



House Transportation Committee
February 5, 2014
H. 740 - Act 250 and Traffic Mitigation
Vermont League of Cities and Towns

Thank you for the opportunity to testify.

We support the premise of H. 740, which is to develop an equitable mechanism for addressing “traffic congestion, unsafe conditions with respect to the use of the highways, waterways, railways, airports and airways and other means of transportation existing or proposed” (10 VSA § 6086 (5)).

Please note that Title 24 Chapter 131 authorizes municipalities to assess impact fees. They are defined as a fee levied as “a condition of issuance of a zoning or subdivision permit which will be used to cover any portion of the costs of an existing or planned capital project that will benefit or is attributable to the users of the development or to compensate the municipality for any expenses it incurs as a result of construction”. A municipal impact fee must be used within six years or the entity paying the fee may seek a refund. H 740 does not affect municipal impact fees.

The current system of assessing the Act 250 applicant who is the “last one in” and essentially tips the balance toward intolerable congestion or danger, is viewed as frequently arbitrary and unevenly applied, and can be extremely expensive for the applicant.

We can predict with a fair amount of certainty where, in the state, additional development will contribute to unreasonable levels of traffic congestion. Under the provisions of H. 740, the Secretary of Transportation would designate those places as Transportation Improvement Districts if a capital transportation project is in the Capital Transportation Program or provides capacity for future land use projects identified in a regional or municipal plan.

In section 6105 (b) (1) (page 7 of the introduced bill) of the proposed language, the Agency is directed to consult with each regional planning commission in which the TID will be located regarding the extent of the TID, the land use assumptions to be used and the consistency of the proposal with each applicable regional plan. We urge you to include a requirement that the Agency also consult with the host municipality or municipalities regarding those same issues and the consistency of the proposal with the municipal plan of each hosting municipality.

We support the creation of the working group on Transportation Improvement Districts (TIDs) but we believe it must specifically include assessment of the role of hosting municipalities in the establishment of TIDs as well as the role of regional commissions (Section 4 of H. 740). Regional Commission and municipal priorities for or approaches to development and land use, including transportation management, do not always line up. Municipalities' responsibility is to maintain their highways and no municipality is prepared to cede that responsibility or authority to a regional commission or the Agency of Transportation.

“19 VSA § 303. Town highway control

Town highways shall be under the general supervision and control of the selectmen of the town where the roads are located. Selectmen shall supervise all expenditures.

19 VSA § 304. Duties of selectmen

(a) It shall be the duty and responsibility of the selectboard of the town to, or acting as a board, it shall have the authority to:

(1) see that town highways and bridges are properly laid out, constructed, maintained, altered, widened, vacated, discontinued, and operated, when the safety of the public requires, in accordance with the provisions of this title;

(2) take any action consistent with the provisions of law, including determinations made pursuant to subdivision 302(a)(3)(B) or subsection 310(a) of this title, which are necessary for or incidental to the proper management and administration of town highways;”

Thank you,

*Karen Horn, Director
Public Policy & Advocacy*