

October 13, 2016

To the Augusta City Council  
RE: Adoption of a Complete Streets Policy for Augusta

Dear Councilors,

The Bicycle Coalition of Maine would like to applaud your commitment to streets for everyone. Your consideration of adopting a Complete Streets Policy in Augusta demonstrates that you are proactively working to address the present and future needs of your constituents. We urge you to take the step to adopt a formal policy. We have included a policy resolution template for your review at the end of this letter.

We recognize that considering all users of the roadway is not new to Augusta. The State Street road diet approved by City Council is one such example. However, adopting an actual Complete Streets Policy will raise the bar higher, not only for how Augusta develops its streets for all users, but will help set a standard across Maine. As the capital city of Maine, it is important that Augusta demonstrates best practices that are in line with national and regional trends.

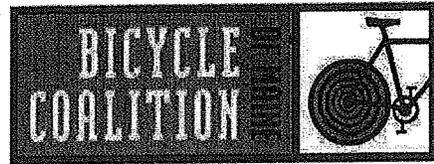
Since US Secretary Anthony Foxx launched the Mayor's Challenge for Safer People and Safer Streets in 2015, Complete Streets Policies have been adopted by Portland, Lewiston, Auburn, Windham, Fort Kent, Bath, Yarmouth, and Scarborough. MaineDOT adopted a Complete Streets Policy in 2014.

**The Bicycle Coalition of Maine would like to urge the Augusta City Council to join the State and this growing list of Maine communities in adopting a Complete Streets Policy for the City of Augusta.**

Importantly, a commitment to Complete Streets does not simply mean that all users of a road have been considered in a project, but offers a new approach to looking at roadways. For example, a roadway is no longer a vehicle traffic corridor that must accommodate bicyclists, but a public space in which vehicle traffic, pedestrian traffic, bicycle traffic, transit, mobility for the disabled, and conditions for children are all equally valued and encouraged in the design and implementation of roadway projects.

This may seem small, but it is actually a profound shift in approach that produces extremely positive effects for the health and safety of residents, traffic flow, and accessibility for all. For example, a FHWA study found that features such as medians, allow pedestrians to more safely cross busy roads, reduce left-turning motorist crash rates to zero, and improve bicycle safety. A CDC study found that 43% of people with safe places to walk within 10 minutes of home met

P.O. Box 15272, Portland, ME 04112  
207-623-4511 | [www.bikemaine.org](http://www.bikemaine.org)



recommended activity levels, while only 27% of individuals without a safe place to walk were active enough. Another study found that people who live in walkable communities are more likely to be socially engaged and trusting than residents of less walkable neighborhoods. Furthermore, Complete Streets Policies give residents lower cost transportation options, such as riding a bus or bike, that affect poorer families most profoundly. Smart Growth America estimates that individuals can save \$9,581 on average each year by taking public transit, which allows this money to be spent elsewhere in the economy.<sup>1</sup>

In fact, Complete Streets Policies have huge effects on a city's economic vibrancy. For example, in Washington, D.C., design improvements along a three-quarter mile corridor in Barracks Row, including new patterned sidewalks and traffic signals, helped attract 40 new businesses and nearly 200 new jobs, along with increases in sales and foot traffic. When a bike lane was added along Valencia Street in San Francisco's Mission district, nearby businesses saw sales increase by 60 percent.<sup>2</sup>

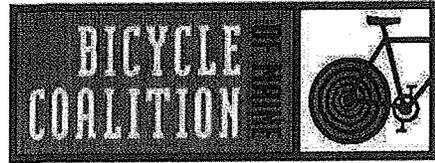
Contrary to some beliefs, a Complete Streets policy does not necessarily mean more cost. Complete Streets projects can often be incorporated by re-prioritizing projects and allocating existing funds to projects that improve mobility for all users. Many of the ways to create more complete roadways are low cost, fast to implement, and high impact.

**Attached to this letter of support is a sample Complete Streets Resolution** compiled from the National Complete Streets resources and the Resolutions adopted by other Maine municipalities. This document will make it very easy for you to draft a Resolution for Augusta.

---

<sup>1</sup> Source: Smart Growth America. *Complete Streets: Fundamentals*.  
<https://www.smartgrowthamerica.org/app/legacy/documents/cs/cs-brochure-features.pdf>

<sup>2</sup> Source: Smart Growth America. *Complete Streets Stimulate the Local Economy*.  
<https://smartgrowthamerica.org/tag/complete-streets-fundamentals/>



The Bicycle Coalition of Maine would be happy to be a continual resource for you through the processes of Complete Streets policy adoption and project implementation. There are a wealth of resources that we can direct you to to make this a smooth addition to the great work that you already do.

Thank you for the opportunity to comment, and please contact us if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Nancy Grant".

Nancy Grant  
Executive Director

Bicycle Coalition of Maine

A handwritten signature in cursive script that reads "Samantha Herr".

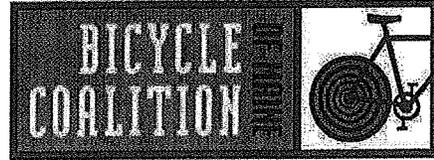
Samantha Herr  
Community Advocacy  
Coordinator

Bicycle Coalition of Maine

A handwritten signature in cursive script that reads "James C. Tassé".

James C. Tassé, PhD  
Assistant Director

Bicycle Coalition of Maine



## SAMPLE RESOLUTION

[TOWN] COMPLETE STREETS POLICY  
ADOPTED: [DATE]

### 1. Vision

The vision of [TOWN] is of a community in which all residents and visitors, regardless of their age, ability, or financial resources, can safely and efficiently use the public right-of-way to meet their transportation needs regardless of their preferred mode of travel. Promoting pedestrian, bicycle, and public transportation travel reduces negative environmental impacts, promotes healthy living, advances the well being of travelers, supports the goal of compact development, and meets the needs of the diverse populations that comprise our communities. (Bath, ME)

### 2. All Users and All Modes

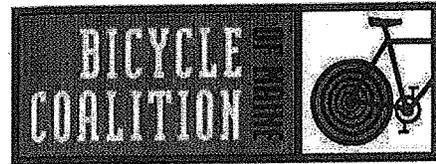
Those involved in the planning and design of projects within the public right-of-way will give consideration to all users and modes of travel from the start of planning and design work. Transportation improvements shall be viewed as opportunities to create safer, more accessible streets for all users. This shall apply to new construction, reconstruction, and rehabilitation. The [IMPLEMENTATION COMMITTEE] shall be briefed on potential future projects of this nature during or immediately following the annual development of the city's capital improvement program. This will allow the Committee to provide its views regarding complete streets policy early in the planning and design process. (Lewiston and Auburn, ME)

### 3. All Phases and All Projects

Early consideration of all modes for all users will be important to the success of this Policy. Those planning and designing projects that affect public streets will give due consideration to all roadway users from the very start of planning and design work. This will apply to all roadway projects, including those involving new construction, reconstruction, repaving/rehabilitation or roadway retrofit. Roadway retrofits may include changes in the allocation of the right-of-way and pavement space on an existing roadway, such as changes to the number and use of lanes, changes in lane widths, and/or reconfiguration of on-street parking. When applying for and reviewing projects for funding purposes regardless of funding source, Complete Street practices and principles will be included, as appropriate, for all projects that affect the public right-of-way. (Portland, ME)

### 4. Exceptions

Facilities for all users will be considered in the construction, reconstruction, retrofit, repaving, and rehabilitation of City streets, except under one or more of the following conditions:



- a. An affected roadway prohibits, by law, use by specified users, in which case a greater effort shall be made to accommodate those specified users elsewhere, including on roadways that cross or otherwise intersect with the affected roadway; or □
- b. The costs of providing accommodation are excessively disproportionate to the need or probable use; or □

The existing and planned population, employment densities, traffic volumes, or level of transit service around a particular roadway as documented by [appropriate City plan or department] is so low that future expected users of the roadway will not include pedestrians, public a. transportation, freight vehicles, or bicyclists. □

Documentation shall be publicly available and exceptions for City projects shall be granted by [accountable person or committee, e.g. City Manager, Director of Public Works, Complete Streets Advisory Committee]. For private projects, the owner shall document the exception and approval shall be granted by [accountable person or committee, e.g. City Council, Director of Planning].

#### 5. Network

- a. The [CITY] will design, operate, and maintain a transportation network that provides a connected network of facilities accommodating all modes of travel.
- b. The City will actively look for opportunities to repurpose rights-of-way to enhance connectivity for pedestrians, bicyclists, and transit.
- c. The City will focus non-motorized connectivity improvements to services, schools, parks, civic uses, regional connection and commercial uses.
- d. The City will require large new developments and redevelopment projects to provide interconnected street networks with small blocks. (Baldwin Park, California)

#### 6. All Agencies and All Roads

The [CITY] will coordinate and collaborate with other transportation agencies including [REGIONAL MPO/RPO] and the Maine DOT, and other users of the public right-of-way, such as utilities and public transportation providers, to ensure that the principles and practices of Complete Streets are embedded within their planning, design, construction, and maintenance activities. (Scarborough, ME)

#### 7. Design Guidance

The [IMPLEMENTATION COMMITTEE] and [CITY DEPARTMENT] shall adapt, develop and adopt policies, design guidelines, zoning and performance standards and other guidelines based upon resources identifying best practices in street design, construction, operation and maintenance. These resources include but are not limited to the AASHTO Green Book; AASHTO Policy on Geometric Design of Highways and Streets; AASHTO Guide for Planning, Designing and Operating Pedestrian Facilities; AASHTO Guide for the Development of Bicycle Facilities; ITE Designing Walkable Urban Thoroughfares: A Context Sensitive Approach; NACTO Urban Bikeway Design Guide; Manual on



Uniform Traffic Control Devices; Highway Capacity Manual and Highway Safety Manual; and US Access Board Public Right-of-Way Accessibility Guidelines. While fulfilling this Complete Streets policy, the town will be permitted to consider innovative or non-traditional design options that provide a comparable level of safety and utility for users as those listed above. (Fort Kent, ME)

#### 8. Context Sensitivity

Implementation of this Policy shall take into account the goal of enhancing the context and character of the surrounding built and natural environments. Transportation facilities, including roads, should be adapted to fit and enhance the character of the surrounding neighborhood. (Lewiston and Auburn, ME)

#### 9. Performance Measures

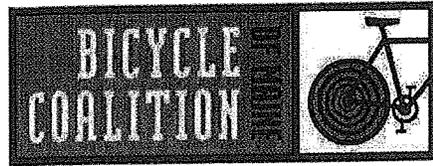
[CITY] The City will define performance measure to track the progress of implementation of this Policy and supporting documents, such as the Comprehensive Plan. Such measures shall include, but not be limited to: improvements in safety for all roadway users; increased capacity and connectivity for all modes of transportation; usage (such as mode share) of biking, walking and transit; miles of bicycle and pedestrian facilities; and attainment of ADA compliance. Such measures shall be incorporated into relevant plans, manuals, policies, processes and programs. The [DEPARTMENT] shall work with other departments and agencies to track such performance measures, as appropriate. (Portland, ME)

#### 10. Implementation

The implementation of Complete Streets will begin with a series of broad changes to local policies governing streets, and then as physical, measurable changes to those streets. The implementation process can be summarized in four main phases, some of which may overlap in time. □

a. Form Committee; Identify Responsible Parties & Develop Implementation Plan: The first step shall be to identify responsible parties and stakeholders, and develop an implementation plan with clearly defined steps, measurable performance indicators, data reporting procedures, and a process by which projects are prioritized for execution and funding. This work shall be done by or at the direction of [IMPLEMENTATION COMMITTEE] comprised of [CITY STAFF AND COMMITTEE MEMBERS] or their respective designees. The Committee shall meet [TIME PERIOD] and as the need arises to review, and evaluate for compliance with this Policy, any: □

- Major developments, □
- Roadway projects, □
- Capital improvement projects, □
- Regulatory issues, and/or □



- Recommendations for policies, constructed improvements, public services and programs, budgets and other measures to advance the Complete Streets goals and design principles. □
- b. Review and Revise Existing Regulating Documents: □The second step shall be to review all existing codes, ordinances, standards, etc. to determine whether they require updating in order to further the Complete Streets goals, and to be sure there are no rules or guidelines that would hinder the development and redevelopment of Complete Streets. Any needed amendments or modifications should be drafted and submitted for adoption as soon as possible. The Committee shall review all future land use and transportation plans to be sure that the Complete Streets goals for connectivity and safe, efficient multi-modal transportation are incorporated - if not, plan amendments and updates should be drafted and recommended.
- c. Review Funding and Capital Improvement Procedures: The third step will be to review the procedures for obtaining funding for street projects and any existing or proposed capital improvement plans, to be sure projects will advance the Complete Streets policies and ensure Complete Streets are prioritized and able to receive funding. The Committee shall identify current and potential future sources of funding for street improvements (including possible public/private partnerships).
- d. Measure Performance and Report Findings: In order to monitor the implementation and success of the Complete Streets policy, the [DEPARTMENT AND COMMITTEE] shall regularly monitor the performance measures previously aforementioned.

The [IMPLEMENTATION COMMITTEE] shall determine measurement criteria and parties responsible for regular measurements and/or surveys for each item based on clearly identified short- and long-term goals. An annual report of all measured performance indicators shall be provided to the Town Council and any other groups deemed necessary or advisable by the Complete Streets Committee. □□(Yarmouth, ME)

# PretiFlaherty

Stephen E.F. Langsdorf  
slangsdorf@preti.com  
Direct Dial: 207.791.3291

Portland, ME  
Augusta, ME  
Concord, NH  
Boston, MA  
Washington, DC

September 28, 2016

Honorable David Rollins, Mayor  
Members of the Augusta City Council  
16 Cony Street  
Augusta, ME 04330

Dear Mayor and Council:

Enclosed please find a copy of the Memorandum of Agreement which has been fully executed by the City and by McGee. McGee has paid the \$10,000 set forth in the Agreement. The lawsuit has been dismissed and these documents will stay on file in the Clerk's office.

Sincerely,



Stephen E.F. Langsdorf

SEFL:ryp  
Enclosure

## MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is entered into between Steve McGee Construction, LLC, a Maine Limited Liability Company with its principal business in West Gardiner, Maine ("McGee") and the City of Augusta, Maine ("The City").

For consideration, McGee and the City agree as follows:

1. On May 13, 2015, Maine Drilling and Blasting conducted a blast at the West River Road McGee quarry. A measuring device was placed at 21 and 28 Edward Street to measure ground vibration and airblast overpressure from the blast. The record of the blast collected from the measuring device at 21 Edward Street and reported to the City indicated a violation of the Section 6-84(c) of the Blasting Ordinance regarding Peak Particle Velocity (ground vibration). The record of the blast at 28 Edward Street and reported to the City indicated a violation of section 6-84(d) regarding airblast overpressure (noise/air vibration).
2. The City filed an 80K enforcement action against McGee; CV-15-154.
3. McGee denied the allegations in the Complaint.
4. McGee's contractor, Maine Drilling and Blasting, conducted a thorough investigation and analysis of the blast following the reported violation. Their undisputed analysis found that the blast perimeters, blast history, speed of sound analysis and other blast data was inconsistent with the blast exceeding the requirements of the ordinance, making the likely explanation for the recorded violations that they were simply an error in the recording equipment setup.
5. In order to cease further litigation expense for both McGee and the City and to defray the City's litigation expenses to date, McGee has agreed to pay \$10,000 to the City.
6. McGee has received assurances from its contractor Maine Drilling and Blasting that it will use properly mounted and maintained seismographs for all future blasts to accurately report blast data.
7. Barring exigent circumstances, the City agrees to notify McGee in the event of a suspected blasting issue, so that they can explain what happened or cure a problem if necessary, with sufficient advance notice so that such communication and correction can occur prior to the initiation of litigation. This is not intended to be a bar on litigation, but instead, an opportunity to communicate before litigation.

Steve McFee Construction, LLC

By: *Steve McFee*

Its: Corporak Counsel

Date: 9/9/16

City of Augusta

By: *[Signature]*

Its: Stephen E. F. Langsdorf, Esquire

Its: Corporation Counsel

Date: 8/29/16