

PACTS

Portland Area Comprehensive Transportation System

Policy Committee Meeting Notice

February 26, 2009
1:30 p.m.

GPCOG, 68 Marginal Way, Portland

Agenda

- 1. Call to order**
- 2. Welcome our new member, Judy Harris, from the Portland Office of Transportation Policy**
- 3. Public Comment**
- 4. Minutes of the December 18th Meeting**
- 5. Capital Funding Topics**
 - A. Briefing by MaineDOT regarding the Federal Economic Stimulus
 - B. Report from TIP Process Committee
 - C. Allocation of federal funds
 - D. Earmark proposal to the Congressional Delegation
- 6. Urban Compact Policies**

Presentation by John Melrose of Maine Tomorrow on an upcoming review of the State's urban compact policies
- 7. Consent Agenda**
- 8. Adjourn**

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Minutes of the December 18th Meeting

Members Present: Bill Shane, Chair, Cumberland; Neal Allen, GPCOG; Mike Bobinsky, Portland; David Cole, Gorham; Catherine Debo, Public Transportation; Kevin Donoghue, Portland; Kat Fuller, MaineDOT; Steve Gunty, Old Orchard Beach; Tex Haeuser, South Portland; Tom Hall, Scarborough; Judy Harris (for Joe Gray), Portland; Mike McGovern, Cape Elizabeth; Rick Michaud, Saco; Tom Milligan (for John Bubier), Biddeford; Dale Olmstead, Freeport; Nathan Poore, Falmouth; Anna Price, FHWA; Nat Tupper, Yarmouth; Conrad Welzel, MTA

Members Absent: Jerre Bryant, Westbrook; Kathi Earley, Portland; Jim Gailey, South Portland; Anthony Plante, Windham; Paul Schumacher, SMRPC; Scott Tilton, North Yarmouth

Staff and Guests: Maddy Adams, GPCOG; Jennifer Duddy, Senator Collins Office; John Duncan, PACTS; Carl Eppich, PACTS; Tom Kinley, Shore Road Preservation Com. Chair; Rosi Kulow, GPCOG; Cheryl Leeman, Senator Snowe's Office; Steve Linnell, GPCOG; Greg Nadeau, MaineDOT; Christian McNeil; Pat Moody; Paul Niehoff, PACTS; Andrea Quaid, Congressman Michaud's Office

1. **Call to Order.** Bill Shane called the meeting to order at 1:35 p.m. and introduced Scarborough's new Manager, Tom Hall. Mike McGovern introduced Tom Kinley, Chairman of the Shore Road Preservation Committee.
2. **Public Comment.** None.
3. **Minutes of the October 16th meeting.** *A motion was made and seconded by Judy Harris to approve the minutes of the October 16th meeting. All were in favor of the motion.*
4. **Capital Funding Topics.**
 - 4A. **Briefing by representatives of our Congressional Delegation and MaineDOT regarding the Federal Economic Stimulus.** Jennifer Duddy from Senator Collins Office, Cheryl Leeman from Senator Snowe's Office, and Andrea Quaid from Congressman Michaud's Office gave brief updates on what they know regarding the stimulus package. Jennifer reported that President-Elect Obama hasn't said how much will be spent on the stimulus package. A number of \$50 billion has been mentioned for investment in infrastructure to fund transit, roads, rail, etc. Cheryl reported that Senator Collins put out a press release this morning to Obama requesting that this happen quickly and through venues that are already in place. Andrea believed they would go through the existing venues such as MaineDOT for channeling federal funding. Economic stimulus money would be different than the existing funding. Projects that are ready to go in 30-60 days are the ones that would be considered.

Greg Nadeau stated that the Congressional delegation and MaineDOT have a great working relationship. He explained what MaineDOT has been doing to prepare a list of projects that are shovel-ready and that will not face regulatory obstacles. The list that was published was a list of projects that were ready at the time. Some projects are already programmed and that is why they are not on the stimulus list. Projects have been evaluated to determine if they can fit into the 180-day time frame (by August 1st). They are looking at their inventory to see what has been designed and ready to go; not all projects will meet the guidelines. It is still now known how much money will be available or the rules of the game or how the funds will be distributed. The approach is to evaluate projects that can be delivered within the timeframe. It is important for MaineDOT to be able to deliver once the money comes through; we need to be innovative but realistic. Do not consider the list the final list –

it is a list of candidates. By January 20th they want to have a comprehensive list of projects that are ready.

It was asked how projects from municipalities could get on the list and if there was a formal application process. Greg responded that there is not a formal process and recommended that local municipalities should work through their MPOs or send an e-mail to Kat Fuller at MaineDOT. PACTS has submitted a list of projects that are ready to go. There was discussion about the length of time it takes to get rolling stock built. One of the fundamental reasons for the stimulus package is to create jobs and to put people to work. Greg pointed out that it could drive prices through the roof so they are looking at a lot of small projects to employ the smaller contractors. Paving in particular is a problem area. We are going to have to be smart about how the projects are deployed. It was asked if projects that have current funding would be eligible. Kat responded that if a project is in the STIP, it would probably be eligible. Once they know the final numbers, they will determine which projects will go forward. Projects that have come through the process will definitely have a leg up. Once things get more solidified, PACTS will let everyone know what the new rules are and we will prioritize the projects that meet the rules.

4B. Adjustments to the PACTS 2010/2011 MPO Allocation Projects List *A motion was made by Mike Bobinsky and seconded by Judy Harris to approve the revised list (handed out at the meeting). All were in favor.*

4C. Action regarding our Leveraging Increased Funding report. A number of meetings including a workshop meeting have been held on this topic. A group of Policy Committee members recently met with John Duncan and Marty Rooney to draft suggestions on options to pursue based on the report. Several ideas were suggested: (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. (2) Policy research to monitor our existing consultant studies budget to determine if there is any unused money that could be used to further pursue various options on a municipality by municipality basis. (3) Local Match Policy – staff will reevaluate this policy with the TIP Process Committee. (4) Private/TIF/Partnering Sessions – Create a process to facilitate opportunities for public/private partnerships. The Planning Committee could be a good resource on this topic. *Tex Haeuser moved approval of the recommendations and Mike Bobinsky seconded the motion. All were in favor of the motion.*

4D. Report from TIP Process Committee. There are fifteen people serving on the committee. They will be focusing on a number of topics including the Set-Aside Policy.

5. **Unified Planning Work Program.** Several amendments to the UPWP were recommended. The City of Portland requested a variance for the Woodford's Corner project to go forward; Mike B. explained the situation. *Dale Olmstead moved approval of the variance for the Woodford's Corner study with Nat Tupper seconding the motion. All were in favor of the variance and the five changes to the existing UPWP outlined in the meeting packet.*
6. **Consent Agenda.** A transportation forum for legislators is scheduled for December 19th at Ocean Gateway Terminal at 7:30 a.m. If you have ideas for an upcoming sandwich symposium, please contact Carl Eppich. *Judy Harris moved approval of the Consent Agenda with Conrad Welzel seconding the motion. All were in favor.*
7. **Adjourn.** The meeting adjourned at 3:05 p.m.

Agenda Item 5 – Capital Funding Topics

A. Briefing on Federal Economic Stimulus

Kat Fuller will give us an update today. She will be able to brief us on MaineDOT's discussion with the Legislature's Transportation Committee two days before our meeting. MaineDOT Commissioner Cole and his two Deputy Commissioners have been working closely with the Governor's office recently on this.

In the near future MaineDOT will seek the Policy Committee's endorsement of a list of Economic Stimulus projects in our region.

The following is from Kat on February 18th.

1. We reviewed well over 1.4 Billion in requests....
2. Based on T& I estimates from the conference bill, Maine will receive:
 - \$130.7M highway bridge money with 3% transportation enhancement
 - \$8.1M Rural transit
 - \$5.1M Urban transit
 - \$18-20M Aviation with FAA making the final decision of what will be funded

All amounts are subject to official verification by USDOT

3. The Act requires that at least 50% of funding must be obligated within 120 days of apportionment
4. Governor's objective is that 100% of funding be obligated within 120 days of apportionment in order to save/create as many jobs as possible this construction season.
5. Goal is to be ready to receive re-distributed funds other states are unable to use.
6. Changes in Buy American provisions could affect some project choices.
7. The bill requires consideration for prioritizing investments in economically distressed areas first...we are carefully reviewing this criteria - several counties currently do not meet the definition but we are looking into whether the LMAs within certain counties might make it.
8. The Federal Endangered Species Act amendments for Atlantic Salmon are about to take affect (later this spring); most of Maine is covered by the new requirements and could affect the deliverability of projects due to consultation processes that can take up to 180 days.

9. Because the list is dynamic due to above noted considerations, we still aren't sure whether TIP amendments will be needed.

10. In the end we will evaluate our project selections by noting the following and possibly other points:

- How much is new work vs existing planned but unfunded
- How much invested in MPO areas - whether proposed by MPO or by MaineDOT
- How much is Paving - \$ and number of miles
- How much is Reconstruction- \$ and number of miles
- How much in Rehab - \$ and number of miles
- How much in Bridge work - \$ and number of bridges
- How much in new busses and ferries
- How much for Transportation Enhancement
- How much on the Heavy Haul Truck Network
- How much by County and which are economically distressed; along side pending work (already advertised or to be advertised between now and June 30, 2009 from '08-'09 or prior work plans)

11. Although we'd also like to show a comparison of stimulus work in context of '10-11 work plan, the work plan has not gone to the Transportation Committee as part of the budget process yet so we will have to wait for that analysis.

B. Report from TIP Process Committee

The TIP Process Committee, under the leadership of John Bubier, has met three times. Their job is to review our TIP priority setting policies and administration and procedures in preparation for the FY 2012/2013 biennium, and to submit a final set of recommendations to the Policy Committee by September.

PACTS Set Aside Policy

1. The Committee's March meeting will involve an assessment of ways to reduce the collector road miles under the purview of PACTS. Staff will present how we could distinguish between "regional" and "local" collector roads.
2. Initial consensus to increase PACTS "Set Aside" funding for transit capital and bike/ped projects – and elimination of funding to widen roads.

PACTS Funding Cap Policy

1. Initial consensus that we stick with our policy to guarantee PACTS funding for 125% of the cost estimates of "one biennium" projects (except transit) at the time of programming by the Policy Committee, and that we provide no additional funding if subsequent cost estimates exceed the 125% amount.
2. Initial consensus to stick with our similar policy on our "two biennia" projects.

PACTS Match Ratio Policy

1. Initial consensus that we stick with our policy to fund our STP-funded projects (except transit) at 25% local, 10% state and 65% federal.
2. Also discussion underway on match ratio innovations.

Working with MaineDOT's Highway Design Standards

Paul Niehoff has reported on the work of an inter-agency group whose goal is to improve the development and delivery of projects. More coming on this.

Upcoming Topics

1. Local project administration via PACTS
2. Our inefficient development of projects
3. Factors and weights in our scoring formulas
4. Our Substitution and Withdrawal policies
5. MaineDOT's new 3-party agreement
6. Overview of FTA Section 5307 funds
7. Revisions to project application processes

C. Allocation of Federal Funds

Staff Resources: Paul Niehoff and Steve Linnell

Recommendation: To take the following actions:

1. Program \$587,000 from our 2010/2011 program to pave a section of North Street in Saco.
2. Endorse the allocation of \$966,480 in FTA Section 5307 and 5340 funds to our six public transportation providers as described below.

Operator	2007 Base Allocation	2009 5/12 Amount
BSOOB	6.66%	\$64,368
CBITD	17.34%	\$167,588
METRO	58.61%	\$566,454
RTP	7.35%	\$71,036
SPBS	7.00%	\$67,654
YCCAC	3.04%	\$29,381
Total	100.00%	\$966,480

Background on North Street

We are now in a position to fund a new collector paving project in our 2010/2011 TIP based on the following:

- MaineDOT now advises that they will pave Deering Avenue (Park to Congress) under the arterial paving program. Therefore we are removing it from our list approved last fall. (Last fall we missed the fact that this section of road is an arterial.)
- We also have \$437,000 un-programmed per the changes we made in the Collector Set-aside in December.

Staff is proposing to add North Street in Saco to the program. North Street did not make the funding cut back in October and December. The total estimated cost of the project (including the 25% “contingency”) is \$587,000. This is the next project ranked on our list of collector paving candidates after a large Portland project that Portland does not wish to do at this time.

After North Street is added to the work program the total federal/state balance of un-programmed funds will be \$49,266.

Background on FTA Funds

The Federal Register dated December 18, 2008 shows an Urbanized Area Apportionment (Section 5307 and 5340) for the PACTS area of \$966,480 for FY 2009. The Register states that “The notice only includes the amount of FY 2009 funds that is currently available, which is 5/12 or 43% of the amounts that were available under the Consolidated Appropriations Act, 2008.” The recommendation from MaineDOT is that the Policy Committee act only to approve the amount in the Federal Register and that it will have to amend or adjust the TIP when the new apportionment is announced. The formula above uses the 2007 base year percentages to allocate the current amount among the providers. When the full amount becomes available the full formula, including incentives, will be applied.

D. Submit an earmark proposal to the Congressional Delegation

Staff Resource: John Duncan

Member Resource: Mike Bobinsky

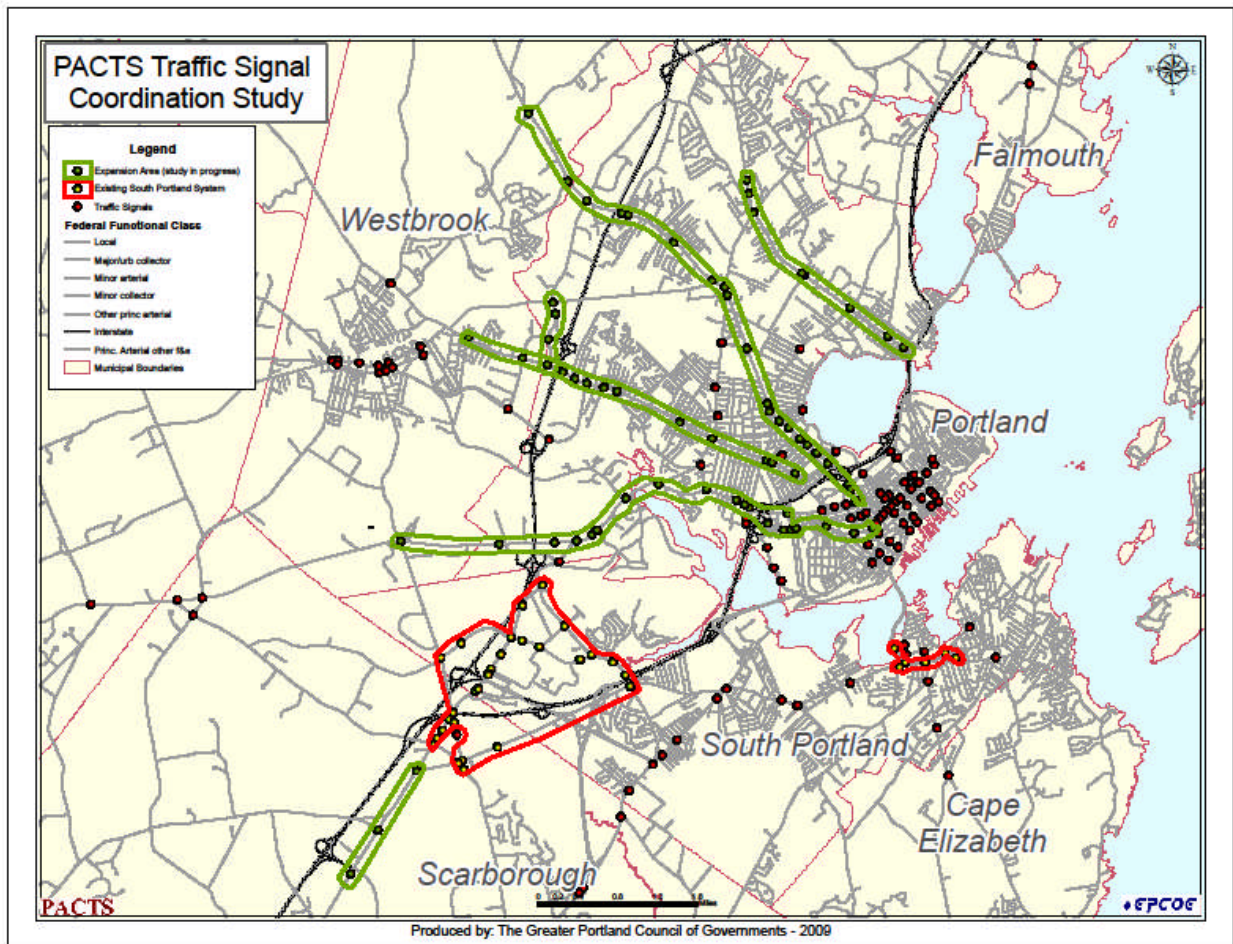
Recommendation: To direct staff to submit an FY 2010 “annual earmark” request to our Congressional Delegation for \$1,000,000 in traffic signal upgrades, coordination and interconnection of up to 75 signals in Portland, Westbrook and Scarborough.

Background

The PACTS Policy Committee has submitted annual earmark proposals three times*. We have been unsuccessful each time, but staff suggests that we submit again because this is a very important project for the region which improves mobility at modest expense. This is a technological fix for 17 miles of commuter and urban roads for just \$1,000,000. Additionally this effort will keep PACTS visible to our Congressional staffers – particularly as we prepare to submit our High Priority Project proposals to the Delegation this spring.

We have just begun a regional traffic management study which will recommend improvements later this year to the signals/traffic management system. We anticipate the cost will exceed \$1,000,000 in Portland, Scarborough and Westbrook. (MaineDOT recently spent \$900,000 to upgrade and interconnect just 28 signals in South Portland and Scarborough.) The three municipalities will provide the \$200,000 local match for the project if Congress awards the 80% federal funds (\$800,000). Portland would pay the greatest share because most of the signals are in Portland, as shown on the map below.

* In 2007 and 2008 we submitted these proposals: \$500,000 for “key” signal upgrades in Portland, \$359,000 for three signal upgrades in South Portland and \$400,000 for an intersection upgrade in Old Orchard Beach. The South Portland signals have been funded by MaineDOT with other funds.



Agenda Item 6 – Urban Compact Policies

Staff Resources: John Duncan

Recommendation: To hear a presentation by John Melrose, President of Maine Tomorrow and former MaineDOT Commissioner

Background

Is the State's Urban Compact law and MaineDOT's URIP program as fair to urban compact areas as to rural areas? John Melrose has talked with the staffs of the four MPO's on this, and recently presented to the Policy Committees at BACTS and ATRC.

BACTS is going to hire John Melrose to begin work on this subject. John Duncan has put \$10,000 in the first draft budget for next year (biennium) to contribute to this important work.

The following is an excerpt from a draft scope of work on this subject.

This project will begin with an examination of key features of existing public policy, practices and procedures that define the distribution of responsibilities within the urban-MaineDOT relationship including:

1. Are there opportunities within urban areas to realize more cohesive inter modal and multi modal transportation delivery systems than currently exist?
2. Determine the relative equity of the current arrangement whereby urban compacts are responsible for the summer and winter maintenance of state and state aid highways within the compact and are provided assistance to meet these responsibilities through URIP. Is the amount of URIP aid sufficient and is it equitably distributed. If URIP aid is insufficient, is the deficit created for compacts at least proportional to the deficit experienced with URIP assistance offered to non compact areas?
3. Municipalities receive state reimbursement through URIP for local road mileage outside of a compact area. No such reimbursement is provided for local roads within a compact area. What is the rationale behind this policy and is it defensible?
4. Municipalities also receive URIP reimbursement for minor collector roads. However, by definition there are no minor collector roads within urban compacts. Are urban compact communities disproportionately disadvantaged by this policy?
5. It has been said that the urban compact laws evolved during a time when Maine's largest communities had relatively greater ability to pay through their tax base than rural communities. Is this rationale still defensible or are some adjustments warranted to achieve equity based upon an ability to pay yardstick?
6. It has been asserted that MaineDOT has treated capital improvements for state and state aid highways within urban compacts as a lower priority than similar roads located outside urban compact areas. The reason for this assertion has been that the MaineDOT has the summer maintenance responsibility for roads outside the compact areas and the winter maintenance responsibility for the state highways outside of the compact areas and therefore gives preference to capital improvements on these roads. Do the facts support this assertion?
7. Historically, MaineDOT has required a local match for capital improvements within compact areas. The status of this policy today is unclear but, due to the scarcity of funds for capital improvements, some assert that urban communities, as a practical matter, must financially support transportation capital improvements if they are going to move forward at all. What is the current MaineDOT policy in regards to cost sharing within and outside of urban compact areas and is it sound?

8. Are the definitions used to determine the boundaries of urban compact areas justifiable today and might alternative definitions yield more efficient and effective outcomes? Might there be better models to use in delivering service when urban compact areas of more than one community are contiguous?
9. Are the current policies and practices pertaining to urban areas contributing to higher tax rates in urban compact communities? If so, does this circumstance create an obstacle for citizens that wish to locate in proximity to their jobs and critical services?
10. Given the jurisdictional responsibilities of urban compacts and the financial resources needed to meet these responsibilities, what, if any, additional means of financial assistance should be offered? Should there be any new local option revenue sources established or should there be changes in roles and responsibilities or both?
11. What exactly is the current legal and financial status of the MPO in Maine? Do the MPO's possess the tools they need to respond to the transportation needs of the areas they serve? Setting aside the federal considerations, are there other areas of Maine where urban areas should have the option to collaborate similar to the MPO model?

Agenda Item 7 – Consent Agenda

1. The Turnpike Authority recently started the **Cumberland County East-West Corridor Study**. John Duncan will serve on the study's Steering Committee
2. **The Governor has omitted state funding for the Downeaster** operation in his FY 2010 budget.
3. Nine councils, four transit system boards and the Board of the Portland Regional Chamber have endorsed our **High Priority Project** three final candidates.
4. **Paul Niehoff** continues to do a tremendous amount of **PACTS project financing work** with municipal staffs and MaineDOT's Augusta and Scarborough offices. This behind-the-scenes work has been a significant PACTS staff function for years now, and will continue to be.
5. **Sara Trafton** will start on March 17th as the **new Executive Director of RTP**. Sara has worked with Connie Garber at YCCAC for several years.
6. PACTS outreach/visibility work:
 - In March we will hold our fourth “**sandwich symposium**”. This one will focus on the draft recommendations in the PACTS-funded Portland Peninsula Transit Study.
 - We recently distributed a “PACTS Quarterly Newsletter” to our interested parties list of 150 people and to all committee members.
7. We have begun to develop **our next two-year planning budget**. Highlights so far include:
 - We expect to receive member proposals for consultant studies that would cost \$500,000. Our preliminary budget has \$150,000 for this.
 - We will update *Destination Tomorrow* during the next 12 months.
 - Staff is working with the Executive, Transit and Planning Committees and MaineDOT to develop a draft work plan and budget for endorsement by the Policy Committee in April or May.
8. Draft agenda for **March 26th Policy Committee** meeting:
 - Endorse Economic Stimulus projects
 - Reprogram \$820,000 in the PACTS “Holding PIN”. This amount is from recently completed and recently withdrawn projects.
 - Presentation on our Regional Collector Roads Assessment Study and the implications for future project funding policy.
 - Assessment of our new Executive Committee process after nine months.

9. Recent staff meetings:

- With Conservation Law Foundation regarding an LD entitled **The Climate and Energy Planning Act**.
- Carl at the Legislature with Tex Haeuser regarding the **TOD TIF legislation**.
- MaineDOT and PACTS (Carl) hosted a workshop in the fast track planning of the reconstruction of the **Veterans Bridge** with a large stakeholders group.
- With Turnpike, HNTB, MaineDOT and Kevin Hooper regarding **enhancements to the PACTS model**.
- Carl and Steve with FHWA, MaineDOT, EPA, DEP, ATRC and KACTS regarding quarterly meeting of Maine's Air Quality Conformity Group. They discussed their **recent scoring of CMAQ proposals**.

Recent Committee Meetings

- Executive Committee
 - Approved Policy Committee agenda.
 - Shared member updates between committees.
 - Reviewed budget worksheet for next PACTS planning/admin budget, and a detailed outline for development of the planning/admin budget.
 - Took PACTS official action to support MaineDOT's and NNEPRA's proposal to change the use of \$2.2 million in CMAQ funding from operations to capital improvements (for recent track upgrades).
 - Received Paul Niehoff's report on the growth to \$820,000 of the PACTS "Holding PIN" account.
 - Received report on Scarborough's proposal to change the scope of the Dunstan Corner project funded in October.
 - Reviewed staff's proposal that the Policy Committee submit a \$1,000,000 earmark proposal to our Congressional Delegation for a regional traffic signals upgrade.
- TIP Process Committee
 - See agenda item 4B.
- Technical Committee
 - Discussed proposals to change the scoring factors for the future selection of collector paving projects.
 - Received federal economic stimulus update.
 - Paul requested updates from members on recent collector road projects.
 - Updates from other committees.
- Planning Committee
 - *Held a third joint meeting with the Transit Committee.*
 - Heard report on LD on transit TIF.

- Established a subcommittee to update *Destination Tomorrow* during the next 12 months. The subcommittee will include members from the Policy, Technical and Transit Committees.
- Transit Committee
 - Continued work on regional map/timetable.
 - Heard report from MaineDOT on the process for receipt of FTA 5307 funds
 - Prepared for development of transit planning tasks and budget for the next two years.
 - Much exchange of information on topics of interest
 - Voted to recommend that the PACTS Executive Committee officially support MaineDOT's and NNEPRA's proposal to change the use of \$2.2 million in CMAQ funding. See above.

Status of Consultant Studies in Current 2-Year Planning Work Program

<u>Study/Effort</u>	<u>Status</u>	<u>Staff Contact</u>
Enhanced Project Scoping for 2010/2011	Done	Paul Niehoff
Portland Wayfinding Plan	Done	John Duncan
PACTS Process Review	Done	John Duncan
Regional Collector Paving Study	Done	Paul Niehoff
Regional Education and Training	Done	John Duncan
Regional Funds Leverage Report	Done	John Duncan
Regional Priorities Telephone Survey	Done	Carl Eppich
Cape E. Sidewalk/Bikeway Plan	Finish by June.	Carl Eppich
Freeport School Street Extension	Finish by June.	Carl Eppich
Portland Libbytown Trail	Finish by June.	Carl Eppich
Portland Peninsula Transit Study	Finish by June.	Carl Eppich
Scarborough Running Hill Road	Finish by June.	Carl Eppich
TIF TOD Outreach	Finish by June.	Carl Eppich
Transit Regional Ride Guide	Finish by June.	Steve Linnell
Windham Impact Fee Analysis	Finish by June.	Carl Eppich
Yarmouth Route 1 Phase II	Finish by June.	Carl Eppich
PACTS Model Consultant	Will come in within budget.	John Duncan
GPCOG Planning Services	Will come in within budget.	Steve Linnell
Maine Clean Communities	Will come in within budget.	Steve Linnell
SMRPC Planning Services	Will come in within budget.	Tom Reinauer
Saco OOB Biddeford Transportation Plan	Underway. Finish in 2010.	Carl Eppich
Regional Signals Coordination	Underway. Finish in 2010.	Carl Eppich
Wsbk Downtown Streetscape	Underway. Finish in 2009.	Carl Eppich
Portland Woodford's Corner	Not started yet.	
Regional Bike/Ped Planning	Not started yet.	
Transit Bus Route Study	Not started yet.	