

PACTS

Portland Area Comprehensive Transportation Committee

PACTS TIP Process Committee Meeting Notice

December 19, 2007
2:00 p.m.
PACTS
68 Marginal Way, Portland

Agenda

1. Call to order
2. Minutes of November 20th meeting
3. Status Reports
 - A. Presentation of wall chart on status of all PACTS highway projects
 - B. Report on MaineDOT response to PACTS letter on maintenance paving
 - C. Overview of Committee work plan
4. Action Items
 - A. Confirm our policy to cover costs of 2006/2007 collector paving projects
 - B. Create a three-tiered Collector Set Aside
 - C. Do a Regional Collector Assessment Study
 - D. Revisit November 20th recommendation on PDR estimates that exceed EPS cost estimates by 25% or more
 - E. Future items
 1. Update our TIP Policies and Procedures Document
 2. Develop PACTS Six Year Plan
 3. Accept Maine MPO Administrative Guide
 4. Hold TIP Information Session for all members
5. Adjourn

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Minutes of November 20th Meeting

Present: Bill Shane, Chair; Cumberland; Bob Burns, Gorham; Julia Dawson, PACTS; John Duncan, PACTS; Kathi Earley, Portland; Donna Larson, Freeport; Sue McIntyre, GPCOG; Tom Milligan, Biddeford; Paul Niehoff, PACTS; Nathan Poore, Falmouth; Dave Redlefsen, Public Transit; David Willauer, GPCOG.

1. **Call to Order.** Bill Shane, Chair, called the meeting to order at 2:03 p.m.

2. **Minutes of October 24th meeting**

Bob Burns made a motion for approval of the October 24th, 2007 minutes, seconded by Tom Milligan. Vote taken. All were in favor. Minutes were unanimously approved.

3. **Results of November 14th PACTS Process Retreat**

The second PACTS Policy Committee retreat held on November 14th was a successful process.

Among items considered and noted:

- The revision of the structure and sizes of the PACTS Committees.
 - The creation of a sub-regional component to the process.
 - Elected officials would be added to the process. However, this might not take place in 2008.
 - A transition team will work on the details in the next few months and report back in February.
 - Many components in the TMA could be included in PACTS today.
 - The expansion on transportation and rail in our mission statement.

4. **News from November 16th Meeting at MaineDOT**

John Duncan met with MPOs and MaineDOT in Augusta on Friday. A brief summary of the meeting has been outlined in the meeting packet under “agenda item 4”. ***Among key items:***

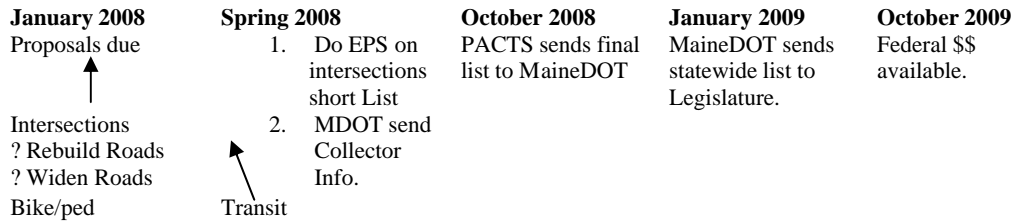
- MaineDOT as well as FHWA have said that it is relatively safe for PACTS to use \$10 million in federal funds. Staff is recommending that PACTS go with \$9 million.
- MaineDOT is increasing the state match by about 1/3 for the 2010/2011 two-year capital program. They will be sending that capital match of state monies in a lump sum.
- MaineDOT is willing to allow PACTS to use the state monies that they are dedicating for planning as match for capital projects.
- The new monies, however, ***cannot*** be used for maintenance paving. (Discussions between John and MaineDOT are continuing on this topic.)
- MaineDOT has requested that PACTS ***try*** to use 1/3 of its federal funding monies toward road projects that are listed on the NHS system. It is estimated that approximately between \$2 and \$3 million per biennium has been spent in the past on NHS roads. A map detailing the roads with NHS designation was distributed among the group along with other additional items for reference.

5. **Staff Recommendations**

A. Adopt a \$9,000,000 federal funding estimate for our 2010/2011 MPO Allocation.

John directed the group to the white board and provided the following short outline explaining timelines in the funding process and why we need to talk about projects scheduled for 2010 and 2011 now:

Programming Schedule for 2010/2011 Biennium MPO Allocation



Key elements:

Federal funds become available in October of 2009 (if Congress acts on time). The DOT's driven schedule is January. Prior to that the DOT submits its BTIP Capital Workplan, so they want the list several months before. October 2008 makes a year before federal funds become available. PACTS scoring is done between January 2008 and spring of 2008. The process is driven by the federal guidelines through MaineDOT and then back to PACTS.

It was noted that a master plan and/or spreadsheet list that identifies 06/07 projects along with completion dates, projects left to complete, proposals due in January, etc. would be helpful. The quarterly report includes some information pertaining to construction dates, funding, etc., but does not include other aspects. A PACTS projects "tracking list" will be compiled.

A discussion on the topic of sub-regions followed. It was noted that until those sub-regions are defined that it is probably more prudent to wait. The topic of Falmouth and Freeport working together in the development of proposals as a part of a "coastal sub-region" on a trial basis was discussed. However, the information provided by the DOT on candidates for collector road paving projects would not be available until the spring of '08. Falmouth and Freeport would be able to work on Bike/Ped and Intersection projects for their sub-region. Some of the intersection proposals that come in might have already been through EPS. Prior EPS projects do not automatically qualify for 10/11 funding. However if a project has already been thru the EPS process it may be just a matter of "dusting" them off. After further discussion it was decided that the "Coastal Sub-Region" with the towns of Falmouth and Freeport will work together to compile a list of proposals for their region as a demonstration project.

B. Adopt Set Aside amounts for 2010/2011

Julia directed the group to the handout entitled "Estimate of PACTS MPO Allocation Funds to Program for 2010-2011 Biennium Based on \$9,000,000 Fed Funds" and provided an overview and description of the information listing the "status quo" as well as an overview of staff's allocation recommendation.

Among items described:

- Column C in the handout is 10/11 allocation available per set-aside after funds already accounted for have been deducted.
- Monies already accounted for include 08/09 deferred projects, funds used to cover 06/07 collector paving cost overruns, plus, construction funds already obligated based on 08/09 PCE projects.
- PACTS has a policy whereby "simple" projects are funded for PCE through construction in one biennium, and "complex" projects can be funded for PCE in one biennium and funded for construction in the following biennium.
- Staff recommends using a fixed \$5 million amount on collector paving vs. the use of percentages.

- A 3 or possibly 4 tier approach for Collector Set Aside will be considered.

Consideration was given as to whether the set-aside formula should continue to include percentages vs. the recommended fixed amount. Having the match changing as it does when using percentages makes it more complicated. Discussion continued on this topic as well as on the merits of sub-regions. The TIP Process Committee must forward recommendations to the Policy Committee for funding purposes before their meeting in December. It was decided for the time being, work on the sub-region level would be done as a demonstration project only.

The TIP Process Committee adopted by consensus the recommendation as put forth by staff and detailed in the handout entitled “Estimate of PACTS MPO Allocation Funds to Program for 2010-2011 Biennium Based on \$9,000,000 Fed Funds” with the caveat that it would also be carried forth along with some tweaking at the PACTS Policy level.

C. Put a cap on our 2006/2007 collector paving projects

We have about 20 or so collector paving projects. Some are out to bid but many are not. It was decided to table this item until the next meeting.

D. Create a three-tiered Collector Set Aside. Tabled until next meeting.

E. Encourage MaineDOT to support a “maintenance paving” fourth tier. Tabled until next meeting.

F. Do a Regional Collector Assessment Study

Paul Niehoff provided an update on the proposal to hire a consultant to do a regional collector assessment study for the PACTS region. The proposal has been discussed at the Policy Committee level as well as at the recent PACTS Technical Committee meeting. Support has been favorable. The original thought was to hire a consultant in the field. Cost for this would be prohibitive. Discussions then focused on the merits of hiring a consultant to analyze data provided by MaineDOT with historical information provided by the towns. The consultant would be tasked with analyzing the information and determining the condition of a road and estimating the cost to rehabilitate it. This information could also be taken to the policymakers and the Legislature. The cost for this effort is between \$10,000 and \$15,000. However, the MaineDOT data would not be available until late next summer and not available for 10/11 projects.

Discussion began on the accumulated data provided by MaineDOT using the ARAN video and the Falling Weight Deflectometer along with each town’s historical information. All of this information combined can give a relatively accurate indication as to whether a road is “built” or not. Paul is confident that we could get a good indication on a road’s condition for the 2010/2011 projects. Concern was expressed over the importance of getting good road collector assessment information. Discussions focused on whether we should spend more monies to hire a consultant to do more than simply analyzing information. It might be better to wait a few months or a year until all the historical information provided by the towns has been sent in. Some agreed stating there should be a more participatory process that includes members. The group will brainstorm at the next Technical Committee meeting on different levels of proposals and seek proposals from consultants. Bill reminded the group that our task is to basically endorse the Regional Collector Assessment Study but we can note our endorsement for a comprehensive study with input from local communities. We could also poll towns to see who is interested in having a study done on local roads. The consultant might be able to give a discount rate.

G. Stick with our 25% project cost cap policy

Julia Dawson referred to a handout describing the “Cost Overrun Policy based on EPS/PCE Construction Funnel Flow Chart” and provided an overview of the 2008/2009 funding process as it applies to “simple projects” and “complex projects”. Simple projects are funded from start to finish in one biennium, and are programmed using the best available estimate at the time of programming plus 25%. For instance if you generate an estimate thru EPS and ask for \$1 million, PACTS will provide \$1million plus 25%. But, nothing more.

In respect to complex projects, our policy currently adds 25% at the construction phase which is when the PDR is generated. However, there is no ceiling to this amount. Staff is recommending that we add a caveat to the complex projects stating that the 25% added at the construction phase shall not exceed the EPS estimate by 25% or exceed the most refined estimate at time of PCE programming by 25%. The communities would have the option of paying the “cost overrun” if there is one. In the past, we have generally seen about a year’s gap in both simple and complex projects. Staff does not foresee any changes to that scenario.

The TIP Process Committee adopted by consensus the motion to stay with the current cost overrun policy for simple projects as described in the 2008/2009 TIP Policies and Procedures document, and, to include the caveat for complex projects that construction funding is not guaranteed if the Preliminary Design Report Estimate exceeds the EPS or most refined estimate at time of PCE programming by 25% or more.

6. Next Steps

Agenda items 5-C and 5-D have been tabled to the next meeting. The next PACTS TIP Process Committee meeting is scheduled for December 19th, 2007 at 2:00 p.m. John Duncan reported that Julia Dawson would be leaving PACTS. Julia has accepted a position as Senior Transportation Planner for SMRPC. Thank you Julia for everything you have done! We hope to see you frequently at other meetings. Congratulations and good luck!

The meeting adjourned at 3:45 p.m.

Agenda Item 3: Status Reports

A. Presentation of wall chart on status of all PACTS highway projects

We have prepared a wall chart of the 63 active PACTS highway projects. The data is from our latest quarterly report from MaineDOT. We are making a similar chart of the active PACTS transit capital projects. The chart is for staff use, but we will show it to you in order to send the message that there are many active projects and many “moving parts”.

This also gives us an opportunity to highlight our staff efforts in monitoring scopes, costs and financing of this large number of complex projects – and to talk briefly about the possible complexity/confusion of member and MaineDOT expectations of the role of PACTS and PACTS staff. For instance, during the past year PACTS staff has put a tremendous amount of time and energy into the coordination/development/monitoring of our collector paving projects.

B. Report on MaineDOT response to PACTS letter on maintenance paving

Paul Niehoff wrote to MaineDOT with our proposal that MaineDOT let us use the new State match “lump sum” for maintenance paving. MaineDOT staff has just advised that this will not be allowed, and that they will write a letter with an explanation.

C. Overview of Committee Work Plan

See also on the next page the November 21st email sent to all PACTS members.

TIP Process Committee Work Plan

<u>Topic</u>	<u>Sept. 19</u>	<u>Oct. 24</u>	<u>Nov. 20</u>	<u>Dec. 19</u>
1 Committee's purpose and goals	X			
2 Former TIP Process Committees' work	X			
3 Set meeting dates for Oct/Nov/Dec	X			
4 Collector paving topics	X			
Policy Committee direction of Sept. 20th		X		
Norm Baker's standards proposal	X	X		
Use MDOT's "5%" for maintenance paving	X	X		X
PACTS do a regional collectors study		X	X	X
5 Regional suballocation formula	X	X		
6 Estimate of 2010/2011 funding and set asides		X	X	
7 2008 schedule for priority setting, and for our two 08/09 PCE projects		X	X	X
8 Project cost overrun policies		X	X	X
9 Maine MPO Administrative Guide				
Three party agreements				
MaineDOT 6-Year Plan				
Other items				
10 Endorse 2010/2011 Policies Document				
11 Brief the Policy Committee	Done	NA	NA	20-Dec

November 21st Email – a reminder of what we did last month

To All PACTS Committee Members,

If you have begun drafting project proposals to PACTS for our January 11th submission deadline, please stop and read this. On December 20th the Policy Committee will act on the following staff proposals endorsed by our TIP Process Committee yesterday:

1. To drop our Widen Road and Rebuild Road Set Asides for the 2010/2011 biennium. This means that we will not fund any new projects in these two categories. The basis for this is that our past commitments to use a portion of our 2010/2011 Allocation in these two categories have reduced the balance available for new projects to practically zero.
2. To budget \$1,500,000 in our Intersection Set Aside for the 2010/2011 biennium. This means that we will program a small number of intersection projects – conceivably only one.
3. To cap the PACTS contribution to the construction phase of projects funded over two biennia at 125% of the amount estimated in our Enhanced Project Scoping work. This is a change from our current policy which commits us to fund potentially greater amounts two years later after MaineDOT has done most of the design work for a project. The Biddeford Route One and Old Orchard Beach rotary projects are affected by this proposal.
4. To assume conservatively that we will get \$9,000,000 in federal funds to program in the 2010/2011 biennium. Staff explained to the TIP Process Committee how this is conservative.
5. To retain our Transit and Bike/Ped Set Asides in the 2010/2011 biennium.
6. To establish a fixed \$5,000,000 budget for Collector projects in the 2010/2011 biennium, and to adopt a three-tiered approach based on the Policy Committee's September policy decision on collector paving

Agenda Item 4: Action Items

A. Confirm our policy to cover costs of 2006/2007 collector paving projects

In February 2007 the Policy Committee voted: “to fully fund the 2006/2007 collector paving projects through the MPO allocation by cutting the required number of 2008/2009 collector paving projects...”

In May 2007 the Policy Committee allocated \$1,520,000 in 2008/2009 funds to address the latest MaineDOT cost estimates for our 2006/2007 collector paving projects. The Committee also programmed that month \$3,552,000 in new collector paving projects for the 2008/2009 biennium with the understanding that we would cut from that list of projects if necessary per the February vote (above).

The current status of costs of our 2006/2007 collector paving projects is that we have used up \$1,133,000, and we will need to cut (or perhaps defer) at least \$600,000 in 2008/2009 projects – and probably more by the time these projects go out to bid next year.

Staff recommends that we stick with the existing policy because of the FHWA requirement to keep a project's federal share percentage constant. We also believe it is prudent to get these projects done as soon as possible in order to limit the PACTS financial liability.

B. Create a three-tiered Collector Set Aside

The Technical Committee and staff recommend a \$5,000,000 budget for collector road paving for our 2010/2011 capital work plan, and the three "tier" treatment categories described below. This is consistent with the Policy Committee September vote.

Preservation I "Simple": \$1, 500,000 set-a-side amount proposed for the following preservation methods:

Micro Surfacing
Chip Seal
¾-inch overlay
1-1/4- inch overlay
Mill and Fill

Preservation I treatments are considered "simple" and funding is based on the premise that treatments would only be utilized on roads that are "built" structurally and to modern standards.

The amount of \$1,500,000 is potentially higher than what may be needed in future biennia because past practice has not necessarily been focused on the collector roads which meet the preservation I parameters. The emphasis for the 10/11 work plan will be to preserve the collectors that are prime candidates meeting the criteria for Preservation I treatments and to "catch-up" on the excellent candidates before conditions slip into the Preservation II category.

As MaineDOT condition data is made available this spring and is collected in 2008, the prime candidates will "rise to the top" and be considered for 10/11 funding.

Collectors which are both built to modern design standards and meet condition requirements for simple treatments would be eligible for PACTS funding under the Preservation I category. To enable more projects to be completed it is highly recommended that communities consider paving collectors under this category with local funds only. The premise of "self funding" is that collectors could be cost effectively preserved less expensively by the municipality.

Preservation II Comprehensive: \$1, 500,000 set-a-side amount proposed for the following preservation methods:

Micro Surfacing
Chip Seal

1-1/4 inch Overlay Plus
Mill and Fill Plus

Eligible Preservation II projects would be built “structurally” similar to Preservation I candidates, but either require pavement milling and/or must meet state and federal modern design standards. These standards include, but are not limited to, drainage improvements, increasing shoulder widths, clear zone dimensions, guardrail improvements and ADA requirements. Given the modern design requirement, right-of-way property acquisition may also be required.

The suggested set-aside cap of \$1,500,000 allows for some of the PACTS region collector roads to be preserved as well as being brought up to current design standards.

Road Rehabilitation Extensive: \$2,000,000 set-a-side amount proposed for the following category (and representative methods):

Foamed Asphalt
Full Depth Reclaim
Full Depth Reclaim W/Cement
Full Depth Reclaim W/Emulsion
Cold-In-Place Recycle
PMRAP

Rehabilitation could include removal of the pavement, reclaiming the pavement and the underlying gravel, adding additional gravel, drainage and shoulder work. Modern design standards are required.

The suggested set-aside cap of \$2,000,000 allows for the additional cost of substantial pavement structure or road rehabilitation and moves toward the original 2003/2004 (starting in 06/07) Collector Set-Aside Program goal to achieve an overall average of 3.0 condition value.

C. Do a Regional Collector Assessment Study

Based on a lengthy discussion last week, the Technical Committee and staff recommend a \$50,000 (or \$75,000) budget for a regional collector road assessment study. Staff is discussing the merits of the two budget options, and will explain at your meeting. This will be on the Policy Committee agenda for action on Thursday.

A Technical Committee subcommittee met to give Paul direction for developing the following draft request for proposals.

PACTS is seeking a qualified firm to conduct a comprehensive review of existing data and field conditions for the PACTS MPO region collector roads. The data analysis shall include existing pavement condition, structural analysis, modern design standards deficiencies and current traffic counts. The consultant will submit both an interim report

and final report indicating the overall condition of the collector road network and recommend a program to both maintain and improve the collector road network. The reports will also include proposed scope of work and current and project cost estimates.

The consultant shall compile all available MaineDOT data, including but not limited to:

1. ARAN road condition data,
2. Video records for determining modern design standard deficiencies,
3. Falling weight deflectometer (FWD) data,
4. Road maintenance history,
5. Traffic counts and
6. Crash data

The consultant will need to interview PACTS member communities and the MaineDOT Region One office to obtain maintenance histories, current road data and future scheduled maintenance, utility work and rehabilitation schedules (if any). Although it is anticipated that data will be available at the PACTS office, it may be necessary for the consultant to access the data at the MaineDOT offices in Augusta Maine. Field reviews of existing conditions are also expected to be required to correctly assess conditions. Once data is compiled, a report shall be submitted which will include, but not be limited to the following:

1. Overall condition of PACTS collector roads based up an agreed ranking system to be determined.
2. Cost estimates to achieve and maintain a designated condition rating for the region.
3. Prioritize rankings based on the six criteria listed above.
4. Detailed project work scope for each road meeting similar conditions and design criteria.
5. Cost estimates in both current and future dollars.

The interim report shall be submitted by July 7th, 2008 with the final report due by October 1, 2008.

D. Revisit November 20th recommendation on PDR estimates that exceed EPS cost estimates by 25% or more

In March of 2006, in the context of skyrocketing construction and right of way costs, PACTS adopted a complex cost control policy regarding “complex” (two-biennia) projects. The 2006 TIP Process Committee and staff had worked very hard with MaineDOT to develop it.

In August of 2006 we simplified the policy. The following excerpts from our Policy and Procedures document include that policy and some other related ones.

A decision to fund PCE constitutes a commitment also to fund the project for construction in the biennium following completion of PCE provided that: (1) PCE does not require a substantive change in the project, (2) PCE does not

discover issues that either substantively increase the cost of the project or necessitates its deferral to a subsequent biennium, or (3) PCE determines that the project is not feasible for technical reasons or because of strong public resistance.

With the exception of Transit Projects, all projects funded through the PACTS MPO Allocation will include a 25% contingency. The contingency plus the amount(s) originally programmed by the Policy Committee will constitute the entire amount that PACTS will program for a particular project. There will be no supplemental funding to a project for inflation, right-of-way acquisition or other reasons.

Construction will be funded at the final PDR (Preliminary Design Report) amount plus a 25% contingency.

If the PDR is not complete at the time of the Policy Committee final MPO Allocation decision, the Policy Committee will not fund the project for construction.

The Policy Committee will need to extend certain flexibility to projects that are almost, but not quite, finished with PCE when they develop the next biennial MPO Allocation list. Such flexibility may prevent a project from unnecessarily being delayed for two years because its PCE was not completely finished by the time of the Policy Committee's decision on the MPO Allocation. PACTS is still working with the MaineDOT on how funding cost increases in projects between biennial allocations may be accomplished. (This loose end is still a loose end. It got lost in the shuffle.)

Last month staff recommended that we change the policy in the second paragraph above by adding a caveat that the Policy Committee will not guarantee construction funding if the Preliminary Design Report estimate exceeds the EPS estimate by 25 % or more (or the most refined estimate at time of PCE programming by 25% or more). That is to say that the Policy Committee (and staff) will review the estimate and determine if we wish to proceed – or not – to fund the project for construction in the next biennium. *The TIP Process Committee agreed.*

(This policy affects a “complex” project in Biddeford and one in Old Orchard Beach. Jennie Franceschi and Mary Ann Conroy met very briefly with John and Julia to discuss this. John, using the wrong policy document and not understanding the policy, advised municipal staff incorrectly. Due to other demands, John had not yet (Friday) addressed this situation adequately with Jennie and Mary Ann.)

Four issues to address are:

1. Based on the policy language above, what happens if MaineDOT has not completed the Preliminary Design Reports for the Biddeford and OOB projects by next September when the Policy Committee needs to program construction funds for 2010/2011?

2. What happens if the PDR cost estimates come in way over the \$2,925,000 promised by PACTS in 2010/2011 funding for these two projects? (This amount is the 2006 EPS construction estimates plus 25% for the two projects.) *Should we even have the \$1,500,000 Intersections Set Aside in 2010/2011 that we are recommending?*
3. Do the municipality and/or MaineDOT have to pay back the FHWA for design expenses incurred if we decide not to fund for construction? (We are looking into this.)
4. Do we keep the “caveat” recommendation from November 20th?

E. Future Items

1. Update our TIP Policies and Procedures Document

Our August 2006 document is 40 pages long. Julia Dawson did an initial draft of a new document. We need to discuss next steps.

2. Develop PACTS Six Year Plan

MaineDOT is asking if we would like to develop a “plan” for how we expect to allocate our \$30,000,000-plus during the next six years. MaineDOT is going to do a statewide version, and would like us to do a PACTS version, but is not requiring it. John will describe more at the meeting.

3. Accept Maine MPO Administrative Guide

MaineDOT and the MPO’s have been developing an 85-page Maine MPO Administrative Guide during the past year or so. It spells out a lot of existing and new policies and procedures.

MaineDOT would like the Policy Committee to endorse/accept it. It is an important document that staff people will use for many years to come.

Does the TIP Process Committee want to learn what it says? If yes, do you want a memo on it, or to see more details?

We should discuss the PACTS-Municipality-MaineDOT project 3-party agreement concept in it.

4. Hold TIP Information Session for all members

Time permitting, let’s discuss the purpose and timing of this information session.