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PACTS

Portland Area Comprehensive Transportation System

Executive Committee Meeting Notice

October 4, 2011
8:30 a.m. to 10:00 a.m.

To be followed by TIP Process Committee Meeting

GPCOG, 68 Marginal Way, Portland

Agenda

1. Call to order
2. Minutes of September 6th meeting
3. Review Draft RFP for PACTS Organizational Analysis (8:35)
4. Status report on preparation for Policy Committee action per results of May PACTS Reduced Local Match Incentive Policy (9:00)
5. Draft Letter to MaineDOT regarding Transportation Authorization Bill (9:15)
6. Update of PACTS Public Participation Plan (9:25)
7. Changes made to 2012-2015 TIP projects list since Policy Committee endorsement on August 20th (9:35)
8. Proposal to Exempt Four Consultant Efforts from Time Clock Deadline (9:40)
9. Adopt agenda for Policy Committee meeting (9:45)
10. Monthly updates (9:50)
11. Public comment on topics not on today's agenda (9:55)
12. Adjourn

Next meeting: November 1st at 8:30 a.m.

The Metropolitan Planning Organization for the Portland Urbanized Area

68 Marginal Way • Portland, Maine 04101

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Minutes of September 6th Meeting

In attendance: Nathan Poore, Chair; Dan Bacon; Kathi Earley; Jim Gailey; Al Presgraves; Sara Trafton; Maddy Adams; John Duncan; Carl Eppich; Paul Niehoff

1. **Call to order.** Jim Gailey opened the meeting at 8:34.
2. **Minutes of August 2nd meeting.** *A motion was made and seconded to approve the minutes. All were in favor.*
3. **Review draft PACTS Title VI Plan Update.** John D. provided background. A forum was held in August to get feedback on the plan. A draft was sent to MaineDOT. Theresa Savoy sent some comments back which John has incorporated into the document. John reviewed the list of accomplishments which were in the meeting packet. John would like to work with Sara Trafton on a forum regarding transportation services to the disadvantaged and how we can improve those services.

John will be sending MaineDOT the entire document shortly. It must be submitted by the end of this month. If the Policy Committee makes any changes to it at their October 20th meeting, then we will advise MaineDOT.

Sara asked about the seats on the Technical Committee (#5 on page 9) that are Executive Committee appointees. John explained that the Executive Committee votes on the candidates; the appointees serve for three years. Often the seats are filled by people who have been attending the meetings on a regular basis who are very interested in the topics.

Jim G. asked how the other MPO's are dealing with #7 – the suggestion that PACTS committees meet at different times of the day in order to make it more convenient for attendance by representatives of transportation disadvantaged. John explained that this is not a requirement. When MaineDOT met with us, they suggested this idea of changing the day or the times of the meetings, but it is not necessary. Nathan suggested that we keep it in as a discussion point; we could add *as necessary* since we don't have any demand at this time. Kathi suggested adding *as topics dictate*.

The Committee accepted the Title VI document by consensus.

4. **Review draft update of PACTS Public Participation Plan.** This is a federal requirement. We spend a fair amount of money listing projects in the newspaper for public comment and we never receive any comments. We are proposing that we not submit these notices to the newspaper anymore (\$1,000/year cost) and post more information on the PACTS web site.

The state has said not to mix the two documents – Title VI and Public Participation. This report lays out what the state says we need to do for public outreach. John reviewed the seven items on page 11. We have put legal ads in the newspaper for all of these -- sometimes display ads. We are proposing that we post proposed TIP amendments on our

web site and provide ten days for comment. That is what MaineDOT does as well as the other MPOs. We will use our Interested Parties list and use our web site more.

There was a question about the adequacy of our TIP procedure amendment and whether or not FTA would be satisfied. Carl said that Sue Moreau was going to check with FTA about that.

Regarding Executive Committee appointments to committees, we haven't done any recently. Nathan thought we should check to see if the members are participating regularly and to be sure that vacancies are filled.

Nathan asked if PACTS has the ability to have a subscriber notice on their web site. John responded that we currently do not. Sara mentioned that the transit providers are getting ready to launch a new web site and asked if there was a way to embed a link to the transit providers on the PACTS web site. That can be done.

Dan mentioned that since the web site and e-mail will be the primary modes of informing people, perhaps we could dedicate some money to enhancing the web site. He asked if we could take the money that we're saving from the legal ads and put it toward enhancing the web site. Nathan asked about the costs of the web site. He suggested that we devote 45 minutes at a future meeting to focus on the web site to see how it can be improved.

5. **Status report on preparation for October Policy Committee action per results of May 2011 Reduced Local Match Incentive policy.** All but one of the projects have signed contracts. OOB has decided not to pay even the reduced local match for one of their projects. Based on our reduced local match needs, we need almost \$13 million in federal and state money to take care of the projects. Last year \$11.5 million was programmed. The state says we have almost \$1.1 million in our Holding PIN, so the final need would be about 300,000. We told MaineDOT we want to talk about the Holding PIN and some of the projects that haven't been closed out, so we'll be going to MaineDOT the week after next. We also want to meet with Joyce Taylor on her offer to look for efficiencies within the projects. Some of the projects may have been budgeted high. The Cummings Road project is moving really fast and if MaineDOT wants to keep going at the pace they're going, then they will need more money sooner than we've programmed it for the project.

There's also the concept of cutting collector road projects, or getting money from MaineDOT today and giving it back two years from now. So Paul and John will be meeting with MaineDOT about all these issues. With the early kickoff, we are hoping to finish the projects by the end of the construction season in 2013. Nathan said he needs to call MaineDOT about the Falmouth Route 1 project. They've got bids out for visioning and concept design on the section north of Route 88.

We're refining the problem but there are still some moving parts. There was some discussion about the Cummings Road project. The project has \$400,000 for ROW. Jim said they had talked about moving that over to construction. John explained that taking the \$400,000 and moving it to construction wouldn't get anything done in this biennium

because all the construction couldn't be done with that amount of money. Paul further explained. There is a possibility that we could borrow the money and then pay it back in a couple of years.

Kathi had a question about LAP agreements. Paul said there is an LAP agreement that replaces the two or three party agreement.

6. Monthly updates.

- PACTS staff recently had a good meeting with Congresswoman Pingree and Congressman Blumenauer. They also met with Senator Snowe's new transportation staff from the D.C. office.
- Portland will request an extension for signing the contract for Libbytown Traffic and Streetscape Study.
- ATRC staff completed their suggestions for additions to the letter to MaineDOT saying that the MPOs are doing important work. At the PACTS Policy Committee meeting, there were mixed feelings about whether or not the letter should be sent out. Nathan would like to see a draft of the letter for the October meeting of the Executive Committee for their input. He would also like to have an idea of what it would look like without MPO's.
- Organizational analysis. The Executive Committee will take the lead on this.
- We are doing a lot of work to try to implement the Regional Bike/Ped plan. Paul is working with many of our towns.

7. Public comment. None

8. Adjourn. The meeting adjourned at 9:46.

Agenda Item 3: Draft Request for Proposals for Consulting Services in the Performance of a PACTS Organizational Structure Analysis

Staff: John Duncan

Recommendation: Give staff direction to make edits and to submit a final draft RFP for approval by the Policy Committee on October 20th

Background

Neal Allen will join us this morning to share some thoughts on this endeavor.

Nathan Poore, Jim Gailey and John Duncan have developed the following draft RFP. We propose the following schedule:

- John sends a final draft RFP to the Policy Committee in an email later this week and asks the members to read it and to think carefully in preparation for the 20th.
- Policy Committee endorses RFP on October 20th.
- Staff distributes RFP the following week.
- Executive Committee interviews three firms during the first week of December, and selects firm/team that week.
- Selected firm/team starts two weeks later.
- The effort is completed in April.

Please suggest some firms to whom we would send the RFP. Here are some ideas (in alphabetical order):

- Dacri & Associates in Kennebunkport
- Jim Damicis at Camoin Associates
- Mark Eyerman at Planning Decisions
- John Melrose at Eaton Peabody in Brunswick
- Howard Muise at VHB. In 1999 he did face-to-face interviews of all our members and developed the scope of work that we used in our RFP for consultants to help us develop the first *Destination Tomorrow*.
- Rob Neal, an organizational development consultant in Yarmouth
- Pam Plumb
- Peter Plumeau at Resource Systems Group in Vermont. He is a consultant to MPO's throughout the country and to the national association of MPO's (AMPO).
- Evan Richert
- Steve Schuit. He was our consultant for our 2007 strategic planning work.

The next several pages are a draft RFP for discussion today. There are still some incomplete sections.

Draft Request for Proposals

The Portland Area Comprehensive Transportation System (PACTS) is requesting proposals from qualified firms that will perform a comprehensive organizational structure analysis. PACTS is a “metropolitan planning organization” which has existed in accordance with federal regulations since 1975. In that capacity, we program federal transportation funds available to Greater Portland, we study the region’s transportation (primarily highway, public transportation and bicycle/pedestrian infrastructure) needs and proposed solutions, we assist our partners in implementing the region’s transportation plans, and we serve as a regional forum on transportation for the public and for decision makers. Our primary partner is the Maine Department of Transportation.

We are doing this analysis for four reasons:

- The members generally feel that the PACTS process is too complicated.
- We want the PACTS process organized in a way that maximizes our ability to react to change and still maintain our effectiveness.
- The PACTS structure has changed little in 45 years.
- We want the PACTS staff and committees composition to best meet the needs of the organization.

We are seeking consultant assistance that will include but not be limited to:

- PACTS organizational analysis (review of current operations, structure, efficiencies, staffing, workload, methodologies, etc)
- Benchmarking and/or comparative analysis with similar MPO agencies (reviewing cost efficiency, budget, productivity, organizational structure, operational procedures, member satisfaction, etc)
- Member satisfaction survey (value of services received in the region and by community, expectations, customer service, efficiency, performance, relations with other agencies and entities, etc)
- Cost benefit analysis of alternative structures:
 - Staffing and consulting structure
 - Privatization...*John suggests that we drop this. It seems not to be an option for the provision of the services of an MPO.*
 - Consolidation with other nearby MPO
 - Alternative means of funding distribution (ie – State distribution directly to communities)
 - Advantages, disadvantages of keeping current structure or modifying structure
- Recommendations that could improve, if deemed necessary: member satisfaction/value; efficiency and productivity, project management; process; communication; regional impact; improved transportation systems; and administration.

Consultant Selection Process

selection criteria, requirements in the proposal, cost envelope, the \$30,000 budget, who will select.

Executive Committee interviews three firms during the first week of December, and selects firm that week.

Study Schedule

- Selected firm starts in December
- The effort is completed in April.

Proposal Requirements

Cost envelope

Submit 7 copies...for the Executive Committee and John Duncan

Work with Executive Committee and Executive Director. Propose a process for us...

Document and links on the PACTS website

1. 1995 PACTS Strategic Plan...get it scanned
2. 1999 PACTS members survey results...get it scanned
3. 2002 PACTS Expansion materials... John will check for relevant materials
4. 2007 list of ranked PACTS activities for the subsequent two years
5. 2008 PACTS Process Review materials
6. Federal Regulations for the MPO process
7. PACTS Bylaws
8. Maine MPO's Administrative Guide
9. The PACTS document that summarizes how we select capital projects for funding and our policies and procedures after they are funded
10. The current 2-year staff work plan
11. Destination Tomorrow, the region's long range transportation plan
12. The link to the national report on MPO Capacity etc.
13. A link to the website of the Greater Portland Council of Governments
14. Other

The 2008 PACTS Process Review

During the fall of 2007 and winter of 2008 the PACTS Policy Committee and staff performed a "process review".

- In March and April of 2007 all of our Committees prioritized a long list of potential activities for PACTS activities for coming two year UPWP. One of the higher scoring proposals was to "focus on how we restructure PACTS and how it can be accomplished".
- In May 2007 we budgeted \$10,000 for consultant help in this.

- In August the Policy Committee’s Chair and Vice Chair met with staff to organize a process.
- In September the Policy Committee agreed to hold a half day retreat.
- In October and November we held two well attended half-day retreats.
- Between December and March 2008 a 9-member “Transition Team” met four times. They drafted final recommendations and bylaw language for the Policy Committee.

Consensus on the issues to address...

Describe the materials presented at the workshops...

Describe the alternatives considered by the “Transition Team”.

Recommendation.....the creation of our Executive Committee.

A PACTS History and Overview

1963 Plan – A major regional transportation plan, called the Portland Area Comprehensive Transportation Study, was completed by federal, state and local officials in response to a federal requirement. The plan was the basis for many federally funded projects during the next twenty years. MaineDOT led the development of the PACTS Plan and the subsequent design and construction of the projects.

1975 Program – The Portland Area Comprehensive Transportation Study (PACTS) program and committee structure were created by federal, state, regional and local officials, as memorialized in a memorandum of understanding. As a “metropolitan planning organization” (MPO) program, PACTS staff have always been funded primarily with federal highway and transit administration planning funds. The Greater Portland Council of Governments (GPCOG) was designated as the region’s federally sanctioned transit planning organization.

MPO Requirements – The basic federal requirements of PACTS are to have a regional transportation plan, to do studies and collaboration that lead to good projects, and to share with MaineDOT the authority to “program” all federal highway and transit funds available to the region.

MPO Allocation – In the late 1970’s, MaineDOT established an “MPO Allocation” of federal and state funds for PACTS to program every two years. This allocation went above and beyond the federal requirements for the programming roles of MPO’s.

Staff – In the late 1970’s, the PACTS Policy Committee hired the first PACTS Director/Coordinator. His office was located at, and PACTS committees met at, GPCOG. At the same time, GPCOG hired its first Transit Planner. PACTS and GPCOG began the administrative and collaborative planning relationships which continue to this day. In 2003, the Southern Maine Regional Planning Commission began to provide

transportation planning services to the PACTS region due to our 2002 expansion into York County.

Geography – Based on the federal regulations, the municipalities involved in 1975 were Portland (all), South Portland (all), Westbrook (all), and parts of Falmouth, Gorham, Cape Elizabeth and Scarborough. The area grew slightly based on the 1980 and 1990 U. S. Census populations. In 2002 the 7-municipality region grew to 15 municipalities based primarily on changes in the U. S. Census Bureau’s methodology for defining urbanized areas in 2000.

Committees – PACTS and GPCOG staff supported three committees during the early years: the Policy Committee, the Technical Committee and a Citizens Advisory Committee (disbanded in late 1980’s). The Policy Committee created a Planning Committee in 1995, a Transit Committee in 2004, and an Executive Committee in 2008. In 199x adopted first set of bylaws.....

MaineDOT’s Enlightened Approach to PACTS – In contrast to many states, Maine has had a long standing practice of respecting the regional priorities of the region as articulated by the municipal members in the plans and MPO Allocation projects selected. This has always seemed as an enlightened approach, as viewed from the PACTS perspective and by the federal agencies involved.

Past PACTS Strategic Planning – Describe them briefly:

- 1995 recommendations
- 2002 recommendations from our 2002 geographic expansion
- 2008 recommendations

Insert PACTS Org Chart.

MaineDOT’s key roles in Maine’s MPO processes....*rough first draft:*

MaineDOT in MPO Administration

1. Collaborate in preparing UPWP.
2. MaineDOT distributes the federal transportation planning funds to the MPO’s based on monthly invoices received from GPCOG/PACTS.
3. Collaborated in 2009 with the four Maine MPO’s to write the first Maine MPO Administrative manual.

MaineDOT in MPO Planning

1. Serve on committees
2. Review D. T.
3. Transit...
4. Use and invest in PACTS Model
5. STPA?

MaineDOT in MPO Programming

1. Decide size of MPO allocation...currently \$10,000,000 federal and \$1,000,000 state....plus the local match
2. Scoping of projects...
3. Develop "TIP" with us for submission to federal agencies.
4. Manage the Holding PIN so to speak.

MaineDOT in Transit

1. write later...
2. write later...

MaineDOT in Project Construction

1. Design and build most projects programmed with the PACTS MPO Allocation funds.
Work with
2. Manage the Local Project Administration process with the municipalities.

Agenda Item 4: Status report on preparation for December Policy Committee action per our Reduced Local Match Incentive Policy

Staff: John Duncan

Recommendation: Accept status report in preparation for Policy Committee action in December

Background

This remains a work-in-progress not ready for Policy Committee action in October. We will explain this thoroughly at our meeting. During the past month the following has been done:

- Two weeks ago Paul and I met with Herb Thomson and Peggy Duval regarding the topics in the email on the next page (which you saw last month). While it was a very good meeting we left with most items still in progress.
- Last week Paul met with some MaineDOT finance people. He learned:
 - That the \$1,088,000 Holding PIN balance has not changed recently, but it could soon.
 - While our projects recently constructed may be done, the project managers need to be asked if there is any substantial balances that could be transferred to our Holding PIN before the “close out” process is done.
 - They have been and will continue to be extremely busy closing out the federal fiscal year and beginning the new federal fiscal year.
 - A lot more about the financial work they do in closing out projects, and the long time involved.
- Last Thursday John called Herb Thomson to discuss (John was out Friday):
 - Does MaineDOT need Policy Committee action in October? We all want to get it done, but too many moving parts remain.
 - Confirmation that they are looking for a way to fund the Cummings Road construction in 2012.
- Nathan Poore has asked MaineDOT if delaying the \$717,680 (fed+state+local) Falmouth Route 1 paving project would be acceptable. No answer yet.

Here are our options for action when we and MaineDOT are ready.

- Use some or all of the Holding PIN.
- Cut collector projects programmed last fall.
- Use available federal and state funds from completed projects that have not yet been “closed out” financially (therefore not yet available).
- Divert some 12/13 funding from Cummings Road project if it is not on a fast track.
- MaineDOT provides some new federal and state funding to PACTS in return for a reduction in our 2014/2015 biennial MPO Allocation.

See \$284,629 unmet need table on page 13.

See also on page 13 a MaineDOT list of the completed projects which are not yet closed out. Paul can explain what it tells us.

September 1st email to MaineDOT.....was in September Executive Committee packet

Hi Herb, Peggy and Joyce,

Paul and I would like to meet with you to discuss the following items in preparation for our October 4th Executive Committee and TIP Process Committee meetings. We could come to you. Please advise.

1. We hear that the Cummings Road project is on a fast track (which is much appreciated). There is talk of going to bid in 2012? However, we are planning to program the construction funds in the 2014/2015 program which creates a funding issue. We have raised the question about all possible options to fund construction next year but nothing finite has transpired.
2. We have just calculated a \$1,372,000 need for federal and state funds to cover the reductions in local match for many of our 12/13 projects per the successful signing of 3-party and LAP agreements recently. We need to discuss these options with you:
 - Joyce's idea at the recent Policy Committee meeting regarding reducing the budgets for some of our 12/13 projects. (We note that PACTS programs a 25% contingency for all of our projects. Perhaps we can shave that contingency down some.)
 - If the Cummings Road project is not on a fast track then perhaps we could consider diverting some of the 12/13 PE/ROW money. (We programmed more than we needed.)
 - The draft STIP says we have \$1,088,000 in federal and state funds in the Holding PIN. (Paul and I would like to understand better how the Department made that calculation. We think that there should be more in the Holding PIN.)
 - We are aware of 28 PACTS projects that are done but not closed out. In response to my recent email, Gregg Goggins advised that the projects need approximately \$195,000 from our Holding PIN.

Relative to the first and last bullets above, it would seem that projects which have been completed over the last two years should have funds remaining, especially the collector paving projects. Keeping in mind that the 10/11 projects were estimated using very high unit prices and the PACTS policy of adding 25% to the construction estimate. It would seem we could have a 25% to 35% balance in the majority of those projects. This is something to think about in preparation for our meeting.

3. Joyce offered recently to draft a proposal for kicking off new PACTS projects that get programmed outside of the biennial cycle. We appreciate her offer and look forward to reviewing it.
4. The MPO Project Efficiency Report recommends that: "The MPOs, MaineDOT and FHWA will discuss the implementation of an overall deadline for the advancement of projects, such as two years from the time of selection. This will help eliminate inactive projects." At the present time it appears that all of PACTS "older" projects are on schedule for completion within the next two years and that with the early kick-off projects and the PACTS match incentive the remaining 10/11 projects and all 12/13 projects are also on schedule to be completed by the end of the 2013 construction season. However, we would certainly like to have the discussion.
5. The MPO Project Efficiency Report also recommends that: "PACTS and MaineDOT will work together to fine-tune the administrative rules to implement the new PACTS match policy noted above in order to enable it to work better in the future. FHWA rules require that match percentages be set when a project is authorized (i.e. funds are obligated). Agreements must be negotiated prior to authorization to take advantage of this incentive." We would like to begin the discussion. The "August 18" attachment is a place to start on that subject.

Thanks.
John W. Duncan
PACTS Director

September 1st Framework for October Policy Committee Action

	<u>Federal and State Funds</u>
Sept. 1st projects list at increased federal and state shares This is a reduction from the earlier \$13,200,000 estimate based on 80% federal and 10% state shares.	\$12,896,248
October 2010 projects at 65% federal and 9% state	\$11,492,923
October 2010 unprogrammed balance	<u>\$30,696</u>
Difference -- amount needed to finance incentive policy	\$1,372,629
Holding PIN funds available MaineDOT and PACTS staff are reviewing the status of the Holding PIN balance. See Sept. 1 email in meeting packet.	<u>\$1,088,000</u>
Difference -- need after use of entire Holding PIN account	\$284,629

PACTS projects that are done but not yet closed out

September 28, 2011

PIN	City/Town	Location	Surplus/Shortfall	
8460.00	Gorham	Libby Avenue	(\$86)	CLOSED ACCEPTANCE RECEIVED
8724.00	Scarboro/S. Po	Route One	(\$342)	CLOSED ACCEPTANCE RECEIVED
8725.00	Portland	West Commercial	(\$11,939)	CONSTRUCTION COMPLETE
8822.00	South Portland	Western Avenue	(\$386,298)	CONSTRUCTION COMPLETE
10541.00	Gorham	Brackett Street	\$313	CLOSED ACCEPTANCE RECEIVED
10544.00	Portland	Warren Avenue	\$0	CONSTRUCTION COMPLETE
11580.00	Portland	Brighton Avenue	(\$2,131)	CONSTRUCTION COMPLETE
11588.00	Portland	Brighton Avenue	\$197,616	CONSTRUCTION COMPLETE
11590.00	Portland	Park Avenue	\$48,986	CONSTRUCTION COMPLETE
12204.00	Portland	Stevens Avenue	\$17,683	CONSTRUCTION COMPLETE
12205.00	Portland	Stevens Avenue	\$37,722	CONSTRUCTION COMPLETE
13090.00	Cape Elizabeth	Spurwink	(\$3,335)	CONSTRUCTION COMPLETE
13096.00	Freeport	Main Street s/w	(\$50,419)	CONSTRUCTION COMPLETE
13098.00	Old Orchard Be	Old Orchard Roa	(\$2,816)	F.V. WORKUP
13106.00	Portland	Forest Avenue	\$0	CONSTRUCTION COMPLETE
13112.00	Saco	OOB Road	\$445	CLOSED ACCEPTANCE RECEIVED
13116.00	Westbrook	Bridge Street	(\$65)	CONSTRUCTION COMPLETE
13117.00	Westbrook	Forest Street	\$0	CONSTRUCTION COMPLETE
13118.00	Westbrook	Saco Street s/w	(\$32,160)	CONSTRUCTION COMPLETE
13119.00	Westbrook	Forest Street	\$366	CONSTRUCTION COMPLETE
13124.00	Yarmouth	Route 88	(\$25,148)	CLOSED ACCEPTANCE RECEIVED
13125.00	Yarmouth	Route 88 s/w	(\$38,194)	CLOSED ACCEPTANCE RECEIVED
14800.00	Biddeford	Pine Street	\$0	F.V. WORKUP
14802.00	Portland	Ocean Avenue	\$35,700	CONSTRUCTION COMPLETE
17329.00	Biddeford	Main Street s/w	(\$445)	CONSTRUCTION COMPLETE
17332.00	Freeport	Bow Street	\$5,241	CLOSED ACCEPTANCE RECEIVED
17344.00	South Portland	Hinckley Drive	\$43,248	CONSTRUCTION COMPLETE
17692.00	Gorham	Brackett slope	(\$6,793)	CLOSED ACCEPTANCE RECEIVED
			(\$172,850)	

Agenda Item 5: Draft Letter to MaineDOT regarding Transportation Authorization Bill

Staff Resource: John Duncan

Recommendation: Join with ATRC, BACTS and KACTS in submitting the attached letter to MaineDOT regarding proposals in Congress to eliminate MPOs in regions of less than 200,000 people.

Background

The Policy Committee briefly discussed in August the idea that PACTS would join the state's three other MPO's in sending a letter to MaineDOT asking MaineDOT to write a letter of support for preserving Maine's MPO's. There was support and opposition.

John will brief us on recent developments in Washington that appear to weaken the authorization proposals described below.

September 1st Draft

David Bernhardt, Commissioner
Maine Department of Transportation
State House Station #16
Augusta, ME 04333-0016

Dear Commissioner Bernhardt,

As the Chairmen of Maine's four Metropolitan Planning Organizations (MPOs), we are writing this letter to express our concern regarding some proposals currently being discussed in Washington as part of the transportation authorization bill. These proposals would eliminate MPOs in regions of less than 200,000 people. Nationwide, this would eliminate 220 of the 385 MPOs. For Maine, this would mean the loss of all four of our MPOs – Kittery, Portland, Lewiston-Auburn, and Bangor, which have been in place for almost thirty years, and have provided valuable service to both the municipalities and the Maine Department of Transportation. Our MPOs include 34 towns and cities, plus the Penobscot Indian Nation, which have completed hard work to develop transportation systems which provide great benefits to the regions and the State.

We feel it is critical to ensure that smaller states and urban areas do not get jeopardized in the reauthorization process, and that our transportation infrastructure and resources are protected and enhanced in future years. We are greatly concerned about the potential loss of transportation dollars that could result if there were no longer any Maine MPOs:

- No more capital "MPO Allocations" to our municipalities,
- Uncertain effects on urban transit funding, and
- No more MPO study dollars.

The MPO planning process and the infrastructure investment decisions reached through strong local, state and federal agency participation play a critical role throughout Maine for our economy and the needs of our growing population. To eliminate this process would stifle regional collaboration and the benefits of coordinating and leveraging local, state and federal resources. Given the importance of this infrastructure to economic growth, security, and sustainability, MPOs are an inextricable part of Maine's economy.

The four MPOs in Maine result in collaborative decision-making and systems planning and implementation occurring on a multi-community basis. The resultant body of knowledge of the MPOs is an asset to the MaineDOT and the communities that would be lost with the elimination of the smaller MPOs. Also, the MPOs have significant investments in the areas of Traffic Signal System Management and travel demand modeling. These would be significant sunk investments within the metropolitan areas.

Maine's four MPO have a long standing tradition of effective, efficient coordination – internally within each of our MPOs, and collectively with each other. Our member communities have come to rely heavily on the MPOs and our ability to provide technical assistance and expertise to the communities, keeping discussions and decision-making at a local/regional level.

We believe it is imperative that this local voice remain in all phases of transportation planning, programming, and implementation – as has been the case in Maine and other parts of the United States. It is important that if Congress decides not to establish any new MPOs, that the bill include a grandfather provision that would keep current MPOs in place that have a population between 50,000-200,000.

The MPOs have been working with both the National Association of Development Organizations (NADO) and the Association of Metropolitan Planning Organizations (AMPO) on this issue over the past few months. However, any assistance your office could provide on this matter would be greatly appreciated. It would be of great benefit if MaineDOT could write a letter of support for this effort, and also contact our Congressional offices.

Please feel free to contact any of us or the MPO Directors if you have any questions or need more detailed information.

Thank you.

Robert Thompson, Chairperson
ATRC Policy Committee
(Jennifer Williams, PE, ATRC Director)

William Reed, Chairperson
BACTS Policy Committee
(Rob Kenerson, PE, BACTS Director)

Daniel Blanchette, Chairperson
KACTS Policy Committee
(Tom Reinauer, KACTS Director)

Nathan Poore, Chairperson
PACTS Policy Committee
(John Duncan, PACTS Director)

Agenda Item 6: Draft PACTS Public Participation Plan

Staff Resource: John Duncan

Recommendation: Endorse the draft Plan and send it to the Policy Committee for final endorsement.

Background

This revision of our 2007 policies and practices report reflects changes brought on by the wider use of the internet for public policy development and communication in our region and throughout the country. We are also doing this update as we update our Title VI (civil rights) Plan. Both are documents that we must update periodically.

On August 22nd we distributed the Draft Plan to all PACTS Committee Members and several other folks at MaineDOT for review and comment. We discussed this at our September meeting.

The required 45-day public comment period ends on October 5th. We have sent this to our 200-person Interested Parties email list, we have posted it on our website and we have printed legal ads in the Journal Tribune and the Press Herald. Three people kindly sent us words of praise for our public outreach efforts and our work in general:

- Linda Boudreau, former South Portland City Councilor
- State Representative Ann Peoples
- Peggy Killmer, a Yarmouth resident and PACTS Planning Committee member.

Two weeks ago we shared this Draft Plan with MaineDOT and our Maine MPO colleagues at our quarterly meeting here. The only item that generated discussion was the public comment process table on page 11. The consensus was supportive.

The Planning Committee members offered no comments when asked at their recent meeting.

I sent a second email to MaineDOT asking for their input by last Friday. I was out on Friday, so perhaps some comments have been sent.

We have made no changes to the August 22nd Draft Plan (included in today's meeting email).

Two Loose Ends

METRO's Dave Redlefsen contacted us regarding FTA-adequacy of our proposed changes in our public notice process for TIP amendments (on page 11). Carl has asked MaineDOT for help with this.

CBITD's Hank Berg has advised us (based on advice from FTA staff at a meeting last week) that our current public notification wording does not satisfy FTA requirements for CBITD (and METRO). We are going to fix that, and incorporate it into the final version of this Plan.

Agenda Item 7: Review changes made to 2012-2015 TIP projects list since Policy Committee endorsement on August 20th

Staff: John Duncan

Recommendation: Send report to Policy Committee for information purpose

Background

On August 20th the Policy Committee adopted a 28-page program of federally funded transportation projects for our region. The list includes FTA 5307 allocations, our MPO Allocation projects and all other active FHWA and FTA projects in our region that have not yet been obligated. We do this every two years.

The Policy Committee adopted the program in August because we needed to meet a September 30th federal deadline and the Policy Committee does not meet in September. The submission of this document and MaineDOT statewide version to the federal agencies enables MaineDOT access to the federal funds for the projects after September 30th.

MaineDOT completed preparation of the program three weeks after the August 20th action by the Policy Committee. On September 22nd I submitted a final program within an official PACTS Transportation Improvement Program for FFY 2012 to FFY 2015 document to MaineDOT. It is on our website.

MaineDOT prepares the project lists. PACTS and GPCOG staff review drafts and offer edits. In preparation for the September 22nd submission I worked with MaineDOT on getting our edits incorporated into the document – and in preparing the narrative for the document. Last week I compared the final list with the one adopted in August. I found more changes – a function of MaineDOT’s continuing to complete the projects list after our August meeting. We are researching some of these changes:

MPO Allocation Projects Section

- Added 16 *still-active projects funded in the past*: 9 resurfacing projects, the Biddeford sidewalk project, two Gorham projects on Brackett and Libby, Forest Avenue bike lane striping, RTP vehicles, and Eisenhower Drive (Westbrook) sidewalk project. *Removed*: WIN 17856 Riverside St. traffic signal coordination.
- Increased funding for 4 *still-active projects funded in the past*: Falmouth Route 88 sidewalk, Old Orchard Beach intersection, Forest Avenue reconstruction and Saco Street (Wsbk) resurfacing

Other Projects Section

- Corrected the FTA 5307 operating assistance amounts.
- Increased operating assistance amount for Downeaster to \$17,000,000
- Added Forest Avenue signals coordination (the earmark that PACTS applied for)
- Reduced amounts for a Gorham intersection project, a 295 bridge decking, and a Route 1 (South Portland) bridge decking.

Agenda Item 8: Proposal to Exempt Four Consultant Efforts from Time Clock Deadline

Staff: John Duncan

Recommendation: Recommend to the Policy Committee that four studies be exempted from the 6-month “start” deadline policy as presented on the next page

Background

In 2006, in response to the slow and no progress on the performance of some studies funded by PACTS, the Policy Committee adopted a “studies time clock” policy.

In April 2011, in response to continued slow performance of some studies, the Policy Committee tightened the time constraints. Here is the revised policy.

1. After the adoption of each new biennial PACTS planning budget (UPWP), study proponents will start each PACTS-funded study within six (6) months. The 6-month clock starts on July 1st. The definition of “start” is the signing of a contract with a consultant.
2. The Policy Committee will withdraw the funding if 6 months passes without the signing of a consultant contract. After the withdrawal of funds, the study proponent is eligible to submit the study proposal for funding in the next PACTS planning budget.
3. This 6-month clock policy (starting at the time of addition to the UPWP) also applies to consultant studies added to the PACTS planning budget at other times during a biennium.
4. All studies – including those added to the UPWP during the biennium – lose all unspent funds at the end of the biennium.
5. The Policy Committee may make exceptions to this policy for good cause.

In August 2011, the Policy Committee added several studies to the UPWP. Per Item 3 above, they have until the end of February 2012 to have signed contracts with consultants.

October 4, 2011 Report to Executive Committee
Regarding Consultant Selection Progress

<u>Will Meet December 31st Deadline</u>	<u>Lead</u>	<u>Selection Process</u>	<u>Send RFP</u>	<u>Notes</u>
1 Biddeford/Saco Wayfinding	Carl	Send RFP to 3+ firms	This week	
2 Gorham East West Land Use Planning	Carl	Send RFP to 3+ firms	Next week	
3 PACTS Model Consultant	John	Send RFP to 3 firms	Oct.	
4 Portland Brighton/Deering/Falmouth	Carl	Send RFP to 3 firms	Nov.	
5 Outreach component of Regional Bike/ Ped Plan Implementation	Paul	Sole source	NA	Bicycle Coalition Me.
6 Regional Collector and Arterial Studies	Paul	Sole source	NA	Gorrill-Palmer
7 Regional Traffic Signals Management	Carl	Send RFP to 3 firms.	Nov.	
8 South Portland Broadway Intersection	Carl	Sole source	NA	Sebago Technics
9 So. Me. Transit Coordination Phase II	Steve		Oct.	
10 Transit Unified Branding	Steve		Oct.	

<u>Proposal for Dec. 31st Deadline Exemption</u>	<u>Lead</u>	<u>Selection Process</u>	<u>Send RFP</u>	<u>Notes</u>
11 Portland Libbytown Traffic and Streetscape See attached Portland proposal.	Carl	Send RFP to 3+ firms		
12 A \$20,000 PACTS contribution to a regional aerial photography flight next spring	Paul			GPCOG is lead.
13 EPS for intersection and road rebuild *	Paul	Sole source	NA	Sebago Technics
EPS for bike/ped projects *	Paul	Sole source	NA	Gorrill-Palmer
* Hire in May...work done by August 2012.				
14 Regional Transportation Funding Policy Scope is currently undetermined.	John	Sole source?	NA	

<u>Will Meet February 28, 2012 Deadline</u>	<u>Lead</u>	<u>Selection Process</u>	<u>Send RFP</u>	<u>Notes</u>
15 PACTS Organizational Analysis	John	Send RFP to firms.	Oct.	
16 Portland Peninsula Wayfinding	Carl	Send RFP to 3 firms	Dec.	
17 Regional Bike/Ped Plan Implementation's South Portland component, counts and regional wayfinding system	Paul	Send RFP to 3 firms	Oct.	
18 South Portland SMCC Satellite Parking	Carl	Sole source	NA	
19 Windham Impact Fees Development	Carl	Send scope to 3 firms.	Dec.	Select via phone calls.

Agenda Item 9: Policy Committee Draft Agenda

1. Public comment
2. Endorse PACTS Organizational Analysis RFP
3. Something about financing our May 2011 Reduced Local Match Incentive Policy – *depends on our discussion today.*
4. Act on proposal to join with ATRC, BACTS and KACTS in submitting the attached letter to MaineDOT regarding proposals in Congress to eliminate MPOs in regions of less than 200,000 people.
5. Adopt Update of PACTS Public Participation Plan
6. Accept report regarding changes made to 2012-2015 TIP projects list since Policy Committee endorsement on August 20th
7. Act on Proposal to Exempt Four Consultant Efforts from Time Clock Deadline
8. Executive Director's Report

Agenda Item 10: Monthly Updates

- A. As of Thursday afternoon, John was very close to a commitment from Roy Kienitz, the **Under Secretary of Policy at the U. S. Department of Transportation**, to be the keynote speaker at the annual Maine Transportation Conference in December.
- B. More changes at MaineDOT:
- **Jerry Douglass**, the current MPO Coordinator at MaineDOT, will be returning to the Local Roads Center. *His position will not be filled per se – the MPO Coordinator function will be done in the future by another person(s) currently working in the Bureau of Transportation Systems Planning.*
 - **Paul Pottle** will retire at the end of October.
 - **Norm Baker** will retire at end of December.
 - Pete Coughlan, Bobby Stevens, and Jerry Douglass (responsible for the Local Roads Center) will start to report to the Bureau of Maintenance and Operations – a move from the Bureau of Planning.
- C. PACTS and GPCOG staff spoke recently with **Commissioner Bernhardt, Portland Manager Reese and Legislators** on the CBITD's cruise for their agency partners.
- D. John recently sent a letter of support for MaineDOT's application for TIGER III funding for freight rail investment on the Mountain Division.
- E. President Obama recently signed into law the Surface and Air Transportation Programs Extension Act of 2011. This law extends SAFETEA-LU funding and the gas tax for an additional six months.
- F. We recently distributed the late September MaineDOT monthly PACTS project status reports to all PACTS members.
- G. Carl Eppich and the Planning Committee are working with the study consultant to improve the draft Transit Focused Region Report.
- H. November 1st Executive Committee Agenda
1. More on financing our May 2011 Reduced Local Match Incentive Policy?
 2. Workshop on the PACTS website?
 3. Discuss legislators
 4. ?
- I. We did not have time to prepare a September staff activities update.