

Standing Committee on Transportation
c/o Legislative Information Office
100 State House Station
Augusta, ME 04333

April 30, 2025

Re: LD 1138, *An Act to Reduce Pollution Associated with Transportation in Alignment with the State's Climate Action Plan, Testimony in Opposition*

Dear Sen. Nangle, Rep. Crafts, and Members of the 132nd Standing Committee on Transportation,

I am Judy Gates, and I present this testimony as a long-standing member of the Maine Climate Council's Transportation Working Group, an industry expert, and as a citizen equally concerned about Maine's natural and built environments. For the last six years, I've been the Environmental Planning Manager at HNTB in South Portland, a transportation engineering firm, after 22 years with Maine State government at the Departments of Transportation (Environmental Office), Environmental Protection (Land Licensing), and Agriculture (Plant Pathology). Now largely retired, I appreciate the opportunity to continue my civic involvement by submitting testimony in opposition to LD 1138, *An Act to Reduce Pollution Associated with Transportation in Alignment with the State's Climate Action Plan*.

LD 1138 would assign responsibility for tracking and steering land use, determining development-associated parking requirements, and developing Maine-specific greenhouse gas (GHG) analysis methodology to the Maine Department of Transportation (MaineDOT) and the Maine Turnpike Authority (MTA). The current responsibility for these tasks falls to municipal planning organizations (MPOs), individual municipalities, and state and federal regulatory oversight, respectively. Performing these state-wide analyses dramatically expands MaineDOT and MTA mandates. Bi-annual reporting would create the need for disproportionate staffing and funding for developing expertise and significant ongoing analyses. None of these tasks are or should be included in the mandates of state agencies focused on developing and maintaining safe, reliable transportation infrastructure.

The nation's transportation agencies are held to GHG standards established and enforced by the federal Environmental Protection Agency (EPA) under the Clean Air Act. State transportation agencies work through national practice organizations (e.g., American Association of State Transportation and Highway Officials) to ensure consistent GHG modeling methodologies are used to demonstrate state consistency and compliance with EPA and National Environmental Policy Act regulations. For Maine to create unique standards and requirements risks duplicating efforts or becoming out of step with the rest of the country. Consistency with federal air quality standards, including for projects that expand existing capacity, is already determined through review of MaineDOT and MTA work plans by Maine DEP with final concurrence by EPA.

A fatal flaw in LD 1138 is its establishment of Vehicle Miles Traveled (VMT) as the sole indicator of progress toward State GHG emission goals, oversimplifying complex influences on travel behavior, modal choice, and vehicle technologies. For example, transit has been met with mixed favorability throughout Maine, with its limited reach to origins and destinations particularly in rural areas with lower populations densities that are representative of most of the state. Lower levels of GHG emissions can be achieved through constant and consistent vehicle speeds and limiting of vehicle idling and variable speed traffic flow. Apart from I-95 and I-295, few roadways in Maine allow for this type of driving. Lastly, Maine's Climate Action Plan, *Maine Won't Wait*, relies on widespread adoption of alternative fuel vehicles to reduce the state's GHG emissions. However, adoption is occurring at a much slower pace than anticipated in the plan and this is not within MaineDOT or MTA's ability to control. Meaningful reduction in GHG emissions relies on a paradigm shift in individual choice as well as providing a transportation network that maximizes travel efficiency for those who must continue to rely on private modes of transportation.

Most problematic to LD 1138, the bill equates expanding public roadway infrastructure to increasing the volume of traffic on Maine roads – i.e., expanded roads are desirable thereby increasing populations, MaineDOT and MTA design and maintain Maine roads to ensure the safety of the *existing* traveling public, with reasonable allowances for future traffic volumes as predicted by the MPOs' Travel Demand Model. While the condition of roadway systems is a minor consideration for those considering relocating to Maine, its quality of life, natural resources, and New England culture create a much stronger pull. Several recent land use and travel demand models for Maine's southern region seem overly optimistic in projections that new growth will occur primarily in more urban settings. This is not consistent with observed trends in the southern half of the state.

Given these challenges in the proposed LD 1138, a less burdensome, contrary, and costly approach to reducing GHG emissions might instead focus on understanding why we live and work where we do to create holistic and sensible land use planning, growth management, and climate action using a multi-disciplinary entity, such as the Governor's Office of Policy Innovation and the Future.

Thank you for your time and consideration,

Respectfully,

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