

## Memorandum

To: MTA Board Members

From: MTA Staff

Re: Responses to comments to the MTA Board on September 3, 2015

Date: November 16, 2015

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MTA will work with the Town of York and nearby residents in a fair and respectful manner toward the goal of replacing the York barrier toll plaza with a modern Open Road Tolling (ORT) plaza. A properly placed new plaza will be safer and affordable for travelers while less disruptive to abutters, toll collectors, and the environment.

Summarized below (*in italics*) are comments made by those who spoke to the MTA Board at its September 3, 2015, meeting followed by MTA staff responses.

The question presently before the Board is: **For the purpose of further permitting and design analysis, what is MTA's preferred site for a replacement ORT plaza in York?**

### Background

The MTA has been studying how best to deliver the York toll plaza project to its customers and the people of Maine for over 10 years. In the earlier years, analysis by HNTB supported a conclusion to replace the current deteriorating and substandard barrier plaza with a new Open Road Tolling plaza at any of several locations to the north of the current plaza, including Mile 8.7. (ORT allows for highway speed electronic toll collection and retains cash collection for those that want or need it.) At that time, many York residents opposed those conclusions, arguing that All Electronic Tolling (AET) was a better alternative. (AET eliminates point-of-service cash collection and replaces it with license plate photo enforcement, back office administration, and after-service collection activity.)

In 2011, MTA took a fresh look at critical project issues such as toll collection systems (ORT vs. AET), plaza sizing, and locations. Regarding the ORT vs. AET question, the MTA retained CDM Smith, another national toll consultant, to help MTA determine whether AET was feasible. A detailed survey of cash paying customers at York and other plazas was conducted to determine their home state or country and assess collection risk. MTA adopted several initiatives to boost E-ZPass use, which is a necessary predicate to any AET system. MTA also obtained statutory changes and negotiated with New Hampshire and Massachusetts to improve reciprocity for out-of-state collections.

On July 24, 2014, after nearly three years of additional study, the Board accepted the recommendation of staff and determined that AET is not feasible on the Maine Turnpike and

would not be in the best interests of the MTA or Turnpike users for the foreseeable future. Among other reasons, it would require non E-ZPass toll rates at York to double from \$3 to \$6 to compensate for lost revenue and would cause traffic diversion estimated at an additional 3,400 to 5,500 vehicles per day onto adjoining roads like Route 1 which is already congested.

In August 2014, the MTA retained Jacobs, another experienced engineering consultant, to obtain more detailed environmental information, reexamine ORT plaza sizing, take a fresh look at options near the current plaza at Mile 7.3, and analyze other locations. In June 2015, after a detailed look at the current plaza site, Jacobs recommended further evaluation of the Mile 8.8 site because it would be safer, would cost about \$20 million less, would have much less impact on wetland and streams, and would be less disruptive to travelers, toll collectors, and abutters.

Although work to date is extensive and reliable for the purpose of alternatives analysis, it is important to note that the replacement plaza has not yet been fully designed; nor is it customary to do so at this early stage. Work to date has been aimed at considering and narrowing a proper range of practicable alternatives in light of the project purpose. In an attempt to answer as many questions as possible, the MTA has performed more analysis than is common for the current pre-permitting stage. Field mapping of wetlands, initial design of the plaza, determination of wetland, stream and vernal pool impacts, creature habitat reviews, and cost estimates have all been done in order to help the Turnpike Board and the public to make a well informed decision. But for all projects like this, true final design comes later. Once a preferred site is selected, environmental permits have been obtained, mitigations have been negotiated, and MTA proceeds to final design, more refined answers will emerge.

As with all MTA projects, we will continue to follow the process, respectfully engage concerned citizens, and base our actions on the rules, the facts, and the best expert advice. Since the York plaza project was first proposed over 10 years ago, MTA staff has met with York officials and residents dozens of times, including about 14 times over the last year. Since Jacobs was retained, York Town officials and residents have been given unparalleled access to project information, sometimes receiving it at the same time as MTA Board members. Special workshops with MTA staff, Jacobs, and a designated team of 2 or 3 people from York were held to review environmental studies, plaza sizing, and engineering information. MTA has maintained a detailed project website with project reports, maps, and analyses. This has been an expensive and time consuming process, but one that the MTA willingly undertook to assure that sufficient information exists for the Board to make a sound decision, and to give concerned citizens ample opportunity to be heard and review the facts.

MTA has a legal and fiduciary obligation to all 1.3 million Mainers and to the 62 million travelers who use and pay for the Turnpike every year, to look for the best site – a site that is safer, affordable, and less disruptive to travelers, abutters, toll collectors, and the environment. We look forward to working with interested persons toward that goal.

Sept. 3<sup>rd</sup> Comments  
and MTA Staff Responses

**1. Randy Small, Chases Pond Road, York**

Substance of Comment

*Mr. Small urged the MTA to “simply be honest.” He stated that engineers working on his property unannounced had frightened his daughter and said that he wanted to be informed before people came onto his property.*

MTA Staff Response

We agree that simple honesty is the foundation for work on public projects.

Regarding notice, it is MTA protocol to notify abutters when we conduct non-emergency environmental or survey work on their property. We do this even though there is no legal requirement in Maine for public highway officials, or even for private individuals, to give notice to enter un-posted open lands.

Because Mr. Small's property is a mile north of the area recommended for a toll plaza, we did not anticipate that the consultants would enter the Small property on the day in question. We now understand that they did need to map vernal pools and a wetland area near the Turnpike in this vicinity. The people who did the survey work do not recall encountering any people or animals. If Mr. Small's daughter was alarmed, then we apologize for that discomfort.

**2. Don Rose, Whippoorwill Homeowner's Association, York**

Substance of Comment

*Mr. Rose stated that there was \$40 million of assessed value in the Whippoorwill subdivision, with a market value of \$50 million. He said that according to a broker a toll booth built in the vicinity might decrease property values by as much as 10%, and he wondered how that would be considered.*

MTA Staff Response

The two Whippoorwill homes closest to the Turnpike are over 900 feet from the road and a quarter mile from the recommended plaza site. Most of the other homes are between 1/3 and 2/3 of a mile. The subdivision as a whole is closer to Route 1 than to the Turnpike.

Between the Turnpike and the subdivision is rolling and densely wooded terrain. Sound pressure levels from an ORT plaza a quarter mile away is not perceptibly greater than any sound that is presently perceived from distant highway traffic.

The same is true for lighting that should have no impact on this distant subdivision.

Without evidence of any physical or tangible impact, property values are not at issue.

As MTA moves to design of a selected site, we will work with abutters and nearby residents to address any of their legitimate concerns.

### **3. Emily Rose**

#### Substance of Comment

*Ms. Rose questioned the conclusion that Mile 8.8 would be a safer location than mile 7.3, given that the number of accidents in the two locations was comparable (she cited 41 crashes at mile 8.8 and 49 crashes at the current location).*

#### MTA Staff Response

The crash data presented in the Jacob's Draft Technical Memorandum was based upon summaries provided by MaineDOT. These are difficult to interpret. The MaineDOT system can associate crashes that are anywhere from several hundred feet to well over a mile from any specific point.

Rather than to rely on the MaineDOT system, Jacobs further analyzed the crash data and associated individual crash reports within a ½ mile on either side of both Mile 7.3 and 8.8. This further analysis shows that for the three years from 2012 through 2014, there were 42 crashes associated with Mile 7.3 (within a ½ mile) and only 13 crashes associated with Mile 8.8 (within a ½ mile). Stated another way, there were 4 times more crashes near the existing plaza. While this data by itself is not a predictor of future crashes, it does better establish the relative history which is a factor in site selection.

For a discussion of the significance of this data in the broader engineering and safety comparison of sites, please see the response to Mr. Lessard's comments under #18 below.

### **4. James O'Neil, Whippoorwill Neighborhood, York**

#### Substance of Comment

*Mr. O'Neil asked if the MTA could guarantee that his neighborhood would not experience an increase in noise or atmospheric pollution if the toll booth were built at mile 8.8.*

#### MTA Staff Response

Given the distance between the subdivision and the proposed plaza at Mile 8.8, and the woods and topography between them, there is no reason to believe that members of Whippoorwill will

see a change from what they experience today. If responsible observers can suggest any adverse impacts, we invite them to come forward so that they may be discussed and possibly mitigated during final design.

It is important to consider the net impacts to all York residents including those who live near the present plaza. The shift to ORT at a flatter location will significantly reduce sound, air quality and environmental impacts as a whole.

## **5. David Loane, 275 Chases Pond Road, York**

### Substance of Comment

*Mr. Loane questioned Jacobs Engineering's use of a 1% growth rate when projecting future traffic. He stated that in 2004 there were 15.5 million vehicles using York Toll while in 2014 the number had only been 13.9 million.*

### MTA Staff Response

Figures for transactions recorded at the York Toll are significantly less than for actual traffic. Northbound transactions for Maine E-ZPass holders are counted at the point where the patron leaves the Turnpike and not at the point of entrance. Thus, transaction counts at York are always lower than the level of traffic. The rate of growth in transactions is also lower than the growth in traffic because the number of Maine accounts for electronic tolling has steadily risen since its introduction in 1997.

Jacobs has run their model at between 1% and 2% rates of growth because this is a likely range.

Annual figures between 2008 and 2013 are low relative to historic data because of the recession. Traffic growth in the past two years has been robust. Volume so far in 2015 is the highest ever, about 4% higher than for 2014. Traffic for 2014 was up 3.4% over 2013. Jacobs has run their most recent model using a 1.4% annual growth rate, which is a conservative estimate.

No one concerned with this project would be well served if MTA had to return to York in just a few years for another major capital project to add high speed lanes to a relatively new plaza.

Please see responses to the comments by Ms. Loane in #11 below and the second comment by Mr. Lessard in #18 below.

## **6. Vicki Carr, 3 Woods Run, York**

### Substance of Comment

*Ms. Carr lives in the vicinity of the property purchased by the MTA from the Morrison family. She said that the MTA should consider the fact that the town's selectmen had twice voted in*

*favor of not relocating the current toll plaza and that citizens of the town had voted the same way in a referendum. She believes that Jacob's Evaluation Matrix should have included a category for public opinion.*

### MTA Staff Response

The latest written communication from the Town to the MTA regarding this project is a letter of May 20, 2014, from the Town Selectmen recognizing that "certain technical and political impediments make adoption of this AET system unfeasible at this time." It continued that the York Board "remains steadfast in its belief that the current toll booth location is suitable for the location of an ORT system" and "encourage[d] the MTA Board of Directors to pursue engineering studies necessary to prove the viability of an ORT plaza at the current location".

The MTA did exactly that by hiring Jacobs in August of 2014. After a detailed look at the current toll location and other sites, Jacobs recommended in June of 2015 that MTA focus on the Mile 8.8 alternative because it would be safer, would have much less wetland and stream impact, would be less disruptive to travelers, toll collectors, and abutters, and would cost about \$20 million less.

All governing bodies, like the MTA and the York Selectmen, are often called upon to make decisions in the best interests of all of the people they are charged to serve, even when public opinion is divided.

The primary purpose of the matrix is to assist the MTA Board and the regulatory agencies to select a proper location for the ORT plaza based on objective evidence. Because of the statewide and interstate nature of this project, MTA and the regulatory agencies must take a broad view of the public interest and abide by environmental laws.

Within the town of York are people who live close to the old plaza who are looking forward to having it closed. Public opinion even at the local level is divided on whether the plaza should be moved.

Opinion outside of York appears favorable to moving the plaza. For example, on July 21, 2015, the Portland Press Herald published an editorial entitled "*The time to move the York toll plaza is here*". It read, in part, as follows.

"It's time to build an open-road tolling facility at a new location in York. This is the inescapable conclusion of studies that stretch back almost a decade, including exhaustive attempts to work with neighbors who want to keep the tollbooth where it is. . . . The current toll plaza, at the bottom of a hill in the center of a curve and sinking into a wetland is the wrong place for the facility. . . . The Maine Turnpike Authority is right to consider the neighbor's concerns, but ultimately this is an issue of statewide importance.

Although we decline to add a column on public opinion to the matrix, we are confident that the MTA Board and the regulatory agencies will be aware of the positions of all interested parties.

**7. Joanne Rutherford, 191 Chases Pond Road, York**

*Substance of Comment - Ms. Rutherford asked if MTA had considered the loss in property value experienced by people who bought property next to the Morrison's property on Chase's Pond Road before the Morrisons sold the property to the MTA.*

MTA Staff Response

The Morrison property consists of 32.8 acres of wooded and undisturbed land, including many acres of wetlands. It is hard to understand why ownership by the Turnpike is more detrimental than ownership by those with plans to develop an eight lot subdivision with associated driveways and a road.

**8. Michael Walek, 271 Chases Pond Road, York**

Substance of Comment

*Mr. Walek asked the MTA to consider low impact lighting if and when a new toll booth was built. He said that the current toll booth location, in an area zoned industrial by the town, was a more appropriate location than mile 8.8, which was in a residential zone.*

MTA Staff Response

Construction of a new plaza presents opportunities for lighting improvement as options are considered during final design. The current York toll plaza uses non-cut-off fixtures and high pressure sodium which emits a glow. Modern LED lighting provides a clean, focused light using fixtures that are fully "cut off", i.e. directed downward to minimize light escaping into the sky. They also use significantly less energy.

Where the lights will be located, how many and how high are matters to be determined in final design after a preferred site is adopted.

It appears from the zoning map of York that the basic zoning along each side of the Turnpike is the same at both Mile 8.8 and Mile 7.3. We see no industrial zones.

**9. Patricia Benson, York**

Substance of Comment

*Ms. Benson stated that she assumed there were fewer crashes on the Tobin Bridge since that facility went to AET and asked if the MTA had considered the safety benefits of AET vs. ORT.*

MTA Staff Response

We do not have crash data for the Tobin Bridge. ORT has significantly greater potential to reduce crashes than barrier plazas, and AET has potential to reduce crashes slightly more than ORT. New Hampshire has reported an 85% drop in crashes after the ORT plaza was constructed in Hampton.

As part of the MTA's analyses over the last 10 years, the relative safety benefits of AET and ORT were considered. The MTA Board determined on July 24, 2014, that AET is not feasible for the foreseeable future. If and when it does become feasible, the conceptual plaza design by Jacobs – with 3 ORT lanes in each direction – will allow a seamless transition to AET with few impacts to travelers or abutters.

**10. Rep. Patty Hymanson (D-York)**Substance of Comment

*Rep. Hymanson represents District 4. She thanked the MTA for providing this forum for public comment and urged the MTA to continue the process as an open and transparent one. She listed several issues she wanted the MTA to consider:*

- *Light Pollution*
- *Property Values*
- *Noise Pollution*
- *Air Pollution*
- *Impact of Eminent Domain*
- *Neighborhood Character*
- *Ensuring that Construction allowed for Simple Transition to AET in the Future*

MTA Staff Response

Responses to each of her bulleted comments are set forth below.

- **Light Impacts** – This issue is premature for a site selection phase as the impacts are similar for all plaza locations. Construction of a new plaza presents opportunities to improve highway lighting with modern technology. For further information, please see the response to the comment by Mr. Walek in #8 above.
- **Property Values** – Please see the response to the comment by Mr. Don Rose in #2 above.
- **Noise Impacts** – As noted in the response to Mr. James O'Neil in #4 above, given the distance between the Turnpike and the proposed plaza, and the woods and topography between them, we expect conditions to be similar to what is experienced today.



- Air Emissions – This issue is premature as the impacts are similar for all plaza locations. However, an ORT plaza will greatly reduce air emissions because most vehicles will be free to pass through at highway speeds.
- Property Acquisition - The Mile 8.8 concept design shows the need for a slope on land owned by one abutter on the east side of the highway and for movement of a water line owned by York Water District on the east side. To what extent these will be necessary depends on further refinements to the final design if Mile 8.8 is the selected site.
- Neighborhood Character – If neighborhood character is reflected by local zoning, the zoning map of York indicates that zoning along each side of the Turnpike is similar at both the Mile 8.8 and Mile 7.3 sites. We see no industrial zones.

If the type of land use is the concern, we note that on the Chases’ Pond Road, uses are largely residential, although the York Public Works garage is located to the south, and a contractor and the York Water District are located to the north.

If traffic through neighborhoods is the concern, we expect no additional traffic – during construction or thereafter – on either side of the Turnpike. With respect to the Chase’s Pond Road, we expect traffic entering or leaving a potential employee driveway will be similar to the traffic that would have resulted from a fully developed 8 lot subdivision that was approved for the Morrison property.

We expect no significant changes in sound, light or air quality affecting homes because the nearest homes are so far from the Mile 8.8 site.

- Ensuring that Construction allowed for Simple Transition to AET in the Future – If and when AET becomes feasible, it will be a simple matter to convert to AET under Jacob’s conceptual plaza design.

The net impacts on all town residents and on all Maine citizens and Turnpike users are substantially more beneficial if an ORT plaza is built at Mile 8.8.

## **11. Kathleen Loane, 275 Chases Pond Road, York**

### Substance of Comment

*Ms. Loane asked about the basis for three ORT lanes in each direction. She stated that HNTB had done a study on toll booth sizing for the Falmouth and New Gloucester ORT plazas and asked if a similar study had been done for York. She said that the Hampton Toll Plaza had 40% more traffic than York but only two lanes in each direction.*

### MTA Staff Response

At the regular MTA Board meeting on December 18, 2014, Jacobs presented its study on plaza sizing and justified the need for 6 ORT lanes (3 in each direction), 4 cash lanes northbound, and 5 cash lanes southbound, for a total of 15 lanes. Jacobs has prepared a Technical Memorandum documenting this analysis, which reflects the latest traffic data. It is available online.

The ORT plaza in Hampton, NH was a retrofit of an existing plaza in good condition, as opposed to a completely new plaza replacing one that is deteriorating and substandard. From a design perspective, the projects are quite different.

National design guidelines advise that new plazas (as opposed to retrofits) should have the same number of ORT lanes as the number of mainline approach lanes to minimize merging and weaving. This plaza size is also justified by operational needs for redundancy if a lane has to be taken out of service due to weather, accident, or repairs.

It would not be good planning to count on returning to York for another major construction project to add high speed lanes in a few years to a relatively new ORT plaza.

Plaza sizing is a function of multiple variables including projected traffic growth and the mix of payment methods between E-ZPass and cash. Other considerations include design guidelines for new plazas, desired customer service levels, frequency of tolerated backups, and needed redundancy for lanes out of service.

Jacobs has run their model at between 1% and 2% rates of growth because this is a likely range. Annual figures between 2008 and 2013 are low relative to historic data because of the recession. Traffic growth in the past two years has been robust. Volume so far in 2015 is the highest ever, about 4% higher than for 2014. Traffic for 2014 was up 3.4% over 2013.

Jacobs has run their most recent model using a 1.4% annual growth rate. At an even more conservative 1% rate, the Jacobs model predicted that the conceptual plaza design size should include 6 ORT lanes (3 in each direction) by 2031, just 12 years after the new plaza would be completed if construction commences in 2017. The plaza design also includes 9 cash lanes (4 northbound and 5 southbound), for a total of 15 lanes.

At a 1.4% growth rate, the Jacobs model predicts that 6 ORT lanes will be needed even earlier, by the year 2024, just 5 years after project completion. For more discussion on growth rates, please see the responses to the comment of Mr. Loane, #5 above, and the second comment from Mr. Lessard, #18 below.

Regarding E-ZPass usage, the current E-ZPass market share at York is approaching 70%. As E-ZPass rates increase, the need for ORT lanes increases. Despite aggressive E-ZPass promotion efforts, the growth in this market share is slowing, and the volume of cash transactions continues at substantial levels for 2015. The Jacobs model has run scenarios at 75%, 80%, and 85% E-ZPass rates. Six ORT lanes are justified in all of these scenarios.

## **12. Mary Collier, 195 Chases Pond Road, York**

Substance of Comment

*Ms. Collier questioned the premise that construction at the mile 8.8 site would be \$20 million less than construction at mile 7.3. She said that she believed the cost of the Morrison property purchase and other items had not been included and asked the board to compile a more complete estimate before making a decision.*

MTA Staff Response

Ms. Collier is correct that the \$925,000 cost of the Morrison property was not part of the estimate for the site at Mile 8.8; nor were costs of acquisition considered in any of the site evaluations. Such costs are often not known at the point of site evaluation and it is important to conduct an “apples-to-apples” comparison for purposes of site selection.

**13. Dick Bilden, 9 Lock Lane, York**

Substance of Comment

*Mr. Bilden said that he believed Jacobs Engineering was to approach this study with a “clean slate” but had instead seemingly based much of their work on possibly flawed studies previously done by HNTB and CDM Smith.*

MTA Staff Response

Jacobs did approach this project with the instruction to go wherever the facts, standards, and environmental rules led them. They specifically were not required to follow the previous recommendations of HNTB. The fact that two expert engineering consulting firms end up with similar recommendations does not mean either study is flawed. In fact, one recommendation would be more often viewed as confirming the other.

As noted above, Mr. Bilden was a member of a designated team from York that was created to give York on-going access to Jacobs information. Special workshops with MTA staff, Jacobs, and this York team were held to review environmental and engineering information. They often got information at the same time as the Board. During this process, we have asked for any existing or anticipated analyses or reports that contradict those of our expert consultants. To date, we have received none. No significant concerns regarding Jacobs’s work were raised until after Jacobs recommended further evaluation of the Mile 8.8 site in June of 2015.

Jacobs’s work, as confirmed by others, is reliable for the purpose of selecting a preferred site.

**14. Rev. Kari Pritchard, Chase’s Pond Road, York**

Substance of Comment

*Reverend Pritchard said that CDM Smith had concluded that AET was not feasible in York “for the foreseeable future” but had not defined what “foreseeable future” meant.*

#### MTA Staff Response

CDM Smith was retained by the MTA to analyze the impacts if AET were to be implemented. Their report shows a forecast out to the year 2030. Upon checking with CDM Smith to prepare this response, we understand that additional analyses to the year 2035 were also performed, and the projected impacts were not significantly different from those for 2030. Surcharges and diversion of traffic would still be challenges.

Regarding the AET question in general, MTA cannot convert the York plaza alone to AET without introducing a conflict in business rules and tolling protocols. We would need to convert all 19 toll plazas on the Turnpike.

In its letter of May 20, 2014, the Town of York acknowledged that the adoption of AET was not feasible. The MTA Board, which has the legal and fiduciary duty to make this judgment, also determined AET was not feasible on July 24, 2014. Thus the Town and the MTA were essentially aligned on this question.

Despite MTA’s extensive study of this issue, some in York continue to argue that AET should be adopted due to advancements in toll technology. However, it is the nature of the York plaza, the Turnpike customer base, the collection challenges, and other factors – not technology -- that are the primary reasons why ORT is the right choice for this location. Those issues are not predicted to change significantly in the foreseeable future.

Recent developments support this determination in favor of ORT. Cash volume at York has leveled off and persists at levels greater than one-third of total traffic volume; New Hampshire has determined that ORT is the proper solution at several locations in their state; and the AET experiment in Massachusetts is experiencing challenges including public pushback on toll penalties on the Tobin Bridge leading to their suspension.

### **15. Don Lawton, Whippoorwill Neighborhood, York**

#### Substance of Comment

*He said that in the worksheet compiled by Jacobs Engineering the category “Abutter Impacts” was “green” for mile 8.8, meaning minimal impacts, he presumed. Mr. Lawton stated that he believed this category should be “red” for the mile 8.8 due to impact on abutters’ property values.*

#### MTA Staff Response

See the response to Mr. Rose, #2 above.

**15. Suzie Lawton, Whippoorwill Neighborhood, York**

Substance of Comment

*Mrs. Lawton asked if there had been any studies done on the sound, light or air pollution that would result from construction of the plaza at mile 8.8.*

MTA Staff Response

Please see our responses to the comments made by Mr. O’Neil, #4 above, Mr. Walek, #8 above, and Rep. Hymanson, #10 above.

**16. Dave Linney, York**

Substance of Comment

*Mr. Linney asked if relocation of the York Water District’s water line at mile 8.8 had been included in the preliminary construction estimates for that site. He asked if the cost of ledge removal had been included and said he felt that the amount of ledge that would have to be removed at that site was considerable. Mr. Linney said that he could see the light from the existing toll booth at his house now, even though it was a mile away. He asked if new information concerning AET that might have become available in the year since CDM Smith’s report had been or would be considered.*

MTA Staff Response

The cost of the relocation of the water line does not have a specific line item in the cost estimate for Mile 8.8, but it is well within the contingency amount provided. All sites at this phase have cost elements that are determined during final design after site selection.

The cost of ledge removal has been included based upon conceptual quantities. Test borings will further refine the estimate.

Discussion of lighting is premature for a site selection phase because the impacts are similar for all plaza locations. Measures to avoid and minimize impacts will be considered as part of the final design process after a preferred site is selected. Please see our response to the comments made by Mr. Walek, #8 above.

Regarding new information concerning AET, please see our response to the comment from Rev. Pritchard, #14 above.

**17. Sen. Dawn Hill (D-York)**

Substance of Comment

*Senator Hill said that there was a big people factor involved. She was very proud of her constituents, who she described as taxpayer, tollpayers, and Mainers who have every right to be listened to. She urged the board to continue to work with them, and said this process should be looked at as a partnership rather than as a confrontation. She asked how the board intended to document the comments received.*

#### MTA Staff Response

We agree with Senator Hill that her constituents deserve to be listened to. The history of this project demonstrates that we have done so.

We also agree with Senator Hill's sentiment to work collaboratively moving forward. As we move to permitting and final design at a preferred site, we will continue to work to mitigate the concerns of nearby residents.

This memorandum documents the comments received and MTA's response.

### **18. Dean Lessard, York Public Works Director, York Resident**

#### Substance of Comments

*Mr. Lessard asked that the MTA delay its decision on moving forward until further studies could be done. In particular, he said that the MTA should consider the crash reports individually, to get a sense of the type of accidents currently occurring, and said that he believed many of the accidents recorded at the present site would also occur at another location where a toll booth was present. He also asked what design year the MTA was using for the new toll plaza and what kind of study had been done to determine projected future volumes. Mr. Lessard proposed that the matrix developed by Jacobs be reconfigured, with "weighted" categories, with safety as the top tier, environmental and abutter impacts the second tier, and engineering considerations at the bottom.*

#### MTA Staff Response

Given that Mr. Lessard was the only Town official to comment on September 3, and given that he asked for a delay to allow for more study, a reiteration of some process information may be helpful before responding to his three comments. Mr. Lessard was a member of a designated team from York that was created to give York on-going access to Jacobs information. Special workshops with MTA staff, Jacobs, and this York team were held to review environmental, plaza sizing, and engineering information. They often got information at the same time as the Board. During this process, we have asked for any existing or anticipated analyses or reports prepared for or on the behalf of the Town of York that contradict those of our expert consultants. To date, we have received none.

We understand that on October 19, 2015, the Town Selectmen decided to take the lead role in representing the local position, to ask a consultant working for the Town to complete his work, and to accept \$13,000 in privately raised funds from Think Again to hire a lawyer.

For reasons explained in our response to the comment from Rev. Pritchard, #14 above, revisiting the AET question is unwarranted.

We again renew our request for any new written technical information that contradicts the site alternatives analysis work by Jacobs. The MTA has provided the Town with virtually real time access to Jacobs's information. It is only fair to share any conflicting technical information. We continue to seek a fact-based collaboration, as opposed to a legal confrontation.

Responses to each of Mr. Lessard's three comments are set forth below.

First, regarding the historical crash data, the individual crash records were examined as part of the crash analysis. As set forth in our response to the comment by Emily Rose, #3 above, this examination showed that there were 4 times more crashes near the existing plaza than near Mile 8.8. We acknowledge that there is no definitive means to determine the number of crashes that are attributable to the toll plaza or to the nearby interchange. The safety and weaving issues at the existing plaza are a multi-faceted problem that is a function of several characteristics including its close proximity to the interchange at Exit 7, the overpass, and geometrics.

To be sure, some of the crashes associated with the Mile 7.3 site are likely attributable to the existence of the barrier plaza, which can cause rear-end crashes. Some of those crashes would "move" to any new toll plaza location. However, the number of plaza-related crashes will drop significantly at a new ORT plaza because toll booths are removed for E-ZPass customers and cash paying customers are safely separated to the right. The mainline plaza in New Gloucester had been a high crash location. After ORT was installed, the number of toll plaza related crashes dropped from 6 in 2011 to 1 in 2014. New Hampshire reported an 85% drop in crashes after the ORT plaza was constructed at Hampton, N.H. Although we agree that some of the crashes will "move" to any new plaza, the number will be greatly reduced.

More importantly with respect to site selection, there is little doubt that some of the crashes associated with the Mile 7.3 site were the result of weaving caused by the close proximity of the interchange at Exit 7, the closeness of an overpass, and other geometric deficiencies. That is why design standards contain special provisions for proximity to interchanges and overpasses, and for horizontal and vertical geometry. Although historical crash data alone cannot be a predictor of future crashes, it is relevant as a factor in the selection of a suitable site.

Even if one ignored the "Historical Crash Data" column (#5) on the Jacobs Evaluation Matrix, the Mile 8.8 site is superior to the Mile 7.3 site, as can be seen from the following chart.

York Toll Plaza Replacement Project Comparison of MM 8.8 and MM 7.3 Sites				
Evaluation Factor	Jacobs Matrix Col. #	MM 8.8*	MM 7.3	Comments
<b>Engineering / Safety</b>				
Horizontal Alignment	1	On-straight	On curve	MM 8.8 is superior to MM 7.3 from an engineering/safety perspective.
Vertical Align. - Cash Plaza on Crest	2	Good	Average	
Vertical Align. - Approach Grades	2	Average	Poor	
Sight Distance	3	Good	Average	
Separation from Interchange (> 1 mile)	4	Yes	No	
Historical Crash Data	5	Non HCL	HCL	
Geotechnical (soils)	6	Ledge	Clay	
<b>Environmental</b>				
Total Wetland Impact (acres)	7	1.0	5.5	MM 7.3 would impact over 5 times more wetlands.
Wetland Relative Function and Value	9	Average	High	Wetlands at MM 7.3 are higher value.
Stream Impacts (feet)	10	80	360	
Vernal Pool Impact - #	11	2	1	
Vernal Pools of DEP Significance - #	12	1	0	
FEMA Floodplain Impacts (acres)	13	0.3	3.0	
# Potential E/T Species Habitat Impacts	15	3	1	Long-eared bat potentially at all sites.
<b>Abutter Impacts</b>				
Potential R/W Impacts (acres)	16	0.3	0.1	Either option requires minimal land acquisition.
Houses Within 1000 ft	18	4	47	No houses displaced by either option.
<b>Logistics During Construction</b>				
Constructability	19	Conventional	Difficult	MM 8.8 would take significantly less time to build.
Safety of Toll Collectors	20	No Impacts	Caution	Extra precautions required to assure safety.
Traveler Impacts	21	Minor	Intermediate	Substantial disruption to travelers at MM 7.3.
<b>Cost / Financial</b>				
Initial Capital Cost	22	\$40.8	\$60.4	MM 8.8 would cost almost \$20M less.
Revenue Loss During Construction	23	Minimal	Significant	Diversion due to traveler disruption.
Life Cycle Cost / Operations	24	Typical	Not Typical	Settlement not eliminated, more frequent paving.

\*Recommended for further design and analysis.

The Mile 7.3 site is inferior to the Mile 8.8 site based upon almost all criteria and is inferior to all the other sites analyzed.

Regarding the design year and traffic volumes, we are using a 25 year design life for the plaza, given the project purpose and the fact that this is a completely new plaza replacing an aging, substandard plaza – not a retrofit of an existing one. Regarding traffic growth and plaza sizing, please see our responses to the comments by Mr. Loane, #5 above, and by Ms. Loane, #11 above.

Regarding Mr. Lessard’s suggestion for a tiered or weighted matrix, established federal and state environmental processes for alternative site analyses do not support this suggestion. The regulatory agencies require non-weighted and non-factored data for their consideration when determining practicable alternatives for permits.

We agree with Mr. Lessard that public safety is a primary concern. However, we reject his assertion that engineering considerations should be a lower tier criteria. Engineering standards and guidelines promote public safety and efficient operations, and they are inextricably intertwined with the safety of the estimated 30 million people who will pass through the York toll plaza every year. Although we understand that smaller projects with only local impacts can sometimes be tailored to meet local needs and desires, this project calls for building a new interstate highway toll plaza of statewide and national significance. Accordingly, it needs to meet national engineering standards and guidelines to the greatest extent practicable, consistent



with environmental rules. These engineering standards and guidelines can be met at the Mile 8.8 site. They cannot be met at Mile 7.3.

Regarding engineering and safety considerations as a whole, the bottom line is this: Professional Civil Engineers having substantial experience with toll facilities would agree that an ORT plaza located on a straight section of highway at the crest of hill away from interchanges and overpasses will be safer than an ORT plaza located on a curve, at the bottom of a hill, near an interchange and overpass -- all other factors being equal. This conclusion also aligns with common sense. More study will not change this safety calculus.

In this case, we do not have a conflict between safety, the environment, and other factors. The Mile 8.8 site is not only one of the safest, it also has low environmental impacts and it costs less. The net local impact on York residents will be reduced as well, as noted in our response to Mr. O'Neil, #4 above.

More study is not necessary to select a preferred site.

## **19. Marshall Jarvis, York Harbor**

### Substance of Comment

*Mr. Jarvis stated that the vicinity of the current toll booth on the southbound side had not been classified as a high crash location in the last ten years.*

### MTA Staff Response

Please see the responses to the comments of Emily Rose, #3 above, and the first comment of Dean Lessard, #18 above.

## **20. Todd Bezold, Chases Pond Road, York**

### Substance of Comment

*Mr. Bezold said that he had been told noise and light pollution studies had not been done for the Mile 8.8 option. He said that a new toll booth would add ozone in an area where ozone was already too high. He stated that southbound traffic already backs up to Mile 9.2 on some Sundays and that putting the toll booth further north would cause the backup to stretch further north. He asked how the snow from snow plowing activities would be disposed of or stored. He asked about how the access road would be constructed, considering the vernal pools on the Morrison property. He asked if the MTA had considered the impact that a septic system for employees would have.*

### MTA Staff Response

Regarding light, noise and air impacts, please see our responses to the comments made by Mr. O'Neil, #4 above, Mr. Walek, #8 above, and Rep. Hymanson, #10 above.

Regarding traffic backups, volumes during busy summer travel days can back up traffic. However, the new ORT plaza proposed by Jacobs will be much more efficient than the existing barrier plaza. Backups will be significantly less. The new plaza will not eliminate traffic delays caused by constraints south of the plaza including the Piscataqua River Bridge and interchanges in New Hampshire.

Regarding snow and ice control, those maintenance activities will be performed in a manner similar to what is done along the entire Turnpike. No special technical challenges are anticipated. Any such issues will be fully considered as necessary during final design.

Regarding the potential access road, it will avoid all wetlands and vernal pools and incorporate appropriate Best Management Practices (BMPs) to manage stormwater. No special technical challenges are anticipated.

The septic system will be considered in final design. Any system will comply with the Maine Subsurface Wastewater Disposal Rules and all applicable inspection requirements. No special technical challenges are anticipated.

## **21. Joan Jarvis, York Harbor**

### Substance of Comment

*Mrs. Jarvis urged the board to delay any further decisions until it had more information and the questions raised today during this public comment period had been answered.*

### MTA Staff Response

This memorandum documents the comments received and MTA's response.

The last 10 years of study have generated more information to select a preferred alternative than decision makers normally have at this phase of a project. That information has been consistent over time and between different expert consultants. We do not know how more study or information would help in the selection of a preferred site.

### **Summary of Comments at the September 3 MTA Board Meeting**

**By Joan Jarvis, York Beach, Maine**

(Received By MTA Board Secretary, 9/8/15)

- 1. Realtors are required to provide full disclosure on a property to prospective buyers. You did not disclose your option to purchase the Morrison property, and at least one young couple*

*made a major financial decision to buy a home adjacent to the Morrison property without the knowledge of potential impacts.*

Regarding property values, please see our responses to Numbers 2, 4 and 7 above (all # references refer to the number of the MTA summary of comments above, not the numbers in the Jarvis summary).

Years ago, the Morrisons approached MTA about purchasing their property. Within a few weeks of entering into an option with them, a memorandum providing notice of it was recorded in the York County Registry of Deeds as a matter of public record. The sale, three years later, was also a matter of record and public discussion.

The Morrison property consists of 32.8 acres of wooded and undisturbed land, including many acres of wetlands. It is hard to understand why ownership by the Turnpike is more detrimental than ownership by those with plans to develop an eight lot subdivision with associated driveways and a road.

- 2. We believe that the Jacobs decision matrix fails to prioritize some of the most important subjects. First should be safety, second should be abutter impacts and third should be engineering considerations.*

MTA Response – Please see our response to the third comment from Mr. Lessard, #18 above. We note that environmental considerations are also important to regulators.

- 3. The Whippoowill subdivision homes are assessed on the tax records at over \$40 million. If moving the plaza to MM 8.8 reduces their values by a minimum of 10%, abutters face a \$4 to \$5 million property loss.*

MTA Response – Please see our response to the comment by Mr. Rose, #2 above.

- 4. At the August 3<sup>rd</sup> Workshop we were told that no pollution studies have been conducted for air, noise and light pollution at MM8.8. Before taking a vote to move the plaza, air, noise and light pollution studies should be done.*

MTA Response – Please see the Background section above, and our responses to the comments by Mr. O’Neil, #4 above, Mr. Walek, #8 above, Rep. Hymanson, #10 above, Mr. Linney, #16 above, and Mr. Bezold, #20 above.

- 5. Before the Board makes a final decision, a study should be commissioned to show the Toll Plaza Sizing Analysis for the potential new York Plaza. This Traffic Volume and Lane Analysis should reflect a realistic evaluation of the actual traffic growth and a realistic number of lanes to handle the traffic.*

MTA Response – Please see our responses to the comments by Mr. Loane, #5 above and Ms. Loane, #11 above.

6. *At the August 3rd Workshop we were told that no pollution studies have been conducted for air, noise and light pollution at MM 8.8.*

*Currently York County in 2015 has slipped from a "D" to and "F" rating for ozone level, according to the American Lung Association 2015 report. York County 70 ppbv for ozone, borderline out of compliance. Ozone affects the quality of health for the elderly and even healthy people working outside, making it difficult to breath. There is a direct affect upon child development with families living two kilometers from a highway. Ozone levels are reduced with less traffic congestion. With the introduction of EZ-pass ozone levels drop dramatically. Open road tolling still creates highway obstructions and congestion. All electronic tolling would remove congestion and reduce ozone pollution. Today the traffic backs up from the tollbooth to mile 9.2. Placing the tollbooth at 8.8 will extend this line of traffic further up the highway, exposing more areas to increased air pollution. The sound of the highway is deafening throughout the day at mile 9.2 as trucks throttle in order to move up hill. Down shift throttling to pass through the new toll booth will not reduce the current noise. During the winter the current practice for snow removal is to dump the salt and dehydrate laden snow off the roadside and into the wetland surrounding the toll booth.*

MTA Response – An ORT plaza – including the 6 ORT lanes and 9 cash lanes – will reduce backups. Please see our responses to the comments by Mr. O’Neil, #4 above, Mr. Walek, #8 above, Rep. Hymanson, #10 above, and Mr. Bezold, #20 above.

*Will this also be a common practice in a new watershed that is not contaminated by road salts? Will there be studies on the affects of road salt pollution with the new access roads built across the Morison property, where there are vernal pools present?*

MTA Response – Please see our response to the comment by Mr. Bezold, #20 above.

*Will the MTA abide by the septic zoning laws set forth by the town of York? These laws are much stricter for the Cape Neddick River watershed.*

MTA Response – Please see our response to the comment by Mr. Bezold, #20 above.

*In addition to the affects of noise and particulate pollution on health, light pollution has a negative impact of the amphibian physical and hormonal development and maturation, as well as foraging activity. Vernal pools adjacent to mile 8.8 where there are no lights could show a reduction in local fauna.*

MTA Response – All relevant site-specific environmental issues will be considered after a site is selected during the permitting and final design phase.

7. *At the August 3<sup>rd</sup>, and previous workshops it was felt that numerous Jacobs conclusions were based on previous HNTB and CDM Smith summaries, which contained significant errors and flawed premises.*

MTA Response – Please see our response to the comment by Mr. Bilden, #13 above.

8. *Jacobs Engineering, which recommends MM 8.8, indicates on its Matrix, that there would be no abutter impact if the Plaza is built at MM 8.8. Local real estate agents have told the Whippoorswill Homeowners Association they could face a 10% drop in their values. Jacobs has this as green on their Matrix... This should be changed to red.*

MTA Response – Please see our responses to the comments by Mr. Rose, #2 above, and Mr. Lawton, # 15 above.

9. *You have stated that MM 8.8 will cost \$20 million less than MM 7.3 to construct a new toll plaza. But, we learned that such items as the Morrison property purchase were not included and that other items will be further studied before costs will be known. No vote should be taken to proceed at MM 8.8 without a clear understanding of the total costs.*

MTA Response – Please see our response to the comment by Ms. Rutherford, #7 above.

10. *We learned, after the August 3<sup>rd</sup> Workshop, that the MTA was unaware that York's water supply runs parallel to the turnpike at MM 8.8 and will have to be relocated. It makes better sense to meet with the York Water District to identify the problems and costs before proceeding to vote on relocating to MM 8.8.*

MTA Response – Please see our response to the comment by Mr. Linney, #16 above. The water line relocation does not pose any special technical challenges. Discussions with the Water District will occur if the Mile 8.8 site is selected.

11. *Have you investigated using environmentally friendly low impact lighting? In 1998 Lisbon, built the then largest bridge in Europe over the Tagus River. A group of fishermen were going to be impacted by the bridge and its overhang. As we know, aquatic and land life are affected by artificial lighting. The lighting on the Vasco da Gama was tilted on the bridge reducing the affects of artificial light on the foraging and spawning activity of the fish. Once again are you planning to incorporate a design similar to this; so as to not impact the surrounding environment.*

MTA Response – Please see our response to the comment by Mr. Walek, #8 above.

*York residences voted 90% against moving the toll to prevent impact on an undeveloped rural area of their town.*

MTA Response – Please see our responses to the comments by Ms. Carr, #6 above, Mr. Walek, #8 above, and Rep. Hymanson, #10 above.

12. *In looking at the traffic volume data that you provided, in 2004 the total volume was 15,560,000 vehicles. In 2014 the total volume had dropped to 13,860,000 vehicles. The drop in volume over 10 years of 1,700,000 vehicles, or 11%.*

*Your study began in 1998 – during those 16 years the traffic has increased from 13,490,000 to 13,859,000 or 1/5 of 1% per year, thru 2 economic downturns. In the material that you gave us – you use 1% as the annual growth rate, 5 times the actual growth.*

Please see our response to the comment by Mr. Loane, #5 above.

13. *According to the MDOT data that you provided, there were 41 crashes at MM 8.8 and 49 crashes at MM 7.3. Given that a barrier is at MM 7.3 that site may be safer than MM 8.8.*

MTA Response – Please see our responses to the comments by Ms. Rose, #3 above, and Mr. Lessard, #18 above.

14. *It was stated at the August 3<sup>rd</sup> Workshop that public input was not included on the decision matrix because it cannot be measured quantitatively. The York Board of Selectmen has twice voted 5 to 0 to rebuild the plaza at its current location and the May 2008 York citizens referendum vote of over 90% to not relocate the York Toll Plaza. That should be included in the Matrix as a “red” area.*

MTA Response – Please see our response to the comment by Ms. Carr, #6 above.

15. *The CDM Smith report states that AET is not feasible in the foreseeable future. Without being able to define the “foreseeable future”, you should not be making a decision on the toll Plaza.*

MTA Response – On July 24, 2014, the MTA Board determined that AET is not feasible on the Maine Turnpike or in the best interest of the MTA or Turnpike users for the foreseeable future. Please see the Background section above, and our response to the comment by Rev. Pritchard, #14 above.

16. *Based upon the questions that have been asked today, are you as a Board convinced that you have sufficient, accurate information to make a decision to proceed with Relocation of the York Toll Plaza to MM 8.8, and are you willing to vote on only design concepts?*

MTA Response – The work to date is extensive and reliable for the purpose of selecting a preferred site. Final design comes after site selection on all such projects. The question of whether the Board needs additional information or time to select a preferred location is ultimately a question for the Board. Please see the Background section above, and our response to the comment by Ms. Jarvis, #21 above.

*17. Senator Dawn Hill said, “Certainly there are engineering reports, but there’s a big people factor here, too. The people here today are taxpayers, are toll payers but you know what? They are Mainers. They have every right to speak and they have every right to be listened to.”*

Please see the Background section above, our response to the comment by Sen. Hill, #17 above.