

PACTS

Portland Area Comprehensive Transportation System

PACTS Executive Committee Meeting Notice

January 6, 2009
8:00 a.m.

GPCOG, 68 Marginal Way, Portland

Agenda

1. Call to order
2. Public Comment
3. Approve minutes of December 2nd meeting
4. Federal economic stimulus package (8:05)
5. Committee updates from Greg Tansley, Bob Burns and Ed Clifford (8:35)
6. The PACTS planning/administration budget for July 2009 to June 2011 (8:50)
7. Updates on other topics (9:30)
8. Adjourn

Next meeting: February 3rd at 8:00 a.m.

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Minutes of December 2nd Meeting

Attendance: Bill Shane, Chair; Mike Bobinsky; Bob Burns; John Bubier; Mike Laberge;
Greg Tansley

Staff: John Duncan, Carl Eppich, Paul Niehoff, Maddy Adams

1. **Call to Order.** Bill Shane called the meeting to order at 8:10 a.m.
2. **Public Comment.** None.
3. **Approve minutes of October 7th meeting.** *Bob Burns made a motion to approve the October 7th minutes, seconded by John Bubier. All were in favor.*
4. **Committee updates from Greg Tansley, Bob Burns and Ed Clifford.** The Planning Committee didn't meet. Their next meeting will be on January 8th and it will be followed by a joint meeting with the Transit Committee. Ed Clifford was not present to report on the Transit Committee meeting.

The Technical Committee also did not meet in November; they are scheduled to meet next Tuesday. Local project administration came up at the last Technical Committee meeting. Paul explained that there is a potential for PACTS to hire a Manager to do LAP's to move projects along. There were some positive comments from the Technical Committee and Paul will be looking into it further. Bill said that he would have some reservations about PACTS taking that on. Mike L. pointed out that there are capacity issues at MaineDOT so only so much can be done. Bill agreed that moving projects along is a good idea but there are many federal, state and local guidelines that must be followed. If the project manager could facilitate getting a consultant when necessary, etc. and get projects moving that would be helpful. Mike B. suggested that having an arrangement with a consultant that could be hired as needed versus hiring a PACTS staff member might be a good arrangement. In Biddeford they have a PE on staff that they use. Paul mentioned that many of the projects that are sitting around are paving projects and they don't need a PE. Bob added that local representation is still needed. Bill recommended that staff put together a proposal and bring more information about a consulting arrangement back to the next meeting.

5. **Federal economic stimulus package.** PACTS received a notice from MaineDOT last week requesting economic stimulus proposals.

Mike B. mentioned that Portland has a list of projects that have been under funded. The projects submitted should be projects that are near design and ready to go. Mike L. added that they can't be projects that are funded in the current transportation improvement program. They need to be projects that will create jobs; they need to be ready to go by this spring; and they cannot be currently funded. We hope that it will be 100% federal money. The state may have the discretion as to whether or not a match would be required.

PACTS will submit the list – not in priority order. MaineDOT is also collecting the list of projects but they have not made a decision as to whether or not they will be submitted in priority order. It was asked why this money is not being used to fund recent proposals to PACTS that were not funded. John explained that a 90-day turnaround is one of the criteria of the stimulus package. Staff should flag those projects; they will have to meet the criteria however.

6. **Strategy to address our over-programming of State funds in October.** This is not an issue at this point and it can be put on the back burner. In October the Policy Committee adopted a list that was shy a little bit of money and at the same time there was a Forest Avenue paving project whose length was incorrectly listed. The Forest Avenue project needs to be funded at the correct length. The list has been tweaked and there have been changes made. The towns that have been impacted by the decisions are on board with this. In tweaking the list, the Freeport Route 1 project was taken off and Bow Street was added. Cumberland Avenue was put back in. The Policy Committee will need to re-endorse this list so it will need to be on the next agenda. Bill said to be sure to talk to the towns involved prior to the Policy Committee meeting to be sure everyone is agreeable to the changes.
7. **Staff proposal to amend our planning/administration budget.** John reviewed the proposed budget. There was some discussion about TOD. John B. mentioned a meeting that was recently held to discuss TIF TODs with the Commissioner, Senator Damon and others and the meeting was very positive. Greg noted that in a planning sense, TOD needs a certain amount of density to succeed. It would work best in the service centers -- areas with existing bus services.

From the Proposed New Studies list, Bill recommended funding the TIF TOD outreach study at a lesser funding amount and dropping the Melrose/Eyerman study. The Windham Impact Fee Analysis study would be the first priority.

Regarding the Woodford's proposal, PACTS has relied on Portland to get the study started but they have been very busy. According to the policy, if a consultant isn't hired by a certain time, then the money can be taken back. Mike B. explained that the dynamics in the city of Portland are unique --we cannot do it all; they still get behind on projects. Mike provided an update on the list of projects that Portland is currently undertaking and as a result some projects are given less of a priority. They still feel that Woodford's is a priority. They would rather not have to go through a reapplication process for that study. They are prepared to update the schedule and have an RFP out in January and have the project completed by summer. It would be a context sensitive solutions project.

Greg noted that the policy makes sense; the money could have been used on other projects. However, Woodford's Corners is an important project. The policy does say that the Policy Committee can grant a variance and that is what Mike is requesting. Carl asked if having an LAP Manager would help to move this along. Mike B. replied that it probably wouldn't because it is engineering, planning and the scope of service that needs to be put together, along with an RFP, etc. Local representation is needed on the study; there will have to be a public process, etc. Bill S. stated that PACTS should be doing a yearly check in on the status of projects.

For Policy Committee action, Portland will be requesting a variance of the two-year deadline, and the UPWP will need to be amended and adopted. For the Portland Woodford's Corner project, put an asterisk next to the \$40,000 amount rather than a negative. Mike B. stated that the City would agree to work in partnership with PACTS. Only the Eyerman/Melrose project would be cut from the list. Greg suggested showing two spreadsheets -- one without Woodford's and one with it. ***John Bubier made a motion to support the variance request to move the Woodford's project forward. Bob Burns seconded the motion and all were in favor.***

8. **Regional Collector Assessment Study.** The reports will be distributed. Bill would like to have a presentation on the report in January after the Committee has had a chance to review the study. It should also be a dynamic report and not one that just sits on the shelf. John D. suggested that all PACTS committee members could be invited to the January Technical Committee meeting when this topic will be addressed. Mike L. added this is one of the most important studies that PACTS has done in a while because it gives a process to determine which roads should be funded.

9. **Finalize agenda for Policy Committee – December 18th meeting.**
 - Amend the PACTS MPO Allocation projects list per staff recommendation.
 - Add the Portland variance request and endorse the UPWP as amended.
 - Receive a report from the TIP Process Committee.
 - Get an update on the economic stimulus package.
 - Act on recommendation from MaineDOT and staff on implementing our already-adopted report called Leveraging Increased Funding Through Transportation Investment Partnerships.

10. **Updates on other topics.**
 - RTP is continuing to recruit a General Manager. It is still worth our effort to collaborate with them.
 - **December 19th** – Cumberland County Delegation is being invited to a breakfast by the County Commissioners. PACTS should organize a similar session; it makes more sense coming from PACTS than from the County. It was suggested that PACTS hold a transportation forum for legislators and elected officials from Cumberland and York County in December (17th) if possible. An early morning session would be best. We could invite Greg Nadeau or the Commissioner. Perhaps we could have Commissioner Richardson come in to talk about the economic stimulus package. Ocean Gateway was suggested as a good location or the Scarborough Town Hall. The format would be a presentation from the reps and then a question and answer session. Senator Damon should be invited. *(After the meeting it was learned that the County breakfast was scheduled for December 17th so the PACTS forum was scheduled for December 19th).*

11. **Adjourn.** The meeting adjourned at 10:10 a.m.

Agenda Item 4: Federal Economic Stimulus Package

Staff will provide an update on this. Here is a summary of recent meetings and communications. Rough estimates in mid-December of transportation funds coming to Maine ranged between \$65 and \$80 million.

On December 3rd PACTS staff submitted \$110 million in transit, highway and sidewalk proposals based on proposals from our members and staff application of MaineDOT's eligibility criteria. Two fundamental criteria were project readiness and the Maine job creation. (Maine's three other MPO's submitted \$80 million in proposals.) PACTS staff had done some "triage" of the submittals received. We submitted a revised list on December 9th in order include some proposals missed on the 3rd.

On December 11th the Press Herald printed a \$220 million MaineDOT statewide draft candidates list. It included several I-295 paving projects, and projects on Route 112* in Saco/Buxton, Route 100/26* in Falmouth, Falmouth Road* in Falmouth, and Broadway in South Portland (* on PACTS list).

On December 18th representatives of our Congressional Delegation and MaineDOT briefed the Policy Committee. MaineDOT's Greg Nadeau encouraged PACTS to do regional "triage" on the proposals in terms of meeting the project readiness and job creation criteria. He also clarified that MaineDOT was encouraging municipalities to submit to PACTS proposals from throughout their areas rather than just from the PACTS Funding Area areas. Consequently, PACTS staff has received some additional submittals since then. In all cases the proponents also sent them to MaineDOT and/or Congressional Delegation offices.

On December 29th John Duncan sent an email to Kat Fuller inquiring on the status of the project selection process. She responded, and then John responded "to all" after talking with Paul. Here are the three emails – we have not heard yet on "sub-allocation" as of sending out this meeting packet.

Hi Kat,

I just left you a voice mail message. Thanks for your helpful email below. I'm sure you can't wait to get some more details from Congress.

We are interested in pursuing the design build process, and would like to discuss further.

We did a little triage in preparing our December 3rd submissions. At this point we would like to know a ballpark amount of funding for our region before we do further triage. The analysis process, work level and PACTS member involvement to create a \$5 million list are a lot different from making a \$30 million list.

I'm curious how the Department arrived at \$680 million, and which projects in the PACTS region are on it.

We would welcome the opportunity to select projects for funding based on a sub-allocation to PACTS. Given the large number of "ready to go" projects in our region and the challenge of deciding which ones should get funded, we could provide an important priority setting function.

I look forward to hearing about your meeting tomorrow on the sub-allocation question. It would be great to be able to report to our Executive Committee on this at their Tuesday meeting.

John

From: Fuller, Kat [mailto:Kat.Fuller@maine.gov]
Sent: Tuesday, December 30, 2008 8:10 AM
To: John Duncan; Rob Kenerson; Don Craig; Tom Reinauer
Cc: Laberge, Michael; Paul Niehoff; Baker, Norman; Duval, Margaret; Rooney, Martin; Sweeney, Ken; Foley, Brad; Nadeau, Gregory (MDOT)
Subject: RE: MPO's and Econ Stimulus

Hi John

If you have done some triage work on the December 3rd submittals, please send those along. It would help us to know your priorities and how you have determined what can be delivered within the 180 day time frame. Send these to me and I will see to it that they get to the right staff.

As you can well imagine, we expect numerous requests for projects from all over Maine. Our staff has triaged a billion + list to a *more manageable* \$680M+/- list. For purposes of refining our potential candidate lists, we have targeted \$200M in bridges, \$150M in paving, \$150M in reconstruction (inclusive of traffic management, hazard elimination etc.) along with roughly \$180M in multimodal candidates. This process included consideration of the prior MPO submittals and we will need to identify those projects on the so-called "B" list that are within the MPO areas.

I will be discussing the sub-allocation question with front office at a meeting tomorrow so have to defer a response on this at this time.

What I will tell you regarding selection is that the main criterion is obligation within 180 days of enactment. For purposes of scheduling, we are assuming an August 1st "ready to advertise" date. Advertising means that all public process, design, r/w, environmental analysis and related permitting, MOAs and other administrative/regulatory aspects must be in place before a project can be advertised.

We are aware that many are thinking that candidates would be ready assuming a design-build process. I've discussed this with Ken Sweeney and we offer the following suggestion:

For design-build candidates to be viable stimulus projects we will need fully developed RFQ/RFP and scope documents by May 1st. This will give us time to review the materials to make sure they are complete and adequate before they go out. If any MPO is interested in pursuing projects through a design-build process, we will offer to set up a session to go over what the expectations are for this May 1st deadline. We have a design-build team that is out straight already so our staff will be unable to take on design-build projects on behalf of the MPOs. You will need to create your own team(s) and may choose to secure private technical assistance to assist you.

If any of you are interested in pursuing this, let me know ASAP and I will arrange such a session.

Thanks kat

-----Original Message-----

From: John Duncan [mailto:jduncan@gpcog.org]

Sent: Monday, December 29, 2008 1:47 PM

To: Fuller, Kat

Cc: Laberge, Michael; Paul Niehoff
Subject: MPO's and Econ Stimulus

Hi Kat,

At the recent Policy Committee meeting Greg spoke of the role of MPO's in "triaging" proposals for economic stimulus money. We had done some triage work for our December 3rd submissions. Some of our members understood that they should submit proposals from throughout their areas (rather than just from their share of the PACTS Funding Area). Since the Policy Committee meeting more proposals have come in to us, some of which I know have been sent to both MaineDOT and PACTS.

At this time we are waiting for further direction from MaineDOT before doing any further work on this. Do you have any new info for us on the selection process? Do you anticipate asking us for more work on this? Might the Department sub-allocate moneys for the MPO's to program? I am guessing that you are waiting for direction from Congress, but I thought I would ask now. We stand ready to work on this at whatever pace is required.

Happy New Year!

John

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Agenda Item 5: Committee Updates

Member Resource: Greg Tansley, Bob Burns, Ed Clifford and John Bubier

Staff Resource: PACTS and GPCOG Staff

Recommendation: Discussion only

- Planning Committee topics
 - Did not meet in November or December
 - January 8th joint session with the Transit Committee
 - Tex Haeuser's TIF legislation proposal
- Technical Committee
 - Reviewed proposed changes to 2010/2011 projects list
 - Discussed at length the concept of local project administration by PACTS staff or consultant
 - Discussed federal economic stimulus
 - Discussed PACTS regional traffic signal management system with Carl Eppich

- Transit Committee's November and December meetings
 - Both 3 hours long – as usual!
 - Continued work on regional route study and regional map/timetable
 - Long discussion of possible changes to the PACTS formula for allocation of the annual \$2,500,000 in FTA 5307 funds
 - Discussion of UPWP planning tasks and budget
 - Much exchange of information on many topics of interest to all at the meeting
 - Prepared annual report to the Policy Committee

- TIP Process Committee's December meeting – their first meeting
 - John Bubier is the Chair of the Committee.
 - There are fifteen members.
 - The Committee's purpose is to review our TIP priority setting and administration policies and procedures in preparation for the FY 2012/2013 biennium, and to submit a final set of recommendations to the Policy Committee by next September.
 - Topics introduced at the December meeting were:
 - PACTS Set Aside Policy
 - Project Cost Control and PACTS Contribution Control
 - Our Policy on Match Ratios and Multiple Funding Sources
 - Our Inefficient Development of Projects
 - Using and Improving Existing State Transportation Policies
 - Working with MaineDOT to make changes
 - Local project administration via PACTS
 - Tweaks to several PACTS policies and procedures
 - There was significant interest in leveraging the flexibility in MaineDOT's highway design guidelines.

Agenda Item 6: Planning/Administration Budget

During the next few months we will develop a 2-year planning and administration budget and work plan known as the Unified Planning Work Program (UPWP). See budget worksheet on next page. I recommend the following process.

Policy Committee

- Adopt a budget and work plan development process.
- Adopt final budget and work plan on May 21st.

Executive Committee

- Work with staff on overall expense budget for PACTS-staff-and-COG-support.
- Work with staff and the Technical Committee on a February 3rd staff proposal regarding new role in local project administration, and on the concept of establishing a PACTS regional signal coordination management system.
- Work with staff on possible future lobbying function.

Transit Committee

- Work with PACTS, GPCOG and SMRPC staff to develop the transit planning component of the UPWP which is funded 80% with FTA funds.

Planning Committee

- Work with staff on the ranking of consultant studies proposed by our members to be funded with FHWA funds. This would be a change from the Technical Committee doing this in the past. I recommend this change in order to increase the role of the Planning Committee in our work and to move us toward a greater focus on regional planning.
- Work with staff on an outline of an update of *Destination Tomorrow* next year.

Technical Committee

- Work with staff and the Executive Committee on a February 3rd staff proposal regarding new role in local project administration, and on the traffic signal concept.

Staff Roles

- Work with Committees as described above. Review the planning priorities work done by our Committees in early 2007 for the development of our existing UPWP.
- Recommend staff work priorities and budget for the next two years.
- *Solicit proposals from our members for new studies – due in late February.*
- Work with MaineDOT to maximize federal and state funding for our UPWP.

December 31, 2008

Budget Worksheet for PACTS Planning and Administration
For Two Years -- July 2009 to June 2011

<u>Revenue and Expense Overview</u>		<u>Notes</u>
FHWA "PL" Funds (80% share)	\$1,250,000	Budget for existing biennium is \$1,425,000. MaineDOT will send 2010/2011 budget letter soon.
MaineDOT match	\$115,000	Use some of this for new staff lobbying function? Budget for existing biennium is \$126,000.
Local match needed	<u>\$197,500</u>	This includes \$82,500 in match for "local" studies. See below for more on PACTS dues.
Revenue total	\$1,562,500	
PACTS staff plus COG support	<u>\$1,050,000</u>	Budget for existing biennium is \$970,000.
Balance for consultants or more staff	\$512,500	

PACTS Dues Estimate

20% match for PL funds	\$210,000	20% of the \$1,050,000 above
MaineDOT match	<u>\$115,000</u>	Budget for existing biennium is \$126,000.
Balance needed in PACTS dues	\$95,000	Budget for existing biennium is \$92,000.

Transit Planning and Administration

The PACTS "Unified Planning Work Program" also includes transit planning and administration tasks funded by the Federal Transit Administration, GPCOG, SMRPC and Transit Providers. PACTS, GPCOG and SMRPC staff will develop this budget with the Transit Committee.

Agenda Item 10: Updates on Other Topics

1. Fifty (50) people attended the **December 19th Legislators' Forum**, including 13 state and local elected officials. The Press Herald printed an article the next day. We distributed copies of our Collector Study brochure.
2. See the next page for a description of the upcoming staff work to implement our report: **Leveraging Increased Funding through Transportation Investment Partnerships**
3. See page 13 for an update from Paul Niehoff on the work of the PACTS/FHWA/MDOT/MPO's monthly meetings on **innovations for improving MaineDOT project development** process.
4. The Falmouth and South Portland Councils have endorsed our **High Priority Project** three final candidates. John will present to the Portland City Council in January or February. *He is awaiting replies from transit providers and other municipalities.*
5. Staff is playing an active role in the fast track planning of the reconstruction of the **Veterans Bridge**. We and MaineDOT are going to host a workshop on January 15th with MaineDOT, Portland, South Portland and bicycling/walking advocates.
6. **Freeport Councilor Genie Beaulieu** has replaced Dale Olmstead as their representative on the Policy Committee. Dale will serve as the primary alternate. Genie will be our second elected official on the Policy Committee.
7. Recent and upcoming staff meetings:
 - Staff met recently with Portland's **Markos Miller** to discuss the development of our next UPWP.
 - Staff will go to **Waldoboro** this afternoon to advise a MaineDOT Gateway One subcommittee on the structure of PACTS as they consider creating a new entity empowered to plan and program funds.
 - Staff will meet with MaineDOT's Rob Elder tomorrow to discuss opportunities for PACTS to help MaineDOT with **freight planning**.
 - January 23rd **quarterly meeting in Augusta** with MaineDOT and the all the MPO's.
8. Next Policy Committee meeting:
 - Wait until February?
 - Act on recommendation for process to develop UPWP for next two years.

Upcoming work to implement our report:
Leveraging Increased Funding through Transportation Investment Partnerships

- 1) Pilot Projects – PACTS staff to work with MaineDOT, South Portland and Freeport to determine if two proposed new roads in those municipalities qualify for the existing New Road Construction State-Municipal Partnership option listed in the report. (This MaineDOT program will need state funding in the coming biennium in order for this to work.) PACTS and MaineDOT staff will work also with other communities if other candidates are suggested. Any project that successfully generates new revenue will be documented.
- 2) Policy Research – Staff to monitor our existing consultant studies budget during the coming months to determine if there is any unused money that could be used to pay for continued work with John Melrose and/or Mark Eyerman to pursue implementing various options on a municipality by municipality basis during the last six months of our budget biennium. Staff will also propose this spring continued funding to keep John and/or Mark under contract in our next budget (July 1st start). Note that BACTS has just hired John Melrose for this purpose.
- 3) Local Match Policy – Staff to work with the TIP Process Committee in 2009 to reevaluate our local match policy as follows:
 - To consider a recommendation whereby projects with a regional benefit – clearly connected to *Destination Tomorrow* or ones that preserve the existing system – receive a lower match than others.
 - To consider a recommendation to develop at least one proposed local match scenario that generates significant new revenue.
- 4) Private/TIF/Partnering Sessions – PACTS staff to work with MaineDOT and developers to create a process to facilitate opportunities for public-private partnerships. A prime example is when developer happens to be doing work where a publicly funded transportation project is scheduled, and where the timing and communication work out such that funds may be pooled that not only meet the needs of the private sector but result in a greater benefit to the transportation system than would have been possible with the previously allocated public sector funds alone. This has been done recently in Topsham, Sanford, Ellsworth and Augusta.

Background

MaineDOT's Marty Rooney, Mike McGovern, Nat Tupper, Joe Gray, John Bubier, Jerre Bryant and John Duncan met recently to draft suggestions to the Policy Committee on options to pursue based on the *Leveraging Increased Funding through Transportation Investment Partnerships* report prepared for us by Mark Eyerman and John Melrose.

Marty suggested at the meeting that PACTS's significant status in state and federal law is underutilized in policy making, particularly for efforts where multiple municipalities would dedicate or raise revenue for a common purpose such as regional investments or a revolving loan program.

December 2008 Status Report for the

FHWA/MPO's/MaineDOT Innovative Project Work Group

In December 2007 the Technical Committee wrote to MaineDOT listing three items of concern. It turned out that MaineDOT was either in the process of, or as a result of our letter, working on all three concerns:

- developing a project “kick-off” process including the new “3-Party Agreement”
- State and Federal standards and guidelines, and design exception process, and
- the cost implications of MaineDOT’s existing QA/QC process.

Beginning in mid-summer PACTS and MaineDOT organized a 12-member working group consisting of the MPOs, MaineDOT, and FHWA. We have met five times so far at MaineDOT, ATRC and PACTS. PACTS participants include Paul Niehoff, Jennie Franceschi, Jim Wendel and Mary Ann Conroy.

We began with the MaineDOT’s Flexible Design Practices process. We discovered that although the “process” was in place for flexible design, many MaineDOT designers were either not aware there was a process or that the process appeared “broken”. The group studied the flexibility-in-design process, and developed a much better understanding of the process which utilizes the existing design guidelines for determining the best design given certain project parameters and on site project restrictions. We also reviewed the design exception process which is used when the guidelines cannot be met even with the built-in flexibility. As a result of our work, Jeff McEwen of FHWA has developed a training presentation on the process with the intent to conduct workshops with the MaineDOT Regions and main offices, the MPOs and for the MaineDOT design consultants.

Our next order of business is looking at three “case studies” to determine:

- why costs vary widely between municipal and MaineDOT projects when similar scope and designs are utilized,
- reviewing project scoping and methods of construction to determine the most economical way to construct projects and
- to delve into municipal/state project partnerships.

We anticipate that improvements to the process of project design and scoping and construction management will occur and that reports related to the various topics will be generated after the group’s work is complete.

The next meeting is scheduled for January 21st to allow time to work on the “case study” specifics. We anticipate work related to this group will be complete by April or May.