



Technical Committee Meeting Notice

January 13, 2009
8:30 a.m.

PACTS, 68 Marginal Way, Portland

Agenda

1. Call to order
2. Public Comment
3. Minutes of December 9th, 2008 Meeting
4. TIP Set-Aside Discussion
5. Economic Stimulus Projects
6. Collector Ranking Revisions
7. Information, Planning and Transit Updates and Other Business
8. Adjourn.

Next Meeting: February 10, 2009

The Metropolitan Planning Organization for the Portland Urbanized Area

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PACTS Technical Committee Meeting Minutes
December 9th, 2008 – 8:30 a.m.

Members Present: Jennie Franceschi, Biddeford, Chair; Norm Baker, MaineDOT; Mike Bolduc, Saco; Bob Burns, Gorham; Jim Carmody, Portland; Mary Ann Conroy, Old Orchard Beach; Doug Fortier, Windham; Bob Hough, MaineDOT; Dan Jellis, Yarmouth; Mike Laberge, MaineDOT; Dale Mitchell, Policy Committee Appointee; Al Presgraves, Freeport; Dave Redlefsen, Public Transit; Jim Wendel, Scarborough.

Absent: Dana Anderson, So. Portland; Don Chaisson, No. Yarmouth; Julia Dawson, SMRPC; Sara Devlin, Maine Turnpike Authority; Eric Dudley, Westbrook; Bob Malley, Cape Elizabeth; Anna Price, FHWA; Steve Linnell, GPCOG. Skip Varney, Falmouth.

Staff and Guests: Carl Eppich, PACTS; John Duncan, PACTS; LaRay Hamilton, MDOT; Sue McIntyre, GPCOG; Paul Niehoff, PACTS;

1. **Call to Order** Jennie Franceschi, Chair, called the meeting to order at 8:32 a.m.
2. **Public Comment:** There were no public comments expressed.
3. **Adoption of minutes of October 14th 2008 meeting**
Dan Jellis made a motion for approval of the October 14th, 2008 minutes, seconded by Bob Burns. Vote taken. All were in favor. Minutes were unanimously accepted.
4. **10/11 Work Program Revisions**
Paul distributed a spreadsheet entitled “PACTS 2010-2011 Capital Program”, which provided a list of all PACTS work plan projects for 2010/2011 Capital Program. One revision was made to the list in order to balance the federal funding in the collector set aside. The U.S. Route One project in Freeport was replaced with the Bow Street project in Freeport and with the Cumberland Avenue project in Portland. With receipt of the anticipated allocation, this work plan will provide a positive balance of \$83,000 in federal funds as well as \$45,000 in state funding set aside. Mike Laberge noted that these funds will be set aside until needed. Everything else should be the same in accordance with the Policy Committee and MaineDOT decisions and agreement. A short discussion took place pertaining to a particular section of road on Route 1 in Yarmouth where consideration is being given to construct roundabouts some time in the future. Paul pointed out that when this project comes up to bid more information will be available. PACTS would then try to either combine the project or change the timing of them. There was consensus among the group that the list, as presented and described in the handout, was fine.
5. **PACTS/MPO LAP Project Manager**
Paul said discussions had taken place on several occasions about getting LAP projects through the process more efficiently. One option would be to hire a Project Manager for the MPO region. This topic was most recently discussed at the PACTS Executive Committee meeting and with Norm Baker at MaineDOT. The Executive Committee has asked the Technical Committee to discuss the pros and cons of hiring a Project Manager. A meeting will be held with the MaineDOT and Federal Highway to discuss in more detail about taking this approach. At the moment, there is no consensus as to whether this is the right way to go.

Paul spoke of his perspective on the idea saying that when you consider concerns about projects not getting done whether locally administered or with the MaineDOT due to lack of project managers,

designers and/or lack of local resources or staff, then he felt it did make sense to discuss the option of hiring an MPO LAP Project Manager. Some pros he sees include the option of taking on more projects along with more consistency and improved communications. The Project Manager hired could be a PACTS employee or a consultant. If the decision would be to go with a PACTS employee it could then provide an option to hire a consultant for any design work that would be needed.

Norm said that MaineDOT could accept either approach. He felt there were pluses to either approach and that the MaineDOT Project Manager could support the community by assisting the “hiree” through the process. He pointed out that it is his responsibility to make sure that towns have the ability to do that and that he would like to see the process improved. He has a strong commitment to get the LAP process to work and views this concept as mini DOTs especially since as many as 147 positions have been and/or will be cut due to recent economic conditions. Those are positions that may never be seen again. He spoke of the importance of developing a strong LAP process and for towns to develop teams that can move projects along with the assistance of MaineDOT staff. Our infrastructure is falling apart fast and it is becoming more evident. Discussion continued on the advantages and disadvantages of hiring an MPO Project Manager and whether this should be an additional PACTS staff position or an “outside” consultant position. Norm pointed out that an important item to consider is good communication. It takes good communication and persistence to make an effective LAP program. It also takes a dedicated person to push and not change their priorities in moving a project forward.

Mary Ann asked if MaineDOT could provide someone on their staff that could be solely dedicated to the PACTS region with regards to LAPs. Norm replied “absolutely not” and explained that the MaineDOT project managers are currently overwhelmed as it is with the projects they do have in addition to assisting the LAPs that they have outside of the PACTS region. Jim Wendel said it was clear to him that a dedicated individual would be needed to manage LAPs in order to get them out the door and built. The issue is the lack of manpower both at the state and local levels. Towns do not have enough staff to provide the kind of dedication that is needed to attend to the day-to-day activities that LAPs demand. He felt that unless this issue is addressed the program will not be able to have any amount of success. Funding might be there but manpower is needed to get the projects out the door.

Dale Mitchell said he agreed with what everyone was saying. His view comes from working with towns during the last few years. The consultant community has the experience and has worked with PACTS projects and highway projects. He said that a consultant could offer more than the management of a project. He pointed out that what the group was talking about was adding “another layer”. Just by the nature of funding for these projects, it has to be done as cheaply and quickly as possible. The group may want to consider whether they want to add “another layer” of management as well as consider what it would cost. Other things to consider would be how many projects does the group think that a manager would be able to pump out? Do you want that management time tied to the engineering itself? A consultant can take a particular project and grab the staff necessary to assist. They have the resources to pick and choose what they need for that particular project and what they need to process that project. He added that the consultant community can also ride out the “hills and valleys” that the DOT cannot withstand anymore and consultants have the capabilities to work across state lines if need be. He encouraged the group to work with the DOT. He felt that the consultant community plays a huge role and that the DOT is recognizing that. In addition to this, the DOT has a very detailed consultant agreement process. A list of selected consultants that are qualified for a particular project could be made available to this group by the DOT. Towns would still need an engineer to do the design. Discussion turned to the topic of costs. MaryAnn asked how DOT costs are applied to a particular project. Norm replied that if an enhancement project is an LAP the DOT does not charge any fees. If it is not an LAP, MaineDOT charges to it. The engineering support PIN is to support the LAP. Highway projects

get charged at all times by the MaineDOT for DOTs support time, regardless. The idea behind the LAP is that the town has a better handle on the work and can control both the work and the schedule.

Tasks that a project manager would perform include, among others, making sure that the permits are in place, compiling the bid book; get an engineering stamp on the project; (if the project is over \$100,000, it would need a licensed engineering stamp); certification and establishment of right-of-ways; the coordination of utilities; and then, overseeing the construction phase. The DEP would still be charging to a project not from a managerial perspective but from support of perhaps two or three hours per week. Putting a book job together could take anywhere from two hours to two days, depending on the project.

Bob Burns said he was willing to hear more on whether or not to hire an LAP Project Manager but felt the group needed to identify which LAP projects didn't get done, whether it had been done with a consultant or the MaineDOT. He said he recognized that DOT staff is overwhelmed with projects and thought it would be beneficial to identify how many projects would be needed to merit the hiring of a project manager. He asked what the MaineDOT Region I thought of these LAP projects. Bob Hough responded that his experience has shown that as towns get more experience in doing LAPs it becomes easier for them to do. He pointed out that regardless of what is decided by the Committee there is always going to be time involved with questions and research. That aspect will never go away. Bob B. asked Bob H. if PACTS hires a consultant and twice the number of LAPs go out would Region I am able to keep up with it? Bob H. replied "yes".

Discussions continued on the topic of costs, cost benefits, where funds would come from to pay for a project manager and consequences of projects that are redesigned. Paul pointed out that from a cost standpoint if a consultant were hired, PACTS staff coordination with the consultant would still be needed. Staff would still have a time commitment to those projects. Paul thought it better to talk specifics. For instance, a PACTS employee could do the collector road book projects but if bigger projects were involved, a consultant could be hired. One benefit is when a town does an LAP is that their match is sometimes offset by them doing the LAP and the costs associated with MaineDOT doing the project is high. Additionally, if this economic stimulus package comes through someone will have to develop those projects. Paul noted his concern with projects that PACTS already has on the books. What will happen if there is an influx of monies coming in 90 days?

Dale spoke of the services offered by consultants noting that they are the same as those offered by MaineDOT. He felt LAPs shouldn't be looked at any differently. John added that the consultant world provides a whole host of skills and an array of experience. PACTS staff is small but on the other hand, Paul brings a skill set to PACTS staff that PACTS has never had before and where communication with the MaineDOT is achieved. Mike L. added that PACTS staff needs to be the primary point of contact for all projects and must be one of the primary players in the development of a project to make it go smoothly. Dan said he tended to think that the disadvantages of hiring a consultant outweighed the advantages.

PACTS staff role is to provide a report to the Executive Committee which includes this discussion. Paul will develop a synopsis or scenario. The Executive Committee is looking for some kind of proposal to consider in January.

Questions to ask include "why" and "what can we support"? Paul explained that depending on the economic stimulus package we may find ourselves in a time crunch. If we get a large amount of funding we will have to figure out how to get the project done in the time frame we need. He also spoke of his concern with projects that are currently sitting on the shelf that should have gone out.

Jim W. said he didn't see this as adding layers. We have an "x" amount of money and we need to get these projects done in "x" amount of time. But we are in a mode of de-staffing of personnel

that would have done this work. Even if we don't get a stimulus package we are still in a situation of not enough manpower to get this work done. It's manpower that is needed. What this has to offer is project management and manpower.

Mike referenced the economic stimulus package and pointed out that this is not meant to be monies to start projects from scratch. They should be projects that have already been engineered and on the shelf. Paul distributed another list. Mary Ann noted that she didn't think we needed a PE for this new position and that the group should take into consideration Paul's skills and wondered if this could be the coordinating piece that is needed. Mike referenced the \$190 million and noted that MaineDOT is in the process of looking at all the projects. Projects that are engineered and ready to go but for lack of construction funding will most likely go to the front of the list. Mike B. spoke of his concern over deferred projects from last year and wondered about the plan to get all of those projects out the door. What will it do to our prices? If all of the projects go out at the same time will the bids go through the roof? John has asked the MaineDOT to give a briefing at the Policy Committee meeting next week on this topic. Among others invited to the meeting include members of the DEP Commission and members of our Congressional Delegation. Town managers will be getting a briefing as well on December 18th.

6. Collector Report

Paul distributed an update on the Collector Report. The final draft has been forwarded to both the Tech Committee as well as the PACTS Executive Committee. All comments have been forwarded to Gorrill-Palmer. The Report must be finalized by the next Policy Committee meeting. A brochure will be developed once the Report is finalized. ***MaryAnn Conroy made a motion to accept the Report and to move it forward to the Policy Committee, seconded by Bob Burns. Vote taken. All were in favor. Motion carried.***

7. Information and Other Business

1. Paul distributed a list among the group entitled "PACTS Submittals". It is a list of projects which could be ready to bid in 90 days. The submittal deadline was December 3rd.
2. No comments.
3. The next TIP Process Committee meeting will convene on Thursday, December 9th, 2008. Dan Jellis has accepted the offer to be the new PACTS Technical Committee representative to serve on the TIP Process Committee. Jennie Franceschi will be an alternative.

A short discussion took place on the concept of whether every town should get a project in the BTIP. Does it defeat the purpose of regional planning? It was felt that those towns could still go to the DOT independently and that the scoring project is the scoring project.

4. No comments.

5. Other items:

Carl has been making headway on the Signal Study for plans to regionalize the traffic signalization system. Five proposals have been received and Carl said that interviews would be conducted with three firms next Friday. A selection should be made at that time. Carl thanked all those on the Committee: MaryAnn Conroy, Jim Wendel, Jim Carmody and Steve Landry. The group is looking at possible funding sources such as CMAQ funds. MaryAnn pointed out that traffic command centers have been around for along time nationally. It reduces congestion, can be pre-emptive for transit operators, and is beneficial for emergency management and evacuation purposes.

Dave Redlefsen provided an update on METRO's contract with MaineDOT. There are concerns that MaineDOT will not be ready to go with an immediate package. Subsequently, METRO is waiting to see if the State will accept one standard contract with one set of specifications. He spoke of concerns about a disconnect with the Office of Passenger Transportation and wondered why they are getting such delays in the

procurement process. Dave has forwarded MDOT information from the State of Florida. Florida is willing to give METRO at least 25 to 35 vehicles. From a local standpoint, he is in the process of getting buses from Palm Tran. He received confirmation from the MaineDOT that they will fund the project of \$80,000 with an 80/20 split for refurbishing equipment. He is hoping that the buses will arrive prior to the next Technical Committee meeting. The State never acted on replacing the 10 buses seven years ago. These buses were made in 1990 and have a tank certification limit of twelve years. They are seven years past their useful life and need to be replaced in the best interest of safety and overall cost to maintain them.

The next combined PACTS Planning and Transit Committee meeting is scheduled for Thursday, January 8th, 2009. The group will focus on identifying corridors and rail options in preparation of the next version of Destination Tomorrow.

8. Adjourn

The meeting adjourned at 10:23 a.m.

Agenda Item 4. TIP Set-Aside Discussion

As we all know, PACTS has started the TIP Process review work and the TIP Process Committee met for the first time on December 11th. A large part of the discussion in the upcoming months will be whether or not we should thoroughly revise the PACTS' set-a-sides. There is the potential that the Committee may request input and comments for the Tech Committee. The following is from last Friday's meeting packet:

In December staff introduced the following topics.

1. *PACTS Set Aside Policy*
2. *Project Cost Control and PACTS Contribution Control*
3. *Match Ratios and Multiple Funding Sources*
4. *Inefficient Development of Projects*
5. *Using and Improving Existing State Transportation Policies*
6. *Working with MaineDOT to make changes*
7. *Local project administration*
8. *Tweaks to several PACTS policies and procedures*

Please read below for staff analysis and recommendations on our Set Aside Policy. We propose to present similar analyses and recommendations on all eight topics for future meetings.

See pages 15 to 18 in our Draft November 2007 TIP Policies/Procedures document for existing policy language.

PACTS Set Aside Policy: History and Current Situation

Before 2004 we did not have MPO Allocation set aside categories. We ranked our STP proposal in four categories: paving, reconstruction, intersections and "non-formula" projects. The non-formula category was for bike/ped and transit capital projects (which are not highway projects but were and are eligible purposes under the federal Surface Transportation Program).

In 2004 we established a policy to program certain percentages of our MPO Allocation funds within six categories over multiple biennia. This was a key policy developed in the context of our 2002 expansion from 7 to 15 municipalities. We later reviewed and tweaked the Set Aside Policy in preparation for our 2008/2009 and 2010/2011 priority setting efforts. Here is the introduction from our March 2004 policies and procedures document:

In the 2006/2007 biennium, PACTS will work for the first time with a percentage set-asides structure. The intents of the set-asides policy are for the Policy Committee to act upon the priorities in Destination Tomorrow, and to create a structure that would help our new members to understand our TIP priority setting process during their first years in PACTS. The members intend that the set-asides will help them to focus on their regional priorities, but not to limit their flexibility and prerogative.

The set-aside framework will cover a six-year period (the 2006/2007, 2008/2009 and 2010/2011 biennia). The Policy Committee may allow some deviation each biennium provided that the percentages return to the standard over the three biennia period.

The percentages in the table below are based on a synthesis of the Guiding Policies in Destination Tomorrow, estimates of the funding needed to preserve the region's collector roadway network through appropriate paving strategies, and historical spending patterns in the pre-2004 PACTS Metropolitan Planning Area.

See the policy and the results in the table below. For the 2006//2007, 2008/2009 and 2010/2011 biennia we programmed almost \$39,000,000 – for an average of \$13,000,000 per biennium.

Applications of the PACTS Set Aside Policy

	Actual Six Year Policy	Actual Average	(4)	Actual (1) FY 06/07 Biennium	Actual (2) FY 08/09 Biennium	Actual (3) FY 10/11 Biennium
Collectors	40%	47%	(4)	58%	49%	34%
Intersections	20%	9%	(5)	7%	8%	13%
Widen Roads	20%	13%	(6)	12%	4%	23%
Rebuild Roads	10%	20%	(7)	15%	31%	14%
Transit	7%	7%		4%	8%	10%
Bike/Ped	<u>3%</u>	<u>3%</u>		<u>4%</u>	<u>0%</u>	<u>5%</u>
Total	100%	100%		100%	100%	100%

1. Per October 2006 Policy meeting packet. This does not reflect subsequent adjustments.
2. Per May 2007 Policy meeting packet.
3. Per December 2008 Policy meeting packet.
4. The 58% and 49% include: covering cost increases for several 04/05 projects, and covering the skyrocketing costs of many 06/07 projects.
5. Note that we have committed up to approx. \$2 million in 12/13 funds to the Dunstan Corner intersection project.
6. "Widen" in this case means to add travel lanes or build a new paved shoulder.
7. The Rebuild Roads 15% includes 6% used to cover costs for some pre-existing arterial paving projects.)

Here are some additional staff comments on each of the categories.

Collectors

1. *This set aside is about maintaining our existing transportation system – the top priority of Destination Tomorrow.*
2. *This set aside gives our suburban members hope that they will get some PACTS funding in their towns because most of their eligible roads are collectors.*
3. *The 40% goal was based on historical research of actual spending in the pre-2002 PACTS region and on analysis by MaineDOT staff. Please note that our recently completed PACTS Collector Road Assessment Study sheds much more light on this subject for the future.*

Intersections

After maintenance of the existing system, this was our second priority of the Eight Guiding Policies of Destination Tomorrow. As such, it is disappointing that we under-spent in this set aside.

Widen Roads

This was set at 20% because widening roads is very expensive, so even doing a few projects costs a lot.

Rebuild Roads

This was set at only 10% because it often (not always!) costs less to rebuild roads than to widen them.

Transit

This was a continuation of our “non-formula” category mentioned above. This set aside category complements the federal FTA 5307 moneys that come to our region.

Bicycle/Pedestrian

This was also a continuation of our “non-formula” category mentioned above.

Staff Analysis and Recommendation

We have had six years of experience with this and the several other key TIP policies developed and refined since 2004. Fundamental questions to ask are:

- *Should we stick with a set aside policy? Could a project scoring system work better than a set aside system in order to meet our Destination Tomorrow goals?*
- *Our MPO Allocation is a relatively small amount of money for a region of 15 municipalities and 7 transit systems. How much should we try to accomplish with the funds?*
- *Where is the best balance between funding a small number of large regional projects and a large number of small projects? See John Duncan’s August 2008 email dialogue with Ron Owens, Kevin Donoghue, Rick Michaud and Nat Tupper (in your 3-ring notebook and at the end of this memo).*

During the PACTS Process Review work a year ago one of the major conclusions was that the PACTS process overall has become too complicated and asks too much of its members. One part of addressing this is to rely more on PACTS staff. A second component is to simplify our policies and procedures. A third possible strategy is to reduce the number of projects that we fund (per the email dialogue referenced above).

PACTS staff proposes that we continue with a set asides policy, and that we change it as follows:

- *Focus more on regionally significant projects by funding more large projects and fewer small projects.*
- *Stop using our federal funds for “simple” collector paving projects, and use our federal funds instead to take care of the more expensive complicated collector projects. While staff believes that the Technical Committee would support this approach on technical and cost-effectiveness bases, it might be a tough sell to city and town managers.*
- *Spend more on transit and bike/ped projects in the context of global warming and system sustainability.*

Please review the following table. We will explain it at Friday’s meeting.

Proposal To Amend PACTS Set Aside Policy

	<u>Existing Policy</u>	<u>Proposed Policy</u>	<u>12/13 Biennium Dollars *</u>	<u>Notes</u>
Collectors	40%	25%	\$3,750,000	Use only for "Tier 2 and 3" ** Municipalities would finance simple overlay At odds with results of our Collector Study?
Intersections	20%	35%	\$5,250,000	Relieve bottlenecks...is urban oriented. ***
Widen Roads	20%	0%	\$0	A statement against adding travel lanes.
Rebuild Roads	10%	25%	\$3,750,000	For reconstruction on arterials (expensive) Is also an urban centers statement because most arterial mileage is in urban centers.
Transit	7%	10%	\$1,500,000	A statement for sustainable transpo policy.
Bike/Ped	<u>3%</u>	<u>5%</u>	<u>\$750,000</u>	A statement for sustainable transpo policy.
Total	100%	100%	\$15,000,000	

* Our 2010/2011 biennium amount was \$14,600,000.

** Staff will explain this at our meeting.

*** Note that we have committed up to approx. \$2,000,000 in 12/13 biennium funds to the Dunstan Corner intersection project.

Next steps if TIP Process Committee likes this concept

1. Write category descriptions and review with members.
2. Other.

Agenda Item 5. Economic Stimulus Projects

We will have an update (if there is one) on the status of the stimulus situation. We should be prepared to discuss project level details of some of the potential PACTS projects that either are "shovel ready" or could be design/build projects.

Agenda Item 6. Collector Ranking Categories

Excerpt from recent email: "...eliminating the proposed scoring weights assigned for traffic, truck and transit utilization. (Perhaps it is more marketable to say that this would remove a smidge of unintended urban bias?) We should keep the collector paving allocation determinations based on road conditions only as represented by the PCR with the added Deflectometer [FWD] scores.

G-P and the Tech Committee spent a fair amount of time on the rankings formula, so should we adhere to the current formula or should we revisit it as noted above?

Agenda Item 7. Information, Planning and Transit Updates and Other Business

1. Planning Committee Update.
2. Transit Committee Update
3. A Collector Report and “Brochure”. Gorrill-Palmer has completed the final Collector Road report including a tri-fold “brochure”. The brochure was handed out at the December 18th Policy meeting and on the 19th at the PACTS Transportation Forum held at Ocean Gateway. G-P is scheduled to conduct a final briefing on the report at both the next Policy Committee meeting and the next TIP Process Committee meeting.
4. TIP Process Update from the January 9th meeting.
5. John Melrose will be working with the MPO’s on “A Proposal for Developing Policy Options for Urban Transportation Finance and Jurisdictional Reform. John Duncan will give overview.
6. PACTS will be the Guinea Pig, ah the test case for the new three party agreements form beginning with the OOB Roundabout project.
7. In progress are numerous scope, length, and finance modifications to the 08/09 TIP.
8. Other items