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# PACTS

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## Portland Area Comprehensive Transportation System

### Policy Committee Meeting Notice

1:30 p.m.  
May 19, 2011

GPCOG, 68 Marginal Way, Portland

#### Agenda

1. **Call to Order**
2. **Public Comment**
3. **Minutes of the April 21<sup>st</sup> Meeting**
4. **TIP Projects and Policy Topics**
  - A. **Report from TIP Project Efficiencies Team**
  - B. **Act on a proposal to reduce the local match for projects that start quickly, and to increase the local match for those that do not**
  - C. **Act on a proposal for the Executive Committee to serve as the 2011 TIP Process Committee**
  - D. **Authorize the Executive Committee to adopt in July a draft-for-public-comment PACTS Transportation Improvement Program for FY 2012 to FY 2015**
5. **Adopt the Unified Planning Work Program for the Next Two Years**
6. **Elect Policy Committee officers for the coming year**
7. **Executive Director's Report**
8. **Adjourn**

*Annual Meeting at noon on June 23<sup>rd</sup>*

*Next regular meeting on August 18<sup>th</sup> at 1:30*

*The Metropolitan Planning Organization for the Portland Urbanized Area*

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## **Minutes of April 21<sup>st</sup> Meeting**

*Present:* Peggy Duval (MDOT), Carlos Pena (FHWA), Judy Harris (Portland), Brooks More (Windham), Hank Berg (Casco Bay Lines), Nat Tupper (Yarmouth), David Cole (Gorham), Sarah Devlin (MTA), Kathi Earley (Portland), Neal Allen (GPCOG), Bill Shane (Cumberland), Rick Michaud (Saco), Mike McGovern (Cape Elizabeth), Tex Haeuser (South Portland), Sara Trafton (RTP), John Bubier (Biddeford), Nathan Poore (Falmouth)

*Staff:* Carl Eppich (PACTS), Steve Linnell (GPCOG), Lynne Powers (GPCOG), John Duncan (PACTS), Paul Niehoff (PACTS)

### **1. Call to order**

Kathi Earley called the meeting to order at 1:30 P.M.

### **2. Public comment**

There was no public comment.

### **3. Minutes of February 17 meeting**

*Nat Tupper made a motion to accept the minutes of the February 17, 2011 Policy Committee minutes. David Cole seconded the motion. There was no discussion and the motion passed unanimously.*

### **4. Receive a report on the work of the TIP Projects Efficiencies Team**

John Duncan reported on the working group that has been studying controlling, reducing, and minimizing the cost of capital projects. The team has met once and has a tight timeframe moving ahead; planning to meet once a month to work toward a better model. There are no specifics yet, but they may suggest some changes – such as doing further scoping or identifying costs more thoroughly – that will require member municipalities to do more work upfront, but would allow a project to move ahead more quickly once it is funded.

Nat Tupper was struck by John's comment and wanted to be sure that PACTS, MaineDOT, and FHWA were all at the table, as in his experience, scope creep is frequently driven by authority creep. Peggy Duval said that Cheryl Martin of FHWA was at the meeting along with PACTS staff, the working group, several contractors, and MaineDOT officials. Kathi commented that it is fair to expect municipalities to put in more work on proposals, but it will be helpful to know what the expectations are upfront. The recommendations that come out of this process will likely be for projects going forward, as it would be difficult to apply them retroactively to projects that are currently in the works.

### **• Create 2011 TIP Process Committee**

The committee had a one-page proposal to look over, and staff were seeking a motion to convene a TIP process committee for the 2014-2015 cycle. John hoped to see the project efficiencies team finish by July 1 and then feed this new group. Some of the series of topics include Gorham East-West recommendations, local project administration, scoring formulas, and Destination Tomorrow recommendations. The suggested deadline for the submission of recommendations/preliminary information to the Policy Committee is August, with a final wrap-up in October.

Mike McGovern suggested that the committee look at the timeline itself, saying that by

the time that PACTS votes to approve projects, too much time has elapsed; he would like to see if it could be shortened. He also brought up the idea of the committee looking into the automatic funding of programs for future TIPs, where if a “complex” project is funded for one cycle, it's automatically on the top of the list for the next. That might be for a later TIP, as these promises have already been made; it may not have much value for this particular biennium, but for the next one.

**David made a motion to direct the Policy Committee Chair to convene a new TIP Process Committee and charge the members:**

- **To review our policies and procedures in preparation for our selection next year of \$15,000,000 in FY 2014/2015 projects – and for the development/administration of our projects;**
- **To report on their process at each Policy Committee meeting; and**
- **To submit a preliminary set of recommendations to the Policy Committee by August and a final set by October.**

**John Bubier seconded the motion.** Kathi said that it has been past practice to invite the incoming Policy Committee vice chair to chair the TIP process committee, and that is in the process of being worked out. Judy Harris and Bill Shane volunteered to be on the committee. **The motion passed unanimously.**

#### **5. Create 2011 Credit Program**

In February, the Executive Committee held aside \$260,000 for another credit program, to be revised from last year's; the recommendation as listed in the meeting packet includes those revisions. Mike asked if this will apply to work done in just in 2011 or in 2010-2011. John and Kathi answered that it would be both 2010 and 2011, and Mike suggested making that clear in the language.

Nat asked if there is a procedure for if there is more demand than there is money in the credit program; if it will be on a first come, first serve basis, or if funds will be split among projects that are submitted before a certain date. Bill asked if there are any eligible projects that are even known of yet; Paul Niehoff said that the first time that the credit program came about, it was a one-shot program. Since this is an extension and the guidelines haven't been developed yet, no one has stepped forward with a project. The way that Nat read it, they are setting up a program that would need to be adjusted every year. He suggested that if the committees write a policy, they stipulate what happens if/when the program runs out of money.

Bill asked if the money will be used toward paving projects if there are no projects submitted for the credit program; Kathi said that that seemed like cause for a fairly rapid submission of projects, so that the funds could be redirected if no one applies for them. David and Judy suggested a language adjustment so that the policy doesn't promise an automatic 10% credit, changing it to “eligible for up to a 10% credit depending on number and volume of applications.”

***John Bubier made a motion to create a 2011 Credit Program similar to the 2010 program – with the following changes:***

- 1. Reduce the minimum 100% locally-funded expenditure to \$300,000 from \$400,000.*
- 2. Clarify that 100% locally-funded expenditures on arterials are also eligible (see eligibility requirements on page 10).*
- 3. Use the Credit Program federal and state funds for any federally eligible transportation project (see note at the bottom of page 9).*
- 4. Update the years references below as appropriate,*

*with number 4 amended to make it clear that it is referencing 2010-2011. Nat seconded the motion.*

Nat said that it seemed like they had gone from a pilot program to institutionalizing it, and that it seemed more appropriate to say, “Here’s the institutional program going forward”; he suggested giving it back to leadership and having them discuss modifications. John said that it was possible both to pass it and also send it back to look at the institutionalization process. Mike said that it worked well as pilot and that this is piloting it again for another year and the TIP process committee can look at it in the future.

*The motion passed, with Rick Michaud voting in opposition.*

**6. Receive a report on the development of our next 2-year Unified Planning Work Program in preparation for adoption next month**

Kathi said that the committee will be voting on the UPWP at the May 19 meeting. The agenda item today is about updates and distributing information, and she urged committee members to look through the charts and tables that were attached in the meeting packet. She made the point that, with help from Neal Allen and Ann Thompson of GPCOG, the costs for both COG and PACTS staff time have been studied; it’s only a small line in the document, but Kathi would like committee members to know that it has been discussed extensively. Judy thanked COG and PACTS for being responsive to concerns and making the appropriate changes, which are reflected in the document.

John went through the UPWP document with the committee. Page 11 featured the big picture; our world is, in the future, going to involve rising prices, belt tightening, policy changes at MaineDOT, MTA, and in Congress, and public demands for a community-friendly transport system. John said that a lot of the work that he will be spelling out takes PACTS in that direction. Staff will be coming to the Policy Committee next month for blessing on the final two-year work plan. The budget worksheet, on page 12, is the one that the Executive Committee spent the most time on. It shows the hours of PACTS and COG support time, and the projected cost for that for the next several years. Based on COG cost allocation adjustments made in the last six weeks, those numbers are about \$60,000 less than they would have been. Peggy made the point that during the MaineDOT’s work plan process, they reduced their budget by approximately 20% by not filling positions, not giving out pay raises, and continuing under furloughs; MPO budgets were not reduced by that 20% amount. She suggested that that be kept in mind as this process moves forward; many municipalities are having furlough days and are not offering pay raises.

Page 13 featured the federal highway component. Staff is assuming constant federal highway constant federal highway dollars and a reduction in MaineDOT match (the

current match was a dramatic increase from the prior biennium, so when looking at the long range, the projected 25% cut doesn't look quite as painful). The proposal here is that municipalities cover the difference. John said that the number for local project administration at PACTS continues to be a placeholder dollar amount; staff expect to discuss it in the project efficiencies team's work. Paul met with the head of local project administration at MaineDOT as well as Mike Laberge and Joyce Taylor and received positive feedback from them. What's being proposed is a local project administration function. Exactly what that means, in terms of specifics, remains to be seen. Joyce said that the project development staff at MaineDOT had 450 employees five years ago and now has 350, so if PACTS is willing to help out with the administration of projects, she saw that as a positive. John said that why PACTS should take on that role, and what its priorities are, will be discussed; this is still very much a work in progress.

On page 13, \$30,000 of the budget discussed would be a portion of the cost of the local project administration function. The lion's share would be provided from capital projects that are developed and administered. One more item on the page is \$30,000 for regional aerial flight. Pulling together the funding for the state-wide flight is still in progress; Maine GIS, USGS, county governments, and other state agencies have said that they're willing to contribute. A month ago, staff thought that PACTS funding would be contributing to the base flight price for municipalities throughout the region. Now it looks like it will be contributing to buying up to a higher resolution.

Bill asked if the intention is to hire a person to help administer locally administered projects. John said that it could be a staff person or a consultant; the planning is not at that stage yet. Judy didn't feel that PACTS should be obliged to take on LAP work; it has been discussed in the Executive Committee and will be looked at in the TIP process. Peggy said that she has worked with a number of communities that have done a great job of administering their own LAP's at not much extra cost, and pointed out that a consultant doing that work will be very costly.

Page 18 of the report dealt with the issue of whether funding for studies that don't finish by June 30 will be carried over. Several years ago, MPO's were told to work harder on spending money during the biennium in which it is programmed, and PACTS has worked on that. Two years ago, MaineDOT said that carryover would be capped at 5% of the existing budget but ultimately, generously allowed more than that to carry over. Several months ago, notice went out that there would be no carryover after June 30 this year. PACTS staff sent out a notice and told communities doing studies to put it into high gear. It is a minor challenge for some projects but creates difficulty for some of the bigger studies, especially the ones with a fair amount of public process.

Peggy said that MPO's may request to carry over funds. PACTS has spent 55% of its planning money and should be at 90% by now. That money is gone for the work that the bureau of planning does, come June 30; they are allowed one month to pay invoices, and it doesn't carry over year after year. It goes into capital. With the current short resources, the commissioner is adamant that the money comes in and goes out. One of the projects on the PACTS list is from 2007 and just started in February; Peggy said that that is far too long for money to be left sitting. The question that comes up is whether that much money is needed if it isn't being used. She could not answer whether funds will be carried over, but said that it would be a hard sell when only 55% has been spent.

Nat asked if it would be possible to draw the federal/state share and hold the town money, in order to spend the money with the time limit first. Peggy said that it's a reimbursement program, so MaineDOT pays municipalities what they pay out. She expressed that projects that are close to completion will be viewed as better candidates for carry over.

***Mike moved that the Policy Committee: requests MaineDOT to carry forward the June 30 balances of unfinished planning studies (listed on page 18); asks each in-progress study's manager for a timetable for completion, with an emphasis on finishing sooner; and adopts the new time clock for studies as shown on the bottom of page 19. This would include both local and regional studies. John Bubier seconded the motion.***

John expressed concern about the possibility of the component part of the study reverting back to MaineDOT and the study dragging due to not getting resolution, and funds creeping up to 18 months and being lost. He wanted to see some sort of an appeal process put in place. Peggy said that it comes down to communication. If there are issues like that, she wants to know about them and can get her office moving quickly. If some of these studies do not finish and are not allowed to carry over funds, they will be cut short, unless the community chooses to pay the balance.

Nat thought that there needed to be an understanding that this board can override the new study schedule on a case-by-case basis if necessary. Mike agreed that there are going to be exceptions, but said that in the meantime, there had to be movement; unless PACTS gets its constituents moving, it will mean less money for all of them. There were some concerns expressed about a project that received reprogrammed funds only a few months ago; Judy pointed out that John had been very clear that interested parties should not apply for the funding unless their project could be finished by June 30.

***The committee voted on the three-part motion to request carry-over for unfinished studies, request time tables for completion from those studies, and adopt the new study schedule, as described above. The motion passed unanimously.***

Page 20 listed the study proposals that had been scored by staff. The Planning and Technical Committees reviewed and discussed the material, and several members of the Planning Committee said that they wanted to see more time spent on this two years from now. There are a number of proposals and the top five will be funded, which will be Gorham East-West and the next four. Nat brought up a question on the wording of a section about Gorham East-West and a proposal for model ordinance work; John said that the idea is for the communities to be working autonomously but jointly in the implementation of the study's recommendations. Sara Devlin said that she was uncertain where those specific points from Gorham East-West came from; communities are still being worked with and Phase II has not been completely developed yet. She said that the points listed in the document are too specific at this point.

In looking at the public comments that were sent in, Mike was interested in the one about understanding the implications of Maine's aging population and asked what was being done about it. Carl said that that point had been incorporated into Destination Tomorrow; he has discussed with John D. and they are looking into doing a lunch and learn on the

topic. Neal said that the impact will be looked at in the HUD grant project, and that the Southern Maine Agency on Aging has joined the partnership to begin that discussion. This is on the radar for transit providers and their planning as well. Judy would like to see more planning that isn't solely targeted at the generations that are under-30. Carlos Pena added that HUD just announced that \$100 million is going to be available in mobility and sustainability grants, and he forwarded that information to John.

#### Addition to the agenda

John discussed funding for the South Portland transit hub project and the South Portland bus garage project. Both are already funded, and the proposal is to swap funding between them to change the order in which they are completed. ***Mike made a motion to move \$206,870 from the South Portland Bus Garage project to the South Portland Transit Hub project, and change the purpose of 2012/2013 \$206,870 from the Transit Hub to the Bus Garage.*** This would result in building the hub this year and pushing back the bus garage. ***Nat seconded the motion and all were in favor.***

#### 7. **Executive Director's Report**

John wanted to highlight two items from the executive director's report, which was handed out to the committee. In regards to number 9 on page 24: PACTS will continue to be a small metropolitan planning organization. Staff had discussed technical population numbers (the benchmark is when exceeding 200,000) and how the process would change if the region went over that number, but after some calculation, it seems as though the PACTS region will remain under it.

PACTS has an ongoing conversation with MaineDOT regarding a programming decision that was made in February. In 2008, a \$300,000 Casco Bay Lines vessel project was funded, to help pay for a multi-million dollar vessel. In 2009, the stimulus money arrived and that \$300,000 was paid in stimulus funds, so at the last Policy Committee meeting, \$300,000 was moved to other projects. MaineDOT has said that that can't be done because the stimulus money was not a windfall; it's part of the statewide system and MaineDOT is going to substitute in to PACTS' MPO allocation. John said that they're currently discussing and it's a work in progress.

Peggy said that if MaineDOT had not received the stimulus funding, there would have been \$50 million in projects that would have been deferred. Commissioner Cole made the decision, after getting the okay from FHWA, to fund projects with ARRA money rather than defer them. Carlos expressed concern over that decision, as the purpose of ARRA funds was not to supplant local spending. Peggy and Carlos are going to consult on the matter.

#### 8. **Adjourn**

The meeting adjourned at 3:45 P.M.

## **Agenda Item 4: TIP Projects and Policy Topics**

### **A. Report from TIP Project Efficiencies Team**

Member Resources: Peggy Duval, Jim Gailey and Bill Shane

Staff Resources: John Duncan and Paul Niehoff

Recommendation: Receive report

#### **Background**

We reported on this work at your February and April meetings. The Team will report to MaineDOT Commissioner Bernhardt by July 15<sup>th</sup> with recommendations for improving the process and reducing the costs of MPO federally funded projects. The 9-member, which includes FHWA and two construction firms, is focusing on:

- Getting project scopes and estimates “right” from day one.
- Achieving a clear public understanding and support projects early on.
- Having the city/town fully support and focus on completing the project.
- Reducing the amount of design needed.
- Reducing contractors’ administrative costs and construction risks
- Keeping project development and construction on schedule.

The process is going very well. Our two recent meetings focused on:

- MaineDOT invitation to PACTS staff to October project scheduling meetings
- MaineDOT’s “early kick-off” concept (See John Duncan’s May 12<sup>th</sup> email sent to Policy and Technical Committee members. In it he notes that the Executive Committee endorsed this strategy. See attached Executive Committee minutes.)
- PACTS local project administration concept
- PACTS staff proposal to encourage early signing of 3-party agreements and to reduce local match on PACTS projects (see next agenda item)
- 3-party and 2-party agreements,
- 10 construction efficiency ideas presented by Shaw Brothers and Pike,
- a draft project monitoring sheet developed by MaineDOT
- a comparison of bids for the Cumberland Route 88 project with estimated MaineDOT unit prices by Bill Shane and Tom Gorrill

#### **Next Steps**

1. PACTS and MaineDOT staff prepare draft final recommendations based on our three meetings
2. Final meeting in June to finalize and submit to Commissioner.

**B. Proposal to reduce the local match for PACTS projects that start quickly, and to increase the local match for those that do not**

Member Resource: Executive Committee, Peggy Duval, Jim Gailey and Bill Shane

Staff Resource: John Duncan and Paul Niehoff

Recommendation

PACTS establish a new policy designed to encourage our municipal members to collaborate more effectively with MaineDOT in the commencement of federally funded projects, and to save money in the process.

1. Create the following new incentive/disincentive policy for the recently programmed 25% local match PACTS projects (except our Transit Set Aside projects) funded for the 2012/2013 biennium.
  - Allow a 10% local match for PACTS projects whose 3-Party Agreements are signed by July 19<sup>th</sup> (60 days from today's action)
  - Allow a 20% local match for PACTS projects whose 3-Party Agreements are signed between July 20<sup>th</sup> and December 31<sup>st</sup>.
  - Require a 30% local match for PACTS projects whose 3-Party Agreements are signed after December 31<sup>st</sup>.
2. Apply the incentive/disincentive policy in future biennia as follows:
  - Allow a 15% local match for PACTS projects whose 3-Party Agreements are signed by December 31<sup>st</sup> of the year in which the MaineDOT Capital Work Plan is adopted.
  - Require a 30% local match for PACTS projects whose 3-Party Agreements are signed after December 31<sup>st</sup> of that same year.
  - Apply, instead, the 10%-20%-30% policy above in future biennia if MaineDOT implements the "early kick-off" approach that they are doing this year.

Background

The TIP Project Efficiencies Team is focusing on getting our projects started sooner (see prior agenda item). MaineDOT staff says that too many projects in the PACTS region have run into delays in the past, and that trend continues. In the long run the benefits of getting projects done for less are significant:

- This will save money on individual projects – including the local match contributions.
- Therefore, more projects overall will be completed.

- More projects will be completed within the biennium for which they are funded.
- The general public and the Legislature will be more amenable to proposals for more transportation funding from MaineDOT, PACTS and many other transportation system stakeholders if we can be more efficient and cost effective.

Implementation of this proposal would reduce the 25% local match for many PACTS projects programmed last fall. This would be a welcome change for many of our communities during these difficult economic times.

If we adopt the reduced local match policy proposal – and if most or all of the 3-party agreements get signed by July 19<sup>th</sup> – then we would have to cut some projects that we programmed last fall because we would be using a higher percentage of federal funds in each remaining project. Staff recommends the following approach on that:

- Cut our lowest priority collector projects programmed last fall – up to \$1,000,000 in projects unless we take some of the following actions too.
- Use the \$300,000 (rough estimate) reduction in the estimate to do the Cummings Road project in South Portland based on a design exception endorsed last week by MaineDOT
- Use the \$125,000 reserved by the Policy Committee in February for potential use per the TIP Project Efficiencies Team’s recommendations.
- Use available federal and state funds from completed projects that have not yet been “closed out” financially (therefore not yet available). Paul is working with MaineDOT on this.

See Bill Shane’s email below to the Policy Committee in support of this proposal. *The proposal above reflects some changes made since Bill wrote his email.*

Dear Policy Board Members:

May 2, 2011

As most of you are aware, Jim Gailey and I serve as your representatives on a MDOT Commissioner appointed task force. I am writing to summarize my impressions of our meetings with MDOT regarding getting projects out to bid and reducing costs for both sides – and to share two great proposals that I hope we can support on May 19<sup>th</sup>.

It is clear to me that MDOT is changing and is committed to change. They are accepting the responsibility of being held to a higher standard of accountability and transparency in process that has been absent for many years. Ms. Joyce Taylor and Commissioner Bernhardt are committed to delivering projects and working with communities. The changes that are being laid out from Ms. Taylor’s office will allow any of us to go online and look at the status and the progress of any of our projects. Their people are being held accountable, critical path scheduling is in place with milestones, and project managers are under the microscope to deliver projects. MaineDOT has recently sent PACTS staff a list of 35 projects in our region that they want to start this summer rather than this fall when the federal funds normally become available. For many of the projects this will get them done a year faster.

Our side of the house also needs a better delivery system. Three party agreements are lingering unsigned by our communities, unnecessarily taking resources away from starting projects. Other older projects are also stalled. Projects are being designed and set on the shelf because local matches are not being raised. We need to be better at delivering on our side as well. John Duncan and Paul Niehoff have drafted a strategy to move this process ahead and spend the money that has been authorized on our regional transportation system. The idea is a big shift away from our current process, but may be the catalyst to get us all to the starting line with 3-party agreements much more quickly. The idea supported by the subcommittee and being brought to the executive committee in May will be to **reduce the match to 10% from our current 25% providing a 3-party agreement is signed within 60 days.** In the case of the current list of 35 MDOT projects (that they would like to begin this summer) that would be 60 days from our May meeting vote. If you fail to have the 3-party agreement signed within 60 days, then the 25% match would increase to 30% and your project would be moved to the end of the line of that priority group.

The reality is that while MDOT provides us with these funds to allocate to PACTS projects, they could reduce the allotments to just planning funds if we cannot be better at getting our projects started. The MDOT has been questioned by the Governor and Legislature on why they need additional monies when they haven't spent the bonds they have been authorized to currently spend. We are part of that problem and we need to change if we expect to be at the table in the future with an ability to request more monies because we are committed partners delivering projects not excuses.

I know there will be a lot of war stories and "he said she said" rhetoric around this letter. Nevertheless, we can't fix the past we can only change what is in front of us. We have a committed partner for change at MDOT and we need to decide if we can put the old ways behind us and work toward a better process defined by delivery of projects and not excuses. Jim Gailey and I both believe this process can only increase our credibility and abilities to acquire additional funding for all our Towns, but the baggage of the past needs to be left at the gate and we need to start today and commit to a new process. I think this will mean a more active role from our executive committee and staff in tracking the progress of projects and working more closely with MDOT to deliver results. Our towns and cities will need to commit local funds sooner, but projects will happen and will be easier to track.

I'd be happy to answer any questions, but I hope we can have a frank and respectful debate in on May 19<sup>th</sup> on the new policy. I would be happy to talk further with anyone asking for more details.

*Respectfully Yours,  
Bill Shane  
Town of Cumberland*

**C. Proposal for the Executive Committee to lead the TIP Process Review work this year**

Member Resource: Executive Committee

Staff Resource: John Duncan

Recommendation: The Executive Committee to lead the TIP Process Review work this year

**Background**

Last month the Policy Committee asked Kathi Earley to convene a 2011 TIP Process Committee to review our policies and procedures in preparation for our 2012 selection of \$15,000,000 in FY 2014/2015 projects.

The Executive Committee has offered to lead the process, and thereby to reduce the time that we ask our other members to participate in PACTS committee work.

Four others have also volunteered to participate: Judy Harris (Portland), Jim Wendel (Scarborough), Sara Devlin (Turnpike) and a to-be-named MaineDOT person. *We still welcome others who want to contribute to improving the PACTS programming and administration processes.*

The Executive Committee is prepared to meet for 3-hour sessions to do their regular work and get the TIP Process work done by October. See topics and meeting dates on the next page.

## Topics and Dates for Executive Committee and TIP Process Review Meetings

	June 7	July X	Aug 2	Sept 6	Oct 4
Report on Project Efficiencies Team	X	X			
Report on Title VI Review of PACTS, and followup	X				
Update on Gorham East West Phase II	X			X	
Update on Regional Sustainability Plan					X
Discuss strategic review of PACTS process		X			
Watch Destination Tomorrow video		X			
Monthly updates from committees and staff	X	X	X	X	X
Adopt draft TIP Document for public review					
Finalize Policy Committee agenda			X		X
TIP Process Topics					
1 Review scope of the committee's work to do	X				
2 Incorporate Project Efficiencies Team proposals (such as local match policy changes)			X	X	
3 New local project administration function	X				
4 Briefing on transit funding processes		X			
5 Exec Committee role in tracking projects status Per suggestion at recent Exec meeting	X				
6 Institutionalize Credit Program **	X				
7 Shorten time spent picking projects **		X			
8 Review our 2-biennia project policy **		X			
9 Revisit our project cap policy		X			
10 Consider Gorham E-W Study recommendation to reward communities with transportation funding in return for certain land use plans		X	X		
11 Tweak Road Formula factors and weights and Tweak Dest. Tomorrow Formula factors and weights. Add "health assessment review"?			X	X	
11 Revise project application requirements and application forms			X	X	
12 Receive report from Technical Committee on changes to the Collectors ranking procedure			X		
13 Review staff's TIP Process Document					X

\*\* Topic from April Policy Committee meeting

**D. Authorize the Executive Committee to adopt in July a draft-for-public-comment PACTS Transportation Improvement Program for FY 2012 to FY 2015**

Staff Resource: Paul Niehoff and John Duncan

Recommendation: Authorize the Executive Committee to adopt in July a draft PACTS Transportation Improvement Program for FY 2012 to FY 2015 for public comment.

Background

This needs to be done in July, and the Policy Committee is not scheduled to meet in July.

The MaineDOT will send us a draft list of projects in late June. Staff will share it with the Executive Committee at their July meeting, and initiate the required public comment process. The Policy Committee will adopt a final document in August.

Every two years the MaineDOT and Maine's four MPO's submit the Statewide Transportation Improvement Program (STIP) and the four MPO Transportation Improvement Programs (TIP's) to the Federal Highway and Transit Administrations.

In July, staff will distribute the draft list of projects to our members, and to the public via our website and via an email to our Interested Parties list. We will also print legal notices printed in the Journal Tribune and the Portland Press Herald, and conduct a public hearing.

Other steps in the process involve:

- Carl Eppich and our PACTS model consultant work with MaineDOT on the required air quality conformity analysis.
- John Duncan signs the required Self Certification document.
- PACTS staff prepare and send the 40-page document to MaineDOT and the Federal Highway and Transit Administrations.

In many respects the adoption of the PACTS TIP is an administrative function because we have endorsed many of the projects in the past. *However, the adoption action constitutes a formal statement of support by the Policy Committee for the projects in the document that were initiated by MaineDOT. The FHWA and FTA may not release the federal funds for any of these projects without this support by the Policy Committee.*

## **Agenda Item 5: UPWP for the Next Biennium**

Member Resource: Executive Committee

Staff Resource: John Duncan

Recommendation: Adoption of the UPWP for the next biennium, as presented to the Policy Committee in April, with the following updates and changes:

1. Add a \$113,272 reserve account to the FHWA-funded budget per the recent revised estimate of available planning funds from MaineDOT, and ask staff and the Executive Committee to develop a recommendation for the use of those funds.
2. Continue to budget \$10,000 for Portland to join with Scarborough, South Portland, Westbrook and Gorham (at \$10,000 each) to do the land use planning recommended as part of the second phase of the Gorham East West Corridor Study. In the event that Portland does not submit a request by June 30<sup>th</sup> (like the other municipalities have done) we will move that \$10,000 to a new PACTS traffic/bike/pedestrian counts task.
3. Merge the \$15,000 South Portland “bicycle routes-truthing” consultant task into the Implementation of the 2009 PACTS Bike/Ped Plan and give the merged task a \$40,000 budget.
4. Staff to add to the UPWP in June the to-be-determined-by-MaineDOT amounts of “carryover” funding to enable completion of current consultant studies (see below) by September 30<sup>th</sup>.
5. Adopt a \$100,000 PACTS Assessment Budget for the biennium.
6. Changes in the works by Steve Linnell and the Transit Committee due to a correction last Friday to the amount of FTA 5303 funding available.

### **Background**

MaineDOT, FHWA and FTA are currently reviewing a draft 40-page Unified Planning Work Program submitted by Steve Linnell and John Duncan. The following materials are included below.

1. PACTS assessment worksheet...shows same \$100,000 as at April meeting.
2. Budget worksheet for FHWA-funded work...adjusted per items 1 and 3 above.
3. PACTS local consultant studies...adjusted per item 3 above.
4. Budget worksheet for PACTS staff and GPCOG support...no change from April meeting.
5. May 2<sup>nd</sup> email regarding MaineDOT process to determine carryover amount
6. May 13<sup>th</sup> estimate for expenses through June 30<sup>th</sup>, and a revised estimate of funds to be requested for carryover purposes
7. Budget worksheet for FTA-funded work.

**PACTS Assessment History and Proposal for \$100,000 Budget for Next Two Years**

The PACTS Assessment is the contributions which the member municipalities pay to support the federally-eligible *regional* work of PACTS staff and 15-municipality consultant work, plus the work that is not eligible for federal funding. See right-most column on next page.

The PACTS Assessment supplements the significant MaineDOT contributions every two years. *Thank you, MaineDOT.*

In a March email to municipal managers I estimated a \$75,000 two-year need for match for the UPWP, plus a \$25,000 contingency. ***See the proposed \$100,000 Assessment Budget below.*** *On the next page we show a revised 2-year \$72,046 estimate.*

**PACTS Assessment Budgets and Invoices History**

<u>Biennium</u>	<u>FY 2008+2009</u>		<u>FY 2010+2011</u>		<u>FY 2012+2013</u>	
MDOT \$\$ in UPWP	\$110,000		\$212,000		\$168,373	
Assessment Budgets	\$92,087		\$92,000 *		\$100,000 (proposed)	
	FY 2008 Invoice	FY 2009 Invoice	FY 2010 Invoice	FY 2011 Invoice	FY 2012 Estimate**	FY 2013
Biddeford	\$2,957	\$2,658	\$2,150	\$0	\$2,806	TBD
Cape Elizabeth	\$2,344	\$1,998	\$1,616	\$0	\$1,991	TBD
Cumberland	\$1,599	\$1,165	\$942	\$0	\$1,263	TBD
Falmouth	\$3,055	\$2,259	\$1,827	\$0	\$2,423	TBD
Freeport	\$2,684	\$1,559	\$1,261	\$0	\$1,735	TBD
Gorham	\$1,651	\$1,531	\$1,239	\$0	\$1,611	TBD
North Yarmouth	\$805	\$461	\$373	\$0	\$508	TBD
Old Orchard Beach	\$2,375	\$1,610	\$1,303	\$0	\$1,712	TBD
Portland	\$13,155	\$8,530	\$6,900	\$0	\$9,148	TBD
Saco	\$3,489	\$2,233	\$1,806	\$0	\$2,375	TBD
Scarborough	\$5,999	\$3,633	\$2,939	\$0	\$4,040	TBD
South Portland	\$7,125	\$3,955	\$3,200	\$0	\$4,325	TBD
Westbrook	\$2,230	\$1,926	\$1,558	\$0	\$2,098	TBD
Windham	\$3,205	\$1,898	\$1,536	\$0	\$2,140	TBD
Yarmouth	<u>\$2,329</u>	<u>\$1,670</u>	<u>\$1,351</u>	<u>\$0</u>	<u>\$1,824</u>	TBD
Regional Total	\$55,000	\$37,087	\$30,000	\$0	\$40,000	TBD

\* Note that actual invoices were for only \$30,000.

\*\* See March 7, 2011 email to city and town managers from John Duncan.

Note in the table above that we will spend only \$30,000 of the \$92,000 assessment budget in this biennium. I described this to the municipal managers in another email in March:

PACTS Assessment contribution to UPWP work	\$14,743
Creation of PACTS Daily and Truck Models in 2010	\$6,400
PACTS Video preparation during the spring of 2010	\$3,700
PACTS staff work on federal earmark applications in 2010	<u>\$4,900</u>
Total	\$29,743

## May 13 Budget Worksheet For The Next 2-Year UPWP

This sheet omits current and future carryover budgets. See table later in meeting packet.  
This sheet also does not show our current and proposed assessment/contingency budgets. See assessment table later in meeting packet.

Revenue Budget	Current	Draft	12/13 %'s
	Biennium	2012/2013 Budget *	
New FHWA Planning funds	\$1,256,367	\$1,346,985	80%
MaineDOT match	\$212,012	\$168,373	10%
Other match	<u>\$102,080</u>	<u>\$168,373</u>	<u>10%</u>
<b>Total</b>	<b>\$1,570,459</b>	<b>\$1,683,731</b>	<b>100%</b>

\* Include \$113,272 increase from MaineDOT on May 9th.

Uses Budget	Current Biennium	Draft 2012/2013 Budget	<u>Sources of match for federal funds</u>			
			MaineDOT	GPCOG SMRPC	Single Muni's	PACTS Assess- ment
PACTS Staff and GPCOG Support	\$989,000	\$1,000,459	\$168,373			\$31,719
PACTS Model Update and Applications	\$38,500	\$40,000				\$8,000
GPCOG Planning Services	\$32,500	\$30,000		\$6,000		
GPCOG Maine Clean Communities	\$30,000	\$30,000		\$6,000		
SMRPC Planning Services	\$30,000	\$30,000		\$6,000		
Regional Signal Study II	\$25,000	\$0	na	na	na	na
Regional Collector Study	\$17,000	\$25,000 1				\$5,000
Regional Dest Tomorrow Update	\$12,500	\$0	na	na	na	na
Regional EPS	\$9,500	\$10,000			\$2,000	
Regional Transportation Funding Policy	\$7,000	\$10,000				\$2,000
MaineDOT Air Quality Analysis	\$3,000	\$0	na	na	na	na
Locally proposed consultant studies	\$376,000	\$215,000 2			\$43,000	
Regional traffic signals management	na	\$80,000			\$16,000	
Local project administration at PACTS	na	\$30,000 3			\$6,000	
Regional Aerial Flight	na	\$30,000 4				\$6,000
PACTS Bike/Ped Plan Implementation	na	\$40,000 5				\$8,000
Reserve Account	<u>na</u>	<u>\$113,272 6</u>			<u>\$11,327</u>	<u>\$11,327</u>
<b>Total</b>	<b>\$1,570,000</b>	<b>\$1,683,731</b>	<b>\$168,373</b>	<b>\$18,000</b>	<b>\$78,327</b>	<b>\$72,046</b>

### Notes

1. The \$25,000 is for a regional arterials study and an update of our 2010 collectors study.
2. The \$215,000 fully funds the top four ranked study proposals from our members.
3. Placeholder amount. Finance mostly from capital project budgets.
4. A contribution to the cost of the basic regional flight cost.
5. Reflects merger with So. Portland's \$15,000 bike/ped routes work.
6. Staff and Exec Committee will recommend use of this account soon.  
The match source amounts above will change based on the final use of the reserve account.

### PACTS Local Consultant Studies

<u>Line Items</u>	<u>Total Budget</u>	<u>FHWA PL \$\$</u>	<u>Match</u>	<u>Sources Of Match</u>
Biddeford/Saco Wayfinding	\$30,000	\$24,000	\$6,000	Biddeford and Saco
Gorham East West Land Use Planning	\$50,000	\$40,000	\$10,000	Five municipalities
Portland Brighton/Deering/Falmouth	\$35,000	\$28,000	\$7,000	Portland
Portland Libbytown	<u>\$100,000</u>	<u>\$80,000</u>	<u>\$20,000</u>	Portland
<b>New Studies Subtotal</b>	<b>\$215,000</b>	<b>\$172,000</b>	<b>\$43,000</b>	



## Carryover May 2<sup>nd</sup> Email

Hi Alex, Dan, Dan, Brooks, Jennifer, Angela and Steve,

I spoke with Peggy Duval on Friday about carrying over planning money after June 30<sup>th</sup>. Peggy, the Acting Director of Planning at MaineDOT, had met on this subject with Commissioner Bernhardt. They will consider providing federal funds to complete your/our planning studies which are well along toward completion. They have asked for a progress report from me on June 1<sup>st</sup>. Any funds that they allow to be in the new PACTS UPWP for this purpose must be spent by September 30<sup>th</sup>.

Peggy asked me to continue pushing you to make significant progress. I know that you all are doing all that you can in that regard. In fact, we expect that some of the studies will be done by June 30<sup>th</sup>.

In my April 14<sup>th</sup> submission to Peggy I estimated that the funds for the Forest Avenue and Transit Coordination efforts would be less than 50% spent by June 30<sup>th</sup>. As such, Peggy told me Friday that they would not provide any carryover for those two. However, when I asked her to consider them on June 1<sup>st</sup> based on actual progress she agreed to consider them. (I also had found that my April 14<sup>th</sup> request was wrong and understated the progress by June 30<sup>th</sup> that Alex had estimated.)

So, please have your study consultant get me invoices by May 31<sup>st</sup> which reflect the latest possible actual expenses of the studies. I will also need a timetable for completion of the work. (I also need from you this week an update on your study schedule. I will send you a separate email on that shortly.) Thanks, Brooks, for yours.

Feel free to contact me on this. Thanks.

John

John W. Duncan  
PACTS Director  
207-774-9891  
[www.pactsplan.org](http://www.pactsplan.org)

**May 13th Estimate for Expenses by June 30, 2011**  
**and**  
**Estimate for Studies Carryover Request**

<b><u>Activity</u></b>	<b><u>2-Year Budget</u></b>	<b><u>Invoices Thru Apr.</u></b>	<b><u>June 30th Est.</u></b>	<b><u>Budget Less Actual</u></b>	<b><u>Notes</u></b>
PACTS Staff work	\$989,000	\$908,000	\$989,000	\$0	
GPCOG Planning Services	\$32,500	\$28,500	\$32,500	\$0	
Maine Clean Communities	\$30,000	\$30,000	\$30,000	\$0	
SMRPC	\$30,000	\$21,200	\$25,000	\$5,000	
Model Consultant	\$36,459	\$24,000	\$36,459	\$0	
Destination Tomorrow Update	\$10,449	\$715	\$10,449	\$0	Video and brochure in process
Enhanced Project Scoping	\$9,500	\$9,500	\$9,500	\$0	
Regional Signal Study II	\$25,000	\$7,500	\$25,000	\$0	
Regional Traffic Counts	\$16,000	\$0	\$16,000	\$0	Do counts in June.
Regional Transit Focused Region	\$40,000	\$30,000	\$40,000	\$0	
Regional Urban Finance Study	\$7,000	\$6,400	\$7,000	\$0	
Regional Collector Study II	\$17,000	\$14,842	\$17,000	\$0	
Portland Forest Avenue **	\$100,000	\$36,400	\$65,000	<b>\$35,000</b>	Finish by Sept 30th *
Transit Bus Route Study	\$30,000	\$14,000	\$30,000	\$0	Might need carryover.
Windham Comp. Transpo. Study	\$40,000	\$1,100	\$30,000	<b>\$10,000</b>	Finish by Sept 30th *
Yarmouth Route One Phase III	\$40,000	\$28,000	\$35,000	<b>\$5,000</b>	Finish by Sept 30th *
Portland TDM Implementation	\$20,000	\$3,700	\$19,000	\$1,000	
Oakhill Pedestrian Plan	\$40,000	\$2,000	\$36,500	<b>\$3,500</b>	Finish by Sept 30th *
So. Maine Transit Coordination	\$30,000	\$0	\$20,000	<b>\$10,000</b>	Finish by Sept 30th *
BCM work	\$5,000	\$0	\$5,000	\$0	
Casco Bay Bridge ITS	\$2,500	\$0	\$0	\$2,500	No consultant work needed.
Eight 08/09 studies completed	\$90,051	\$90,051	\$90,051	\$0	
Traffic Incident Management	\$4,000	\$1,100	\$4,000	\$0	
<b>Totals</b>	<b>\$1,644,459</b>	<b>\$1,257,008</b>	<b>\$1,572,459</b>	<b>\$72,000</b>	<b>***</b>

\* **Sum of current estimates for "carryover" request is \$63,500.**

\*\* Still working to finish by June 30th.

\*\*\* This sheet shows that we will spend 96% of our 2-year budget by June 30th.

## Budget Worksheet for FTA-funded Work

Last Friday we discovered an over-estimate in the amount of FTA 5303 funding available. Steve Linnell has proposed the following revised budget to the Transit Committee.

GPCOG FTA 5303 Transit Planning Budget FY 2012-2013				Revised	DRAFT	Estimated Carry Forward	Total
16-May-11				FY 12	FY 13		
Task		Total	Federal	Local			
6	<b>Program Support - XX01</b>						
	Administration	\$45,000	\$36,000	\$9,000			\$45,000
	PACTS Committee Support	\$45,000	\$36,000	\$9,000			\$45,000
	Total Administration	<b>\$90,000</b>	<b>\$72,000</b>	<b>\$18,000</b>	<b>\$45,000</b>	<b>\$45,000</b>	<b>\$0</b>
					\$36,000	\$36,000	
					\$9,000	\$9,000	
7	<b>Short Range Support - XX02</b>						
	Traveler Information	\$37,600	\$30,080	\$7,520			\$20,000
	Optimize Funding Opportunities	\$12,500	\$10,000	\$2,500			\$22,000
*	Regional Sign & Shelter	\$38,642	\$30,914	\$7,728			\$40,000
	Total Short Range Support	<b>\$88,742</b>	<b>\$70,994</b>	<b>\$17,748</b>	<b>\$10,000</b>	<b>\$78,742</b>	<b>\$82,000</b>
					\$8,000	\$62,994	
					\$2,000	\$15,748	
8	<b>Long Range - System - XX03</b>						
	Transit Coordination Implementation	\$25,000	\$20,000	\$5,000			\$25,000
	Regional Pass Phase II	\$25,000	\$20,000	\$5,000			\$25,000
	Regional Transit & Land Use	\$30,000	\$24,000	\$6,000			\$30,000
*	Regional <b>Branding &amp; Marketing</b>	\$40,000	\$32,000	\$8,000			\$40,000
	Maine Clean Communities	\$50,000	\$40,000	\$10,000			\$50,000
	State & federal assistance	\$10,000	\$8,000	\$2,000			\$10,000
	Trans/Human Service Planning	\$20,000	\$16,000	\$4,000			\$20,000
	Total Long Range System	<b>\$200,000</b>	<b>\$160,000</b>	<b>\$40,000</b>	<b>\$100,000</b>	<b>\$100,000</b>	<b>\$0</b>
					\$8,000	\$80,000	
					\$20,000	\$20,000	
9	<b>Long Range - Project - XX04</b>						
*	Update Regional ITS Architecture	\$50,000	\$40,000	\$10,000			\$50,000
	Regional Transit Authority	\$40,000	\$32,000	\$8,000			\$40,000
	Maintenance/Admin Implementation	\$24,000	\$19,200	\$4,800			\$24,000
	Total Long Range Project	<b>\$114,000</b>	<b>\$91,200</b>	<b>\$22,800</b>	<b>\$44,000</b>	<b>\$70,000</b>	<b>\$20,000</b>
					\$35,200	\$56,000	
					\$8,800	\$14,000	
10	<b>Technical Support - XX05</b>						
	Databases, Training	\$12,500	\$10,000	\$2,500			\$12,500
	Mapping & GIS Support	\$12,500	\$10,000	\$2,500			\$12,500
	ITS Planning/AVL Support	\$25,000	\$20,000	\$5,000			\$25,000
	Total Technical Support	<b>\$50,000</b>	<b>\$40,000</b>	<b>\$10,000</b>	<b>\$12,500</b>	<b>\$37,500</b>	<b>\$25,000</b>
	<b>Total Planning Budget</b>	<b>\$542,742</b>	<b>\$434,194</b>	<b>\$108,548</b>	<b>\$211,500</b>	<b>\$331,242</b>	<b>\$127,000</b>
							<b>\$669,742</b>
<b>PROPOSED FY 2012-2013 ACTIVITIES for Transit Providers (5307 Funds):</b>							
7	<b>Providers, proposed projects</b>	<b>Total</b>	<b>Federal</b>	<b>Local</b>	<b>Revised</b>	<b>DRAFT</b>	
	CBITD						
	METRO: On/Off Survey - Task 7	\$25,000	\$20,000	\$5,000			
	NNEPRA						
	RTP Shopper Shuttle - Task 7		\$0	\$0			\$5,000
	SPBS						
	ShuttleBus						
	YCCAC						
	<b>5307 Totals</b>	<b>\$25,000</b>	<b>\$20,000</b>	<b>\$5,000</b>	<b>\$16,000</b>	<b>\$9,000</b>	<b>\$5,000</b>
							<b>\$30,000</b>
	<b>5303 plus 5307</b>	<b>\$567,742</b>	<b>\$454,194</b>	<b>\$113,548</b>	<b>\$227,500</b>	<b>\$340,242</b>	<b>\$132,000</b>
							<b>\$699,742</b>

## **Agenda Item 6 – Election of Officers for July 2011 to June 2012**

Staff Resource: John Duncan

Nominating Committee: Kathi Earley, John Bubier, Bill Shane (the existing and immediate past two Chairs)

Recommendation: Elect Nathan Poore and Jim Gailey as the Chair and Vice Chair, respectively, of the Policy Committee for July 2011 to June 2012

### Background

This is relatively consistent with the Policy Committee's practice of rotating the Chair and Vice Chair positions in sequence from the northern, central and southern "subareas" of the PACTS region. As the incoming Vice Chair, Jim will begin three years of service on our Executive Committee – one year as Policy Vice Chair, then a year as Policy Chair and then a year as Policy Past Chair.

*We thank John Bubier for his three years of great leadership on the Executive Committee!*

Note that the Technical, Transit and Planning Committee officers are midway through their two years per our bylaws. They are:

- Transit – Sara Trafton, RTP Executive Director
- Technical – Dan Jellis, Yarmouth Town Engineer
- Planning – Dan Bacon, Scarborough Planning Director

## **Agenda Item 7: Executive Director's Report**

1. The proposed Maine Highway Budget redefines "capital" reducing it from projects having an estimated lifespan of at least 10 years to just 5 years.
2. MaineDOT has granted the South Portland Cummings Road project (programmed by PACTS last fall) a design exception that will reduce the cost of that project by several \$100,000's.
3. We have asked MaineDOT to write an explanation of their \$240,000 voiding action which we discussed at the end of our April meeting. Peggy intends to share a written response before today's meeting. See page 7 above.
4. Paul Niehoff is organizing a meeting with MaineDOT and OOB staff to work out how to find \$200,000 to cover the increase in the estimate for an intersection project.
5. The Policy Committee created the 2011 Credit Program last month. Paul will solicit proposals from our members soon. He has already suggested some opportunities for Falmouth and Portland.
6. Carl Eppich is working with a consulting team to produce a Destination Tomorrow video in June. He will distribute it to your local public access television stations. He is also writing an easy to read brochure....and our Annual Report.
7. PACTS to sign two MOU's for our role in the Phase II Gorham East West Corridor Study, and the GPCOG/SMRPC regional sustainable development plan.
8. There is a "leaked" White House bill that proposes to eliminate all MPO's with populations under 200,000 as part of the next federal transportation authorization. PACTS is under 200,000. The White House does not support the bill. Authorization might get delayed until after the 2012 national election. Stay tuned.
9. MaineDOT and FHWA are doing a Title VI certification review of PACTS.
10. Executive Committee June agenda
  - Do annual review of Executive Committee
  - Status reports on Credit Program, TIP Projects Efficiencies Team, Title VI Review of PACTS by federal and state agencies,
  - TIP Process Committee kick off meeting after Executive Committee meeting
11. Policy Committee August agenda
  - Do annual review of Executive Committee
  - Adopt a final PACTS Transportation Improvement Program for FY 2012 to FY 2015
  - Status reports on Credit Program, TIP Projects Efficiencies Team and TIP Process Committee