PACTS Executive Committee
April 16, 2021
8:00–9:45 am
Meeting Agenda

Zoom webinar: us02web.zoom.us/j/82688057988
Telephone: (301) 715-8592; Webinar ID: 826 8805 7988

Note
This is the final meeting of the PACTS Executive Committee.
The new PACTS Executive Board will first meet on April 27 at 9:00 am.

As of March 31, 2020 PACTS and GPCOG are holding all committee meetings via Zoom conferencing technology. We remain committed to full public access and participation in our meetings through remote access during the COVID-19 crisis. Remote meetings will be held in accordance with the requirements of LD 2167, Public Law Chapter 618.

Both the chat and Q&A features will be turned off during PACTS and GPCOG meetings to ensure full public access to telephone participants and to avoid the confusion of side conversations.

Public comment will be taken verbally during the public comment period. Members of the public who wish to speak should “raise their hands.” Participants joining by computer or mobile app can click on the “Raise Hand” button. Participants joining by telephone can dial *9.
1. **Welcome—Matt Sturgis, Chair**  
This meeting is being recorded and will be made available at gpcog.org/AgendaCenter.

2. **Public Comment**  
Members of the public are welcome to provide up to three minutes of public comment on items not on this agenda. For items on this agenda, additional opportunity for public comment will be provided after the staff report.

3. **Acceptance of March 18 and April 6 Minutes** (Attachments A1 and A2)—5 minutes

4. **Preparing for Potential Transportation Earmarks** (Attachments B1, B2, B3)—45 minutes  
*Note: The committee will continue its discussion from its April 6 meeting. Additional public comment will not be taken at this time.*

Congresswoman Pingree's office notified GPCOG of an opportunity for potential transportation earmark funding and asked PACTS to provide priority projects for her to consider submitting for funding. Staff shared guidance from Congresswoman Pingree's office at the April 6th Executive Committee and presented projects for consideration that were regional, in nature, and consistent with prior PACTS plans and policies. In addition, staff launched a public outreach process, contacting interested stakeholders and the public, for their input on potential priority projects. Through this engagement process, which was brief due to time constraints, PACTS received written comments and verbal comments during the April 6th Executive Committee meeting. These public comments are shown in Attachment B1.

The April 6th meeting illustrated varying perspectives on the earmarks, notably whether or not the earmarks represented additional funding. Following the April 6th meeting, staff sought additional guidance and clarification from Congresswoman Pingree's office, as well as MaineDOT, other MPOs (and, by extension, FHWA), the American Association of MPOs (AMPO), and the National Association of Regional Councils (NARC). Staff distilled the information and guidance received into a Frequently Asked Questions (FAQ) document (Attachment B2).
As presented on April 6th, PACTS does not have a prioritized list of projects, however, the MPO has completed several processes and plans that can inform PACTS' submissions for earmarks, including:

- The 2019 Regional Transportation Priorities (Attachment B3), which identified the region's top priorities as maintaining, improving, and expanding public transit, improving the region's intersections, and maintaining the region's roads;
- *Destination 2040*, the region's long-range transportation plan;
- Funding allocation plans such as the Transportation Improvement Program (TIP) and the Six-Year Capital and Operating Plan (SYCOP) for federal transit funds; and
- GPCOG's recent “call for projects”, issued on December 18, 2020, to prepare for potential federal stimulus packages or other funding opportunities. This call was for shovel-ready and shovel-worthy projects. Shovel-ready projects are infrastructure projects that are positioned for construction or implementation and ready to advertise for bids within six to nine months. Shovel-worthy projects are typically projects that offer significant economic, social, and environmental benefits, but which also require additional planning, design, and engineering prior to implementation. GPCOG received 99 projects through its “call for projects” application portal.
- PACTS’ 21-24 Transportation Improvement Program (TIP).

Based on these sources of data and guidance, staff reviewed the recently-generated project list and identified three priority projects that would have significant regional benefit for multiple municipalities and transit agencies:

- Casco Bay Lines ferry replacement—$12.0 million total, $10.2 million federal
- Regional Traffic Management System (RTMS) server upgrade—$2.5 million total, $1.875 million federal
- Funding towards the Collector Paving Program project backlog—$38.0 million total, $7.2 million federal requested
These three regionally significant projects will help preserve and modernize our transportation system, and, if funded by external sources, will help alleviate financial pressure on PACTS’ existing Federal transit and highway formula programs. Table 1 provides additional detail on these projects. Table 2 provides detail on the Collector Paving Program projects proposed to advance as part of this request.

In addition to asking for PACTS’ top priority large projects, staff from the Congresswoman’s office advised PACTS to develop a back-up list of smaller projects should smaller earmarks be more likely to receive federal funding. Staff recommend the following for consideration, several of which are already on the Transportation Improvement Program (TIP):

- The RTMS server upgrade as detailed above
- A selection of individual projects from the Collector Paving Program, identified for having the highest traffic volumes—$2.3 million total, $1.7 million federal. (Refer to Table 2 for additional information.)
- $1 million to fully fund transit stop accessibility improvements as identified in the Transit Stop Access Project
- Projects on the Transportation Improvement Program (TIP) (Table 3). These are projects costing over $750,000 with federal (through PACTS) and local funding commitments that are not expected to be advertised for construction this year. In addition, they represent potentially regionally significant projects that impact a significant commuting corridor, several communities, or provide a vital active transportation connection. In many cases, these projects are over budget and will require additional financial assistance. Based on guidance received, staff are interpreting that these projects, if funded through an earmark(s), would presumably “free up” resources for other regional projects. However, staff were unable to confirm this as the Committee on Transportation & Infrastructure (T&I) has not yet addressed this topic, asserting: “how obligation limitation will flow to designated projects versus formula funding will be laid out in the T&I legislative text.”

Proposed action: Select and prioritize projects for consideration by Congresswoman Pingree’s office.
### Table 1—Priority Project Information

<table>
<thead>
<tr>
<th>Project</th>
<th>Details</th>
<th>Estimated Cost</th>
<th>Readiness</th>
<th>Included in a Plan?</th>
<th>Benefit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Casco Bay Lines</td>
<td>A replacement vessel equipped with a diesel-electric hybrid propulsion system will reduce CO₂ emissions and operational costs, enhance the rider experience, and assist in reaching the State's goal of a carbon neutral economy by 2045. Additional funding for CBL’s vessel construction project will reduce the region’s deficit in state of good repair funding, allowing for much needed regional transit projects to be funded with formula funds.</td>
<td>Federal: $10.2 million Total: $12.0 million Programmed: $961,600 in Sec. 5307 and local match</td>
<td>Planned—requires design, engineering, and construction</td>
<td>• Maine Won't Wait &lt;br&gt; • MaineDOT Locally Coord. Plan &lt;br&gt; • PACTS Destination 2040 &lt;br&gt; • PACTS Six Year Capital and Operating Plan &lt;br&gt; • Casco Bay Economic Contribution &lt;br&gt; • Portland's Plan 2030 &lt;br&gt; • CBITD TAM Plan &lt;br&gt; • CBITD Long Range Capital Improvement Plan</td>
<td>• Casco Bay Lines &lt;br&gt; • The other transit agencies in the region, with formula funds made available for other projects</td>
</tr>
<tr>
<td>PACTS Regional Traffic Management System (RTMS) Signal Server Upgrade</td>
<td>The current PACTS RTMS server is running a software, Streetwise, that is no longer supported. An upgrade is needed or the system is in danger of becoming unresponsive. RTMS offers various benefits to the region, including reduced congestion, delay, and emissions (~12% reduction), and provides traffic reporting data and analytics.</td>
<td>Federal: $1.875 million Total: $2.5 million</td>
<td>Planned—requires design, engineering, and construction</td>
<td>• Identified through the PACTS RTMS Working Group (2020-2021)</td>
<td>• Biddeford, Gorham, Portland, Saco, Scarborough, South Portland, Westbrook &lt;br&gt; • The PACTS region, through reduced regionwide emissions and improved data and analytics</td>
</tr>
<tr>
<td>PACTS Regional Collector Paving Program</td>
<td>Mill-and-fill and shim-and-overlay pavement treatments for collector roads throughout the PACTS region to help address a significant funding gap (~$4.9 million per year).</td>
<td>$38.0 million</td>
<td>Planned—requires design, engineering, and construction</td>
<td>• PACTS' Collector Road Pavement Condition Study (2019) &lt;br&gt; • PACTS Technical Committee submitted a letter of support advocating for funds to supplement the program</td>
<td>• Biddeford, Cape Elizabeth, Cumberland, Freeport, N. Yarmouth Old Orchard Beach Portland, Scarborough S. Portland, Westbrook, Windham &lt;br&gt; • The PACTS region, with FHWA funds made available for other projects</td>
</tr>
</tbody>
</table>
## Table 2—Proposed Collector Paving Program Projects

<table>
<thead>
<tr>
<th>Municipality</th>
<th>Road Name</th>
<th>From</th>
<th>To</th>
<th>Length (mi)</th>
<th>AADT</th>
<th>Predicted PCI (0-100)</th>
<th>Condition Ranking (PCI, AADT, Transit)</th>
<th>Estimated Federal Contribution (75%)</th>
<th>Total Paving Stimulus</th>
</tr>
</thead>
<tbody>
<tr>
<td>SCARBOROUGH</td>
<td>PLEASANT HILL RD</td>
<td>WAGNER WAY</td>
<td>50' W OF RIGBY RD</td>
<td>0.16</td>
<td>11580</td>
<td>36</td>
<td>73.60</td>
<td>$89,300</td>
<td>$119,000</td>
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<tr>
<td>SCARBOROUGH</td>
<td>RUNNING HILL RD S</td>
<td>SOUTH PORTLAND TL</td>
<td>GORHAM RD</td>
<td>0.61</td>
<td>5534</td>
<td>34</td>
<td>70.95</td>
<td>$222,300</td>
<td>$296,400</td>
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<tr>
<td>FREEPORT</td>
<td>DESERT RD</td>
<td>I95 NB RAMPS</td>
<td>HUNTER ROAD</td>
<td>0.20</td>
<td>8564</td>
<td>39</td>
<td>68.63</td>
<td>$129,000</td>
<td>$172,000</td>
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<td>CAPE ELIZABETH</td>
<td>SHORE RD</td>
<td>SOUTH PORTLAND TL</td>
<td>DEEP BROOK RD</td>
<td>0.80</td>
<td>5890</td>
<td>39</td>
<td>65.58</td>
<td>$482,700</td>
<td>$643,500</td>
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<tr>
<td>CAPE ELIZABETH</td>
<td>SHORE RD</td>
<td>DEEP BROOK RD</td>
<td>OLD FORT RD</td>
<td>0.18</td>
<td>4830</td>
<td>39</td>
<td>65.58</td>
<td>$108,900</td>
<td>$145,200</td>
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<td>SCARBOROUGH</td>
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<td>HIGHLAND AV</td>
<td>FOGG RD</td>
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<td>SCARBOROUGH</td>
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<td>1392' N OF GORHAM RD</td>
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<td>WESTBROOK</td>
<td>STROUDWATER ST</td>
<td>MAIN ST</td>
<td>WILLIAM B CLARKE DR</td>
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<td>4806</td>
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<td>63.43</td>
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<td>$50,700</td>
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<td>PORTLAND</td>
<td>RIVERSIDE ST</td>
<td>CADDIE LA</td>
<td>WASHINGTON AVE</td>
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<td>42</td>
<td>62.35</td>
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<td>SCARBOROUGH</td>
<td>PAYNE RD (SB)</td>
<td>CABELA BLVD (SB)</td>
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<td>0.17</td>
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<td>61.95</td>
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<td>DANFORTH ST</td>
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<td>61.71</td>
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<td>SCARBOROUGH</td>
<td>BROADTURN RD</td>
<td>CARPENTER CT</td>
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<td>WATERMAN ST</td>
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<td>$669,100</td>
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<td>WINDHAM</td>
<td>WINDHAM CTR RD</td>
<td>GRAY RD</td>
<td>ALBION RD</td>
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<td>41</td>
<td>60.48</td>
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<tr>
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<td>1335' S OF WEST ST</td>
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<td>YARMOUTH</td>
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<td>MARINA/MAIN INT</td>
<td>ROUTE 88</td>
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<td>SOUTH PORTLAND</td>
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<td>MARKET ST</td>
<td>BROADWAY</td>
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<td>2110</td>
<td>48</td>
<td>60.06</td>
<td>$281,800</td>
<td>$375,800</td>
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<tr>
<td>Municipality</td>
<td>Road Name</td>
<td>From</td>
<td>To</td>
<td>Length (mi)</td>
<td>AADT</td>
<td>Predicted PCI (0-100)</td>
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<td>Total Paving Stimulus</td>
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<tr>
<td>WESTBROOK</td>
<td>SACO ST</td>
<td>WESTBROOK</td>
<td>SCARBOROUGH TL</td>
<td>0.52</td>
<td>4864</td>
<td>45</td>
<td>59.13 $297,400</td>
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<td>OLD ORCHARD BEACH</td>
<td>UNION AV</td>
<td>SACO AVE</td>
<td>WEST GRAND AVE</td>
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<td>2284</td>
<td>49</td>
<td>58.91 $342,900</td>
<td>$457,200</td>
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<td>SCARBOROUGH</td>
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<td>GORHAM RD</td>
<td>GORHAM TL</td>
<td>0.67</td>
<td>8500</td>
<td>48</td>
<td>58.50 $255,800</td>
<td>$341,100</td>
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<td>CUMMINGS RD</td>
<td>SCARBOROUGH TL</td>
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<td>47</td>
<td>58.30 $69,600</td>
<td>$92,800</td>
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<tr>
<td>BIDDEFORD</td>
<td>ALFRED ST</td>
<td>POOL ST</td>
<td>SUMMER ST</td>
<td>0.07</td>
<td>11030</td>
<td>54</td>
<td>58.19 $46,000</td>
<td>$61,300</td>
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<tr>
<td>NORTH YARMOUTH</td>
<td>NORTH RD</td>
<td>YARMOUTH TL</td>
<td>PINE RIDGE RD</td>
<td>0.78</td>
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<td>57.75 $328,200</td>
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<td>TUTTLE RD</td>
<td>NORTH YARMOUTH TL</td>
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<td>7770</td>
<td>48</td>
<td>57.20 $565,300</td>
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<td>SCARBOROUGH</td>
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<td>OLD ORCHARD TL</td>
<td>PINE POINT RD</td>
<td>0.63</td>
<td>4024</td>
<td>52</td>
<td>56.76 $369,100</td>
<td>$492,200</td>
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<tr>
<td>PORTLAND</td>
<td>OCEAN AV</td>
<td>RAINBOW MALL RD</td>
<td>50' S OF RIDGE RD</td>
<td>0.42</td>
<td>3048</td>
<td>46</td>
<td>56.70 $212,100</td>
<td>$282,800</td>
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<tr>
<td>FREEPORT</td>
<td>MALLETT DR</td>
<td>MAIN ST</td>
<td>DURHAM RD</td>
<td>0.58</td>
<td>13110</td>
<td>52</td>
<td>56.40 $386,700</td>
<td>$515,600</td>
<td></td>
</tr>
<tr>
<td>PORTLAND</td>
<td>WASHINGTON AV</td>
<td>WASHINGTON AVE</td>
<td>LAMBERT ST</td>
<td>0.09</td>
<td>1312</td>
<td>50</td>
<td>56.38 $57,000</td>
<td>$76,000</td>
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<tr>
<td>WINDHAM</td>
<td>RIVER RD</td>
<td>MAIN ST</td>
<td>DEPOT ST</td>
<td>0.68</td>
<td>6381</td>
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<td>56.10 $409,500</td>
<td>$546,000</td>
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<tr>
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<td>GREEN RD</td>
<td>GORHAM RD</td>
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<td>5534</td>
<td>48</td>
<td>55.90 $294,800</td>
<td>$393,000</td>
<td></td>
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<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>12.99</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>$7,163,700</strong></td>
<td><strong>$9,551,600</strong></td>
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### Table 3—Projects in the Transportation Improvement Program

<table>
<thead>
<tr>
<th>Municipalities</th>
<th>WIN</th>
<th>Scope</th>
<th>Description</th>
<th>Total Allocated Funds</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cape Elizabeth, Portland, South Portland</td>
<td>18633.00</td>
<td>Bicycle/Pedestrian Safety Improvements</td>
<td>Priority Corridor and Centers Pedestrian-Bicyclist Safety and Access</td>
<td>$2,245,000</td>
<td>30% over budget (current est. cost $3,500,000)</td>
</tr>
<tr>
<td>Portland</td>
<td>25253.00</td>
<td>Highways, Mill and Fill</td>
<td>Brighton Ave., Beginning at Dartmouth Street and extending northwest 1.85 miles to Rowe Ave, including sidewalks and signals</td>
<td>$2,202,200</td>
<td>56% funded with recent allocation (current est. cost $5,000,000)</td>
</tr>
<tr>
<td>South Portland</td>
<td>18638.00</td>
<td>Bicycle/Pedestrian Safety Improvements</td>
<td>Multiuse path, Beginning at Greenbelt Pathway near Evans St. and extending west 0.17 if a mile to Lincoln St. and extending west on Lincoln Street 0.55 of a mile to Billy Vachon Dr. and extending west 0.24 of a mile</td>
<td>$1,366,200</td>
<td>180% over budget (current est. cost $3,850,000)</td>
</tr>
<tr>
<td>Westbrook</td>
<td>23797.00</td>
<td>Intersection Improvements with signal</td>
<td>Route 25, Beginning at Mechanic St. and extending west 0.28 of a mile</td>
<td>$2,311,054</td>
<td>35% over budget (current est. cost $3,140,000)</td>
</tr>
<tr>
<td>Yarmouth</td>
<td>23825.00</td>
<td>Bicycle/Pedestrian, New Construction</td>
<td>Beth Condon Shared Use Path along Route 1, Beginning 0.06 of a mile southwest of Spring St. and extending north 0.50 of a mile to the State of Maine Visitor Information Center.</td>
<td>$1,170,000</td>
<td>Recently funded (current est. cost $1,170,000)</td>
</tr>
</tbody>
</table>
5. **Designated Recipient Status** *(Attachments C-I)—40 minutes*

At its March 18 meeting, the PACTS Executive Committee directed staff to research the process for changing designated recipients in a region, with the specific question of how the region could move to having one designated recipient, rather than six. As a reminder, designated recipients are designated by the state governor or his/her designee to receive and/or sub-allocate funds. Meanwhile, “direct recipients” receive funding directly from FTA, but do not formally sub-allocate funds. The current six designated recipients in the PACTS region include: MaineDOT, Biddeford-Saco-Old Orchard Beach Transit, Casco Bay Island Transit District, Greater Portland Transit District (METRO), Northern New England Passenger Rail Authority, and South Portland Bus Service.

Committee members articulated a need to better understand PACTS’ options in light of the continued lack of agreement on a process to allocate federal transit funds, the six months of discussions that ensued after the Funding Framework was recommended for adoption by the PACTS TIP Committee, and the possible delay in federal transit funding for the region should an agreement not be reached.

In response to the Executive Committee’s request, staff prepared the following background information. The research is ongoing. Staff are still awaiting additional input from several national resources.

**FTA’s and AECOM’s Recommendations**

The FTA recommends one designated recipient per region, as stated in its Circular 9030.1E (pg. II-4): “FTA encourages the designation of a single designated recipient for each urbanized area (UZA) 200,000 or more in population, including such UZAs that span more than one state, in order to streamline the administration of the program and foster coordination.”

In September 2020, as part of the development of the TIP Committee’s work to craft a Funding Framework, AECOM provided its independent research about the FTA funding process and the role of PACTS in programming and allocating that funding to transit operators in the greater Portland region. AECOM concurred with FTA’s guidance to have a single designated recipient. *(See Attachment C.)*
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PACTS' History and FTA Guidance to PACTS

The following is a brief chronology of decisions and guidance related to designated recipients in the PACTS region.

- July 20, 2012 (Attachment D): FTA Regional Administrator Mary Beth Mello transmitted a letter to PACTS, notifying the MPO that the 2010 Census signaled that the Portland region was now over 200,000 people—constituting a “large urbanized area”—and that the Governor, in coordination with local officials and transit providers, was required to select a designated recipient or recipients for FTA Section 5307 formula funding.

- December 17, 2012 (Attachment E, see item 7): The PACTS Policy Committee voted to confirm six designated recipients for FTA funds (those listed above). The agenda packet's staff report suggests that staff, and therefore the Policy Committee, may not have understood the difference between a designated and direct recipient. The decision was characterized as 'pro forma' since the agencies already were receiving federal funding (which direct recipients can do), and stated: “Today’s action is pro forma because all the organizations listed above have been recipients of FTA capital and/or operating funds for many years.” The report emphasized the vote was time sensitive: “Policy Committee action today will enable MaineDOT and the Casco Bay Island Transit District to communicate officially to the FTA about a financial transaction (which Hank Berg can describe if members wish to ask) that is time sensitive.” The minutes from that meeting (Attachment F) did not reflect much discussion, noting that staff asked for concurrence “in the short term”.

- February 22, 2013 (Attachment G): MaineDOT Commissioner Bernhardt, on behalf of the governor, designated five transit agencies (those listed above) as “direct recipients”. While the commissioner did not designate the agencies as “designated recipients” (perhaps in error), FTA interprets the letter to suggest the agencies are, in fact, designated recipients, based on the following:
  - PACTS’s January 2013 letter (Attachment H) to FTA, identified the five Portland UZA transit providers and MaineDOT as designated recipients;
  - The roles and responsibilities laid out in the urbanized area’s Planning Memorandum of Agreement (MOU) are responsibilities that are
traditionally performed by the designated recipient(s) to the region's transit providers;

- Only designated recipients are responsible for signing the yearly split letter. All five transit providers and MaineDOT sign the Portland UZA split letter on a yearly basis; and,

- The transit providers, in their FTA TrAMS profiles, indicate they are designated recipients.

**Process for Changing Designated Recipients**

In October 2020, in response to an email inquiry from staff, FTA Region 1’s Planning and Program Development Director Kristin Wood sent an email with additional information about allocating Section 5307 funds in an urbanized area (Attachment I). The email provided guidance on changing the current designated recipient structure, requiring all four of the following:

- A letter from the Governor making the designation;
- Documentation of concurrence in the selection of the designated recipient by the transit providers in the UZA;
- An appropriately certified resolution by the MPO concurring with the designation; and,
- An Opinion of Council certifying the entity's legal capacity to perform the function of a designated recipient.

The email concluded with the following statement, highlighting FTA’s deference to “locals” in making funding decisions: “FTA’s role is to clarify regulations and defer to the locals to make a cooperative, informed decision that best serves the community’s needs.”

Recent conversations with several national sources suggest that Federal agencies may defer to states on changes to the designated recipient structure, although this remains unknown at this time and such action appears to run counter to the federal guidance received from the staff member at FTA Region 1.
Other Regions

Since the last Executive Committee meeting, staff began research on how other regions have approached changes to the designated recipient structure. There is limited literature on this topic. Preliminary findings are discussed below, and staff is attempting to supplement this literature review with outreach to national associations and other regions.

The Greenville-Pickens Area Transportation Study (GPATS), the metropolitan planning organization for the Greenville, South Carolina region, is now the singular designated recipient in its region because of prior funding disputes. In 2014, two transit agencies struggled to agree on a formula for allocating Section 5307 funds in the region. Former staff at FTA recall that one of the agencies tried to bring FTA into the dispute, however, FTA declined, saying that it was a local decision as to how to distribute funds in their region. The two agencies continued the dispute for several months before selecting the MPO as the designated recipient. According to former FTA staff, this started a trend in South Carolina and the MPOs are now largely the designated recipients within their respective regions.

In October 2018, the Governor of Georgia formally transferred the designated recipient status from the Metropolitan Atlanta Rapid Transit Authority (MARTA) to the ATL Authority as the recipient of Section 5307 funds for the Atlanta UZA. The Atlanta Regional Commission, the MPO for the region, concurred with the governor's change. The change was in response to the state's creation of a new regional transit authority (the “ATL Authority”), which is the sole transit agency responsible for coordination and planning in the region. Based on staff research, it is unclear as to whether or not MARTA, the former designated recipient, agreed to this change.

Proposed action: Provide direction to staff on any next steps.

6. Other Business

7. Adjourn

Upcoming Meetings
- April 27, 9:00–10:30 am—PACTS Executive Board
• May 4, 9:00–10:30 am—PACTS Regional Transportation Advisory Committee
• May 25, 6:00–8:00 pm—PACTS Policy Board
1. **Welcome**
   Matt Sturgis opened the meeting and welcomed the attendees.

2. **Public Comment**
   Eamonn Dunlon of the Portland Regional Chamber of Commerce spoke of the importance of adopting the funding framework to advance regional goals and the recommendations of *Transit Tomorrow*, the region’s long-range transit plan. The Chamber supports the framework for its prioritizing of regional benefit, the clear criteria that will be used to allocate funding, and the set-aside for innovation projects.

3. **Acceptance of March 2, 2021 Meeting Minutes**
   Belinda Ray moved to accept the March 2 meeting minutes as written; Erin Courtney seconded. All were in favor; the motion carried.
4. Staff Report
No staff report was presented.

5. Funding Framework Final Approval
Staff have been working with the region’s FTA designated recipients to reach agreement on the funding framework since October 2020. At its March 2 meeting, the Executive Committee instructed staff to hold an additional meeting so an agreement could be reached before final committee approval of the framework. In advance of this meeting, staff put forth a memo outlining potential terms, but no agreement was reached. Staff suggested the committee conditionally approve the framework to allow FHWA funds to flow and avoid delays to construction schedules. FTA funds cannot flow without unanimous agreement by the designated recipients.

Jim Bennett asked how much money will be held up if no agreement is reached. Chris Chop said approximately $24 million. Jim asked how the rule requiring unanimous consent might be changed. Chris said, per federal guidance, all parties would have to agree. Kristina Egan added that when PACTS became a transportation management association (TMA) after the 2010 US Census, staff requested to the Commissioner of MaineDOT that the current designated recipient structure be put in place, which was relayed to the FTA for final adoption. Jim asked whether PACTS would have the ability to request a change, given it was PACTS that requested the current structure. Staff noted federal regulators often defer to state governments in these situations.

Jen Brickett said there had been a good-faith effort by all parties to reach agreement, but competing financial models and other questions had caused a hang-up in the discussion. She agreed it was important to find a solution, and added that had the group had more time, they may have.

Belinda expressed disappointment that agreement still had not been reached. She felt the framework as written was sufficient. She asked what remained to be negotiated. Matt said unanimous consent of the proposed set-aside for system enhancements remained an obstacle. Belinda said, given a party could disagree at any time and stall the process, the region should pursue reverting to a single designated recipient. She moved to adopt the framework as presented; Jim seconded.
Erin noted that AECOM, working as a consultant to the TIP Committee as the new framework was being developed, had researched and written a memo documenting federal guidance on designated recipient status and how it might be changed. The memo notes that federal guidance recommends regions have one designated recipient.

Jim suggested the Executive Committee hold an additional meeting on March 23, table the discussion until then, and direct staff to return with a report on how to change the region's designated recipient structure. This would allow for a final opportunity to reach agreement.

Greg Jordan agreed with the need to advance the framework and ensure funding would flow. He said that as proposed, based on current data there is a projected funding gap for operations and maintenance if 20 percent of funding were dedicated to system enhancement. However, he noted the process for converting system enhancement funds to operations and maintenance to ensure all needs are met, and felt the additional approval by RTAC and the Policy Board of this process was appropriate. Per the latest analysis, agencies would need to run through this process for the first three years, but there is sufficient funding to cover all projected needs. He noted recent discussions have acknowledged the additional funding that can be drawn upon if necessary, for example CARES Act or American Rescue Plan Act funds. He supported approving the framework in full.

Belinda noted also the $1 million emergency contingency fund. She felt some agencies may not be satisfied with any system enhancement set-aside, but said that without system enhancements, regional goals would not advance and transit ridership would not recover.

Hope felt situations requiring unanimity are often unsuccessful, and supported revisiting the region's designated recipient structure. She agree with Jim in that an additional meeting and a final opportunity to find agreement would be helpful.

Jen suggested amending the framework to include language acknowledging that it must be agreed to by all designated recipients and PACTS to be fully functioning.
Jim recommended passing the framework as presented and scheduling an additional meeting to hear options on how to change the region's designated recipient structure. This would allow the designated recipients a final opportunity to reach agreement before the committee would evaluate or take action on pursuing changes to the region's designated recipient structure.

Belinda said she supported restructuring to one designated recipient in the region to encourage regional participation in decision making. While she was pleased to hear the parties were close to agreement, she noted there has been verbal agreement to the funding framework in the past.

Jen said she would not be comfortable voting for the framework without adding language that acknowledges the need for all designated recipients and PACTS to agree to it. Belinda withdrew her motion.

Jim moved to adopt the framework as presented, except to amend the language to include an acknowledgement that FTA funds will not flow until there is unanimous consent by the region's designated recipients and PACTS, or another path forward; Belinda second. All were in favor.

Jim moved to schedule an additional meeting before the end of the month to discuss 1) if no agreement is reached, the most efficient action PACTS can take to ensure FTA funds will flow; or 2) if an agreement is reached, a recommended path forward on the process to changing the region's designated recipient structure; Eric Dudley seconded. All were in favor.

6. **Dissolution of the TIP Committee**

The Executive Committee formed the TIP Committee in October 2019, and assigned the group three tasks:

1. To recommend allocation of PACTS' 2023 FHWA funding. This task is complete.
2. To develop and recommend a funding framework. The committee's work on this task is complete, though the framework is still under final review.
3. To recommend revisions to PACTS' TIP Policies and Procedures. This task has been on hold while the framework is under final review.
Given the new Regional Transportation Advisory Committee (RTAC) is a multi-disciplinary body like the TIP Committee, staff recommend the TIP Committee be dissolved and its final task assigned to RTAC. This recommendation is made in concurrence with Erin Courtney, chair of the TIP Committee.

Erin moved to dissolve the TIP Committee and assign its remaining task to RTAC; Hope seconded. All were in favor.

7. Updated Municipal Partnership Initiative Policy
Staff have updated the PACTS Municipal Partnership Initiative (MPI) policy. The updates include:

- Removing reference to a program year, which will eliminate the need to amend the policy each year
- Updating the project selection information to better reflect procedures in use and the provide information on how to handle excess funding
- Making permanent the Crack Sealing Program, which was previously a pilot program
- Updating the language to reflect PACTS’ new committee structure

Matt noted the former Technical Committee voted to recommend the new MPI policy for adoption at its March meeting.

Hope moved to adopt the updated MPI policy; Belinda seconded. All were in favor.

8. New Collector Paving Program Policy
Last year, the former Technical Committee identified a need for a well-defined collector paving policy. Staff formed a Collector Paving Working Group, which included the chair of the Technical Committee and representatives from each subregion, MaineDOT, and MTA, to develop and recommend this policy. Two major points of the policy include:

- Consolidating all ADA accessibility-related work into a single contract, to improve efficiency
• Selecting projects based on new Collector Paving subregions, to allow for better planning for municipalities and more transparency in decision making

Belinda moved to adopt the new Collector Paving Program policy; Hope seconded. All were in favor.

9. Other Business
There was no other business discussed.

10. Adjourn
With no objection, the meeting was adjourned.
PACTS Executive Committee
April 6, 2021
8:30–10:00 am
Meeting Minutes

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<thead>
<tr>
<th>Name</th>
<th>Affiliation</th>
<th>Attendance</th>
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<tbody>
<tr>
<td>Jim Bennett</td>
<td>Southern Subregion</td>
<td>Y</td>
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<tr>
<td>Jennifer Brickett</td>
<td>MaineDOT</td>
<td>Y</td>
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<td>Hope Cahan</td>
<td>PACTS Vice Chair</td>
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<td>Erin Courtney</td>
<td>Maine Turnpike Authority</td>
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<td>Eric Dudley</td>
<td>Western Subregion</td>
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<td>Greg Jordan</td>
<td>Transit Committee Chair</td>
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<td>Belinda Ray</td>
<td>Central Subregion</td>
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<td>Matt Sturgis</td>
<td>PACTS Chair</td>
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For GPCOG
Chris Chop, Andrew Clark, Kristina Egan, Aubrey Miller

1. Welcome
Matt Sturgis opened the meeting and welcomed the attendees.

2. Public Comment
Several members of the public were in attendance to advocate for various projects or approaches for potential federal transportation earmarks:

- Marcos Miller advocated for completing the Franklin Street redesign, saying it has been fully vetted by the public and the Portland city council and would be transformational for the region.
- Brian Eng encouraged the committee to emphasize innovation and coordination, and gave the Biddeford-Saco multimodal bridge as an example of an exciting opportunity for the region.
Sue Ealey urged the committee to consider the synergies between the State’s climate action plan, *Maine Won’t Wait*, and the mindset of building back better. She stressed the need to emphasize improved infrastructure for people walking and biking.

Liz Trice advocated for reconstruction of the region's arterials to improve safety for people walking and biking.

John Kachmar advocated for feasibility and design funding for a three-mile segment of the Eastern Trail through Biddeford and Saco.

Tom Milligan spoke to the benefits of improvements at the intersection of Pearl and Elm Streets in Biddeford, noting the area as an important connection to nearby biking and walking options.

Andrew Clark said that he had received several written comments prior to the meeting, which he had packaged and sent to the committee members for their consideration.

3. **Preparing for Potential Transportation Earmarks**

Congresswoman Chellie Pingree's office reached out to GPCOG staff and asked them to identify priority transportation projects for potential federal earmarks. PACTS has no single prioritized list of projects. To identify priorities staff consulted the Transportation Improvement Program (TIP), the Six-Year Capital and Operating Plan (SYCOP), and the 2019 PACTS Priorities of 1) improving and maintaining transit, 2) improving intersections, and 3) maintaining roads. GPCOG had also issued a call for projects in December 2020 that yielded 99 shovel-ready or shovel-worthy projects submitted by members. In developing today's recommendations, staff considered projects that 1) are core to the 2019 Priorities, and 2) would have broad regional impact.

Staff received new information the day before the meeting suggesting the earmarks may come from existing funding. If that is the case, staff recommend any project selections be made contingent on clarification that the funding not take away from currently planned and funded projects. Staff will seek further clarification. The situation is rapidly evolving and the timeframe is constrained.
Staff prepared two baskets of projects to advance to Congresswoman Pingree and MaineDOT. The first included three large and transformational projects:

- Casco Bay Lines will need a replacement ferry in the next few years. The replacement will be a diesel-electric hybrid and is estimated to cost $12 million. Less than $1 million of that is currently funded. The remaining unfunded portion represents a significant strain on the region's annual FTA Section 5307 funding apportionments.

- Many of the region's traffic signals are optimized and coordinated by PACTS' Regional Traffic Management System (RTMS). However, the software used on the server is outdated and no longer supported. This presents a vulnerability should a system failure occur.

- Forty percent of the region's FHWA funding is used to maintain the region's collector roadway network. There is currently a $36 million funding deficit. Additional funding to support PACTS' Collector Paving Program could free up resources for other roadway and multimodal improvement projects.

The second proposed basket of projects included several smaller projects should those be more likely to receive funding:

- The RTMS server as detailed above
- Select segments from the Collector Paving Program backlog
- $1 million to fully fund accessibility improvements at transit stops under the Transit Stop Access Project

Jim Bennett said projects for earmarks typically must otherwise qualify for federal funding. He supported putting one or more projects forward. Kristina Egan suggested the committee make their recommendations contingent on a clarification that the earmarks will not come from existing funding and disrupt MaineDOT's currently programmed projects. Jen Brickett said the latest information MaineDOT had received indicated the earmarks would come from existing funding. She clarified that these earmarks were related to reauthorization of the FAST Act, whereas the proposed $2.3 trillion stimulus program and the appropriations processes were separate.
Matt asked for public comment.

- Tom Milligan said he did not support any earmarks that would affect existing funding, noting the time and effort involved in getting projects programmed.
- Brian Eng agreed with the importance of ensuring the earmarks not affect existing funding. He supported developing a list to put forward in the event of additional funding.
- Nathan Poore noted the action taken will depend on the details of the allocation formula. He noted a segment of Route 88 in Falmouth appeared to be missing from the list. He asked why the selection of collector paving projects in the smaller basket did not consider overall condition. He asked whether the 99 projects received in GPCOG's call for projects were ranked. Kristina said the smaller projects were selected based on AADT and overall cost to ensure they would provide the greatest benefit based on overall costs. The results of the 2020 call for projects were not ranked; the intent was to catalog the needs in the region and identify appropriate funding streams to advance projects. Staff will follow-up on the Route 88 segment.
- Ken Capron advocated for the inclusion of funding to support additional research of Microrail as a transit option in the region.
- Liz Trice noted that with reduced traffic speeds, travel lanes can be narrower, which reduces pavement area and maintenance costs. She added that low-cost, temporary pilot projects can help inform decision making.
- Hank Berg thanked the committee for its consideration of the ferry replacement for earmark. He noted it would free up significant funding for other transit capital and operations needs in the region. He clarified that the outgoing vessel is not unsafe but rather has become very expensive to maintain due to its age.
- Tim Wells asked whether a regional study of locations suitable for roundabouts and the benefits of roundabouts had ever been conducted. Chris Chop said a study on that topic had not been conducted before.
- Tom Milligan supported advancing collector paving projects.

Matt closed public comment. In light of the many questions staff would need to answer and limited time remaining in the meeting, Hope moved to table the discussion to a
later date; Belinda seconded. Jim suggested the public submit any additional comment in writing in advance of the meeting. On the motion, all were in favor.

4. **Transportation Funding Framework**

At its March 18 meeting, the Executive Committee approve the Transportation Funding Framework with the understanding that FHWA funds would flow, but the region's FTA designated recipients would need to reach final agreement on the process for allocating FTA funds. On March 24, PACTS and the designated recipients agreed to the framework subject to it being revised to reflect:

- A policy of setting aside 12 percent of Section 5307 funding for system enhancement projects beginning in 2023, to be evaluated in advance of 2026
- A goal of setting aside 20 percent of Section 5307 funding for system enhancements
- A commitment by PACTS, MaineDOT, and the region's transit agencies to work together in exploring alternative funding opportunities, including:
  - Leveraging alternative federal funding
  - Pursuing discretionary grants
  - Identifying opportunities for operational efficiencies and savings

Jim moved to adopt the revised funding framework; Belinda seconded.

Matt acknowledged everyone involved and thanked them for their hard work and cooperation. He asked for public comment. Patricia Quinn echoed those thoughts and felt the policy as agreed to will be sound for future planning efforts. Eamonn Dundon noted the adoption of the framework as the important first step in advancing regional priorities. Matt closed public comment.

Jim noted the ongoing importance of finding the balance of regional and local decision making. Jen and Greg also gave their support of the framework, the process, and the work of those involved. On the motion, all were in favor.
5. **Designated Recipient Status**
Jim moved to tabled this item until the next meeting; Belinda seconded. All were in favor.

6. **Other Business**
There was no other business discussed.

7. **Adjourn**
With no objection, the meeting was adjourned.
Dear Andrew and PACTS,
I may be able to attend the meeting on Tuesday but just in case, I am asking that the research and implementation for MicroRail be included in the list provided to Pingree. Estimated at this time for finishing the prototype and initial deployment will be between $1.5 and 3.0 million in year one. Another $1.5 million for additional deployment in the subsequent 4 years. USM has an interest in this project in the percentage involvement allowed by SBIR/STTR.

I refer you specifically to “49 U.S. Code § 302. Policy standards for transportation (2)It is the policy of the United States to establish in the shortest time practicable a United States designed and constructed magnetic levitation transportation technology capable of operating along Federal-aid highway rights-of-way, as part of a national transportation system of the United States.”

And again I refer you to the Sec 53 definition of public transportation below – which includes entities such as MicroRail.

Ken Capron


PACTS Executive Committee on Tuesday, April 6 to receive public testimony

Last week the House Transportation Committee initiated an earmark process for the upcoming Surface Transportation Reauthorization bill. Congresswoman Pingree’s staff immediately reached out to us to let us know about this new development, and to work with us to make sure our region participates in the earmark process.

Staff expect to post an updated agenda with recommendations for priority projects that deliver broad regional benefits by the end of day April 3. Please visit our website for the full meeting agenda and Zoom link. Please also consider joining the PACTS Executive Committee meeting next Tuesday morning to share your thoughts and priorities regarding this new federal funding opportunity for our region. We’ve provided more background on the project parameters below.
If you are unable to attend Tuesday morning’s meeting, please submit your comments to us via email to: aclark@gpcog.org.

Thank you in advance as we work quickly to make sure our region benefits from this new federal transportation funding opportunity.

Background Information

The House Transportation Direct Project Funding process (earmarks) has been set up with these rules:

Capital projects eligible under title 23 USC (Federal-Aid Highways; Federal lands transportation program; Forest development roads and trails; Research, Technology, And Education; Research and technology development and deployment), and chap.53 of 49 USC (TRANSPORTATION: see exclusions), are eligible for earmark consideration.

- If a project isn’t on a State Transportation Improvement Plan (STIP) or Transportation Improvement Plan (TIP), which are from Metropolitan Planning Organizations (MPOs), they need a letter from state DOT or MPO that it will be added in a “reasonable timeframe.”

Note this means earmark submissions will be coming from MPOs and the State of Maine, not individual municipalities, or other entities.

- Timeframe for funding: Funding will be sent to states/MPOs in the first year of the bill, and funds must be obligated within four years.

- Same cost-share requirements as the FAST ACT, meaning there are local match requirements.

- Deadline for submissions to Congresswoman Pingree’s office: April 23rd, but PACTS will need to submit as soon as possible.

- Likely project funding totals for each Congressional member are estimated to be $15-20 million.

- Process: Congresswoman Pingree’s office will receive proposed projects for direct funding and choose which projects to advance to the House Transportation Committee. Since her office has not set project selection criteria, staff have advised us to select a variety of projects, some larger and some smaller.

House designated earmarks will still need to pass through the Senate (which has not yet set up a process for direct funding) and survive any Congressional reconciliation process that may be needed.

Types of eligible projects:

- Construction, reconstruction and/or improvement of highways and bridges
- Improve safety, mobility, and freight movement on roads
- Planning, environment review, design, right of way acquisition, or operation improvements
- Active transportation and transportation alternatives (pedestrian and bicycle infrastructure)
- Environmental mitigation
- Truck parking
Transportation system management and operations
Electric vehicle charging infrastructure
Acquisition of clean vehicle fleets under the Congestion Mitigation and Air Quality (CMAQ) program
Highway-railway grade crossings
Certain rail projects with air quality benefits under the CMAQ program
Construction or rehabilitation of a transit station or transit equipment
Purchase of rolling stock including rail cars for public transportation purposes
Purchase of buses or ferries (including zero-emission vehicles)
Transit-related intelligent transportation systems
Project expenses related to a capital project including design, engineering, location surveys, mapping, or acquiring rights-of-way
Transit improvements such as bus shelters, pedestrian and bicycle access to a transit station, and enhanced access for persons with disabilities and preventative maintenance

In preparing for potential federal stimulus packages, GPCOG issued a “call for projects” on December 18, 2020 for shovel-ready and shovel-worthy projects. GPCOG received 99 projects through its “call for projects” application portal.

Shovel-ready projects are infrastructure projects that are positioned for construction or implementation and ready to advertise for bids within six to nine months. Shovel-worthy projects are typically projects that offer significant economic, social, and environmental benefits, but which also require additional planning, design, and engineering prior to implementation. Maine Won’t Wait: A Four-Year Plan for Climate Action by the Maine Climate Council recognizes the need for additional project development so that climate-friendly shovel-worthy projects can advance and potentially leverage federal funding.

23 U.S. Code Title 23—HIGHWAYS

1. CHAPTER 1—FEDERAL-AID HIGHWAYS (§§ 101 – 181)
2. CHAPTER 2—OTHER HIGHWAYS (§§ 201 – 219)
3. CHAPTER 3—GENERAL PROVISIONS (§§ 301 – 330)
4. CHAPTER 4—HIGHWAY SAFETY (§§ 401 – 412)
5. CHAPTER 5—RESEARCH, TECHNOLOGY, AND EDUCATION (§§ 501 – 519)
6. CHAPTER 6—INFRASTRUCTURE FINANCE (§§ 601 – 610)

49 U.S. Code Title 49—TRANSPORTATION

1. SUBTITLE I—DEPARTMENT OF TRANSPORTATION (§§ 101 – 727)
2. SUBTITLE II—OTHER GOVERNMENT AGENCIES (§§ 1101 – 1326)
3. SUBTITLE III—GENERAL AND INTERMODAL PROGRAMS (§§ 5101 – 6503)

49 U.S. Code Chap. 53 Public Transportation

(14) Public transportation.—The term “public transportation”—
(A) means regular, continuing shared-ride surface transportation services that are open to the general public or open to a segment of the general public defined by age, disability, or low income; and
(B) does not include—
(i) **intercity passenger rail transportation** provided by the entity described in chapter 243 (or a successor to such entity);
(ii) **intercity bus service**;
(iii) charter bus service;
(iv) **school bus service**;
(v) sightseeing service;
(vi) courtesy shuttle service for patrons of one or more specific establishments; or
(vii) intra-terminal or intra-facility shuttle services.

1. **SUBTITLE IV—INTERSTATE TRANSPORTATION (§§ 10101 – 16106)**
2. **SUBTITLE V—RAIL PROGRAMS (§§ 20101 – 28505)**
3. **SUBTITLE VI—MOTOR VEHICLE AND DRIVER PROGRAMS (§§ 30101 – 33118)**
4. **SUBTITLE VII—AVIATION PROGRAMS (§§ 40101 – 50105)**
5. **SUBTITLE VIII—PIPELINES (§§ 60101 – 60503)**
6. **SUBTITLE IX—MULTIMODAL FREIGHT TRANSPORTATION (§§ 70101 – 70204)**
7. **SUBTITLE X—MISCELLANEOUS (§§ 80101 – 80504)**

49 U.S. Code § 302. **Policy standards for transportation**

(2) It is the policy of the United States to establish in the shortest time practicable a United States designed and constructed **magnetic levitation transportation technology** capable of operating along **Federal-aid highway rights-of-way**, as part of a national transportation system of the United States.
Chair Sturgis and Members of the PACTS Executive Board,

I served as the chair of the Portland's Franklin Street Redesign Study from 2008 to 2015. PACTS and our partners at Maine DOT played critical roles in supporting and advancing this integrated approach to transportation planning. While based in emerging-best practices for roadway design at the time, we now see funding opportunities to implement these transformative recommendations on the horizon.

The Franklin Street project would be an excellent project to showcase with the transportation funding earmark, BUILD grant, or a federal stimulus package. It checks many of the boxes that the federal government likes to see, including the following:

- This is a large high-profile project in a very urban environment.
- Planning study has been completed and is approved by city council (2015).
- Project is supported by the public and business owners.
- Project is focused on complete streets (multimodal), accommodating bikes, pedestrians, transit, and vehicles.
- Project looks to reconnect neighborhoods and communities (urban revitalization).
- Project seeks to repair past impacts to socio-economically distressed populations, and improve transportation options and livability for marginalized populations (social justice).
- Project pays dividends by reclaiming acres of under-utilized land for housing, economic development, and other community benefits.
- Assuming the project is phased, portions of the project could be shovel ready in a short timeline.

While the price tag ($15-20M) may be hefty for congressional earmark funding, full implementation of the Franklin Street Plan would be transformational like few other regional roadway projects. Funding of the remaining Preliminary Engineering work ($1.8M) could be considered as appropriate in scale for the congressional earmark.

It is important that the Franklin Street Plan be considered in its entirety. Each phase (1-3) is an essential component in this integrated plan. Proposed funding of only the Marginal Way/Somerset intersection (Phase 1) will not achieve the goals related to transportation, economic development, and community benefits that guided the plan, but instead, further aggravate issues of safety and mobility along the corridor.

On behalf of the study's Public Advisory Committee, and the hundreds of citizens who participated in the years of public engagement related to this study, I encourage you to endorse the Franklin Street Redesign Plan for consideration by Representative Pingree and other members of our congressional delegation.

Sincerely,

Markos Miller
PACTS,

I'm writing to express my support to expand requests for funding to fund the entire transformation of Franklin Street in Portland.

Franklin is the icon of everything that has been done wrong in transportation planning in the past, and we have a great opportunity to set things right. We need to show we care about using our public land and resources to support Equity: both of groups that had their neighborhoods destroyed by urban renewal, and of today’s families that want to walk and bike safely through their city; Environment: that we care about increasing green spaces, to build more housing density and livable neighborhoods, and to move away from auto-centered development for climate and social reasons, and Economy: to use land more efficiently, and redevelop land that can be productive, and provide households with the options to live close to their work and not to own cars.

I urge you to seek funding for the full transformation of Franklin street to benefit generations to come.

Liz Trice
Schedule a meeting with me here.
PelotonLabs
Maine Cooperative Development Partners
207-776-0921

"Whatever you do, or dream you can, begin it. Boldness has genius and power and magic in it."
"Lo que usted puede hacer, o soñar que puedes, comenzar. La audacia tiene genio, poder y magia en ella."
- Johann Wolfgang von Goethe / William Hutchison Murray
Mr. Clark and the PACTS Executive Committee:

I am Jon Graback, a retired civil engineer living in Portland, who served as a District 1 representative on Portland’s Public Advisory Committee for Phase 2 (“the PAC”) of the Franklin Street Redesign planning process that took place between 2013 and 2015. A copy of the final report on this comprehensive planning effort, as prepared by the IBI Group and its engineering partners, is available for download here. A copy of the final slide presentation to our Public Advisory Committee in April of 2015 is available for download here, and a subsequent slide presentation to the Portland City Council in July of 2015 is available for download here. Following the July 20, 2015 presentation and follow-up discussion, the Portland City Council voted to approve the Phase 2 Final Plan at that meeting.

Subsequently, Maine DOT and PACTS were scheduled to complete a Preliminary Design Report (PDR) under the original $479,076 Phase 2 planning and preliminary design grant award (PACTS Project WIN 014815) from 2011, but I have never seen and can’t find a copy of the final PDR. Apparently the PDR was finally completed and presented to the Portland City Council on January 16, 2019 (Public Meeting Notice attached), but I was not at that meeting. But the Chairman of our PAC, Markos Miller, did attend that meeting, and afterwards he sent me and the other members of the PAC an e-mail summarizing the meeting; I am forwarding a copy of Markos’ January 21, 2019 e-mail to you as a separate message. Also, here is a link to a January 23, 2019 Portland Press Herald article on the rather disappointing results of the January 16th City Council meeting.

I am writing now to urge the PACTS Executive Committee, at its upcoming April 6th meeting, to include a regional earmark for federal funding to complete the detailed design process and prepare construction documents for all 3 phases of the Franklin Street Redesign project, which is apparently still at the 25% design level (Preliminary Design), and has no more money left in the original Phase 2 funding grant. This would enable this landmark Portland transportation and land-use project to finally become “shovel ready” to receive full construction funding within a few years, perhaps under President Biden’s recently-announced 8-year infrastructure funding plan (which reportedly includes “$20 billion to reconnect urban neighborhoods cut off by highways”, which the full Franklin Street project might very well qualify under).

The myriad public benefits of the Franklin Street Redesign project were effectively summarized by Markos Miller in a “Maine Voices” column he wrote that was published in the July 15, 2015 edition of the Portland Press Herald, available here. I encourage you to read it to get a quick overview of why the Franklin Street project as a whole is definitely “Shovel Worthy”, and should be advanced to “Shovel Ready” without even more years of delay... particularly now that President Biden has proposed a massive federally-funded Infrastructure improvement program.

I hope that the PACTS Executive Committee will carefully consider earmarking federal funds to complete the detailed design and construction document preparation for this important urban infrastructure project. Thank you very much for your consideration of this request!

Jon Graback
District 1 Resident
Let me try again with the right e-mail address - LOL.

Mr. Clark and the PACTS Executive Committee:

Below is a copy of Markos Miller’s e-mail summary of the January 16, 2019 Portland City Council meeting on the Franklin Street Preliminary Design Report, that I said I would forward to you in my accompanying e-mail requesting a regional earmark for federal funding to complete detailed design and construction document preparation for the Franklin Street redesign project.

Jon Graback

Franklin Colleagues,

Christian, Sally, John, and I were the former committee members attending this meeting. I appreciate their attendance, and the attention of all of you.

Most of the meeting was a presentation of the completed (25%) PDR work for the entire approved Franklin plan. It is pretty faithful to the plan endorsed by the committee and approved by council. The narrative also addressed important agreements, such as at what point would Oxford be converted from "right-in, right-out" to a full reconnection, and Lancaster getting a pedestrian crossing. I think it is a faithful representation of the plan. The price tag for construction costs is down to $14 million, from $26m.

The meeting also presented a modified version of the work at Exit 7 to Fox/Somerset, which is getting lined up for funding. This is pretty much the Franklin plan, but with a modified treatment of Marginal Way taken from the Bayside Transportation plan. It may be preferable to the Franklin plan, but
still accommodates more traffic at these intersections. Grade and alignment is dealt with here so that it could seamlessly line up with future reconstruction. The red flag here is that the City would fund $4.2 million of the $5.4 million cost, with Maine DOT covering the off ramp costs. Chris Branch explained that this project would probably never get funded through PACTS, which does not have much more than $4m a year to disburse to all its member communities.

The City has also developed some "short term recommendations", basically not changing the alignment at all, but installing LH turning lanes at Cumberland and Congress St, and completing the Franklin design from Middle St to Commercial, with the exception of the roundabout. This came across as the City doing something for cars and for the tourists, but nothing to reconnect the neighborhoods, expand Lincoln Park, provide bike or pedestrian improvements, or deal with the 6 acres of land in the median. Staff and the consultant team seemed to admit that it failed to achieve the real gains promised in the plan, but someone had the idea to think this up and have it drawn out.

There were some attending in support of the plan, some who wanted to save the trees, some who thought the median should be saved, and others that thought no $ should be spent to support more cars. Councilor Cook (D5) attended, expressed support for the plan, but opposition to using local money to address a commuter issue. This sentiment was shared by others.

City staff acknowledged that the days of building more lanes for cars is ending- no money, no space- and that transit strategies are needed.

I am pleased that the PDR work has finally been completed to the level expected and that we reached the milestone of the public meeting. Proposed construction of the Marginal Way end is also hopeful. However, I do have some concerns. The proposed "short term recommendations" presents the possibility that the construction takes place to make improvements for Marginal Way and for Commercial St, but fail to achieve the vision of the Franklin Plan and the many gains of removing the median. The approved plan was a compromise that worked because all stakeholders got something. Failing to address the issues of the median, Lincoln Park, land use, and pedestrian and bicycle infrastructure while facilitating the movement of more traffic breaks the compromise that holds it all together. The shortchanged term recommendations should be rejected.

The use of so much local money is another issue. Full implementation of the plan offers funding opportunities to pay for reconstruction and offer other benefits, financial or other, to the community. Local funding of Marginal Way does not have a return for the City, but local funding of the entire project offers considerable return for Portland.
I will be advocating that the City Council not fund the Marginal Way work in isolation, but rather, commit to full reconstruction of Franklin St. I hope you will consider joining me in this. Council emails are below:

Mayor Strimling      estrimling@portlandmaine.gov
Nick Mavodones       nmm@portlandmaine.gov
Jill Duson           jduson@portlandmaine.gov
Pious Ali"            pali@portlandmaine.gov
Belinda Ray"         bsr@portlandmaine.gov
Spencer Thibodeau    sthibodeau@portlandmaine.gov
Brian Batson         bbatson@portlandmaine.gov
Justin Costa         jcosta@portlandmaine.gov
Kimberly Cook        kcook@portlandmaine.gov

Thank you all for your service to our community.

Markos

Markos Miller
17 Atlantic St
Portland, ME
04101
(207) 807-2681
Hi,

My name is Mireille Kabongo. I am emailing you to make my testimony. I am a person with a disability. I am not driving. I have transportation barriers. I use door-to-door transportation transit who is not reliable for me to have access to my daily life. My concerns are if you can move the accessibility identified in the transit Access project and also as someone who does not drive, I request the paving and signal projects to be implemented for people with disabilities. Sometimes, you don't cross the street. I'm a slow person. I am not comfortable, and in winter, side walk can make fall down.

Please think about all the people out there who can't have a normal life because of not transportation and disabilities condition as a human being. I need to have a normal life like anyone.

Thanks,

Mireille Kabongo
Hi Andrew:

Matt suggested via chat this morning that I send in written comments regarding opportunities to support the Eastern Trail through a potential federal earmark of transportation funds.

The Eastern Trail is currently working on a feasibility study for improvements to the 3-mile section through Saco and Biddeford. This study will provide options for improving road crossings as well as potential new off-road sections of trail. Additionally the study will consider alternatives for crossing the Saco River. This study is supported by the MDOT's Partnership and Planning Initiative and is cost matched by the Eastern Trail, and the Cities of Biddeford and Saco.

Estimates of cost for the 3-mile section of Eastern Trail improvements through Biddeford and Saco are $500,000 for engineering/design, and $2,700,000 for construction based on an average cost of roughly $900,000 per mile of trail. Estimated total cost of engineering/design and construction is $3,200,000.

The intention of improvements for this section of the Eastern Trail is to provide a safer more connected active transportation corridor through Biddeford and Saco that eventually connects the trail from South Portland to Kittery. The trail would provide social, economic and environmental benefits to both communities.

Thank you,
Jon Kachmar
Eastern Trail Executive Director

Please support the Eastern Trail here to keep building and maintaining the trail!

---

**Jon Kachmar, Exec. Dir.**
860-227-0914, jon.kachmar@easterntrail.org
easterntrail.org
Andrew,

I am reaching out to you today about the PACTS Executive Committee’s public testimony. Yesterday, I had the opportunity to speak with Andrew Butcher at GPCOG about the Saco Water Resource Resiliency Upgrade project, and how the project fits the outlined parameters as a “shovel ready/shovel worthy” resiliency project. Unfortunately, we did not get the call for projects in December 2020, and have just asked that this project be considered for inclusion on the “100 Shovel Ready/Shovel Worthy” Resiliency Projects List.

Below are details about this project:

**Project Purposes:** The purpose of Saco’s Water Resource Resiliency Upgrade is to make Saco’s wastewater treatment plant resilient to the effects of sea level rise, flooding, and climate change with a sustainable plant to serve Saco’s needs to 2050 onward. This project will also allow the City’s Water Resource Recovery Department (WRRD) to account for anticipated nutrient removal requirements. This project is planned to incorporate an innovative wastewater technology which will increase wet weather treatment capacity to 11 million gallons per day (MGD) to support Saco’s growth and development. The current plan incorporates opportunities to enhance greenspace and public amenities to support greater and enhanced access to and use of the Riverwalk trail, which links the communities of Saco and Biddeford. The use of an innovative wastewater treatment technology is estimated to conserve up to 50% energy from conventional treatment processes. Saco’s sewer system currently has more than 5,200 customer accounts, serving more than an estimated 11,490 residents and more than 350 business users, some of which are in Saco’s [Opportunity Zone and Federal Foreign Trade Zone](https://www.census.gov/foreign-trade/census/fedzone.html), supporting the ability of businesses with state, national, and international reach to operate on a daily basis.

**Public Outreach:** Unique for utility upgrades, the City of Saco partnered with the EPA and Ross Strategic to use EPA’s Alternative Augmented Analysis with a community stakeholder group consisting of residents and business owners of the Saco community. Through this process, our team (consisting of our WRRD staff, our City Engineer, and our project engineering team, Tighe & Bond), and the EPA and Ross Strategic teams facilitated discussions about the community’s priorities for water resource recovery infrastructure planning and investment. This process incorporated the creation of a set of community goals, metrics and criteria on which to evaluate our three site alternatives for this upgrade. Our next community stakeholder meeting will be within the next month or so, where discussions about the evaluation results will be formally shared with the Coastal Resiliency Committee (community stakeholder group). You can review our previous meeting information at this link: [Coastal Resiliency Committee](https://www.epa.gov/). The Saco WRRD is wrapping up this process now with the EPA, and will be featured in a forthcoming EPA Case Study about this infrastructure planning work.

**Estimated Cost:** The Saco WRRD will soon be entering into a 30% design phase for this project. Based on the evaluation results of the site alternatives, the estimated project cost is $54,400,000. We would very much appreciate even if part of the project could be considered for inclusion on this list.

Thank you for your consideration.

Sincerely,
Transportation Earmarks FAQs
Congresswoman Pingree’s office notified GPCOG of an opportunity for potential transportation earmark funding and asked PACTS to provide priority projects for her office to consider submitting for funding. Here is some additional guidance received from Congresswoman Pingree’s office and other national organizations, presented as a “frequently asked questions” (FAQs).

Do the funds represent additional funding or a reallocation of existing funding?
“Additional funding.” – Congresswoman Pingree’s office
“The funds would be in addition to the baseline funding, not replacing it.” – American Association of MPOs (AMPO)

Given that these earmarks represent additional funds, why does the Transportation & Infrastructure Committee refer to the funding as “below the line”?
“Maine (and all the other states) will get the amount of funding expected for FY22 in formula funding AND the funds from Member Designated Projects. These additional funds are being added to below the line spending by DOT rather than above the line, or discretionary spending (INFRA and BUILD), hence it being referred to as below the line.” – Congresswoman Pingree’s office.

Is this process for FY22?
“Yes, this process is for FY22.” – Congresswoman Pingree’s office.

What happens to regional funding if a project on the Transportation Improvement Program (TIP) is funded through an earmark?
Based on guidance received, staff are interpreting that a TIP project, if funded through an earmark(s), would presumably “free up” resources for other regional projects. However, staff were unable to confirm this as the Committee on Transportation & Infrastructure (T&I) has not yet addressed this topic, asserting: “how obligation limitation will flow to designated projects versus formula funding will be laid out in the T&I legislative text.”

MaineDOT’s interpretation: “we cannot say whether a region will receive a backfill of revenue should a project in the STIP within their region be selected for an earmark”. - MaineDOT

Do projects need to be on the Transportation Improvement Program (TIP) and Statewide Transportation Improvement Program (STIP)?
Yes, they need to be on the TIP/STIP or added to the TIP/STIP within a “reasonable timeframe”.

Are collector roads eligible for funding?
Yes, collectors are eligible if they are designated as major or minor collectors in a Federal “urbanized area” (PACTS urbanized area) or major collectors in a Federal “rural area.” The collector road distinctions, along with the PACTS urbanized area, are shown on the MaineDOT GIS map here.
Can projects be bundled?
“Only if projects have been “bundled” on the STIP or TIP to be bid as a single contract can they be requested in the same manner. If they are listed separately they will need to be requested separately. However, as we are limited by dollar amount rather than number of projects, feel free to let us know if there are projects you would like to put forward and considered together though they’d be separate items.” – Congresswoman Pingree’s office

What is MaineDOT’s interpretation of the transportation earmark guidance?
“Right now the guidance we’ve received from AASHTO (the American Association of State Highway and Transportation Officials) is that earmarks will cut into formula funding. If there is flat funding for reauthorization, the total formula dollars that we direct will be reduced by the earmarks. If there is additional funding for reauthorization, the earmarks will still cut into formula funding but they could be considered “additional funding” because the total pot has grown. So in the latter case, earmarks are still below the line (i.e., cutting into formula funding) but “additional” because the total pot of formula funding has grown. We currently have an annual unmet need of about $200 million. If the total pot grows, the additional formula funding would be programme to meet this need. In either scenario above (i.e., formula funding is flat or grows), earmarks, as we understand them today, will cut into formula funding and potentially squeeze out projects in our work plan. As a result, it’s our hope that any earmarks coming out of Washington will be able to support the projects that are active and already programmed in our Work Plan and included in our STIP (or could be added to the STIP within a reasonable time period). These projects are geographically and modally diverse, and they’re in the pipeline because we, along with partners like PACTS, have identified a need for them. At this time we cannot support projects that don’t meet this criteria. Due to all of the uncertainty and our different interpretations of funding earmarks at this time, we believe that the most prudent way forward is to submit separate lists to Representative Pingree’s office, especially given the short timeframe. However, we are hopeful that this will not be the case in the future.” – MaineDOT

How will MaineDOT submit projects to Congresswoman Pingree’s office?
MaineDOT will compile priority projects from MPOs and send the projects as separate lists, in addition to a list of DOT-priority projects. In other words, MaineDOT will not prioritize MPO projects and MaineDOT priority projects in one list.

Additional information from MaineDOT: “We are still working on our list of projects for Representative Pingree’s office and don’t anticipate the list being finalized until some time tomorrow. While we won’t be able to share a list with the Executive Committee, we can speak generally about the types of projects we’re looking at. As a heads up, one project that we are looking at is the development of a pathway segment in Portland along the former Union Branch corridor between the Bayside Trail and the PTC (see photo below). This is an active PE project (WIN 18469.00) that we’ve been working on for several years with the City of Portland. Construction of this trail segment will be ~$3M.”
CRITERIA II: PROVIDE A DIRECT ROUTE FROM THE EXISTING TERMINUS OF THE HYDE TOP TRAIL TO THE PORTLAND TRANSPORTATION CENTER THAT CAN BE NAVIGATED BY THE TARGET USERS WITH COMFORT AND EASE.
Regional Transportation Priorities

As Presented and Approved in 2019
PACTS Called for a Short List of Priorities

**Issue:** The region doesn’t have comprehensive list of shovel-ready projects and isn’t organized to support investments

**Short term goal:** Develop a short list of priority projects and initiatives that are embraced by our members, our partners, and the public

**Medium term goal:** Link these priorities to funding decisions

**Long term goal:** Attract more transportation funding to the region
SUMMARY OF CHALLENGES

The region has many needs and insufficient resources to meet them all. The major challenges our region faces are listed below.

- Maintaining what we have
- Modernizing and building for tomorrow
- Preparing for climate change
- Decarbonizing transportation
- Creating centers and walkable neighborhoods
- Connecting fragmented public transportation
Ranked Regional Transportation Needs

1. Upgrade traffic signals and intersections
2. Maintain collector and arterial roads
3. Maintain buses, trains and ferries
4. Target investments to places where people live and work
5. Better connect public transportation services
6. Expand public transportation
7. Encourage housing in places people live and work
8. Attract younger workforce with investments
9. Expand sidewalks and bike lanes for commuters
10. Better get commuters on/off Portland peninsula
11. Expand mobility options for older people
12. Divert traffic from 295 to Turnpike
13. Prepare infrastructure for extreme weather
14. Encourage electric vehicles
15. Reduce driving alone
16. Divert freight off roads
17. Expand roadways with new lanes and highways
Whole Region Wants:
1. Public transportation investments
2. Intersection and signal improvements
3. Building housing in places where people already live and work

1 or 2 Subregions Want:
1. Expanding roads
2. Adding bike lanes and sidewalks for commuters
3. Diverting traffic from downtowns
4. Maintaining collectors and arterials
Public Survey

For accessibility needs call 207-774-9891

Transportation Survey

How do we build and maintain the transportation network we need for today and tomorrow? Help us set our priorities and make sure the transportation investments we make go towards what is most needed.

Share your priorities by completing this brief survey.

What is PACTS?
The Portland Area Comprehensive Transportation System (PACTS) is the Metropolitan Planning Organization (MPO) for the Greater Portland region.
Public’s Ranking of Priorities

Priority Ranking Results

- Plan for Growth: 407
- Improve Public Transit: 388
- Improve Walking / Biking: 386
- Upgrade Intersections: 367
- Divert Thru-Traffic: 295
- Maintain Existing System: 270
- Access to the Peninsula: 228
- Expand Roadways: 166
Public's Allocation of Resources

- Maintaining Roads and Bridges: $18.92
- Improving Public Transit: $17.37
- Improving Walking/Biking: $15.07
- Upgrading Intersections: $10.95
- Planning for Growth: $10.91
- Diverting Traffic to I-295 and I-95: $8.04
- Improving Access On/Off the Peninsula: $6.76
- Expanding Roadways: $5.96
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<tr>
<th>PACTS Committee Members (Ranked)</th>
<th>PACTS Community Leaders (Ranked)</th>
<th>Public (Unranked)</th>
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<tr>
<td>1. Upgrade intersections</td>
<td>1. Public transportation</td>
<td>• Maintain roads and bridges</td>
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<td>2. Maintain roads</td>
<td>2. Improve intersections</td>
<td>• Improve public transit</td>
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<td>3. Maintain transit</td>
<td>3. Build housing where people already live and work</td>
<td>• Improve walking/biking</td>
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<td>4. Invest in places people work and live</td>
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<td>• Plan for growth</td>
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<td>5. Connect public transit services</td>
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<td>10. Get commuters on/off Peninsula</td>
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PACTS Selected Top Priorities – 8/15/19

• Maintain, improve connections and expand public transportation

• Improve the region’s intersections

• Maintain the region’s roads

• Plan for growth, encouraging infill development, investments in places that people already work and live, more housing close to jobs

• Expand sidewalks and bikeways for commuters

We’ll also continue doing other things.
Maintain, improve connections and expand public transportation:

- Implement short-range transit plan
- Transit Tomorrow will define long-range priority investments

Improve the region’s intersections

- Improve signals
- Address high crash locations
Maintain the region’s roads:
- Collector paving
- Municipal Partnership Initiative

Plan for growth and encourage infill:
- Encourage housing in places where people live and work
- Transit Oriented Development

Expand sidewalks and bikeways for commuters
- Regional demonstration projects
- Complete streets policy
To: GPCOG/PACTS  
From: AECOM  
Date: 9/28/2020  
Re: Direct Recipient Designation and Project Programming  

The purpose of this memorandum is to discuss the direct recipient designation process for Federal Transit Administration (FTA) funding and the role of PACTS in programming and allocating that funding to transit operators in greater Portland.

The primary document outlining the funding process is FTA Circular 9030.1E, Urbanized Area Formula Program: Program Guidance and Application Instructions (The Circular). This document primarily deals with administration of Federal Section 5307 Urbanized Area Formula Funding, and provides guidance to states, Metropolitan Planning Organizations (MPOs), designated recipients, direct recipients, and subrecipients of FTA funding on program administration. A secondary reference document for this memorandum is FTA Circular C-5300.1, State of Good Repair Grants Program: Guidance and Application Instructions which provides guidance on Federal Section 5337 State of Good Repair funds.

The Role of PACTS and the Transit Agencies

The purpose of Section 5307 funding is to provide assistance to urbanized areas (UZAs) in running public transportation services. Funds are apportioned to the nation’s 497 UZAs based on a formula that takes population, population density, level of transit service, and several other factors into account. The funding is managed by one or more “designated recipients” in a UZA, which have multiple functions described below.

**Designated Recipient vs. Direct Recipient**

The guidance in The Circular recommends that each UZA has only one designated recipient, which may then identify other direct recipients through a split letter.

As per The Circular, a designated recipient is:

“(i) an entity designated . . . by the governor of a state, responsible local officials, and publicly owned operators of public transportation, to receive and apportion amounts under Section 5336 to urbanized areas of 200,000 or more in population” [emphasis added] (page I-3)

The language in The Circular indicates that a designated recipient not only directly receives funding from FTA, but also apportions funding through a split letter to other eligible entities in the UZA as “direct recipients.”

The Circular defines a direct recipient in this way:

“For purposes of this circular, a direct recipient is an eligible entity authorized by a designated recipient or state to receive Urbanized Area Formula Program funds directly from FTA.” (page I-3)
The Frequently Asked Questions section on the FTA website offers some clarification on the distinction between a designated recipient and a direct recipient:

“Direct recipients receive funding directly from FTA. Designated recipients have been designated by the state governor or his/her designee to receive and/or sub-allocate.”

More clarity on the relationship between designated recipients and direct recipients is found in the section of The Circular dealing with the development of a split letter:

“A state or designated recipient may authorize another public entity to be a ‘direct recipient’ for Section 5307 funds . . . The designated recipient must inform FTA of the arrangement in a ‘split letter,’ which establishes the allocation of Section 5307 funds in a large UZA.” (page II-5)

The Circular goes on to note that a split letter should be developed cooperatively by public transit providers, the MPO, and the designated recipient(s) for the UZA.

Analysis

The distinction between a designated recipient and a direct recipient is subtle and not clearly spelled out in The Circular. One key difference is that a designated recipient may designate direct recipients to receive funding directly through a UZA split letter. In the context of PACTS, the distinction is somewhat ambiguous based on the authorizing documentation from the PACTS and the MaineDOT designation letters.

The PACTS letter to FTA dated January 17, 2013 indicates that the PACTS Policy Committee voted to confirm the five urban transit agencies and MaineDOT as “designated recipients”, with MaineDOT being the designated recipient for RTP and YCCAC rural transit funding.

The letter from MaineDOT Commissioner David Bernhardt to FTA dated February 22, 2013 uses the following terminology:

“I have designated [the five urban Portland transit operators] as direct grant recipients for Federal Transit Administration (FTA) funds.” [emphasis added]

A literal reading of the February 2013 letter could indicate that no designated recipient has been identified by the state, and so the state is the de facto designated recipient.

Finally, it should be noted that regardless of which entity or entities are the designated recipient(s) for the region, The Circular does indicate:

“The amount of funds available to direct recipients is determined cooperatively by public transit providers, the MPO, and the designated recipient(s) for the UZA.” [emphasis added] (page II-5)

Functionally, it may not make a difference if the state, PACTS or the five urban transit operators are the designated recipients in terms of developing the split letter. The circular requires all entities to cooperate in allocating funding.
Federal Guidance on Allocating and Programming Transit Funding

It is important to understand the role of the MPO in the transit funding allocation process. The Circular specifies that any project using federal funding must be in the Transportation Improvement Program (TIP):

“Projects included in an FTA grant application must be derived from that part of a metropolitan area’s TIP (approved by the MPO, found to be consistent with the metropolitan area’s long-range plan by FTA, and approved by the governor) that is within an approved STIP.” [emphasis added] (page V-4)

The Circular notes that transit projects in the TIP are developed through the designated recipient’s Program of Projects (POP):

“Although the MPO develops and adopts the TIP, the designated recipient, which may in some cases also be the MPO, is responsible for developing the program of projects (POP) for the Section 5307 funds apportioned to a UZA for inclusion in the TIP.” [emphasis added] (page V-3)

Therefore, The Circular indicates that: A) Federally funded transit projects must be in the TIP, and B) The MPO is responsible for developing and adopting the TIP.

According to the Transportation Improvement Program Policies and Procedures document for PACTS, in order for a project to be included in the TIP, PACTS has developed a three-step process (pages 22 – 23):

1. The Transit Committee develops the annual FTA funding allocation recommendations for the PACTS federal urbanized area;
2. The Executive Committee votes on whether to endorse the Transit Committee’s recommendations and submits to the Policy Committee to vote on ratification;
3. The Policy Committee votes on whether to ratify the Executive Committee’s final draft MPO Allocation list of projects and then votes on whether to endorse the final PACTS TIP document.

Assuming that the five urban transit agencies are designated recipients, they are responsible for developing the POP for their agencies and submitting to the MPO (presumably through the Six Year Transit Capital and Operating Plan) for inclusion in the TIP. It is then the responsibility of the Executive Committee and Policy Committee to vote on whether to include the recommendations into the TIP. The TIP is then incorporated into the STIP by MaineDOT.

The Circular is clear that any transit project for which formula grant funding is sought must be included in the TIP and STIP. While it is the role of the designated recipient to develop the POP, it is the role of the MPO to develop the process for inclusion of those projects into the TIP. Without inclusion in the TIP and STIP, a grant will not be approved by FTA and funding cannot be obligated by the transit agency.

The Circular does not address an instance where the MPO and designated recipient do not agree on a project or projects included in a POP. Presumably, in this case, the POP would not be programmed into the TIP until the disagreement is resolved. The Circular does however require a cooperative process for allocating funding, which the above-described process would fulfill.
PACTS is currently revising its process for including projects into the TIP. This revised process is dealt with in greater detail below, but should similarly fulfill and will likely expand upon the requirement for a cooperative process required by FTA.

Options
Based on the above analysis and the practices of other regions, there are four options for moving forward:

1. Take no action
2. Clarify the five urban transit operators as designated recipients
3. Clarify PACTS as the designated recipient and the five urban transit operators as direct recipients
4. Designate one transit provider as the designated recipient and the four other urban transit operators as direct recipients

1. Take No Action
The simplest option is to take no further action. The federal guidance specifies that regardless of which entity or entities in the region are the designated recipient(s), the split letter and Transportation Improvement Program are developed cooperatively by the MPO, transit providers, and the designated recipient(s). This language suggests that a consensus must be reached between those three parties in order for a split letter to be executed. The current practice of developing the split in federal funding through the SYCOP process as a cooperative effort would fulfill that requirement.

2. Five Urban Transit Operators as Designated Recipients
The Transportation Commissioner could draft a new letter clarifying the language in the designation letter to FTA that the five urban transit operators are direct recipients. This is the approach taken by the Chicago UZA, where the four transit providers in the Chicago area (CTA, RTA, Metra, and PACE) act as designated recipients of federal funding for the Chicago UZA.

This designation letter from the Maine Transportation Commissioner letter should read:

“I have designated South Portland Bus Service, Casco Bay Island Transit District, Greater Portland Transit District, Northern New England Passenger Rail Authority and Biddeford, Saco, Old Orchard Beach Transit as designated recipients for Federal Transit Administration (FTA) funds.”

This would remove all ambiguity about the status of the five urban transit operators as designated recipients. With this designation, the five transit operators would be required to submit the Program of Projects to FTA annually as a part of the federal funding obligation process.

3. PACTS as the Designated Recipient
It may make things administratively simpler to designate PACTS as the designated recipient. This is the approach taken by the San Francisco region, where the Bay Area MPO, Metropolitan Transportation Commission, is the designated recipient for the region, with the transit operators acting as direct recipients.

FTA guidance indicates:
“FTA encourages the designation of a single designated recipient for each UZA 200,000 or more in population . . . in order to streamline the administration of the program and foster coordination.” (page II-4)

It may be preferable to ask the Governor and Transportation Commissioner to change the designated recipient to PACTS in accordance with this guidance. Process changes following this new designation would be:

- The Split Letter would be developed by PACTS in cooperation with the five urban transit operators, and would designate these transit operators as direct recipients.
- GPCOG would develop the Program of Projects and submit to FTA as a part of the obligation process of federal funding. The POP would presumably be generated from the SYCOP, and the process for developing the SYCOP would presumably remain unchanged.

The five transit operators would still be responsible for all other aspects of utilizing federal funding, such as compliance activities, funding draw downs, etc.

4. One Transit Agency as the Designated Recipient

Other regions have designated a single transit operator (typically the region’s largest) as the designated recipient and with the other transit operators in the UZA as direct recipients. One example of this is GoRaleigh, which acts as the designated recipient for federal funding while smaller agencies (GoTriangle and C-Tran) are direct recipients.

If PACTS chooses to take this approach, a new letter from the Transportation Commissioner and the MPO would need to be submitted to FTA making that designation. In this arrangement, a single transit agency would be responsible for submitting the Program of Projects to FTA on behalf of the other direct recipient agencies. The single transit operator would be able to act as the designated recipient for both 5307 and 5337 funding regardless of whether the agency runs high-capacity fixed guideway services, as per FTA Circular C-5300.1, page II-2.

Preferred Option

It is the recommendation of AECOM, as per the federal circular, to designate a single transit agency operating in southern Maine as the designated recipient for 5307 and 5337 funding, in line with the recommendation of FTA. On page II-4 of Circular 9030.1E, they state:

“FTA encourages the designation of a single designated recipient for each UZA 200,000 or more in population, including such UZAs that span more than one state, in order to streamline the administration of the program and foster coordination.” [emphasis added]

Similarly, federal circular C-5300.1 states on page II-2:

“The designated recipients of the State of Good Repair Grants Program [Section 5337] are generally the same as under the Urbanized Area Formula Grants Program, 49 U.S.C. 5307”

Designating a single designated recipient for federal funding for the region would streamline administrative functions, as noted by the circular. Designating a current operator is the simplest option because transit agencies already have the staff infrastructure and relationship with FTA for submitting the POP to FTA, whereas PACTS would have to develop that staff capacity.
Importantly, the choice of designating a single operator as the UZA’s designated recipient would have no bearing on the requirement for a cooperative process for determining how federal transit funding is to be allocated across the region.

Funding Prioritization Framework and Federal Transit Funding

GPCOG/PACTS is finalizing a new process for scoring and allocating federal transportation funding based on a consolidated project prioritization framework. FTA Circular 9030.1E does not specify a particular process for determining the split in federal funding among direct and designated recipients within a UZA, as noted above (“The amount of funds available to direct recipients is determined cooperatively by public transit providers, the MPO, and the designated recipient(s) for the UZA.” (page II-5)).

The Circular goes on to emphasize the need for a cooperative process in instances where a single UZA has multiple designated recipients. Underscoring the requirement for all POP projects to be programmed into the TIP and STIP using a cooperative process in order to be eligible for federal funding, the Circular states:

“In the case of multiple designated recipients or multiple MPOs, the designated recipient or designated recipients must work with the MPO to ensure that the POP requirements are met by inclusion of all projects in the TIP or TIPs. The MPO and the designated recipient must work cooperatively to develop the TIP and agree on how to spend Section 5307 funds.” [emphasis added] (page V-3)

This language in The Circular requires that the process for incorporating the POP (in the case of PACTS, the SYCOP) into the TIP must be cooperative in nature.

Importantly, the local process for developing the POP, the federal apportionment split, and the TIP is not prescribed by FTA. The only mandate contained in the Circular is that the process is cooperative between transit operators, the MPO, and the designated recipient(s). Within that mandate is considerable latitude for the region to determine the most appropriate method of allocating its federal apportionment.

The new funding prioritization process, which is being developed by a committee consisting of state officials, regional municipal officials, and all seven transit operators, will include a system of scoring transportation projects and then allocating funding based on scores, in-person presentations, and deliberations of the MPO governing body (which will include the transit operators). This new framework, which has been developed through a collaborative process with state, MPO, and transit agency representatives, fulfills this requirement for regional cooperation outlined in The Circular.
CARES Funding

As a final note, based on the guidance from a webinar conducted by the Federal Transit Administration on April 6th 2020, CARES funding does not need to be programmed into the TIP, STIP, or Long-Range Transportation Plan if it is being used for operating projects or “routine” capital expenditures like replacement bus purchases. However, this does not suggest that the funding allocation is exempt from typical local processes used to allocate funding in a multi-provider environment. It should be presumed that whatever local process is used to develop the Split Letter and POP should be followed when allocating CARES funding.
Mr. John Duncan  
Executive Director  
Portland Area Comprehensive Transportation Study  
68 Marginal Way  
Portland, ME 04101

Re: 2010 Census Impacts on Federal Transit Administration Funding Distributions

Dear Mr. Duncan:

This letter is to inform you of upcoming changes to the Federal Transit Administration’s (FTA) Section 5307 Urbanized Area Formula Program as a result of the 2010 Census. These changes will also affect the distribution of funds under other FTA formula-based programs authorized by the recently passed transportation authorization, Moving Ahead for Progress in the 21st Century (MAP-21), which takes effect on October 1, 2012.

Beginning in Fiscal Year (FY) 2013, FTA will allocate funding under these formula-based programs according to the Urbanized Area (UZA) designations and population counts determined by the 2010 Census. The Census Bureau has identified Portland, ME as an urbanized area that has grown to a population of at least 200,000 persons, becoming a large UZA. This change will affect how Federal transit funding under the Section 5307 program is awarded to transit providers in Portland, ME.

These changes will apply to funds apportioned beginning in FY 2013. Previously apportioned funds will not be affected, and may continue to be used under the terms for which they were originally apportioned. For example, funds apportioned under the Section 5307 program for a small UZA prior to FY13, may continue to be used for areas that were classified as small UZAs prior to the 2010 Census under the terms applying to small UZAs.

Beginning in FY 2013, Section 5307 funding for Portland, ME will no longer be apportioned to the Governor. Funding will instead be apportioned directly to a Designated Recipient or Recipients appointed by the Governor of Maine in coordination with local officials and transit providers.

As before, transit agencies will be required to participate in the local metropolitan planning process. This requires coordinating with each other and with State and local officials comprising the MPO in preparing both the Metropolitan Transportation Plan and a Transportation Improvement Program (TIP) that identifies all projects eligible for Federal funding. Developing a close planning partnership with the MPO will be strategically important to a transit provider’s ability to obtain Federal funding from FTA, as well as non-FTA sources.
The following summarizes the changes that will apply to the Portland, ME UZA:

- The Governor needs to submit a letter to FTA expressing concurrence in the selection of any existing designated recipients in Portland, ME as well as documentation of concurrence by the transit providers in the UZA, along with concurrence of the MPO, as documented in a certified resolution by the MPO for sub-allocating FTA Section 5307 funding to other service providers in the Large UZA.

- Current direct recipients of FTA funding will no longer be eligible for reimbursement of operating expenses, such as fuel and operator salaries, for services in a large UZA. An exception exists for transit service providers that operate fewer than 100 buses in fixed route service during peak hours.

- Current direct recipients of FTA funding are required to comply with additional reporting requirements and compliance reviews (e.g. civil rights reviews, triennial reviews).

- Transit providers in Small UZAs that have grown to above 200,000 in population will need to become knowledgeable of, and fully participate in, the planning activities of their MPOs. A more robust level of multimodal planning is required for large UZAs than for small UZAs.

In addition to the above-referenced changes in eligibility and grantee requirements, the change in population between the 2000 Census and 2010 Census will also affect the amount of Federal transit funding that the Portland, ME urbanized area will receive under the Section 5307 program. The distribution of formula funding is based on several factors, including overall population, population density, vehicle revenue miles and other service measures reported to the National Transit Database.

FTA will publish additional guidance over the next few months regarding the Section 5307 program and federal planning requirements, as well as guidance on changes to FTA programs resulting from MAP-21. Additional information is also available on the FTA website. Please contact me if you have any questions.

Sincerely,

Mary Beth Mello
Regional Administrator
Policy Committee
Meeting Notice

9:30 a.m. to 11:00 a.m.
December 17, 2012

GPCOG, 970 Baxter Boulevard, Portland

Agenda

1. Call to order, and welcome visiting local elected officials and staff

2. Public Comment

3. Minutes of October 18th and November 9th meetings

4. Amend our bylaws to add Standish, Arundel and Raymond as new members

5. Presentation and discussion of the Transition Team’s recommendations regarding the reorganization of the committees of PACTS

6. Action on a Transit Committee recommendation to increase the funding for our Phase I Automatic Vehicle Location Project by transferring funds from another project

7. Concur on the list of Designated Recipients per rules of the Federal Transit Administration

8. Adjourn at 11:00 a.m.

Next meeting: January 24th at noon
Minutes of October 18th Meeting

Members Present: Nathan Poore, Chair, Falmouth; Neal Allen, GPCOG; Hank Berg, Transit Committee; Angela Blanchette, Technical Committee; Mike Bobinsky, Portland; John Bubier, Biddeford; Bob Burns, Gorham; Sara Devlin, MTA; Kathi Earley, Portland; Jim Gailey, South Portland; Dan Jellis, Yarmouth; Donna Larson, Freeport; David Marshall, Portland; Herb Thomson, MaineDOT; David Tripp, Saco

Staff and Guests: Gordy Billington, Standish; Matt Mackenzie, Rep. Pingree’s office; Tom Milligan, Biddeford; Duane Scott, MaineDOT; Penny Vaillancourt, MaineDOT; Steve Linnell and Rebeccah Schaffner-Tousignant, GPCOG; John Duncan, Carl Eppich and Paul Niehoff, PACTS

1. Call to order. Nathan Poore called the meeting to order at 5:19, and welcomed visiting local elected officials and staff, and Matthew MacKenzie from Congresswoman Pingree’s Washington, D.C. Office.

2. Public Comment: None

3. Minutes of August 16th Meeting. Mike Bobinsky made a motion to approve the minutes of the August 16, 2012 meeting. David Tripp seconded the motion and all were in favor.

4. Action on proposed amendments to the Unified Planning Work Program. John reported that we are almost 18 months into the two-year work program and we have finished some studies for less than expected. We’ve come to the conclusion that the $50,000 for the Gorham East/West Corridor land use planning study in our budget should be put off for at least nine months based on the planning process underway with MaineDOT and the Maine Turnpike Authority. We have learned that we need to do a congestion management process to meet federal TMA regulations, so we propose using the aforementioned funds to cover that task.

The following proposals have been reviewed with the Planning, Transit and Executive Committees:

- $5,000 for new PACTS website; the current site is eight years old. We will work in conjunction with GPCOG on this.
- $6,540 taken from two transit planning studies that came in under budget. Propose shifting these funds to transit planning budget in light of their cut in federal transit planning funds.
- $17,790 -- backed into that number for reserve account related to yet-to-be-determined work as we evolve into new TMA committee structure.
- Sustain Southern Maine: $15,000 proposal to do pilot projects in a number of municipalities including Portland, South Portland, Westbrook, Scarborough and Standish. The match will be shared. On page 11, it was suggested that stormwater be added.

Mike Bobinsky moved approval of the proposed amendments to the UPWP, with Dan Jellis seconding the motion. Bob Burns stated that the town of Gorham does not support cutting $50,000 from the Gorham East/West Corridor study. Carl explained that it is just
being postponed. There was not enough funding to do what we wanted, but now we have Standish so there are six communities in the PACTS area that could apply for funds. There will be another round of funding coming this winter (the money would be available in July). The Sustain Southern Maine grant will do some of what was proposed initially in the study. **The motion passed with one in opposition.**

5. **Federal initiatives and federal/state funding formulas**

5A. **MaineDOT report on transportation funding formulas.** At a recent meeting, we were provided with a brief overview of MAP 21 -- the new federal transportation authorization act. We’ve asked MaineDOT to discuss with us the details of how money flows through MaineDOT to PACTS.

Matt MacKenzie, from Congresswoman Pingree’s Washington office, addressed the issue of CMAQ funding and the Downeaster. Language has been added that says that Maine can continue to use CMAQ funding for the Downeaster. It was asked what sources in MAP 21 would be funding mechanisms for stormwater and transportation. Matt didn’t know the answer but said he would find out. Stormwater overflow is on their agenda, so there will be some movement in the next session on that topic. Matt said he may not have all the answers immediately but he can get questions answered for us. Please feel free to contact him.

Duane Scott distributed some maps including a draft expanded PACTS “planning area”. FHWA says to use a 20-year horizon to determine where development might occur and to add that to the urbanized area. Duane proposed that we establish a 20-year planning boundary out to the municipal boundaries of the member municipalities. (This is current PACTS policy.)

Duane distributed a sheet regarding federal and state funds for PACTS transportation planning and administration in the next two years. It is important to note that Maine receives a discrete amount of metropolitan planning funding. They are under obligation to use a formula to distribute the metropolitan planning funds to the four MPO’s. A group of tables was shown with actual formulas that are used for allocation purposes. It was derived as the result of a cooperative effort with the four MPOs and MaineDOT. Duane also distributed an estimate of the federal and state funds available for the PACTS 2014-2015 biennial MPO allocation list of projects. Nathan noted a correction on the table: it should be 15% (not 25%) local match.

5B. **Expansion of the National Highway System in our region.**

Duane and Herb Thomson made a brief presentation. Matt MacKenzie explained that in the Senate bill, the transition is to include principal arterial routes to resolve bottlenecks at major ports.

MaineDOT will meet with our Technical Committee to look at the system and how NHS designated routes function. There will likely be a small number of adjustments. In terms of funding, it means nothing.

Herb reported that MaineDOT is moving toward a capital work plan year that is calendar based. They will be putting the work plan together in the coming weeks and plan to publish
it in early 2013. The reason for the change is to align the project development funding process with the construction year, and will be easier for the public and stakeholders to know what to expect in the coming year.

6. Action on the $13,580,000 2014/2015 Biennium PACTS Capital Projects List
Jim Gailey made a motion to adopt the list of projects for PACTS MPO allocation funding in the FY 2014-15 Biennium, and to submit it to MaineDOT for inclusion in the statewide list of projects to be submitted to the legislature. Mike Bobinsky seconded the motion and all were in favor.

7. Report from the Transition Team after their first two meetings
John Bubier provided an overview. He summarized the workshop held on September 4th led by Craig Freshley. The Transition Team has met twice since then, and they’re hoping to be able to have final recommendations at the December Policy Committee meeting. They have been discussing committee structures, data and systems that have been in place a long time, trying to understand why certain elements are in play, and how to adapt to the current model.

There was consensus to work closely with the Freshley report. There was discussion about keeping the Transit Committee intact. There was consensus that each municipality would get at least one vote on the Policy Committee and have the ability to appoint an alternate with emphasis on elected officials. The municipality would decide who to place on the Policy Committee with the intent of always having someone in attendance. The TIP Process Committee will continue. Expanding the collaboration of subcommittees was recommended. The number of total votes (quorum) on the Policy Committee was still not decided. Other questions: will there be subregional groups, how will they be formed, what authority will they be given?

There was a lengthy discussion regarding the relationship of core city population and the voting structure on the Policy Committee. Upcoming topics: Executive Committee functions; subregional, Technical, Planning and other committees; and communication and advocacy.

8. Action on the meeting dates and times for future Policy Committee meetings
Should we move the time back to daytime? We tried the evening meeting time in an effort to have more elected officials available. Early meetings would be challenging. The 4-6 p.m. timeframe for ecomaine seems to work well. It was mentioned that many managers will be booked with council meetings in the evening. GPCOG’s governing board meets at noon with lunch available, and the turnout has been good. A decision will be made at the December 13th Policy Committee meeting. The next meeting was scheduled for December 13th at 12:00 noon at GPCOG.

9. Executive Director’s Report
- John showed a sketch of the new interchange alignment in Freeport that MaineDOT is working on with the Town of Freeport and LL Bean. There is a You-tube video on the MaineDOT web site that makes it clear.
• John and Carl Eppich met with John Melrose and the MaineDOT Deputy Commissioner to brainstorm how to finance a Windham project (as part of a PACTS study).
• John reported on the Municipal Partnership initiative, which has received positive feedback from around the state. Thirty-five miles of road have been upgraded with $18 million. The Department is hoping to increase that budget in the next biennium.
• Transit organizational structure discussion underway.
• There are a variety of bike/pedestrian studies underway.
• Description of status of studies. Working hard to finish by end of next June.

10. **Order to go into Executive Session to discuss the Executive Director's performance evaluation.** Postponed until better attendance. A poll will be done to determine when a special meeting can be held to do the performance evaluation.

11. **Adjourn.** *A motion was made by John Bubier, and seconded by Bob Burns to adjourn the meeting at 7:35 p.m. Motion passed.*

**Minutes of November 9th Meeting**

**Members Present:** Nathan Poore, Chair, Falmouth; Neal Allen, GPCOG; Hank Berg, Public Transit; Mike Bobinsky, Portland; David Cole and John Pressey, Gorham; Jim Gailey, South Portland; Tex Haeuser, South Portland; Tom Hall, Scarborough; Dave Marshall, Portland; Mike McGovern, Cape Elizabeth; Tony Plante, Windham; Herb Thomson, MaineDOT; Nat Tupper, Yarmouth; Conrad Welzel and Sara Devlin, Maine Turnpike Authority

**Staff:** John Duncan

1. **Call to order.** Nathan Poore opened the meeting at 9:30 a.m.

2. **Public Comment.** None.

3. **Order to go into Executive Session pursuant to the Laws of Maine to discuss the Executive Director's performance evaluation, pursuant to 1 MRSA Section 405 (6) (A)**

   David Cole and Mike Bobinsky moved to go into executive session pursuant to 1 MRSA Section 405 (6) (A). The motion passed unanimously. When the meeting returned to regular session John Bubier and David Cole moved to adjust the PACTS Director’s FY 2013 salary upward by 2.5% as of July 1, 2012. The motion passed with one vote opposed.

4. **Adjourn.** The meeting adjourned at 11:00 a.m.
Agenda Item 4: Add Standish, Arundel and Raymond as New Members

Staff: John Duncan

Recommendation: Amend our bylaws to add Standish, Arundel and Raymond as voting members of the Policy, Technical and Planning Committees

Background

Earlier this year we learned that the 2010 Portland Urbanized Area includes portions of Standish, Arundel and Raymond for the first time. The federal MPO Regulations require that federally funded transportation projects in the Portland Urbanized Area be included in the PACTS Transportation Improvement Program. As such, these three towns need to become part of the PACTS process.

As official members of PACTS, Standish, Arundel and Raymond will be able to participate officially in the reorganization of our committees and functions as we will do in the next item on today’s agenda.

We have been sending Policy Committee meeting packets to Standish, Arundel and Raymond for the past six months. Standish’s Gordy Billington and Councilor Lou Stack have attended several meetings. Arundel’s Todd Shea attended one last spring. We made a presentation to the Raymond Town Council in June.

Agenda Item 5: Transition Team’s Recommendations

Member Resources: Transition Team

Staff: John Duncan

Recommendation: To direct staff and the Transition Team to draft bylaw language to implement the Transition Team’s recommendations in a manner responsive to today’s direction from the Policy Committee

Background

The Transition Team and staff met five times after the September 4th workshop with Craig Freshley. I sent their recommendations (attached) to the Policy Committee on December 7th.

I am optimistic that the Policy Committee will find the Transition Team’s work fundamentally acceptable today. In that event, then we might achieve this schedule:

- Policy Committee adopts revised bylaws on January 24th.
- Municipalities appoint additional members to the Policy Committee.
- The expanded Policy Committee meets for the first time and reviews the bylaws on March 21st.
Agenda Item 6: Proposal to Transfer Additional Funds to Automatic Vehicle Location (AVL) Project

Member Resource: Transit Committee

Staff: John Duncan and Steve Linnell

Recommendations:

1. To increase the $457,517 budget for Phase I of the Regional Automatic Vehicle Location Project to $657,517 by transferring $200,000 from the South Portland Bus Garage construction project (PIN 17350). The funds for these two existing projects became available in the fall of 2011.

2. To transfer $200,000 to the existing South Portland Bus Garage construction project (PIN 17350) from the upcoming Phase II of the Regional Automatic Vehicle Location Project when those funds become available to transfer in the fall of 2013.

Background

The process for the procurement of a regional automatic vehicle location (AVL) and real-time passenger information system continues to move forward. There is currently $457,517 programmed for basic AVL hardware and software components based on the original amount requested.

The vendor proposals received in response to the AVL RFP provided the selection committee with detailed cost information for the basic AVL components and additional options. The current budget of $457,517 is not enough to cover all options included in the vendor’s price proposal (including 5-year costs) and the cost for 3rd-party system testing and acceptance assistance. A maximum of $200,000 in additional funds will be needed to cover these costs, as well as a small amount needed for the basic AVL components. The additional scope over a 5-year period includes:

- Software Maintenance (AVL vendor)
- Warranties (AVL vendor)
- System Hosting (AVL vendor)
- Systems Testing and Acceptance (TranSystems, 3rd party Engineering firm)

The Transit Committee agreed that the Phase I project should include the items listed above, and discussed ways to accomplish this. South Portland staff suggested using funds set aside for the South Portland Bus garage (a project not yet ready for construction) with the condition that the bus garage PIN be replenished with funds already programmed for transit in the 2014/15 biennium. The committee accepted the offer and recommends to the Policy Committee that it makes most sense to replenish the bus garage PIN with a portion of the PACTS funds approved by the Policy Committee in October for AVL signage in the 2014/15 biennium.
Agenda Item 7: Concur on List of FTA Designated Recipients

Member Resources: Hank Berg and the Transit Committee

Staff: John Duncan and Steve Linnell

Recommendation: To concur that the following organizations are the Designated Recipients of Federal Transit Administration funds in our region:

- Biddeford-Saco-Old Orchard Beach Transit Committee
- Casco Bay Island Transit District
- Greater Portland Transit District (METRO)
- Maine Department of Transportation (MaineDOT)
- Northern New England Passenger Rail Authority
- South Portland Bus Service

Background

When the Portland Urbanized Area became a Transportation Management Area (TMA) earlier this year PACTS, GPCOG, MaineDOT and our region’s public transportation systems began the process of learning new Federal Transit Administration (FTA) policies and procedures. Staffs of these organizations have attended many meetings and webinars since July on the new rules that have been established (and on other new rules yet to be established per the recent federal transportation reauthorization law).

The relevant rule today is that the Governor shall appoint FTA Designated Recipients in coordination with local officials and transit providers, as seen in the following letter. Action by the Policy Committee today constitutes the “coordination with local officials”. MaineDOT staff has drafted the letter for Governor LePage to sign.

Today’s action is pro forma because all the organizations listed above have been recipients of FTA capital and/or operating funds for many years.

Policy Committee action today will enable MaineDOT and the Casco Bay Island Transit District to communicate officially to the FTA about a financial transaction (which Hank Berg can describe if members wish to ask) that is time sensitive.

As a Designated Recipient, MaineDOT will continue to serve as a pass through agency for FTA funds for the Regional Transportation Program and the York County Community Action Program as MaineDOT has for decades.
Re: 2010 Census Impacts on Federal Transit Administration Funding Distributions

Dear Mr. Duncan:

This letter is to inform you of upcoming changes to the Federal Transit Administration’s (FTA) Section 5307 Urbanized Area Formula Program as a result of the 2010 Census. These changes will also affect the distribution of funds under other FTA formula-based programs authorized by the recently passed transportation authorization, Moving Ahead for Progress in the 21st Century (MAP-21), which takes effect on October 1, 2012.

Beginning in Fiscal Year (FY) 2013, FTA will allocate funding under these formula-based programs according to the Urbanized Area (UZA) designations and population counts determined by the 2010 Census. The Census Bureau has identified Portland, ME as an urbanized area that has grown to a population of at least 200,000 persons, becoming a large UZA. This change will affect how Federal transit funding under the Section 5307 program is awarded to transit providers in Portland, ME.

These changes will apply to funds apportioned beginning in FY 2013. Previously apportioned funds will not be affected, and may continue to be used under the terms for which they were originally apportioned. For example, funds apportioned under the Section 5307 program for a small UZA prior to FY13, may continue to be used for areas that were classified as small UZAs prior to the 2010 Census under the terms applying to small UZAs.

Beginning in FY 2013, Section 5307 funding for Portland, ME will no longer be apportioned to the Governor. Funding will instead be apportioned directly to a Designated Recipient or Recipients appointed by the Governor of Maine in coordination with local officials and transit providers.

As before, transit agencies will be required to participate in the local metropolitan planning process. This requires coordinating with each other and with State and local officials comprising the MPO in preparing both the Metropolitan Transportation Plan and a Transportation Improvement Program (TIP) that identifies all projects eligible for Federal funding. Developing a close planning partnership with the MPO will be strategically important to a transit provider’s ability to obtain Federal funding from FTA, as well as non-FTA sources.
The following summarizes the changes that will apply to the Portland, ME UZA:

- The Governor needs to submit a letter to FTA expressing concurrence in the selection of any existing designated recipients in Portland, ME as well as documentation of concurrence by the transit providers in the UZA, along with concurrence of the MPO, as documented in a certified resolution by the MPO for sub-allocating FTA Section 5307 funding to other service providers in the Large UZA.

- Current direct recipients of FTA funding will no longer be eligible for reimbursement of operating expenses, such as fuel and operator salaries, for services in a large UZA. An exception exists for transit service providers that operate fewer than 100 buses in fixed route service during peak hours.

- Current direct recipients of FTA funding are required to comply with additional reporting requirements and compliance reviews (e.g. civil rights reviews, triennial reviews).

- Transit providers in Small UZAs that have grown to above 200,000 in population will need to become knowledgeable of, and fully participate in, the planning activities of their MPOs. A more robust level of multimodal planning is required for large UZAs than for small UZAs.

In addition to the above-referenced changes in eligibility and grantee requirements, the change in population between the 2000 Census and 2010 Census will also affect the amount of Federal transit funding that the Portland, ME urbanized area will receive under the Section 5307 program. The distribution of formula funding is based on several factors, including overall population, population density, vehicle revenue miles and other service measures reported to the National Transit Database.

FTA will publish additional guidance over the next few months regarding the Section 5307 program and federal planning requirements, as well as guidance on changes to FTA programs resulting from MAP-21. Additional information is also available on the FTA website. Please contact me if you have any questions.

Sincerely,

Mary Beth Mello
Mary Beth Mello
Regional Administrator
PACTS Policy Committee  
December 17, 2012  
9:30 a.m.

In attendance: Nathan Poore, Chair, Falmouth; Hank Berg, Transit Committee; Gordy Billington, Standish; Angela Blanchette, Technical Committee; Mike Bobinsky, Portland; John Bubier, Biddeford; Tex Haeuser, South Portland; Tom Hall, Scarborough; Donna Larson, Freeport; David Marshall, Portland; Rick Michaud, Saco; Brooks More, Planning Committee; Tony Plante, Windham; Herb Thomson, MaineDOT; Nat Tupper, Yarmouth; Conrad Welzel, MTA

Staff and Guests: Neal Allen, GPCOG; Ann Peoples, State Representative; Sara Devlin, MTA; John Duncan, PACTS; Jeff Levine, Portland; Steve Linnell, GPCOG; Paul Niehoff, PACTS; Pat Thompson, Yarmouth; David Tripp, Saco; Penny Vaillancourt, MaineDOT; Maddy Adams, GPCOG

1. Call to order. Nathan Poore called the meeting to order and introductions were made.

2. Public Comment. None

3. Minutes of October 18th and November 9th, 2012 meetings. Nat Tupper moved to approve both sets of minutes, seconded by Mike Bobinsky. All were in favor.

4. Amend PACTS bylaws to add Standish, Arundel and Raymond as new members. Rick Michaud made a motion to amend the PACTS bylaws to add Standish, Arundel and Raymond as voting members of the Policy, Technical and Planning Committees. Once added as members, they will each have one vote. The motion was seconded by John Bubier. All were in favor.

5. Transition Team’s Recommendations. A Summary of Recommendations was provided. John reviewed Table One. Currently PACTS has 27 voting members and the plan is to expand it to 32. Currently the Policy Committee amends capital project budgets and scopes, and amends the UPWP. One of the proposed changes is to have the Executive Committee do this, but the Policy Committee will have the ability to challenge the recommendations of the Executive Committee. More authority and responsibility will be given to the Executive Committee. The Policy Committee would still endorse the TIP. Currently, the Policy Committee hires/oversees the Executive Director; now the Executive Committee would do this.

Subregional representation – the Policy Committee will appoint subregional members to the Executive Committee. The subregions that are proposed are shown on the map. It is proposed that the Executive Committee be expanded to 9 members, 5 of whom would be subregional representatives.

The idea of a citizen advisory committee was discussed. It was decided that a new standing committee not be added but instead to actively experiment with more public outreach efforts. Special committees will continue to be used as necessary.
The Planning Committee would be charged with overseeing the implementation of Destination Tomorrow, and the Technical Committee would work to implement the Congestion Management Plan.

The Transition Team process was lively and the group was totally involved in the discussions. Attendance was incredibly high and it included elected and appointed officials. Nathan thanked the Transition Team for their work.

Mike McGovern questioned the necessity of the Technical Committee as it appears most of the technical work is done by staff. John Bubier explained that the Technical Committee would have the specific task of working on the Congestion Management Plan which is complex. Tex added that there is still an important role for the Technical Committee to provide staff oversight on policy development as well as the collector road efforts. This is a group of engineers and Public Works Directors who have a good grasp on these topics. Angela agreed that the Technical Committee does provide value to staff and provides the technical aspect to projects, beyond congestion management. Nathan suggested we keep track of the items we’ve raised and we will revisit them down the road.

Brooks noted that planning projects for two year allocations go to staff, then Planning and Technical, then to Policy. He asked who adopts them initially. It seems like an opportunity to simplify this process. How do we use our existing capacity more efficiently? Nat explained that the intention is to be far more nimble by working with a nine-person Executive Committee. However, the Policy Committee will have the power to say something if the recommendations provided by the Executive Committee go astray (if it’s inconsistent with our vision). Challenging the consistency question would require five municipalities to agree that there is an inconsistency. The Policy Committee would need to call a special meeting if it had concerns.

Rick M. acknowledged the good work of the Transition Committee and made a motion to approve the framework of the recommendations as written. Mike B. seconded the motion.

Mike McGovern thought the bylaws should have some flexibility so that the Transit Committee is not made up of only transit providers, the Planning Committee not be only planners, and that the Technical Committee not be only technical people. John D. explained that each municipality appoints its own representative to the Technical and Planning Committees. The Executive Committee appoints two more people to serve on each of those committees. It was asked how the subregional representation will be done. Nathan responded that typically the chair and vice chair of the Policy Committee serve on the Executive Committee. We will try to keep the representation as fair as possible. The Executive Committee members come out of the Policy Committee; the intent is that the Executive Committee be broadly represented. Herb mentioned that we learned in the organizational analysis process that the federal perspective of how an MPO is organized is pretty laissez faire. He thought it would be a good idea to get FHWA or FTA to give a nod to the proposed way the UPWP and TIP will be endorsed and ratified. The federal government recognizes the Policy Committee as the MPO. Any regroup of the Policy Committee would not be what the feds would want to see. John D. clarified that the proposal is that the UPWP and TIP be endorsed/blessed by the Policy Committee. He will, however, check in with the feds.
Mike B. encouraged consideration for alternate representatives for the communities that have multiple representatives.

Neal Allen and John Duncan have been working with Nick Nadzo of Jensen Baird on an agreement that would clarify the legal employment status of PACTS staff.

David M. offered an amendment to change the name of the Technical Committee to the Congestion Mitigation Committee. John B seconded the motion. Mike McGovern said he appreciated what David was trying to do but he wanted it to be looked at when the bylaws review occurs. David withdrew his motion and John B. withdrew his second. The original motion to accept the report passed unanimously.

6. Action on a Transit Committee recommendation to increase the funding for the Phase I AVL project by transferring funds from another project. A few years ago funding was approved for an AVL project which enables the public to know where their bus is and when it will be arriving. A lot of time has been spent organizing this very complex project. The Transit Committee is recommending that we move ahead with a larger project than was funded and that $200,000 be added to the $457,000. That money would be taken from an already-approved bus garage project in South Portland with the understanding that the bus garage funding be replenished from funding that will become available next fall for AVL. Steve L. explained that when we started putting money aside for this project we really had no idea what it was going to cost. The pricing in the proposals ranged quite a bit and we went with the proposal that will do the most of what we want to have done. Mike B. asked if there is a risk that the vendor will go away. Steve L. responded that there’s always a risk but we don’t expect that to happen. Rick M. mentioned that Saco is using AVL. He encouraged the PACTS staff to engage in conversations with IT staff that are in place in some of the towns.

Regarding the bus garage, South Portland plans to bring it to the voters in November. It was asked if the contract would include the work in Phase 2. Steve explained that Phase 2 is enhancements of Phase 1. There will likely be a future phase to this project. Mike M. asked if the private sector was included in this. Steve responded that he thinks they have their own system; they have a schedule with fixed stops. Mike seemed to think they should be included.

Donna L. made a motion to approve the transfer of $200,000 from the South Portland Bus Garage construction project to Phase I of the Regional Automatic Vehicle Location Project, and that $200,000 will be transferred to the Bus Garage project from the upcoming Phase II of the AVL project when those funds become available to transfer in the fall of 2013. The motion was seconded by David Marshall and all were in favor.

7. Concur on list of Designated Recipients per rules of FTA. John D. explained that there are numerous moving parts along with this, such as distributing federal transit monies in the future. In the short term, we ask for your concurrence. Tex moved the recommendation to concur that the following organizations are the Designated Recipients of FTA funds in our region: Biddeford/Saco/Old Orchard Beach Transit Committee; Casco Bay Island Transit District; Greater Portland Transit District (METRO); Maine Dept. of Transportation; Northern New England Passenger Rail Authority; and South Portland
**Bus Service. Nat seconded the motion.** MaineDOT has drafted a letter for the Governor to sign on this.

MaineDOT is acting for the nonprofits (RTP and YCCAC). Nat said he was surprised that RTP and YCCAC weren’t direct recipients, and asked if there is a role for PACTS to let MaineDOT know that we want them to support the nonprofits. John said he could send a brief note, but it’s probably not necessary. Nat asked if another organization came forward with services of a similar nature, if there would be a way to modify this over time. John responded yes. *All were in favor of the motion.*

8. **Adjourn.** The meeting adjourned at 10:55 a.m.
Mary Beth Mello, Regional Administrator
Federal Transit Administration
55 Broadway, Suite 920
Cambridge, MA 02142-1093
RE: Governor’s Designee for Urbanized Formula Program Funds in the Portland TMA

Dear Ms. Mello:

Through data collected in the 2010 U.S. Census Bureau’s survey; it was determined that the Portland Urbanized Area’s population exceeded 200,000 people. Consequently, Congress designated the Portland Area Comprehensive Transportation System (PACTS MPO) as a Transportation Management Area (TMA) and PACT’s urban transit providers as direct recipients for most Federal Transit Administration funds in the Portland area.

Pursuant to 49 U.S.C. Federal Transit Administration Section 5307 program, Congress has provided that the “designated recipient” is the entity selected by the State’s chief executive officer, to receive and apportion the amounts made by Congress and FTA to a particular TMA or State or regional authority to provide public transportation.

Therefore, in an effort to provide continuity for program administration in the newly selected Transportation Management Area (PACTS) Urbanized Area Formula Program; I have designated South Portland Bus Service, Casco Bay Island Transit District, Greater Portland Transit District, Northern New England Passenger Rail Authority and the Biddeford, Saco, Old Orchard Beach Transit Committee as direct grant recipients for Federal Transit Administration (FTA) funds under 49 U.S.C. Section 5307 Urbanized Area Formula, Section 5310 Seniors and Individuals with Disabilities, Section 5337 State of Good Repair, 5339 Bus and Bus Facilities funds; and, the capacity to administer such grants in cooperation with the FTA Regional office, local funding recipients and in consultation with the State of Maine, Department of Transportation.

Sincerely,

David Bernhardt
Commissioner
January 17, 2013

Ms. Mary Beth Mello
FTA Transportation Systems Center
55 Broadway
Cambridge, MA 02142

Dear Mary Beth:

On December 17, 2012 the PACTS Policy Committee voted to confirm that the following organizations are the Designated Recipients of Federal Transit Administration funds in our region:

• Biddeford-Saco-Old Orchard Beach Transit Committee
• Casco Bay Island Transit District
• Greater Portland Transit District (METRO)
• Maine Department of Transportation (MaineDOT)
• Northern New England Passenger Rail Authority
• South Portland Bus Service

We understand that MaineDOT, as a Designated Recipient, will continue to serve as a pass through agency for FTA funds for the Regional Transportation Program and the York County Community Action Program as MaineDOT has for decades. We look forward to working with all parties to set priorities in a collaborative fashion in our region.

Very truly yours,

[Signature]

John Duncan
Executive Director

cc Sue Moreau, Maine DOT
    Steve Linnell, GPCOG
    Al Schutz, ShuttleBus-ZOOM
    Hank Berg, CBITD
    Dick Nye, Don Gerrish, METRO
    Patricia Quinn, Brian Beeler, Marina Douglass, NNEPRA
    Jack DeBeradinis, RTP
    Tom Meyers, SPBS
    Connie Garber, YCCAC
Hi Hank,

Yes- it would be appropriate to include the language in red from FTA’s circular 9030.1E.

Thanks

From: Henry Berg [mailto:hankb@cascobaylines.com]
Sent: Monday, October 26, 2020 10:42 AM
To: Wood, Kristin (FTA) <kristin.wood@dot.gov>; Kristina Egan <kegan@gpcog.org>; Hankb cascobaylines.com <Hankb@cascobaylines.com>
Cc: Butler, Peter (FTA) <Peter.Butler@dot.gov>; Muhlanger, Michelle (FTA) <Michelle.Muhlanger@dot.gov>; Burns, Brandon (FTA) <michael.burns1@dot.gov>; Sirmin, Leah (FTA) <leah.sirmin@dot.gov>; dtippett@southportland.org; patricia nnepra.com <patricia@nnepra.com>
Rjordan gpmetrobus.com <gjordan@gpmetrobus.com>; tscavuzzo@bsoobtransit.org; Nathan.Moulton@maine.gov; Mcfarland, Chcolby (FTA) <colby.mcfarland@dot.gov>; Burns, Alexandria (FTA) <Alexandria.Burns@dot.gov>
Subject: RE: Designated Recipient Guidance

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Kristin,

Thanks for all the time that FTA has put into considering our questions and I appreciate the clarifications in your memo below.

Given that FTA circular 9030.1E states “The state or designated recipient’s responsibilities include: 1) Allocating the relevant apportionment among recipients in the urbanized area or areas based on local needs and arrangements, and in coordination with the MPO(s)...” is it appropriate to insert the following
Dear Kristina and Hank,

As Region 1’s Planning Director, Pete and Michelle have asked that I take the lead in replying back to you regarding FTA’s regulations. FTA Regional and Headquarter staff have reviewed the memo AECOM developed as well as the questions submitted to FTA. Overall FTA concurs with the conclusions provided in AECOM’s report. As noted, FTA’s requirements regarding designated recipients are broadly written to allow the MPO and transit providers the latitude to develop a cooperative process that meets their needs. From our review of the AECOM document and brief discussions with some of the agencies in the Portland UZA, FTA would like to highlight three key points-

1. Although AECOM suggests a literal reading of the MaineDOT Commissioner David Bernhardt’s letter to FTA dated February 22, 2013 could indicate that no designated recipient was identified by the State, FTA interprets this letter to designate Portland METRO, NNEPRA, Casco Bay, South Portland, BSOOB and MaineDOT as designated recipients for the Portland UZA. That interpretation is supported by-  
   a. PACTS’s January 2013 letter to FTA-identifying the five Portland UZA transit providers and MaineDOT as designated recipients;  
   b. The roles and responsibilities laid out in the UZA’s Planning MOUs assigns responsibilities that are traditionally performed by the designated recipient(s) to the region’s transit providers.  
   c. Only designated recipients are responsible for signing the yearly split letter. All five transit providers and MaineDOT sign the Portland UZA split letter on a yearly basis; and  
   d. In their TrAMS profiles the transit providers for the Portland UZA indicate they are a designated recipient.

2. If the State, transit providers and MPO agree to change the current designated recipient structure, FTA requires all four of the following-  
   a. A letter from the Governor making the designation;  
   b. Documentation of concurrence in the selection of the designated recipient by the transit providers in the UZA;
c. An appropriately certified resolution by the MPO concurring with the designation; and

d. An Opinion of Council certifying the entity’s legal capacity to perform the function of a designated recipient.

3. As noted in AECOM’s report and FTA’s circulars, regardless of who is a designated recipient, the designated recipient(s) allocates the relevant apportionment among recipients in the urbanized area based on local needs and must work cooperatively with all the transit providers and the MPO to develop a documented, cooperative process to sub-allocate the funds, develop a split letter and develop the POP for inclusion in the TIP. Similarly, while the designated recipient is responsible for developing the POP in cooperation with the MPO, the MPO is responsible for developing the TIP in cooperation with the operators of public transportation- the MPO and transit agencies must work cooperatively to agree on how to spend Section 5307 funds.

FTA’s role is to clarify regulations and defer to the locals to make a cooperative, informed decision that best serves the community’s needs. At this time FTA has decided that our participation in a meeting is not needed given the information above. If additional assistance is needed, FTA can arrange peer-to-peer exchanges with high-functioning examples of each alternative AECOM has proposed and/or arrange for training on the planning process. FTA appreciates your hard work and looks forward to the continued partnership in providing public transportation to the region.

Thanks,
Kristin

Kristin Wood
FTA Director- Planning and Program Development
617-494-3604