

PACTS

Portland Area Comprehensive Transportation System

Executive Committee Meeting Notice

October 5, 2010
8:00 a.m. to 11:00 a.m.
GPCOG, 68 Marginal Way, Portland

Agenda

1. Call to order
2. Public Comment
3. Minutes of September 7th meeting
4. Develop TIP recommendations to the Policy Committee (8:05)
 - A. The Credit Program
 - B. The Holding PIN account balance
 - C. The 2012/2013 MPO Allocation
5. Presentation on 2010 Destination Tomorrow Update (9:00)
6. Proposal to create public comment time limits (10:00)
7. Proposal to authorize email votes and more Executive Committee authority (10:15)
8. Updates from Staff and Committees (10:30)
9. Finalize agenda for Policy Committee meeting (10:45)
10. Other business.
11. Adjourn.

Next meeting: November 2nd at 8:00 a.m.

The Metropolitan Planning Organization for the Portland Urbanized Area

68 Marginal Way • Portland, Maine 04101

Telephone: (207) 774-9891 • Fax: (207) 774-7149 • www.pactsplan.org

Minutes of September 7th Meeting

In Attendance: Kathi Earley, Chair; Dan Bacon; John Bubier; Judy Harris; Mike Laberge; Al Presgraves; Sara Trafton; Shawn Smith, MaineDOT; John Duncan; Carl Eppich; Paul Niehoff; Maddy Adams

1. **Call to Order.** Kathi Earley called the meeting to order at 8:05 a.m.
2. **Public Comment.** None.
3. **Minutes of August 3rd meeting.** *The August 3rd meeting minutes were accepted by consensus.*
4. **Transportation Improvement Program Topics**
 - 4A. **Develop recommendations to the Policy Committee regarding use of the Holding PIN account.** The following are requests/ideas for use of the Holding PIN:
 - \$1m per PACTS staff recommendations (see below)
 - \$.74 (only federal and state) Riverside/Warren
 - \$1.2m Cumberland Mills Intersection (w/bridges)
 - \$.3m AVL
 - \$ to collector paving
 - \$ to all set asides

John provided some background on these ideas. The Cumberland Mills project is a project located near Sappi and the Cumberland Mills intersection. The work would be done in conjunction with some work to be done by MaineDOT on the two bridges. The intersection project scored well at PACTS several years ago.

Staff recommended funding the following construction projects:

- Exit 7 Pedestrian Connection Project at an estimated \$195,000 (ranked #1 under Bike/ped)
- Park Avenue Bicycle/Pedestrian Improvement Project at \$260,000 (Ranked #3 under Bike/ped)
- St. John Street Road Rebuild Project at \$551,250 (ranked #2 under Rebuild Roads)

Dan asked about the staff recommendations for bike/ped. John D. explained that this money would fund the projects now rather than October 2011. Paul added that the Park Avenue bike/ped project would work well with the St. John Street rebuild project. It would open up a lot more options for the 12/13 program. Those projects could be started now or at least started sooner. Mike L. stated that MaineDOT is not ready to move forward with the Exit 7 project because they are waiting for a feasibility study to be completed. Kathi said they would need to ask the Council for the local match a year earlier if we were to go forward with the staff's recommendations.

Regarding the collector road list, Dan asked if they would be ready to be considered next year. Paul said they are relatively simple to get going. A number of towns would benefit from doing these collector roads.

Portland does have the match for the Riverside/Warren project. If Portland cannot do this project then they will have to pay back over \$400,000. Dan said he appreciates the importance of the Riverside/Warren project, but the PACTS project cap policy worries him a little. By funding collector paving, we help a number of communities; he would like to see Riverside/Warren get funded also. John B. pointed out that Riverside Warren is a regional connection point. We should

try to find a way to do it. Shawn provided some background on the Riverside/Warren project. This project was started in August 2000. There was a problem with the retaining wall and the idea was to go back and re-engineer the wall. It waited for more funding until 04/05. Then it got a small amount of funding the next year. It didn't move too far because of funding issues. The current improvement would last about 10 years but it would still need the \$700,000+ and the retaining wall. The soil conditions are being reevaluated. It involved a lot of excavating and a specialty retaining wall. A left turn signal will be added. The idea of purchasing the Rug Depot was considered at one time. They have a complete set of plans and all of the necessary rights of way have been purchased. There are engineering problems with the Riverside/Warren project that weren't known at the beginning of the project. This is a much needed improvement; it is just waiting for the funding.

Judy pointed out that this could not have been foreseen by Portland or MaineDOT. If nothing is done, Portland will have to pay back \$400,000 and the intersection will not be fixed. We should revisit the cap policy. We did due diligence on this project. John B. agreed that the Riverside/Warren project had unknowns and that is why an exception to the cap policy should be considered.

Kathi asked if Portland decided to forego the St. John street project in the rebuild roads category in order to fund the Riverside/Warren project if that would leave enough money for the Freeport South Street project. It was noted that St. John Street is part of the National Highway System so MaineDOT would like us to fund it. Dan suggested that if Portland forfeited the amount of money that they are asking for the Riverside/Warren project, it might help to justify doing that project. Riverside/Warren is ready to go as compared to other projects. Kathi said they could consider taking Baxter Boulevard off the collector paving list. Paul explained that the substitution policy does not allow taking money from collector paving and putting it to another project. Forgoing a potential project would work as long as it isn't a collector paving project.

Cumberland Mills project. This is not a funded project. EPS was done but it didn't get construction money. There is not a formal design for this project. It could be two-lane bridges or it might need to be three lanes to anticipate growth. They don't know about a local match. The Cumberland Mills project came up because MaineDOT is doing to do an important bridge project.

Al Presgraves made a motion that because of the unique, technical reasons for the changes and increased costs in the Riverside/Warren project, the need for an exception to the cap policy is justified, and that \$750,000 of the Holding PIN money should be allocated to the Riverside/Warren project. The remaining Holding PIN money would go into the set-aside categories by percentage to try to do projects before 2012/13 . Dan seconded the motion.

John B. noted that we hadn't discussed the automatic vehicle location (AVL) proposal. Sara Trafton provided some background on AVL. The Transit Committee is very close to being ready to go on this project. John B. noted that customer service is important for transit riders and he would advocate for the full amount of AVL funding that the Transit Committee is requesting. ***John B. made an amendment to the motion to include \$250,000 for automatic vehicle location (AVL). (Riverside/Warren-\$750,000; AVL - \$250,000; Set-aside - \$1,000,000 to be apportioned percentage-wise) and seek out projects that are ready to go. The amendment to the main motion passed. The main motion as stated above also passed.***

4B. Report to the Policy Committee regarding Credit Program proposals and 2012/2013 biennium project selection process.

2012/2013 Biennium project selection process. The Planning and Technical Committees recommended funding the first three projects under Bike/Ped: Portland Exit 7 connection improvements; South Portland Eastern Trail connection; Portland Park Avenue enhancements. Under Rebuild Roads: St. John Street project in Portland and Cummings Road in South Portland. Due to questions about the formula for ranking collector roads, the Technical Committee will further discuss this topic. There are still some discrepancies and inaccuracies in some of the data from Gorrill Palmer. *The Committee approved the report by consensus.*

Credit program. This item was tabled and will be addressed at the October Executive Committee meeting in preparation for Policy Committee action on October 21st.

4C. Policy proposal to use unspent project funds for projects in same Set Aside. Not addressed.

5. Proposal to create public comment time limits. Not addressed.

6. Proposal to authorize email votes and more Executive Committee authority. Not addressed.

7. Updates from Staff and Committees. John D. provided an update. Regarding #3 (it is possible that we will spend only \$1,550,000 of our \$1,800,000 two-year administrative/planning budget by next June due in greater part to delays in starting studies by our municipalities.), it was asked if that money that hasn't yet been spent could be put to other planning studies. John D. said he didn't know if we could carry over that money or not. It was recommended that staff continue to push members to initiate the funded studies so that the money can be spent for planning in this fiscal year in case it cannot be carried over.

Al Presgraves asked about the status of the TIGER II grant and John explained that it was not submitted. Sara said we need to start thinking now about building collaboration between rails and trails groups. This opportunity ended up being a lose/lose situation.

8. Finalize agenda for Policy Committee meeting.

Eliminate items 4, 5 and 6 since they were not addressed at today's meeting. Provide information on Riverside/Warren project and AVL for the Policy Committee. Add actual dollar amounts that will go to the set-aside categories. Be sure that there are background materials on the items. Shawn will pull together some graphics on Riverside/Warren.

9. Other Business. John D. reported that the contract for the regional collector road study was for \$10,000. Gorrill-Palmer has already spent \$12,000 but they are going to eat the additional \$2,000. John would like to propose \$4,000 more to continue this study. This will be added to the Policy Committee agenda. There is money available to do this.

10. Adjourn. The meeting adjourned at 10:12 a.m.

Agenda Item 4: Develop TIP Recommendations

A. The Credit Program

Staff Resource: Paul Niehoff

Recommendation: Recommend that the Policy Committee reduce the \$500,000 local expenditures threshold to \$400,000, and program the amounts described below and shown on the table several pages below.

Background

Paul has been working with various communities which have completed projects on PACTS eligible roads *including arterials*. As is indicated below most towns which we have been working with have reached or exceeded the current \$500,000 minimum threshold. However, Cape Elizabeth has also expended a considerable amount on Route 77 but is below the \$500,000 minimum. Please note two other towns which we have been working with have not been able to meet the requirements of the current policy either because of not meeting design standards or coming close to even a suggested \$400,000 minimum as follows. Given the Cape Elizabeth request noted in the July meeting packet above, staff is requesting the threshold be lowered to \$400,000. It is important to note the \$500,000 minimum was established to enable PACTS staff and MaineDOT to avoid administering small credits on small projects. Plus, the 10% amount on projects of lesser amounts wouldn't, at least in theory amount to much additional funding. The program amounts and funding figures outlined below includes this recommendation.

Based on the discussions and information currently available the following credit program update is as follows:

Falmouth

While reviewing the entire credit program and receiving updated and detailed project information related to Falmouth it appears they are eligible for an additional credit amount of \$30,793 which is a combination of leftover original credit dollars, a PACTS staff math error and new project cost data for the Johnson Road and Middle Road reconstruction projects.

Biddeford

Biddeford completed work on Hill Street, Landry Street and Elm Street (RT 1, *an arterial*) for a total cost of \$581,728. Work ranged from milling the existing pavement and repaving (i.e. pavement rehabilitation) to full depth reclamation with cement stabilization. Biddeford credit: \$58,173.

Cape Elizabeth

Cape Elizabeth completed two projects on adjacent sections of Rt 77 with the work including milling the existing pavement and repaving for a total cost of \$400,850. Cape credit (if the \$500,000 threshold is reduced): \$40,085.

Portland

Portland has, or will be completing soon, two reconstruction projects on Read Street and Allen Avenue. These projects are substantial full depth reconstruction projects totaling an estimated \$1,076,300. Portland Credit: \$107,630.

Cumberland

Cumberland is under contract for the rehabilitation of most of Rt 88. Anticipated cost is upwards of \$4,500,000. This project includes adding five foot shoulders to the existing roadway. Cumberland Credit: \$250,000 (maximum allowed).

PACTS staff has been working with Cumberland to determine the best use of the credit on the Tuttle Road sidewalk project. As mentioned previously Falmouth utilized their credit for the Allen Avenue collector project and the Rt 88 sidewalk project Both currently have three party agreements based on this.

Paul has sent emails requesting the other towns submit projects for consideration based on the current program policies. The parameters are: the project can be currently funded but unobligated (there is a work around for this), has a potential for 12/13 funding or for a project which has been submitted for 12/13, ranked but not being considered for funding either because the project didn't rank high enough or there are no funds available. We may have more information about the program and its potential uses by our meeting on Tuesday.

B. The Holding PIN account balance

Staff Resources: Paul Niehoff and John Duncan

Recommendation: Recommend that the Policy Committee endorse the proposals shown in the table below.

Background

For purposes of tracking and utilizing the Holding Pin for project substitutions, supplemental funding, project withdrawals and the credit program only the federal and state allocations (dollar figures) can be considered.

We discovered when utilizing the policy of funding 06/07 collectors and in

additionally funding projects under the project substitution policy, that direct project to project transfers could not be completed because the funding ratios did not match in most cases. For example a 75-5-20 ratio could not be combined and/or supplemented with a 65-10-25 ratio. We then began making only direct federal and state dollar for dollar transfers. Keep in mind that the holding PIN as well as our total allocation never includes real local dollars.

When the Collector Credit Program was enacted it became even more evident that only dollar for dollar transfers could be made especially so based on the FHWA policy of utilizing a minimum of 50% and a maximum of 80% federal funds in a project. This does not include non-participating amounts in a project. Case in point, when the credit program was used for two projects in Falmouth the federal amounts for both projects were set at 80% and the state amounts resulted in 15% and 14% with the corresponding local match. This situation resulted in approximately \$1,550 dollars of fed/state funds on the table i.e., in the Holding PIN.

Notes for the table on the next page

On September 16th the Policy Committee endorsed the funding of the Riverside at Warren and the AVL projects shown on the next page.

The Policy Committee also recommended that the remainder after funding those two projects and the Credit Program be programmed to our six Set Asides according to the percentages in our policy.

The amount for the Set Asides for ready to go projects is less than the \$1,000,000 we estimated at that time. The difference is due to an increase in the amount to be used in the Credit Program and a reduction in the total amount available in the Holding PIN.

John will also explain at our meeting the results of the reimbursing by Cape Elizabeth and Old Orchard Beach of state funds spent on two dropped PACTS projects in their towns. MaineDOT has transferred most of the funds to our Holding PIN.

Please review the notes at the bottom of the table. Staff will explain at our meeting.

Holding PIN worksheet for Policy Committee meeting October 21st

	Fed plus State
Available fed+state funds (1)	\$1,816,963
Credit Program (2)	\$486,681
Riverside at Warren	\$735,912
AVL project	\$200,000
Ready to go projects	<u>\$394,370</u>
Total uses	\$1,816,963

1. Based on MaineDOT records October 1st.
2. This amount is greater than estimated at the September Policy Committee meeting. This reduces the ready-to-go \$\$.

<u>Credit Program Projects</u>	<u>Fed plus State</u>
Falmouth project *	\$30,793
Cumberland sidewalk	\$250,000
Portland project	\$107,630
Cape Elizabeth project	\$40,085
Biddeford project	<u>\$58,173</u>
Credit Program subtotal	\$486,681

* In addition to allocation last April.

<u>Ready to go projects</u>	<u>Fed plus State</u>	<u>Local</u>	<u>Total Cost</u>	<u>Set Aside %</u>
Collectors	\$224,791	\$74,930	\$299,721	57%
Staff will recommend a collector project(s) on Tuesday.				
Intersections				
Cumberland Mills PE	\$78,874	\$26,291	\$105,165	20%
Transit Capital				
To be determined	\$35,493	\$11,831	\$47,324	9%
Bike/Ped	\$15,775	\$5,258	\$21,033	4%
Rebuild Roads				
Cummings Road PE	<u>\$39,437</u>	<u>\$13,146</u>	<u>\$52,583</u>	<u>10%</u>
Ready to go subtotal	\$394,370	\$131,457	\$525,827	100%

Staff will explain on Tuesday the following suggestions:

1. The Cumberland Mills intersection project for PE. MaineDOT and Westbrook ask that we fund this intersection project. A Westbrook letter is coming. MaineDOT would like to do a nearby bridge project in coordination with this.
We almost funded this project two years ago. However, it ranked lower than a Scarborough intersection at that time which we did also did not fund. John Duncan met on this with Dan Bacon and Tom Hall last week. John will contact Dan on Monday. Dan will not be with us today.
A commitment to fund this PE needs to come with a commitment to build with 14/15 money.
2. Staff proposes that we use some of the Bike/Ped money for a 12/13 biennium project that needs \$15,000 to complete its funding.
3. Staff will also explain the Cummings Road proposal, and an idea for the Transit project.

C. The 2012/2013 MPO Allocation

Staff Resource: John Duncan

Recommendation: Recommend that the Policy Committee endorse the proposals shown in the table below.

Background

Much of the following narrative is from the August joint meeting of the Technical and Planning Committees.

Bike-Pedestrian Set aside Projects

Based on the draft EPS reports and assumptions made to date the cost estimates have been revised and include our 25% inflation factor. Very briefly, the scopes and associated revisions are as follows:

- Portland Exit 7 connection improvements revisions have been made to the original cost estimate lowering the estimate from \$230,000 to \$155,353. The major revisions included changing a portion of the sidewalk from brick to HMA, deleting the Jersey barriers, and removing an assumed 370 cubic yards of gravel based on MaineDOT's proposal to install the barriers and the gravel base.
- South Portland Eastern Trail connection revised cost from \$109,494 to \$151,420 consisted of minor unit price adjustments with the largest being an \$11,000 adjustment for a culvert crossing.
- Portland Park Avenue enhancements cost estimate was revised from \$187,000 to \$208,000 consisting mostly of additional ADA ramps with truncated domes and some catch basin adjustments. There exists a good potential of combining this project with the St John Street rebuild project to lessen the cost of both projects substantially.
- Cape Elizabeth Shore Road Path -- No EPS report was necessary although it was reviewed and determined to have accurate cost estimates. Cape Elizabeth is currently developing a construction design. Their request for the current full-length (~2 mile) scope for construction is \$980,000 and our set aside is \$600,000.
- Westbrook Downtown Streetscape estimate was revised from \$154,440 to \$125,950 based on ADA ramps which exist but only require truncated domes. These may need to be verified.

Staff is recommending funding the top three candidates with either additional funding from the holding PIN or from the road rebuilds set-aside as explained below. Or the potential savings from combining St John Street rebuild with the Park Street project

may result in cost savings enough to fund the approximate \$44,000 difference. (9-2-10 note: the estimates above do NOT include our 25% "inflation" factor so when adding 25% the total is approximately \$644,000))

At the August Joint Planning and Technical Meeting Dan J. made a motion to fund the top three projects, with the goal of finding a way to fund the excess \$44,000. Maureen O'Meara seconded the motion. It passed unanimously.

Rebuild Roads Set-Aside

It is obvious that with \$1,300,000 - \$1,500,000 to be programmed (considering NHS funds), we can only fully fund the top-ranked Portland - St. John Street project for the 2012-2013 TIP. This project has a cost of \$441,000 EPS and \$551,250 at 125% including contingency.

Given the Cummings Road in South Portland cost estimate of \$2,390,000 EPS and \$2,987,500 at 125% contingency, staff's recommendation is to fund it in two biennia as a "complex project":

- In the 12/013 TIP PACTS funds Preliminary Engineering (PE) and Right-of-Way (ROW) along with an allowance for wetland permitting and mitigation
- In the 14/015 TIP, PACTS fully funds construction and Construction Engineering (CE).

At the August Joint Planning and Technical meeting Eric Dudley made a motion to send the Portland St. John Street project forward to the Policy Committee for the 2012-2013 TIP as recommended, funding \$551,250 (which includes a 25% contingency). Maureen seconded the motion, and it passed unanimously.

Dan Jellis made a motion to work on the Cummings Road project as recommended in the staff report. This would mean funding preliminary engineering and right of way with allowance for wetland permitting/mitigation, aggressively pursuing the option of design exceptions, and assigning the remaining funds in the 2012/2013 set-aside to this project to use toward construction in 2014/2015. Mike Laberge seconded the motion. The motion passed, with Eric Dudley voting in opposition.

Review Collector Roads Ranking Report and Recommendations

Paul said that there are still some discrepancies and inaccuracies in some of the data from Gorrill Palmer, but he feels comfortable with the short list of 12 miles which are viable candidates for the 2012/2013 program. The group had many questions about the formulas and technical information used by Gorrill Palmer. Several committee members wanted to see the pending/recent column brought up to date. Paul said that he will suggest to Gorrill Palmer that they add a column with dates of when projects were finished or when they are pending to.

Several people voiced the opinion that it is too late to go back and look at the formula now. Dale suggested that, prior to the next meeting; Gorrill Palmer communicates with each listed community and makes sure that their information is up to date by going through the list from project to project. Then the list would be send out to the Planning and Technical Committees prior to the next meeting, and Gorrill Palmer would come in and make a brief presentation. He also made the suggestion of setting up a special work session to go over the report. John pointed out that action on the report needs to be taken by October.

Dan J. made a motion to have Gorrill Palmer go over their data and come in to speak at a meeting. Maureen seconded the motion, and it passed unanimously.

Subsequent to the meeting staff has met with G-P, reviewed the definitions and ranking formulas and have discussed the findings with Al Presgraves Technical Committee Executive Committee representative and Dan Jellis, Chair of the Technical Committee. As of 9/2/2010 no definitive conclusions have been reached but most likely the ranking formulas will not be revised for the 12/13 TIP to be consistent with the 10/11 TIP.

Paul will complete his work on the Collectors list in time for our Executive Committee meeting. He met with our consultant and the Technical Committee recently to continue the work on this.

Please review the notes on the table on the next page. Staff will explain at our meeting.

Set asides worksheet for Policy Committee meeting October 21st

Federal and state funds available: \$10,243,217 \$1,280,402

The Match Ratio column numbers are federal-state-local share percentages.

	<u>Match Ratio</u>	<u>Total Cost</u>	<u>Federal</u>	<u>State</u>	<u>Local</u>
Collector paving					
Projects listō	65-10-25	\$8,982,513	\$5,838,633	\$898,251	\$2,245,628
Staff will provide list at Exec meeting.					
Collector subtotal		\$8,982,513	\$5,838,633	\$898,251	\$2,245,628
Intersections					
Dunstan Corner	65-10-25	\$3,000,000	\$1,950,000	\$300,000	\$750,000
Transit Capital					
Mill Creek transit hub	80-0-20	\$206,870	\$165,496	\$0	\$41,374
BSOOB Bus Shelters	80-0-20	\$100,000	\$80,000	\$0	\$20,000
So. Ptl'd maintenance building	80-0-20	\$238,153	\$190,522	\$0	\$47,631
RTP mobile data terminals	80-0-20	\$244,613	\$195,690	\$0	\$48,923
BSOOB UNE downtown bus	80-0-20	\$200,000	\$160,000	\$0	\$40,000
CBITD electronic ticketing	80-0-20	<u>\$115,000</u>	<u>\$92,000</u>	<u>\$0</u>	<u>\$23,000</u>
Transit subtotal (1)		\$1,104,636	\$883,709	\$0	\$220,927
Bike/Ped					
Exit 7 pedestrian connection	65-10-25	\$195,000	\$126,750	\$19,500	\$48,750
Eastern Trail connection	65-10-25	\$189,275	\$123,029	\$18,928	\$47,319
Park Avenue enhancements	65-10-25	\$260,000	\$169,000	\$26,000	\$65,000
Bike/ped subtotal (2)		\$644,275	\$418,779	\$64,428	\$161,069
Rebuild Roads					
St. John Street	80-10-10	\$551,250	\$441,000	\$55,125	\$55,125
Cummings Road PE/ROW (3)	65-10-25	<u>\$897,418</u>	<u>\$583,322</u>	<u>\$89,742</u>	<u>\$224,355</u>
Road Rebuild subtotal		\$1,448,668	\$1,024,322	\$144,867	\$279,480
Grand Totals		\$15,180,092	\$10,115,443	\$1,407,546	\$3,657,104
			Remaining balances (4):	\$127,774	-\$127,144

1. The cost of these 6 projects is \$47,725 less than the Set Aside amount.
2. The cost of these 3 projects is \$14,000 more than the Set Aside amount.
3. A commitment to fund this PE needs to come with a commitment to build with 14/15 money.
4. MaineDOT will likely not accept the \$127,144 over-expenditure. One solution is to increase the federal share for each project, and to lower the state share.

Agenda Item 5: Destination Tomorrow 2010 Update

Staff Resource: Carl Eppich

Recommendation: To offer comments and questions on the draft Update, and to put this topic on the Policy Committee's agenda

Background

Metropolitan Planning Organizations create and update federally required long-range transportation plans that show how they intend to make investments in their transportation systems over at least 20 years. Since March of 2009, a subcommittee comprised of members from all PACTS committees has met to review the 2006 plan, and prepare an update for adoption in 2010. Very early in this process, the committee created a working philosophy about the plan:

öCreate and strengthen policies that maximize available resources and support comprehensive, sustainable transportation planning that is sensitive to community context, environmental impact, economic development, and diverse mobility needs.ö

Also the working group decided that this update would not be a complete replacement of the 2006 plan, but would rather acknowledge that there have been a number of significant changes since the last plan process. These changes are documented in the Plan Background. The subcommittee decided to simplify the structure of the existing plan, and to review the 88 Strategies and develop a shortened list (which includes many of the former strategies, many having been tweaked) and a smaller number of new strategies. Currently this priority strategies list contains 35 strategies.

Members of the Update Committee:

Dan Bacon, Chair, Scarborough Town Planner
Mike Bobinsky, Public Services Director, Portland – *Policy Committee*
David Cole, Gorham Town Manager – *Policy Committee*
Sara Devlin, Government Relations Assistant, Maine Turnpike Authority
Kathi Earley, Portland, Engineering Manager – *Policy Committee*
Hilary Frenkel, appointee to Transit Committee, League of Young Voters
Tex Haeuser, South Portland, City Planning Director – *Policy Committee*
Alex Jaegerman, Portland, Planning Division Director
Molly Just, Westbrook, City Planner
Mike Laberge, MPO Coordinator, MaineDOT
Steve Linnell, Senior Transportation Planner, GPCOG
Maureen O'Meara, Cape Elizabeth, Town Planner
Rebecca Schaffner-Tousignant, Regional Planner, GPCOG
Sara Trafton, Executive Director, RTP – *Policy Committee*
Nat Tupper, Yarmouth Town Manager – *Policy Committee*
Jim Wendel, Scarborough Town Engineer

Update to Destination Tomorrow Completion Schedule:

1. October 13th, Wednesday **Update Committee meeting**
 - Finalize drafted Chapters 3, 4, 5, 6 -- Preview discussion/comments on 1 Executive Summary
2. October 21st, Thursday **Policy Committee Meeting** update
3. October 28th, Thursday **Public Hearing** on the Draft Update Plan
4. November 4th, Thursday at **Planning Committee** meeting
 - review Final Draft Update Plan (Comments due by November 15th)
5. November 15th, Monday. All Public and PACTS Committee **comments due**
6. November 29th, Monday: send Final Draft Update email to **Policy Committee**
7. December 9th, Thursday: JOINT **Transit & Planning Committees**
 - review public comments and consider incorporations.
8. December 16th, Thursday: Present Final Update Plan to Policy Committee for adoption.

Lapse update:

The Federal Highway Administration decided last month that technically our long-range plan lapsed on July 1 2010. In order to have avoided a lapse, the Policy Committee would have needed to adopt the update by June 2010.

Public input process:

Following the FHWA requirements, PACTS held a public forum at the beginning of the update process in 2009. A Public Hearing on the Draft update is planned for October 28th.

Notes from Planning Committee's 9/30 meeting:

- Reviewed drafts of updated chapters 2 Back, 3, 4, and 5:
 - Chapter 2: Plan Background
 - Chapter 3: Present Conditions, Trends, and Future Choices
 - Chapter 4: Policies and Strategies
 - Chapter 5: Financial Assessment
- Discussed Public Participation and October Public Hearing
- Reviewed 35 (and growing) priority strategies (see list below)

A one-page list of the proposed strategies in the Update has been sent as an attachment to the meeting packet email.

Chapters 2, 3, 4 and 5 were sent to members last week.

Agenda Item 6: Proposal to Create Public Comment Time Limit

Staff Resources: John Duncan

Recommendation: To establish an Executive Committee policy whereby the Chair allows three minutes of public comment per member of the public during the Public Comment period, and then may allow follow up comments on the order of one to two minutes if time allows or at the request of Committee members.

Background

From time to time the Executive Committee is visited by members of the public who wish to make comments during the Public Comment period. The management of the public comment process is an important function, as is the public commentary itself. Staff proposes that we discuss this thoughtfully today and consider establishing a time limit as suggested above. Please see below my recent email to members, and responses from three of you.

From: John Duncan [mailto:jduncan@gpcog.org]

Sent: Wednesday, August 04, 2010 3:20 PM

To: Albert Presgraves (apresgra@freeportmaine.com); Dan Bacon; John Bubier; Katherine Earley; Nathan Poore; Sara Trafton

Subject: Request for help with managing meeting public input

Sara, Kathi, Nathan, Al, Dan and John,

It's important in many ways that we invite and receive public input at our PACTS meetings. However, as many public organizations do, it might be appropriate for us to put a limit on how much time each member of the public is allowed to speak during the Public Comment part of our agendas. I raise this after yesterday's experience with receiving a lot of public input.

Kathi and I would like us to consider developing a limit of some sort. Do you have any suggestions or experience to share in order to help me prepare a proposal to you all? I would appreciate your help. Thanks.

Sara Trafton Email

Hi all,

Before I offer a suggestion for how to handle public comment periods, I want to applaud Kathi for how she handled the experience at Tuesday's meeting and was able to get us through the agenda only 30-ish minutes over schedule.

I have an idea to offer, with the caveat that I don't think any strategy is totally foolproof. I use a transportation metaphor of "parking metering" for facilitating meetings.

1. Agenda items are "on-street parking" and each item has a "metered" time. Parking meter on the public comment can be 10, 15 minutes, whatever the group decides. I have done this with the Maine Transit Assoc. meetings and it seems to help the whole

- group be accountable to getting thru agenda items, not just the facilitator/leader. When an agenda item goes far-off topic, needs additional time or other-party input to resolve, requires a separate meeting to address, etc. and the “parking meter” has run out, the item goes to a designated “parking lot” to free up meeting traffic.
2. Have a designated time-keeper (**separate from the chair**) at each meeting to alert the group to time allotted/time spent on agenda items. The parking meter cop lets the group know when designated time is running out and helps the group “park” the issues appropriately and as necessary. The “parking cop” role can be a different committee member every time as long as someone other than the chair fills the spot. I have found having a parking cop to be extremely helpful in managing meeting traffic jams, and it allows the chair/facilitator to fully focus on topics and not have full burden of reigning things in.

This is probably more explanation than is needed, and it is just an idea for you to consider as a meeting management option.

Nathan Poore Email

The Falmouth Town Council allows 3 minutes for anything requiring Council action, 5 minutes for Public Hearing items, 0 minutes if no action is anticipated by the Council and 5 minutes at public forum (beginning of the meeting and only for items that are not on the agenda).

Dan Bacon Email

Regarding your request, in Scarborough our Planning Board Chairperson allows 2 minutes of public comment per member of the public and then may allow follow up comments on the order of 1 to 2 minutes if time allows or at the request of board members. Our Council has a similar policy that I can get for the group if it would be helpful.

Agenda Item 7: Email Votes and More Executive Committee Responsibility

Staff Resource: John Duncan

Recommendation: Submit to the Policy Committee a recommendation to request that PACTS staff work with the Executive Committee to draft bylaw language to:

1. Authorize the Executive Committee to make the TIP project changes listed below (in Article VI, Section 1, Part 3) via email.
2. Authorize the Policy Committee to vote via email based on conditions similar to the ATRC ones listed below.
3. Authorize the Executive Committee to amend the Unified Planning Work Program for the following purposes:
 - To adjust the budgets for the FTA-funded planning tasks based on a Transit Committee recommendation,
 - To use newly available study funds to fund the top ranked study proposal(s) not funded in the biennial UPWP adopted by the Policy Committee, and
 - To approve a member request for additional funding for a study if funding exists and the Executive Committee finds that the request warrants support.

Background on Email Action Proposal

In July, PACTS staff advised the Policy Committee that MaineDOT had asked PACTS staff to perform a “PACTS project substitution” of a project in Falmouth this spring in order to meet an immediate MaineDOT project deadline and that we did so. (This was the first time that MaineDOT ever made this kind of request.) The Policy Committee members felt that the staff action had been a good one, but requested that a protocol be developed to authorize PACTS staff to take action which is in the purview of the Executive or Policy Committee. Given that the need for such or similar action is and will continue to be quite rare, and for the purpose of clarity of the roles of PACTS staff, we propose that there be no protocol for such staff actions in the future. *Instead, we propose (see recommendation above) that the Executive Committee be authorized to take email votes in the event that quick action is needed regarding TIP project administrative actions that the Executive Committee is currently authorized to do.*

Section 1 of Article VI of the PACTS Bylaws

Executive Committee

Section 1. The Executive Committee shall have the following functions and powers:

1. To meet with staff to organize Policy Committee meetings and to coordinate the work of the PACTS committees.
2. To offer recommendations for action to the Policy Committee.
3. To make the following TIP project changes:
 - a. To revise the scope of work of funded MPO Allocation and FTA-funded projects as long as the amendments do not increase the PACTS contribution to those projects,
 - b. To endorse project substitution proposals per the PACTS Project Substitution policy,
 - c. To revise the PACTS TIP in order to fix administrative errors,
 - d. To add, delete or change other FHWA-funded and FTA-funded projects as requested by MaineDOT
4. To perform the annual evaluation of the Executive Director and report to the Policy Committee.
5. To appoint ðappointeesö to the Planning, Transit and Technical Committees (per Article III, Section 3)
6. To take on other responsibilities as requested by the Policy Committee.

Email votes are done at BACTS, KACTS and ATRC. Here are the ATRC email vote conditions and procedures as shown in their bylaws:

The use of e-mail voting is allowed when authorized by the Policy Committee at a Policy Committee Meeting, for a specific action that has been made known to the Committee. The use of e-mail votes allows the Committee to take/authorize action on an item that may need to be expedited before the next scheduled Policy Committee Meeting. Only those items that have been brought to the attention of the Policy Committee at a full Committee Meeting may be voted on via an e-mail vote. The procedures for an e-mail vote are:

- *Authorization to hold an e-mail vote by the Policy Committee at a full Committee Meeting*
- *ATRC Staff request an e-mail vote on the authorized item via e-mail to the full Policy Committee e-mail list.*
- *The use of “Reply to All” will be required to keep all members informed of the vote.*
- *The ATRC Staff will report the outcome of the e-mail vote to the full Policy Committee e-mail list.*

- *The e-mail vote will be presented at the next Policy Committee Meeting and will be verified by the Policy Committee.*
- *E-mail vote will be retained on file until verified at the Policy Committee Meeting.*

Minor “adjustments” to the ATRC UPWP or to the ATRC TIP may be requested, without prior notice to the Policy Committee, via e-mail vote when those actions do not involve a requirement for prior public notice or a public comment period. “Adjustments” are minor modifications to the UPWP or TIP that do not involve a change in scope, change in the total budget, or addition of a new Task.

Background on UPWP Action Proposal

Staff proposes that the Executive Committee be authorized to amend the Unified Planning Work Program. The goals are to keep the Policy Committee focused on policy topics, and to take care of certain UPWP management needs expediently now that the Policy Committee is meeting every two or three months.

Proposal 1: To adjust the budgets for the FTA-funded planning tasks based on a Transit Committee recommendation

Example: The recent minor adjustment needed based on the actual FTA 5303 funds compared with the estimated amounts.

Proposal 1: To use newly available study funds to fund the top ranked study proposal(s) not funded in the biennial UPWP adopted by the Policy Committee

Example: The recent action that funded the Scarborough and Portland new studies.

Proposal 3: To approve a member request for additional funding for a study if funding exists and the Executive Committee finds that the request warrants support.

Example: While members have not asked for additional study funding for a long time (mostly because Gorrill-Palmer goes the extra mile!?) there may be occasions in the future.

Agenda Item 8: Updates from Staff and Committees

1. The **Gorham East West Corridor Study** will present draft land use, transit and highway recommendations at a public forum on October 26th.
2. Check-in on the **Highway Simplification Study**.
3. Carl Eppich and the Regional Traffic Management System subcommittee organizing a November meeting with city managers regarding a proposal to **regionalize the management of traffic signals**.
4. John Duncan, Eben Marsh and MaineDOT are organizing a November meeting of stakeholders involved in I-295/Turnpike **incident management**.
5. Updates from the September meetings of the **Transit Committee, Planning Committee and Technical Committee**.
6. The Greater Portland **Chamber of Commerce** is going to create a regional economic development plan in concert with area municipalities.
7. Executive Committee Draft Agenda for November 2nd
 1. Report on October 14th staff meeting with Kat Beaudoin.
 2. Update on the pace of use of our UPWP planning and administration funds (per our discussion in September).
 3. The pros and cons of having an informal PACTS groups meet periodically, such as our ðPACTS Area Bike/Pedestrian and Preferred Modes of Transportation Groupð.
 4. Monthly status reports
 5. Destination Tomorrow Update presentation

Agenda Item 8: Finalize Policy Committee Agenda

1. MaineDOT presentation on the ðPortland Northð major corridor study.
2. Decide on use of the remaining Holding PIN funds, the Credit Program projects and the 12/13 biennium MPO Allocation projects.
3. Destination Tomorrow 2010 Update presentation.
4. Update on Highway Simplification Study from members and staff.
5. Action on proposal to authorize email votes and more authority for the Executive Committee...*not time sensitive*.
6. Receive report on Executive Committee decision to establish a public input time limit at Executive Committee meetings...*not time sensitive*.
7. Accept Executive Directorø Report.