

PACTS

Portland Area Comprehensive Transportation Committee

Planning Committee Meeting Notice

January 3, 2008
9:00 a.m.
PACTS, 68 Marginal Way, Portland

Agenda

1. **Call to order**
2. **Minutes of November 1st meeting**
3. **New Funding for Transportation Improvements**

Review draft report to Policy Committee
4. **Land Use Topics in the PACTS Regional Transit Coordination Study**

A discussion with SMRPC's Tom Reinauer
5. **PACTS Reorganization**

A briefing on the work of the "Transition Team"
6. **Status Reports**
7. **Adjourn**

Next Meeting: February 7th at 9:00 a.m.

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Agenda Item 2: Minutes of November 1st Meeting

Members Present: Donna Larson, Chair, Freeport; Deb Fossum, Gorham; Alex Jaegerman, Portland; Molly Just, Westbrook; Robert Kahn, Policy Committee Appointee; Gary Lamb, Old Orchard Beach; Brooks Moore, Windham; Steve Linnell, GPCOG; Jon McNulty, Public Transportation; Carla Nixon, Cumberland; Maureen O'Meara, Cape Elizabeth; Amanda Stearns, Falmouth.

Members Absent: Dan Bacon, Scarborough; Dawn Emerson, Yarmouth; Gary Guerette, Policy Committee Appointee; Tex Haeuser, South Portland; Mike Laberge, Maine DOT; Jonathan Labonte, MTA; Peter Morelli, Saco; John Perry, FHWA; Tom Reinauer, SMRPC; Greg Tansley, Vice-Chair, Biddeford.

Staff and Guests: Mike Bobinsky, Policy Committee member; Julia Dawson, PACTS; John Duncan, PACTS; Ruta Dzenis, SPO; Mark Eyerman, Planning Decisions, Inc.; Sue McIntyre, GPCOG; Paul Niehoff, PACTS.

1. **Call to Order.** Donna Larson, Chair called the meeting to order at 9:00 a.m.
2. **Minutes of October 4th, 2007 meeting**
Amanda Stearns moved for approval of the October 4th meeting minutes, seconded by Molly Just. Vote taken. All were in favor. Minutes were unanimously accepted.
3. **New Funding for Transportation Improvements**
A. Impact Fees (Mark Eyerman)

Mark Eyerman from Planning Decisions, Inc. provided an overview and description of “what an impact fee is” and “what an impact fee isn’t”. He directed the group to two handouts for reference. One entitled “An Update on the Use of Impact Fees” and the other entitled “Thoughts on Transportation Impact Fees.

Among items noted:

- Maine state law allows for municipalities to enact an impact fee to a developer to meet the infrastructure needs created by that development. It is a one time fee. It also allows an alternative for developers to do off-site development. It says a town can require a developer to do off-site improvements *or* pay a fee.
- State law states impact fees are for infrastructure improvements and must be used to create new capacity.
- The need for a facility improvement must be *directly* related to the impact of the development.
- Impact fees should be proportional according to the capacity that is being used.
- In terms of transportation improvements, impact fees must be “town-based” according to state law.
- Impact fees should also be geographically-based. What is the area that influences that use of capacity?
- In terms of transportation improvement, it is a traffic shed issue. Where do the trips come from?

Some concerns over impact fees:

- Impact fees as “slush funds” for other projects.
- Off-site improvements vs. an impact fee have major limitations.
- When a variety of major developers meet off-site demands in a particular location over a number of years, through impact fees, the small scale projects essentially get a “free pass”.
- If a trip goes through an improved intersection it does not matter where it comes from. That trip through that intersection uses up that same amount of capacity.

In terms of impact fees, Mark further elaborated on some other topics and issues. Among these were multiple projects, peak hour traffic counts, when more than one community is affected by increased capacity, new trips, diverted trips, large trucks, and cooperative agreements between abutting towns. He directed the group to pages 4 and 5 of the “Thoughts on Transportation Impact Fees” handout.

Topics noted and discussed:

- Where is the traffic coming from that uses a particular traffic section?
- Common impact fees, municipal cooperation between two or three communities, and shared interest.
- Regional impact fees in respect to buses and increased bus routes.
- In respect to transit, what is the new capacity for new development vs. meeting a deficiency?
- What share of new bus service will come from new development?
- The use of impact fees to increase the level of public facilities.
- Impact fees could be used to extend bus service to an already existing bus system.
- Impact fees that meet a new standard for new development that has been articulated in a town’s comprehensive plan.
- Impacts fees vs. regional and local flexibility
- Nesting impact fees (as described on the flip chart)

B. Follow up from our October 4th discussion of other sources:

Mike Bobinsky, Chair of the PACTS Policy Committee, spoke of regional needs and the financial challenge of meeting those needs. PACTS may become a TMA after 2010. This will affect funding mechanisms. PACTS would have more authority on how the federal funds are distributed. A discussion began in respect to commuter bus service and whether impact fees could be used to pay for capital equipment that would take vehicles off the road rather than build a roundabout. It was noted that the question is what share of capacity that you are creating is going to be used and charged to new development? An additional notation was that the same question could be asked about the intersection. Discussion continued on this topic.

Maureen O’Meara thought that it is probably better for every member of PACTS to commit to adopting a local impact fee rather than create a regional fee system. Each community would then be responsible to spend their impact fees in a legally responsible manner. The question however is how to equalize the fee between a larger urban municipality and a more rural community. Mark noted that the relationship has to be between the improvement, the development and the share of the capacity that is created. Further discussion followed on the topic of regional traffic assessment fees vs. impact fees. There is a need for regional options. A surcharge on vehicle registration had been proposed in the Legislature but failed.

Action items to consider:

- Provide a report to the Policy Committee including recommendations pertaining to regional fees and the management of those fees.
- Provide a model in respect to regional assessment fees.
- Consider inter-municipal and sub-regional impact fees in certain specific situations.
- Are there legislative changes that would have to be made in respect to impact fees?
- Consider the benefits of inter-local community agreements.
- A scoping prognosis on the transit question that has the same elements at stake in respect to whether a corridor/bus route would work.
- Review unfunded projects in terms of corridors or in inter-local communities and abutting towns.

Jon McNulty noted that transit funding matches are generous. He spoke of a program called “new freedoms” and said he would support studying this topic further. Mike added that he felt the Policy Committee would be supportive of any financial mechanism that has regional significance.

C. Next steps:

- A written report on our discussions of impact fees and other funding mechanisms.
- What are the legal structures for the PACTS region to create its own “Special Assessment District”?
- An estimate of how many new trips are generated every year in the PACTS region.

4. Status Reports:

John distributed a letter from a Portland resident addressed to the Planning Committee in respect to the draft High Priority Projects list. Twelve letters had been received. Most of the letters opposed adding more capacity on highways.

5. Adjourn:

The meeting adjourned at 11:00 a.m.

Agenda Item 3 – New Funding for Transportation Improvements

The following is a draft memo from the Planning Committee to the Policy Committee. The anticipated Policy Committee action is to accept the report and its recommendation.

In response to direction from the Policy Committee last spring, the Planning Committee has been investigating the potential to increase transportation funding in our region through more impact fees. This report summarizes the work done and the findings so far. The Planning Committee will update the Policy Committee periodically in the future.

The Planning Committee met this past fall with several impact fee experts: Tom Reinauer (SMRPC), Steve Landry (MaineDOT), Tom Errico (Wilbur Smith Associates) and Mark Eyerman (Planning Decisions). Steve Landry also briefed the members on MaineDOT’s experience administering the State’s Traffic Movement Permit process. At the November meeting the members also discussed the potential for impact fee revenue for public transit.

The Planning Committee offers three findings and a recommendation.

1. Several Maine municipalities are successfully administering transportation impact fees for traffic movement improvements, sidewalks and pavement repair.
2. It would be exceedingly complicated technically and institutionally to create a regional impact fee system for a large number of municipalities.
3. The potential revenue from a bus impact fee would be too small to justify the creation of such a fee.
4. PACTS should hire a consultant to analyze the potential for two or three municipalities to collaborate in “small” regional impact fee systems based on the need to finance the addition of capacity at “deficient” regionally significant

intersections. The consultant would be paid from our existing \$10,000 Impact Fee Study account.

Here is the proposed scope of the consultant work.

1. Identify current and future “deficient” regionally significant intersections based on analysis done for *Destination Tomorrow*, and on other available analysis.
2. Assess how much the intersections’ current deficiencies will grow based on anticipated future residential and commercial growth, and in which towns the growth is expected.
3. Develop improvement plans for the deficient intersections, cost estimates.
4. Recommend a regional impact fee mechanism targeted at those regionally significant intersections.

The Planning Committee will update the Policy Committee in the future on progress with the impact fee analysis, and on other research on the potential to increase transportation funding. As an example, the Planning Committee and staff have just begun to investigate the potential to increase transportation funding through a regional special assessment district.

Agenda Item 4: Land Use Topics in the PACTS Regional Transit Coordination Study

The PACTS Transit Committee, working with a team of GPCOG and SMRPC staff people and a consulting firm, developed the Regional Transit Coordination Study during the course of two years. The PACTS Policy Committee adopted this major policy and planning document at the PACTS Annual Meeting last June. In November, leaders from the region and state held a “Regional Transit Summit” to review the Study’s recommendations and to sign a resolve to implement them.

GPCOG’s Steve Linnell and SMRPC’s Tom Reinauer were the lead staff for the Study. Tom is going to brief the Planning Committee today on the recommendations in the Study that relate to land use planning.

Go to the Resources/Links section of www.pactsplan.org to find a copy of the Study. The recommendations are found on pages 35 to 45.

Agenda Item 5 – PACTS Reorganization

A “Transition Team” is working on a reorganization of PACTS per the Policy Committee retreats in October and November. The group has met twice, and will meet again this afternoon. Donna Larson and John Duncan will provide an update. There is consensus to create a sub-regional planning process within PACTS.

The purpose of the Transition Team is to review the issues and ideas shared at the two retreats and to develop recommendations for structural change to the Policy Committee. The

members will build on the themes and elements common among the four proposed organizational structures, possibly update the PACTS mission statement, and recommend implementation actions and schedule.

The Transition Team is aiming to present recommendations to the Policy Committee in February. They briefed the Policy Committee two weeks ago. The members are:

Mike Bobinsky, Policy Chair
Bill Shane, Policy Vice Chair
John Bubier, Policy Member
Mike McGovern, Past Policy Chair
Rick Michaud, Past Policy Chair
Nat Tupper, Past Policy Chair
Bob Burns, Technical Chair
Donna Larson, Planning Chair
Tom Meyers, Transit Chair

Agenda Item 6: Status Reports

Kat Fuller, AICP, is MaineDOT's new Chief of Transportation Systems Planning. (She used to go by Kathy.) Kat worked a lot with us on our Transportation Project Land Use Policy, and was the architect of MaineDOT's Gateway One planning process.

Did any of you attend the STPA Rules Amendment public hearing in Augusta last month?

MaineDOT is doing research on the potential for PACTS and other MPO's to sell bonds for transportation capital improvements. The bonds would be paid off with our future MPO Allocation funds.

Four January/February regional transportation meetings (all yet to be scheduled):

- MaineDOT's rescheduled Portland public information meeting regarding the I-295 Corridor Study recommendations and "Portland North" passenger rail planning effort which has just started.
- The annual GPCOG/PACTS public information session on the public participation process in regional transportation planning.
- The PACTS public information meeting(s) regarding the draft list of candidates for the 2009 Federal High Priority Projects list of projects. Hopefully you read the document that John sent to you all in December regarding the unsolicited public comments that we had received.
- A MaineDOT information meeting in our area regarding their Draft Noise Policy. Contact John Duncan for a copy. The Turnpike Authority is also developing/developed(?) a similar policy.
- An information session for all PACTS Committee members regarding the PACTS and MaineDOT capital funding policies and procedures. MaineDOT staffers will join in the presentations, and Q and A.

MaineDOT has found enough obligation authority to finance most of the local studies in the Planning Committee’s August proposal. PACTS staff will advise when MaineDOT makes the funds available.

Donna Larson is serving on our “Transition Team” that is working on the reorganization of PACTS per our recent retreats. She also serves on our TIP Process Committee which held their third and fourth meetings in November and December – and developed the 2010/2011 budget recommendation shown on the previous page. Donna is also serving on our 2009 High Priority Projects Committee whose work is referenced above.

The Transit Committee developed the new formula for sub-allocating the FTA “Section 5307” funds available to our region, helped organize the recent Regional Bus Summit, continued working with GPCOG and SMRPC staff on implementation of the Regional Transit Coordination Study, and organized for the 2010/2011 PACTS STP Capital funding allocation process to be undertaken in the near future.

The Technical Committee worked with staff on the scope of the recently funded Collector Road Assessment Study, and on refinements to our Collector Set Aside parameters for the 2010/2011 biennium.

The Policy Committee recently acted on recommendations from our TIP Process Committee (see below), adopted a new formula for sub-allocating each year the \$2,000,000 in FTA “Section 5307” funds available to our region, and funded a Regional Collector Road Assessment Study and a Franklin Arterial Corridor Study.

December 20, 2007

PACTS Draft Budget for 2010/2011 MPO Allocation

The Policy Committee will submit final list of projects to MaineDOT in September 2008.

Collectors	\$5,000,000
Intersections	\$500,000
Widen Roads (new)	\$0
Rebuild Roads (new)	\$0
Biddeford Route 1 (A)	\$2,086,000 *
OOB Roundabout (B)	\$860,000 *
Reserve for A and B	\$1,000,000 **
Forest Ave. (deferred)	\$1,300,000 *
Transit (deferred)	\$538,000 *
Transit (new)	\$787,000
Bike/Ped (deferred)	\$329,000 *
Bike/Ped (new)	\$385,000
	\$12,785,000

* Per past votes of Policy Committee

** Reserve account in case Preliminary Design Reports come in higher than our 2006 estimates (plus contingency) for construction.

If he is with us on the 3rd perhaps Jonathan LaBonte can give us updates on the planning process for the widening of the Turnpike in Greater Portland, the upcoming study of the proposed Gorham Connector highway, and the Turnpike's toll rate equity study process.

PACTS staff has not made progress recently with the refinements of the scope of work for the Saco Area Regional Transportation Study. This study must be coordinated closely with the MaineDOT's Sanford-Wells-Biddeford "Central York County Corridor Study" which is still being designed.

Bruce Hyman, formerly of Wilbur Smith Associates (and PACTS before that), is now working full-time for GrowSmart Maine. He is leading the Standish comprehensive plan implementation project for them. Do you want to hear a presentation on that?

PACTS staff has also been busy looking for a new Transportation Planner. So far we have interviewed three candidates of the seven who applied.

PACTS staff has also worked with Portland staff on the hiring of consulting firms to do the PACTS-funded Portland Peninsula Wayfinding Study and the PACTS-funded Portland Peninsula Transit Study. Both were originally funded two years ago. John Duncan has signed contracts with both firms.

A writer for the Urban Land Institute recently interviewed John Duncan for an article on innovations in MPO planning efforts. The writer focused on the Portland Peninsula Traffic Study.

We will distribute a GPCOG transportation and land use planning status report at your meeting.