

**PACTS Policy Committee Meeting**  
**Minutes of August 13, 2009**  
**1:30 p.m. at GPCOG**

**Members Present:** John Bubier, Chair, Biddeford; Neal Allen, GPCOG; Genie Beaulieu, Freeport; Mike Bobinsky, Portland; Bob Burns, Tech Com Rep; Ed Clifford, Public Transportation; David Cole, Gorham; Sara Devlin (for Conrad Welzel), MTA; Kathi Earley, Portland; Jim Gailey, South Portland; Joe Gray, Portland; Tex Haeuser, South Portland; Judy Harris, Portland; Chris Mann (for Kat Fuller), MaineDOT; Mike McGovern, Cape Elizabeth; Rick Michaud, Saco; Nathan Poore, Falmouth; Nat Tupper; Yarmouth

**Members Absent:** Dan Bacon, Planning Com. Appt.; Jerre Bryant, Westbrook; Mary Ann Conroy, Old Orchard Beach; Marnie Diffin, North Yarmouth; Tom Hall, Scarborough; Tom Meyers, Public Transportation; Anthony Plante, Windham; Paul Schumacher, SMRPC; Bill Shane, Cumberland;

**Staff and Guests:** Maddy Adams, GPCOG; John Duncan, PACTS; Carl Eppich, PACTS; Mike Laberge, MaineDOT; Donna Larson, Freeport; Steve Linnell, GPCOG; Paul Niehoff, PACTS

1. **Call to Order.** John Bubier called the meeting to order at 1:35 p.m.
2. **Public Comment.** None.
3. **Minutes of the May 21<sup>st</sup>, 2009 meeting.** *Nat Tupper moved approval of the May 21<sup>st</sup>, 2009 minutes. David Cole seconded the motion and all were in favor.*
4. **Transportation Funding Overview.** John D. asked the Committee if they were interested in working to raise the fuel tax in Maine. Perhaps we can convene our legislators at a forum this fall to talk about this issue. The local dues that the PACTS members pay could be used for advocacy. Joe G. asked how we define “advocacy”. If we are there to explain our region’s needs, then that is fine but if we are talking about going to the legislature for tradeoffs for our area versus other counties, that is a problem. John B. explained that this is a raw idea right now; we do not want to be trading blows with other regions. Mike M. stated that good advocacy requires good data. We would need to assemble data on what our towns are spending on PACTS eligible roads. David C. pointed out that there is a thin line between education, advocacy and lobbying. What restrictions would it impose on the policy committee members as managers? It was asked if we want to put our policy money into advocacy. Nat suggested giving the data to our local elected officials and have them do the advocacy. It was decided that a subcommittee (Joe G., Chair, Mike McGovern, Kathi Earley, others) would get together to refine the points.

Regarding #7, Downeaster track improvements Portland to Boston – that number should say \$75 million rather than \$20 million. On #9, USDOT’s Ray LaHood will visit Bangor on the 17<sup>th</sup>.

*Kathi Earley moved approval of the Transportation Funding Overview Report. Mike B. seconded the motion and all were in favor.*

5. **TIP Process Committee’s Recommendations.** The recommendation of the Subcommittee is to put federal funds into roads that are in good condition. If a community spends their own money to bring roads up to standards, then they would become eligible for preservation money. The Committee has come up with some ideas to help soften the blow. The options included: applying the value of the local funds spent (without federal or state help) doing rehabilitation or reconstruction on collector roads in bad condition as a “credit” for other PACTS or MaineDOT future transportation projects in that municipality; or enlist a county, MTA, the Maine Municipal Bond Bank or MaineDOT to help through a bond strategy. John has spoken with Kat Fuller and there is interest. He has also talked to MTA and they are willing to talk about it, as they have done something similar. John Bubier thanked the TIP Committee for all their work.

David Cole suggested that recommendation #1 be changed to eliminate the wording after the word condition and add “until sufficient funding becomes available.” Any roads on the state list should not

be the responsibility of the municipalities. He does not support using local funds; the recommendation as written implies that we are obligated to do so. Mike B. explained that if a community does fund a collector preservation project, they should be given some credit so those words should probably still stay in; we don't want to lose the credit piece. Mike M. thought we should remain silent on the municipality responsibility piece.

**David Cole made a motion to adopt the recommendations of the TIP Process Committee and Nat Tupper seconded the motion. David Cole amended the motion to approve the recommendations of the committee with a change in the wording for #1: Use our Collector Roads Set Aside funding to preserve the 83 miles in good condition until sufficient funding becomes available from the federal and state governments to meet their obligation as a partner with local municipalities to adequately repair and maintain the entire collector road system. All were in favor of the amended motion.**

Mike M. was concerned that there was a 41% increase to the set-aside funding for transit with the recommendation to go from 7% to 10%. **Mike McGovern made the following amendment to the motion: On the set-aside funding policy, change transit to 9% and increase bike/ped to 4%. Rick M. seconded the amendment.** Mike explained that this improves the prospects for those communities that don't have transit to receive bike/ped money. Ed noted that transit does serve all of the communities through either fixed or paratransit service. He went on to explain that transit operators are receiving 13% less in operating funds. **All were in favor of the amendment to change the set-aside amounts for transit and bike/ped.**

Rick M. made an amendment to the motion to decrease the 25% local match to 15% but there was no second. Nat made an amendment to the motion to change the local match to 40% but there was no second. **David Cole made a motion to leave the local match as recommended by the committee, seconded by Jim Gailey. All were in favor of the motion, except Rick Michaud.**

Regarding Recommendation #5, Mike M. stated that delays often are not the responsibility of the municipality. This recommendation penalizes the municipality when the municipality may not be at fault. **He made a motion to strike the fifth bullet on page 10 (A municipality or transit system may not request to withdraw funds from a project that is four or more years old for the purpose of this policy...).** Nat seconded the motion and all were in favor.

There was some discussion on the multi-municipal TIP proposals. A multi-municipality and public/private proposal could earn as much as 10 more points. Mike M. asked if a private partner would include citizen fund-raising. The response was that it could.

There was some discussion regarding Recommendation #7 to change the weights from 80/20 to 50/50. Carl explained that the 50/50 ranking balances the regional importance and the technical piece. The technical score is not subjective. It was decided to leave #7 as recommended.

There was discussion regarding Recommendation #8 – Three Party Agreements. The overall intent is for all three parties to discuss the project and discuss the payment schedule, plans, etc. at the beginning of the project (from design to construction). This would replace current city/state agreements. It would need to be spelled out in the three-party agreement what will happen in the public process. It was asked why we need to bring PACTS into it. Mike L. explained that MaineDOT wants MPO's to be a full partner on the projects. It was asked what specifically PACTS would do. Mike L. explained that the idea would be to monitor the project and as issues come up for funding, the PACTS staff would work to resolve those issues with the community. It was asked what would happen if there were differing opinions between PACTS and MaineDOT or the municipality about a project. Mike L. responded that PACTS staff would serve as mediator of the process. David C. said that he was struggling to grasp why PACTS would be a party to the agreement since they probably mediate on projects already. He would like to see the wording on the agreement. Mike M. asked if we could strike this as part of the agreement today; it could be brought back as a draft. **Joe Gray made a motion to strike #8 and bring it back for review at a later date.** Mike B. explained that we

were trying to have projects move forward faster; this idea came from MaineDOT. Paul explained that PACTS staff are becoming more involved in the projects; the three-party agreement is a template. Mike L. added that it is essentially a communication tool. John B. concluded that a draft of the three-party agreement would be sent out and the Committee will revisit it. *All were in favor of the amendment to remove Recommendation #8 at this time.*

John B. explained that the credit idea on page 9 is currently not incorporated in the recommendations. He recommended giving authority to staff to spruce up the language so that the concept of the credit is endorsed. Staff should draft up a new document that incorporates all the changes that have been made.

Genie recommended changing the word “criteria” to “conditions” on page 9 of the policy document, (Enhancement project scope). On the organizational chart, add the TIP Committee. She recommended using underlines and strikethroughs when making the changes to the amended document.

Nathan P. recommended a change to the language in the second bullet under #4 (page 10 of packet) regarding the project substitution policy. “A municipality or transit system seeking a substitution will submit a written request to the Executive Committee and Policy Committee for consideration. The Executive Committee will consider such requests on a case by case basis, and will subsequently submit a recommendation to the Policy Committee for action.”

Mike M. thought we should give Scarborough the opportunity to see the recommendations before we make a final decision on this. *Tex made a motion to lay aside the vote on the document, seconded by Nat. All were in favor of postponing the vote on the document.*

6. **Transportation Improvement Program for FY 2010 to FY 2013.** Ed Clifford mentioned that there are some errors in the TIP document that was submitted. The Transit Committee has not had a chance to review the document to be sure it is up to date. John D. explained that this is an administrative document and needs to be approved due to scheduling. *Mike McGovern made a motion to accept the TIP document as presented with the understanding that the staff can still correct errors and omissions. The motion was seconded and all were in favor.*
7. **Other Actions.**
  - 7a. **Give staff the authority to sign Three Party Agreements.** This item was tabled.
  - 7b. **Endorse expenditure from our contingency account.** *Rick Michaud moved to adopt the recommendation to spend \$6,400 from the PACTS Planning contingency account as match for \$25,600 from MaineDOT for an enhancement to the PACTS regional travel demand simulation model. The motion was seconded by Dave Cole and all were in favor.* Nathan asked if we could get a brief presentation on the PACTS model and John D. said he would arrange to do so.
8. **Consent Agenda.** Nat moved approval of the consent agenda, seconded by Kathi Earley. All were in favor.
9. **Adjourn.** The meeting adjourned at 3:40 p.m.