

# TIMELINE – YORK TOLL PLAZA REPLACEMENT PROJECT

## 2006 - 2017

### 2006

- Summer** *York Weekly* article reveals towns arguing among themselves over who should have the new toll plaza. Article does NOT address requirement.
- September** MTA meets informally with Towns of Ogunquit, Wells and York to address most suitable location for replacing York toll plaza
- December** State Representative Windol Weaver submits legislation to delay construction of York Toll Plaza

### 2007

- May** Maine Legislature passes LD 534, a ***Resolve, Directing the Maine turnpike Authority to Study the Relocation of the York Toll Booth*** introduced by Representative Windol Weaver. Governor Baldacci signs on 30 May.

### 2008

- January** MTA holds project update and work session with York Town Manager and Community Development Director and holds joint presentation to Select Boards of Ogunquit, Wells and York on 23 January to gain public input on decision to replace York plaza per LD 534.
- February** MTA holds first Public Information meeting in York with sparse attendance. Stakeholders learn that homes will be taken by eminent domain at four candidate sites.
- March** Concerned citizens appeal to York Selectman for support in fight against toll plaza relocation and taking of homes and land by eminent domain.
- April** MTA presents ***York Toll Plaza Replacement Technical Report in Response to Maine LD 534*** to Joint Standing Committee on Transportation. Contains five options: (1) No Build; (2) Infrastructure Upgrade with No Additional Capacity; (3) Upgrade Existing Site with Conventional Tolling and Increased Capacity; (4) Upgrade Existing Site with Highway Speed Tolling and Increased Capacity; and (5) Relocate Plaza to Alternate Location with Highway Speed Tolling
- Representative Weaver delivers testimony on relocation of York toll plaza to Joint Standing Committee on Transportation. Emphasizes potential taking of homes and land has become town-wide issue. Objects to MTA plans to make relocation decision in three months when lawmakers are out of session.
- MTA second Public Information meeting. Seven hour meeting attended by over 500 angry citizens demanding MTA find another site that does not require taking of homes by eminent domain or have major impact on the community.
- York Selectmen pass resolution opposing MTA plans to relocate the current toll plaza in York. Agree to include non-binding referendum on 17 May ballot to allow all York citizens to vote on MTA plans.
- Think Again grass roots coalition of York Citizens against toll plaza relocation generates over 1,000 letters to MTA Board Members and Members of the Joint Standing Committee on Transportation; requests meeting with the Standing

Committee to present its case. Greater York Region Chamber of Commerce opposes relocating current plaza and supports reevaluating current plaza's site.

**Portland Press Herald** announces MTA Board of Directors will meet with the York Board of Selectmen on April 29 to discuss future of York toll plaza. Also, report outlining options for dealing with plaza will be complete by June 19, with another public hearing envisioned for Summer 2008.

Think Again public awareness rally to bolster support in protesting MTA relocation and expansion plans for new 21-lane toll plaza. Selectmen and Legislature speakers oppose MTA plans to take homes and land by eminent domain.

York selectmen and MTA officials meet to discuss growing concerns about proposed relocation and expansion project. Selectmen and Think Again members formally address turnpike board. Outcome includes formation of York Committee to work with the MTA and expectation that MTA Board will come to York for a public hearing after MTA staff submits draft report on toll plaza project.

**May** MTA meets with York Committee. Agrees to direct their engineering firm (HNTB) to reevaluate existing toll plaza site, with goal of a report to the MTA Board by 19 June 2008.

91% of York citizens cast vote is support of non-binding referendum opposing relocation of York Toll Plaza.

**June** York Committee meets in York with Senator Dennis Damon and Representative Boyd Marley, co-chairs, Joint Standing Committee on Transportation to address issues and concerns about toll plaza project.

**July** York Committee and legislators informal meeting with Jay Clements, Senior Project Manager, Maine Project Office, US Army Corps of Engineers to begin open dialogue and identify federal permitting process that toll plaza project will be following.

York Committee and legislators informal meeting with Mary Beth Richardson, Project Manager, Southern Maine Regional Office, Department of Environmental Protection and Linda Kokemuller, Licensing Coordinator, Southern Maine Regional Office, DEP to begin open dialogue and identify state permitting process that project will be following.

**October** Town Manager and Board of Selectmen Chairman receive letter from MTA Chairman Gerard P. Conley Sr., stating detailed investigation to utilize existing location to be completed in early 2009. Also envisioned smaller 15 lane plaza with 5 northbound lanes, 6 southbound lanes and 4 highway speed lanes.

Selectmen address contents of Conley letter and warn against complacency leading to surprise recommendation as to relocation versus retention of current site.

## **2009**

**April** York Selectmen authorize contract with independent highway consulting engineering firm to conduct an initial Technical Engineering Investigation, Environmental Assessment and Requirements Analysis to be used in rebuttal of the conclusions and recommendations contained in the 15 February 2008 Maine Turnpike Authority document entitled "**York Toll Plaza Replacement Technical Report in Response to Maine LD534**".

<b>June</b>	<p>MTA engineering firm HNTB presents <b><i>Existing Site Evaluation</i></b> report to MTA Board and York Selectmen (see May 2008 milestone: MTA meets with York Committee. Agrees to direct their engineering firm (HNTB) to reevaluate existing toll plaza site, with goal of a report to the MTA Board by 19 June 2008).</p> <p>Editorial in <b><i>Portland Press Herald</i></b> (Our Views) headlines "Toll plaza report offers more fuel for debate – It doesn't answer all the critics' questions, but it does keep the current location in play".</p> <p>Think Again continues public awareness campaign stressing that <b>"it's NOT over"</b>.</p>
<b>July</b>	<p>Article in <b><i>York Independent</i></b> details that Think Again warns that latest Maine Turnpike plan is putting local homes and land at risk</p>
<b>September</b>	<p>Article in <b><i>Portsmouth Herald / Seacoastonline</i></b> announces that Maine Turnpike Authority board of directors is expected to make official its plans to renew investigation of 16 sites to replace current York toll plaza.</p>
<b>October</b>	<p>Article in <b><i>Portsmouth Herald / Seacoastonline</i></b> announces that York Board of Selectmen will attend HNTB Phase I re-investigation report at MTA headquarters in Portland on November 5<sup>th</sup>, and that report is expected to narrow the number of sites from 19 to three to five. The number of sites was originally 16, with three later added, including a proposal to leave the tollbooth where it is currently on Interstate 95 in York.</p>
<b>November</b>	<p>Article in <b><i>Portsmouth Herald / Seacoastonline</i></b> entitled "Turnpike Authority's York tollbooth options criticized - Four prospects presented" reports that HNTB, the consulting engineers for the Maine Turnpike Authority have put forth four alternatives for the York toll plaza, two essentially at the current site and two farther North, which involve taking some private property. The four alternatives are to keep the plaza at its current location and do nothing, build a new one in roughly the same area, or build a new one at mile marker 8.7 or mile marker 9.1.</p> <p>Editorial in <b><i>TOLLROADSnews</i></b> entitled "HNTB provides Maine false and misleading advice on all-electronic tolling" claims that HNTB's misinformation has embroiled the Maine Turnpike in an unnecessary conflict with communities in south Maine over how to replace the York Toll Plaza, and set the Turnpike on a path of wasting some tens of millions of dollars on building a contentious white elephant.</p> <p>Editorial in <b><i>Portsmouth Herald / Seacoastonline</i></b> entitled "Why not wait on turnpike toll plaza?" stresses that in lieu of spending between \$36 million and \$56 million, the current location has served its purpose for all these years, and can certainly hang on for a few more.</p>
<b>December</b>	<p>MTA and HNTB meet with abutters of the four sites now under consideration as part of the US Army Corps of Engineers Phase I permitting process. Critics thanked the MTA for setting up the meeting, but told the MTA to be cautious and warned that the town of York is going to be out full bore in opposition if the MTA takes people's land, even if you're not taking houses.</p> <p>Article in <b><i>Portsmouth Herald / Seacoastonline</i></b> discloses that the York Board of Selectmen is sending a message in a position paper to the Maine Turnpike Authority, the Army Corps of Engineers, legislators and anyone in the state who uses Interstate 95, to keep the toll plaza where it is in</p>

York and to do improvements without increasing toll rates; and that the MTA has failed to adequately justify its need to relocate the York Toll Plaza. Selectmen want the MTA to fix what's necessary with the current tollbooth, recommending that within a decade it be torn down and replaced by all-electronic tolling.

A town-wide meeting with the MTA as part of the US Army Corps of Engineers Phase I permitting process is announced for Thursday January 21, 2001 at 6:00 PM in the York Middle School.

## 2010

### January

Editor of **TOLLROADSnews** (<http://www.tollroadsnews.com>) concluded that the Maine Turnpike Authority is working off a preposterously misleading report by civil engineers that makes unsubstantiated and unqualified claims about legal and financial matters and that All-Electronic Tolling clearly should be one of the options being considered as part of the permitting process on I-95 in south Maine, especially since the plans for a new mega-toll plaza are unacceptable to the local people.

Article in **Portsmouth Herald / Seacoastonline** reports that more than 300 people jammed the gymnasium at York Middle School on Thursday night, 21 January, to listen to the Maine Turnpike Authority and offer often pointed and feisty comments on its plans to relocate the York toll plaza. Also unveiled at the meeting, York Selectman Michael Estes announced that the board has hired eTrans Group Inc., a specialist in electronic tolling, that has identified all-electronic tolling as "a feasible option" for the York toll plaza upgrade.

A follow-on article in the Portsmouth Herald / Seacoastonline reports that one day after the meeting between MTA officials and the town of York, there appears to be little room for consensus from either group on a new York toll plaza, and although they "heard very clearly" that the overwhelming message is that the people supported cashless tolling, the MTA has long maintained electronic tolling is too far in the future and that a new plaza is needed now.

**Portsmouth Herald / Seacoastonline** editorial asks "why in the world spend upwards of \$53 million for a plaza that fewer motorists will use, that could be outdated in the next 10 years, in a town that has made it clear it doesn't want it and that it will fight a new plaza, likely waging a legal battle? Certainly the MTA's bondholders cannot possibly want that."

### February

**Portland Press Herald** reports that York selectmen are expected to vote on hiring a consultant that specializes in electronic toll collection to study an alternative to divisive plans for replacing the York toll plaza on the Maine Turnpike.

The study would provide a counterpoint to the Maine Turnpike Authority's proposals, which favor developing a new plaza nearby. The goal is to replace the aging and obsolete barrier that is sinking into wetlands and is considered a safety hazard at the gateway to Maine.

Maine Turnpike Authority Board of Trustees voted to approve the sites recommended by the MTA staff and turn documentation over to federal regulators for review. The board voted to send on four recommendations: do nothing and keep the current plaza as is, an option that is required under Army Corps guidelines; or build a new plaza at one of three sites — slightly farther up the road, at mile marker 8.7 or at mile marker 9.1.

## March

The Phase I report is submitted to Jay Clement, U.S. Army Corps of Engineers, Maine Project Office, Manchester, Maine, coinciding with a visit to York by Daryl Fleming, president of The eTrans Group Inc. of Alpharetta, Georgia to meet with town officials and representatives of Think Again and to physically see the York toll plaza. Fleming, whose company is involved in all-electronic tolling sites across the country, has been hired by the town for up to \$15,000 to write a rebuttal to the MTA Phase I report.

## April

**TOLLROADSNEWS.com** reports that the eTrans study commissioned by the town of York argues that all-electronic toll (AET) collection is both the most cost-effective and the most environmentally friendly solution to the longstanding dispute over a new 'gateway toll plaza' on the south end of the Maine Turnpike and challenges the Turnpike's notion that AET is more financially risky than open road tolling (ORT). It also says that open road tolling (ORT) opens the Turnpike to major revenue losses unless an effective back office operation collects from interstate motorists, and that the same back office operation can support all-electronic tolling (AET).

## May

**TOLLROADSNEWS.com** provides concise synopsis of three AET counter-proposals and rebuttals to MTA Phase I report contained in Verrill Data letter of April 28, 2010 to Jay Clement, US Army Corps of Engineers:

Town of York eTrans study (April 23, 2010)

Think Again Verrill Dana rebuttal (April 28, 2010)

Peter Smith twenty-year business case analysis (April 26, 2010)

**Portsmouth Herald / Seacoastonline** and **TOLLROADSnews.com**

reports that the Office of Program Evaluation and Governmental Accountability (OPEGA), the oversight office that scrutinizes the accountability and performance of state government agencies, has begun a significant probe of the Maine Turnpike Authority. OPEGA launched a two-month preliminary review in March that was completed at the end of April. Among the key concerns detailed in the preliminary report, OPEGA determined the MTA has not provided any revenue to the state since the mid-1990s. Other key areas to be investigated by OPEGA is the MTA's bond rating, its relationship with its bondholders, what agencies have oversight over the MTA, whether the MTA has the capacity to operate and maintain other sections of roadway, and what specifically the MTA spends its toll revenues on.

**TOLLROADSnews.com** further reports that the federal regulator (US Army Corps of Engineers) is likely to return the Turnpike draft environmental impact statement as "Incomplete" for not listing sufficient options.

## June

Think Again confirms that the Corps has advised the MTA that "a higher degree of scrutiny (of the Phase I report) is warranted in light of the early and well organized local opposition to the project", and as such, "requires additional information before concluding the Phase I review".

## 2011

### March

**Portsmouth Herald / Seacoastonline** reports in the midst of the continuing controversy over the Maine Turnpike Authority, the fate of a proposed York toll plaza remains in flux. Scott Tompkins, project information manager at the MTA, said the authority has been buried under work, answering questions posed by the Office of Program Evaluation and

Government Accountability, which issued a report last month outlining a number of questionable activities by the MTA. The findings in the OPEGA report, coupled with subsequent scrutiny by the Maine Legislature's Government Oversight Committee, led to the resignation of MTA Executive Director Paul Violette. Tompkins said the York toll plaza "team" met on Monday to continue the process of answering Clement's questions, and he expects the work will be completed by the end of March or beginning of April.

**April**

**TOLLROADSnews.com** reports that a spokesman for the Turnpike Authority told us earlier this week that the new chief executive Peter Mills is reviewing all the practices and policies of the Turnpike. On the York toll plaza issue, the spokesman said, Mills wants to get both sides of the argument and fully review the matter before he takes a position.

**May**

**TOLLROADSnews.com** and **bangordailynews.com** report that the Maine Turnpike Authority will not be submitting a Paul Violette-era response to the US Army Corps of Engineers. Peter Mills, Violette's successor as Executive Director has decided that it would be prudent to take time for a full review of the Turnpike's old proposals before they go back to the Corps. To quote Peter Mills: "We've decided to take a completely fresh look at the toll. There's no immediate hurry."

**2014**

**May**

York Board of Selectmen encourages the MTA Board of Directors to pursue the engineering studies necessary to prove the viability of an ORT plaza at the current location of the York Toll Plaza and declares that all other options will be strenuously opposed by the Town of York.

**July**

MTA Board makes the determination that All Electronic Tolling (AET) is not feasible on the Maine Turnpike for the foreseeable future

**August**

**Portsmouth Herald / Seacoastonline** reports that members of Think Again feel deceived by the Maine Turnpike Authority and Executive Director Peter Mills after learning the MTA has purchased a large amount of land north of the current tollbooths. Known as the Morrison property, the unspecified amount of acreage is near mile 8.7 on the Maine Turnpike in York, a location the MTA has long had on a list of prime sites for a new toll plaza.

- Mills said, "The option expired. The board decided it would follow through and buy the property, (thinking) at least we'd have one spot where we could propose a spot to build a place other than the current location. (It was) an insurance position. It doesn't advance the issue as to where and when we should build something new", and that the MTA is exploring open road tolling, a combination of cash toll booths and electronic lanes, at the current plaza location in York. It has hired Jacobs Engineering Group Inc. to do the evaluation of the current site, with Mills asking for a report by the end of the year.

**Portsmouth Herald / Seacoastonline** reports that the York Board of Selectmen unanimously voted to spend up to \$15,000 to hire an engineering firm to review a report being prepared by the Maine Turnpike Authority on the viability of keeping the York toll plaza in its present location. Keeping a new toll plaza at its current site is the option supported by selectmen and Think Again, in an effort to protect private property and the environment from MTA plans to build a toll plaza in a new location in York. Selectmen will hire eTrans Group, as it did in 2010,

when eTrans deemed all-electronic tolling would be a feasible alternative to a new toll plaza. Based on the eTrans report, the U.S. Army Corps of Engineers put on hold the MTA's plans to build a new toll plaza.

## **September**

York Town Manager reports that the MTA has issued a task order for York Toll Plaza Preliminary Engineering Services to Jacobs Engineering Group, Inc. on August 27, 2014. The project description includes "Keystone Project for MTA is the relocation of the York Toll Plaza". The Scope includes conceptual design, construction phasing, cost estimate analysis for existing site, plus review of following alternatives:

- Rehabilitation and Replacement of new ORT facility at existing site
- Relocation and Replacement with new ORT at a new location
- Replacement of existing plaza with a split north – southbound ORT facility

## **December**

**Portsmouth Herald / Seacoastonline** Editorial states that on Thursday December 18<sup>th</sup>, the Maine Turnpike Authority board of directors plans to vote to replace the York Toll Plaza at a cost of between \$29 million and \$46 million, and that more important than even the vote to build the plaza, which everyone has expected for years, is the preliminary report to be given that same day by Jacobs Engineering, the company hired to conduct a study on the size and location of a new plaza. Jacobs is expected to report on whether it is feasible to build a plaza just north of the existing one, which the MTA has said is sinking and in need of replacement. That appears to be the best case scenario for all involved, but no one is certain it is feasible at this time. Building just up the road would appear to cause the least disruption and satisfy the majority of people, from York's leaders to its citizens, including members local grassroots group Think Again.

MTA Board votes to replace the York Toll Plaza and reaffirms and determines that the purpose statement for York Toll Plaza project is to replace the existing barrier toll plaza with highway speed electronic tolling lanes and cash (non-E-ZPass) lanes to address safety deficiencies, settling/subsidence, facility deficiencies including substandard tolling equipment, existing and projected traffic volumes, and traveler impacts and expectations and that the project location and design selected to meet this purpose will be the least environmentally damaging practicable alternative. To be practicable, an alternative must be available (considering, among other things, MTA obligations to investors) and must be capable of being done after taking into consideration all relevant factors including the safety of travelers and employees (analyzed in accordance with national engineering and safety guidelines and best practices), cost (including initial capital and life-cycle costs), abutting landowner impacts, technology, and other logistics (including traveler impacts and constructability), all of which will be analyzed in light of the project purpose above.

**Portsmouth Herald / Seacoastonline** reports that York's state representatives and members of Think Again say they are pleased that the Maine Turnpike Authority board is seriously considering building a new toll plaza 400 feet from the current one – on MTA land and not on the land of York residents, but they are cautious, too, and as a result, on the alert. They do not forget the past – the recent past, when the MTA bought land last summer farther up the turnpike without telling them; or the time last decade when they fought a different MTA board and executive director over plans to build a much larger plaza farther up the turnpike.

## 2015

### February

Transportation Committee holds public hearing on LD 269 introduced by Representative Lydia Blume entitled "An Act to Require the Maine Turnpike Authority to Consider Certain Third-party Recommendations in its Decision-making Process".

### March

**York Weekly** reports that the Transportation Committee held a public hearing on LD 269, which would also require the MTA to consider the opinions of outside groups in its decisions on major projects. State Representative Lydia Blume, D-York, who filed the bill, has said that it will make sure that communities where the Maine Turnpike Authority is planning a project will have a say in the project's design. Blume has said that the bill will make sure that communities where the Maine Turnpike Authority is planning a project will have a say in the project's design.

York Public Works Director Dean Lessard testified for the bill, as did State Representative Patti Hymanson, D-York, State Representative Deane Rykerson, D-Kittery, and Marshall Jarvis of Think Again.

### April

**Portsmouth Herald / Seacoastonline** Editorial declares that the Maine Turnpike Authority board of trustees has an obligation to the residents of York to ultimately site the new York toll plaza in the same location as the current plaza. The MTA board learned last month that a new plaza just 400 feet north will cost \$60 million - \$20 to \$30 million less than expected. This is primarily because the underlying clay has been compressed over the past 50 years and can withstand more weight than initially thought. The engineers also lowered the elevation of the plaza by several feet, reducing the amount of fill needed. It goes on to state that the Editorial Board understands that the MTA is required by the federal Army Corps of Engineers to investigate at least two other sites for the new plaza. But we say to the board of trustees, unequivocally, your search is really over now. No matter if the other sites may, on paper, appear more suitable. No matter if they may cost less money to build. Remember, the MTA has enough money in the bank that it can pay cash for this plaza. No matter if the site 400 feet north poses challenges in terms of traffic control. After more than seven years of controversy, bad feelings and broken promises, the MTA board owes it to York to put the new plaza near the site of the old. There is no other option.

### June

**Portsmouth Herald / Seacoastonline** reports that members of Think Again, as well as town officials, say they want many more details about the recent recommendation to build a new York toll plaza 1.5 miles north of the existing plaza – a recommendation they do not now support. Maine Turnpike Authority's consulting engineers last Thursday recommended the site at mile 8.8 on the turnpike, adjacent to land the MTA purchased last summer from York resident Paul Morrison.

- Think Again, the town of York and the town's representatives to the state Legislature favor building a new plaza at essentially the same location as the existing one, at mile 7.3, and nowhere else. They argue any other location could have impacts to the environment and to nearby residents.



- MTA officials have since agreed to hold a series of workshops over the summer and into early fall with York stakeholders to provide the kind of nitty-gritty details they are seeking.

## July

**Portsmouth Herald / Seacoastonline/ Seacoastonline** reports that Think Again readies campaign over the York Toll Plaza, stating that Joan Jarvis prefaced her comments Wednesday night "Here we go again" as the local citizens' organization regroups over the proposed location of the York toll plaza – eight years after they fought initial attempts to build a new plaza.

- "I need to remind everyone we're really at the beginning. We're where we were eight years ago," she said, "and we have to start over. The good news is that we have experience."
- This time, the Maine Turnpike Authority (MTA) is considering building a new plaza 1.5 miles further up the turnpike from the current location, adjacent to land it bought last year. Think Again members, along with the town of York and the town's state representatives, instead want to see a plaza built just 400 feet north of the current location.
- Members argue the current site at mile 7.3 on the turnpike has already been environmentally compromised, and those living in the vicinity have long lived with disruptions from the plaza. On the other hand, at the location recommended by MTA engineers at mile 8.8, they argue, the plaza will be in essentially the back yards of several homeowners on Chases Pond Road and, on the east side of the turnpike, of the Whippoorwill subdivision.

## August

**Portsmouth Herald / Seacoastonline** reports that a testy, sometimes contentious workshop took place Monday at the Maine Turnpike Authority, as members of the York citizens group Think Again and town officials peppered MTA board and staff with questions about the proposed York Toll Plaza — particularly around cost, potential light and sound pollution and eminent domain.

- Many of the questions could not be answered because the work done to date by consultants Jacobs Engineering is preliminary and more detailed information will not be available until a site is chosen, said Rod Emery of Jacobs.
- Jacobs has recommended that the MTA build a new toll plaza at mile 8.8 on the turnpike, about 1.5 miles north of the existing plaza. Think Again is advocating that the plaza be built at mile 7.3, 400 feet north of the plaza, because the area has already been environmentally degraded and nearby homeowners bought property knowing a plaza was nearby. At mile 8.8, residents of both Chases Pond Road and the Whippoorwill subdivision on the east side of the turnpike will be affected, the group argues.
- Key among the questions is the differential in cost between the two sites — \$60 million at mile 7.3 and \$40 million at mile 8.8. Emery said his engineers conducted detailed tests of the 7.3 site, and feel confident that the \$60 million is not a "variable estimate." But he did say further testing would be needed to refine costs at mile 8.8.

**Portsmouth Herald / Seacoastonline** reports that Electronic tolling is the next debate in York toll saga although All-electronic tolling without any

cash lanes at a new York toll plaza is called “folly” by Maine Turnpike Authority Executive Director Peter Mills, but it’s a key component in the strategy of the citizens’ group Think Again, as members look down the road.

- Town officials and members of Think Again said it’s likely a foregone conclusion that the Maine Turnpike Authority Board of Directors this fall is going to approve moving forward with a new toll plaza 1.5 miles north of the existing site, at mile 8.8. The town and Think Again want to see the plaza just north of the existing site.
- The next step after that vote is the federal and state environmental permitting process, and it’s there that the questions will be raised about all-electronic tolling. The MTA will have to submit several sites to the Army Corps of Engineers and the Maine Department of Environmental Protection for a new plaza. If the board votes to support the mile 8.8 site, it will tell the agencies that it’s the MTA’s “preferred alternative.”
- “The turnpike board is going to listen to its staff and consultants, and so they’re probably going to go to 8.8. They have a job to do and we need to respect that,” said Town Manager Steve Burns. “But the key battle is going to be in the environmental permitting. It’s going to come back to technology issues, and all-electronic tolling is a key part of that.”

**Portsmouth Herald / Seacoastonline** Editorial declares that after years of studies and back and forth, the MTA and the town and Think Again are still at odds over the right course of action. The MTA has proposed moving forward with a new toll plaza 1.5 miles north of the existing site, at mile 8.8. But the town of York and Think Again have continued to disagree, preferring to see the plaza built at mile 7.3, 400 feet north of the existing plaza.

**Portsmouth Herald / Seacoastonline** reports that Think Again will present a show of strength at the September 3<sup>rd</sup> Maine Turnpike Authority board meeting when the York toll plaza will be discussed, and that they will be chartering a bus to bring as many residents as possible to MTA headquarters in Portland for the board meeting.

**York Land Trust** contacts MTA Executive Director Peter Mills via email regarding the Conservation Easement that the York Land Trust holds on land owned by the Whippoorwill Homeowners Association that abuts the area at mile marker 8.8, making the MTA aware of the following and the restricted covenants placed on the conservation land:

- The Conservation Easement boundary is in close proximity to the proposed site location
- The terms of the Conservation Easement prohibit filling, paving, dumping, excavation or alteration of surface
- Destruction or removal of standing timber, plants, shrubs or other vegetation is not permitted
- The York Land Trust must receive notice of any proposed action with sufficient information to enable determination of whether the proposed plans are consistent with the terms of the Conservation Easement

## September

MTA submits a letter on September 1<sup>st</sup> to Jay Clement, US Army Corps of Engineers, reporting what has transpired since the 2010 filing of the Draft Phase 1 Report, answering the questions posed by the ACOE in 2010, providing recent information on AET, and requesting ACOE concurrence that AET is not a practicable alternative under the 404(b)(1) Guidelines. As to the AET Analysis, the MTA retained CDM Smith to perform a new study under different guidelines from those that applied to the work completed in 2011 by HNTB.

The report included the studies and information as enclosures:

- A report dated July 27, 2015 prepared by CDM Smith to answer ACOE's questions on AET
- Excerpts from minutes of public meetings of June 19, 2014 and July 24, 2014 in which the MTA Board determined that AET is not feasible to support Turnpike operations at the York Toll Plaza
- A Turnpike Staff report of April 30, 2014 providing background on the Turnpike's tolling systems
- CDM Smith report of March 18, 2014 on analysis studies performed during the preceding two years
- A February 25, 2011 supplement to the Phase 1 submission prepared by HNTB and the MTA staff.

**Portsmouth Herald / Seacoastonline** reports that Senator Dawn Hill of York urged the Maine Turnpike Authority Board of Directors at their September 3<sup>rd</sup> meeting to see beyond the "facts and figures" of engineering reports connected with moving the York toll plaza to another location, and to listen to the people. "I'm very proud of these people," she said of the 50 or so members and supporters of the citizens group Think Again who crowded into the board meeting room Thursday. "Certainly there are engineering reports, but there's a big people factor here, too. The people here today are taxpayers, and toll payers but you know what? They're Mainers. They have every right to speak up and they have every right to be listened to."

## October

Letter submitted to Maine Turnpike Board by Representative Patty Hymanson in advance of the October 15<sup>th</sup> MTA Board Meeting expressing concern for the following:

- The existing location has already adjusted to the toll booth so why negatively impact the homes around the 8.8 mile site?
- Whippoorwill subdivision homes would likely lose about \$50,000 or up to 10% of their value should 8.8. be used. There would be noise, light, emissions, land and ground water pollution that has not been defined or mitigations described.
- The residents off Chases Pond Rd have the same concerns adding the taking of private land and an access road through their area.

- The crash data comparison is not clear because a toll plaza would always have more accidents than an open road.
- The York Water District has not been brought into the discussions and needs to be.
- If All Electronic Tolling were feasible at this time, there would be much less concern because the impact to the local environment would be small.
- There should be periodic assessment of AET feasibility over time especially since neighboring states, where many tourists to Maine live, have expanded AET and EZ-pass.
- The environmental and social costs were marginalized when Jacobs Engineering reported to you there would be no abutter impact. That is not the case and should be reflected in the costs and in your thinking.
- If you feel compelled to implement Open Road Tolling at this point in time, I encourage you to reconsider the option of moving the plaza 400 feet north of the current location, with the flexibility in the design that would enable easy conversion to full All Electronic Tolling by simply removing the cash booths.

**MTA Board** defers its final vote on the relocation of the York Toll Plaza until its November meeting, pending receipt of three final written reports by Jacobs Engineering

**Portsmouth Herald / Seacoastonline** reports that Think Again is seeking a closer alliance with the town of York than ever before, as members say they are done trying to persuade the Maine Turnpike Authority board not to build a York toll plaza at a new location, and will turn their attention to federal and state permitting agencies instead.

**York Board of Selectmen** hold discussions on York Toll Plaza Project.

## November

**MTA Board** accepts the recommendation by the MTA Staff and selects Mile 8.8 as the preferred site for the new York Toll Plaza.

**Portsmouth Herald / Seacoastonline** reports that the Maine Turnpike Authority board of directors Thursday paved the way for a new turnpike toll plaza in York 1.5 miles north of the current plaza; that the unanimous vote of the board sets in motion a state and federal permitting process, the next step toward actual construction; and that MTA director Peter Mills said if everything goes smoothly, work would begin on the new plaza in 2017. The plaza will have both cash booths and open-road tolling.

## December

**Portsmouth Herald / Seacoastonline** reports that the Town of York has joined the citizens group Think Again in opposing the MTA's plan to build a \$40 million plaza 1.5 miles north of the existing one. Unlike the current plaza, the new one would be similar to the Hampton toll plaza with both cash booths and open-road E-ZPass lanes. The selectmen's position has been that the MTA should hold off until all-electronic tolling (no cash booths) becomes the norm. Town Manager Steve Burns said AET more than any other issue is going to be key during this next permitting phase before the Army Corps of Engineers and the Maine Department of Transportation.

**Portsmouth Herald / Seacoastonline** Year in Review article reports that as the year began, the Maine Turnpike Authority board of directors had just voted to replace the York toll plaza and as the year ended, the board had selected a location for the new plaza a mile and a half away.

- In between, the MTA commissioned a major engineering study that the board and staff say reinforces previous studies indicating the area near the existing plaza has poor soils and can't easily sustain a new plaza.
- In between, Think Again reenergized its base after a hiatus following the MTA's unsuccessful 2010 attempt to build a new plaza. And by year's end, the town and Think Again had joined forces in fighting the relocation.
- A key component is the concept of "open road" (cash booths and highway speed lanes) versus "all electronic" (no cash booths) tolling.
- The MTA was guided throughout 2015 by Jacobs Engineering, the consulting firm it hired to conduct a study on a replacement plaza. As envisioned, a new plaza would have nine cash lanes and six open-road (highway speed) tolling lanes.
- Rodney Emery of Jacobs Engineering said the firm analyzed traffic virtually every day, 24 hours a day, for a year. Based on that analysis, they concluded the Maine Turnpike will not reach 85 percent usage by E-ZPass users until 2043.
- Currently, about 70 percent of motorists use E-ZPass.
- Jacobs Engineering then studied the feasibility of placing this plaza configuration 400 feet north of the current site and at other locations, including the site eventually chosen 1.5 miles north, at mile 8.8. Think Again, the town's state representatives and the town made clear that they all favored the first option.
- In March, Jacobs Engineering reported it would cost \$60 million to build a plaza close to the existing location, in large part because of poor soil conditions there. By June, Emery reported that Jacobs Engineering had concluded its analysis of the other sites, and recommended the mile 8.8 location because it has good site lines, is located on a straightaway, has few environmental issues and will cost \$20 million less to build, he said.
- But Think Again members were having none of it. They listed a litany of issues. They argue the current site has already been environmentally compromised and the location is statistically safe. The engineering report said there would be minimal abutter impact to the 8.8 location, but members say it's close to many houses in the Whippoorwill subdivision and Chases Pond Road. Local real estate agents said houses in Whippoorwill could lose 10 percent of their value if the plaza was at that location.
- AET was the key argument, as Think Again members cited highway systems up and down the East Coast that have switched to AET, including in Massachusetts, where many of Maine's tourists live.
- MTA Executive Director Peter Mills called AET on the Maine Turnpike "folly. We have this elaborate study telling us what the consequences

are of putting in all-electronic tolling” – an estimated \$45 million annually would be lost to “leakage” from cash customers, he said.

- The town thinks otherwise. In November, the MTA board voted in favor of the mile 8.8 site, setting in motion the next phase of the process – permitting reviews by the Army Corps of Engineers and the Maine Department of Environmental Protection.

## 2016

### January

**Portsmouth Herald / Seacoastonline** reports that consultants from Jacobs Engineering are working to complete a 30 percent design of the proposed plaza as the MTA prepares to submit permitting applications to the Maine Department of Environmental Protection and the Army Corps of Engineers.

### February

Verrill Dana Attorney Scott Anderson submits a letter dated February 10, 2016 on behalf of the Town of York to Mike Mullen, Maine DEP providing comments on the proposed Site Location of Development Act General Permit for the Maine Turnpike Authority, presenting the reasons that the MTA be required to file for an Individual Site Permit if and when the MTA proceeds with permitting for its proposed replacement project.

**Portsmouth Herald / Seacoastonline** reports that a transportation consultant hired by the town of York has concluded that the Maine Turnpike Authority erred in eliminating all-electronic tolling as an alternative to a more traditional toll plaza, calling the MTA action “highly irregular and indefensible.” Daryl Fleming, a principal at The eTrans Group in Atlanta, Ga., said an MTA report on the viability of all-electronic tolling – tolling without any cash toll booths – was “biased” against AET. This point is key as the town builds its case against the MTA’s plans to build a new plaza, and prepares to file its own briefs with permitting agencies the Army Corps of Engineers and the Maine Department of Environmental Protection.

**Portsmouth Herald / Seacoastonline** reports that Chases Pond landowners adjacent to the turnpike discovered that trees had been cut down and a pit bulldozed on their land by contractors working for the Maine Turnpike Authority. The landowners, whose land abuts the proposed site of a new toll plaza, said they were most troubled that they were not warned in the time before the work took place. At issue is a portion of their property that abuts not only the turnpike but a 36-acre parcel the MTA purchased in 2014 that will be used in part for a small employee building and parking area. Under plans currently under consideration by the MTA for the new toll plaza, this strip of land would likely be taken by eminent domain if the MTA is successful in building the new plaza.

### March

eTrans Group Inc. completes Shortfalls in MTA’s Response to the Army Corps of Engineers for the Town of York detailing anticipated environmental and other impacts at the York Toll Plaza for the MTA recommended ORT option versus All Electronic Tolling.

**Portsmouth Herald / Seacoastonline** reports that the final version of the eTrans report critical of the Maine Turnpike Authority’s plan to build a new toll plaza in York is completed, and it will soon be in the hands of federal and state permitting agencies – ahead of the application still to be filed by the MTA.

- The idea is to let those officials know as soon as possible of opposition by the town of York and Think Again to the MTA's plan to build a \$40 million hybrid plaza with both toll booths and open road tolling.
- Think Again is running a "very vectored effort" that includes involving the town's legislative delegation, sending copies of the report to a broad array of organizations like the Maine Office of Tourism, and hopefully meeting soon with Governor Paul LePage in an effort to build the case that all-electronic tolling – tolling without any cash booths – was rejected by the MTA prematurely and must be considered by the Army Corps of Engineers and the Maine Department of Environmental Protection as they review the MTA's application for a hybrid plaza.
- One of the major points" of the town/Think Again report is the fact that the MTA's own consultant, when he reviewed the feasibility of AET, found that it is feasible. But the MTA board has used its own study to move away from AET instead of exploring it further
- Technology has advanced to such a point that MTA arguments about prohibitive implementation costs can be countered. In some states, people can simply purchase tolling for as little as \$20 at the grocery store. Soon, car manufacturers are going to build the technology directly into cars so transponders will soon be "dinosaurs,"
- State Senator Dawn Hill, D-York, reported that she and York Representatives Patricia Hymanson and Lydia Blume met with MDEP Commissioner Paul Mercer and Mark Bergeron, the director of the Bureau of Land Quality, who will be reviewing the MTA application.

York Land Trust Executive Director letter to Jay Clement, US Army Corps of Engineers expresses concern regarding the MTA's proposal to relocate the York Toll Plaza to the 8.8 mile location citing the York Land Trust's Conservation Easement on 186 acres of protected land owned by the Whippoorwill Homeowners Association,

## June

Verrill Dana Attorney Scott Anderson submits a letter dated June 16, 2016 to Jay Clement, US Army Corps of Engineers on behalf of the Town of York in regard to the MTA's proposal to relocate the York Toll Plaza and replace the existing plaza with a combined E-ZPass /cash lane ORT installation. The letter cited detailed reasons that a practicable alternative to the anticipated proposed project is an All Electronic Tolling (AET) facility; that an AET facility is not only feasible and meets the MTA's project purpose, but it is the least environmentally damaging practicable alternative; and that the Corps require the MTA to obtain an individual 404 permit.

**Portsmouth Herald / Seacoastonline** reports that the Verrill Dana document presents the case that AET without any cash booths is the "least environmentally damaging practicable alternative" for a new plaza as it basically calls for a gantry across the road with no need for parking and amenities for toll takers. He uses the MTA's own 2014 AET study to make his point that the authority will make money by converting now.

- The report pulls from the CDM Smith report that pegged construction of an AET facility at \$4.8 million, compared to \$36 million for an ORT facility. Over a 10-year period, the report states, the MTA will net \$18.7 million in revenue. "This is directly contrary to Mr. Mills' statement that AET is not 'practicable' or feasible".

- Attorney Scptt Anderson argues that the Corps was given “misinformation” from the MTA that has “improperly narrowed the potential scope of the Base Project Purpose for the York Toll Plaza. As a result, practicable alternatives such as AET have been intentionally eliminated from the alternatives analysis process,” and asks Clement to require MTA to include AET among its alternatives going forward.

Members of Think Again meet with Governor Paul LePage to emphasize why the MTA should implement an AET solution for the York Toll Plaza for reasons including minimal construction cost, enhanced safety, no environmental impact, free flow of busy weekend traffic at gateway to Maine and Maine economy, increased revenue generation and ability to piggyback other states’ AET technology on the I95 corridor including New York, Massachusetts and New Hampshire.

**Portsmouth Herald / Seacoastonline** publishes letter from David Moretti, past Executive Vice President of New York City MTA Bridges and Tunnels with over 25 years in the tolling industry stating that investing in Open Road Tolling would be a “grave error”.

## July

The International Bridge, Tunnel and Turnpike Association (IBTTA) held its 2016 Summit on All-Electronic Tolling, Managed Lanes & Interoperability in Boston with over 620 participants from 17 countries attending.

## September

**Portsmouth Herald / Seacoastonline** reports that York resident Vicki Carr, whose land abuts Maine Turnpike Authority property on Chases Pond Road near the site of a proposed new toll plaza, said she would appreciate it if the MTA would hold a neighborhood meeting about its recently proposed conservation easement plan. Carr said she has several questions, including where the road and building will be located, the amount of additional traffic on Chases Pond Road, and specifically how it will affect abutting properties.

MTA Executive Director Peter Mills, York Town Manager Steve Burns and Think Again member Marshall Jarvis participate in a discussion about the York Toll Plaza at the York County Community College “Eggs & Issues” breakfast forum on September 9<sup>th</sup>.

MTA Executive Director Peter Mills submits letter dated September 29<sup>th</sup> to Jay Clement, US Army Corps of Engineers responding to Verrill Dana letter of June 16<sup>th</sup> on behalf of the Town of York that presents the case that AET should still be considered as a practicable alternative to ORT. Enclosures included a letter from CDM Smith responding to the eTrans report and a study from traffic engineer Elizabeth Roberts on the impact on local roads by cash users if AET is implemented.

The International Bridge, Tunnel and Turnpike Association (IBTTA) publishes its **Status of Toll Interoperability report – September 2016**, citing that US toll agencies in 35 states already operate hundreds of millions of dollars’ worth of installed electronic toll collection equipment consisting of roadside infrastructure, toll tags and related AET systems that generate more than \$13 billion in annual toll revenue while serving almost 45 million toll accounts across the country.

## October

MTA holds a Public Meeting on the Turnpike’s permit application to the US Army Corps of Engineers and the Maine Department of Environmental Protection on October 5<sup>th</sup> in the Turnpike’s York Maintenance Facility.



**Portsmouth Herald / Seacoastonline** reports that more than 60 residents showed up at the Public Meeting Wednesday night held at the Maine Turnpike Authority maintenance facility on Spur Road in York where MTA Executive Director Peter Mills fielded a deluge of pointed questions from angry residents wondering why the MTA has decided to build open-road tolling at a new location rather than all-electronic tolling, stating that the MTA held the meeting as part of its obligation under its application to the state Department of Environmental Protection under Maine's Natural Resources Protection Act. It will also apply for a permit from the Army Corps of Engineers. The application will lay out how the MTA plans to mitigate impacts to wildlife and the environment in the area where it proposes building a new toll plaza – about 1.5 miles north of the existing plaza. The MTA plans to build a plaza that combines cash booths with highway speed tolling, called open-road tolling.

The MTA issues a Public Notice of Intent to File a Natural Resources Protection Act permit application with the Maine Department of Environmental Protection dated October 20, 2016.

New York Governor Andrew Cuomo announces that tollbooths and cash collection will be eliminated at all Metropolitan Transportation Authority bridges and tunnels and will be replaced with automatic tolling.

## **November**

Verrill Dana Attorney Scott Anderson submits a letter dated November 17, 2016 to Jay Clement, US Army Corps of Engineers on behalf of the Town of York responding to the MTA's letter of September 29<sup>th</sup> stressing the reasons that the Town of York maintains that based upon misinformation from the MTA, the Corps has improperly narrowed the potential scope of the Basic Project Purpose for the York Toll Plaza, and concluding the following:

- As a result, practicable alternatives such as AET have been intentionally eliminated from the alternatives analysis.
- The Town of York requests that the Corps return to the original project purpose developed for this project and require the MTA to include AET in its scope of alternatives.
- The Town of York also reiterates its request that for reasons set forth in its June 16<sup>th</sup> letter that the Corps require the MTA to obtain an individual 404 permit.

Verrill Dana Attorney Scott Anderson submits a letter dated November 3, 2016 to Mike Mullen, Maine DEP requesting the DEP require the MA to file for an individual Site Law permit.

Verrill Dana Attorney Scott Anderson submits a letter dated November 29, 2016 to Robert Green, Bureau of Land Resources, Maine Department of Environmental Protection on behalf of the Town of York requesting that the Department hold a public hearing as part of its review of the MTA's proposal to relocate the York Toll Plaza and replacing it with a combined E-ZPass/cash lane ORT installation citing conflicting technical testimony regarding AET.

## **December**

Maine DEP Deputy Commissioner Melanie Loyzim responds by letter dated December 2, 2016 to the Town of York's request for a public hearing, citing that the Department has determined that a public hearing will assist the DEP in understanding the MTA's proposal and the feasibility of the suggested AET alternative.

## 2017

### January

**Portsmouth Herald / Seacoastonline** reports in a end of year summary entitled **Year in Review: Cash vs. cashless, MTA vs. York**. Highlights include:

- The MTA insists a toll plaza must contain cash booths as well as electronic tolling, saying the cost of tracking down and billing scofflaws would be prohibitive - requiring a \$3 surcharge on customers to recoup losses. It submitted a massive 983-page application to state and federal permitting agencies several months ago laying out exactly that scenario.
- The town of York and Think Again, backed by the entire legislative delegation from York, are convinced that anything but a cashless, all-electronic tolling (AET) system is a waste of money. They point to an industry that is barreling along in the direction of AET, as evidenced by the fact that the entire Massachusetts Turnpike has forsaken cash entirely.

### February

Members of Think Again meet with New Hampshire Senator David Watters and members of Lower Bellamy River Collaborative on AET versus ORT for the Spaulding Turnpike in New Hampshire, where transportation officials recently put a proposed Dover toll plaza on hold

**Portsmouth Herald / Seacoastonline** publishes a two-part article that looks at the two sides of the York Toll Plaza debate as to collect cash or not to collect cash, citing the question that looms over a showdown in York, Maine, as the town and local citizens prepare to take on the Maine Turnpike Authority at a state public hearing over replacement of the MTA's mainline toll plaza in town. It's also a question being raised on the Spaulding Turnpike in New Hampshire, where transportation officials recently put a proposed Dover toll plaza on hold. Both projects propose to include cash tolling lanes, in addition to electronic, highway-speed tolling. Adding into this mix, the Massachusetts Department of Transportation last October eliminated cash-taking altogether on the Massachusetts Turnpike, a move officials there say has been an unqualified success so far. Massachusetts motorists make up a significant proportion of customers in Maine and New Hampshire.

**Portsmouth Herald / Seacoastonline** publishes Editorial entitled **All-electronic tolling's time has come**, citing that Seacoast residents are intimately acquainted with the chokeholds that snarl traffic in the region on the Spaulding Turnpike between Portsmouth and Dover and Interstate 95 in Hampton and York, Maine, especially on tourism season weekends; that toll plazas have become roadblocks; and that technology and common commonsense have combined to provide a better alternative to the toll plazas with its cash booths. One that is virtually accident-free, more environmentally sound, markedly less expensive, more economically efficient and, perhaps most importantly, geared for the free flow of traffic at highway speeds. It is called all-electronic tolling, or AET, and its time has come.

The Maine Department of Environmental Protection accepts both the town of York and Think Again as official intervenors in an upcoming MDEP hearing set for May 22<sup>nd</sup> on the viability of an all-electronic tolling (AET) facility in York. The town and Think Again, acting as the **Coalition for Responsible Toll Collection** will now be parties in the MDEP hearing,

after the Maine Turnpike Authority indicated it had no objection to their intervenor requests.

## **March**

Maine Department of Environmental Protection holds pre-hearing conference MDEP's southern regional office in Portland.

Members of Think Again and Town of York meet with Steven M. Collins, Director of Statewide Tolling, Massachusetts Department of Transportation for briefing on MassDOT AET implementation.

Members of Think Again and Town of York meet with Mark Desmarais, Raytheon HTMS for briefing on MassDOT AET project.

## **April**

***Boston Globe*** announces that two Connecticut lawmakers are saying new tolls are inevitable, and that a legislative committee there just narrowly endorsed a bill that would bring all-electronic toll collecting to the state, and that Senator Karen Spilka of Ashland filed legislation that would require state transportation officials to study imposing all-electronic tolls (AET) on highways other than the Massachusetts Turnpike.

Maine Department of Environmental Protection holds site visit