

PACTS

Portland Area Comprehensive Transportation Committee

PACTS Policy Committee Meeting Notice

April 17, 2008
1:30 p.m.

GPCOG, 68 Marginal Way, Portland

- 1. Call to order**
- 2. Public Comment**
- 3. Minutes of the March 20th Meeting**
- 4. PACTS Process Review**

Adopt bylaw changes to create an Executive Committee

- 5. Consent Agenda**
- 6. Adjourn**

Next Meeting: May 15th at 1:30 p.m.

The Metropolitan Planning Organization for the Portland Urbanized Area

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Attachments for the April 17th Policy Committee Meeting

Minutes of the March 20th Meeting

Members Present: Mike Bobinsky, Chair, Portland; Neal Allen, GPCOG; David Cole, Gorham; Kathi Earley, Portland; Kat Fuller, MaineDOT; Judy Harris (for Joe Gray), Portland; Steve Gunty, Old Orchard Beach; Tex Haeuser, South Portland; Tom Meyers, Public Transportation; Rick Michaud, Saco; Ron Owens, Scarborough; Nathan Poore, Falmouth; Ed Reidman (for Jerre Bryant), Westbrook; Conrad Welzel, MTA

Members Absent: John Bubier, Biddeford; MaryAnn Conroy, Old Orchard Beach; Kevin Donoghue, Portland; Jim Gailey, South Portland; Mike McGovern, Cape Elizabeth; Dale Olmstead, Freeport; John Perry, FHWA; Anthony Plante, Windham; Paul Schumacher, SMRPC; Scott Tilton, North Yarmouth; Bill Shane, Cumberland; Nat Tupper, Yarmouth

Staff and Guests: Maddy Adams, GPCOG; Bill Bent, HNTB; David Cole, MaineDOT Commissioner, John Duncan, PACTS; Carl Eppich, PACTS; John Cannell, MaineDOT; Steve Linnell, GPCOG; Paul Niehoff, PACTS; David Willauer, GPCOG

(1) **Call to Order.** Mike Bobinsky called the meeting to order at 1:40 p.m. Introductions were made.

(2) **Public Comment.** None.

(3) **Minutes of the February 21st meeting.** *Ed Reidman moved approval of the February 21st minutes, with Kathi Earley seconding the motion. All were in favor.*

(4) **MaineDOT Commissioner Cole.** Commissioner Cole reported that quarterly meetings are being held with the MPO's and MaineDOT. He named a number of projects that have recently been completed including the 295 Connector project which came in on time and on budget, Ocean Gateway is now open, and the Maine Mall bridge improvements have been done. He is on a national committee that is looking at SAFETEA-LU funding. The Bridge Report came out in December. Engineers were brought in to inspect the inspection program. Fifty percent of the bridges in the state are over 50 years old. AASHTO is taking the climate change issue head on. LD 1790 sets goals for operating the transportation system.

Kat mentioned that capital and mid-term programming is being approached very differently. The Commissioner stated that MaineDOT is taking a corridor approach to planning. All of our infrastructure is aging. Bridge infrastructure is the most important right now to bring up to par, and then paving will be the next priority. We will need to take care of the "got to do's" versus the "want to do's." No one knows what the funding for the 2009 High Priority Projects will be.

Mike Bobinsky stated that PACTS has appreciated the communication with the Commissioner's staff regarding earmarks. He asked what the Commissioner was hearing from his colleagues about earmarks and if there would be a one-year suspension. The Commissioner responded that HPP is the big bonanza. The annual earmarks are much more modest. Regarding reauthorization, there is more money there. He has heard that earmarks will continue.

Rick Michaud thanked the Commissioner for attending today and added that he has appreciated the training that Gary Williams has been providing. He asked how the department is faring with this round of legislative acts and the loss of funding at the state level. The Commissioner responded that the \$113 million bond package has helped. Revenues are going down. They took a \$16 million cut and now another \$4 million. They had some contingencies built in so they have been able to absorb it

so far. They have changed the way they do business and are using a cash model. They are also freezing vacancies within the department.

David C. (Gorham) asked if there was any new basis for revenue. Commissioner Cole mentioned the Oregon mileage-based tax model and Build America Bonds. MaryAnn noted that it will be very difficult for municipalities to pay for rebuilding roads and suggested partnering engineering and pooling the resources. Com. Cole clarified that they are not abandoning rebuilding roads but they need to look for other forms of funding. He gave an example of a project in Ellsworth where the town, MaineDOT and the developer shared equally in the costs. Regarding bridges, the Governor issued an Executive Order pursuant to the bridge report. He asked MaineDOT to look for a way to fund bridges and they are looking at many options. MaineDOT is looking for models and they are also looking for flexibility. LD 1790 has a provision for issuing revenue bonds. Fuel tax indexing was also mentioned. John Duncan mentioned that PACTS has hired a consultant team to help look for other sources of money at the local level. Marty Rooney and Steve Landry are working with them.

Mike Bobinsky asked about funding the Downeaster. Com. Cole responded that they have subsidized the Downeaster and the fare box covers half of the costs. A working group was appointed and they came up with a report. The Governor is very committed to the Downeaster... stay tuned.

David C. (Gorham) pointed out that MaineDOT will have less money because the gas tax revenues are shrinking. Locally that will mean that capital projects will be cut. There will be more claims for liability exposure due to pot holes, etc. He asked what municipalities can do now to try to insulate themselves; the "24-hour pothole rule" should probably be looked at. We will need to bring down the expectations of our communities. Mike B. suggested evaluating the tort liability.

- (5) **PACTS Review Process.** Mike Bobinsky brought the Policy Committee up to date on the decisions of the Transition Team. The idea is to create a six-member Executive Committee that would include the Chair, Vice-Chair and immediate past Chair of the Policy Committee and the Chairs of the Planning, Technical and Transit Committees. The Policy Committee meetings would be held bi-monthly rather than monthly. Voting seats would be added on the Policy Committee for a representative from the Planning and Technical Committees (Transit Committee rep already serves on Policy Com.). The mission statement was also amended.

John recommended that the last sentence in the second paragraph of Article III, Section 3, be deleted. Some tweaking was suggested to the wording in Article VI, Section 1. #3, subsection a., was changed to read: To amend the scope of work of funded MPO and FTA funded projects as long as the amendments do not increase the PACTS contribution for those projects.

Rick Michaud moved adoption of the amendments and Nathan Poore seconded the motion.

Tex suggested that Article VI, Section 1, #2 be changed to read: 2. To offer recommendations for action to the Policy Committee. He also suggested that there be seven members on the Executive Committee rather than six. Mike B. explained that the Transition Committee looked at that and were looking at the continuity factor. Rick said that he shared that concern but didn't think it would be an issue. Tom M. clarified that if there should be a tie on an issue, it could be brought to the Policy Committee. Nathan Poore suggested that another option would be to include a second vice-chair from the Policy Committee to serve on the Executive Committee. Mike B. mentioned that one of the rules is if an Executive Committee member cannot make it to a meeting, an alternate cannot come as a substitute.

Kat asked if there was a process whereby the decisions of the Executive Committee would be reported back to the Policy Committee. Mike responded that that was absolutely how it would work.

However, the decisions of the Executive Committee do not need to be blessed by the Policy Committee.

Nathan brought up the idea of not having more than one person from each municipality on the Executive Committee. John D. noted that Article VI, Section 3 states that Membership on the Executive Committee shall be limited to one person per municipality or transit organization. Ed Reidman added that many years ago the Chair of the Policy Committee and the Chair of the Technical Committee (the only two PACTS committees at the time) could not be from the same community. It was suggested that the three Committees could select a representative (other than the Chair) to serve on the Executive Committee should there be a conflict with several people from the same municipality serving as chairs of the various PACTS Committees. There was consensus that Article VI, Section 2, numbers 4, 5, and 6 should be changed to add: The Chairperson or a designated member of the (Transit, Planning, and Technical) Committee.

Ron pointed out that the Executive Committee as it is structured has representatives from the other three PACTS committees but shouldn't it be comprised of members of the Policy Committee? By being members of the Executive Committee, this allows the other three committees to have more authority than they currently have. Mike B. responded that the objective is to take on some of the routine tasks so that they don't have to occupy the Policy Committee's time; it is not meant to be unconnected with the other committees. Ron was concerned that a chaotic structure may be created and over time the Executive Committee may do more than what was originally intended.

David C. stated that the Transition Team has made a really good effort to make the Executive Committee as workable as possible but he doesn't think it is something that needs to be done at this time. Tex thought that all the people on the Executive Committee should also be on the Policy Committee. Again, the idea of a seventh member (a 2nd Vice-Chair of the Policy Committee) was suggested. David C. noted that with six members, a quorum of three could potentially be comprised of the chairs of the Planning, Technical and Transit Committee and not include a Policy Committee representative.

Ed was concerned that many communities were not represented here today and felt that all communities should have an opportunity to voice their concerns. Mike B. pointed out that this information is on the web site and all members have had an opportunity to comment if they had concerns. Rick recommended that staff incorporate the changes recommended today and bring it back at the April meeting. ***Rick withdrew his motion to adopt the amendments and the second to the motion was also withdrawn.*** Ron added that everything needs to be connected to one another and there needs to be clear control – right now there are some inconsistencies. However, he did think that the Transition Team had done an excellent job. David C. agreed that the Transition Team did a great job; he just didn't think this change needed to be done at this time. Conrad was concerned about bi-monthly meetings; he suggested eight or nine meetings a year versus six. Mike B. stated that the objective of the Executive Committee is to improve the process – if it is perceived as not doing this, we want to hear about it.

- (6) Consent Agenda.** *Tom M. moved approval of the consent agenda, seconded by Ed Reidman.* At the Committee's request, Tom explained the TIP amendment regarding AVL technology. ***All were in favor of the consent agenda.***

Kathi mentioned that Portland opened their paving bid program and it showed a 10% increase per ton -- \$68/ton.

- (7) Adjourn.** The meeting adjourned at 3:27 p.m.

Agenda Item 4 – PACTS Process Review

Member Resource: The Transition Team

Staff Resources: John Duncan, Neal Allen and David Willauer

Recommendation: Adopt the recommended changes to the PACTS bylaws.

Background

Last fall the Policy Committee held two retreats designed to discuss the need for improvements to the organization of the PACTS process, and to suggest improvements. Subsequently, a “Transition Team” developed specific recommendations. In February, the Policy Committee specified that the Transition Team develop a limited authority Executive Committee. In March, the Policy Committee reviewed a draft set of bylaws and discussed:

- The size of the Executive Committee
- The influence of the members from the Transit, Planning and Technical Committees in the work of the Executive Committee
- Which members of the Transit, Planning and Technical Committees would be allowed to serve on the Executive Committee
- The suggestion that all Executive Committee members should also be on the Policy Committee
- A suggestion that we do not need an Executive Committee

Since March 20th staff has communicated with the Transition Team regarding the Policy Committee’s discussion. **The general response** from staff and the Team members is:

- The primary purposes of the proposed Executive Committee are to coordinate more the work of our four standing committees, and to take care of certain details so that the Policy Committee can work on bigger issues and perhaps meet less often than in the past.
- The proposed Executive Committee would have little authority.
- The primary purpose of the Transit, Planning and Technical Committees having seats on the Executive Committee is as liaisons between our committees.

Consequently, the **specific recommendations** are the following:

- Create a 6-member Executive Committee. (No change)
- Require a 4-person quorum. (New)
- The Policy Committee’s officers will serve as the Executive Committee’s officers. (New, but intended originally)
- The Chairpersons, or designated members, of the Transit, Technical and Planning Committees, will serve on the Executive Committee. (New)

- The Executive Committee members from the Transit, Technical and Planning Committees will not be required to serve on the Policy Committee. (New)
- Effort shall be made, but it is not required, that the Chairpersons of each committee represent different organizations. (New)
- Change the Policy Committee's regular meeting schedule to bi-monthly. (No change)
- Add voting seats on the Policy Committee for the Planning and Technical Committees. (No change)
- Amend our mission statement. (No change)

See the details in the attached draft revised bylaws.

Agenda Item 6 – Consent Agenda

Policy Committee Draft Agenda for May 15th

1. Receive a report regarding the \$2,500,000 in cost increases in several existing projects. The report will summarize a May 7th meeting with MaineDOT, Freeport, Yarmouth, Cape Elizabeth and Portland. There could be some action items also.
2. Adopt a short list of Intersection proposals which will undergo Enhanced Project Scoping this summer. We will take final action in October.
3. Adopt initial lists of STP Transit Capital and Bike/Ped projects to fund with 2010/2011 funds. We will take final action in October.
4. Elect Policy Committee officers for the next fiscal year.
5. Complete the PACTS Director annual performance evaluation and salary review.
6. Adopt a PACTS Six Year Plan for submission to MaineDOT. The document will forecast how we will program the PACTS MPO Allocation funds based on our Set Asides Policy.

The Legislature's Transportation Committee voted 11-1 last week to spend **\$160 million on bridges** over the next four years.

On May 1st at 9:00 a.m. the Planning Committee will meet with Mark Eyerman and John Melrose to hear their presentation regarding **new funding ideas**. All are welcome to attend. We have constrained their work for us to ideas that require **no legislative action**.

PACTS High Priority Projects Status

Staff is recommending that we NOT do a statistically significant survey of the region's residents on this subject. We will check in with the HPP Committee on this shortly. We will conduct three additional public forums at 7:00 p.m. as follows:

- Thursday May 22nd Saco Saco City Hall
- Thursday May 29th Yarmouth Town Hall – Community Room
- Thursday June 5th Westbrook High School – Cafeteria

Recent Committee Meetings

Transit – Continued work to implement the PACTS Transit Study adopted last year.

Heard a presentation of the recent MaineDOT/Tpke. Park & Ride Study.

Planning – Did not meet in April.

Technical – Heard a detailed presentation on the upcoming use of MaineDOT's Falling Weight Deflectometer in our region. (FWD is the PACTS acronym of the year!)

Also heard a detailed FHWA presentation on the project development process.

Recent PACTS meetings have been particularly well attended:

- 30 attended last week's Technical Committee meeting.
- 19 attended last week's Transit Committee meeting.
- 25 attended the recent capital funding orientation session, and 29 attended the February session.

The MaineDOT has announced its new **Quality Community Program**. Applications are due June 6th. See staff for more information.

MaineDOT recently shared a draft **Three Party Agreement** meant to replace City-State agreements in the PACTS area and in other MPO regions. The third party will be PACTS. More on this later.

Paul Niehoff sent to the Technical Committee a MaineDOT brochure for the 2008 MaineDOT **Local Project Administration Certification Course** next month.

The **Turnpike Authority's Toll Rate Advisory Committee** will present today to the Authority their **Guiding Principles for Setting Toll Rates on the Maine Turnpike**. It has been an excellent policy development process. There will be a PACTS briefing.

Noteworthy Transportation Studies Underway, About to Start or Proposed

- AAA Northern New England survey
- MaineDOT's I-295 Corridor Study
- MaineDOT's "Small Starts" passenger rail study
- MaineDOT analysis of the potential for Maine MPO's to finance capital improvement projects through bonds
- Turnpike Widening Alternatives Analysis
- Turnpike Toll Equity Policy Study
- Turnpike Authority's Gorham Connector Study
- PACTS New Transportation Funds Opportunities Study
- PACTS Portland Peninsula Transit Study
- PACTS Collector Roads Assessment Study
- PACTS Regional Signal Coordination Study
- PACTS Franklin Arterial Corridor Study
- PACTS Portland Peninsula Wayfinding Study
- PACTS Falmouth Infrastructure/Transportation Plan
- PACTS Yarmouth Route One Study (Phase II)
- PACTS Cape Elizabeth Shore Road Pathway Study
- Forest Avenue Transit Oriented Development Study (EPA \$?)