportation.

**Source.** 1994, 283:1, eff. July 1, 1994.



**NEW HAMPSHIRE ASSOCIATION  
OF REGIONAL PLANNING  
COMMISSIONS**

20 Central Square, 2<sup>nd</sup> Floor  
Keene, NH 03431  
603-357-0557

**North Country Council**  
The Cottage on the Rocks  
107 Glessner Road  
Bethlehem, NH 03574  
Telephone: 444-6303

**Lakes Region  
Planning Commission**  
103 Main St. Suite 3  
Meredith, NH 03253  
Telephone: 279-8171

**Upper Valley Lake Sunapee  
Regional Planning Commission**  
30 Bank Street  
Lebanon, NH 03766  
Telephone: 448-1680

**Southwest Region  
Planning Commission**  
20 Central Square, 2<sup>nd</sup> Floor  
Keene, NH 03431  
Telephone: 357-0557

**Central NH Regional  
Planning Commission**  
28 Commercial Street  
Concord, NH 03301  
Telephone: 226-6020

**Southern NH  
Planning Commission**  
438 Dubuque Street  
Manchester, NH 03102  
Telephone: 669-4664

**Nashua Regional  
Planning Commission**  
9 Executive Park Dr., Suite 201  
Merrimack, NH 03054  
Telephone: 424-2240

**Rockingham  
Planning Commission**  
156 Water Street  
Exeter, NH 03833  
Telephone: 778-0885

**Strafford Regional  
Planning Commission**  
2 Ridge Street, Suite 4  
Dover, NH 03820  
Telephone: 742-2523

April 27, 2009

The Honorable Candace Bouchard, Chair  
House Public Works and Highways Committee  
Legislative Office Building, Room 201  
Concord, NH 03301

RE: SB 186

Dear Chairman Bouchard and Members of the Committee:


The New Hampshire Association of Regional Planning Commissions (NHARPC) would like to express their support for SB 186. As you are aware, the nine regional planning commissions play an important role in planning for the future of the state's transportation systems. In that role, we have been concerned that the transportation process in New Hampshire does not vest any group with the responsibility for identifying a coherent transportation policy for the state. Without an adopted transportation policy, it is difficult for all the individuals and groups involved in the process, as well as the citizens of the state, to judge the importance of any particular transportation project proposal. The value of SB 186 is that it establishes a broad framework for a statewide transportation policy which will be helpful to the Department of Transportation, the regional planning commissioners, the Executive Council, the Governor, and the General Court as they consider the transportation needs of the state.

We would also like to express our support for the formation of the Transportation Advisory Commission. The Community Advisory Committee (CAC) did a good job of setting out a policy basis for proposed transportation improvements in the Transportation Business Plan. We believe that changes in our state and nation will continue to require that our transportation policies be updated. The formation of a group that is specifically empowered to develop transportation policies for the state will ensure that New Hampshire is ready to respond to transportation challenges as they arise.

The NHARPC would like to request one change in the make up of the Transportation Advisory Commission as described in SB 186. The Transportation Advisory Commission as proposed mimics the composition of the Community Advisory Committee. However, the regional planning commissions had two representatives on the CAC, one from a metropolitan regional planning commission and one from a rural regional planning commission. We believe it is important to have both represented on the Transportation Advisory Commission due to the significant differences in transportation needs in the state's metropolitan and rural areas. Therefore, we would request that the committee amend the proposed bill to add a second regional planning commission representative, both nominated by NHARPC, with one designated from among the state's metropolitan areas and one designated from among the state's rural areas.

Thank you for the opportunity to comment. Please feel free to contact me if you have any questions on our position.

Sincerely,

  
Stephen Buckley, Esq.  
Chairman

May 5, 2009

## **Testimony on SB 186 House Public Works and Highways**

My name is Sönke Dornblut, I work for the UNH Institute on Disability. Joining me is Kelly Clark, State Director with AARP NH. We serve as co-chairs of the State Coordinating Council for Community Transportation (SCC). We appear before you today in that role and to speak on behalf of the SCC.

The members of the State Coordinating Council for Community Transportation (SCC) are submitting this written testimony to express support for SB 186 relative to the establishment of a statewide transportation policy and a transportation advisory commission.

As outlined in RSA 239-B, the SCC is charged with the following:

1. Develop, implement, and provide guidance for the coordination of shared ride transportation options within New Hampshire so that senior citizens and persons with disabilities can access local and regional transportation services and municipalities, human service agencies, and other organizations can purchase shared ride coordinated transportation services for their citizens, clients, and customers.
2. Set statewide coordination policies for community transportation, establish community transportation regions, encourage the development of regional coordination councils, assist other regional efforts as needed, and monitor the results of statewide coordination.
3. Assist regional coordination councils regarding their designations for regional transportation coordinators in order to ensure that the coordinators chosen will be able to meet any federal or state requirements associated with major funding streams.
4. Solicit and accept donations for funding to implement and sustain regional transportation coordinators.

One of the most basic challenges that the SCC faces is the lack of a statewide transportation policy from which to take direction, coordinate activities under and otherwise work from. There is no comprehensive and overarching long-range plan for how New Hampshire is to meet all of the goals we have set for our state.

We strongly support the development of such a critical policy.

Critical to the creation and monitoring of a long-range plan is the Transportation Advisory Commission. The SCC is requesting to be listed as a member of the

Commission. Given the SCC's charge, the members of the Council feel it is appropriate and beneficial that they be represented on the Commission.

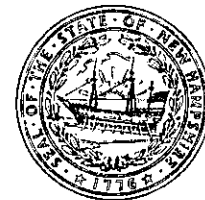
Additionally, the SCC is asking for further consideration of the membership on the Commission representing the transit industry. Within the transit industry there are public (local) operators, non-profit (local and regional) operators and for-profit (regional) operators. Consideration needs to be given to the fact that these different operators at times have very divergent opinions and there is merit to each one being represented.

We, the members of the SCC, thank you for this opportunity to submit testimony and appreciate your consideration of our requests.



The State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**

*File*



**Thomas S. Burack, Commissioner**

May 5, 2009

The Honorable Candice Bouchard, Chairman  
House Public Works and Highways Committee  
Legislative Office Building, Room 201  
Concord, New Hampshire 03301

**Re: SB 186, relative to the establishment of a statewide transportation policy and a transportation advisory commission**

Dear Chairman Bouchard and Members of the Committee:

The Department of Environmental Services (DES) is writing in support of SB 186 relative to the establishment of a statewide transportation policy and a transportation advisory commission.

The transportation sector is the major source of air pollutants that cause elevated levels of ground level ozone in New Hampshire, contributing over half of the nitrogen oxide (NOx) and volatile organic compound pollutants that form ozone pollution. Ground level ozone is a respiratory irritant that can pose significant health hazards to sensitive populations, including children, the elderly, and those with respiratory conditions such as asthma. This sector also accounts for about one third of New Hampshire's carbon dioxide (CO2) emissions, a greenhouse gas that contributes to climate change.

A safe, efficient, and effective transportation network is necessary to support the mobility needs of our citizens, protect our environment, and support our economy. In order to achieve this goal a robust, inclusive planning process must take place, and must be on-going to respond to changing conditions and needs. The process must also incorporate the work of major policy initiatives already undertaken by the state such as the Climate Action Plan and the State Energy Plan. The policy and advisory commission proposed by Senate Bill 186 will ensure the state can meet this goal inclusive of these policy initiatives. DES would welcome the opportunity to serve on this commission.

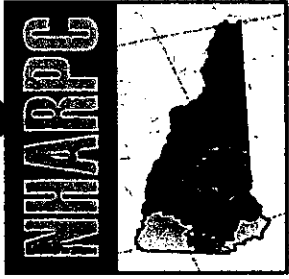
Thank you again for the opportunity to comment on and support SB 186. Please call Rebecca Ohler, Supervisor of the Mobile Sources Section, at 271-6749, or me at 271-2958, if you have any questions or would like further information.

Sincerely,

Thomas S. Burack  
Commissioner

cc: Senator Harold Janeway  
Senator Molly Kelly  
Senator Peggy Gilmour

File



**NEW HAMPSHIRE ASSOCIATION  
OF REGIONAL PLANNING  
COMMISSIONS**

20 Central Square, 2<sup>nd</sup> Floor  
Keene, NH 03431  
603-357-0557

**North Country Council**  
The Cottage on the Rocks  
107 Glessner Road  
Bethlehem, NH 03574  
Telephone: 444-6303

**Lakes Region  
Planning Commission**  
103 Main St. Suite 3  
Meredith, NH 03253  
Telephone: 279-8171

**Upper Valley Lake Sunapee  
Regional Planning Commission**  
30 Bank Street  
Lebanon, NH 03766  
Telephone: 448-1680

**Southwest Region  
Planning Commission**  
20 Central Square, 2<sup>nd</sup> Floor  
Keene, NH 03431  
Telephone: 357-0557

**Central NH Regional  
Planning Commission**  
28 Commercial Street  
Concord, NH 03301  
Telephone: 226-6020

**Southern NH  
Planning Commission**  
438 Dubuque Street  
Manchester, NH 03102  
Telephone: 669-4664

**Nashua Regional  
Planning Commission**  
9 Executive Park Dr., Suite 201  
Merrimack, NH 03054  
Telephone: 424-2240

**Rockingham  
Planning Commission**  
156 Water Street  
Exeter, NH 03833  
Telephone: 778-0885

**Strafford Regional  
Planning Commission**  
2 Ridge Street, Suite 4  
Dover, NH 03820  
Telephone: 742-2523

April 27, 2009

The Honorable Candace Bouchard, Chair  
House Public Works and Highways Committee  
Legislative Office Building, Room 201  
Concord, NH 03301

RE: SB 186

Dear Chairman Bouchard and Members of the Committee:


The New Hampshire Association of Regional Planning Commissions (NHARPC) would like to express their support for SB 186. As you are aware, the nine regional planning commissions play an important role in planning for the future of the state's transportation systems. In that role, we have been concerned that the transportation process in New Hampshire does not vest any group with the responsibility for identifying a coherent transportation policy for the state. Without an adopted transportation policy, it is difficult for all the individuals and groups involved in the process, as well as the citizens of the state, to judge the importance of any particular transportation project proposal. The value of SB 186 is that it establishes a broad framework for a statewide transportation policy which will be helpful to the Department of Transportation, the regional planning commissioners, the Executive Council, the Governor, and the General Court as they consider the transportation needs of the state.

We would also like to express our support for the formation of the Transportation Advisory Commission. The Community Advisory Committee (CAC) did a good job of setting out a policy basis for proposed transportation improvements in the Transportation Business Plan. We believe that changes in our state and nation will continue to require that our transportation policies be updated. The formation of a group that is specifically empowered to develop transportation polices for the state will ensure that New Hampshire is ready to respond to transportation challenges as they arise.

The NHARPC would like to request one change in the make up of the Transportation Advisory Commission as described in SB 186. The Transportation Advisory Commission as proposed mimics the composition of the Community Advisory Committee. However, the regional planning commissions had two representatives on the CAC, one from a metropolitan regional planning commission and one from a rural regional planning commission. We believe it is important to have both represented on the Transportation Advisory Commission due to the significant differences in transportation needs in the state's metropolitan and rural areas. Therefore, we would request that the committee amend the proposed bill to add a second regional planning commission representative, both nominated by NHARPC, with one designated from among the state's metropolitan areas and one designated from among the state's rural areas.

Thank you for the opportunity to comment. Please feel free to contact me if you have any questions on our position.

Sincerely,

  
Stephen Buckley, Esq.  
Chairman



# Voting Sheets

HOUSE COMMITTEE ON PUBLIC WORKS AND HIGHWAYS

EXECUTIVE SESSION on SB 186

**BILL TITLE:** relative to the establishment of a statewide transportation policy and a transportation advisory commission.

**DATE:** May 26, 2009

**LOB ROOM:** 201

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, <sup>(Retain)</sup> Interim Study (Please circle one.)

Moved by Rep. Gene G. Chandler

Seconded by Rep. Alfred C. Lerandeau

Vote: 16-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

**CONSENT CALENDAR VOTE: N/A**

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. John R. Cloutier, Clerk

HOUSE COMMITTEE ON PUBLIC WORKS AND HIGHWAYS

EXECUTIVE SESSION on SB 186

**BILL TITLE:** relative to the establishment of a statewide transportation policy and a transportation advisory commission.

**DATE:** 5-26-09

**LOB ROOM:** 201

Amendments:

Sponsor: Rep. OLS Document #:  
Sponsor: Rep. OLS Document #:  
Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, <sup>Retain</sup>~~Interim Study~~ (Please circle one.)

Moved by Rep. Gene G. Chandler

Seconded by Rep. Alfred C. Lerondeau

Vote: (Please attach record of roll call vote.)

Approved  
16-0

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

N/A

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. John R. Cloutier, Clerk

**PUBLIC WORKS AND HIGHWAYS**

Bill #: SB 186 Title: relative to the establishment of a statewide transportation policy and a transportation advisory commission.

PH Date: 05 / 05 / 09

Exec Session Date: 05 / 26 / 09

Motion: Retain

Amendment #: N/A

MEMBER	YEAS	NAYS
Bouchard, Candace C W, Chairman	✓	
Campbell, David B, V Chairman	✓	
Cloutier, John R, Clerk	✓	
Lerandean, Alfred C	✓	
Brown, Carole M	✓	
Cyr, James E	~ ABSENT ~	
Long, Patrick T	✓	
Sprague, Dale R	✓	
Mann, Maureen R	✓	
Ramsey, Peter E	✓	
Chandler, Gene G	✓	
Graham, John A	✓	
Rausch, James B	✓	
Gionet, Edmond D	~ ABSENT ~	
Ingram, Russell F	✓	
McConkey, Mark E	✓	
Bailey, Clinton W	~ ABSENT ~	
Kolodziej, Walter	✓	
Seidel, Carl W	✓	
<b>TOTAL VOTE:</b>	16	0

HOUSE COMMITTEE ON PUBLIC WORKS AND HIGHWAYS

EXECUTIVE SESSION on SB 186

**BILL TITLE:** relative to the establishment of a statewide transportation policy and a transportation advisory commission.

**DATE:** October 28, 2009

**LOB ROOM:** 201

**Amendments:**

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Sprague

Seconded by Rep. Graham

Vote: 19-0 (Please attach record of roll call vote.)

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

**CONSENT CALENDAR VOTE: 19-0 - YES**

(Vote to place on Consent Calendar must be unanimous.)

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep. John R. Cloutier, Clerk

HOUSE COMMITTEE ON PUBLIC WORKS AND HIGHWAYS

EXECUTIVE SESSION on SB 186

**BILL TITLE:** relative to the establishment of a statewide transportation policy and a transportation advisory commission.

**DATE:** October 28, 2009

**LOB ROOM:** 201

**Amendments:**

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

*Dale R. Sprague*  
*John A. Graham*

*Approved*  
*19-0*

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: *19-0 (Yes)*

(Vote to place on Consent Calendar must be unanimous.)

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep. John R. Cloutier, Clerk

**PUBLIC WORKS AND HIGHWAYS**

Bill #: SB 186 Title: Relative to the establishment of a statewide transportation policy and a transportation advisory commission

PH Date: 05/05/09

Exec Session Date: 10/28/09

Motion: Inexpedient to Legislate

Amendment #: N/A

MEMBER	YEAS	NAYS
Bouchard, Candace C W, Chairman	✓	
Campbell, David B, V Chairman	✓	
Cloutier, John R, Clerk	✓	
Lerandeau, Alfred C	✓	
Brown, Carole M	✓	
Cyr, James E	✓	
Long, Patrick T	✓	
Sprague, Dale R	✓	
Mann, Maureen R	✓	
Ramsey, Peter E	~ ~ ~ ABSENT ~ ~ ~	
White, Andrew A	✓	
Chandler, Gene G	✓	
Graham, John A	✓	
Rausch, James B	✓	
Gionet, Edmond D	✓	
Ingram, Russell F	✓	
McConkey, Mark E	✓	
Bailey, Clinton W	✓	
Kolodziej, Walter	✓	
Seidel, Carl W	✓	

TOTAL VOTE:  
Printed: 9/24/2009

19                      0

# Committee Report



**CONSENT CALENDAR**

**November 3, 2009**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on PUBLIC WORKS AND HIGHWAYS to  
which was referred SB186,**

**AN ACT relative to the establishment of a statewide  
transportation policy and a transportation advisory  
commission. Having considered the same, report the  
same with the following Resolution: RESOLVED, That it  
is INEXPEDIENT TO LEGISLATE.**

**Rep. Dale R Sprague**

**FOR THE COMMITTEE**

## COMMITTEE REPORT

Committee:	<b>PUBLIC WORKS AND HIGHWAYS</b>
Bill Number:	<b>SB186</b>
Title:	<b>relative to the establishment of a statewide transportation policy and a transportation advisory commission.</b>
Date:	<b>November 3, 2009</b>
Consent Calendar:	<b>YES</b>
Recommendation:	<b>INEXPEDIENT TO LEGISLATE</b>

### STATEMENT OF INTENT

The committee unanimously agreed that a major advisory commission on transportation policy is not necessary and detracts from the current policy dynamic between the Executive Branch and the Legislative Branch. The Executive Branch has input from the Department of Transportation (DOT), the Governor and Council through GACIT (Governor's Advisory Commission on Intermodal Transportation) which has a multitude of hearing throughout the state. The Legislative Branch, both House and Senate, have standing committees to oversee and consider transportation policy.

Vote 19-0.

Rep. Dale R Sprague  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## CONSENT CALENDAR

### PUBLIC WORKS AND HIGHWAYS

**SB186**, relative to the establishment of a statewide transportation policy and a transportation advisory commission. **INEXPEDIENT TO LEGISLATE.**

Rep. Dale R Sprague for PUBLIC WORKS AND HIGHWAYS. The committee unanimously agreed that a major advisory commission on transportation policy is not necessary and detracts from the current policy dynamic between the Executive Branch and the Legislative Branch. The Executive Branch has input from the Department of Transportation (DOT), the Governor and Council through GACIT (Governor's Advisory Commission on Intermodal Transportation) which has a multitude of hearing throughout the state. The Legislative Branch, both House and Senate, have standing committees to oversee and consider transportation policy. **Vote 19-0.**

Original: House Clerk  
Cc: Committee Bill File

# COMMITTEE REPORT

COMMITTEE: Public Works and Highways

BILL NUMBER: SB 186

TITLE: Relative to the establishment of a statewide transportation policy and a transportation advisory commission.

DATE: 10-28-09 CONSENT CALENDAR YES  NO

- OUGHT TO PASS
- OUGHT TO PASS WITH AMENDMENT
- INEXPEDIENT TO LEGISLATE
- RE-REFER
- REFER TO COMMITTEE FOR INTERIM STUDY  
(Available only in second year of biennium.)

*10/28/2009  
CWT*

### STATEMENT OF INTENT (Include Committee Vote)

The committee unanimously agreed that a ~~major~~ ~~transportation~~ ~~advisory commission~~ ~~with policy~~ ~~advisory~~ ~~commission~~ ~~is~~ ~~not~~ ~~necessary~~ and detracts from the ~~current~~ ~~state~~ ~~policy~~ dynamic ~~of~~ between the executive branch ~~and~~ ~~the~~ ~~governor~~.

Vote: 19-0

Rep. Dale R. Sprague  
FOR THE COMMITTEE

Original: House Clerk  
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

Advisory  
~~and~~ ~~Council~~ ~~on~~ ~~Intermodal~~ ~~Transportation~~  
~~(GACIT)~~ which include the Governor ~~and~~ Governors  
Council ~~and~~ DOT; and  
~~the~~ legislative branch (the  
House and Senate and their standing committees),

The executive branch ~~is represented~~ <sup>has input</sup>  
from ~~the~~ DOT, the Governor and Council/  
through GACIT (Governor's Advisory  
Commission ~~on~~ ~~Intermodal~~ Transportation)  
which has a multitude of hearings throughout  
the State. The Legislative branch, ~~has~~  
both House and Senate, have standing  
committees to oversee and consider  
~~the~~ transportation policy.

SB 186

ITL

The committee unanimously agreed that a major advisory commission on transportation policy is not necessary and detracts from the current policy dynamic between the Executive Branch and the Legislative Branch. The Executive Branch has input from the Department of Transportation (DOT), the Governor and Council through GACIT (Governor's Advisory Commission on Intermodal Transportation) which has a multitude of hearing throughout the state. The Legislative Branch, both House and Senate, have standing committees to oversee and consider transportation policy.

Dale R. Sprague

CSB

11/3/2009