

PACTS

Portland Area Comprehensive Transportation System

PACTS Executive Committee Meeting Notice

July 7, 2009
8:00 a.m.

GPCOG, 68 Marginal Way, Portland

Agenda

1. Call to order
2. Public Comment
3. Minutes of May 5th meeting
4. Committee updates
5. TIP project topics
 - A. Amend existing TIP for Veterans Bridge project
 - B. Discuss Three Party Agreement
 - C. Report on process for adoption of the PACTS Transportation Improvement Program for FY 2010 to FY 2013
6. Updates on other topics
7. Adjourn

Next meeting: August 4th at 8:00 a.m.

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Minutes of May 5th Meeting

Attendees: John Bubier; Mike Bobinsky; Bob Burns; Art Handman; Judith Harris; Mike Laberge; Greg Tansley; John Duncan; Carl Eppich, Sue McIntyre; Paul Niehoff.

1. **Call to Order.** John Bubier opened the meeting at 8:04 a.m.
2. **Public Comment.** None
3. **Minutes of April 7th, Meeting.** *Bob Burns moved approval of the April 7th, 2009 minutes, seconded by Mike Bobinsky. Vote taken. All were in favor. Minutes accepted.*
4. **Committee Updates.** The *Planning Committee met with the Technical Committee* on April 14th. The meeting went very well. It was felt that the group left with a better understanding of each Committee's perspectives. The Collector Road Study was discussed and the meeting allowed for a variety of good ideas to be shared. Changes in the scoring percentages were considered. The two groups ended the meeting by scheduling another meeting.

A good discussion of the Casco Bay Lines study proposal took place at the *Transit Committee meeting*. Mike B. noted that this study might be somewhat premature and may be postponed until the end of the Portland North Study. It might be scheduled in coordination with that project.

Member feedback on the "drop roads" proposal was discussed at *the TIP Process Committee*. The reality is that there are a number of roads that will not get treated. There was a general consensus among the group that more time is needed to think about it. A majority of the group felt that taking roads off the list could be counterproductive.

The group acknowledged the reality of the lack of monies but with some faint hope that funding might be found. Conversation on this topic is expected to continue at both the Planning and Technical Committee meetings.

Discussion for more regional emphasis in project selection also took place at *the TIP Process Committee*. The TIP Process Committee will be working on this item at their next meeting. Bob pointed out that with respect to collector roads there is URIP funding and that trickles in for maintenance of roads. If roads are chopped off that list you will lose that funding.

There was a great turnout at last Friday's *Destination Tomorrow* meeting. The Plan's focus will be on what has changed within the past four years. It will address a number of items such as climate change, the environment and TDM expansion. Judy asked if there could be language included in Destination Tomorrow that addresses the marine highway and coastal shipping topic to acknowledge that there are alternatives for moving major trucking. This would reduce the impact on our roads and reduce greenhouse emissions. The lost of gas tax revenue from trucks could be replaced with tariffs. Judy will follow-up and provide more information on this topic. It was also noted that rail could be another way to transport trucks as an alternative to reduce impact on roads.

5. **Planning Budget for Next Biennium**

John provided an overview of “next steps” and tables 1 through 4 as described in the meeting packet.

A 35-page draft work plan has been sent to MaineDOT, FHWA and FTA for comments. Staff and Mike L. plan to meet shortly. The work plan will then be forwarded to both the Planning and Transit Committees. The Transit Committee in conjunction with GPCOG, PACTS and SMRPC staff will provide their component. The Policy Committee is expected to adopt a final UPWP on May 21st.

Comments, questions and discussion took place pertaining to tables 1 through 4. In summary:

- Clarification of the scoring process was provided.
- The criteria used in scoring stem from the eight guiding policies of *Destination Tomorrow*.
- Transit just ranked transit projects
- *Destination Tomorrow* is a forward looking document. A fixed guideway system is “forward looking”.
- When a town is involved with a proposal with another town it provides an extra point or two.
- Should there be an analysis on how a fixed guideway would be funded?
- Part of the study is to decide whether or not a project is feasible.
- The Casco Bay Island Transit District study may be premature at this time and could be deferred.
- The Yarmouth proposal vs. the Windham proposal was discussed and compared.
- The Scarborough study was thought to be more of a local study rather than regional.
- The cost a study is normally based on what similar studies have cost at other places. The South Portland – Portland fixed guideway study is difficult to find comparisons. \$30,000 - \$40,000 is a number that has worked for many studies in this region.

Staff recommends that if the CBITD study is not funded then we fund the Windham Comprehensive Study. The “table 4” list will be forwarded to the PACTS Planning Committee for input.

6. TIP Project Topics

1. Endorse allocation of final FY 2009 Congressional amounts for FTA 5307 funds
Updated information pertaining to a minor adjustment based on recent final Congressional action was provided by John D. In December Congress said here is 5/12 of the 5307 monies for FY 2009. In March, Congress was about to adopt the 12/12. Staff then went to the Policy Committee in March and recommended that the formula of the Transit Committee be applied by the Transit Committee when the final numbers come in. The amounts have now come in and are lower than expected. The formula that we have that the Policy Committee endorsed over the years and the formula adopted a couple of years ago has two parts. One part, the smaller amount, is an incentive, a reward component and it works as long as there is an increase in the FTA monies. However, there has been a decrease in the FTA monies. Subsequently, this has complicated the work of the Transit Committee. Due to this updated information that the money is less than expected, staff is

recommending that this Committee endorse the distribution of the money based on what the Transit Committee decides at their meeting next week.

A question was asked whether any of the stimulus money could offset some of the decreased funding with John D. replying that “it could”. A short discussion took place. **Mike Bobinsky made a motion that the Transit Committee apply the formula with the monies to be distributed and apportioned out across the board, seconded by Bob Burns. Vote taken. All were in favor. Motion passed.**

2. *Recommend to Policy Committee the programming of funds in our Holding PIN* Paul summarized a discussion during the last Policy Committee meeting in March pertaining to two Yarmouth projects. As a result of that discussion, PACTS staff is now recommending three alternatives as described in the meeting packet listed as Alternative A, Alternative B and Alternative C. A short discussion took place. **Greg Tansley made a motion that the Executive Committee endorse Alternative B, seconded by Mike Bobinsky. Vote taken. All in favor. Motion passed.**

3. *Discuss options for treatment of “expenditures to date”.* A discussion took place regarding options pertaining to the treatment of expenditures to date for projects that are being withdrawn and going into a holding PIN as described in the meeting packet. Staff is suggesting that FHWA, MaineDOT and local funds each pay their own respective percentages for each project. There was a general consensus among the group for staff to draft an outline of a policy that has some level of flexibility and include circumstances that are above and beyond the normal with some agreement by local towns as projects unfold. This could then be forwarded to the Policy Committee for review and endorsement.

7. Updates on other Topics

An overview of updates as listed in the meeting packet was given. ***Among items of interest:***

- The High Priority Project proposals have been sent to Congressional Pingree’s office.
- A draft of an Executive Summary Report was distributed among the group for review. On Friday, the Legislative Transportation Committee agreed to cut \$60 million to the highway fund based on a variety of things related to the economy. Hopefully this Report will remind our elected officials the need for road repair. It was suggested that the 15 PACTS communities be listed on the first page. John D. is working on the final copy.
- PACTS Annual meeting is scheduled for June 22nd and will be held at USM.
- Another Veteran’s Bridge meeting is scheduled for May 14th. The RFQ has been completed and reviewed by both Portland and South Portland. They are now down to three contestants to do the work.

8. Adjourn

The meeting adjourned at 9:55 a.m.

Agenda Item 4: Committee Updates

- Policy Committee's May meeting
 - Adopted UPWP. Asked to see more info on the Fixed Guideway Study.
 - Heard report from TIP Process Committee
- FIRST EVER Joint Technical and Planning Committee meeting
 - Briefing by Bruce Hyman on his work to update the PACTS Regional Bicycle and Pedestrian Plan
- Transit Committee's May and June meetings
 - Finished recommendation for transit planning work in next UPWP
 - Worked on regional map and timetable, regional route study, regional pass system, and transit in comprehensive planning
 - Worked on FTA Section 5307 sub-allocation topics
- Planning Committee's May meeting
 - Recommended consultant studies to be funded in next UPWP.
 - Update on *Destination Tomorrow* Update, and on TOD TIF legislation
- The *Destination Tomorrow* Update Subcommittee's May 28th meeting
 - Held their third meeting. Excellent attendance – including two Policy Committee members.
 - Continued work on Mission and Vision Statement
- TIP Process Committee's May and June meetings
 - Collector funding policy
 - Set asides policy
 - Regional emphasis in project selection
 - Languishing projects policy
 - Substitution and withdrawal policies
 - Three-Party Agreement
 - Update on BACTS/Melrose transportation cost sharing and responsibilities study
- June 26th John/Kathi/John conversation regarding the year ahead

John Duncan offered most of the following topics. John Bubier, Kathi Earley and John D. discussed – per the bullets below. **See next two pages.**

Planning topics

- A. Build momentum for regional traffic signal management
- Base on study underway. New UPWP includes funds to continue the signal coordination study effort. BACTS (Bangor area) and ATRC (L/A area) have regional signal management processes.
- B. Organize “transit strategic initiative”
- A discussion is underway to revise the scope of the recently approved Fixed Guideway Study. Seven people met, and will meet again. Discuss a Portland harbor passenger ferry crossing?
- C. Develop update of Destination Tomorrow and adopt next June.
- It’s going to be more strategic and focused on travel demand management. Will it produce a small number of regional priorities for us all to focus on?
- D. Gorham East West corridor transportation and land use study
- Has a major land use plan component.
 - Steering Committee is Gorham, Scarborough, South Portland, Westbrook, PACTS, MTA and MaineDOT. John Duncan is Chair of Advisory Committee. Portland is on Advisory Committee.
 - Study has a \$1 million budget – 80% MTA and 20% MaineDOT.
 - Similar in scope to a York County study just started by MaineDOT
- E. Portland North Study
- Important regional study being done by MaineDOT. Implications for NNEPRA’s operation? Going too slowly?
- F. Tri-Community Transportation Plan
- An important regional effort for OOB, Saco and Biddeford.
- G. Franklin Arterial Phase 2 Study
- A high profile effort to change the character of the Franklin Street Arterial. PACTS, Portland, MaineDOT and the active Portland transportation advocacy community will
- H. Forest Avenue land use and transportation study
- An important study whose goal is to develop recommendations for significant transit-oriented land development policies for this major regional arterial.
- I. Get involved in regional freight planning
- Follow up on Peter Vigue’s challenge to us at annual meeting. MaineDOT has invited PACTS to become more involved in freight system planning. PACTS staff will do so. Reconnect rail to the ITO? Get regional business groups involved.

Money and project administration

J. Stormwater and Smart Transportation

- A Kathi Earley priority
- Encourage MaineDOT to allow shrink street widths/pavement in order to reduce impervious surface and runoff. Apply design flexibility.

K. PACTS more visible in legislative processes in Augusta and D.C.

- PACTS staff do it, and charge to PACTS Assessment account. Collaborate with PACTS members. Focus on our High Priority Projects, and the Downeaster's funding. Encourage next stimulus projects not have the "means testing" requirement (low/moderate income) that hurt York County last round.

L. Monitor new federal transportation reauthorization and climate change legislation

- Do a study of the implications of rising sea levels?

M. Meet periodically with Commissioner Cole and staff

- Set it up for PACTS-only in September, and for all MPO's later.
- MaineDOT is going to require that locals follow state standards when fixing collectors and arterials with local funds?
- Get in the loop on Landry's site law rules study committee. Create a regional system – suburban areas' traffic growth runs through urban areas. Put traffic mitigation revenues towards transit purpose.

N. Follow up to the BACTS/Melrose work

- No silver bullets yet from that study. Study report due this month. Lots of interest in bringing Maine urban compacts up to equity with rural areas in URIP program. Let's build some momentum on this. Other ideas for more responsibility for BACTS and other MPO's.

O. Adopt TIP Process Committee's recommendations

- Give towns credits for spending local dollars on state roads.

P. Continue good work of the Executive Committee

- Staff will suggest additional authority to Executive Committee.

Q. Make 3-Party Agreements work

- Paul Niehoff opportunity

Agenda Item 5: TIP Project Topics

A. Amend existing TIP for Veterans Bridge project

Staff Resource: John Duncan

Recommendation: To amend the existing PACTS TIP by adding the \$45.45 million replacement of the Veterans Memorial Bridge, as requested by the MaineDOT

Background

Article VI Section 1 Subsection 1d of our bylaws states the Executive Committee has the authority to “add, delete or change FHWA-funded and FTA-funded projects as requested by MaineDOT.”

The MaineDOT would like to finance the replacement of the Veterans Memorial Bridge with federal funds rather than their original plan to use only state funds. They need us to support this approach by amending our existing Transportation Improvement Program.

The request is to include the construction and construction engineering phases of MaineDOT PIN 15106.00, "South Portland, Veterans Bridge, No. 3945." That is Federal Project No. BR-1510(600). The construction phase breaks down as: Federal funds, \$31,560,000 (80%); State match, \$7,890,000 (20%). The construction engineering phase breaks down as: Federal funds, \$4,800,000 (80%); State match, \$1,200,000 (20%).

The current schedule calls for the project to be advertised in the summer of 2009, with construction scheduled to start in the spring of 2010 and end in the fall of 2012.

B. Three Party Agreement

Staff Resource: Paul Niehoff

Recommendation: Discussion Only

Background

PACTS staff is working with the MaineDOT to revise and fine tune the proposed “Three-Party Agreement” template which is designed to spell out the responsibilities of the MaineDOT, the MPO and the municipality for all projects (except transit capital) funded through our MPO Allocation. MaineDOT has taken this initiative after several years of the MaineDOT and municipal members requesting the MPO’s become more involved during the project development and construction phases – a change from when the primary project role of the MPO staff ended after the Policy Committee’s selection of projects every two years.

MaineDOT is also motivated by a need to manage the workloads born by their Project Managers. What this means on a broad basis is a shift of responsibility which will result in the potential of requiring significantly more PACTS staff project monitoring of funding, amendments, and participation in review and revisions of project scopes.

The three party agreements will replace the existing City-State agreements for projects funded via PACTS and should mean little, if any, change to municipal roles. The agreements will be the end product of the kick off meeting which will soon occur on a regular basis. The result of the kick off meeting will be a thorough understanding by all parties of what the project will consist of, the funding responsibilities and constraints, lines of communication and other project specific details.

We are currently receiving comments from our members to incorporate into our discussions (which have already started) with DOT. They understand our concerns and will work with us to develop a good working model which will be reviewed periodically.

Staff understands and agrees with the concept of these agreements which clarify roles and will be sending MaineDOT some proposed language changes after receiving PACTS member comments. Here are some highlights.

1. The agreements will conceivably require **more PACTS staff involvement** in project scoping, in public meetings, and in project scope/funding changes.
2. PACTS staff may become involved with the **change order process** but only if it is a scope or funding change resulting in a potential TIP amendment or a fund transfer.
3. The agreement currently states that the MPO will be thoroughly involved with **“non-participating” work** requested by the municipality. We have discussed this with DOT and tentatively agreed that the MPO need not be involved with scopes and costs outside the MPO allocation.
4. We are working on the **expenditures to date reimbursement** situation. We will attempt to develop more finite language but as each project can be vastly different the boiler plate language may need to be revised to fit the parameters on a project by project basis.

C. Process for adoption of PACTS TIP for FY 2010 to FY 2013

Staff Resource: PACTS and GPCOG Staff

Recommendation: Discussion only

Background

The Policy Committee needs to adopt our Transportation Improvement Program for FY 2010 to FY 2013. The steps are as follows:

1. MaineDOT sends us a list of all active federally funded transportation projects in our region. (Mike Laberge sent it to Paul on June 25th.)
2. PACTS staff works with Mike and other MaineDOT staff to assure that list's projects and financial data are correct.
3. PACTS staff sends a final draft list to all of our members for review and comment. We would include this list as an action item on a July Policy Committee agenda, but we have no other reasons to hold a meeting so we will do it this way.
4. PACTS staff publishes a legal notice, sends an email to our Interested Parties list, schedules a public hearing, and holds a public hearing.
5. PACTS staff, consultant and MaineDOT collaborate on the required air quality conformity analysis.
6. PACTS staff addresses all member and general public questions and comments – and sends a summary to the Policy Committee prior to August meeting.
7. On August 20th the Policy Committee adopts the Transportation Improvement Program for FY 2010 to FY 2013.
8. PACTS staff finalizes the document and the projects list, and sends it to MaineDOT and the Federal Highway and Transit Administrations.

As we are doing this, MaineDOT is developing their Statewide Transportation Improvement Program for FY 2010 to FY 2013.

Starting on October 1st – the beginning of Federal Fiscal Year 2010 – the federal agencies are able to obligate the FY 2010 federal monies and all existing projects may continue in a seamless manner – as long as the agencies have approved the PACTS TIP and MaineDOT STIP.

Agenda Item 6: Updates on Other Topics

1. The Town Council of Old Orchard Beach recently voted to cancel the construction of the roundabout at the Halfway Rotary location. Staff will provide more information at our meeting.
2. June 22nd annual meeting:
 - 71 people attended, including staff from entire Maine Congressional Delegation
 - Great panel discussion...much support for Downeaster funding, praise for Tex's TOD TIF initiative, more work to be done this year by the Legislature's Transportation Committee to find ways to fund transportation.
3. The Committee on Transportation and Infrastructure – the “T & I Committee” – is marking up its Surface Transportation Authorization Act of 2009.
4. The FTA recently reported that added flexibility that is now being granted to FTA recipients of ARRA funds. President Obama has signed the Supplemental Appropriations Act for 2009 which includes a provision *allowing up to ten percent of each amount apportioned in the Recovery Act for the urbanized (Section 5307) and non-urbanized (Section 5311) formula programs to be used for operating assistance*. This provision should provide some much needed relief to transit agencies that have been required to lay off employees and/or curtail service during this period of economic uncertainty.
5. BACTS is wrapping up their study with John Melrose on urban transportation finance and jurisdiction policy. John Duncan, Kathi Earley and Tex Haeuser have attended two BACTS study meetings (one via phone). John and Kathi can brief us today.
6. The Gorham East-West Corridor Study:
 - Steering Committee has met three times. Meets monthly.
 - Advisory Committee has met twice.
 - Land use planners working group has met
 - 20 municipalities, PACTS, GPCOG and SMRPC staff are compiling population and employment data for PACTS model
 - PACTS travel demand model has been enhanced for this study.
7. Economic stimulus fund for traffic signal coordination
8. Update on Veterans Bridge design process.

Executive Committee Draft Agenda for August 4th

1. Report on final recommendations from TIP Process Committee to Policy Committee
2. Report on proposal to expand the scope of the \$400,000 Franklin/Marginal intersection design project to the entire Franklin Street Arterial – and to incorporate the \$100,000 in our UPWP into that effort.
3. Report on proposal to change the scope of the recently approved Portland-South-Portland fixed guideway study to a broader *regional transit oriented strategic initiative*
4. Staff report on PACTS Transportation Improvement Program for FY 2010 to FY 2013
5. Monthly information exchange
6. Action on staff proposal to replace “Policy Committee Appointees” on Planning, Technical and Transit Committees
7. Review staff proposal to expand the responsibilities of the Executive Committee

Policy Committee Draft Agenda for August 20th – NO JULY MEETING

1. Adopt four-year PACTS Transportation Improvement Program for FY 2010 to FY 2013
2. Receive final recommendations from TIP Process Committee
3. Action on Three Party Agreement policy?
4. Action or reports on other items listed above.