

Chapter 90: Making a Difference Where the Rubber Meets the Road

BY JOSEPH C. SULLIVAN

As a Town Meeting member, a selectman, a legislator, and now as a mayor, I've seen the Chapter 90 local road and bridge program from several different angles over the years. No matter what the perspective, though, several merits of this program are abundantly clear.

One, it is a job creator that boosts our economy. Funding for road repairs means jobs for local contractors, and these employers and employees, in turn, spend money locally, which helps the business environment. What also helps local businesses is the ability to move their goods and deliver their services over roads that are safe and reliable, without losing unnecessary hours to traffic tie-ups or unnecessary dollars to vehicle repairs. And when the streets look good, the businesses on them look good, too, which helps our local economies.

Two, it builds trust in government. When road crews are busy and streets get paved, every taxpayer can literally see their tax dollars at work. The results are tangible. When their roads get


fixed, it changes the public's outlook on government in a positive way. It's not just about fixing roads—it's about government doing its job.

Three, it helps everybody. Many government programs help a lot of people, but *everyone* benefits from expenditures on roads, bridges and sidewalks—from the kids whose school buses travel on them, to local businesses whose customers rely on them, to local employers whose employees travel on them to get to work, and of course to residents who use our roads to get to school, work, shopping and recreation activities.

Four, it is one of the best examples of state-local partnership in Massachusetts. This one's a win-win. Both levels of government make an investment, both get the credit, and both reap rewards (as described above). In short, it's a program that works.

The Chapter 90 program is an important statement from the Commonwealth that it wants to assist cities and towns. In Braintree, we're able to supplement Chapter 90 funds with additional local support. For some cities and towns, however, Chapter 90 is their only source of road improvement funding. There's just not the ability, from a tax standpoint, or bonding capacity, to be able to do more than what Chapter 90 allows them to do. Without Chapter 90, their roads would continue to deteriorate, and their local economy and quality of life would suffer.

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It's important for state officials to demonstrate that they recognize the importance of the Chapter 90 program. And it's important for cities and towns to not only accept and appreciate that funding, but to put it to work—as quickly and effectively as possible.

100 Roads

In my campaign to become Braintree's first mayor, I ran on an ABC plan: Accountability and financial management; Beautification and infrastructure; and Commitment to core services. When I came into office, we began to implement that plan. Beautification and commitment to core services—and even accountability—are all factors in an aggressive roads program. In one of my first meetings with our town engineer, Bob Campbell, I said, “You're either going to love me or hate me, but we're doing a strong roads program here.”

In the spring of 2008, a few months after taking office, I announced the creation of the 100 Roads Program, a three-year (fiscal 2008 through 2010), \$16 million roadway improvement plan. At the formal announcement, I acknowledged the challenge ahead: “The fundamental mission of our new government is to improve the basic core services that affect residents' quality of life on a daily basis. The physical condition of our roads is simply unacceptable.”

I wanted people to understand that we have a geographically balanced, neighborhood-oriented road improvement program that would make for more convenient, safer travel throughout town. The new systematic, needs-based plan would ensure that the roads in the worst shape were taken care of first. Utility companies doing work in Braintree would coordinate all their work with the town, so unless there was a true emergency, they would not be tearing up the new roads.

Mindful of the town's fiscal situation, we used existing bonding capacity along with state and municipal water and sewer funds to see the program through without adding to the tax rate. When I came into office, the town had been authorizing anywhere from half a million to \$700,000 annually for roads, and the Chapter 90 allocation was about an equal amount. Unfortunately, the road projects weren't getting done in a timely way. So we set on a course to double our local investment. We now allocate \$1.4 million annually in town funding for our roads, and we've been getting just under \$1 million from Chapter 90.

By the close of the 2010 construction season, we had completed 116 roads. Neighborhoods that hadn't received attention in decades were getting long-awaited road improvements. The success of our program can be seen in the fact that people are now asking when it will be their neighborhood's turn—because they see things happening. We try to be responsive to these neighborhoods, but we also follow our plan, which is based on an engineering analysis. My mantra is to plan the work and work the plan. And that's what we've done.

We're now in the third year of the second three-year 100 Roads Program. We've been able to maintain the momentum because we've made it a priority. We haven't sacrificed other parts of town government, but we've prioritized our roads as an important element of doing our job. Some of our roads still are in tough shape, but we've made a dramatic difference.

When you're able to take care of a neighborhood street, there's a bit of a wow factor. “Wow, they finally did it.” People are appreciative, and they are more likely to feel a sense of ownership. People start to understand that, now that my town has fixed my road, I need to pay attention to it. If there's litter or some other issue, I need to take care of it. Residents become more active in seeing that the road is taken care of.

People sometimes say about government, “They have money, they don't need more money.” What we need to demonstrate is that when we're given money for road projects, we get the projects done. This creates a connection between funding and results, which is what people want to see. It's important in what we do.

If you do a good job on the roads, it helps to build people's faith in government. Fulfilling basic city services—picking up the trash, plowing the streets, having safe ballparks and recreational spaces, and improving the infrastructure—is the key ingredient for building credibility with the public.

Efficiency

We use a pavement management program to guide our roads program. We want to be systematic and efficient about how we do things. We want to have data and work from that. Maintaining roads effectively is a wise expenditure because you're adding to the durability and lifespan of the road, which reduces maintenance costs over time. Resources are limited. We want to stretch them as far as we can.

We have a number of steps we take in terms of road reconditioning. And then you have the maintenance piece, where we try to go back. We did roads early on, back in the 2008-2009 timeframe, that we've gone back and done some maintenance on. We do get some comments, like, “How come you're going back to that street when you haven't done mine yet?” But the main-tenance is an important task that we really hadn't been doing before.

We bid out certain road projects that are separate and distinct on our own, but we're also part of a regional consortium. If we're going to do a series of maintenance projects—no sidewalks, just street work—we'll bid that through the consortium, and that stretches the dollar because you get more bids. On our other projects, we'll try to get bids from four or five contractors.

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Unfortunately, Chapter 90 authorizations have been delayed each of the past two years, so we got behind in terms of bidding projects. When this happens, the contractors either have already made other commitments or they know that you have a tight timeframe. Those contractors are now in a leveraged position. So the bid inevitably will be higher than what you would have had if you were able to bid the project earlier in the year. This is one reason why it's so important to cities and towns that they get their Chapter 90 authorizations early in the season.

Knowing your Chapter 90 number is a major factor in terms of using the funding effectively, which is why communities want to see a multi-year Chapter 90 plan from the state. Predictability in the Chapter 90 program allows communities to map out a long-range capital plan, which is the most efficient way to spend state and local dollars, particularly when the plan is integrated with a local pavement management program. Having a long-range, systematic, data-backed capital plan provides transparency, which, again, contributes to the public's trust in government.

We're certainly not the only community doing this, but in Braintree we work hard to coordinate projects. If we're going to work on a certain street, we try to do any needed water or sewer work at the same time. The money to restore the road was already embedded in the cost of the water or sewer project, so by doing the road over at the same time, we can make our road money go further. To do this effectively, however, communities need predictability in the Chapter 90 program. For cities and towns, predictability means efficiency.

Partnership

Chapter 90 is the centerpiece of a broader program. The Chapter 90 allocation allows you to do two things: to coordinate your work, and to point to a revenue source that is outside of the municipal levy. It provides the ability to do larger projects, or a series of smaller ones.

Without Chapter 90, every municipality would be on its own, and I think you'd see an incredible unevenness in terms of road conditions throughout the state. You'd also see a lot more potholes—and potholes cost money. Even with our aggressive program, we still get claims for damage caused by potholes. Chapter 90 helps to even out infrastructure conditions throughout our state.

As local leaders, we need to bring in our legislative partners when it comes to Chapter 90 projects. Mayors and other municipal leaders really need to recognize the work of the Legislature and their state partners in getting this funding in place. For starters, share your plans with legislators and state officials. And invite them to the groundbreakings and neighborhood meetings.

Before we start a project, we go to the neighborhood and we say, this is what we're going to do. We want you to be aware of this. Whenever you do a road project, there's going to be traffic, there's going to be dust, there's going to be disruption. But the end result is going to be positive. When we have those types of announcements, we try to bring our legislators and let the neighborhood know that legislative support was important to the project. I think that does two things: it shares the credit, and it reminds the legislator of how important this Chapter 90 program is.

We were able to secure funding from the American Recovery and Reinvestment Act for two projects: Route 37 and Union Street. We worked hard to get those identified. And we made sure to have former Transportation Secretary Jeffrey Mullan out here for the groundbreaking on Route 37.

In 2006 and 2007, I served on the Transportation Finance Commission that identified the state's long-term transportation infrastructure needs. The last thing we wanted was for that report to be put on a shelf and collect dust. In 2009, the Legislature to their credit picked up on some of those ideas and put together a reform package.

The commission report also identified a state transportation funding deficit of approximately \$20 billion over the coming twenty years, including Chapter 90, and the report talked about getting a dedicated funding source to address this gap. The governor and the Legislature have been working very hard to resolve this issue, and I think we're ultimately going to see a package that really addresses the state's transportation infrastructure needs for many years to come. I also think that Chapter 90, given its many important benefits, will be a key feature of this plan. 🌟

PHOTO BY JOHN OUELLETTE



A newly paved residential street in Braintree features new sidewalks and curbs.

Statewide MMA Survey

Cities and Towns Need Dramatic Increase in Chapter 90 Funding

Cities and towns are responsible for repairing and maintaining 30,000 miles of roadways in Massachusetts, the vast majority of all the roads in the state. Recognizing the vital role that communities have in ensuring a reliable and safe roadway system, the state created the Chapter 90 program in 1973, with the intent of sharing a portion of gas tax revenues with communities to ensure adequate resources for local road construction needs. Forty years later, however, funding for the Chapter 90 program is far short of the actual need, as construction costs have escalated sharply, in large part due to significant increases in the cost of fossil fuels, which drive up the price of construction materials such as asphalt and steel.

During the summer and fall of 2012, the Massachusetts Municipal Association conducted a comprehensive survey of cities and towns across the state to determine the amount of annual construction funding that is necessary to maintain municipal roads in a “state of good repair,” the industry standard cited by the U.S. Department of Transportation for ensuring well-maintained roads. The MMA’s survey analysis is based on responses from 229 cities and towns from every corner of Massachusetts. The survey results reveal that cities and towns in Massachusetts need to spend \$562 million every year to rebuild and maintain local roads in a state of good repair.

Communities, however, spend far less than this because of inadequate resources. The result can be seen in potholes and crumbling roads across the state. In recent years, Chapter 90, the state’s bond-funded program to reimburse cities and towns for the cost of maintaining local roads, has been providing just \$200 million a year, or only 36 percent of the actual need, resulting in a massive local funding gap of \$362 million a year.

Communities start the Chapter 90 process by appropriating and expending local dollars and completing construction on road projects. Once the projects are completed, municipalities receive reimbursement from the state. In practice, almost all cities and towns establish their annual road construction budgets based on the expected level of Chapter 90 funds that will be distributed locally, and they can only commit those funds to projects once they receive formal notice of their annual authorization amount from the state.

Under Proposition 2½, cities and towns are unable to increase the amount of local funds to supplement Chapter 90 unless they cut other important services such as public safety or education, or pass a tax override, increasing local reliance on the already overburdened property tax. This is increasingly difficult, as confirmed by a recent Massachusetts Taxpayers Foundation report that shows that reliance on the property tax to fund local budgets is at its highest level in thirty years. Increasing Chapter 90 funding is the most reliable, appropriate and effective way to close the local transportation funding gap and invest in improved roadways in all communities across the state.

Call for Action

Armed with the survey results, the MMA and local officials throughout Massachusetts have been calling for a \$100 million increase in annual Chapter 90 funding as well as a long-range state transportation funding commitment that would give cities and towns the budget stability they need in order to plan their road projects efficiently and effectively. Even a Chapter 90 increase to \$300 million per year, the MMA points out, would not fully close the transportation funding gap facing cities and towns.

In its survey report, the MMA points out that investing more in Chapter 90 funding to improve the quality of local roads will actually save taxpayers millions of dollars a year. According to the U.S. Department of Transportation, once a local road is in a state of good repair, every dollar invested to keep it properly maintained will save \$6 to \$10 in avoided repair costs that would become necessary to rebuild the road if it is allowed to deteriorate. If Massachusetts fails to pass a comprehensive transportation finance plan to address the critical funding needs at the local and state levels, taxpayers will face massive bills over the next twenty years to reconstruct a deteriorating system. For example, if local road maintenance programs are underfunded, and pavement maintenance projects like crack sealing and resurfacing are delayed and deferred, road conditions will deteriorate rapidly to the point where substantial, expensive reconstruction or rehabilitation becomes necessary. Adequate funding of the Chapter 90 program is fiscally responsible because it will reduce the need for more costly road replacement projects. Taxpayers will save millions of dollars over the long run.

The MMA and local officials across the state are also members of the broad coalition of stakeholders calling for a comprehensive state and local transportation finance plan, recognizing that the entire Commonwealth will benefit greatly from increased revenues to invest in local and state roadways, highways and regional transit systems.

Survey Methodology

The MMA Local Road Funding Needs Survey data were collected from 229 cities and towns across the state. The MMA’s analysis used data from all responding communities, sectorized the 122 remaining cities and towns by “kind of community” categories used by the Commonwealth, and calculated the data for those localities using the median in each KOC category for the 229 communities that responded. When extrapolated to all 351 cities and towns, the results show that communities need to spend \$562,169,719 a year to bring their local roads up to a “state of good repair.”

— John Ouellette