January 9, 2019: The Commission held the second of two (2) public hearings on the proposal to privatize the Dover and Portsmouth Bus terminals. There was an initial presentation by Deputy Commissioner Christopher Waszczuk, with an overview of the P3 Commission that was established in 2016 with Senate Bill 549, the established process for a P3 project, reasons to privatize the bus facilities, benefits of the P3 approach, opportunities for the developer, benefits to the State, and goals. Link to presentation: https://www.nh.gov/dot/programs/public-private-partnership/documents/privatization-dover-portsmouth-bus-terminals-1-9-19.pdf

Then the Commissioner asked for public comments on whether the P3 approach is the appropriate method for the bus facilities.

Public Comments Received on Privatization of the Dover & Portsmouth Bus Terminals

Senator David Waters (D-Dover & Chair of Senate Transportation): in favor of this project/concept. Good for the seacoast. NHDOT doesn't have enough money to pay for all of its projects. This would be good for the transportation infrastructure. Promote economic development in NH. I use both of these lots and parking is difficult and this is needed. Drew parallel to Dover train station—before pay for parking, you couldn't get a spot and ride the train, nominal parking fee implemented & now you can pay to park and ride the train—worked there and in this City well. This is what P3 was established for—private investment when public funds are lacking and private resources/mgt that can respond quickly to issues that arise.

Scott Johnson: concerned about impact to Dover economic development & if bus terminal & expansion will stymie opportunities. Both sides of Indian Brook Drive could have retail space. In 5-10-15 years Alder Lane homes may be gone and that entire area may be rezoned commercial. This project could impact economic development.

Chris Parker (Assistant Dover City Manager): Good opportunity, concerned for neighbors/abutters. DOT & City worked well together in designing the original Dover terminal/park & ride. This project needs to do the same and respect the City process.

Theresa Proia (21 year Alder Lane resident): Contrast between NHDOT and C&J. NHDOT worked well with Alder Lane neighborhood in developing the site. Talked to us about lighting, fencing, trees, etc. Protected aesthetics of neighborhood. C&J is doing what they want, removing trees & lying about being dead. We are disillusioned by C&J's secrecy and process. Impacting & infringing on neighborhood. Home values will be impacted. Concerned about this project/process and if privatization is good for neighborhood. C&J uses Dover lot/terminal now with no rent, only pay for lights according to contract approved by Executive Council. She spoke against privatization and C&J expansion.

Tom Lamy (4 year resident of Alder Lane): property value impacts, residential zoning impacts. C&J is a bad neighbor. Jim Jalbert lies—trees being dead, for instance. Maybe they find it easier to ask for forgiveness after instead of permission before. Not in favor of this.

Matt Mayberry (former Dover City Councilor): Takes umbrage with personal accusations made against Mr. Jalbert's character. C&J is an excellent corporate neighbor & entity. Dover is youngest city in

NH…growing community. Young people want transportation options…this project is vital to Dover's future.

Jim Jalbert (owner Jalbert Leasing): C&J moved over 800,000 passengers last year. C&J pays no rent, but pays for maintenance…it cost $1.5M to maintain Portsmouth & Dover bus terminals/Park & Ride lots last year. This project has nothing to do with Alder Lane…C&J has and will adhere to the process, including City approvals in both locations if successful bidder. Trees are going back, have an agreement with DOT. This proposal would yield significant increase in taxes paid to Dover & Portsmouth. Free parking doesn't work anymore—abuse—shuttles, businesses running out of lots, Pease airport users park to dodge $7/day Pease Airport fees. 35% Portsmouth use is non-bus use. My proposed fees would be sensitive to all users, including non-bus users. Regarding RFQ & P3 process…RFQ reads like an RFP—request that the process is sped up as timeline is extensive. Skip RFQ and straight to RFP with financial component. RFQ or RFP should require terminals are open longer hours. We operate these 24/7/365 for safety and State should require that.

Steve Pesci (UNH employee): This is a great problem & opportunity to have. Support the project and would ask that any revenue provided to the State, or from contractor, remains in the area and is shared with all public transit providers in the area.

The Commission then held another public hearing on the concept to develop a Spaulding Turnpike Service Area. It was the second of two (2) public hearings for public comment on the proposed service area project. There was an initial presentation by Deputy Commissioner Christopher Waszczuk, with an overview of the of the P3 Commission that was established in 2016 with Senate Bill 549, the established process for a P3 project, the needs was identified in a 2016 Rest Area Study and a consultant's feasibility study for services between exit 6-18, benefits of the P3 approach, Key details for the projects, opportunities for the developer, benefits to the State, and goals. Link to presentation: https://www.nh.gov/dot/programs/public-private-partnership/documents/spaulding-turnpike-service-area-development-presentation-1-9-19.pdf

Then the Commissioner asked for public comments on whether the P3 approach is the appropriate method for the Spaulding Turnpike Service Area.

Public Comments Received on Concept for Development of a Spaulding Turnpike (Exit 6) Service Area

Jonathan Shaer (Executive Director of the New England Convenience & Energy Marketers Association (NECSMA)): represents New England convenience stores & retailers. Concerns on impacts of local businesses as this project would only draw existing business away from individual and pre-existing retailers/businesses. This project doesn't add anything new. Will draw business away from interchanges—you can already eat, get gas, get a coffee, use the restroom immediately off interchanges in the area.

Bill Simons (Dover resident): this will drain revenue from other local businesses

Dan Barufaldi (Dover Economic Development Director): agrees with Mr. Shaer…this will hurt local businesses and would be against it.

The Public Hearing portion of the meeting concluded, followed by the Commission's Regular Meeting.

Regular Meeting: The Commission met and conducted a preliminary review of Letters of Interest received in response to the Call for Projects issued in 2018.

Review of January 2019 Letters of Interest received:

1. Marquis proposal for I-93 Soundwalls at the Fordway Barriers: discussions about *what* the private investment component of this proposal is.
    a. **Action Item**: NHDOT send a letter to applicant to inquire about the private development portion of the project. NHDOT to draft a letter to share with Commission to obtain comments before sending

2. Tilton Sidewalks: discussions about *what* the private investment component of this proposal is. Where are the private funds coming from? What about the money for maintenance & preservations of the new sidewalk infrastructure—that's just as important and in the past an item of contention and one that has been legally challenged in Tilton.
    a. **Action Item**: NHDOT send a letter to applicant to inquire about the private development portion of the project as the LOI lacked details. Request more info about private involvement including a more robust financial plan showing private investment. NHDOT to draft a letter to share with Commission to obtain comments before sending

General comments about these two projects: The members questioned whether the projects are P3 projects with private investment/funding or projects that should be considered through other processes. Commission should also consider reviewing LOI form/questions so this type of ambiguity doesn't exist in future rounds—maybe questions/info requested needs to be more specific or detailed to avoid this next time?

3. Milford – Bennington Railroad (MBRX) passenger rail proposal: discussions including…what sections of the Hillsboro Branch Railroad line would be used…state-owned portion only. Town of Wilton supportive of this for economic development purposes. Process & if P3 is appropriate…can DOT just enter into operating agreement or conduct an RFP.
    a. **Action Item**: NHDOT to discuss with AG's Office as to whether this type of request (for use of state-owned railroad property) is required to go through the P3 Commission, based on current law, or whether the DOT can directly deal/address this proposed project through a DOT traditional/established procurement method (such as RFI, RFP, etc.)?
4. Conway Branch Rail-Biking proposal: discussions including…is P3 appropriate for this small-scale project that just want to use state property…is entering into an operating agreement or another traditional DOT procurement method such as RFI or RFP more appropriate? Timeline of contract by March 2019 to start operating in May 2019 is too aggressive.
    a. **Action Item**: NHDOT to discuss with AG's Office as to whether this type of request (for use of state-owned railroad property) is required to go through the P3 Commission, based on current law, or whether the DOT can directly deal/address this proposed project through a DOT traditional/established procurement method (such as RFI, RFP, etc.)?

Gary LeBlanc (rail-biking LOI submitter): quick overview of proposal to answer Chris Clements questions.

Motion: If MBRX passenger rail proposal and Conway Branch Rail-Biking proposal legally are not required to go through P3 Commission, then Commission suggests that NHDOT move forward with them through traditional DOT methods/procurement processes without further P3 Commission involvement.

Commissioner Sheehan gave a brief update on a firmer Federal Highway Administration (FHWA) commitment on the bus terminal project and allowing the FHWA-funded terminals (constructed with FHWA $) to follow Federal Transit Administration (FTA) rules as previously discussed. NHDOT still needs to sign an agreement with FHWA on this in order to move forward with proposed RFQ/projects. There is no firm timeline and further details will be provided at the next meeting in February.