

RPC LEGISLATIVE POLICIES FOR 2016-2017

(Approved by the RPC Executive Committee on October 26, 2016)

Background

Each year the Rockingham Planning Commission adopts a set of legislative policies that support our agency's mission and goals. They are focused in the areas of land use, transportation, natural resources, energy conservation, economic development and historic and cultural resources. The RPC Legislative Policy Committee reviews these policies each year and any proposed changes are reviewed and adopted by the Commission. Seven new or substantially revised policies were incorporated into this document this year and are so indicated.

RPC Legislative Policies

General legislative policy statements for five issue areas are included below. These are used to guide our general response to and positions on proposed legislation. For some issue areas, specific legislative priorities are also included.

General

The following legislative policies are applicable across multiple disciplines:

- A. Support and encourage legislation that will foster cooperation between two or more municipalities in making informed, efficient, and cost effective decisions, and in developing or maintaining shared services and/or infrastructure.
- B. Support implementation of the legislative recommendations made by the Coastal Risks and Hazards Commission (RSA 483-E) in its final report "Preparing New Hampshire for Projected Storm Surge, Sea Level Rise, and Extreme Precipitation" including requiring State agencies which construct or fund facilities and infrastructure in tidal areas to account for increased flooding risk in the planning and design of such facilities (**added 2015; revised 2016**)
- C. Support legislation that will enable and assist municipalities to address climate adaptation strategies and policies in appropriate aspects of local planning, zoning, and infrastructure development, maintenance and preservation.

Land Use

Support legislative efforts that advance sound land use and smart growth policies and that strengthen community capacity to manage development. Specific legislative priorities include the following:

- Continue efforts to clarify and strengthen the developments of regional impact process (RSA 36:58-61);
- Support legislative efforts that create incentives and assistance to municipalities to adopt land use policies that will discourage sprawl, retain open space and conservation lands, support local agriculture and forestry, and preserve community character;

- Support legislation that would require state agencies and local governments to design and construct public infrastructure, including roads, utilities, schools and other public buildings and facilities, so as to reduce the risk and improve resiliency from damage or loss due to increased flooding from large storm events and inundation from projected sea level rise;
- Support legislative efforts that assist governing bodies in their effort to preserve and manage historical and cultural resources.
- Support changes to the accessory dwelling unit law (RSA 674:71) that (1) provide greater discretion to municipalities to define appropriate locations and reasonable and necessary conditions in regulating ADUs, and, (2) maintain the mandate that all municipalities permit accessory dwelling units. **(added 2015; revised in 2016)**
- Support enabling legislation allowing municipalities to establish reasonable regulations regarding the use of the short term rental of dwellings, including full dwelling units, accessory dwelling units and rooms in boarding houses. **(added 2016)**
- Support legislation that strengthens local agriculture and the local food economy per the principles outlined in RSA 425:2. **(added 2015)**

Transportation

An efficient, well-funded, multimodal transportation network is critical to sustain a robust economy and high quality of life. The goal of our transportation network should be to safely and efficiently move people and goods along highways, railways, waterways, bikeways and walkways with a seamless interconnection between all modes of transportation.

RPC supports legislative efforts that advance such a network including the following:

- A. Support legislative study commissions or other efforts that propose methods to finance all forms of transportation in a sustainable and affordable manner;
- B. Support the adoption of an appropriate “Complete Streets” policy (street/road design based on all proposed vehicle, transit, pedestrian, and bicycle uses) for the State; support the implementation of the recommendations of the 2016 Complete Streets Study Committee (SB364) consistent with RPC policies. **(added 2015; amended 2016)**
- C. Support the establishment of a study commission to clarify and coordinate state and local policy on the maintenance and liability for sidewalks constructed on state highways;
- D. Support efforts to maintain or increase the minimum funding available for the Congestion Mitigation/Air Quality (CMAQ), Transportation Alternatives Program (TAP) and Highway Safety Improvement Programs (HSIP) at levels that are at least comparable to those established under SAFETEA-LU; **(revised 2015)**
- E. Evaluate the adequacy of the 4.2 cent road toll (gas tax) increase passed in the previous legislative session to meet ongoing transportation infrastructure needs, and support efforts to transition the core highway funding from the current gas consumption funding mechanisms to one based on vehicle usage and cost to the highway system; **(revised 2015)**
- F. Support an amendment to RSA 261:153 *Local Option Fee for Transportation Improvements* enabling law to raise the maximum amount a local government may assess to allow greater use of such fees for road infrastructure and transit support and for use as match to Federal transportation grant funding. **(added 2015)**
- G. Support legislation and agency policies that implement recommendations of the 2016 Rail Tail Study Committee (established by SB-80) that are consistent with RPC policies **(added 2016)**.

Natural Resource Preservation and Management

Support legislative efforts that protect land, water, and air resources and which enable and encourage municipalities to adopt measures that lead to the sound management and stewardship of those resources. Specific legislative priorities include the following:

- A. Support recommendations of the Groundwater Study Commission to clarify and expand the role of municipalities in state permitting of large groundwater withdrawals;
- B. Support unimplemented recommendations of the Stormwater (HB1295), Land Use (HB1579), Infrastructure (SB60), and Flood (HB648) Study Commissions as well as appropriate findings of the Water Sustainability Commission (Executive Order 2011-2);
- C. Support the establishment and funding of an MS4 technical assistance program within the Department of Environmental Services to provide guidance, technical expertise and grant funding to municipalities in developing MS4-compliant stormwater management programs; consider funding this program by establishing a stormwater mitigation fund as recommended in the final report of Stormwater Commission (RSA 1295). **(added 2015)**
- D. Support legislative efforts and other initiatives to provide additional technical assistance to communities working to address provisions of the Flood Insurance Reform Act of 2012, including adopting new FEMA flood hazard maps, participating in the community rating system to reduce flood insurance costs, and responding to increased flood risk in general;
- E. Support legislation that strengthens and improves the effectiveness of the Shoreline Water Quality Protection Act (SWQPA); **(revised 2015)**
- F. Support permanent funding for the Land and Community Heritage Investment Program (LCHIP) and oppose any diversion of these funds to other uses;
- G. Support a feasibility study for desalination as potential water supply in the Seacoast region.

Energy

The New Hampshire General Court has recognized the growing importance of enabling legislation that creates incentives and assistance to encourage energy conservation and efficiency measures in both the public and private sectors. RPC believes that the next step is vigorous legislative support of the recommendations set forth in the 2014 Office of Energy and Planning and State Advisory Council's 10 Year State Energy Strategy, including making the development and expansion of renewable and alternative energy resources a high priority across New Hampshire. This involves evaluating the potential for technology assistance, innovative financing, and encouraging public/private partnerships to make state and municipal projects a reality. Among the priorities worthy of specific legislative attention are:

- A. Support legislation and municipal efforts to implement improvements in energy conservation and efficiency, for example, through buildings codes, tax incentives, and RGGI energy audits and loan programs;
- B. Consolidate information and outreach for public education purposes, including creating a comprehensive web portal to promote sharing and an economy of effort;
- C. Leverage public funds with private financing to assist consumer, business, and municipal efforts for energy efficiency through upgrades-and/or the installation of cost effective improvements;
- D. Support and enable development of renewable/alternative energy resources recognizing the wide variety of potential applications including solar installations, offshore and terrestrial wind, hydro electric, hydrogen, biomass, thermal, and tidal energy;

- E. Urge a Public Utilities Commission initiative to modernize the electric grid system with an eye to rate pricing mechanisms, consumer and municipal access to new technologies, alternative renewable energy sources, as well as fuel diversity;
- F. Encourage access to natural gas for heating purposes and alternative vehicle fuel which would reduce carbon emissions and is economical when compared to the cost of oil;
- G. Consider adopting standards for energy efficiency such as a statewide solar photovoltaic goal;
- H. Support the continuation of local technical assistance programs such as the former Energy Technical Assistance Program (ETAP) to assist communities with energy planning, facility evaluation and prioritization of capital investments
- I. Support broadening the definition of renewable energy to include thermal energy captured and reused in combined heat and power generation facilities.
- J. Support legislation that will substantially raise the existing cap on total net metered energy produced by small renewable systems, and ensure net metering laws adequately promote the effective use of small renewable systems while fairly accounting for base load generation costs bourn by utilities; **(revised 2015)**
- K. Support legislation to review and reform electric utility regulation to ensure more stable electric rates through appropriate regulation to counter the effects of energy commodity price fluctuations. **(revised 2015)**
- L. Support the continuation of the RGGI program as well as the Federal Clean Power Program and resist efforts to repeal or weaken them. **(added 2015)**
- M. Support legislation that will increase funding under the New Hampshire CORE energy efficiency program ("NHSaves") that is available to municipalities.

Economic Development

Support legislative initiatives to facilitate state and intermunicipal cooperation in economic development. Specific legislative priorities include the following:

- A. Encourage municipal efforts through incentives and other means toward effective regional cooperation in the financing and delivery of municipal services;
- B. Maintain existing State Support for economic development initiatives through tax credit programs and expand outreach and marketing to attract new businesses to New Hampshire communities;
- C. Support legislative efforts that assist municipalities, school districts, water/wastewater districts and other political subdivisions with broadband technology and communications equipment installation and upgrades;
- D. Support expansion of public/private targeted labor force training programs such as the Advanced Manufacturing Partnerships in Education (AMPed) established by the NH Community College System;
- E. Support legislation to foster greater competition among broadband internet service providers including by allowing municipalities to provide access to service by building broadband infrastructure and authorizing use of municipal bonds for such purpose and by removing artificial barriers to competition.
- F. Support legislation to fully fund state aid and loan programs for municipal water and sewer upgrades and expansions, including the Clean Water State Revolving Fund (CWSRF); State Aid

Grant (SAG) for Water Pollution Control at levels necessary to fund prior commitments and ongoing annual needs. **(added 2016)**

Action on Prior Legislative Priorities

In the prior legislative session, several of the previously identified policies and priorities were fully or partially addressed through legislation or other means. These include:

- Modify the Urban Compact system to allow urban compact communities to compete for Federal highway funding;
- Improve the 10 Year Plan Process to better coordinate project priorities and development between Metropolitan Planning Organizations (RPCs), and the NH Department of Transportation.
- Enact enabling legislation for municipalities to facilitate the local financing of local water supply, treatment, wastewater treatment and other water and stormwater utility districts;
- Modify the Regional Greenhouse Gas Initiative law in New Hampshire to ensure access to RGGI generated funds for making energy efficiency improvements in municipal facilities;
- Support legislation, appropriations or other initiatives to enable the NH Department of Transportation to purchase the abandoned Hampton Branch line of the Pan Am Railway. **(2016: NHDOT currently in protracted negotiations for the purchase of the right of way; CMAQ funding approved for this purpose)**
- Restore funding for transit capital and operating support for community transit systems to supplement local matching funds for Federal Transit Administration funding;
- Modify group net metering provisions in electric utility regulation to facilitate municipal and neighborhood use of alternative electric energy production. **(2016: partially addressed in the 2016 legislative session with enactment of HB1116 and SB378)**
- Support legislation requiring periodic evaluation of coastal flooding risk from climate change and to direct State agencies which construct or fund facilities and infrastructure in tidal areas to account for that increased risk in the planning and design of such facilities, including those recommended in the STAP report of the Coastal Risk and Hazards Commission (RSA 483-E). **(2016: addressed in 2016 legislative session with enactment of SB374)**
- Support establishing a study commission to evaluate the programs, function, needs and resources of the NH Office of Energy and Planning. **(2016: dismantling or elimination of OEP no longer threatened in the state budget)**
- Support legislation that provides clear guidance on defining and permitting agricultural activities, including agritourism, but allows for reasonable local regulation when necessary to protect public health, safety and general welfare. **(2016: Addressed with the enactment of SB345 in the 2016 session)**

NOTES: