

PACTS

Portland Area Comprehensive Transportation System

PACTS TIP Process Committee Meeting Notice

March 13, 2009
8:00 a.m.

GPCOG, 68 Marginal Way, Portland

Agenda

1. Call to order
2. Public Comment
3. Minutes of February 13th meeting
4. Review of maps and initial cost analysis prepared for analysis of “local” and “regional” collector roads
5. Discuss the idea of a PACTS committee charged with developing TIP project proposals rather than our municipalities doing so
6. Review of the factors and weights in our scoring formulas
7. Briefing on review to be done of state’s urban compact policy with John Melrose
8. Review of format of draft TIP Policies Summary Document
9. Next steps
10. Adjourn.

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Minutes of February 13th Meeting

In Attendance: John Bubier, Chair; Biddeford; Mike Bobinsky, Portland; Jim Gailey, South Portland; Tom Gorrill, Gorrill-Palmer; Ralph Norwood, Gorrill-Palmer; Bob Hough, MaineDOT; Molly Just, Westbrook; Mike Laberge, MaineDOT; Tom Meyers, Public Transportation; Tom Milligan, Biddeford; Brooks More; Windham; Nathan Poore, Falmouth; Duane Scott, MaineDOT; Greg Tansley, Biddeford

Staff: John Duncan, Carl Eppich, Paul Niehoff, Maddy Adams

1. **Call to Order.** John Bubier called the meeting to order at 8:03 a.m.
2. **Public Comment.** John Duncan mentioned that he heard from someone who said to look at set-asides and try to think regionally during this TIP process.
3. **Minutes of January 9th meeting.** *Jim Gailey moved approval of the January 9th minutes. The motion was seconded and all were in favor.*
4. **PACTS Collector Road Assessment Study.** Tom Gorrill explained that the intent of the study was to develop a methodology to rank roadways and come up with a prioritization tool. The study has been more of a guide than an absolute answer. There is a huge need and not enough funds to meet the needs. Tom further explained about the study. An AADT cut-off was considered. We are trying to meet design standards and that is very costly.

John B. asked the committee how the money should be spent -- overlays? reconstruction? Do you put all your money in one place, do you spread it out, or do you try something else? The Technical Committee has been grappling with this issue; there has been a lot of discussion and analysis on this. Paul is leading some case studies to try to determine if a project can be done for less if a town does it. The design standard issue needs to get sorted out first. We need to determine how much flexibility there is with the standards. Bob Hough explained about MaineDOT's flexibility for design standards. He has to prove that the subsurface is adaptable to a certain kind of treatment before a preliminary design report can be accepted. Greg T. explained that in New Hampshire they programmed their region into four sub-regions so that the larger communities didn't get all the money. Carl explained that you could have a different AADT threshold in those areas that are less urban and that might create a balance. Mike L. said that there is a way to do that; he explained further.

Mike L. explained that whenever you pull a minor collector road into an MPO, the road gets bumped up to a major collector. He felt that we really need to shed lane miles. It was suggested that the \$5,000,000 set aside be evaluated; that has been in place for six years. Bob H. suggested that if you go back to the major and minor collector mentality and how it relates to the regional economy and identify those roads that don't need to be brought up to federal standards, then perhaps you could use URIP money. However, regionally significant may not be the only factor of AADT. Bob H. explained that how the road functions determines the functional classification of the road; transit corridors should also be considered. Nathan said that he looked into the process of bringing a minor collector to a major collector status and a lot of things are considered including public safety. A qualitative analysis is just as important as a quantitative analysis. It was asked if staff could put together a map so that we could do a qualitative analysis. Mike L. explained that there is a resource in the MaineDOT guide – page 23 – with definitions of all the types of roads that are eligible for funding. The Melrose study is looking at some of this, as well as looking at funding formulas. John B. said he would like to see the Planning and Technical Committees working with

PACTS staff on this issue. Use a map which will sort through the minor and major roads and show if they are transit corridors, evacuation routes, economic centers, etc. Tom Meyers stated that it all comes back to design standards; it will all come down to meeting the rules. Paul stated that there is some flexibility built into the design standards; there is not only one answer. It is an incremental process. The Innovative Working Group is looking at all the options to best manage the money. Tom G. explained that if you do not have the funds to bring a road up to federal standards, you need to look at what can be done just to improve the road to bring it up to a good standard. Do what you can with the money.

5. **Set-Asides Policy.** In response to the staff proposal to amend the PACTS Set-Asides policy, Jim G. said that he could accept 30% on collectors if we could shed some miles on the collectors. Paul is working on case studies. Tom Milligan said that he doesn't have a problem with the proposed percentages except with the widen roads categories. If it is a safety issue, put an asterisk next to it. Greg thought that thirty percent for intersections was a lot and they are more of a local issue; let developers pay for intersections. It was also suggested that regional impact fees which take in money for intersections and widening roads be considered for development across the region. Mike L. suggested having categories for paving, reconstruction and safety improvements; having broad categories would allow more flexibility. Regarding intersections, Mike B. agreed that there are some opportunities for impact fees from a development but then there are some regionally significant areas that wouldn't work for impact fees such as Woodford's Corner. Tom Meyers suggested considering upping the funding for transit. This money is for capital improvements. Operating expenses are another piece that we struggle with. You can buy the buses but you need to pay someone to drive the buses. STP funds will be used for bus shelters and bus cutouts, etc. John B. asked Committee members to send their suggestions to John Duncan.
6. **Contribution Cap Policy.** John explained the reasons why he thought we should stay with the funding cap policy. Mike B. said that generally the policy has worked but there may need to be some flexibility because the markets are changing. Portland actually had some projects come in under what they had estimated. Paul suggested that if PACTS feels a project is a priority and commits to the funding and then the paving costs skyrocket, the municipality shouldn't be held to the costs because it is out of their control. There is always going to be flux in the market. This policy was put in place so that the estimates would come in better and it has worked. We could build something in about extenuating circumstances in the market. PACTS staff have been talking about what to do with the Holding PIN money which has grown over the last two months. Rules should be established regarding the use of funds in the Holding PIN.

Two-biennia projects policy. John explained that the PACTS staff is relatively comfortable with this policy. Staff have been talking about starting the design process sooner than in the past so that we can make sure that we have good design information well before we go to the Policy Committee to program funds for construction. The Committee agreed to keep this policy as is.

7. **Match Ratio Policy.** Staff offered two recommendations: (1) to stick with the current match ratio policies; (2) to reward high non-federal match proposals. How the latter would work is if a municipality proposes to provide an additional 10% match beyond the minimum local match requirement, then the proposal gets an automatic jump ahead of the proposal just ahead of it per the results of our scoring formulas. Similarly, if a municipality proposes to provide 20% or more additional match then the proposal jumps ahead two places. This could have the potential to fund more projects. The recent Leveraging Funding report encourages the financing of transportation projects with more partners in order to expand the total spending for transportation projects. Mike L. mentioned that the minimum federal match is 50% according to MaineDOT guidelines.

Brooks didn't like the idea of one project being bumped up above another one because a higher local match is provided. Greg agreed with Brooks -- just because a project has more funding doesn't mean it should be a higher priority. Jim G. said that inserting more money into a project sometimes serves a regional benefit. South Portland put in about 42% on a project near the Mall and if they hadn't, the project wouldn't have gotten done. Mike B. stated that coming up with local match dollars is becoming increasingly difficult. Overall, the committee didn't agree with idea #2 but did like the idea of a collaborative model regarding moving projects forward by increasing the local match among towns.

8. **Next Steps.** The next meeting of the TIP Committee was scheduled for March 13th. Mike L. said he would like to discuss the idea of a PACTS Committee generating TIP project proposals rather than the municipalities doing it.
9. **Adjourn.** The meeting adjourned at 9:57 a.m.

Agenda Item 4: Analysis of “local” and “regional” collectors

Our Collector Road Assessment Study estimates the 10-year cost to maintain and upgrade the region's 205 miles of collectors at roughly \$230 million (plus right of way costs). As we discussed with Tom Gorrill last month, our current Collector Set Aside policy generates only \$50 million toward that 10-year need.

Following up on last month's committee discussion, staff will present two display maps at our meeting which highlight “local” collectors based on:

- Daily traffic (AADT) less than 3,000 – There are 23 miles of collector roads that carry 3,000 or less cars per day. At very roughly \$1 million per mile, our municipalities would pick up \$23 million in costs over the next 10 years.
- Daily traffic less than 4,000 – There are 42 miles of collector roads that carry 4,000 or less cars per day. At very roughly \$1 million per mile, our municipalities would pick up \$42 million in costs over the next 10 years.

The maps also show existing evacuation routes, and the “major” collectors just outside of our Funding Area.

Staff also suggests that we are overstating our regional needs if we consider how many miles of collectors our municipalities do not want to upgrade to MaineDOT standards. **If** we pursue this line of reasoning and the “local” and “regional” discussion above then staff suggests that we formally ask our municipalities:

- to tell us which collectors that they agree PACTS should not fund based on a traffic threshold, and
- to tell us which collectors that they suggest that PACTS not fund based on some other reasons.

Agenda Item 5: PACTS committee to develop TIP project proposals

Last month Mike Laberge offered the idea of authorizing a PACTS committee to develop TIP project proposals rather than having our member municipalities do so. We agreed to discuss this today. The goal would be to promote the development of more regionally significant projects?

This concept was discussed by the 2003 TIP Process Committee. Staff will research our files on that discussion and share the findings at our meeting.

Staff will also discuss the potential benefits and the challenges/downsides of this concept in preparation for Friday.

Agenda Item 6: Factors and weights in our scoring formulas

Our scoring procedures for picking projects for funding are just one part of the process, but surely they are important. We will give you a quick review of them on Friday.

Do you want to drill down and consider making changes? Staff will offer our perspective when we meet.

We used the slides below at last year's TIP orientation sessions.

Ranking of Proposals

- Collector Paving *(Technical Committee)*
- PACTS Roadway Formula *(Technical)*
- Destination Tomorrow Factors *(Planning Committee)*
- Bike/Ped ranking criteria *(Planning)*
- STP Transit Capital ranking criteria *(Transit Committee)*

Ranking for Bike/Ped Proposals

- Users (type and number)
- Regional benefit
- Cost effectiveness
- Growth area
- Network connections
- Safety
- Maintain/improve
- Expansion of system
- Land use connection
- Livability/redevelopment

Ranking for Intersection and Rebuild Arterial Proposals

- | <u>Roadway Formula (80%)</u> | <u>Destination Tomorrow (20%)</u> |
|------------------------------|-----------------------------------|
| • Traffic volume | • Maintenance of system |
| • Future traffic volume | • Intersection |
| • Pavement condition | • Strategic expansion |
| • Road geometrics | • Avoid build new road |
| • Safety | • Land-use-transportation |
| • Volume-to-capacity ratio | • Access management |
| • Multi-modal | • Passenger transportation |
| • Cost effectiveness | • Neighborhood compatible |
| | • Economic redevelopment |

STP Transit Projects Ranking

- Regional benefit
- Maintain/improve existing service
- Consistency with Destination Tomorrow
- Air pollution and energy conservation
- Land use and transportation link
- Multiple transit providers
- Multiple modes effect

The Collector Road project ranking factors developed last summer were based on:

- Pavement surface (per the PCR data)
- Road base structure (per the falling weight deflectometer data)
- Traffic volume
- Truck use
- Bus use

Agenda Item 7: Review of state's urban compact policy

The BACTS (Bangor area) Policy Committee has hired a consulting team led by John Melrose to do policy research and analysis on urban transportation finance and jurisdictional responsibilities. John briefed our Policy Committee on his scope of work last month, and got a favorable reception from MaineDOT's Kat Fuller and other members.

This state policy analysis may be beyond the scope of our TIP Process Committee, but we would like to discuss it at least briefly today given that it could produce some policy changes that affect the roles and policies of PACTS.

PACTS staff will participate in the work this spring with BACTS, and we anticipate contributing financially to the work in our next planning budget.

Policy research and analysis topics to be considered include:

1. Opportunities within urban areas to realize more cohesive inter modal and multi modal transportation delivery systems.
2. The responsibilities and cost sharing for summer and winter maintenance of state and state aid highways between the state and municipalities within urban compact areas.
3. State assistance for local roads.
4. State assistance for minor collector roads.
5. Relative ability to pay of state and local government for the capital and operating responsibilities assigned within urban compacts.
6. State-local planning process for capital improvements to state and state aid highways within urban compacts.
7. Cost sharing for capital improvements.
8. Definitions used to determine the boundaries of urban compacts.
9. The effect of urban compact laws, rules and practices on stimulating growth and prosperity within urban communities.
10. Revenue options for further supporting the responsibilities given to urban compacts.
11. Options for adjusting roles and responsibilities of urban compacts to lessen cost.
12. Options for enhancing the legal and financial resources of MPO's as well as clusters of non MPO urban areas in Maine.
13. The issuance of traffic movement permits and the assessment of related fees within urban compacts.

Let us know if you would like to see the entire scope.

Agenda Item 8: Shorter TIP Policies Summary

Last fall you asked that the summary report of your work – our TIP Policies and Procedures Document for the 2012/2013 Biennium – be shorter and more user friendly than those of the past. The final pages of this meeting packet are ***a 15-page draft 2010/2011 summary report based on the 40-page version*** that we sent you on 12/24/08.

Does this format and size work for you as we develop the 2012/2013 version this year? Will this document be useful for you as we do our TIP Process Committee work?

Here are the changes.

1. We reordered, consolidated and shortened many subsections.
2. We made these subsection changes to the MaineDOT section:
 - Dropped Project Development Priority
 - Dropped Enhanced Project Scoping
 - Dropped Earmarks
 - Dropped Information Sharing
3. We made these subsection changes to the rest of the document:
 - Dropped Section III: Schedule
 - Dropped Section IX: PACTS Scoring Procedures
 - Dropped the Glossary
 - Added NHS Projects Section
 - Added CMAQ Projects Scoring
 - Added Three Party Agreement
 - Added PACTS Six Year Plan
 - Added Unspent Funds

Note that this and prior versions of this summary document do not describe our work to develop Annual Appropriation earmark proposals and High Priority Project proposals for consideration by Congress.

The purpose of this draft is to suggest how the report could be organized and how much shorter it could be. You will see that there are:

- *many placeholder notes,*
- *still many 2010/2011 references, and*
- *several places where we are anticipating changes to be made this year.*

Agenda Item 9: Next Steps

TIP Process Committee Work Plan

<u>Topic</u>	<u>12/11</u>	<u>1/9</u>	<u>2/13</u>	<u>3/13</u>	<u>4/10</u>	<u>5/8</u>	<u>6/12</u>
1 Committee's purpose and goals	Done						
2 Brief the Policy Committee	Done		Done Mar.			May	
3 PACTS contribution cap policy	Done						
4 PACTS match ratio policy	Done						
5 Set Asides Policy		X	X		X		
6 Collector shedding analysis				X	X		
7 TIP proposal committee concept				X			
8 Shorter Policies/Procedures Document				X			
9 Factors and weights in our scoring formulas				X	X		
10 MaineDOT and FHWA design standards					X	X	
11 PACTS role in Local Project Administration					X		
12 Policy on pace of project development					X	X	
13 Substitution and Withdrawal Policies					X	X	
14 MaineDOT's new 3-Party Agreement							
15 MaineDOT's Six Year Plan					X	X	
16 Overview of FTA 5307 funds priority setting						X	
17 Enhanced project scoping improvements						X	
18 Staff revisions to project applications processes						X	
19 Produce Policies and Procedures Document						X	X

Draft to TIP Process Committee on March 11th

2010/2011 TIP Policies and Procedures

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I. Introduction

The Portland Area Comprehensive Transportation System (PACTS) shares the responsibility with the Maine Department of Transportation (MaineDOT) for the programming of all projects funded with Federal Highway and Federal Transit Administration (FHWA and FTA) funds in the PACTS Funding Area. The PACTS Funding Area covers parts or all of the following fifteen municipalities: Biddeford, Cape Elizabeth, Cumberland, Gorham, Falmouth, Freeport, North Yarmouth, Old Orchard Beach, Portland, Saco, South Portland, Scarborough, Westbrook, Windham and Yarmouth.

The primary purpose of this document is to describe the development and administration of PACTS "MPO Allocation" projects. These projects are funded with federal Surface Transportation Program (STP) and National Highway System (NHS) funds made available to PACTS for the 2010/2011 biennium by MaineDOT. The MPO Allocation is based on a percentage of the funds that come to Maine via the Federal Highway Administration (FHWA). The Allocation is the sum of the federal funds plus state and local matching funds.

Participants in the allocation of federal and state funds in our area should be aware of these three documents that are adopted every two years and updated when necessary.

1. Biennial Capital Work Plan - This is a MaineDOT statewide document prepared for the review and approval of the Maine Legislature.
2. Statewide Transportation Improvement Program (STIP) - This is a MaineDOT programming and project scheduling document prepared for the review and approval of the FHWA and FTA. Projects funded in the most recent Work Plan are listed here, as are active projects that were funded in earlier Work Plans. The projects listed in the STIP, including Congressional earmark projects, must also be listed in the PACTS TIP. The STIP encompasses a four-year period and is updated every two years.
3. Transportation Improvement Program (TIP) - This is a PACTS document prepared for the review and approval of the FHWA and FTA. The projects listed in the PACTS TIP, including Congressional and Legislative earmark projects, must also be listed in the STIP. The TIP encompasses a four-year period and is updated every two years.

This document does not describe the regional transportation planning process at PACTS, nor the work of PACTS to develop regional priorities to be considered periodically by Congress. Contact staff for more information on those subjects, or visit www.pactsplan.org.

II. PACTS Programming Policies

A. Organization Eligibility

The chief elected or administrative officials from the following organizations may propose projects through the PACTS process:

- Biddeford Saco Old Orchard Beach Transit Committee (Shuttlebus)
- Casco Bay Island Transit District
- Greater Portland Transit District (METRO)
- Fifteen PACTS member municipalities
- Greater Portland Council of Governments
- Maine Department of Environmental Protection
- Maine Department of Transportation
- Maine Turnpike Authority
- Northern New England Passenger Rail Authority (NNEPRA)
- Regional Transportation Program
- South Portland Bus Service
- Southern Maine Regional Planning Commission
- York and Cumberland Counties
- York County Community Action Corporation (YCCAC)

All others who wish to propose projects through the PACTS process must have the endorsement/sponsorship of one of the organizations listed above.

B. Project Eligibility

Proposals for use of the PACTS MPO Allocation must be eligible for STP or NHS funding. In the event that a question arises regarding the funding eligibility of a proposal, PACTS, SMRPC or GPCOG staff will consult with MaineDOT, FHWA and/or FTA. The following list presents most of the eligible purposes.

- Reconstruction, rehabilitation, resurfacing and restoration of highways.
- Highway safety improvements.
- Traffic operational improvements, including installation and upgrading of traffic signals.
- Streetscape projects.
- Transit-oriented development projects.
- Capital costs for transit projects and carpool projects.
- Park 'n ride and satellite parking facilities and programs.
- Programs to secure bicycle storage facilities and other facilities, including bicycle lanes.
- Pedestrian overpasses, and related road improvements.

- Programs for new construction and major reconstruction of paths, tracks or areas solely for the use of pedestrian or other non-motorized means of transportation.
- Preservation of abandoned railway corridors, including the conversion and use thereof for pedestrian or bicycle trails.
- Bridge construction, reconstruction, widening, rehabilitation, resurfacing and restoration. However, this is a low PACTS priority because MaineDOT uses a separate federal funding program for these purposes. This same principle applies to the use of our MPO Allocation for projects on our interstate highways (including ramps).

C. **Proposal Requirements**

Proposals for funding from the PACTS MPO Allocation must meet the following eligibility, threshold and policy endorsement requirements. Please review the application forms for specific information requested pertaining to the various project categories. THIS NEEDS WORK.

Add here about our idea to review all proposals and then return them to the proponents with a check list of things to do to complete/fix them.

Also...need to create a schedule for this additional time in our process.

Also...let's give an overview of these requirements (when adopted...or beforehand too) to the Technical Committee.

An intersection proposal whose primary objective is to improve the accommodation of heavy morning or afternoon peak hour traffic must be for an intersection with at least one approach experiencing a current level of service of "D" or worse. A registered traffic engineer must make such a determination.

An intersection proposal whose primary objective is to address a current unsafe condition must be for an intersection that MaineDOT has determined is a High Crash Location and whose "MaineDOT percent personal injury" exceeds the state average by at least 10 percent. (Note that MaineDOT administers the separate STP Safety funds.)

Intersection and Widen Road – Proposals to change the existing road cross-section must be supported by a substantially completed feasibility study that includes an analysis of feasible alternatives, recommendation of the most viable alternative, a planning level estimate of cost, and at least one public forum. Studies without a clear recommendation will be deemed incomplete. All proposals for new traffic signals must be accompanied by a MaineDOT approved warrant analysis.

Rebuild Road – Proposals must be submitted by a registered professional engineer, and must include a planning level cost estimate. Test pits and/or test borings will be taken during EPS to confirm the engineer’s recommendation.

Bicycle/Ped/Other – Proposals for the construction of new sidewalks/ paths/trails (excludes (re)striping of existing roadways) intended to be used solely by bicycles and/or pedestrians must be supported by a substantially completed study that assessed viable alternative routes, potential demand, and level of municipal, business and resident support, that recommended the most feasible alternative, and includes a planning level estimate of cost. Studies without a clear recommendation will be deemed incomplete.

D. PACTS Committees

Policy Committee

- Adopt this document.
- Serve as the final authority on interpretation of these policies and procedures.
- Adopt and submit an annual FTA Urban Funding allocation for the PACTS Metropolitan Planning Area to FTA and MaineDOT.
- Adopt the 2008 Short List of projects.
- Adopt and submit the MPO Allocation list of projects to MaineDOT in September 2008.
- Endorse a final PACTS TIP document for 2010-2011 in August 2009 for submission to the FHWA and FTA.
- Amend the MPO Allocation list and TIP as necessary.
- Reprogram unspent MPO Allocation project funds.

Executive Committee

- Insert language from our bylaws.

Transit Committee

- Review staff scores for the proposals received for use of the Transit Set Aside funds, and then submit “short list” and “final list” recommendations to the Policy Committee
- Submit a recommendation to the Policy Committee each year regarding the allocation of FTA Section 5307 Urban Formula Funds.

Technical Committee

- In March 2008, review staff’s *first* application of the Roadway Formula for Intersection and Rebuild Road proposals and submit a “short list” recommendation to the Policy Committee.
- Need to write how we are using our Collector Road Study in the selection of collector projects.

Planning Committee

- In March 2008, review staff's "Destination Tomorrow" scores for Intersection and Rebuild Roads proposals, and submit them to the Policy Committee.
- In April 2008, review staff's scores of Bicycle/Pedestrian/Other proposals, and submit recommendations to the Policy Committee.
- In the summer, review, comment and make final recommendations on proposals that have had EPS reports completed and whose budgets have changed since March.

E. Municipal Officers

The PACTS Policy Committee asks that the Municipal Officers in each municipality provide the following policy support:

- Submit written endorsement by _____ for each of the TIP proposals to PACTS from their municipality.
- Submit written endorsement, and acknowledgement of the total project cost and local share, by _____ for all proposals from their municipality that are on the September 2008 "final list" adopted by the Policy Committee.
- Endorse proposals to PACTS from private, non-profit organizations within their municipalities.
- *New role regarding MDOT's 3-party agreements...*

F. Public Involvement

PACTS encourages the general public to identify problems, to propose possible solutions, and to get involved in municipal decision-making processes leading to the development of projects to be funded via PACTS and MaineDOT.

The PACTS public involvement for TIP project priority setting is a combination of contacts with member organizations and the general public, as outlined below.

- On October 10, 2007, the Portland Press Herald and Journal Tribune published a legal ad regarding the development of revisions to the PACTS priority setting policies and procedures by the TIP Process Committee.
- On July 23, 2007 PACTS held a public meeting for public comment on the 2008/2009 Transportation Improvement Program (TIP)
- On XXXXXX, PACTS staff sent an email to XX municipal, state, regional and public transportation providers and interested parties advising them of the XXXXX proposal deadlines.
- By February 28, 2008, city/town councils or municipal officers must endorse all of their Bike/Ped proposals submitted to PACTS. This deadline also applies to the boards of transit organizations.

- City/town councils or municipal officers will also endorse the final list of projects proposed for their respective communities before the September 2008 Policy Committee vote. Such endorsements shall acknowledge the total project cost and projected local share.
- In August 2009, we will seek public comment on the *Draft PACTS Transportation Improvement Program for 2010 to 2013*.

All feasibility studies funded by PACTS – which often produce funding proposals for specific projects from MaineDOT and/or PACTS – include a public outreach component. Our new Enhanced Project Scoping process also includes a public input component. Together, these feasibility studies and project scoping efforts are designed to provide meaningful opportunities for public involvement in regional transportation planning and funding.

G. Match Ratios

Add more to this per my narrative in the Policy Committee meeting packet of October 2008?

The Policy Committee sets the match ratios as long as the federal share is between 50% and 80%. (Is the 50% minimum really the FHWA policy?)

In the fall of 2008 the Policy Committee used the following ratios for the 2010/2011 program:

- For STP-funded Collector, Intersection, Rebuild Road and Bike/Ped Projects: the share ratios were 65% federal, 10% state and 25% local.
- For STP-funded Transit Projects: the share ratios were 80% federal, 0% state and 20% local
- For NHS-funded projects: the share ratios were 80% federal, 0% state and 20% local

In 2008 MaineDOT gave the MPO's new flexibility for using state matching funds...**describe here per their letter**

H. NHS Projects

Insert here that MDOT wants us to try to program 1/3 on NHS. Insert language from a Policy Committee meeting packet.

I. Set-Aside Policy

In 2004 the Policy Committee created a set-asides structure with intent that the members act upon the priorities in *Destination Tomorrow* and address regional

priorities. The Policy Committee's goal is to achieve the set-aside percentages over multiple biennia while reserving the right to exercise flexibility each biennium.

The percentages established in 2004 were based on a synthesis of the Eight Guiding Policies in *Destination Tomorrow*, estimates of the funding needed to upgrade and preserve the region's collector roadway network through appropriate paving strategies, and historical spending patterns in the pre-2004 PACTS Funding Area. TIP Process Committees in 2005, 2007 and 2009 recommended a series of changes to the set-aside structure.

In 2009 the Policy Committee adopted the following changes as recommended by the 2009 TIP Process Committee:

- List here.
- List here.

Collector Set-Aside

Paul to write new text.

Intersections Set-Aside

This category ties for second largest of the six categories because: (1) the Guiding Policies of *Destination Tomorrow* place an emphasis on improving the safety and efficiency of our region's intersections, and (2) the widening of many urban intersections is quite expensive.

Typical intersection projects are the addition or upgrade of traffic signals, and the addition or widening of shoulders, turning lanes and through lanes. Other treatments to intersections are also eligible under this category.

Widen Roads Set-Aside

Drop, I expect.

Transit Set-Aside

The eligible capital improvement purposes for this set-aside include garages, new or replacement vehicles, bus stops, utility vehicles, computer hardware, bike racks, alternative fuel infrastructure, park 'n ride lot improvements, purchase of carpool or vanpool vehicles and construction of transit oriented developments.

Rebuild Roads Set-Aside

This set-aside involves roadway reconstruction projects that typically include constructing a new pavement structure from the sub-grade up, and/or significant drainage improvements. Minor straightening of a roadway's horizontal and/or vertical curves is also done under this category.

While a Rebuild Roads project may also involve the widening of existing travel lanes (such as from 11 feet to 12 feet, or from 12 to 14 feet) and/or shoulders, it may NOT involve new paved shoulders or travel lanes where none currently exist.

A Rebuild Roads project may also include the construction of a new sidewalk.

Bicycle/Pedestrian Set-Aside

Eligible purposes include streetscape improvements, off-road bike paths, sidewalks, bike lanes built as roadway shoulders designed and designated strictly for bicycle/pedestrian use, and all purposes eligible under the FHWA's Enhancement program administered by MaineDOT except for the construction of paved shoulders designed to accommodate automotive travel.

These are stand-alone projects – NOT components of road projects eligible for funding under other set-asides. Please note that projects in the other set-aside categories may include components designed to enhance the safety and mobility of pedestrians and bicyclists – but these components in other project categories may not be financed with funds from this Bicycle/Pedestrian/Other Set-Aside.

J. Two-Biennia Projects

Need some intro here.

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.

The final phase is project construction funding – awarded in the subsequent biennium as referenced above. Given the complexities of many projects, MaineDOT often needs two years to complete the PCE and advise us with adequate certainty what the project budget should be before the programming of construction funds. This two biennia practice is standard at MaineDOT.

This two biennia policy may not apply to “simple” projects” that do not require EPS and that may be funded for PCE and construction in the same biennium.

K. Enhanced Project Scoping

The PACTS Enhanced Project Scoping process (EPS) was developed in 2005 through a PACTS/MaineDOT collaborative effort in order to better manage the financial risk of projects. EPS will be used to identify issues within a project that are likely to substantially impact either the cost of or time to deliver a project. Municipalities will complete the EPS Reports. PACTS staff will provide assistance in certain areas. Consultants will be used where appropriate. The MaineDOT will provide technical assistance to the process such as reviewing geotechnical reports, and developing right-of-way cost estimates.

The EPS Report identifies all issues that may impact the cost/time to deliver the project, and provides a planning level cost estimate that reflects the project scope and related issues. In addition, should EPS require a scope modification that does not change the intent of the project, the EPS Report will include a description of the scope modification along with a planning level estimate of cost. Policy Committee approval is required for any project when the intent of the project is changed. PACTS staff and the MaineDOT shall determine whether a scope modification during EPS changes the intent of the original project.

EPS occurs after the Policy Committee’s decision on the “short list” of project candidates and before the final decision of which projects to submit to the MaineDOT for inclusion in the MaineDOT Biennial Capital Work Plan.

Study → TIP → Initial → Short → EPS → Final → 1.PCE & Construct in Same Biennium or
Proposals Ranking List List → 2.PCE in 1 Biennium and Construction
in Subsequent Biennium

All projects except collector paving that meet any one of the criteria listed below will be required to complete an EPS Report.

1. Project will/may require right-of-way (ROW) acquisition.
2. Project will/may involve environmental issues beyond PBR (permit by rule).
3. Project will/may involve 4F (public parks and places) or § 106 (places of historic interest) issues.
4. Project will substantially impact existing utilities (above or below ground).
5. Project will/may involve substantial drainage issues.
6. Project will/may impact a railroad infrastructure.
7. Projects that do not meet any of the above criteria may also be subject to EPS at the discretion of PACTS staff.

PACTS staff administer and oversee EPS Reports. Municipalities complete as much of the EPS Report as practicable. PACTS staff and the MaineDOT assist municipalities with this effort. At the discretion of PACTS staff, PACTS retains the services of a consultant to assist with the gathering and/or analysis of data or to otherwise assist in the preparing of EPS Reports.

MaineDOT has provided assistance to PACTS in developing our EPS process, and provides assistance in the following areas in the completion of the PACTS EPS Reports:

- Technical input and review of geotechnical analyses;
- Estimation of right-of-way costs;
- Recommending which projects should be subject to EPS; and
- Recommending which projects should be funded for PCE and construction in separate biennia and which should be funded in the same biennia.

L. Project Cap Policy

PACTS MPO Allocation projects (excluding Transit set-aside projects) have a 25% contingency added to the project's cost estimate at the time of funding by the Policy Committee. **This amount – the cost estimate plus 25% contingency – represents the total amount that PACTS will fund for a project. Any amounts above this figure will be entirely the responsibility of the municipality.**

Simple projects when PCE and Construction are funded at the same time in one biennium.

The 25% contingency will be added to the cost estimate used by the Policy Committee in their final decision to which project to fund in the next biennium. The estimate may be a result of the PACTS EPS process or a MaineDOT/PACTS field review, or may be supplied by the municipality or agency putting forth the project. Municipal/agency cost estimates will be reviewed by MaineDOT/PACTS.

Complex projects when PCE and Construction are funded in separate biennia.

Preliminary Construction Engineering (PCE) will be funded based on the most refined estimate at the time of the Policy Committee decision on which projects to fund in the next biennium. This estimate will normally be based on a percentage of a planning level estimate for the entire project. Historically, the amounts estimated to be needed to complete PCE have been accurate. However, in a limited number of projects, additional design may be required that exceeds the funded PCE amount. The Policy Committee will address these projects on a case by case basis.

Construction will be funded at the final PDR (Preliminary Design Report) amount plus a 25% contingency. If the PDR estimate exceeds the EPS or most refined estimate at time of PCE funding by 25% construction funding will not be guaranteed.

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. We need to revisit this.

M. Project Monitoring

PACTS will use the MaineDOT Quarterly Report to monitor the development of projects per the order of priority in the final 2010/2011 MPO Allocation list to be submitted next September. PACTS will also use the information in making any necessary adjustments to projects necessitated by increases or decreases in the MPO Allocation from year to year.

N. CMAQ Projects Scoring (new)

This is per a new MaineDOT procedure.

We will give overview here.

O. Three Party Agreement (new)

This is per a new MaineDOT procedure. MaineDOT has drafted a model three party agreement that will get tested with the OOB roundabout project.

We will give overview here.

P. PACTS Six Year Plan (new)

Need to describe briefly. See Consent Agenda approval of staff submission to MaineDOT in 2008.

Q. Project Amendments

Need to write about amendments? Paul?

R. Languishing Projects

In the event that a project languishes for an extended period the Policy Committee will require a briefing by the project proponent based on the following framework.

- Staff will contact municipalities and transit organizations regarding all projects approved by the Policy Committee four (4) years or more in the past.
- Staff will make the contact three months before the PACTS deadline for new TIP proposals. The approximate date for the next contact will be in August 2007.
- A month later the project proponent will brief the Policy Committee at which time the members will consider taking action regarding the project.

Please note that FHWA may request reimbursement of funds in the event that right-of-way acquisition for, or actual construction of, a project for which preliminary engineering was undertaken has not started by the close of the tenth fiscal year following the fiscal year in which the project was authorized.

S. Unspent Funds

Unspent MPO Allocation project funds go back into the PACTS MPO Allocation pool for reprogramming by the Policy Committee. The funds return to the full “pool” of funds, not to a specific set-aside.

T. 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 create a need to withdraw a funded project. In this case, the Policy Committee will decide how to reallocate the project’s unspent funds.

U. Project Substitution

This should not apply to collector projects...need to think on this...

This policy exists for the situation when a municipality requests to withdraw a funded project in order to transfer its funds to another project that needs more money. For the purposes of this policy, a “funded project” is an MPO Allocation project that has been printed in MaineDOT’s Biennial Capital Work Plan. Here is how the policy works.

- A request for substitution of a funded project may not be made until after the Legislature has approved the project in the Biennial Capital Work Plan.
- A municipality seeking a substitution for a “funded project” will submit a written request to the Policy Committee for consideration.

- The Policy Committee will consider such requests on a case-by-case basis.
- 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.

III. FTA Section 5307 Urbanized Area Program

The Federal Transit Administration (FTA) administers federal funds dedicated for public transportation capital, operating and the planning purposes in the PACTS Metropolitan Planning Area. FTA Section 5307 Urbanized Area Program funds, which Congress appropriates on an annual basis, are a major source of funding.

The PACTS Policy Committee has been sub-allocating FTA 5307 funds for twenty years using a formula developed internally. During recent years the PACTS Transit Committee has periodically reviewed the formula and has recommended changes to it. Contact staff with questions about the formula.

In _____ 2007 (?), the Policy Committee endorsed the following revised formula recommended by the Transit Committee.

Insert details from Steve here, particularly regarding the bonus points. Are these %'s current?

6.66 %	Biddeford Saco Old Orchard Beach Transit Committee (Shuttlebus)
17.34 %	Casco Bay Island Transit District (CBITD)
58.61 %	Greater Portland Transit District (METRO)
7.35 %	Regional Transportation Program (RTP)
7.00 %	South Portland Bus Service (SPBS)
<u>3.04 %</u>	York County Community Action Corporation (YCCAC)
100.00%	Total

In March 2009, the Policy Committee endorsed the sub-allocation of the FY 2009 FTA Section 5307 funds using the formula described above.

IV. Coordination with MaineDOT

Refer to MaineDOT/MPO's administrative guide here.

As the primary implementing agency for projects programmed via PACTS, MaineDOT plays a key role in advising PACTS committee members and staff.

A. Arterial Paving

MaineDOT uses other FHWA funds to pay for the preservation paving of arterials in the PACTS Funding Area. Note that this is not “maintenance” paving.

B. Other Federal and State Funds

MaineDOT solicits proposals from municipalities, public transportation providers and state agencies for the use of federal and state transportation funds beyond the MPO Allocation. All PACTS member organizations are eligible *to apply directly to MaineDOT* for funding anywhere in their jurisdictions under the following programs.

- Hazard Elimination Program
- Congestion Mitigation and Air Quality Program (CMAQ)
- Transportation Enhancement Program
- Industrial Rail Access Program
- Small Harbor Improvement Program
- Boating Infrastructure Grant Program
- Certain eligible passenger and freight transportation improvements listed in MaineDOT’s Project Solicitation Application.
- Safe Routes to School Program

In addition, MaineDOT will program improvements to bridges throughout the state and to the interstate highway system (apart from the turnpike).

MaineDOT Rural Road Initiative Program funds are available to all municipalities in the state for minor collector roads that are outside of federal urban areas. These funds are available on a matching ratio of 67% state and 33% local.

MaineDOT’s Office of Passenger Transportation also administers a Transit Bonus Program.

In addition, the MaineDOT may choose to fund certain highway improvements within the PACTS Funding Area using federal funds *beyond the MPO Allocation*. The normal share ratios for these improvements are:

- STP: 80% federal, 5% state and 15% local
- NHS: 80% federal, 10% state and 10% local

C. Quarterly Project Status Reports

MaineDOT provides PACTS a quarterly report on the financial and work status of all MPO Allocation projects. PACTS staff works with MaineDOT to fine-tune this report to make it as useful as possible for all parties. PACTS staff shares the quarterly report with committee members on a quarterly basis.

D. MaineDOT Six Year Plan

During the TIP priority setting process in 2008, PACTS staff and members will review the MaineDOT's 2008 to 2013 Six Year Plan in order to be aware of priorities in that Plan that may affect the PACTS Area. Staff and committee members will discuss these priorities with MaineDOT and coordinate the development of studies and projects accordingly.

MaineDOT has a draft policy in the 2009 six year plan that says they will only provide match for a project awarded federal earmark funds if the project is listed in the six year plan.

E. Non-Participating Projects

A “non-participating” project is a cancelled FHWA-funded project for which the FHWA requests reimbursement of spent federal funds from MaineDOT and/or the affected municipality. The FHWA may require reimbursement of spent federal funds from a project that is cancelled without a justifiable reason.

F. Early Acquisition and/or Protection of Right-of-Way

Current funding challenges and unmet needs of the transportation system require innovative approaches to increase the efficiency of limited resources. Early acquisition and/or protection of right-of-way is one approach that could significantly reduce the total financial cost of projects.

PACTS encourages its municipal members to pursue early acquisition and/or protection of right-of-way in areas where future transportation projects are expected. PACTS staff is currently working with the MaineDOT and FHWA on this potential policy and is seeking the endorsement of both the MaineDOT and the FHWA....did Julia write this back in 2007?