

# PACTS

Portland Area Comprehensive Transportation Committee



## Technical Committee Meeting Notice

September 11, 2007  
8:30 a.m.

PACTS, 68 Marginal Way, Portland

### Agenda

1. Call to order
2. Minutes of August 14<sup>th</sup> meeting
3. Locally Administered Projects Update (enclosure)
4. MPO/MaineDOT/Member Communications (enclosure)
5. MPO Collector Paving
6. Information Items and Other Business
7. Adjourn.

Next Meeting: October 9th at 8:30 a.m.

*The Metropolitan Planning Organization for the Portland Urbanized Area*  
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## **Agenda Item 2: Technical Meeting Minutes, August 14th**

### **PACTS Technical Committee Minutes August 14, 2007 Meeting -- 8:30 a.m.**

**Members Present:** Bob Burns, Gorham, Chair; Mike Bolduc, Saco; Jim Carmody, Portland; Mary Ann Conroy, Old Orchard Beach; Doug Fortier, Windham; Dan Jellis, Yarmouth; Dean Lessard, MaineDOT; Jonathan Labonte, MTA; Albert Presgraves, Freeport; Jay Reynolds, Falmouth; David Willauer, GPCOG..

**Absent:** Dana Anderson, So. Portland; Don Chaisson, No. Yarmouth; Eric Dudley, Westbrook; Jennie Franceschi, Vice-chair, Biddeford; Mike Laberge, MaineDOT; Josh Mack, SMRPC; Bob Malley, Cape Elizabeth; Dale Mitchell, Policy Committee Appointee; Adam Ogden, Cumberland; John Perry, FHWA; Dave Redlefsen, Public Transit; Jim Wendel, Scarborough; John Duncan, PACTS.

**Staff and Guests:** Julie Chizmas MaineDOT, Julia Dawson, PACTS; Sue McIntyre, GPCOG; Paul Niehoff, PACTS; Dave Sherlock, MaineDOT; Bob Skehan, MaineDOT; Skip Varney, Falmouth;

1. **Call to Order.** Bob Burns, Chair, called the meeting to order at 8:37 a.m. and welcomed those present.
2. **Adoption of minutes of July 10<sup>th</sup>, 2007 meeting**  
*Mary Ann Conroy made a motion for approval of the July 10th, 2007 minutes, seconded by Albert Presgraves. Vote taken. All were in favor. Minutes were unanimously approved.*
3. **Pavement Condition Ratings and Highway Adequacy Index Update**  
Paul Niehoff introduced Julie Chizmas, MaineDOT Transportation Planning Specialist and Bob Skehan, PE, Pavement Management Engineer for the MaineDOT.  
  
Julie Chizmas provided a PowerPoint presentation and overview of the Highway Adequacy Index program as well as various pavement condition data management tools to rate highways. She also provided suggested pavement preservation techniques by looking at service, safety and condition ratings. The presentation in PowerPoint is available if requested.  
  
In summary, Julie Chizmas noted that the HAI provides a look at the overall health of a highway and would be used as a tool to prioritize highway projects. The HAI is also needed to determine how to rate urban areas for the next report as well as input and data in reference to maintenance cost per mile. A question and answer period followed. The estimated completion date for the collection of data for urban areas is November 2008. Julia Dawson will forward updated information on capital improvements in urban compact areas to Julie Chizmas.  
A discussion followed on maintenance paving and simple overlays.
4. **Collector Paving Project Report and Fund Transfers:**  
Paul Niehoff provided a report on the collector road projects and fund transfers. According to current PACTS Policies and Procedures, approximately \$1.6 million

(including the existing holding PIN and transit funds) was set aside to fund the 06-07 projects. Fund transfers to date to cover 06/07 collector road projects total approximately \$1.2 million. This leaves a balance of \$414,458 available to cover future transfers. As projects move forward and are re-estimated the estimates will most likely increase before going to bid and could increase even more when bids come in.

**5. Information Items and Other Business:**

**RSA Training:** A brief discussion of the two day training course on Road Safety Audits hosted by PACTS on July 31<sup>st</sup> and August 1<sup>st</sup> ensued. The course was conducted by the FHWA. Julia noted that this could be a tool that PACTS could use every couple of years to pursue hazard elimination funds.

**Project Costs:** Frustration was expressed by both Mary Ann Conroy and Mike Bolduc pertaining to MDOT's decision to reject the bids for Saco and Old Orchard Beach projects. The projects are to be re-bid with new paving specs. The projects apparently date back to 2004. It was noted that there have been fairly good competitive bidding on most other projects except those in the southern Maine area

**6. Adjourn:**

*Jonathan Labonte moved to adjourn the meeting, seconded by Mike Bolduc. Vote taken. All in favor.*

*Meeting adjourned at 10:00 a.m.*

**Agenda Item 3: Locally Administered Projects Update (enclosure A)**

The Locally Administered Project Subcommittee met on May 31<sup>st</sup>, and July 12<sup>th</sup>. The subcommittee consists of PACTS members, MaineDOT and FHWA personnel. Because of inconsistencies and miscommunications with respect to the LAP process the MaineDOT revised the management oversight process of the program. In so doing the MaineDOT solicited ideas and recommendations to improve the process. In response PACTS assembled a subcommittee to review issues and concerns and develop recommendations for improvement. It became apparent during discussions that other aspects of the project development process including design standards, state and federal requirements, construction cost increases and contract arrangements also needs improvement.

Attached is a draft of the results of the committee's work. It is expected the next step will be to meet with the MaineDOT to review the suggestions in more detail.

**Agenda Item 4: MPO/MaineDOT/Member Communications (enclosure B)**

As a result of decreasing funding levels, increases in construction costs and development of enhanced project scoping, the need for improved communication between the various stakeholders has increased. Communications between member communities, the MPO's and the MaineDOT has been a topic of discussion at the last two MPO/DOT quarterly meetings. The letter included as "enclosure B" is intended to initiate further and more detailed discussions to initiate those improvements.

### **Agenda Item 5: Collector Paving Update**

Work is progressing towards a comprehensive overview of PACTS Collector paving policies and procedures. Information gathering continues with the assistance of member communities and the MaineDOT. Results are expected to consist of roadway condition data, adequacy index, functionality, treatment methods, potential design exemptions, Village Design standards and clarification of Federal/State/local definitions and design guidelines.

### **Agenda Item 6: Information Items and Other Business**

- a. A draft PACTS project map will be “on display” for comment. Please note this is a work in progress.
- b. Paul Niehoff and David Willauer met with Nan Cumming of Portland Trails to discuss the Rails to Trails Conservancy’s request to develop a regional trails, bicycle, pedestrian, and transit visionary plan.
- c. Update on the project bidding status of Saco and Old Orchard Beach paving projects.
- d. Update on High Priority Projects progress.

## **Enclosure A: Locally Administered Projects Update**

### **PACTS Local Project Administration Review and Recommendations**

#### **Introduction:**

The PACTS LAP Subcommittee consisting of PACTS members, MaineDOT and FHWA personnel met several times during May, June and July to discuss the program, critique the issues and develop recommendations for improvement. The importance of the LAP process to FHWA and MaineDOT was underscored by the MaineDOT forming a separate and unique team to administer the program from Augusta. The importance of a successful program for Federal Highway is that 20% of federal funds are dedicated to the program, which totals more funding than larger more costly projects combined country wide.

The overall intent of the program is to complete projects on the local level in a more time and cost efficient way. Given nationwide funding constraints, increased infrastructure needs and rising construction costs, the LAP process has the potential to be an effective tool to cost effectively develop, design, contract and construct quality highway projects.

When projects are administered at the local level, more resources become available at the MaineDOT which in theory allows more projects to be completed in a similar amount of time. Generally the concept assumes projects completed by local municipalities are initiated, designed, and constructed in a more condensed time frame. However, there can be a perception at the local level that projects can be designed and completed using local or modified standards and at a lower cost than at the state level. Generally this has not been the case, resulting in lack of cost savings, misconceptions, inconsistencies and miscommunications.

During our discussions one of the underlying issues causing confusion and misunderstandings relate to construction standards and design requirements. Although not directly a LAP issue, the understanding has been that LAP projects could be designed, contracted and constructed with fewer or less stringent standards and requirements than at the state level. Contrary to this perception is FHWA's need to minimize risk exposure and maintaining "cost effectiveness" over "cost savings"; that is, to assure a quality product using federal funds cost effectively.

#### **Potential benefits to a municipality administering a LAP project:**

- ✚ In some situations the project can be initiated, designed and constructed in less time.
- ✚ The local municipality is more knowledgeable of the local, resident, political and physical landscape.
- ✚ Some of the project administration costs to the municipality can be offset, essentially lowering the municipal's match cost.
- ✚ Potential of construction cost savings with municipal contracts and project oversight (if policies and procedures are modified).
- ✚ Force account work with municipal forces associated with project has the potential to lower overall project costs.

### **Benefits to the MaineDOT when a municipality administers a LAP:**

- ✚ Less time commitment associated with the project allowing MaineDOT resources to be utilized elsewhere.
- ✚ Allows more MaineDOT projects to be designed and constructed earlier in the work plan schedule.

### **Issues/concerns/inconsistencies associated with the “process” of administering LAP’s:**

- ✚ Inconsistencies between projects with design and construction requirements, standards and process.
- ✚ Conflicts/confusion between MaineDOT and municipal responsibilities.
- ✚ Can be a lack of consistent turn around time at both MaineDOT and municipal level.
- ✚ At both MaineDOT and municipal levels priorities can shift resulting in time lag(s).
- ✚ QA/QC and testing requirements are excessive on some projects. Testing costs are high because of the ‘one-size fits all’ policy on QA/QC.
- ✚ No flexibility from federal requirements when project is state and locally funded (i.e. no federal funds). There doesn’t appear to be any difference in process, including design standards, between Federal and State and locally funded projects.
- ✚ No “economy of scale” for smaller projects: Fed/State process and design & construction requirements are expensive and disproportional with small projects.
- ✚ Competitive/public bid process costly and time consuming.
- ✚ Over abundance of paperwork and documentation required.
- ✚ Project development cannot begin at local level until agreement is in place.
- ✚ The LAP process appears to be “Risk Averse” where municipalities are willing to accept some or at least more risk.
- ✚ Municipal projects tend to focus on addressing existing issues (pavement, utilities, etc) and leave alone those items that are functioning adequately (narrow shoulder, clearing limits etc.) LAP process requires addressing all items based on a one or two word scope category, e.g. Rehabilitation, Restoration, and Pavement Overlay.

### **Design and Construction**

Many of our discussions revolved around design standards and contract requirements. It is apparent that misconceptions or misunderstandings related to the LAP process including design standards, design exemptions and contract requirements can be the cause of confusion and increase funding requirements and project costs as outlined below:

- ✚ Design and construction requirements add complexity and cost.
- ✚ State/municipal standards do not match.
- ✚ Design exemptions are rarely or inconsistently approved.
- ✚ Minimal incorporation of Context Sensitive Solutions or flexible design standards.
- ✚ Apparently no (or minimal) flexibility of design requirements. Assumption has been state requirements were not as stringent as federal requirements.

- ✚ No design guidelines specific to LAP projects.
- ✚ MaineDOT project manager(s) have limited discretion/authority to make project specific design decisions.

### **Recommendations:**

#### **Overview:**

There is a commitment from all three parties (FHWA, MaineDOT and the municipalities) which is reinforced by recent administrative and program changes at MaineDOT and the organization of the PACTS LAP review subcommittee. From this effort a detailed process must be collectively developed.

Revisions to the process: state and federal requirements, contractual methods and process, design standards and design exemptions must be revisited. Innovations must be researched; and, if found to be acceptable, implemented in a timely and simplified form. Some of these innovations are currently under review and development. Examples being, the LAP manual will include design and process guidelines where only state and local funds are involved, a force account process, threshold contracts and bidding and quality assurance requirements.

The LAP process should begin at project inception with the first stage being development of work plan, then funding request, and continue to final completion and reimbursements. During the time of work plan development, thought should be given to whether or not the project will be locally administered and submitted as such. It will be especially important if new LAP guidelines are applicable. Projects must be scoped in more detail as part of the EPS process with the knowledge of state and federal standards and requirements. If a design exemption is warranted, the exemption should be requested and commented on, if possible, during the scoping phase.

Once a project appears in the work plan, both MaineDOT and the local municipality should meet to discuss the project and determine a schedule of action. Roles and responsibilities should be determined and a draft cooperative agreement developed, including a project phasing or tier process where certain tasks such as right-of-way, survey, PE could begin concurrently. The project schedule and an MOA would be developed at this time.

#### **The following are suggestions for program improvement:**

- ✚ Clarify MaineDOT and municipal roles and responsibilities.
- ✚ Scope projects (including design exemptions) collaboratively.
- ✚ Enact provisions for allowing some local administration expenses to be incurred by the municipality and “provisionally” approved in a MOA. These expenses could include permit admin (MHPC, DEP); survey; public notice/advertisement expenses; engineering RFP; public meeting expenses and even conceptual design. This could include allowing a project to proceed into preliminary design following a signed MOA and an acceptable project expense reporting system.

- # Potential need for dividing phase responsibilities. For example: MaineDOT surveys and designs and the municipality bids and manages the project.
  - # Revised MaineDOT standards for LAP's with concurrence (approval) by FHWA. These standards could be identified prior to submittal for funding to the PACTS Committee.
  - # Develop (or incorporate) design guidelines into the LAP process, i.e. allow for design flexibility, design exemptions or Context Sensitive Designs.
  - # Utilize a modified Method B or Method C for QA/QC requirements. Pavement requirements should match the expected, and agreed to, life expectancy of the project.
  - # Determine thresholds for design and bidding requirements:
    - i. Book contract
    - ii. Selective Bidding
    - iii. Force Account
    - iv. Contract negotiations
    - v. QBS (Quality Based Selection) modified for construction contracts based on cost threshold, qualification and past performance.
- # With requirements based on:
- i. Funding amount
  - ii. Project type
  - iii. Municipal experience (track record)

## **Enclosure B: MPO/MaineDOT/Member Communications**

Todd Pelletier,  
Program Manager, Main Street Mobility Program  
MaineDOT  
16 Statehouse Station  
Augusta, Maine 04333-0016

August 22, 2007

Dear Todd,

### **MaineDOT, PACTS and PACTS Member Communication and Coordination**

During meetings and discussions over the last few months it has been mentioned a number of times the need to increase the frequency and type of communication between the MPO's, member communities and the MaineDOT. The need for improved communications has become apparent during some recent projects which resulted in incorrect assumptions, understandings and certainly an increase in frustration.

In researching this issue my records indicate about a year ago at the October 4, 2006 MPO quarterly meeting the communication improvement issue was raised with comments such as the following noted in the meeting minutes:

“Project Development to initiate policy for project managers to invite MPO Directors, municipal officials to initial project kick off meeting.”, and “face to face meetings help understanding”.

The issue was again revisited in the July quarterly meeting in Bangor. In this instance the emphasis was on over expenditures during the construction phase, although the same concerns over project communications were voiced as in previous meetings. The overarching statement, “The bottom line is communication” was clearly noted.

Increased communications have certainly been apparent over the last few years, but given the increased complexity of projects and recent funding constraints we all face improvements are still warranted. To this end we would like to be notified and/or invited to all MPO project kick off meetings for the reasons noted above. We look forward to working with all parties to improve the process even further.

I will give you a call in a couple weeks to determine the next course of action. If you would like to contact me before then please call me at 774-9891.

Sincerely,

Paul Niehoff  
Senior Transportation Planner

cc,  
Dale Doughty, MaineDOT  
Marty Rooney, MaineDOT  
Mike Laberge, MaineDOT  
Mike Bobinsky, Portland  
Bill Shane, Cumberland  
Bob Burns, Gorham  
John Duncan, PACTS  
Julia Dawson, PACTS

