

# PACTS

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## Portland Area Comprehensive Transportation System

### Executive Committee Meeting Notice

September 7, 2010  
8:00 a.m. to 10:00 a.m.  
GPCOG, 68 Marginal Way, Portland

#### **Agenda**

1. Call to order
2. Public Comment
3. Minutes of August 3<sup>rd</sup> meeting
4. Transportation Improvement Program Topics
  - A. Develop recommendation to the Policy Committee regarding use of the Holding PIN account (8:05)
  - B. Report to Policy Committee regarding Credit Program proposals and 2012/2013 biennium project selection process (8:40)
  - C. Policy proposal to use unspent project funds for projects in same Set Aside (9:00)
5. Proposal to create public comment time limits (9:15)
6. Proposal to authorize email votes and more Executive Committee authority (9:25)
7. Updates from Staff and Committees (9:40)
8. Finalize agenda for Policy Committee meeting (9:55)
9. Other business.
10. Adjourn.

Next meeting: October 5<sup>th</sup> at 8:00 a.m.

***The Metropolitan Planning Organization for the Portland Urbanized Area***  
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## Minutes of August 3<sup>rd</sup> Meeting

**In Attendance:** Kathi Earley, Chair; Dan Bacon; John Bubier; Judy Harris; Mike Laberge; Nathan Poore; Al Presgraves; Sara Trafton; Ann Adams; Susan Davis; John Dore; Nan Cumming; Shawn Smith, MaineDOT; Paul Weiss; 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.** Paul Weiss of the Sierra Club expressed his opposition to the TIGER II grant for funding a bike/ped pathway at the “swing bridge” near the Eastern Promenade. They are vehemently opposed to turning a railroad into a bike path. He said that once a rail line is converted to a trail, it never goes back to railroad use. To take on the last critical corridor and suggest turning it into a bike/ped path is bothersome; he thought it was an outrage. They will launch a public campaign against this, and will also consider legal means to stop this. He is not opposed to bike paths -- he is a biker himself. But taking out the veins of our infrastructure is horrifying. High speed passenger service and bike paths are not compatible.

Ann Adams of Portland expressed her concern that we have created sprawl in our communities; we have huge parking lots. Biking, walking and the transit system all go together and we keep missing that. Transit is important. Only a certain segment of the population will ride their bikes in the winter. Cars are very expensive for families; we need to create alternatives. She suggested the TIGER grant money would be better spent on improving the transit system. The swing bridge is one of the best resources that we have. She recommended looking at other alternatives and leaving the swing bridge element out of the proposal.

Susan Davis of the Narrow Gauge Railroad said that they have been working well with Portland Trails and sharing the rail corridor. She was very saddened that the eastern branch railway was turned to bike/ped use rather than rail. She concurs with Paul and Ann and she supports everything they said. It would be a terrible crime to lose the swing bridge.

Nan Cumming noted that the proposal in the meeting packet was an older version; it has since been rewritten and she has worked with Tony Donovan to revamp the plan. This proposal is a chance to analyze whether or not rail and trails can work together.

Tony Donovan sent a letter to USDOT Secretary LaHood regarding his opposition to the proposal. Nan said she was surprised that Tony D. wrote a letter in opposition because she thought they had worked out his issues and she had revised the proposal. Paul W. said they would be happy to work with Nan to discuss alternatives.

3. **Minutes of July 13th meeting.** *The July 13<sup>th</sup> meeting minutes were accepted by consensus.*
4. **Action on a proposal to submit a TIGER II Application for a Greater Portland Bicycle and Pedestrian Project.** Paul Niehoff reported that PACTS was approached by John Dore of the South Portland Land Trust about the possibility of PACTS being the applicant for a TIGER II grant for a Greater Portland Bicycle and Pedestrian Project. The Town of Scarborough, City of Portland, City of South Portland, Portland Trails, the Eastern Trail Management District, the East Coast Greenway Alliance and the South Portland Land Trust have been working together on this proposal for many months. The four projects include the Scarborough Eastern Trail and East Coast Greenway, the Veterans Bridge

Off/On Ramp Overpass, the Long Creek Bicycle and Pedestrian Bridge and Connector Trails, and the City of Portland's Trestle Swing Bridge Retrofit and Trail Connections. Kathi mentioned that very recently there were similar concerns about the swing bridge heard at the city. It appeared that the focus for the swing bridge was for trails only. The rewrite says that rail continues to be desirous. Portland Trails is willing to help with the local match for the Portland piece. The November 2009 update to the PACTS Bike/Pedestrian Plan certainly has the concepts of each of the four pieces of the proposal in it.

For background, John Dore explained that TIGER I and II are federal economic recovery funds. It is a planning grant. A similar partnership submitted a TIGER I application that didn't succeed. They are very interested in improving commuter routes. This is a grassroots idea. John Dore contacted PACTS because he thought they would be a perfect sponsor for this commuter routes idea. There is a 20% match. The idea started with the South Portland Land Trust who contacted Nan at Portland Trails and it evolved. The commuter route would be from the Veterans Bridge to the Maine Mall, and the Eastern Trail to the Maine Mall. The partnership is not opposed to rail. They do not know whether or not the swing bridge can accommodate rail as there is not a lot of support left in the trestles of the swing bridge. The proposal talks about the route and a new bridge. Nan felt it was a way to save the corridor. She is an advocate for rail. She talked with Tony Donovan and she has rewritten the proposal to address the swing bridge. This is our chance to find out if there are bridges that accommodate rails and trails. She is hoping we can find a way to put this plan together and move this forward. Woodard and Curran have redone their estimates. She distributed a revised version of the proposal. Paul N. will circulate the latest version via e-mail to the committee. The plan would include design of whatever the plan says is feasible. John Dore explained that the figures are based on the highest cost of the bridge. The proposal is to do route analyses and feasibility studies. They are at an early stage of planning.

John Bubier had a concern for the term "feasible". Does feasible mean dollar amounts? He would not want to see the feasibility based on dollars. He would like to see clear and concise language that combines bike/ped and rail – a joint facility; preserve the right of way along Back Bay Cove.

It was asked if the applicants decided to take the swing bridge out of the application, if it would make the overall application less competitive. John Dore explained that without the swing bridge, it is a convoluted commuter route. Perhaps we can work on the swing bridge piece to see about accommodating rail. Portland Trails is providing a lot of the match. Without the swing bridge, the proposal probably wouldn't go.

Sara T. pointed out that the two sides – rail and trails – need to intersect. Rails, trails, bikes, transit and ferries are all part of a network. John B. suggested different language. It either has to be a joint project or not. He would like to see a clear description of both bike/ped and rail. Al suggested that looking at alternatives to the swing bridge would make some sense.

John B. recommended authorizing a conditional approval of the application provided that the issue of combined rail and trail planning is expressed in the strongest possible terms, and the issue of feasibility not be based on financial issues. Judy was disappointed that the group didn't feel that they could go forward with just the three other proposals; it could be considered Phase 1. Discussion continued regarding taking the design component for the bridge out of the application but continuing with the other parts of the proposal. John Dore

pointed out that the match is the big problem. New federal guidelines came out in early July so they had to totally rewrite the application. Portland Trails has promised most of the match. Nan said it is not a lack of cooperative spirit to say that the proposal would be weaker with only three projects; that is the feedback they got with the TIGER I application. Just working on the planning and not the design of the trestle bridge might solve a lot of the problems. Paul N. reiterated the problem with the match and the time crunch. To add a rail component and a bike/ped component would bring the cost up. It was suggested that the group meet as soon as possible with Paul W., Susan Davis and Tony Donovan to discuss having a bike/ped/rail bridge as part of the application. Having a multi-use bridge would make a stronger application. The other three projects are already pretty well scoped out. Nan said she would be happy to rewrite it as a rail with trail bridge and asked if the rail advocates would support that. Paul W. responded that the railroad is meant for rail period. Kathi suggested a modified proposal: keep it a four part proposal; modify the swing bridge piece; and preserve the rail corridor. ***John Bubier made a motion that PACTS be the applicant for a modified TIGER II application (four-part proposal, clear and concise language that combines bike/ped and rail, modify the swing bridge piece, feasible should not be based on financial). Dan Bacon seconded the motion. Al made an amendment to the motion that the revised proposal be approved by PACTS staff to make sure it meets our requirements; Dan seconded the amendment to the motion. The amendment to the motion passed; the main motion passed.***

**5. Transportation Improvement Program Topics.**

- 5A. Action on proposal to amend our TIP for four traffic signal projects.** After a short discussion, ***Dan Bacon made a motion to amend the PACTS TIP to include the four following traffic signal projects: (1) PIN 17856.00, Portland, Riverside Street; (2) PIN 17857.00, Portland, Route 302; (3) PIN 17858.00, Portland-Westbrook, Route 22; and (4) PIN 17855.00, Scarborough, Payne Road. Sara Trafton seconded the motion and all were in favor.***
- 5B. 2012-2013 priority setting process.** John D. provided some information on the status of the PACTS Holding PIN. This is not an action item today; we will need to have a recommendation for the September Policy Committee meeting.
- 5C. Action on Portland TIP project substitution proposal, and consideration of Portland proposal to use Holding PIN funds for Riverside/Warren project.** Kathi provided some background on the Read Street project. In the 08/09 TIP, Read Street paving was authorized. The first half has been done with other funding rather than PACTS; the second part is going on now, also with non-PACTS funds. Portland is requesting that \$576,555 programmed for preservation paving of Read Street be moved to the Riverside at Warren intersection project. Portland is proposing that the PACTS funding, which is no longer needed for Read Street, be moved to the regionally significant Riverside/Warren project which needs a lot of money. ***John Bubier moved approval of Portland's substitution proposal request, seconded by Al Presgraves.***

Portland still has a shortfall and is asking the Committee to consider use of Holding PIN funds for the Riverside/Warren project (\$2.7 million project). Al thought it would be nice to have the flexibility to do this versus having a certain percentage of funds in each of the categories. Mike L. pointed out that in the PACTS Long Range Plan, one of the goals is to address critical intersections. He urged the Committee to move this project forward. Dan asked about the status of the credit program funds. Kathi responded that we will discuss the credit program at the next meeting. Sara mentioned that automatic vehicle location (AVL) for transit is one of the options for Holding PIN money and she stressed the importance of

it. It will help the transit agencies know where their buses are and it will make the buses more efficient.

- 5D. Schedule for completion of 2012/2013 priority setting process.** Paul reported that the collector road projects list was sent out to the Planning and Technical Committees last week. There is a Joint Planning/Technical Committee meeting scheduled for next week where they will review the list. *The Committee agreed by consensus to accept the staff report.*
- 5E. Review MaineDOT proposal regarding reimbursement of expenses for withdrawn Cape Elizabeth project.** John Duncan explained. OOB and Cape have both dropped projects. OOB reimbursed MaineDOT. Cape reimbursed a lower payment of \$20,000. MaineDOT now has a shortage of \$44,000 that they would like some help from PACTS to absorb. Judy asked if PACTS was a party to the discussions where the amount was settled at \$20,000. If not, then why would PACTS be responsible? Mike L. didn't know; Kat worked it out with Mike McGovern. Shawn explained that MaineDOT staff attended a Council meeting where the question came up. Kat and Mike McGovern met; PACTS was not in the conversation. Shawn provided some background. There were a lot of meetings held regarding the issues. Paul N. explained that it was a similar situation with the OOB roundabout; it was a scope creep on both projects. Shawn explained that the Council wanted to know the cost of keeping or dropping the project. This project was funded before we had EPS. It doesn't sound like PACTS was involved in the decision-making and thus should not be responsible for the shortage. The Executive Committee asked for more information about both Cape and OOB at the next meeting.
- 6. Updates from Staff and Committees.** The report was accepted by consensus. We will discuss the credit program at the September meeting.
- 7. Other Business.** None
- 8. Adjourn.** The meeting adjourned at 10:27 a.m.

## **Agenda Item 4: Transportation Improvement Program Topics**

### **A. Develop recommendation for use of the Holding PIN account**

Staff Resources: Paul Niehoff and John Duncan

Recommendation: SEE MEMO COMING THURSDAY AFTERNOON (9/2)

Background

***SEE MEMO COMING THURSDAY  
AFTERNOON (9/2)***

### **B. Report to Policy Committee regarding Credit Program and 2012/2013 Biennium Project Selection Process**

***SEE MEMO ON 9/2 RE CREDIT PROGRAM***

Staff Resource: John Duncan and Paul Niehoff

Recommendation: Send staff report to Policy Committee for Sept 16<sup>th</sup> meeting.

**Bike-Pedestrian Set aside** (excerpted from recent Technical/Planning meeting packet):

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** (excerpted from recent Technical/Planning meeting packet):

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/’13 TIP PACTS funds Preliminary Engineering (PE) and Right-of-Way (ROW) along with an allowance for wetland permitting and mitigation
- In the ‘14/’15 TIP, PACTS fully funds construction and Construction Engineering (CE).

This recommendation is only for discussion at today’s meeting because the cost of the wetlands portion is undetermined at this time.

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 (excerpted from recent Technical/Planning meeting packet):**

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 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.

### C. Proposal to use unspent project funds for projects in the same Set Aside

Staff Resource: John Duncan

Member Resource: Mike Laberge

Recommendation: Discussion and possible action

#### Background

At our last meeting Mike suggested that we establish a policy to use all funds programmed in a Set Aside for projects in that Set Aside even after a project funded in that Set Aside has been withdrawn, or has money left over for one reason or another. Mike would like this policy change to apply to the distribution of \$2 million currently in our Holding PIN. Mike will outline his ideas at our meeting.

Mike has seen the Policy Committee reallocate a lot of PACTS money that has been put in the Holding PIN during the past several years. Mike feels that a disproportionately high amount money has been reallocated from the Holding PIN to collector paving projects, and that this has undermined our Set Asides policy. For instance, Mike feels that more of the Holding PIN account should be reallocated to Bike/Ped and Intersection projects because a significant portion of the funds in the Holding PIN came from Bike/Ped and Intersection projects. PACTS staff is researching the sources and uses of the Holding PIN account funds. We hope to be able to report on this at today's meeting so that we can advise the members.

PACTS staff wholeheartedly supports Mike's desire for PACTS to program our funds as closely as we can to our Set Aside targets – not just every two years (like we will next month) but also as we withdraw and substitute projects at other times.

However, if we assume that most or all of the \$2,000,000 in the Holding PIN gets programmed this month or next month, we suggest that we stick with our existing policy because we expect that the typical balance in the Holding PIN during the next few years to be much less than the current \$2,000,000 – say \$100,000 to \$200,000. In that case there could be too little reserved in each set aside to be able to fund a project during the next year or two. We think that it will be important to prevent the Holding PIN balance from growing as it has during the past two years – and, instead, put the money to work sooner. (We have needed the balance to stay robust during the past two years as we have used the Holding PIN funds to cover the increasing costs of the 2006/2007 collector paving projects.)

Here are the relevant existing policies, as found on pages 14 to 16 of our March 2010 TIP Policies and Procedures Document. Mike's suggestion is for us to revise some or all of the language highlighted in bold.

### **Project Amendments**

*PACTS submits a Transportation Improvement Program (TIP) every two years to the FHWA and FTA. When the scope of a project in that document changes, if funding transfers are warranted or a project is withdrawn PACTS is required to amend its TIP and request concurrence from MaineDOT and FHWA. In most cases a substantial modification must be approved by the Policy Committee. The Executive Committee can approve minor revisions or fund transfers or projects withdrawn under the substitution policy. The Executive Committee can also approve a TIP amendment when FHWA or MaineDOT requests one. Fund transfers that do not affect our MPO allocation or result in a scope change or project withdrawal can be completed as an “administrative modification”.*

***When projects are removed from the TIP under either the substitution policy or are withdrawn and funds remain those funds are transferred to the PACTS “Holding PIN” to be reprogrammed to fund projects warranting additional funding or to add projects to the TIP (or to be used in the 2010 Credit Program).***

### **Unspent Project Funds**

***Unspent MPO Allocation project funds are transferred into the PACTS “Holding PIN” for reprogramming by the Policy Committee.***

### **Project Withdrawals**

*During the past twenty years PACTS has developed, refined and used a TIP priority setting process based in great part on a technical evaluation of TIP proposals. This technical approach has fostered a confidence in the professionalism of the PACTS process. However, while this process provides a strong basis for decision-making, there have been and there will continue to be occasions when changes in local priorities or other factors create a need to withdraw a funded project. **In this case, unspent funds in the withdrawn project go back into the PACTS “Holding PIN” for reprogramming by the Policy Committee.** Note: depending on the project withdrawal circumstances, the municipality shall be required to reimburse all expenditures as of the withdrawal date.*

### **Project Substitution**

*A municipality or transit agency may request to withdraw a PACTS MPO Allocation project in order to transfer its funds to another PACTS MPO Allocation project that requires additional funding. This process is considered a project substitution.*

- *A request for substitution of a funded project may be made only after the Legislature has approved the project in the MaineDOT’s Biennial Capital Work Plan.*
- *A municipality or transit system seeking a substitution will submit a written request to the Executive Committee for consideration. The Executive*

*Committee will consider such requests on a case-by-case basis, and may send the request to the Policy Committee for action.*

- *A municipality may not request to withdraw funds from a PACTS collector paving project for the purpose of this policy. (In 2009 this policy applies to all active collector paving projects.)*
- ***If the withdrawn project retains a balance after transfer to the under funded project, the remaining balance will go into the PACTS “Holding PIN” for reprogramming by the Policy Committee.***
- *A municipality or transit system may not request to withdraw funds from a project that is four or more years old for the purpose of this policy. (The clock for this purpose starts when a project is first printed in a MaineDOT Capital Work Plan.)*
- *If the substitution is approved, new funding for the withdrawn project may not be requested from PACTS during the next biennial funding cycle. There is also no future-funding guarantee ascribed to the withdrawn project.*

## **Agenda Item 5: Proposal to Create Public Comment Time Limit**

Staff Resources: John Duncan

Recommendation: To establish an Executive Committee policy whereby the Chair allows two 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 6: 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 “appointees” 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 7: Updates from Staff and Committees**

1. Carl Eppich briefed the Executive Committee in July on the process underway to **update Destination Tomorrow**. We need the Policy Committee to endorse an Update by December in order to meet a 2010 federal deadline. As such, *we propose to give the **Policy Committee** a presentation on the draft recommendations at the October 21<sup>st</sup> meeting*, and to ask the members if they would like to convene in November on this subject (in preparation for final action in December).
2. The **Gorham East West Corridor Study** will present draft land use, transit and highway recommendations at a public forum in October. Dan Bacon, Carl Eppich and John Duncan are members of the study's Steering Committee.
3. John Duncan recently advised Mike Laberge that it is possible that we will spend only \$1,550,000 of our \$1,800,000 2-year administrative/planning budget by next June – due in great part to delays in starting studies by our municipalities. John asked if this might be a problem for MaineDOT as they assess **how much federal planning money to obligate to PACTS in the subsequent biennium**. Mike was unable to give a definitive answer, but encouraged PACTS staff to continue to push members to initiate the studies (approved by the Policy Committee in May 2009).
4. An August 14<sup>th</sup> **Portland Press Herald editorial** says the state will need to make big decisions to pay for transportation infrastructure. See below at the end of this report. Also, we have bought a copy of the Press Herald photograph of the repair of the recent **“sinkhole” in I-295** near Tukey's Bridge. We will use these in a future pitch for transportation money. . . . .AND...“Making Maine Work”, a current report by the Maine Development Foundation and the Maine State Chamber of Commerce, says that upgrading the state's transportation system is **one of the five most pressing issues the next governor should tackle**.
5. John Duncan organized four meetings of area municipalities to discuss the draft urban recommendations in **Highway Simplification Study**. The preliminary recommendation is to increase URIP payments by \$1 million to PACTS communities. There is also discussion underway of a concept that would reduce the PACTS MPO Allocation by \$1 million.
6. GPCOG and a coalition of organizations (including PACTS) recently submitted a \$2 million regional sustainability **planning grant application** under a HUD/DOT/EPA program.
7. **FTA's Acting Regional Administrator** met here with GPCOG and PACTS staff two weeks ago.
8. DEP continues to meet with municipalities, MaineDOT and others regarding a proposal to **regulate road salting procedures**, and the **Culvert Law**.

9. Carl Eppich and the Regional Traffic Management System subcommittee continue to meet monthly. They are organizing a meeting with city managers regarding a proposal to **regionalize the management of traffic signals**.
10. John Duncan, Paul Niehoff and GPCOG's Eben Marsh are exploring with MaineDOT the concept of PACTS and GPCOG staff organizing and supporting an I-295/Turnpike (Scarborough to Brunswick) **incident management working group**. The SMRPC has been providing this service for a similar group for four years.
11. In early 2009 Paul Niehoff convened an informal gathering of "bike/ped" parties in order to share what's going on in the region. He has convened them three or four times, and calls them the "PACTS Area Bike/Pedestrian and Preferred Modes of Transportation Group". Donna Larson recently asked how this group fits into the PACTS process. We have listed this in two Executive Committee status reports so far, and **we think that is a good question**, to discuss with the Executive Committees regarding the pros and cons of having an informal "PACTS" group meet periodically.
12. **GPCOG was awarded second place** for Marketing and Outreach - Public Sector for their "GO MAINE Nation" campaign from the National Association for Commuter Transportation (ACT). **And...** the ACT Patriot Chapter (that's us in New England) was honored as ACT 2010 Chapter of the Year.
13. Transit Committee August meeting (in Saco) topics
  - ***Decided to organize a meeting with the Congressional Delegation*** regarding recent cuts in federal support and regarding the importance of public transportation
  - Decided to write a letter to the Congressional Delegation in support of MaineDOT's application for funding under the "State of Good Repair" program
  - Portland sidewalk snow removal plan
  - Preparation for the upcoming FTA 5307 Formula Subcommittee's work
  - AVL Project
  - Destination Tomorrow Update presentation
  - 12 of us rode the Downeaster there and back!
  - *Joint session with Planning Committee on September 2<sup>nd</sup>*
14. Planning Committee September 2<sup>nd</sup> meeting topics
  - Destination Tomorrow Update presentation
  - Topics for the committee for the coming year
  - \$2 million regional sustainability planning grant application to HUD/DOT/EPA
  - Update on the Transit Focused Region initiative to a joint session of the Transit and Planning Committees last week.
  - *Joint session with Technical Committee on August 10<sup>th</sup>*
15. Technical Committee August meeting topics

- Bike/ped and Rebuild Road projects – See agenda item 4 above.
- Collector Study II results and project selection process
- Highway Simplification Study

#### 16. Executive Committee Draft Agenda for October 5<sup>th</sup> Meeting

1. Finalize October 21<sup>st</sup> Policy Committee agenda – particularly regarding 12/13 biennium TIP actions
2. Recommend Policy Committee action regarding MaineDOT proposal regarding reimbursement of expenses for withdrawn Cape Elizabeth project
3. Destination Tomorrow Update presentation
4. Monthly status reports

*John Duncan: I could not have said it better!*

### **Press Herald Editorial: Highway fund deficit poses hard questions**

#### **The state is going to have to pay more for roads or make other, even tougher, choices.**

As campaign season approaches, candidates can be expected to call for new thinking on old problems. We can expect to hear that consolidation and efficiencies will enable us to have the services we want without having to pay more. Thinking "outside the box" will save us. While we have nothing bad to say about creativity, the reality is that there is only so much we can expect to get from innovation when it comes to state road construction and maintenance.

Our aging infrastructure is crumbling. The existing revenue stream is woefully inadequate to keep up what we have, let alone expand the road system with bypasses and other projects that local communities want. If it weren't for bond issues and federal stimulus money, the situation would be even more dire, but those pots of money are not bottomless.

The choices that will confront the next Legislature and governor are increasing revenues, scaling back the road system or letting it continue to deteriorate -- not the kind of options that will get anyone elected in November, but something that should be at the top of the "to do" list after Election Day. The magnitude of the problem was made clear this week when the Legislature's Transportation Committee received a report on the structural gap in the current two-year budget.

According to the committee's analyst, lawmakers will have to come up with an additional \$350 million this year and \$370 million next year to complete planned road projects.

An attempt to raise the gas tax was knocked down by legislators last year, who were determined not to raise taxes to balance the budget. That is a laudable goal, and gas tax

increases, which hurt rural residents more than city dwellers, are always a tough sell in a state like Maine. But supplementing the highway fund with other broad-based revenues such as money from the general fund or bonds can't be the entire solution, either.

Maine should determine how much of a highway system it can afford and adjust the gas tax to make sure that the people who use the system are paying their fair share for its true costs. Once we get there, we will be in a better position to look for creative alternatives for the future.

### **Agenda Item 8: Policy Committee Agenda**

Here is a draft for consideration by the Executive Committee.

1. MaineDOT presentation on the draft recommendations in the “Portland North” major corridor study regarding bus and passenger rail options between Portland, Brunswick and Auburn
2. Decide on use of the Holding PIN’s \$2,000,000.
3. Receive report on TIP project and priority setting in preparation for action on October 21<sup>st</sup>.
4. Action on proposal to revise our policy regarding the use of unspent project funds.
5. Action on proposal to authorize email votes and more authority for the Executive Committee.
6. Receive report on Executive Committee decision to establish a public input time limit at Executive Committee meetings.
7. Accept Executive Director’s Report – information items.
8. Annual performance evaluation of the Executive Director