

PACTS

Portland Area Comprehensive Transportation System

PACTS TIP Process Committee Meeting Notice

May 8, 2009
8:00 a.m. to 10:00 a.m.

GPCOG, 68 Marginal Way, Portland

Agenda

1. Call to order
2. Public Comment
3. Minutes of April 10th meeting
4. Collector Funding Policy
5. Set Asides Policy
6. Regional emphasis in project selection
7. Languishing projects
8. Substitution and withdrawal policies
9. Next steps – see committee work plan
10. Adjourn.

The Metropolitan Planning Organization for the Portland Urbanized Area

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Minutes of April 10th Meeting

In Attendance: John Bubier, Chair, Biddeford; Mike Bobinsky, Portland; Jim Gailey, South Portland; Steve Gunty, Old Orchard; Bob Hough, MaineDOT; Dan Jellis, Yarmouth; Molly Just, Westbrook; Mike Laberge, MaineDOT; Tom Meyers, Public Transportation; Brooks More, Windham; Nathan Poore, Falmouth; Greg Tansley, Biddeford.

Staff: John Duncan, Carl Eppich, Sue McIntyre, Paul Niehoff

0. **Call to Order:** John Bubier, Chair, called the meeting to order at 11:16 a.m.
0. **Public Comment:** There were no public comments expressed.
0. **Minutes of March 13, 2009 meeting:**
Jim Gailey made a motion for approval of the March 13th, 2009 minutes, seconded by Tom Meyers. Vote taken. All were in favor. Minutes were unanimously accepted.

0. **Collector Funding Policy**

The group reviewed responses sent in by member towns as requested from our last meeting pertaining to which roads each town felt would either be most appropriate to become eligible or most appropriate to become ineligible for PACTS Collector Road Funding. Recommendations have been provided by staff as described on page 7 of the meeting packet. An overview and discussion followed. Staff would provide a list of “good” roads for towns to take care of and then have a list of “bad” roads that PACTS would take care of. John D. noted that not all roads would get taken care of unless Congress provides more monies. Staff is recommending the spending of PACTS funds on the more costly projects. A comprehensive study of the “good” roads and the “bad” roads would be updated on a regular basis.

Discussion about MaineDOT requirements pertaining to simple overlays began. Bob noted that MaineDOT seldom has anything that resembles a simple overlay and that the standards keep changing for items such as guardrails and clear zone that need to be incorporated into the design. *Among comments, suggestions and/or questions that followed:*

Nathan: Repair the good roads now and take care of the bad roads later. Would favor go with simple overlays and rely on the MaineDOT for flexibility.

Jim W.: Would suggest looking at more of the regional collectors vs. the local collectors. Towns can do the simple overlays at a lower cost. Would agree to be more pro-active and to do the simple overlays to keep roads out of reconstruction.

Mike B.: Comfortable with where we’re at. Has mixed opinions on the reduction of collector roads. In the end it makes sense to keep the bigger picture in mind from a funding perspective. Agrees with the Gorrill-Palmer report to do the preservation of good roads and to deal with rehabilitation and reconstruction in another manner. Whether that is with additional funding or a combination of local and state funds. Would agree about the regional collector aspect and to add more weight to traffic and truck routes. This would need to be included and may change levels of priority. It still needs to be in the forefront.

Dan: Agreed with maintaining the good roads. But there are conflicting items. As a policy in essence it is saying we want to do an overlay on this good road but it is the simple overlays that you run into the cost problems with DOT because that is a road that a town can do less expensively than DOT. In some instances, the cost overruns were too costly and the town couldn’t agree to pay for the extra costs. Or, for that amount of overrun costs, the Town

could do the road. From that perspective the whole issue is that the roads you do and don't do is going to solve itself.

Mike L. said he had spoken with FHWA and they prefer to go with preservation. It is more effective.

Molly: If the towns could do the overlay at lesser standards, then Westbrook is onboard and would pay for that, (with lesser standards).

The group then discussed ways to find more monies for paving instead of using MaineDOT funding through the URIP process. It was pointed out that if these monies are used for roads then it must be done according to State standards. It was generally felt that more conversations about LAPs and technical specs need to happen. Towns have their own standards and the State has their own standards. Therefore, there are many unknowns about standards. This generated a long discussion about State standards. Some standards that are at issue include such items as guard rails, slopes, grades, that drive up the costs of projects. A recommendation was made to let towns do the overlays if we could provide some incentives and to keep towns doing the overlay. It could be 1/3 from PACTS and 2/3 from Towns. Towns would also need the flexibility in design which is the biggest issue. Once we can come to a consensus on that issue we could move forward. It was pointed out that federal standards set state standards. There was a general consensus among the group that this is a big issue. More discussion followed on the topic of flexibility and design; risk management; the political angle both State and national; and, our next step. In reference to the political angle, Carl noted that this region generates much activity at some level to address that component. We could turn our efforts into working at the bigger problem in working with our Legislature. This is also a national problem. This could be a good use of funds.

From a flexibility design standpoint, Paul has seen some improvement there. There is some flexibility in designs that staff is using in some of the most recent projects. The next step at the design standards may be more like a monumental task at the federal level to change the design standards. Paul is prepared to go in that direction.

John B. referenced cost savings and felt it was clear from looking at some projects that there had been large cost reductions that it can be done. He said he would respectfully disagree in ending it and that it will not reduce the list. We do have to fix the funding mechanism but it is a long term fix. In the meantime we need a short-term and immediate term solution. So, how do you attract more local funds at the table? It was also noted that we should not forget that the use of more transit could reduce the impact on collector roads. Should more monies be shifted to transit? This topic generated a short discussion. Opinions ranged from including transit, cutting roads off the list and/or not cutting roads on the list to putting our efforts in the short term and to prioritize the things that we have control over as well as what we would do in an ideal world. It was noted that the issue of funding and less revenue in the gas tax is a national issue. Greg said he was not convinced that there is a correlation as described in number 3. But, he does agree with number 2 of staff's recommendations and would support leaving the roads with the way they are. As discussion continued about transit Mike B said that METRO had asked them to upgrade and maintain the major routes that they travel on. He also pointed out that the excise tax bill in the Legislature may get voted in and that money for roads might not be there on a local level. He would agree to focus on preservation and using our dollars for that and also recommended working with the MaineDOT in regards to specs and LAPs.

John D spoke of the incentive option for towns and said that if there was a benefit incentive that he would be in support of pursuing that idea. Molly felt that there seemed to be consensus among the group for some level of support for towns paying for some of the

pavement overlay. Jim G. felt that those projects that never “bubble-up”, the towns will have to do anyway. John B. said he would support the notion that preservation with respect to lists on the upper part of the list might go to towns and the bottom of the list goes through rehabilitation through MaineDOT. Theoretically, there is money to do upper parts of the list but what happens to the bottom of the list? A comment was made to use PACTS funds to preserve the good roads and let the towns take care of those roads in poor shape with an incentive. The bad roads are going to stay on the rehabilitation list as the worst case to get done by the MaineDOT standards process.

John B. said that it looked like we are now looking at three options but questioned how the standards would apply. We need a mechanism to handle all three components of the lists. One of the options could be that where the roads are good, PACTS does the overlay and then the town maintains it. Then there would be the roads that need some type of rehabilitation including items such as drainage. The third category would include those roads with huge projects that are a full reconstruction. We would then be looking at the following: 1/3 funding for road preservation with the town at whatever standard; 1/3 funding for rehabilitation with a traditional 80/20 split; and 1/3 funding for reconstruction with PACTS. Various ideas were considered. We could offer an incentive for towns to keep up with the top tier; create incentives for the bottom two thirds; and, add points for the bottom two tiers. If a town is not doing anything with the local roads, that could be an incentive. There are also the built and unbuilt roads. If you have a price on a built road and meet all the standards, you might want to give some money. Maybe 100% on unbuilt and maybe something less on built. It was noted that we are also having a hard time keeping up with our local streets that we hear about every single day. That is one concern. Are we are looking at a regional effort vs. the neighboring streets?

Other ideas pertaining to incentives continued to be discussed such as the use of flexibility and URIP funds for the first section; add an incentive of 20% or 30%; lower the bar in reference to the top tier from 100% to 50% or if excise tax goes in, we could go as low as 25%. At some point the idea is to inject some additional monies in this. Before a road becomes 2/3 reconstruction we would have to take a look at it again. The plan will need some tweaking. Staff was asked to provide several options for the group to review. Members will then indicate to staff the plan they each support.

It was also recommended that members of the group share these options with their colleagues on the local level and get back to staff. In summary, it was decided not to take the roads off the list.

0. Regional emphasis in project selection

The group reviewed staff's recommendations as described in the meeting packet as well as responses submitted by Brooks Moore, Tom Meyers, Bob Hough and Mike Laberge.

Mike L. referenced the eight federal planning factors. His thought is to distinguish the truly regional roads because they might be collector roads but really local roads. Paul clarified that PACTS is responsible for reconstruction of arterial roads so we may have to consider those as well as the big cost items. Mike L. added that if an arterial is in good shape, MaineDOT would pave it.

Discussion took place on how to select projects. How do we divide up our policy structure? Mike L. noted that it would be a good exercise to try to figure out what the truly regional facilities are. He also added that proposals not only include collector roads but include intersections and transit as well. Tom M. added that this also gets to the percent of allocation

per category whether we do the collector road or not. The key word is system and our ability to influence what our transportation choice is everyday. If we want to encourage those choices we must put monies toward that. If for instance a light rail system reduces traffic on the road it should be looked at systematically. Comparisons were made to downtown Boston and London.

John B. asked staff to review the comments and return with something more systematic in terms of how to weigh projects. A short discussion took place pertaining to the percentage allocation for set asides; more alternative funding items; moving permits; an impact fee structure, etc. A comment was made that this could be included as points in the presentation given at the next meeting in the form of a ranking system. John B. referred to the third item among staff's recommendations. If staff could show another way to work together with local funds that would be something that would get some extra points.

6. Format of draft TIP Policies Summary Document

John Duncan compiled a 15 page version of the 40 page report. It is a work in progress. John is looking for feedback from the group. A suggestion was made in regards to the table of contents to add more sub categories and more grouping. The group will review this item again at the next meeting.

0. Next Steps – see committee work plan.

John B. praised the group for all their hard work. We have a wide range of folks at the table and have received a great variety of ideas.

7. Adjourn

Meeting adjourned at 1:12 p.m.

Agenda Item 4: Collector Funding Policy

Staff and the TIP Process Committee have been working on this since January, wrestling again this year with the challenge of reshaping our allocation policies to put way too few dollars to work in the wisest way. All of our options leave much to be desired, and there are many moving parts in this federal/state/local/PACTS policy puzzle.

Since our last meeting staff has come up with another approach. We offer it below – after a review of the situation and the work done to date.

Situation

1. The PACTS Collector Assessment Report says that we need \$230 million now to maintain and improve our 204 miles of collectors – and we currently have only \$25 million in our “ten-year budget”.
2. The Report also says that if PACTS doubles our collector “ten-year budget” to \$50 million then we will be able to adequately take care of the 83 miles of collector miles which are currently in good shape – and thereby avoid the significantly higher cost of rehabilitating those miles that fall out of good shape in the future.
3. Our towns/cities want to keep some of the collector roads as they are (at their current widths, alignments and other aspects).
4. Years ago the MaineDOT incorporated flexibility into their collector road design guidelines, but that flexibility is only now becoming regularly applied by MaineDOT engineers. FHWA is promoting the application of the flexibility to MaineDOT staffers.
5. PACTS requires a 25% local match for collector road projects. Towns in other Maine MPO’s pay only 15% local match.
6. Using 100% local funds our towns/cities can take care of collectors for less cost than if federal and state funds are use. But, the local match for a PACTS-funded collector project is often less – even though the total cost (federal+state+local) is significantly higher.
7. Some of our collectors serve a mix of regional and local traffic, while others serve mostly local traffic. The range of AADT’s is also wide from one collector to another.

The 2009 TIP Process Committee's and Staff's Work So Far

1. In January staff suggested that towns use 100% local funds to overlay the collectors in good shape (the 83 miles) – and that PACTS reduce our Collector Set Aside. The Technical Committee did not like that proposal. In February staff suggested a lesser cut in the Collector Set Aside.
2. Paul has met several times with towns, MaineDOT and FHWA to learn more about the application of MaineDOT's flexible design guidelines, and to compare the costs of collector projects done with 100% local funding versus with federal+state+local.
3. In March the Committee suggested that we try to drop collectors (of less regional significance and those that our members offer to drop for other reasons) in order to reduce the burden on limited PACTS federal funds. Staff sought input from members. The members' responses were negative. As a result, in April staff suggested that we drop this concept.
4. In April the Committee and staff developed this scenario:

- Towns use 100% local funds to preserve the 83 miles of collectors in good shape...roughly estimated at the meeting as 1/3 of the miles.

Note that 83 miles is 40% of 204 miles.

- PACTS uses federal and local funds to address the collector miles that need rehabilitation....roughly estimated in April at 1/3 of our 204 miles.

Our Regional Collector Roads Study advises that 114 miles, or 55% of 204, need rehabilitation. Rehabilitation involves a variety of measures to improve the roadway and its sub-base, including other measures to bring the entire roadway up the MaineDOT standards.

- PACTS uses federal and state funds to address the collector miles that need reconstruction.roughly estimated in April at also 1/3 of our 204 miles.

Our Regional Collector Roads Study says that only 7 miles, or 5% of 204, need reconstruction.

5. Staff recently completed a report for elected officials that highlights the need to increase the funding for the Collector Road Set Aside. See handout at today's meeting.

Two Options

Both of the following options reflect that PACTS staff feels strongly that our priority should be to take care of our 83 miles collector roads that are in good shape. In a reversal of our past position, we are now recommending in Option 1 that we use our federal funds for this purpose rather than use strictly local funds. A key rationale for this is that the roads will get preserved at MaineDOT standards.

Under both options we are assuming that PACTS will update our Regional Collector Roads Assessment Report before each biennial project selection process. As such, we will determine the condition of each road segment that has been, or should have been, treated during the past two years. We will also determine which roads have deteriorated during the past two years to a point of needing a more expensive treatment.

Option 1 – PACTS preserves the 83 miles in good shape, and municipalities rehabilitate and/or reconstruct the other 121 miles

Major Implication: If town rehabilitates/reconstructs to MaineDOT standards then those roads become eligible for PACTS preservation funds.

Conditions: Any?

Other Pros

1. No debate with town as to whether town wants to rehabilitate/reconstruct to MaineDOT standards (keeping in mind future funding implications). The towns are in charge of that decision.
2. We know the work will get funded and get done. PACTS staff will not have to track progress by the towns as under Option 2.
3. In most cases, the municipalities' local shares will be less than if they did the work with 100% local dollars.
4. The preservation work will be done to the MaineDOT standards, and PACTS staff will not have to monitor that aspect of the work done as under Option 2.
5. Long term risk factors are less because the MaineDOT quality control is more stringent.
6. We did this last fall with \$5 million for the 2010/2011 biennium, as recommended by the Technical Committee.

Cons

1. Fewer miles of collectors will be done and at higher cost than in Option 2.
2. Towns still have a monetary commitment (the 25% PACTS match).

Option 2 – Municipalities preserve the 83 miles in good shape, and PACTS rehabilitates and/or reconstructs the other 121 miles

Major Implication: More miles get completed, and at lower overall regional cost.

Conditions: If a town does not preserve a road while it is in good shape, then they may forfeit future PACTS funding

Other Pros

1. Municipalities' costs occasionally will be less than if they funded only the local match for federally funded projects.

Cons

1. If the towns do not keep the 83 miles in good shape then the roads will deteriorate and need higher cost treatments.
2. PACTS staff will have to track progress by the towns on the 83 miles in order to assure follow through.
3. PACTS staff will have to monitor that the preservation work was done to MaineDOT standards?

Agenda Item 5: Set Asides Policy

In January and February we reviewed our existing Set Asides Policy for our MPO Allocation and its use during the past six years – and some suggested changes. See below for a revised staff proposal that responds to suggestions from January and February.

Another step to take is for staff to draft and share with the Committee some revised descriptions for each Set Aside category.

Revised Staff Proposal To Amend PACTS Set Aside Policy

	<u>Existing</u> <u>Policy</u>	<u>May</u> <u>Proposal</u>	<u>May</u> <u>Proposal</u>	<u>Notes</u>
Collectors	40%	55%	\$8,250,000	A major increase in response to Collector Study.
Intersections	20%	20%	\$3,000,000	Primarily to relieve bottlenecks. Urban oriented.
Rebuild Arterials	10%	10%	\$1,500,000	Arterial paving is done by MaineDOT.
Transit	7%	10%	\$1,500,000	A statement for sustainable transportation policy.
Bike/Ped	3%	5%	\$750,000	A statement for sustainable transportation policy.
Widen Roads	<u>20%</u>	<u>0%</u>	<u>\$0</u>	A statement for sustainable transportation policy.
Total	100%	100%	\$15,000,000	

Agenda Item 6: Regional Emphasis in Project Selection

We discussed this at April's meeting. Staff is still working on this.

Agenda Item 7: Languishing Projects

Here is our existing policy in italics. We have not used it as written. Staff will recommend some changes.

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.

Agenda Item 8: Substitution and Withdrawal Policies

Here are our existing policies in italics. Staff will recommend some changes. One suggestion will be that the Substitution Policy not be allowed for future Collector paving projects.

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.

Project Substitution

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.

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	Done		May	
3 PACTS contribution cap policy	Done						
4 PACTS match ratio policy	Done						
5 Format of Policies/Procedures Document					Done		
6 Collector funding policy			X	X	X	X	
7 Set Asides Policy		X	X		X	X	
8 Regional emphasis in project selection				X	X	X	
9 Languishing projects policy						X	X
10 Substitution and Withdrawal Policies						X	X
11 Unspent funds policy...per May 5th Exec Committee							X
12 MaineDOT's Six Year Plan							X
13 FTA 5307 funds priority setting							X
14 MaineDOT's new 3-Party Agreement							X
15 Enhanced project scoping improvements							X
16 Staff revisions to project applications processes							X
17 Produce Policies and Procedures Document							X

Other finished items

Flexible MaineDOT and FHWA design standards -- Staff feels that MaineDOT is making good progress in this. Therefore, the TIP Process Committee is done.

Staff recommended months ago that PACTS assume a new role in the "local project administration" process. Our members and MaineDOT have not embraced this, so staff has dropped it.