

**Public-Private Partnership (P3) Infrastructure Oversight Commission  
Meeting Minutes from March 29, 2019**

**(Prior scheduled meeting of February 22, 2019 was cancelled due to the lack of a quorum.)**

Members Present: Chair Victoria Sheehan, Christopher Clement, Tim Murphy, Kristyn Van Ostern, Betsey Patten, Kevin Smith, Edwin Smith, Robert Letourneau.

There was a discussion about members' terms, which are two year appointments or until the member is replaced. Although the Commission was established earlier, the Commission did not meet until September 2017 after all members were appointed. It is likely that the terms run for two years beginning September 2017 when the Commission first met, but Attorney Dianne Martin of the Attorney General's Office will verify the terms. The members will continue to serve until their replacement is named. Members should think about reappointment and check with the appointing authority charged with their appointment.

Commissioner Sheehan advised the members that all public comments on potential projects received by the deadline were posted on-line. Comments received after the deadline were not posted, although the Department continues to receive, review, and consider comments.

The members discussed the status of the proposal to privatize the Dover and Portsmouth bus terminals and where the project stands with FHWA. This type of project is allowed under FTA, but there are no provisions for such a proposal under FHWA. FHWA is very interested in this project, but does not have applicable rules and would have to set controls. FHWA allows pay for parking to upkeep the facility. The Department is checking whether funds can be used to expand transit opportunities and expand the facility. The Department is looking at a 10 year agreement. There should not be an issue with FHWA moving the project forward. There was a discussion about using CMAQ funds, which can be transferred for other uses under FTA, but not under FHWA. Also commercializing the facility is a new concept for FHWA, which historically has prohibited commercialization. FHWA Headquarters in DC supports the proposed privatization of the bus terminals and DOT is now working with the FHWA District Office.

There was a concern raised that pay for parking could impact the transit providers, but this concern would be considered as part of the RFQ and RFP process, as would the residents' concerns regarding aesthetics. The P3 process requires release of an RFQ, and after review and approval by Governor and Council and the Capital Budget Oversight Committee, an RFP would be developed.

When an agreement is reached with FHWA on the project, Commissioner Sheehan will advise the Commission and the RFQ will be released. The RFP will be drafted by approximately January of 2020.

The Commission voted 7-0 affirming that the P3 approach is appropriate for the Dover bus terminal project and to move forward with the proposed privatization of the bus terminal. The

Commission also voted 7-0 affirming that the P3 approach is appropriate for the Portsmouth bus terminal project and to move forward with the proposed privatization of the bus terminal.

Upon execution of the agreement with FHWA, the next step is to release the RFQ for qualified bidders.

The Commission next discussed the service area development along the Spaulding Turnpike. Based on public comment and concerns raised by the City and other stakeholders, the Department withdrew Exit 6 as a potential service area location along the Spaulding Turnpike. The potential project will be put out as an opportunity for others to propose alternative locations.

When federal funds are used to develop land, the property is subject to federal restrictions/prohibitions on commercialization. The same restrictions do not apply to state land developed with State funds or Turnpike funds. There are not federal restrictions along the Turnpike funded corridor.

For direct access to the Turnpike, the applicant would have to demonstrate safe access and also compensate the Turnpikes for access. The access would be limited.

DOT recommends releasing an RFQ in the near future without Exit 6 as an available location. The Department thinks it is worth considering a service area development from north of Exit 6 to Exit 18, which is a major tourist corridor.

The Commission voted to move forward with the service area project along the Spaulding Turnpike, determining that the P3 approach is appropriate (7-0) and voting to issue the RFQ without the Exit 6 location (7-0). The Department will develop and release the RFQ.

Several proposed projects were determined not to be appropriate P3 projects:

- The Commission discussed the proposed Tourist Excursion rail project and that it is not a P3 project. The conversation should be with the owner or operator of the line and the town.
- Regarding the proposed sidewalk /crosswalk project proposed by Tilton, Bill Lambert and other DOT officials met with the Town regarding the stated safety concerns.
- On the proposed soundwall project, the Commission recognized the need for soundwalls, but found that the P3 approach is not appropriate. Soundwall projects belong in the Ten Year Plan.

The P3 process entails an obligation to report on an annual basis, but not an obligation to move the projects along. DOT struggles with resources to develop an RFP and the TYP only has resources when the project and funding is approved.

The Commission said that updates should be provided on the Tilton project and the soundwall proposal stating that these projects would not be advanced, as P3 is not the appropriate approach.

There was also a review from the 1<sup>st</sup> Call for Projects when a scenic overlook was proposed. This item did not move forward. There was another statewide initiative for the overlook that did not move forward. The project would involve clearing private property or constructing an elevated viewing platform for which there are mixed feelings.

**Next Steps:**

Release RFQs for privatization of the Dover bus facility and the Portsmouth bus facility. The proposal can be on either bus facility or both bus facilities. Once the RFQ is released and responses are received, the next Commission meeting will be scheduled.

An RFQ will be released for a service area along the Spaulding Turnpike, excluding the Exit 6 location.

On the proposed millyard project in Manchester, the Commission wants to see a more solid proposal and a statement on the City's position and involvement.

**Next meeting:**

**TBD: a meeting will be scheduled once there is a final agreement with FHWA on the bus facilities and the RFQs are issued for both bus facilities.**

**The RFQ on the Spaulding service area will be issued, and DOT will collect and score the responses and provide feedback to the Commission members.**