

# Bill as Introduced

SB 186 - AS INTRODUCED

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

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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                     Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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  
30 plan and growth policy, and reducing the emission of greenhouse gases.

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

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

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

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

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

13 (1) Transportation system management.

14 (2) Transportation demand management.

15 (3) Public transit.

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

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

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

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20 organization.

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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. No member of the commission shall vote on a matter in which the member, his or her  
33 spouse or dependent, or the organization or entity represented by or employing the member, has a  
34 financial interest which may directly or indirectly affect or influence the performance of his or her  
35 duties.

36 V. The transportation advisory commission shall make a quadrennial report to the speaker  
37 of the house of representatives, president of the senate, the senate clerk, the house clerk, the

**SB 186 - AS INTRODUCED**

**- Page 5 -**

1 chairpersons of the house transportation committee and public works and highway committee, the  
2 chairpersons of the senate transportation and interstate cooperation committee and capital budget  
3 committee, the governor, and the state library. The commission's first report shall be available for  
4 use by the public by March 1, 2011, prior to the convening of the governor's advisory commission on  
5 intermodal transportation, and every 4 years thereafter.

6       2 Effective Date. This act shall take effect 60 days after its passage.

SB 186 - AS AMENDED BY THE SENATE

03/11/09 0652s

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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  
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**SB 186 – AS AMENDED BY THE SENATE**

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1 intermodal transportation, and every 4 years thereafter.

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

# Amendments

Transportation and Interstate Cooperation  
March 5, 2009  
2009-0652s  
06/09

Amendment to SB 186

1 Amend RSA 241:3 as inserted by section 1 of the bill by replacing all after paragraph III with the  
2 following:

3  
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5 of the house of representatives, president of the senate, the senate clerk, the house clerk, the  
6 chairpersons of the house transportation committee and public works and highway committee, the  
7 chairpersons of the senate transportation and interstate cooperation committee and capital budget  
8 committee, the governor, and the state library. The commission's first report shall be available for  
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10 intermodal transportation, and every 4 years thereafter.

# Committee Minutes



**SENATE CALENDAR NOTICE**  
**TRANSPORTATION AND INTERSTATE COOPERATION**

- ✓ Senator Robert Letourneau Chairman
- ✓ Senator Peggy Gilmour V Chairman
- ✓ Senator Martha Fuller Clark
- ✓ Senator Molly Kelly
- ✓ Senator Theodore Gatsas

|  |   |
|--|---|
| For Use by Senate Clerk's<br>Office ONLY |   |
| <input type="checkbox"/>                 | Bill Status                                   |
| <input type="checkbox"/>                 | Docket  |
| <input type="checkbox"/>                 | Calendar                                      |
| Proof: <input type="checkbox"/>          | Calendar <input type="checkbox"/> Bill Status |

start: 10:35  
end: 11:50

**Date: February 12, 2009**

**HEARINGS**

**Thursday**

**2/19/2009**

TRANSPORTATION AND INTERSTATE COOPERATION

LOB 101

10:30 AM

(Name of Committee)

(Place)

(Time)

**EXECUTIVE SESSION MAY FOLLOW**

10:30 AM SB186

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

**Sponsors:**

**SB186**

Sen. Molly Kelly

Sen. Harold Janeway

Sen. Peggy Gilmour

# Transportation and Interstate Cooperation Committee

## Hearing Report

**TO:** Members of the Senate

**FROM:** Ryan Phinney, *Legislative Aide*

**RE:** Hearing report on **SB 186** – *AN ACT relative to the establishment of a statewide transportation policy and a transportation advisory commission.*

**HEARING DATE:** 2/19/2009

**MEMBERS OF THE COMMITTEE PRESENT:** Senator Letourneau, Senator Gilmour, Senator Kelly, Senator Gatsas; Senator Fuller Clark, Dist 24.

**MEMBERS OF THE COMMITTEE ABSENT:** None.

**Sponsor(s):** Senator Kelly, Dist 10; Senator Janeway, Dist 7; Senator Gilmour, Dist 12.

**What the bill does:** This bill establishes a statewide transportation policy and a transportation advisory commission.

**Who supports the bill:** Steve Williams, NH Association of Regional Planning Commissions; Senator Gilmour, Dist 12; Judy Silva, NHMA; Senator Kelly, Dist 10; Jen Czysz, NH OEP; Senator Janeway, Dist 7; Ben Frost, NH Planners Association; Richard Ober, NH Charitable Foundation; George Campbell, DOT; Kathleen Molcahey, DOT.

**Who opposes the bill:** Bob Scully, NHMTA; Gary Abbott, AGC.

**Summary of testimony received:** Senator Kelly introduced SB 186 to the committee as the Prime Sponsor.

- Senator Kelly stated that this bill was a significant effort for those who believe that DOT needs a policy direction. Last year, Senator Kelly brought a bill similar forward, on how agencies implement their policies, and trying to avoid micro-managing small projects. This bill

would reform long-term transportation policies to adapt to the needs of the 21<sup>st</sup> century.

- George Campbell, Commissioner of DOT, testified in support of SB 186. Commissioner Campbell stated that this was required by the US DOT and the Federal Highway to have long-term plan (policy not project) to be consistent to other policy plans. This bill also helps with funding that DOT receives. Commissioner Campbell stated that this bill is a way for the public to decide what needs to take priority with transportation issues. New Hampshire has many plans and most of them are tied to some type of transportation in one way or another. Senator Gatsas asked Commissioner Campbell what the difference between this bill and the Governor's Advisory Commission. Commissioner Campbell stated that this bill was for the state, with a larger roll, this bill looks at the overall needs of the state. Senator Gatsas asked if this commission would overlap some membership of the Governor's Commission. Commissioner Campbell stated that having a commission that is legislatively enforced is more effective. Senator Letourneau asked if this bill appropriated money for mileage that would need to be paid to the commission members travel expenses. Commissioner Campbell stated that Federal Funds, matched with fund raising would cover it, and that they were not planning on using highways funds for this. Commissioner Campbell stated that this bill was not for specific jobs, rather long-term planning for policy issues.
- Steve Williams, Executive Director of the Nashua Planning Commission and Regional Planning Commission, testified in support of SB 186. Mr. Williams stated that NH would benefit greatly from this long-term approach when looking at state transportation needs. The state has struggled with not having a broad based body developed by the legislature to plan for transportation issues and projects. The policies in this bill provide a good basis for going forward with policy issues. Mr. Williams stated that the transportation needs for rural areas vs. urban areas are much different so the inclusion of both is needed for a balanced approach. Senator Letourneau asked if this was somewhat redundant with the membership having people run back and forth to transportation commissions that are doing essentially the same thing. Mr. Williams stated that they do not feel that it is redundant, rather that everyone on the commissions have a specific role in the process.
- Bob Scully, representing the NH Motor Transit Association, testified in opposition of SB 186. Mr. Scully stated that there is already a 10-year highway plan and other commissions that are already doing these kinds of studies. Mr. Scully state that he believes that the funding gap is the real issue here. Mr. Scully suggested that this commission might try to change article 6A in the future to make this work, and would require all projects to go through this commission.

- Jennifer Czysz, President of the NH Planners Association, testified in support of SB 186. Ms. Czysz stated that transportation is a huge demand in this state and every other state not only for physical infrastructure but the economic infrastructure as well. Ms. Czysz also stated that she would be happy to serve on this commission, as it is of great need for this state.
- Richard Ober, NH Charitable Foundation, testified in support of SB 186. Mr. Ober stated that decisions made within transportation affect everyone in New Hampshire. Transportation serves everyone, no matter their location, occupation or destination. Mr. Ober also stated that it also affects energy use, economic development and land use patterns. Mr. Ober noted two key components of the bill: The first being that this bill provides the framework on how to best deal with the role the legislature has and also helps policy making. The second key component reflects the NH way, with everyone working together, the public and private sectors, non-profit organizations all giving input and having a voice in how things are done. Mr. Ober stated that the AG's office looked through this bill and determined that this commission and policy could not set policy and the role of the commission does not overlap other commissions. Senator Letourneau asked how there were rapid changes in transportation. Mr. Ober stated that user needs are changing not the process of transportation changing. Mr. Ober also stated that NH is the 2<sup>nd</sup> or 3<sup>rd</sup> most dependant state regarding petroleum consumption, including heating and that used in motor vehicles. Senator Fuller Clark asked if those opposed to this bill might be so because this could put the automobile out of business. Mr. Ober stated that could be an issue of choice, but noted that Dartmouth Hitchcock was expanding bus services to meet the increased demand and also for environmental purposes, they have decided to not expand their parking lot even more than they have.
- Kathleen Molcahey, from DOT, testified in support of SB 186. Ms. Molcahey stated that this bill will not undermine article 6A, and also that the last three commissioners have supported such a commission. Senator Gatsas raised an issue with page 4 line 31, asking why no person shall vote who has any financial interest in the matter, stating that it raises a red flag. Ms. Molcahey stated that this was put in to offset conflicts of financial interest, just as the legislature has in place.
- Ben Frost, representing the NH Planners Association testified in support of SB 186. Mr. Frost stated that the decisions we make in allocating hard-won transportation dollars must be made carefully, and should be based on an overall policy that establishes our foremost priorities for resource expenditure. Mr. Frost also stated that SB 186 places transportation policy and decisions made pursuant to it into a larger context, namely, land use planning. Mr. Frost stated that for too long land use planning decisions were driven by transportation decisions and that needs to be remedied.

- Gary Abbott, Executive V.P. Association of General Contractors, testified in opposition of SB 186. Mr. Abbott stated that this commission has no end date, meaning this could be a lengthy commitment for anyone included. Mr. Abbott stated that there has been so much competing for very little money because the money has been poorly funded for the past 18 years (last gas tax.) Mr. Abbott stated that some of our current needs are related with out inability to keep up with certain needs. The airport was a great success because it was properly funded, the highway fund is struggling, and Mr. Abbott is not confident that a citizen's advisory committee will help. Mr. Abbott stated that DOT is responsible for crafting a budget that the legislature votes on, and that many of their funds have federal strings attached to it, and would like to see less strings attached to allow for greater flexibility.

**Funding:****Future Action:**

[rip]

[Transportation] [SB 186]  
[February 19, 2009]



JE

As the members of the Committee know, I introduced legislation on this issue last year. Concerns were expressed about how individual projects might or might not be affected by that bill, and regarding how the State's transportation policy would be coordinated by the agencies and organizations that play distinct roles in formulating and implementing that policy.

From the very beginning, my intent was to craft legislation that would not be used to micromanage individual projects, but would fulfill the Legislature's role in establishing overall policy, and this is important direction to the Department.

SB 186 represents an important step forward in establishing the criteria and the principles that many believe should inform our long-term transportation policy. And it also establishes a commission that will provide more specific recommendations to the Governor, the Department, and the Legislature, on how our transportation policies should adapt and evolve to meet the needs of transportation for the 21<sup>st</sup> century.

We have been very clear in SB 186, and I wish to emphasize this point as well: that nothing in this law creates a private right of action against the State, that the Department of Transportation or the Transportation Advisory Commission created by the bill, regarding any individual transportation project or any transportation plan. Nor does this bill remove or replace any agency's existing authority for transportation projects or planning.

What SB 186 does is to provide the policy direction to the Department that will help guide its efforts in the years to come. There are many others here today, and I want to thank all of them for their input and their interest in this bill, and they will be speaking towards this bill as well. And I know that they'll be available to answer questions or any of your concerns.

I truly look to all of you to give this important legislation critical attention, and I recommend that we pass this legislation. I'm available for questions as well, but do know there are experts sitting behind me that will be able to answer questions, too. Thank you.

**Please see Attachment #1- Senator Kelly's typewritten testimony.**

Senator Robert J. Letourneau, D. 19: Thank you. Any questions from the Committee? Seeing none. Thank you very much.

Senator Molly Kelly, D. 10: Thank you.

Senator Robert J. Letourneau, D. 19: I would recognize Commissioner Campbell. Good morning, Commissioner.

Commissioner Campbell: Good morning.

Senator Robert J. Letourneau, D. 19: This is the first time you've graced our Committee. Welcome to Senate Transportation.

Commissioner Campbell: Thank you. It's a pleasure to be here. I'm George Campbell, Commissioner of Transportation for the State of New Hampshire. Good morning, Chairman Letourneau and members of the Committee. It's good to see you all.

I am here today to testify in support of this legislation, creating a transportation policy and establishing a citizens' advisory commission. And I am here in strong support for three primary reasons that I'd like to talk to you about.

One is, we are required by the U.S. Department of Transportation and Federal Highway Administration to have a long-term plan. It's not a ten-year capital plan, which is a project-specific plan, which we have and we're proud of, and you all have worked with us on that plan. But it's a policy plan that the Federal Highway and USDOT expect from us to be consistent with what they're laying out as a national policy, because they're conduit for a lot of our funds, as you know, not just in highway, but in transit and aeronautics and rail.

For example, at the federal level, the newest proposal for their plan is this document that I expect that this Committee has in its files, to refocus, reform and renew America's transportation, including highways and how they want to fund them. And we are required to look at these plans; these obviously change administration to administration, but to look at the plans and come up with long-term approaches to delivering transportation for the citizens of New Hampshire with our money and the federal money that comes to those programs. So that's reason one that I'm here.

Second is, that since Commissioner Murray established the Citizens Advisory Committee in '03 and they delivered their report in 2006. Commissioner set up a committee that created a long-range plan for the State through this citizens' advisory committee. But it was a Commissioner-established level, and again, as you well know, it may not happen with me, but Commissioners do leave, and there are changes. And I'm so happy, I'm sure I'm not going to leave, but, the bottom line is that there are changes, and when you set it up at the Commissioner level and set the policy for the whole State, that's



different than implementing what the Legislature and the public wants. And one of the reasons this was so popular as a document was that all kinds of people were at the table; people that disagreed with it, people that had concerns, and they could have their own input. This now is our official plan to the federal highway; that's what they now have. And so I go to them. But of course, the federal highway looks for updates. And so, after that was adopted, and when Commissioner O'Leary came in, they said, you know, "We have to keep this ongoing. It has to be updated, it has to be refined".

And so, the Department, internally, without having a citizens' advisory committee, took on the updating of the long-range plan, and this long-range plan was submitted in May of last year. It was submitted two weeks, actually, before I was sworn in as Commissioner, and it was submitted to the Public Works Committee in the House, and the Public Works Committee said, "We reject that." And not because they didn't like the plan, but because it was DOT internally saying, "This is our plan for what the State ought to be doing over the next thirty years", in terms of what modes are important, whether we preserve the system, modernize the system, you know, whatever we do for our transportation responsibility.

Between these two plans, and most of the money going to this, there's a million dollars in this effort. Real money's being spent. Now, it's mostly federal money and some donation; charitable foundations donate a lot of money to help this cause and provide a good leadership in the part, which was successful.

But, I want it clear that, if I leave you with no other impression, it's that it's not a question of whether or not we have a transportation policy; we are required to have one, we should have one. Other things flow from that, and when we've tried to develop it just inside the Department, even though I think it's expert and we've gone out to the regional planning and we're very thorough, it's still not something that the Legislature owns because you're the ones that fund us at the end of the day, and it's not one that the public develops. And what is offered in this bill is a way for the public to help develop a plan that can guide the Legislature and guide the Department in terms of priorities and policies.

As the sponsor, Senator Kelly, pointed out, this bill, unlike what you were looking at last year, is strict of issues about particular projects. Again, we have a ten-year capital plan for that in the highway program, and the ten-year capital plan, by the way, handles transit and aeronautics and other areas, too. So, those projects' specific needs can be there. So, reason one is, it's required. Reason two is, as we struggle at it, if we don't have a broader acceptance, then it's either going to be one Commissioner after another trying

to put something forward to meet their requirements and leaving the Legislature and the public feeling, are they really a part of this. And I think, as you know and as we've talked often, the transportation needs of the State are number one to our economy, and they're important to all of us, and so, I think all of us should be at the table.

This legislation that's before you today describes the needs. It also sets up a representative group. I mean, maybe there are other people or less people or whatever. When we first worked with the Senator, I think I had three names on it; mine was there and a couple others. It didn't seem like it was quite sufficient, so I don't know whether it's the right list, but I think it's a good first start, and one that we clearly support.

And also, the other thing that's going on is, I've talked about our planning and federal planning and what's required, but the State of New Hampshire has many, many plans; they have the Smart Growth Plan, they have the Climate Change Plan, they have the Required State Comprehensive Plan. Every single one of those has a transportation element in it that becomes an official State plan. With this commission established, two things can happen. One: They can monitor every single other plan that's out there that's got a transportation component, and say, "Is that really correct? Is that right? Does that meet our transportation needs, or is that just some interest that's got one piece of the puzzle that has their own interest to develop a plan?" And also, I don't think the State Comprehensive Plan should be developed without guidance and support from this group in terms of transportation. I envision this group of citizens and interests as being the one that more specifically can speak to it, and that's another feature of this bill, is getting this consistency.

The final thing I'd like to say is, a great deal of thanks to my staff, Kathy MulCahey-Hampsen is with me, who's our hearings officer and our legislative person, and Kathy has worked hard on this bill and worked with the Attorney General's Office and others, and the sponsors as we've tried to work our way through it. And then, also behind me is Ansel Sanborn, who's really a magnificent person that's worked for years in staffing these efforts, these planning efforts, and understands the ramifications of it, and he also is the person that, to me, leads our strategic planning of operations which we are required to do for DOT itself. And I would also like to thank Senator Kelly and Senator Janeway for all you've been open to us in our input. We continue to be available, Senator Letourneau, to you and the Committee. If you have any questions, or this... No bill comes in as perfect, and if there are things you need from us or responses, we're glad to help. But I hope I've given you the understanding from my position as Commissioner of this Department, why we think this is important legislation, and we would hope that it gets your support. Thank you.

Senator Robert J. Letourneau, D. 19: Thank you, Commissioner. Questions from the Committee? Senator Gatsas.

Senator Theodore L. Gatsas, D. 16: Thank you, Mr. Chairman. Good morning, Commissioner.

Commissioner Campbell: Good morning, Senator.

Senator Theodore L. Gatsas, D. 16: Can you tell me what the difference is between this commission and the Governor's Advisory Commission on Intermodal Transportation?

Commissioner Campbell: Sure. This commission is a commission that is going to set up our long-range plan overall for the Department, you know, for the State really. And, the Department's role comes from that, so, it's a broader role. It's a role that also looks at the highway part of it. And finally, we think that with this citizens group that's put in here, we've got a more reflective group of what the overall needs are. I think, in your consideration, you may want to look at the Intermodal Group and decide if you think you need that. As the Governor said, in his comments to the Legislature last week, we should be looking at what other commissions are out there that we may or may not need. And when you put this together, you may look at that and decide if you need it.

Senator Theodore L. Gatsas, D. 16: So your suggestion is not to get rid of the Governor's Commission, but maybe we should look at this and see what's overlapping and see if the membership is the same?

Commissioner Campbell: Well, I think you could do that, but I think the Governor's Commission itself may or may not, you know, I don't know how we would all work together, Senator, but it just seems to me the one thing we can't afford as a State is a lot of redundancy. I really believe that because policy is set by budget and budget's approved by the Legislature, that having a commission that's legislatively endorsed is an important aspect, versus just the Governor or a Commissioner in terms of long-term planning.

Senator Theodore L. Gatsas, D. 16: Thank you.

Senator Robert J. Letourneau, D. 19: Commissioner, I noticed that this is administratively attached to the Department of Transportation.

Commissioner Campbell: Right.

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Senator Robert J. Letourneau, D. 19: Is there any money in here for payment for mileage?

Commissioner Campbell: Our money that would come out would be, again, we have what they call SPR funds, or federal funds for state planning, that will be used for this. We'll still match it with locally raised money; I think that that model was good. But it is not a... There is not a fiscal note with it because I'm not contemplating, today or any time in the future, highway funds going into this.

Senator Robert J. Letourneau, D. 19: But it's not in the bill.

Commissioner Campbell: It's not in the bill. In other words, we already have a planning requirement that we're spending money on, so there's no increase in that cost. What I'm saying is, we've been spending, in our budget, upwards of a million dollars on this, for a plan that hasn't been accepted. We'd like to... That money will continue to be available, and we should use that money to support this plan.

Senator Robert J. Letourneau, D. 19: I'm trying to... And pardon me if I'm beating a horse here, but...

Commissioner Campbell: No, no.

Senator Robert J. Letourneau, D. 19: I'm trying to figure out how you authorize payment for travel for all these designees without authorization from the Legislature.

Commissioner Campbell: Whatever our budget is, when we get a budget, we'll have funds. Now, if we need to put something specifically in here, I leave that to you and the sponsors of it. I'm just saying that our funds come from SPR federal funds, and that I expect to get private funds to help us, too.

Senator Robert J. Letourneau, D. 19: Thank you for that. Further questions from the Committee? Senator Clark.

Senator Martha Fuller Clark, D. 24: Yes, thank you very much, and thank you very much, Commissioner. I just wondered if you could leave us with some copies of those plans, for those of us who may not have had a chance to review them?

Commissioner Campbell: Sure. I will get a set over to you.

Senator Martha Fuller Clark, D. 24: We appreciate that very much.

Commissioner Campbell: And that's both the original one...

Senator Robert J. Letourneau, D. 19: I may have an official copy of that in my office from last year, if you'd like what I have.

Commissioner Campbell: So you have that one, and then...

Senator Martha Fuller Clark, D. 24: I'm new to the Transportation Committee, so I don't have those.

Commissioner Campbell: So I will get those to you.

Senator Martha Fuller Clark, D. 24: I appreciate that.

Commissioner Campbell: And I will get this one to the office here. Again, that's not our official plan, that was our draft that's not been submitted or accepted by myself or anybody else.

Senator Martha Fuller Clark, D. 24: Follow up, follow up?

Senator Robert J. Letourneau, D. 19: Follow up.

Senator Martha Fuller Clark, D. 24: Would it not be helpful, though, to, even though we understand that that's a draft form, to have a chance to look at that?

Commissioner Campbell: You're more than welcome to look at it.

Senator Martha Fuller Clark, D. 24: Thank you.

Commissioner Campbell: There's nothing in it that's...It's all public record.

Senator Robert J. Letourneau, D. 19: Further questions? Senator Kelly.

Senator Molly Kelly, D. 10: Yes. Thank you so much. And thank you for all your help with this legislation. You did speak this morning in your testimony quite a bit about the commission and the purpose of the commission and the intent, and I just wondered if you could make a couple comments about what you feel the role of the Legislature is in providing a transportation policy.

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Commissioner Campbell: Sure. I think the Legislature's primary role is budget adoption. I think budgets are policy, at the end of the day. But, I also think the Legislature needs to set a direction in terms of balance of what they want, what the Legislature wants on behalf of the people, in terms of what modes and within modes, they see us supporting the economy of the State, supporting the social fabric of the State.

I talked to Commissioner Toumpas on more than one occasion; he and I had a joint summit on transit this December. And in speaking with, I think you were there, Senator, at that. And in speaking with him, he says that transportation is the lifeblood of the social service network of human services. You can't get people to doctors; you can't do anything without it. So I think that another big role of the Legislature is looking at how we take these various policies that we have for the economy, for social services, for a number of other things, for our environment, and say, 'What are we doing overall in the long-term that's taking us where we need to go? Yeah, we've got a two-year budget and we've got a ten-year capital plan, but what's important to us?' And you know, if something's not important, then that can be spoken to. It shouldn't be just what any particular Commissioner at DOT happens to think is important at the moment, but it ought to be what's important overall for us. So I think that the way this plan helps is both, If I were a legislator and I would be looking at a budget to pass; I would say, "Is that budget advancing us as a State towards the overall long-term plan that we have?" And, I would think, as a legislator, I would like to think I had a role in accepting whatever that long-term plan was, not just saying, "Here's my budget from an agency, but also, here's my plan." And you could take it, or you can leave it. I think, what this does, it helps give you, over time...I mean, this is every four years it gets adjusted; I think the first report is due 2011, and then every four years after that. So, again, it's long-term guidance, it's not project-specific, and it does not oversee the ten-year capital plan or anything like that, but it gives a good direction. So you can say, "Why are we not putting resources in this area?" or, "Why are we putting resources in a particular area?" I think that the Legislature would eventually be able to answer those questions. That's why I think it has some meaning to it.

Senator Robert J. Letourneau, D. 19: Senator Clark?

Senator Martha Fuller Clark, D. 24: I do have one other question. I'm just wondering if you could share with us, when you were the Commissioner of Transportation in Maine, if there was a long-range plan there that laid out the priorities with regard to transportation with that state, and what your experience had been?

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Commissioner Campbell: Not when I was Commissioner, that was in the early '80s. But, in the early '90s, there was a statewide referendum that set up what they call the Sensible Transportation Act for the State of Maine by Referendum, and that plan, which I had a lot of personal...I wasn't the Commissioner then, but just as a citizen, I had a lot of expert in the area, a lot of reservation about, because of the complexity of it, and getting so many voices in. It's hard enough. I mean, it takes us...An average interstate project is seventeen years from inception to building it, and you don't need any more complication. I can only tell you that, over time, since that period, and I've spoken and worked with a number of Commissioners at DOT on it, they've been very comfortable with how it's worked for them, and it's been helpful and it's worked well. I think the original document last year was somewhat taken from that. I think this is a big modification away from some of those things, but...Theirs was imposed by the citizens through referendum. And I can only tell you that the Commissioners have been...The three Commissioners that have worked with it since then have been really...see it has a positive.

Senator Martha Fuller Clark, D. 24: Thank you.

Senator Robert J. Letourneau, D. 19: Further questions from the Committee? Seeing none. Thank you, Commissioner.

Commissioner Campbell: Thank you very much.

Senator Martha Fuller Clark, D. 24: Thank you.

Senator Robert J. Letourneau, D. 19: Senator Peggy Gilmour is signed in in support, and is not speaking. Senator Janeway is signed in in support, and he is not speaking. Steve Williams from New Hampshire Association of Regional Planning Commissions, signed in in support, and is speaking. Good morning. Welcome to Senate Transportation.

Steve Williams: Good morning, Senator Letourneau, and members of the Committee. Thank you for the opportunity to be here this morning.

I am Steve Williams. I am the Executive Director of the Nashua Regional Planning Commission, and I am representing the New Hampshire Association of Regional Planning Commissions, the nine RPCs that are involved in the transportation planning and project development process across the State.

I have a letter this morning that I'd like to share with you, expressing our support for...Oh, you know what? I handed it out and gave you my copy of the

bill. Thank you. Expressing our support for SB 186. We think that this is a very beneficial advance in the process that the State uses to plan and anticipate the State's transportation needs.

**Please see Attachment #2- Letter from Stephen Buckley, Esquire, submitted by Mr. Williams.**

We believe that one of the issues that the State has struggled with for some time has been the fact that there is not a single broad-based body that is empowered by the Legislature to develop transportation policy, that can then be used by all of the different players in the process: the Legislature, the Governor's office, GASIT, the regional planning commissions, and the DOT, and really the public, to evaluate projects and to figure out whether the projects that are being proposed are actually going to meet the transportation needs of the State. We think this body that's proposed, this transportation commission, with the broad basis that is in the proposed legislation, will be well-suited to doing that, and we think it will be a very vital improvement to the State's process. We also think the policies that are proposed, the broad-based policies that are proposed in this legislation, provide a good basis for helping the State to move forward with transportation issues, and we believe that the combination of both those policies and the commission will be very helpful to all the participants in the transportation process and to the citizens of the State, as well.

One suggestion that we might make, and this is really only a suggestion, it wouldn't...your decision with regard to this certainly wouldn't impact our position on the bill, is that on the community advisory committee that Commissioner Murray formed, there were actually two RPC reps, one representing the metropolitan areas of the State, and one representing the rural areas of the State. There are very significant differences, and I think we all understand this, between the transportation needs in our metropolitan areas and in our rural areas, and very different concerns. And so, we believe that this committee would best be served by having both an urban and a rural representative. But, as I say, that is simply a suggestion on our part, and if the Committee would like to...is going to move forward with this legislation and does not see fit to make that change to the composition, we certainly are not going to change our position on this legislation. We strongly support it, and we appreciate Senator Kelly's, Senator Janeway's, and Senator Gilmour's initiative to bring this forward.

So, I guess with that said, I'd be happy to respond to any questions that members of the Committee might have at this point.



Senator Robert J. Letourneau, D. 19: Questions from the Committee? I had one. It sounds to me that this could be a little redundant. Should we, in this piece of legislation, should we be eliminating some of these other commissions that are doing basically the same kind of work?

Mr. Williams: Nope.

Senator Robert J. Letourneau, D. 19: Do we need to have so many commissions that we have people running back and forth between different organizations? There are some people that are interested in this sort of thing, and they would have to attend just another meeting with another group.

Mr. Williams: I actually don't see this as being redundant. I think all of the folks that are currently assigned roles in the transportation process play vital roles in that process, and unique roles. I think the regional planning commissions are focused on working with municipalities to identify the needs in specific regions. The DOT obviously has their focus on implementation and on directly meeting the needs of the State. They're the guys who are on the front lines. The GASIT is very much focused on the big picture of which projects should be moved forward, and the Legislature, I think, is focused on the budget issues. And so, I view all of those as being important responsibilities, and I would encourage you to keep all of the existing groups in place.

I simply think that this group has the potential to look at the overall picture and the concerns being expressed by not only all of these different players with assigned roles, but also public concerns, and changes that are taking place in our transportation needs and in our society. And looking at the big picture and helping to set a direction that all the rest of the players can use as guidance as they're performing their specific roles.

Senator Robert J. Letourneau, D. 19: It almost sounds like, when you talk about the Legislature, is that the Legislature's not setting policy here, it just has budget concerns. It would seem to me that the Legislature is representing the people who they represent, and their interest in this matter. So, and there's only one member of the Legislature on this particular commission.

Mr. Williams: I noticed that as well, and certainly, I think, it might be appropriate to have...

Senator Robert J. Letourneau, D. 19: Or maybe two. One from the House.

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Mr. Williams: ...Other members of the Legislature represented. My experience in the legislative process in New Hampshire has been that the Legislature does a good job of representing the citizens' concerns and bringing those into the process. What I would anticipate as the difficulty in having the Legislature more directly involved in policy setting, is that these are very complex questions that require a lot of study, and although I know the members of the Legislature are very dedicated and hardworking, you all have lots of different concerns that you have to deal with. And I think you do a great job at the work that you have in dealing with legislation and making the law for the State. I think it is difficult, at the legislative level, to establish, on an ongoing basis, policy, transportation policy, for the State.

Senator Robert J. Letourneau, D. 19: Senator Fuller Clark.

Senator Martha Fuller Clark, D. 24: Am I correct, though, when I look at the legislation, that it does call for a member of the House Public Works?

Senator Robert J. Letourneau, D. 19: Yes, I was mistaken.

Senator Martha Fuller Clark, D. 24: And then, also, a member of the Senate Transportation?

Senator Robert J. Letourneau, D. 19: Right, there's two.

Mr. Williams: Yeah.

Senator Martha Fuller Clark, D. 24: So we actually...There are two members of the Legislature?

Mr. Williams: Yup. Yeah, I stand corrected, Senator.

Senator Robert J. Letourneau, D. 19: Further questions from the Committee? Seeing none. Thank you very much, Steve.

Mr. Williams: Thank you.

Senator Robert J. Letourneau, D. 19: I'm going to call Bob Sculley, New Hampshire Motor Transport Association.

Bob Sculley: Thank you.

Senator Robert J. Letourneau, D. 19: Good morning, Bob. Welcome to Senate Transportation.

Mr. Sculley: Thank you, Mr. Chairman, and members of the Committee.

For the record, my name is Bob Sculley, President of New Hampshire Motor Transport Association, and I appear in opposition to this Senate Bill this morning, and I'll be brief.

I have a hard time trying to wrap my arms around how this committee, this commission, will actually work. I do apologize to Senator Kelly. I didn't get a chance to talk to her before today; we briefly talked and I never did get to sit down with her to discuss this. But, we do have a plan in the State currently. We do have a ten-year highway plan, we've got the GASIT process, we do have involvement from the RPOs helping us guide our transportation policy currently. I did serve on a citizens' advisory committee, Commissioner Murray put me on there. It was a huge committee, significantly larger than what's in this piece of legislation here, and there are an awful lot of competing interests that sit at the table here, on that committee and what I see here, and part of what concerns me, when I read your Roman two here and I look at... The funding gap is what they're talking about here, and trying to understand exactly what role this commission would play. I can easily see that recommendations from this committee when we get this, commission, excuse me, when we get down to it, is to change Article 6A of the Constitution to meet the needs that is in this piece of legislation, so that is a grave concern of mine.

And then, as we move down in the future, I would be concerned about, at any point in time, are we ever going to get to the point where we would now need approval from this group of individuals before we move together and forward on transportation projects? Now, it does not say that here today, but that is something that is concerning to me.

And I thank you for the opportunity to speak, and would ask you not to find this bill favorable. Thank you, Mr. Chairman.

Senator Robert J. Letourneau, D. 19: Questions from the Committee?

Senator Molly Kelly, D. 10: I just have a quick question.

Senator Robert J. Letourneau, D. 19: Senator Kelly.

Mr. Sculley: Senator.

Senator Molly Kelly, D. 10: I just wanted you to clarify your last statement, that some of your concerns that you said; in particular, that the commission, which is only one part of this bill, the commission's only one part of this bill,

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that you're concerned that they...the legislators and the Commissioner would have to go directly to that commission for an okay for authority. And you're saying that is not in this bill. That's what your concern is, that it could happen down the road.

Mr. Sculley: Correct. I'm concerned about...I mean, there's a lot of what-ifs and potentials, but that is something that is of a concern to our organization. Yes, Senator.

Senator Robert J. Letourneau, D. 19: Further questions from the Committee? Seeing none. Thank you very much.

Mr. Sculley: Thank you, Mr. Chairman.

Senator Robert J. Letourneau, D. 19: I'm going to hear from Jen Czysz? Is that pronounced correctly?

Jen Czysz: Close.

Senator Robert J. Letourneau, D. 19: Close? Welcome to Senate Transportation.

Ms. Czysz: Thank you. My name is Jennifer Czysz. I am a Senior Planner with the Office of Energy and Planning.

I just wanted to come in this morning and say that we support the bill, and we think it sets a good policy in direction and ties transportation planning in with smart growth, and State, regional, and local planning efforts. We're also happy to serve on the commission as one of its members.

I wanted to come in this morning to just chat about the connections with the State Development Plan and the transportation policy, and just answer any clarifications. And I also want to apologize to Senator Kelly. We looked at this all really quickly, and I have a couple minor tweaks that I'd like to propose just to that one component. If I could just...I'll pass these around and I'll just mention what they are.

RSA 9-A:1:IV states that the State Development Plan shall serve as the basis for policy and program development by the various departments of State government. So, taking that statement in mind, we wanted to make sure that, let me flip to the section here, Roman two in the second section there, on page two of the bill, lines 32 through 34. We wanted to make sure that this wasn't misinterpreted as conflicting with that quote that I just read. By all means, the transportation policy, the transportation plans, should be an

integral component that advises and guides that portion of the State Development Plan; we turn to them as our experts on the topic. We just want to make sure that it's not perceived as the one driving the State Development Plan, which would be in conflict with 9A.

So the minor tweaks that I have proposed there would modify lines nine and ten of page two. There, where it says, "Recognition of the land use goals and policies of the State." And it would insert the State Development Plan into that portion. And then it would clarify, in Roman two, that plans and policies developed under this statewide transportation policy should be done in conformance with RSA 9A-4, which already states that all State agencies should assist the Office of Energy and Planning in drafting the relevant portions of the State Development Plan, and provide them with all relevant planning documents that they have already developed as critical input to the State Development Plan. So, we thought by tying it to that one section, it draws the reader of the statute to the other piece, and kind of demonstrates that feedback loop that we like to utilize in drafting a plan. And that is all. Thank you.

**Please see Attachment #3- The Office of Energy and Planning's proposed amendment to Senate Bill 186, submitted by Ms. Czysz.**

Senator Robert J. Letourneau, D. 19: Questions from the Committee?  
Senator Clark.

Senator Martha Fuller Clark, D. 24: I do. As you have gone about developing the statewide Development Plan, what has been the role of transportation policy, or how have you reached out to the Department of Transportation and other entities to shape that component of your plan?

Ms. Czysz: Sure. I've had several meetings with DOT staff, particularly Ansel. You know, when we first started to get it going, we chatted with Ansel and said, "Where do you think this chapter, where do you think this portion of the State Development Plan should go? What are your efforts? What are the new things you're taking on and considering?" That started it. And we've used the citizens' advisory committee's...that report, as the foundation for the chapter initially, and then the draft, but not adopted, long-range transportation plan also serves as a significant source of content for that draft chapter as well.

Senator Martha Fuller Clark, D. 24: Follow up.

Senator Robert J. Letourneau, D. 19: Further question?

Senator Martha Fuller Clark, D. 24: Yes. Could you give us an update on where the status of that plan is?

Ms. Czysz: It's about, I'd say, 80 percent complete. It's all on the website, and I'd be happy to get any materials to the Committee that you would like.

Senator Robert J. Letourneau, D. 19: Further?

Senator Martha Fuller Clark, D. 24: Final question. When that plan is completed, does it come to the Legislature for approval or for review, or are copies made available? What's the interface between the Legislature and the plan?

Ms. Czysz: Copies are made available to the Legislature. It is the Governor's plan, by statute.

Senator Martha Fuller Clark, D. 24: Thank you.

Senator Robert J. Letourneau, D. 19: Further questions from the Committee? Seeing none. Thank you very much.

Ms. Czysz: Thank you.

Senator Robert J. Letourneau, D. 19: Richard Olson, is it Olson?

Richard Ober: Ober.

Senator Robert J. Letourneau, D. 19: Open?

Senator Molly Kelly, D. 10: Ober.

Senator Robert J. Letourneau, D. 19: New Hampshire Charitable Foundation, in support. Good morning, and welcome to Senate Transportation.

Mr. Ober: Thank you, Mr. Chairman. Good morning, Senators. My name is Richard Ober, I'm on the staff of New Hampshire Charitable Foundation, and I appreciate the opportunity to speak in support of Senate Bill 186.

The Foundation, as I think you know, makes hundreds of grants every year to nonprofit organizations and, at times, to municipalities and other public agencies serving a very broad variety of needs that New Hampshire residents face. And many of these grants address symptoms in selected areas of

the...big selected areas of public interest, dealing often with the symptoms and not the root causes of problems.

As a result of that, in some of those selected areas, including transportation, the Foundation looks to collaborate with the public sector, the executive branch, legislative branch, municipalities, to advance public policies to try to get at some of those root causes that we see appearing through the symptoms we try to address with our grant-making.

Transportation is one of those. The citizens' advisory committee that was pulled together by then-Commissioner Murray was chaired by Lew Feldstein, the President of the Foundation, and you've heard that process: two years, hundreds of citizens engaged in that. And we're delighted that Commissioner Campbell now finds that report so useful and considers it the official long-range plan, and we also agree that it's in need...

Senator Robert J. Letourneau, D. 19: Excuse me.

Mr. Ober: That it's in need of updating, and also needs to be embedded in a more comprehensive policy.

In that report, Commissioner Murray was quoted as saying, "Transportation is the game board that everything else in New Hampshire is played on". Commissioner Campbell has said, at a gathering of the legislature several weeks ago at the Department, many of you were there, and at other venues, that the first purpose of transportation is serve the economy, and he repeated that this morning.

We agree with both of those statements, and it shows that decisions made in transportation affect virtually everything else that New Hampshire citizens care about and that the Charitable Foundation cares about. Some of those things are long-term economic opportunity, including, in a changing economy, how people are going to get to work. Fairness: a transportation system that serves all of our residents, regardless of geography, their ability to move around themselves, income level, and ages. Energy use: lowering our dependence on imported energy sources, affects on climate change, and frankly, in the energy field, tremendous opportunities for innovation, we think, in moving people around with different...using less energy than we use now. And land use patterns. Of course, land use patterns that fit New England, that we all cherish; our small and vibrant cities, surrounded by open space, and the ability for people to move around in that landscape.

JE

We believe that the two components of this bill are critical to shaping a comprehensive, long-range approach to transportation that considers all of those public needs, and many others as well.

The first section explicitly acknowledges these interrelated needs and how important they are, and it provides a framework to help guide the Department and the Legislature in policymaking and decision making. I guess I would disagree slightly with a couple of...a little bit of the conversation earlier, that the Legislature has...I don't think this is what anyone intended, it doesn't have a role in policymaking. Of course you do. And I think what we're lacking in this area, perhaps, is a broad framework to fit those policymaking in, and then to fit the decisions that the Department will make. So, that's the first section; to establish that policy in State statute.

The second section reflects the New Hampshire way of addressing big challenges; through the collective wisdom and ideas of the commercial sector, the nonprofit sector, and the public sector. And that's a recognition I think we all cherish about New Hampshire. The government alone cannot be expected to have all the answers. By bringing those sectors together, interested, concerned residents and officials will allow the Commissioner, as he has said, to manage the day-to-day operations of the Department, to work with GASIT on the ten-range plan (sic), while this diverse group of stakeholders keeps an eye on the long-range needs, and the rapidly changing user trends and needs that we see throughout the State.

So, we look at this as a very important step toward shaping a transportation system, to insure a vibrant economy, a cleaner environment, better access for all of our residents, and being more flexible to this changing world that we find ourselves in. And, if passed, the Foundation will contribute however we can, and we're delighted to have a seat on the commission in the legislation if the bill passes. Thank you.

Oh, I actually would like to add one other thing. We...The Attorney General's Office has gone through this bill, I think Commissioner Campbell said, and Senator Kelly in her opening remarks, very carefully, to make certain that this commission and this policy does not usurp existing jurisdictions, does not create the idea that this commission can set policy. This commission is advisory. And we have the confidence that the Attorney General's Office has gone through that with tremendous care, to make sure that the role of this commission is appropriate, given the role of the other bodies in the legislative and the executive branch looking at transportation issues. Thank you.

Senator Robert J. Letourneau, D. 19: Questions from the Committee? I just have one. You mentioned rapid changes in transportation. Could you expand



on it? Because my experience with anything in transportation, particularly with the widening of I-93 that's run about thirty years. Could you just expand on the rapidness part?

Mr. Ober: Actually, I think my... What I meant was, rapidly changing user needs. I'm not sure we are changing our transportation system to meet the changing user needs. But, an example: I live in a rural part of the State with lower income residents in kind of the middle of the Monadnock Region, where a number of those people need to work in Keene and Peterborough, finding it harder and harder; gas prices went up, now they're down, now they're coming up a little bit, to get to work. Talk to employers who say that's a growing concern. The needs of some of our lower income residents, immigrant populations in some of the larger cities, how they can get to work. The needs of the old...the elderly, the growing elderly population that will not be able to move around when they can no longer drive cars, and the need for other ways to move those people around.

So, I think the needs are changing. I'm not sure our system is actually changing to keep up, and I think this might give a framework and a process to make sure that it can.

Senator Robert J. Letourneau, D. 19: Thank you. Senator Kelly.

Senator Molly Kelly, D. 10: Just one question to clarify, I think, Senator Letourneau's question. You mentioned some of the needs, you say, maybe we're not moving transportation fast enough to meet some of the needs. Could you just clarify, besides moving people across the State, could you just reflect on the economy, and maybe connecting that to our culture, who we are, as you mentioned?

Mr. Ober: Yeah, and I'll try, and there are people in this room and elsewhere much better to do that.

Moving goods is an obvious one, and one of the things that Commissioner Campbell has been saying since he came to the State when we were absolutely delighted to have him, I think we all are, is the need to consider, perhaps, different ways, over time, with all the challenges this involves, of moving more freight; things other than individual vehicles. Commissioner Campbell's statistics that he talks about at the wear and tear on roads and bridges and the disproportionate wear and tear caused by moving lots of heavy things by truck. The trucking industry does a wonderful job of meeting those needs now; can we work overtime to move more of those goods, perhaps by rail? And you've heard Commissioner Campbell talk about that.

JE

I think some of the other cultural and demographic changes related to... We have a population that is quite different than it was twenty and twenty-five years ago; it is older. We, again, we have an increasing proportion of immigrants who do not necessarily have access to individual automobiles. We also have a system there that is way over-dependent on automobiles. Many of you have heard Lew Feldstein talk about the notion of social capital, that every hour we spend in our automobiles, trying to move from one place to another, is an hour we're not spending with our families, not spending engaged in our communities. So, some of the isolating factors of having people over-rely on that individual automobiles to move people around. Do we want to slowly, in a rational way, move into a system, over time, that will offer more choices for employers to get their people to work, more choices for people to move between our rural areas and our urban areas, as the automobile becomes less viable for a number of reasons?

Senator Robert J. Letourneau, D. 19: Follow up?

Senator Molly Kelly, D. 10: Just a follow up as well. You mentioned in your testimony about energy efficiency?

Mr. Ober: Yes.

Senator Molly Kelly, D. 10: And I didn't know if you wanted to comment, I just wanted a bit more clarification. My sense would be that because we are so dependent on a particular kind of energy.

Mr. Ober: Yes.

Senator Molly Kelly, D. 10: And I just wanted to ask your expertise.

Mr. Ober: We are the second or third most dependent State in the country on petroleum for our heating needs, as we know, and we're very susceptible to spikes in the increase of heating oil, and we also are, and I don't know the figures, we are certainly more dependent on individual automobiles than any of us, I think, would think is ideal. And the long-term costs, the long-term dependence on imported energy needs by not having other alternatives for moving people around will have environmental impacts, economic impacts, geo-political impacts.

Next month, the Governor's Task Force on Climate Change will release a very visionary, very comprehensive report, again, done in the New Hampshire way, twenty-five stakeholders, hundreds of people participating, from the utilities to the environmental groups, with ten desired incomes to lower the possible impacts...lower energy use in the State, and the possible

impacts of climate change. Four of those ten are related to transportation because of the role that transportation plays in carbon output and energy use. And there's some very innovative, important ideas in that report. An earlier witness said that that's exactly, I think it was Commissioner Campbell, having a commission like this to take a look at that report in the context of the other needs and challenges in transportation is just one example.

Senator Molly Kelly, D. 10: And just my final question.

Senator Robert J. Letourneau, D. 19: Oh.

Senator Molly Kelly, D. 10: There have been many questions today about, are we duplicating services by the commission, and you were, you said you sat on the advisory commission as well. Correct?

Mr. Ober: I did not, but my boss chaired it.

Senator Molly Kelly, D. 10: You did not. Oh, that's right. Mr. Feldstein. So I just wondered if you could clarify where you think this commission, which is, as you said, only one part of the bill, how that is duplicative or not of what we already have on commissions in the State?

Mr. Ober: I think I would leave that to the Commissioner working with the Governor's office and all of you. Are there economies of scale, could we be more efficient in the numbers of non regulatory commissions in the State? Yes. I don't think there's any question about it. Whether this specifically is duplicative of other, whether it be The Governor's Group on Intermodal Transportation or others, I don't have the perspective to say specifically. I think it really deserves to be looked at.

Frankly, I thought it was a very smart comment in the Governor's address to look at all of these commissions and see whether some can be merged, some have filled their purpose, and perhaps we need others. I think what sets this one apart, frankly, is that the Commissioner of one of our largest, most important agencies, is asking for it and says he needs it. I think over time, over the years, some of these commissions and task forces and advisory groups are not necessarily seen by the Commissioners who are running these departments as being helpful. It's very clear the Commissioner believes this one is.

Senator Molly Kelly, D. 10: Thank you.

Senator Robert J. Letourneau, D. 19: Senator Clark.

Senator Martha Fuller Clark, D. 24: Yes. I'd like you to address the issue of, with regard to opposition to this bill, not on the basis of duplication, but I think concern that, in the long run, that the automobile industry, or the use of automobiles in New Hampshire, would be put at risk in terms of trying to develop other modes of transportation and increase the choices that you so referenced. And could you speak to the fact that, I don't believe that the intent of creating an overall transportation policy for the State is to put the automobile out of business.

Mr. Ober: Right. It is, to me, it's a question of choice, and a diversity of choices for people for whom the automobile is not a viable or the best way for them to move around, for them to get to work. Employers who feel that that's not the best solution. I think many of you know that in the Upper Valley, Dartmouth Hitchcock Medical Center has worked with a number of bus services companies, with a coordinating nonprofit organization, to provide bus service in rural areas because they...it's not in their economic interest to just constantly expand their parking lots. They're finding, according to the officials at the Medical Center, that's a tremendous advantage when they're going out to recruit people who want to live a little bit more rurally, but want to work at the Medical Center. The fact that there is another way to get to work.

So this isn't at all about saying we want to...This is not in opposition to automobiles at all; it's to offer a greater diversity of choices to make sure we can continue to have a vibrant economy, flexible to the changing user needs which are with us now.

Senator Martha Fuller Clark, D. 24: Thank you.

Senator Robert J. Letourneau, D. 19: Further questions from the Committee? Seeing none, thank you very much.

Mr. Ober: Thank you, Mr. Chairman.

Senator Robert J. Letourneau, D. 19: Judy Silva. Good morning, Judy.

Kathy Mulcahey-Hampsen: Sorry, I'm not Judy.

Senator Robert J. Letourneau, D. 19: Oh, not Judy. You're not Judy. You're not Judy. Judy's somewhere in here, right?

Ms. Mulcahey-Hampsen: I did want to speak and sign on the list, if I could, to address some points.

8E

Senator Robert J. Letourneau, D. 19: Excuse me?

Ms. Mulcahey-Hampsen: I did want to speak and address some points that had been raised on behalf of DOT.

Senator Robert J. Letourneau, D. 19: Okay.

Senator Molly Kelly, D. 10: But she's not Judy.

Ms. Mulcahey-Hampsen: But I'm not Judy.

Senator Robert J. Letourneau, D. 19: Okay. Pass this down so she can sign in. Is Judy here? Not here. Okay. Oh, she wasn't speaking anyways. But she was signed in in support. Kathleen, good morning.

Ms. Mulcahey-Hampsen: Good morning, Senator Letourneau.

Senator Robert J. Letourneau, D. 19: Welcome to Senate Transportation.

Ms. Mulcahey-Hampsen: Thank you. Members of the Committee, my name is Kathy Mulcahey-Hampsen. I'm here on behalf of the Department of Transportation. I'm the hearings examiner and legislative liaison. There were just some points that were raised in the testimony this morning that I wanted to clarify.

The transportation advisory commission that's being proposed is in no way intended to usurp or be redundant for the GASIT process.

GASIT is involved with the ten-year plan and specific projects; the transportation advisory commission is envisioned as a...with a broader purpose, and giving more direction. It would probably, the information would probably feed into the GASIT project...process. In fact, it's planned that one of the GASIT members be on this commission, but it's not intended to usurp GASIT. It's intended, really, to get a lot of public, citizen-type information into the transportation process.

The second point I wanted to address was the mileage for the legislators. There was a provision in the initial draft, and based on a meeting that we had with the Attorney General's Office and Senate counsel, it was decided to remove that provision; it seemed that it would complicate processing the bill.

The third point is, I think Bob Sculley brought up a concern with 6A, and it's my understanding that the Department of Transportation...the last three

Commissioners strongly support the classification of 6A funds. It's important to the State infrastructure that we have those funds so classified, and this proposal for a policy is in no way meant to undermine 6A funds.

Senator Robert J. Letourneau, D. 19: Questions from the Committee?

Senator Theodore L. Gatsas, D. 16: Question.

Senator Robert J. Letourneau, D. 19: Thank you for your testimony.

Senator Theodore L. Gatsas, D. 16: Question.

Senator Robert J. Letourneau, D. 19: Oh, you have one? I'm sorry. Senator Gatsas has a question.

Senator Theodore L. Gatsas, D. 16: Thank you, Mr. Chairman. I guess you were very instrumental in putting this together with Senator Kelly.

Ms. Mulcahey-Hampsen: I did work with Senator Kelly on this, yes.

Senator Theodore L. Gatsas, D. 16: This is the first time I've ever seen this. If you go to page four, line 31. It's the first time I've ever seen that introduced into a commission.

Ms. Mulcahey-Hampsen: My draft on the bill is off line, and it doesn't have the lines on it, so if you could read that to me, Senator?

Senator Theodore L. Gatsas, D. 16: It's actually section four.

Ms. Mulcahey-Hampsen: Okay. I have seen that in other draft legislation, but it didn't specify a financial interest.

Senator Theodore L. Gatsas, D. 16: I guess my question is, why is it there? I mean, that kind of sets off a red light.

Ms. Mulcahey-Hampsen: I think to avoid any conflicts. There could be, I guess, my husband could be, I could be on the commission and my husband could be in the rail industry, and they're voting on something to do with rail. I would recuse myself, whereas if they're voting on bus service, I would vote. I think it's such a big, broad topic that you want people with expertise in the area, but if they have a personal financial interest in one subsection, they would recuse themselves to avoid any conflict.

Senator Theodore L. Gatsas, D. 16: Follow up?

Senator Robert J. Letourneau, D. 19: Follow up.

Senator Theodore L. Gatsas, D. 16: But I look through at the membership of this commission, and every one of them are susceptible to the guidelines of...that we have here in the Legislature.

Ms. Mulcahey-Hampsen: They would all be subject to the guidelines of the Legislature, yes.

Senator Theodore L. Gatsas, D. 16: I understand. So I just find that unusual, I've not seen it. Maybe it is in others, but I've never seen it. Thank you.

Ms. Mulcahey-Hampsen: Okay. Nothing further?

Senator Robert J. Letourneau, D. 19: Anything further?

Senator Theodore L. Gatsas, D. 16: Nothing further.

Senator Robert J. Letourneau, D. 19: Any questions from the Committee? Thank you so much.

Ms. Mulcahey-Hampsen: Thank you.

Senator Robert J. Letourneau, D. 19: I'm sorry, I see Ben Frost was here from New Hampshire Planners.

Unidentified Man: Ben left some written testimony behind and asked me to turn it in.

**Please see Attachment #4- Letter from Clayton R. Mitchell, Esquire, submitted by Ben Frost.**

Senator Robert J. Letourneau, D. 19: Okay. That's fine. I'll recognize Gary Abbott. Gary, welcome to Senate Transportation.

Gary Abbott: Thank you, Chairman.

Senator Robert J. Letourneau, D. 19: Good morning. It's still morning.

Mr. Abbott: For the record, my name is Gary Abbott. I'm the Executive Vice President of the Associated General Contractors.

I, too, haven't had an opportunity to talk to Senator Kelly. I think some of my comments go because maybe I've been around the Legislature and study commissions for an awful long time. The one I remember that we supported major, there was a Transportation 21<sup>st</sup> Century Commission. It was under Judd Gregg's administration. It was a very thick report; I think I had three of my Association members participate in that. It was a very great report, everybody had most of what you have in here; it was the same kind of thought way back in the early '90s. They got a report...The bottom line of what happens with those reports is, there's a lot of special interest, and I can remember, my members came back and said, "You know, we got in little subgroups and these people handle highway, and these people handle airports, and these..." And really what happens with these reports, and they're good reports, I'm not disagreeing with all of those things. There's many of these commissions over the years. But it really does come down to something that Bob Sculley hit upon, is they all get stopped when it gets to the funding.

What happened with that report is, it asked for X number of billions of dollars to go to the different segments that needed to perform some vision that everyone had in that report. And if I was good this morning, I would have brought a copy of that, because I still have a copy of that report. And, that's what these commissions do. I want to thank Senator Kelly and the DOT for, on this commission, we were not included in the Carol Murray Commission; we were left out of that. But I'm one of those who attends the party whether I'm invited or not, and the Commission was happy to allow me to participate in the process. And I'm glad that the construction industry is represented on this proposal, if you decide to go forward. But, our organization, looking at these...there's an awful lot of these. And we really look at, there's a couple other pieces that we...it comes up as a flag. And the first flag is: if we were to appoint somebody, and whether it was a member of my Association or myself, this doesn't really have an end process or a...when the first cycle is done, whether I can put a different person on, or...This could be one of those very long-term commissions...

Senator Robert J. Letourneau, D. 19: No sunset.

Mr. Abbott: That, right here, doesn't really have a...there's no end date. Some of my members might have trouble signing up for life; that might be a problem.

So, those are some concerns. Senator Gatsas' comments on that other section...Clearly, I participated on smart growth commissions, Governor Shaheen had put me on a number of those. If this kind of clause under Roman four would have caused me some trouble, because here I testify and



lobby on behalf. And even that recusal (sic), my members would build rail as well as they would build highways. So, I'm not so sure I would know where I could not speak or speak on a commission.

So, I would have those concerns that Senator Gatsas raised. But when you look at it, I think it's great that everybody wants to meet and put together a policy. The problem is, I think, I would hope the Committee would look at some of the policies that have been done in the past, like the smart growth and some of these. They're great plans. The problem is, they either don't have enough funding, or they don't really go any further than on the shelf.

And so, today I'm bringing my wisdom of being around this for a long time; my organization looked at it and said, "Oh, we've got to do another one of these? Didn't we just do one?" So that's where we...we're not saying DOT doesn't need to have a plan, there shouldn't be a transportation...But what they do is, they set up those pockets, all competing for, right now, which is very strapped money. And some of the problems that we have with our transportation system is because, in my mind, we have not properly funded them over the last eighteen years, say, since the last gas tax. So we've created some of these delays of wasted time in the car or in a traffic jam, or whatever it is in New Hampshire, because we've set the system up to where it's at. I know the Governor has a proposal, I know there's other bills to try to address it this year, and I think that's great. But at the same time, you have these commissions...

And I will comment on the last commission. I read the report, I worked, I watched how it worked, they got to the financial issues and those were just put aside. The planning, you know, there's different planning of how to plan developments, and we would be concerned about how you plan developments. And of course, they recommended not cul-de-sacs all leading onto one road, because you do a lot of those, you get a lot of traffic on one road; they recommended side streets. The problem with it, it sounds great, looks great in the plan, but I, you know, if you drive down Clinton Street in Concord, they posted every right-hand turn; you can't go that way. They've forced every piece of traffic onto Clinton Street, even though the plan says you need those side roads so other cars can get off there so that road wouldn't be full. So you have communities kind of doing just the opposite of, even though the plan says in there that it's a great transportation, there's a practical reality of what the community doesn't want a lot of cars going in those residential areas. So not all of it fits neatly.

There's a lot of great ideas, but at the same time, I think we've seen this similar bill in the past, and I'm just not reading into it what's different and

how it's going to outcome different, because the same people, the same objectives, really with no financial money.

And with that, I would end my testimony, and am very thankful that, if it goes forward, we would be glad to participate on it.

Senator Robert J. Letourneau, D. 19: Senator Kelly for a question?

Senator Molly Kelly, D. 10: I just have on quick question. Where did you see in the bill that this Transportation Advisory Commission was a study committee?

Mr. Abbott: Well, I guess not an advisory commission... You're correct.

Senator Molly Kelly, D. 10: Thank you.

Mr. Abbott: My mis...you know. I guess I've been on too many studies, commissions, smart growth...

Senator Molly Kelly, D. 10: Thank you.

Senator Robert J. Letourneau, D. 19: Senator Clark?

Senator Martha Fuller Clark, D. 24: Yes, I guess I'm a little cynical that the interest groups coming in opposing this legislation are basically from those whose primary self interest is related to roads and to automobiles, and I would like to ask you, I guess, if... What is your thought about the fact that we are really at a critical juncture in New Hampshire and in New England with regard to creating the need for alternative choices in transportation? And it seems to me that one of the intents of this policy is to really look at the changing demographics of New Hampshire, and make sure that we meet the needs of all of our citizens, not just those who are automobile dependent by choice, as opposed to those who are automobile dependent because there is no other alternative means for them to move through our State and through New England.

Mr. Abbott: I don't want to appear that, and I guess I know that's how it appears, that, you know, there was Article 6A and highway funding, and I don't think I'm lining up in that situation of it.

A lot of times, what we ask for, I guess maybe it's because my membership is strong, engineering. They like to have the statistics and the numbers and the financial cost benefit analysis done on many of those things, which, some are social benefits, but at the same time, a lot of times there's the practical cost

benefit analysis of, is this practical? Does it make sense if you actually get to the funding stage of how much this costs per person? All of those alternatives and those things need to have that kind of analysis done. And that's part of, you know, if we were Walt Disney World and we owned it and we could charge it and we could figure out that we want to do monorails, and that kind of stuff. But it's a lot more difficult in this State because of the mixture of how things are done; some are local, some are State, you're required by the federal government. One of the problems is, there's policies everywhere, whether it's the federal government or the State, and it makes it hard. And I'm not here today to say we're, you know, I think this bill, I think this is like many other pieces of legislation that will go on long after I'm still testifying, that there'll be similar bills in the future that people try to analyze. But part of the other problem is some frustration of...I think some of the current needs are also an outcome of our lack of being able to keep up with what we needed to do, and I think that's part of the problem. And I guess that's why I'm stressing today that our disappointment back in the '90s was...it clearly showed things that should be done, highway-wise. I think a lot of things that were in their plan that were airport were done. Clearly, our airport system became much bigger, those things were done. And funded, and it didn't take away from Article 6A or the highway funding, but some areas that have been very successful figured out how to fund.

What this does is, kind of puts everybody in a room, and I don't know if it addresses the funding very well, which is the big piece, it is the big piece. And I think that becomes the hard part. And I'm not so sure it's a citizens' advisory that's going to make those decisions; it's going to be the Legislature.

Senator Robert J. Letourneau, D. 19: Follow up?

Senator Martha Fuller Clark, D. 24: What impact do you see the stimulus package having with regard to the development of transportation infrastructure in the State?

Mr. Abbott: I think it's going to have a substantial and great benefit for the State. We've been working with the Department of Transportation, as well as the Governor's office, because I represent highway, but I represent building construction as well. We're very optimistic about the numbers. Actually, I spent last night with a phone conference with all of our Association partners across the country. Clearly, this was well overdue and needed, it hopefully gets us starting to go back up the ladder, versus the highway system diminishing. It's not the cure-all though. I mean, on the highway side, we're going to get probably 135 million, hopefully more, because other states can't get the work out as quickly as we can. But that equates to slightly less than

what we're doing annually, so it does catch us up, probably another year, since it's on top and will get more jobs.

I will have to tell you, and I think this is important for you to know, the commercial industry, if it wasn't for the stimulus, we would have major layoff problems that were about to happen. Many company owners came to me and said, "That has been the one thing that's on the radar, that we were starting to slide, going backwards, that the private sector's really closing down, and that there would be a lot more layoffs." There already had been more layoffs last year in our industry, on the commercial side. And that stimulus package, I think, is a great benefit for the State because of their unemployment and everything else. So, I think you should be aware of that. The stimulus is going to be a great boost, but it's going to be a boost for about two years.

Senator Martha Fuller Clark, D. 24: Thank you.

Senator Robert J. Letourneau, D. 19: Just as a follow up to that, Gary. That's going to provide about, what, 1,800 people with jobs?

Mr. Abbott: It's going to imply a lot of jobs, and I know the federal highway's going to make sure we keep track of every job it is, because it's going to go on the, I think, the State website as well as the federal website.

Senator Robert J. Letourneau, D. 19: Senator Kelly.

Senator Molly Kelly, D. 10: I do have just one question. This is going back to the bill specifically, because in your testimony, I just wanted to clarify a couple things that, I don't know if it was your interpretation from the bill, or if you actually saw this in the bill, that, it sounded like you were thinking of this commission would actually create a budget.

Mr. Abbott: No. What I've seen is a lot of these bills, they don't really say anything about budgets, it's a scoping policy. But in those discussions becomes the question of, what does it cost? DOT will help out with that. I mean, everyone involved gets to that point. And I know in that last commission, that became something that that group decided not to address.

Senator Robert J. Letourneau, D. 19: Follow up.

Senator Molly Kelly, D. 10: Yes, a follow up on that, and it's just really a systems process, just wanted to clarify that, to see if you agree with me then, in your comment, that the budget is the responsibility of the Department of Transportation, and the Legislature sets the policy, which then gives direction to the Department and the budget, and that budget process then

comes back and the legislator does vote...Legislature. Legislators vote on that budget, and that's how the budget is created; not from a commission.

Mr. Abbott: That's correct.

Senator Molly Kelly, D. 10: Thank you.

Mr. Abbott: But I think what I want to say though, is there is that complication of many of the funds that we're talking about have federal strings attached to what we're talking about, and so the real limited scope in funding is, the Department is doing everything it can with, and I know the Department and myself would like less strings from the federal government at times, because that would give more flexibility. But that's one of the issues with the policy group; you really, once you figure out you can't do certain things, the money becomes an issue of...You know, I know the situation with the general fund and the rest, and it's just hard to find money for these things.

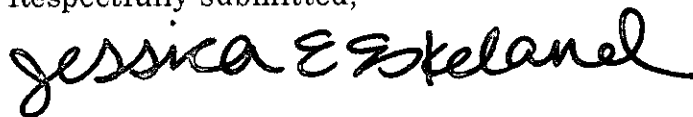
Senator Robert J. Letourneau, D. 19: Further questions? Seeing none. Thank you very much.

Mr. Abbott: Thank you.

Senator Robert J. Letourneau, D. 19: And with that, I have no more people signed up to speak. And I'm going to close the hearing on Senate Bill 186.

Hearing concluded at 11:50 AM.

Respectfully submitted,



Jessica Eskeland  
Senate Secretary  
3/9/09

4 Attachments

# Attachment #1

## Remarks by Senator Kelly for Introduction of SB 186

Mr. Chairman and Members of the Committee:

I am pleased to introduce SB 186, which would create a statewide transportation policy and establish a Transportation Advisory Commission.

This bill represents a significant effort by a number of interests and individuals who believe, as do I, that the legislature has an important and responsible, if not an obligation, to provide overall policy direction to the Department of Transportation as it discharges its obligation to propose and undertake a transportation policy for the state.

As the members of the Committee know, I introduced legislation on this issue last year. Concerns were expressed about how individual projects might or might not be affected by that bill and regarding how the state's transportation policy would be coordinated by the agencies and organizations that play distinct roles in formulating and implementing that policy.

From the very beginning, my intent was to craft legislation that would not be used to micro-manage individual projects, but which would fulfill the legislature's role in establishing overall policy direction to the Department.

SB 186 represents an important step forward in establishing the criteria and principles that many believe should inform our long-term transportation policy, and it also establishes a Commission that will provide more specific recommendations to the governor, the department and the legislature on how our transportation policy should adapt and evolve to meet the needs of transportation for the 21<sup>st</sup> Century.

We have been very clear in SB 186 – and I wish to emphasize this point – that nothing in this law creates a private right of action against the state, the department of transportation, or the transportation advisory commission created by the bill – regarding any individual transportation project or any transportation plan.

Nor does this bill remove or replace any agency's existing authority for transportation projects or planning.

What SB 186 does is to provide the policy direction to the Department that will help guide its efforts in the years to come.

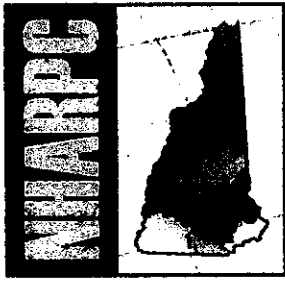
There are many others here today that will speak to the bill and who are available for questions.

I look to you to give this important legislation critical attention and recommend OTP.

Thank you,

Molly M. Kelly  
State Senator for District 10

# Attachment # 2



**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

February 19, 2009

The Honorable Robert LeTourneau, Chair  
Senate Transportation and Interstate Cooperation Committee  
Legislative Office Building, Room 101  
Concord, NH 03301

**RE: SB 186**

Dear Chairman LeTourneau 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 either me or Stephen Williams at (603) 424-2240 x17 if you have any questions on our position.

Sincerely,

  
Stephen Buckley, Esq.  
Chairman



**SB 186 – PROPOSED AMENDMENTS**

**Submitted by the Office of Energy and Planning  
February 19, 2009**

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

Amend 241:2 Statewide Transportation Policy as follows:

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

(a) Enhancement of New Hampshire's quality of life by strengthening communities and the economy, protecting the natural environment, advancing the state's comprehensive development plan and growth policy, and reducing the emission of greenhouse gases.

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

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

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

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

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

(1) Transportation system management.

(2) Transportation demand management.

(3) Public transit.

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

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

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

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

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

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

II. Plans and policies developed under this statewide transportation policy shall be submitted to the director of the office of energy and planning ~~for guidance in formulating the transportation section of the comprehensive plan under RSA 9-A:1, III (b)(3)~~ **as is required by RSA 9-A:4, III.**

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



**NH PLANNERS  
ASSOCIATION**

**Executive Committee**

Jennifer Czysz  
*President*

James Campbell  
*Vice President*

Mikaela Engert  
*Secretary*

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*Treasurer*

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Sarah Marchant  
*Public Information Officer*

Christa Koehler  
*Sustainability Coordinator*

Timothy Thompson, AICP  
*Ex-Officio  
NNECAPA*

**P.O. Box 617  
Concord, NH 03302-0617  
603-224-7447  
www.nhplanners.org**

February 19, 2009

The Honorable Robert J. Letourneau, Chair  
Senate Transportation and Interstate Cooperation Committee  
Legislative Office Building, Room 101  
Concord, NH 03301

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

Dear Senator Letourneau:

The New Hampshire Planners Association (NHPA) is pleased to express its strong support for SB 186.

We live in a time of rising costs, aging infrastructure, and multiple competing and important demands for resources. Transportation is just one of those demands, yet it forms a critical part not only of our physical infrastructure, but of our economic infrastructure as well. Therefore the decisions we make in allocating hard-won transportation dollars must be carefully made, and should be based on an overall policy that establishes our foremost priorities for resource expenditure.

SB 186 does precisely that. Without relying on tightly proscribed formulas, numeric standards, or complex definitions, this legislation provides a basic list of standards and priorities by which to establish our policy on transportation expenditures. It directs our attention to the need to consider all reasonable alternatives, foremost among which focus on preservation of capacity through innovation, such as transportation demand management and transportation system management. It also provides appropriate, though not exclusive, focus on the need to expand public transportation opportunities. It advances the importance of maintaining what we already have, both in terms of the physical integrity of our transportation infrastructure and of the need to maintain its capacity.

Finally SB 186 places transportation policy and decisions made pursuant to it into a larger context, namely, land use planning. For too long, land use planning decisions have been driven by transportation decisions. This legislation requires transportation policy to be coordinated with the state's most important planning and policy document, the state development plan, created pursuant to RSA 9-A. At the same time, it requires consistency with what the Legislature has already determined to be the state's smart growth policy, RSA 9-B, and also to respect local and regional planning needs and efforts as well.

The NHPA sees this legislation as an important means by which to help our more than 200 members to do our work of service to the state's citizens. The New Hampshire Planners Association urges your committee to recommend SB 186 "ought to pass".

Sincerely,

A handwritten signature in black ink, appearing to read 'Clayton Mitchell', enclosed within a large, loopy oval flourish.

Clayton R. Mitchell, Esq.  
Legislative Liaison

# Speakers





# Voting Sheets

# Senate Transportation & Interstate Cooperation Committee EXECUTIVE SESSION

Bill # SB 186

Hearing date: 2/19/09

Executive session date: 3/5/09

Motion of: adopt amendment

VOTE: 5-0

Made by Letourneau   
Senator: Gilmour   
 Kelly   
 Fuller Clark   
 Gatsas

Seconded Letourneau   
by Senator: Gilmour   
 Kelly   
 Fuller Clark   
 Gatsas

Reported Letourneau   
by Senator: Gilmour   
 Kelly   
 Fuller Clark   
 Gatsas

Motion of: OTP-A

VOTE: 3-2

Made by Letourneau   
Senator: Gilmour   
 Kelly   
 Fuller Clark   
 Gatsas

Seconded Letourneau   
by Senator: Gilmour   
 Kelly   
 Fuller Clark   
 Gatsas

Reported Letourneau   
by Senator: Gilmour   
 Kelly   
 Fuller Clark   
 Gatsas

| <u>Committee Member</u>      | <u>Present</u>                      | <u>Yes</u>                          | <u>No</u>                           | <u>Reported out by</u>              |
|------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| Senator Letourneau, Chairman | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Senator Gilmour, Vice-Chair  | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| Senator Kelly                | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| Senator Fuller Clark         | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| Senator Gatsas               | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

\*Amendments: 00525

Notes: \_\_\_\_\_



# Committee Report

STATE OF NEW HAMPSHIRE  
SENATE  
REPORT OF THE COMMITTEE

Date: March 5, 2009

THE COMMITTEE ON Transportation and Interstate Cooperation  
to which was referred Senate Bill 186

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

Having considered the same, the committee recommends that the Bill:

**OUGHT TO PASS**

BY A VOTE OF:    3-2

AMENDMENT # 0652s

Senator Molly Kelly  
For the Committee

Jessica Eskeland 271-8631

## New Hampshire General Court - Bill Status System

**Docket of SB186**

Docket Abbreviations

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

*Official Docket of SB186:*

| <b>Date</b> | <b>Body</b> | <b>Description</b>  |
|-------------|-------------|---|
| 02/04/2009  | S           | Introduced and Referred to Transportation & Interstate Cooperation                      |
| 02/12/2009  | S           | Hearing; February 19, 2009, Room 101, LOB, 10:30 a.m.; <b>SC11</b>                      |
| 03/05/2009  | S           | Committee Report; Ought to Pass with Amendment {0652s}; [03/11/09]; <b>SC14</b> , Pg.20 |
| 03/11/2009  | S           | Committee Amendment {0652s}, AA, VV; SJ7, Pg.113  |
| 03/11/2009  | S           | Ought to Pass with Amendment {0652s}, MA, VV; OT3rdg; SJ7, Pg.113                       |
| 03/11/2009  | S           | Passed by Third Reading Resolution; <b>SJ 7</b> , Pg.117                                |
| 03/11/2009  | H           | Introduced and Referred to Public Works and Highways; <b>HJ 24</b> , PG.824             |
| 04/22/2009  | H           | Public Hearing: 5/5/2009 2:00 PM LOB 201  |
| 04/28/2009  | H           | ==CANCELLED== Executive Session: 5/12/2009 10:15 AM LOB 201                             |
| 05/06/2009  | H           | ==CANCELLED== Full Committee Work Session: 5/14/2009 10:15 AM LOB 201                   |
| 05/06/2009  | H           | Full Committee Work Session: 5/12/2009 10:45 AM LOB 201                                 |
| 05/06/2009  | H           | Executive Session: 5/26/2009 10:15 AM LOB 201   |
| 05/27/2009  | H           | Retained in Committee   |

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 NH House

NH Senate

Contact Us

*New Hampshire General Court Information Systems*  
 107 North Main Street - State House Room 31, Concord NH 03301

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# Other Referrals

# COMMITTEE REPORT FILE INVENTORY

SB 186

ORIGINAL REFERRAL

RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE SECRETARY AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

DOCKET (Submit only the latest docket found in Bill Status)

COMMITTEE REPORT

CALENDAR NOTICE on which you have taken attendance

HEARING REPORT (written summary of hearing testimony)

HEARING TRANSCRIPT (verbatim transcript of hearing)

List attachments (testimony and submissions which are part of the transcript) by number [1 thru 4 or 1, 2, 3, 4] here: 1, 2, 3, 4

SIGN-UP SHEET

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

- AMENDMENT # 06525       - AMENDMENT # \_\_\_\_\_  
 - AMENDMENT # \_\_\_\_\_       - AMENDMENT # \_\_\_\_\_

ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED       AS AMENDED BY THE HOUSE  
 FINAL VERSION       AS AMENDED BY THE SENATE

PREPARED TESTIMONY AND OTHER SUBMISSIONS (Which are not part of the transcript)

List by letter [ a thru g or a, b, c, d] here: \_\_\_\_\_

EXECUTIVE SESSION REPORT

OTHER (Anything else deemed important but not listed above, such as amended fiscal notes):

IF YOU HAVE A RE-REFERRED BILL, YOU ARE GOING TO MAKE UP A DUPLICATE FILE FOLDER

DATE DELIVERED TO SENATE CLERK

6/30/09

6/12/09

Jessica E. Okeland  
COMMITTEE SECRETARY