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# PACTS

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## Portland Area Comprehensive Transportation System

### Executive Committee Meeting Notice

September 6, 2011

8:30 a.m. to 10:00 a.m.

To be followed by TIP Process Committee Meeting

GPCOG, 68 Marginal Way, Portland

#### Agenda

1. Call to order
2. Minutes of August 2<sup>nd</sup> meeting
3. Review draft PACTS Title VI Plan update (8:35)
4. Review draft update of PACTS Public Participation Plan (8:50)
5. Status report on preparation for October Policy Committee action per results of May 2011 Reduced Local Match Incentive Policy (9:15)
6. Monthly updates (9:40)
7. Public comment on topics not on today's agenda (9:55)
8. Adjourn

*Next meeting: October 4<sup>th</sup> at 8:30 a.m.*

*The Metropolitan Planning Organization for the Portland Urbanized Area*

68 Marginal Way • Portland, Maine 04101

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## Minutes of August 2<sup>nd</sup> Meeting

*In attendance:* Nathan Poore, Chair; Kathi Earley; Dan Bacon; Jim Gailey; Al Presgraves; Judy Harris; John Duncan, Paul Niehoff, Carl Eppich, Lynne Powers

1. **Call to order.** Nathan Poore called the meeting to order at 8:37 a.m.
2. **Minutes of July 14<sup>th</sup> meeting.** *The minutes of the July 14, 2011 PACTS Executive Committee meeting were adopted by consensus, with no changes made.*
3. **Staff proposal to reallocate study funds.** There was \$113,000 available in the reserve account. Staff recommended reallocating the \$30,000 in the UPWP to administer a locally administered projects (LAP) process, so there would be \$143,000 available.

Staff's recommendations involved funding the next-ranked study proposal, which was the \$50,000 Portland peninsula wayfinding study, but not the remaining four. Instead, staff proposed a focus on regional efforts. The highlights are: promoting PACTS and doing more outreach through the website, Facebook, and other social media; supplementing the existing \$25,000 budgeted for the third collector roads study and the arterials study with an extra \$15,000; doing bicycle/pedestrian counts over two years; developing a regional bicycle/pedestrian wayfinding system; and making further study of traffic signal coordination.

Dan Bacon asked about the bike/ped count and the \$10,000 that staff was proposing for it. He felt that the number seemed light considering the size of the region. Paul replied that it depends on what PACTS decides to do and where the counts are taken. The idea right now is to use interns, and the number quoted was based on a quick calculation of interns earning \$10 an hour. Staff does not intend to hire a consultant to carry out counts on a regional basis. Carl Eppich said that the idea is to do counts at about 20 different locations.

Nathan wondered if, once PACTS began collecting data in a collector roads study, it would continue to be in the budget every few years in order to maintain the data. Paul said that the recommendation is for the report to be updated in subsequent biennia, which could be fine-tuned. Judy Harris asked about the differences between peninsula vehicular wayfinding, regional bicycle/pedestrian wayfinding, and a third recently completed wayfinding plan for Portland. Paul said that this is a coordinated effort, wanting to make sure that all studies and all groups' work will complement each other, and that the original wayfinding study was centric to just a small part of the peninsula and the Old Port. Carl pointed out that that effort was more geared toward pedestrian visitors, and there wasn't much signage for the vehicular side of traffic. If this does go forward, staff would like to see the language explicitly include bicycles. Judy asked if the wayfinding efforts will include Christian MilNeil's new mapping work on area bike paths with a grant from Healthy Maine; they do not, as staff was unaware of Christian's mapping, but they can coordinate with him. Nathan would like to see some additional work done on the explanation for the Policy Committee, to make it clearer that these efforts complement one another and how they do so.

Jim Gailey asked about the methodology behind proposing the next ranked vehicular wayfinding study but letting go of the others. He made a case for the number seven study, saying that South Portland is experiencing significant growing pains as a result of Southern

Maine Community College's expansion. They are working with SMCC and the South Portland bus system, but there is a definite need for a study for a shuttle or whatever the next step may be to bring students into the periphery of the compact area. He requested that the committee consider funding this study. Carl asked about SMCC's commitment to paying for something related to this. In the last 12-18 months, SMCC has been paying for the bus system to shuttle their students on the regular bus routes, and with the new president of the college, South Portland is looking for more of a commitment.

Carl also said that staff had identified other needs as having a more important regional component to them, such as the wayfinding study, where Portland is the regional center of a lot that's going on in regards to sign and traffic changes. Kathi Earley provided some background on the project. Several UPWP cycles ago, Portland requested \$100,000 for a wayfinding study. That wound up being whittled down to just pedestrian wayfinding, which has already been done, and now they're turning to the vehicular portion. The initiative is of regional importance, wanting to take people from the highway into the arts district. If Portland receives PACTS funding for the projects, Kathi is confident that the city will be able to raise the match through donations from local business owners and private donors. She requested that, in the arterial study work that PACTS does, PACTS make an objective requiring MaineDOT to communicate about their plans to pave arterial streets far sooner than municipalities seeing them in the TIP. Kathi also pointed out that the Executive Committee only has the authority to take action on item #1 and anything else from the previously ranked UPWP. Other new ideas will have to go back through the Policy Committee.

Al Presgraves felt that the SMCC parking and busing situation is a regional concern, with regional students coming in and putting demand on the transportation system. He said that, if it was ranked as the number seven proposal, it ought to be strongly considered now instead of bringing in these new ideas. Judy pointed out that projects 6-10 on the list were vetted by PACTS' normal committee process and that the new items were vetted only by staff; she asked staff to be prepared to defend at the Policy Committee that they felt that these new projects are more important than the ones that went through the process. Paul said that historically, when PACTS looks to fund studies, staff goes out to communities and asks what they need for funding. In this case, there were extra funds, so staff started discussing other needs based on conversations from meetings and *Destination Tomorrow*. In the past, they have looked more at local needs and the idea was to consider regional ideas more strongly.

There were questions about the PACTS outreach item. John said that that is about making PACTS more relevant in the social media world, and Paul added that it is also concerned with the public participation requirements for PACTS as an MPO. PACTS is supposed to be getting the public more engaged. This funding would go toward maintenance and broadening PACTS' profile, given what's taking place in social media. This will be about more than just Facebook, though, especially given that PACTS will be moving from the expensive process of posting public notices in the newspaper to posting them on the website. The idea is to modernize the way that PACTS communicates with the public, making it easier to access plans and helping to do a better job of getting information to the public.

Judy pointed out that outreach efforts have to include the disadvantaged and the elderly, and wanted to hear about how PACTS planned to reach out to that population, as social media alone is not the answer. John replied that this is only one of several projects directed toward outreach. This money is also for direct outreach, like staff going out into communities and

creating flyers.

Nathan discussed a proposal that he was bringing forward. He proposed to look at how PACTS and how other MPO's (both in Maine and elsewhere) do business, with analysis and comparisons. The idea is to work out the value that municipalities get from PACTS, through measures such as a member satisfaction survey. After doing that discovery, research, and analysis, there would be a look at some of the cost benefit analyses and at alternative structures. Questions that come up could include: is PACTS privatizing enough or not enough, and should it be looking at consolidating with other MPOs. The idea is to study the advantages and disadvantages of keeping the current structure or changing it, then make some recommendations. Nathan did not think that any one person or organization could do this. It would take someone who is strong on organization analysis to start the process, then passing it along to someone with skills in transportation funding or number crunching or benchmarking. Studies like this cost around \$30,000, which Nathan based off of his own experience with similar projects.

Al pointed out that a study like this could help decide if it makes sense to add an additional staff person to do more project management through PACTS. Judy felt that this is an ongoing process and it shouldn't be just a one-time project. She suggested a triennial review with a budget for it every year. Kathi said that this was an excellent follow-up to the budget deliberations that happened earlier in the year. It could bring about a stronger, more efficient PACTS, with a better understanding of the scope of the organization. John was in favor, saying that reviews like it have produced strong results in the past. There was general consensus that this was a good project to move forward with.

The organization analysis of PACTS became project #10, as the original project #10 (which belonged to Scarborough) had been funded through other means and was off the list. Right now, the list of projects comes in at \$70,000 more than what PACTS has available for funding. Al pointed out that some of these projects could be done at different funding numbers. Item 6, which is the third phase of the RTMS study, was struck from funding consideration, as it could be pushed back until the next budget -- that cut \$30,000. The outreach item was also struck, with the understanding that PACTS could get some of the website work done in the existing budget by working internally, and fold some direct outreach into the organization analysis. That brought the shortfall down to \$22,000.

Nathan pointed out that Windham has had several projects come to the table and not get funded recently, and was hesitant to cut Windham's alternative funding study. Paul said that staff could figure out ways to do the bike/ped counts for less. They could track behavioral use as well as counts, and then focus on education and encouragement based on what staff sees for actions, at the same time that they're doing the counts. He made the point that wayfinding for bike/ped and bike/ped counts go hand in hand. There were further discussions on funding for the remaining projects that had not been cut, which came down to a recommendation.

***Nathan recommended that the Executive Committee endorse the funding of listed projects as follows:***

***#1 funded in full (Portland Peninsula Vehicular Wayfinding Plan),***

***#2 struck from consideration (PACTS Outreach and Marketing),***

***#3 struck from consideration (augment the Arterial Study budget),***

*#4 and #5 combined into one project and funded at \$25,000 total, (Regional Bicycle and Pedestrian Counts) and (Regional Bicycle and Pedestrian Wayfinding System,) #6 struck from consideration (Regional Traffic Management System Study), skip the second #6 (Portland Peninsula vehicular wayfinding), #7 is funded at \$12,000 (SMCC satellite parking/bussing), #8 is funded at \$18,500 (Windham alternative funding study), #9 is funded at \$7,500 (Broadway roadway capacity), and new item #10 (the organizational analysis) is funded at \$30,000, for a total cost of \$142,500.*

*Dan seconded the recommendation and it passed by consensus.*

4. **Annual review of Executive Committee.** Nathan recommended that this item be tabled for some time, and that it be wrapped up into the organization analysis of PACTS. It was taken off the agenda by consensus.
5. **Draft memo to Policy Committee regarding financing of 10% match policy.** There are no changes to this policy from the last time that it came before the committee. John said that it is a reminder of what was done in May and the resulting budget gap. Based on how many and which agreements come in on September 1, staff will have more work to do and there will be a recommendation in October. Kathi felt very strongly about the need to avoid hits to the transit category, given the ARRA funding action by MaineDOT. She encouraged staff to avoid the use of transit money while finding the match.
6. **Updates.** The updates were discussed in detail in the meeting packet, though several were brought up specifically. Carl highlighted item C as worth calling out; it's \$50,000 going toward implementing a Gorham East-West recommendation. John pointed out the staff activities report on the next page. It has just been developed and it's proposed that it continues every month. The bottom half is consultant studies and where they are at, and the items above are what staff are working on. Nathan suggested trying it out for a few months, if compiling it doesn't take up too much of staff's time.

Kathi pointed out item H, for September 6, and specifically item 5 on page 13 in the updates. She did not think that that was a recommendation that PACTS is still looking to make, given last month's TIP action. John said that it had been included in error, and that he hasn't reached Joyce Taylor to discuss it yet, so item 5 will not be on the next agenda.

7. **Agenda for August Policy Committee meeting.** Nathan said that agenda item #2 could be struck, as the annual review has now been bumped until a later date. Kathi suggested reminding the Policy Committee of what's on the table for cuts. Nathan suggested giving the Policy Committee some scenarios for where cuts could take place, to give them an idea of where to start and to show them where it is going to hurt.

Paul reported that with 30 days left until the September 1 deadline, PACTS has received seven or eight project forms out of about 15-20. Jim asked the committee to email him their individual performance reviews for John.

8. **Public comment on topics not on today's agenda.** There was no public comment.
9. **Adjourn.** The meeting adjourned at 10:05 A.M.

### **Agenda Item 3: Draft PACTS Title VI Plan**

Staff Resource: John Duncan

Recommendation: Comment on the Draft Title VI Plan in anticipation that staff will submit a final plan to MaineDOT by the October 1<sup>st</sup> deadline.

#### **Background**

PACTS is required to have a Title VI (Civil Rights) Plan. It must include a set of annual goals and a description of accomplishments during the past year.

Each of our region's transit systems are required to do the same.

John reported to the Executive Committee in June regarding the Title VI letter from MaineDOT based on MaineDOT's review of our Title VI Plan and activities the prior week. The letter is an attachment in today's meeting packet email.

John has drafted a 2011 update of our 2007 Title VI Plan. He based the update on the direction from MaineDOT staff – including revisions per the email below – and the Title VI Plans of BACTS, ATRC and KACTS.

The draft 2011 Title VI Plan is attached in today's meeting packet email. The following three pages are an excerpt from it.

**From:** Savoy, Theresa [mailto:Theresa.Savoy@maine.gov]  
**Sent:** Wednesday, August 31, 2011 1:34 PM  
**To:** John Duncan  
**Cc:** Ottmann-Deeves, Gigj; Moreau, Susan  
**Subject:** RE: Draft PACTS Title VI Accomplishments and Goals

John,

As I mentioned earlier, I would suggest that some of these accomplishments and goals refer to ADA vs. Title VI. Although I do not want you to lose the intention, they are not Title VI specific. You might add language that states that although they are not Title VI related they are important issues of discrimination and keep those in as intended actions above and beyond Title VI. I highlighted those area that I saw, regarding ADA, in red.

Also, you refer to "transit disadvantaged" a number of times but do not refer to minorities. In our conversation a while back I suggested you use the term disadvantaged in place of low-income. What I believe you have done, is replaced both low income and minorities with "disadvantaged." I think it is important to include minority populations specifically.

Lastly, you may want to clarify that the Title VI program is due October 1.

Thanks for your hard work on this.

Theresa

## **Title VI Accomplishments of Federal FY 2011**

1. PACTS and GPCOG staff met with MaineDOT Civil Rights staff and consultant to review the adequacy of the PACTS Title VI Plan and accomplishments related to the Plan on May 20, 2011. PACTS staff met with MaineDOT Civil Rights staff again on June 30, 2011 to discuss ways to address the deficiencies identified based on the May 20<sup>th</sup> meeting. PACTS staff shared the results of these two meetings with the PACTS Executive Committee at their July and August meetings, and then presented a draft of this Title VI Plan update with the Executive Committee in September.
2. PACTS staff contacted 16 transportation and non-transportation organizations that serve the area's transportation disadvantaged in preparation for writing the annual goals for FFY 2012. This work produced a list of 45 transportation and non-transportation organizations that serve the area's transportation disadvantaged to contact in FFY 2012 (see below regarding annual forum).
3. PACTS staff prepared this Title VI Plan update, and an update of the PACTS Public Involvement Plan.
4. PACTS staff and an intern performed an engineering analysis of pedestrian access to bus stops in the East Bayside area of Portland and the Mill Creek area of South Portland. The report recommends improvements to the pedestrian infrastructure near bus stops. While the recommendations have important ADA implications, we also hope that the improvements would provide benefits for transportation disadvantaged and minority residents in those areas.
5. PACTS staff organized and led a public forum on August 10, 2011 regarding public comments and questions on the program of federally funded transportation projects in our region that will be implemented during the next three years, public comments and questions about transportation needs and opportunities in the Greater Portland area, and public suggestions for how PACTS can improve our outreach to the general public and to the transportation disadvantaged people of our region.

Twenty people attended the one-hour forum – 8 members of the public, 2 elected officials, 6 PACTS committee members and 4 staff. PACTS staff gave an overview of PACTS and the TIP priority setting process, and showed the new video about the PACTS regional transportation plan update. PACTS/GPCOG staff and committee members responded to all of the public's questions and comments listed below. PACTS/GPCOG staff will refer to these questions and comments as we work this year on our expanded outreach to the transportation disadvantaged and minority residents of our region.

1. Interest in how PACTS integrates its work and funding for paratransit users.
2. Question about how RTP (paratransit provider) trains its drivers in sensitivity to unique abilities of customers, specifically the deaf and beeping that their ride has arrived. (We recognize that this topic is not Title VI related, but it is an important issue of discrimination for some of the region's transit users.)
3. Local funding for fixed route also requires local funding for paratransit. This is a major barrier for municipalities to take on right now, although they may want transit service.

4. Question about PACTS success with regional (inter-municipal) cooperation/
5. Question about the need (and how) to get more elected officials aware if not involved with the PACTS process.
6. The METRO system is okay, but needs to run more frequently to be useful. Many in the immigrant community can't use it to get to work because of its infrequent schedule and the fact that it doesn't run into the evening. Immigrants were interested in the jobs at L. L. Bean in Freeport but can't get to the jobs without better public transportation.
7. Bus drivers are not sensitive to some cultures. Need cultural training, especially with the Muslim community.
8. Concerned with paying taxes to the city of Portland for services, when the region should have to pay. Everyone accesses Portland and uses services here, but only residents (like me) pay taxes here.
9. PACTS process can't ignore the people.
10. Better access to schools is needed for kids on foot and bikes.
11. The media needs to better communicate roadway repair schedules in the region. Example given was Washington Avenue in Portland has a major detour that is a problem.
12. Use more media channels to get the word out on the broken transportation system
13. On Portland issues, such as these, the Transportation Committee needs to hear from you (the public).
14. Suggestion that PACTS do focus groups with minority and disadvantaged communities.
15. Suggestion to send emails to all elected officials in PACTS region on Committee schedules/meetings inviting them to attend.
16. Question: Is it possible for PACTS to get onto mainstream television with low/no-cost public service announcements?
17. Don't justify not building infrastructure just because public "isn't using it". Example – if there were no safe roads there would be nobody driving on them. Low numbers of users on bike facilities are most likely because the infrastructure does not exist, or is seemingly unsafe. (We recognize that this topic is not Title VI related.)
18. The City of Portland has seen a major shift in bicycle use and infrastructure demand. Federal money requires complete streets considerations. (We recognize that this topic is not Title VI related.)
19. Need more awareness about evacuation plans, and emergencies with regards to group homes.

### **Title VI Annual Work Plan for Federal FY 2012**

1. PACTS and GPCOG staff will convene a forum during the fall of 2011 of representatives of transportation disadvantaged people and transportation providers in order to consider their suggestions for how PACTS and the region's transportation providers can improve our outreach to the general public and to the transportation disadvantaged people of our region.
2. PACTS and GPCOG staff will follow up on the recommendations generated at the forum.
3. PACTS and GPCOG staff will coordinate with and help the region's transit systems, upon their request, to meet their Title VI responsibilities.
4. PACTS staff will continue to work with advocacy groups to improve the opportunities for bicycling, walking and transit of their constituencies by listening to suggestions for service improvements and by coordinating with the region's transportation providers. This work will

include implementation of the many relevant recommendations already found in the PACTS 2009 Regional Bicycle and Pedestrian Plan Update. We recognize that this work is not targeted directly at Title VI discrimination, but we hope that the improvements would provide benefits for transportation disadvantaged and minority residents in our region.

5. PACTS staff will invite representatives of non-transportation organizations that serve the transportation disadvantaged to serve on PACTS committees when openings occur. Potential openings would be for the two Executive Committee appointee seats on each of the PACTS Transit, Technical and Planning Committees.
6. PACTS staff will add more representatives of transportation disadvantaged to PACTS Interested Parties Email List. PACTS staff also will increase the production of emails to the people on this list from quarterly to monthly in order to increase their awareness of transportation issues and opportunities in our region.
7. PACTS staff will suggest to PACTS committees that they meet at different time of the day in order to make it more convenient for attendance by representatives of transportation disadvantaged.
8. PACTS and GPCOG staff will include the Title VI Policy Statement and Assurances in all contracts with PACTS and GPCOG study consultants.
9. PACTS staff will submit an annual report to MaineDOT regarding accomplishments during FFY 2012 and goals for FFY 2013.
10. PACTS and GPCOG staff will continue to work on the Southern Maine Partnership for Sustainable Development. This major regional initiative (funded by HUD, EPA and USDOT) will create an action plan for strengthening the viability of the region's urban and rural areas. Eleven of the 35 consortium members are housing authorities, community action programs, public health, and area agencies on aging. The action plan will certainly address the needs of our region's transportation disadvantaged.

## **Agenda Item 4: Draft PACTS Public Participation Plan**

Staff Resource: John Duncan

Recommendation: Review and comment on the draft Plan in anticipation of reviewing a final draft at our October 4<sup>th</sup> meeting

*The August 22<sup>nd</sup> Draft Plan is attached in the email for today's meeting packet.*

### August 22<sup>nd</sup> email

*To All PACTS Committee Members and several other folks at MaineDOT,*

*Please review and comment on this draft update of the PACTS public involvement policies and practices document. Please note that I will be out for the rest of this week, so will be able to respond to you next week if you send me a comment. Feel free to contact Paul Niehoff or Carl Eppich if you wish.*

*This revision of our 2007 policies and practices report reflects changes brought on by the wider use of the internet for public policy development and communication in our region and throughout the country. We are also doing this update as we update our Title VI (civil rights) Plan. Both are documents that we must update periodically.*

*We are seeking public comment on this through the coming 45 days, as required. We have sent this to our 200-person Interested Parties email list, we have posted it on our website and we have printed legal ads in the Journal Tribune and the Press Herald.*

*We will seek input at our September committee meetings in anticipation of an October endorsement of this and the Title VI Plan update by the Policy Committee.*

*Thanks for your participation in this and in the PACTS process!*

### Comments Received

1. Praise from Linda Boudreau, former South Portland City Councilor
2. Praise from State Representative Ann Peoples
3. Question from METRO's Dave Redlefsen regarding FTA-adequacy of our proposed changes in our public notice process for TIP amendments. Carl is looking into this.

### Next Steps

1. Seek input today and at the September Planning, Technical and Transit Committee meetings.
2. Send input request reminder to MaineDOT.
3. Address comments received, including Dave Redlefsen's question.
4. Update Executive Committee on October 4<sup>th</sup>.
5. Policy Committee endorsement on October 20<sup>th</sup>.

**Agenda Item 5: Status report on preparation for October Policy Committee action per results of May 2011 Reduced Local Match Incentive Policy**

Staff: John Duncan

Recommendation: Accept status report in preparation in anticipation of staff and MaineDOT recommendations at our October 4<sup>th</sup> meeting in preparation for Policy Committee action on October 20<sup>th</sup>

**Background**

In May the Policy Committee adopted a policy designed to encourage our municipal members to collaborate more effectively with MaineDOT in the commencement of federally funded projects, and to save money in the process. In June the Executive Committee extended the deadline for signing of agreements to September 1<sup>st</sup>, and clarified that the policy below applies in 2011 only to the construction phases of the projects. Here is the policy, as amended.

1. *This policy applies to the local match for new PACTS projects funded for the 2012/2013 biennium (except our Transit Set Aside projects), and relies on MaineDOT to provide the agreements for signing by July 1<sup>st</sup>.*
  - *Allow a 10% local match for projects whose 3-Party Agreements or Locally Administered Project agreements are signed by September 1<sup>st</sup>.*
  - *Allow a 20% local match for projects whose 3-Party Agreements or Locally Administered Project agreements are signed between September 2<sup>nd</sup> and December 31<sup>st</sup>.*
  - *Require a 30% local match for projects whose 3-Party Agreements or Locally Administered Project agreements are signed after December 31<sup>st</sup>.*
2. *Apply the incentive/disincentive policy in future biennia as follows:*
  - *Allow a 15% local match for PACTS projects whose 3-Party Agreements or Locally Administered Project agreements are signed by December 31<sup>st</sup> of the year in which the MaineDOT Capital Work Plan is adopted.*
  - *Require a 30% local match for PACTS projects whose 3-Party Agreements or Locally Administered Project agreements are signed after December 31<sup>st</sup> of that same year.*
  - *Apply, instead, the 10%-20%-30% policy above in future biennia if MaineDOT implements the “early kick-off” approach that they are doing this year.*
3. *Adjust the 2012/2013 projects list at the October 20<sup>th</sup> Policy Committee meeting based on the actual number of 3-Party Agreements and Locally Administered Project agreements signed. See options listed on next page.*
4. *Reduce the Dunstan Corner local match for the construction phase to 20% if feasible.*

All but one eligible 3-Party and LAP agreements were signed by the September 1<sup>st</sup> deadline. The exception was the Old Orchard Beach Council's decision not to do the overlay project with federal funds.

Paul Niehoff prepared the 11x17 spreadsheet (attached in email for today's meeting) which shows the original and revised federal, state and local shares for each project. The revised amounts are from each 3-Party and LAP agreement. The local shares are not 10% (contrary to our policy on the prior page) because MaineDOT had obligated some of the project funds prior to our May policy adoption. We have discussed this before, and Paul can explain it again if necessary.

The 11x17 sheet shows that we need an additional \$1,372,000 in federal and state funding to accommodate the new total federal and state funding needed for our projects.

*Staff will work with MaineDOT to bring a recommendation to the Executive Committee on October 4<sup>th</sup> in preparation for a recommendation to the Policy Committee for action at the October 20<sup>th</sup> meeting. **See email from John and Paul to MaineDOT on the next page.** Note that the email's attachment is not included here because is not relevant to today's discussion.*

Here are our options for action in October.

- Use some or all of the Holding PIN.
- Cut collector projects programmed last fall.
- Use available federal and state funds from completed projects that have not yet been "closed out" financially (therefore not yet available).
- Divert some 12/13 funding from Cummings Road project if it is not on a fast track.
- MaineDOT provides some new federal and state funding to PACTS in return for a reduction in our 2014/2015 biennial MPO Allocation.
- Other ideas from today's meeting or at the requested PACTS/MaineDOT staff meeting.

Note also that the Policy Committee's February 2011 action to program \$240,000 (federal and state only) from the Holding PIN for two transit capital projects was rescinded by MaineDOT in March. We discussed this at the May Policy Committee meeting. Since then, the Executive Committee considered a new Transit Committee request for \$240,000 from the Holding PIN. The Executive Committee tabled consideration of that request until October pending more information regarding the implications of this 10% incentive policy. *The City of Portland has stated an interest in supporting the Transit Committee's recommendation.*

See additional background materials two pages below.

September 1<sup>st</sup> email to MaineDOT

Hi Herb, Peggy and Joyce,

Paul and I would like to meet with you to discuss the following items in preparation for our October 4<sup>th</sup> Executive Committee and TIP Process Committee meetings. We could come to you. Please advise.

1. We hear that the Cummings Road project is on a fast track (which is much appreciated). There is talk of going to bid in 2012? However, we are planning to program the construction funds in the 2014/2015 program which creates a funding issue. We have raised the question about all possible options to fund construction next year but nothing finite has transpired.
2. We have just calculated a \$1,372,000 need for federal and state funds to cover the reductions in local match for many of our 12/13 projects per the successful signing of 3-party and LAP agreements recently. We need to discuss these options with you:
  - Joyce's idea at the recent Policy Committee meeting regarding reducing the budgets for some of our 12/13 projects. (We note that PACTS programs a 25% contingency for all of our projects. Perhaps we can shave that contingency down some.)
  - If the Cummings Road project is not on a fast track then perhaps we could consider diverting some of the 12/13 PE/ROW money. (We programmed more than we needed.)
  - The draft STIP says we have \$1,088,000 in federal and state funds in the Holding PIN. (Paul and I would like to understand better how the Department made that calculation. We think that there should be more in the Holding PIN.)
  - We are aware of 28 PACTS projects that are done but not closed out. In response to my recent email, Gregg Goggins advised that the projects need approximately \$195,000 from our Holding PIN.

Relative to the first and last bullets above, it would seem that projects which have been completed over the last two years should have funds remaining, especially the collector paving projects. Keeping in mind that the 10/11 projects were estimated using very high unit prices and the PACTS policy of adding 25% to the construction estimate. It would seem we could have a 25% to 35% balance in the majority of those projects. This is something to think about in preparation for our meeting.

3. Joyce offered recently to draft a proposal for kicking off new PACTS projects that get programmed outside of the biennial cycle. We appreciate her offer and look forward to reviewing it.
4. The MPO Project Efficiency Report recommends that: "The MPOs, MaineDOT and FHWA will discuss the implementation of an overall deadline for the advancement of projects, such as two years from the time of selection. This will help eliminate inactive projects." At the present time it appears that all of PACTS "older" projects are on schedule for completion within the next two years and that with the early kick-off projects and the PACTS match incentive the remaining 10/11 projects and all 12/13 projects are also on schedule to be completed by the end of the 2013 construction season. However, we would certainly like to have the discussion.
5. The MPO Project Efficiency Report also recommends that: "PACTS and MaineDOT will work together to fine-tune the administrative rules to implement the new PACTS match policy noted above in order to enable it to work better in the future. FHWA rules require that match percentages be set when a project is authorized (i.e. funds are obligated). Agreements must be negotiated prior to authorization to take advantage of this incentive." We would like to begin the discussion. The "August 18" attachment is a place to start on that subject.

Thanks.

John W. Duncan  
PACTS Director  
207-774-9891  
[www.pactsplan.org](http://www.pactsplan.org)

**September 1st Framework for October Policy Committee Action**

	<u>Federal and State Funds</u>
Sept. 1st projects list at increased federal and state shares This is a reduction from the earlier \$13,200,000 estimate based on 80% federal and 10% state shares.	\$12,896,248
October 2010 projects at 65% federal and 9% state	\$11,492,923
October 2010 unprogrammed balance	<u>\$30,696</u>
Difference -- amount needed to finance incentive policy	\$1,372,629
Holding PIN funds available MaineDOT and PACTS staff are reviewing the status of the Holding PIN balance. See Sept. 1 email in meeting packet.	<u>\$1,088,000</u>
Difference -- need after use of entire Holding PIN account	\$284,629

The list below shows the rank order of the collector paving projects programmed for funding with 2012/2013 biennium funds. The points are from our Collector Paving Set Aside Formula. Staff recommends that any cutting of projects should be more involved than simply cutting from the bottom.

**PACTS 2012-2013 Collector Projects Funded**

Aug 3, 2011

<u>Ranking Points</u>				
38.0	Portland	Capisic Street	1.27 miles	\$795,135
38.0	Portland	International Parkway	0.32 mile	\$169,000
37.0	Freeport	Route 1	1.4 miles	\$766,250
35.0	Westbrook	Bridge Street	1.0 miles	\$634,430
33.0	Falmouth	Route 1	1.1 miles	\$717,680 *
30.0	So. Portland	Dartmouth Street	0.23 mile	\$175,375
30.0	Portland	Veranda Street	0.50 mile	\$354,090
29.0	Portland	Fore Street	0.48 mile	\$678,875
28.5	Westbrook	East Bridge Street	1.2 miles	\$795,181
26.5	Saco	Route 112 (North/Buxton)	0.83 mile	\$584,455
26.0	Portland	Congress Street	0.52 mile	\$453,750
25.0	So. Portland	Rumery Street	0.55 mile	\$291,000
24.0	Portland	Eastern Promenade	1.2 miles	\$1,107,915
22.5	So. Portland	Broadway	1. 21 miles	\$814,000
20.5	Gorham	New Portland Road	0.36 mile	\$256,210
20.0	OOB	Ocean Park Road	0.28 mile	<u>\$211,380</u>
			Total	\$8,804,726

\* two adjacent segments... 32.5 and 33 points

## Agenda Item 6: Monthly Updates

- A. Recent bike/ped meetings with Congresswoman Pingree, Congressman Blumenauer (Oregon), and an introductory meeting with Senator Snowe's new D. C. office transportation staff. We helped organize the bike/ped sessions.
- B. Portland is going to request an extension beyond our December 31<sup>st</sup> deadline for signing a consultant contract for the Libbytown Traffic and Streetscape Study.
- C. Paul has invited MaineDOT Deputy Commissioner, Bruce Van Note, to the August Technical Committee meeting regarding clarity of road responsibilities of MaineDOT, PACTS and municipalities
- D. Carl Eppich and the Planning Committee are working with the study consultant to improve the draft Transit Focused Region Report.
- E. John Duncan is working with the other MPO's to produce an analysis of the pros and cons of the bill that would eliminate small MPOs like PACTS.
- F. We recently distributed the MaineDOT monthly PACTS project status reports to all PACTS members.
- G. Recent memo from the national Association of MPO's: "As you are hopefully aware by now, FY 2012 may bring with it unprecedented cuts to federal transportation budgets. Two scenarios have a chance to play out beginning October 1<sup>st</sup>, 2011. First, the House authored budget plan for FY2012 would mandate that each House Committee find 30% cuts in appropriations, including the USDOT's budget. While funding cuts to this level are not set in stone (since it must pass the Senate as well), deep reductions are highly likely. Second, all but 4.3 cents of the federal gas tax expires on September 30<sup>th</sup> (and the remaining 4.3 cents will be used to pay down the deficit, not go to the Highway Trust Fund). Although the likelihood of not renewing the tax seems to be remote at this time, this Congress has been unpredictable. Therefore, we should not rule out a fight over its continuation. While Congress is still in recess, we want to hear from AMPO members concerning how these two scenarios would affect your individual MPOs. We are looking to submit a narrative to USDOT leaders and members of Congress concerning the cuts and re-analyses of your long-range transportation plans and Transportation Improvement Programs that would be necessitated under each scenario." Etc.
- H. October 4<sup>th</sup> Executive Committee Agenda
  - 1. Recommend Policy Committee endorsement of Public Participation Plan
  - 2. Review staff memo and draft letter to Commissioner Bernhardt regarding the Congressional bill to eliminate MPO's under 200,000 population
  - 3. Review draft RFP for PACTS organizational analysis consultants
  - 4. Review changes made to the 2012-2015 PACTS TIP and the MaineDOT STIP since the Policy Committee endorsed the TIP on August 18<sup>th</sup>
  - 5. Adopt Policy Committee agenda for October 20<sup>th</sup>

I. October 20<sup>th</sup> Policy Committee Draft Agenda

1. Re-program funds per the implications of the 3-party and LAP agreements signed by the September 1<sup>st</sup>
2. Endorse PACTS Public Participation Plan
3. Endorse final RFP for PACTS organizational analysis consultants work
4. Endorse TIP Process Committee's final recommendations if they are done

J. Organizing for the PACTS organizational analysis work

1. Get going this fall.
2. Finalize scope with Executive Committee and involve MaineDOT.
3. John to draft some background narrative for the RFP.
4. We did a member survey in 1999. We hired a consultant who interviewed all of our members. Staff has the report. The goal was to help us organize the scope of work for the development of the first Destination Tomorrow.
5. Go to <http://trid.trb.org/view.aspx?id=1083509> for a ¼ inch thick 2010 FHWA report on the capacity of MPO's. It seems relevant to some extent. John knows one of the consultants who helped write the report, and another ex-MPO-Director in the consulting world.
6. We need to get a clearer pulse on the bill to dismantle the small MPO's.
7. We are a member of the national Association of MPO's. They probably can help us in some way.
8. John met recently with Rob Neal, an organizational consultant, and gave him a copy of the ½ page proposal. Other process consultants who come to mind: Steve Shuitt who helped us four years ago, and Pam Plumb.

K. See August staff activities list on next page.

**PACTS Staff Activities August 2011**

	<b><u>Paul</u></b>	<b><u>Carl</u></b>	<b><u>John</u></b>	<b><u>Notes</u></b>
3-Party Agreements	XX	X		
August 10th PACTS Forum	XX	X	XX	
Air Quality Conformity meeting		X		
CBITD Triennial Review materials		XX	X	
Collector Road Scoring Subcommittee	X			
Cumberland and York County Health + Trans	XX			
Destination Tomorrow Video		XX		
East Coast Greenways/Eastern Trail	XX			
Energy Working Group		X		
Falmouth Route One Transformation	X			
Federal Reauthorization			X	
Franklin Street Corridor Study Phase II	X	XX		
Gorham East West Corridor		XX	X	
Invite Bruce Van Note to Tech Meeting	X			
MaineDOT Annual Conference Plan Team			XX	
MaineDOT Statewide Bike/Ped. Council	X			
Bike & Ped audits, and BMUFL guideline	XX			
MaineDOT Portland North Study		X		
Martin's Point Bridge Committee	XX			
PACTS Bike Pedestrian Plan Implementation	XX			
PACTS Committee meetings prep etc	XX	XX	XX	
Pedestrian Access to Transit Study	XX			A PACTS summer intern project
Public Participation Plan Update	X	X	XX	
South Portland Bike/Ped Committee	X			
Title VI Plan Update	X	X	XX	
TIP Holding PIN reconciliation	X		X	
TIP Process Committee	XX	XX	XX	
TIP Projects Administration	XX	XX	XX	
Signal Coordination Projects		X		
Transit Focused Region Report completion		XX		
				RFP Being Drafted
				Consultant RFP Sent
				Hired
Consultant Studies				
Biddeford/Saco Wayfinding				
Congress Street Bus Priority (COG...FTA \$)		X		
Gorham East West Land Use Planning		X		
PACTS Model Consultant				
Portland Brighton/Deering/Falmouth				
Portland Libbytown Traffic and Streetscape		X		
Portland Peninsula Wayfinding		X		
Regional Aerial Flight				
Regional Bike/Ped Plan Implementation	XX			
Regional Collector and Arterial Studies	XX			
Regional Enhanced Project Scoping				
Regional Local Project Administration				
Regional Transportation Funding Policy				
Regional Traffic Signals Management		X		
Scarborough Oakhill Pedestrian Plan		X		Final invoice has been processed.
South Portland Broadway Intersection		X		
South Portland SMCC Satellite Parking		X		
Southern Maine Transit Coordination (COG)				Study will be completed by September 30th.
Transit Bus Route Study (COG)				Study will be completed by July 31st.
Windham Impact Fees Development		X		
Windham Comp. Transpo. Study		X		Study will be completed by September 30th.
Yarmouth Route One Phase 3		X		Final invoice has been processed.

*X means a minor effort during the past month. XX means substantial.*