PACTS POLICY COMMITTEE
AGENDA
April 23, 2020
3:00 – 5:00 p.m.

Zoom meeting: https://zoom.us/j/93154678199

As of March 31st, 2020 PACTS and GPCOG will be 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.

1. Welcome, Matt Sturgis, Chair

2. Open Public Comment
Residents are welcome to provide up to three minutes of public comment on any issue, including items on the agenda.

3. Acceptance of January 23, 2020 Policy Committee Meeting Minutes (Attachment A)

4. Consent Agenda

A. PACTS Executive Committee Appointments

Staff Report
The Policy Committee appoints five subregional representatives to serve on the Executive Committee. Policy Committee members Jim Bennett, Biddeford City Manager, and Sarah Tracy, Freeport Town Councilor, have volunteered to represent the southern and northern subregions, respectively, on the PACTS Executive Committee.
**Proposed action:** Appoint Jim Bennett and Sarah Tracy to represent the southern and northern subregions on the PACTS Executive Committee.

**B. Approval of TIP Amendment**

**Staff Report**

All federally funded projects must be in the State Transportation Improvement Program (STIP) and the MPO’s Transportation Improvement Program (TIP) in order to receive federal funding. These projects are located in the PACTS area and are funded with Federal Highway Administration and Federal Transit Administration funds. PACTS must update the TIP when there is a change to any project such as funding or a request to add a project to the TIP. Those changes must also be reflected in the MaineDOT STIP. MaineDOT must receive the PACTS Executive or Policy Committee endorsement when any federally funded project has a major scope change or cost increase or when MaineDOT wishes to add a project to the STIP. All TIP amendments must be posted to the GPCOG website for a 10-Day comment period.

MaineDOT is seeking a TIP amendment to remove a road paving project in Scarborough. Specifically, the amendment to the 2020-2023 TIP would withdraw project WIN No. 23983.00, Scarborough, pavement preservation of Payne Road from Mussey Road and extending north 0.33 miles to Gorham Road (Rte. 114). The project funding is $327,849.70 comprised of $245,887.28 federal funds and $81,962.42 local funds. Included in this TIP amendment is [the most recent Errata Sheet (PDF)](#) which captures changes outlined above to the 2020-2023 project list. This TIP amendment was posted for public comment on 3/03/2020. No comments were received.

**C. PACTS Disadvantaged Business Enterprise (DBE) Plan Adoption (Attachment B)**

**Staff Report**

As discussed previously, PACTS has developed a Disadvantaged Business Enterprise plan as part of the process of applying to be a direct recipient of Federal Transit Administration grant funds. The DBE will be added as a section of the PACTS Title VI, Environmental Justice, and Non-Discrimination Plan. The
PACTS Title VI, Environmental Justice, and Non-Discrimination Plan has been updated to include the draft DBE plan as chapter 5, which is included as Attachment B.

*Proposed Action: Approve opening the public comment period (45 days) for the draft DBE plan and the overall goal.*

5. **Staff Report** (Attachments C and D) - 10 minutes

6. **2020-2021 Unified Planning Work Program (UPWP)** – 10 minutes

**Staff Report**
Every two years, PACTS develops a work program to allocate resources for operating the Metropolitan Planning Organization with excellence and to plan for the future. This biennium’s work runs from January 1, 2010 through December 31, 2020. Staff will provide a brief overview of the work now underway and anticipated.

*Proposed action: For information and discussion.*

7. **Proposed Unified Planning Work Plan (UPWP) Revisions** – 15 minutes

**Staff Report:**
With the start of the two-year Unified Planning Work Program (UPWP) in January, GPCOG has calibrated its staffing and consulting costs based on the first quarter of the year and proposes reallocation of funds between tasks and elements. There is no proposed change to the overall $2.7M budget or scope of work. The total amount of federal highway planning funds, total amount of federal transit funds, total GPCOG match, and total municipal match remain the same.

Below are reasons for the proposed changes, accompanied by a spreadsheet that shows the increases and reductions in proposed funding by task and element.

- With PACTS’ 4-year federal recertification happening in 2020, more staff time is needed to ensure the MPO meets federal requirements (element 142100)
- Staffing for the Planning and Technical Committees was underbudgeted. Committee support was reduced for the Policy and Executive Committees to meet this need, as well as to help with MPO compliance.
• For FTA funding, in order to support implementation of the short-range plan and Transit Tomorrow (element 142400), decreased staffing is proposed for the Transit Committee (142104), programming transit funds (142201), and completing Transit Tomorrow (142301). Staff anticipates no decrease in quality or attention to these three elements.

• With the purchase of StreetLight data (anonymous travel data) and the MySidewalk platform (providing interactive data for PACTS communities), element 142110 was underbudgeted. Similarly, web costs and staffing in the Communications element is underbudgeted (142111).

• For FHWA funding, staff requires more time to track, monitor and troubleshoot capital projects (142205), but less time to support enhanced project scoping (142207), develop projects (142206), manage RTMS (142402) and manage high crash locations (142403).

• Lastly, given the need for significant consulting support on the South Portland Waterfront project, additional staff budget was needed to cover project management (142302).

The proposed reallocation of funding between tasks is:
  • Increase Task 1: Coordination and Administration by $90,000
  • Decrease Task 2: Program the Region’s Transportation Funding by $12,000
  • Decrease Task 3: Plan for the Future by $14,000
  • Decrease Task 4: Implement Plans and Mobility Improvements by $64,000
PACTS can revise the UPWP without MaineDOT, FHWA or FTA approval so long as the total budget and scope do not change.

**Proposed action:** Adopt revisions to the UPWP as presented in the above table.

### 8. Climate and Transportation Recommendations (Attachment E) – 15 minutes

**Staff Report**

The work and timeframe of the Maine Climate Council’s Transportation Working Group will be described by Kristina and other PACTS members that are appointed members of
the Working Group. Planning Committee members Maureen O’Meara, Tex Haeuser, and Alex Jaegerman will present draft recommendations for PACTS to submit to the Maine Climate Council.

At its March 3 meeting, the PACTS Executive Committee charged the PACTS Planning Committee to work on the transportation sector component of climate mitigation, in coordination with the Maine Climate Council Transportation Working Group, in the context of developing recommendations for the PACTS Long Range Transportation Plan and the Transportation Improvement Program framework. At its April 2 meeting, the PACTS Planning Committee voted to recommend to the Policy Committee the draft recommendations included in the packet to be submitted to the Transportation Working Group. These could be sent to the co-chairs of the Transportation Working Group and copied to the Maine Climate Council co-chairs.

_Proposed action: Approve as PACTS public comment to the Maine Climate Council Transportation Working Group the draft recommendations._

9. Better Utilizing Investments to Leverage Development (BUILD) Grant and Other Grant Opportunities for the PACTS Region – 15 minutes

**Staff Report**

The FY 2020 BUILD Transportation Grants are for capital investments in surface transportation infrastructure and are to be awarded on a competitive basis for projects that will have a significant local or regional impact. The two types of BUILD Transportation grants are capital grants and planning grants. BUILD Transportation capital grants may not be less than $5 million and not greater than $25 million, except for projects located in rural areas. There is no minimum award amount for BUILD Transportation planning grants. The federal share of the project cost for the BUILD Transportation grant program may not exceed 80% for a project located in an urban area. To meet match requirements, the minimum total project cost for a capital project located in an urban area must be $6.25 million. The deadline for FY2020 BUILD Transportation grants is May 18, 2020.

GPCOG staff are not aware of regional capital projects that meet criteria for this year’s grant application round. However, staff have identified several projects that may meet the criteria for a capital grant for an application in FY 2021 or later and include the following:
- Morrill’s Corner in Portland, which is starting preliminary design review
- Brighton Avenue in Portland, which is starting preliminary design review
- Full implementation of the Regional Transportation Management System, still in the planning stage, and
- Transit Stop Access Improvements, still in the planning stage

GPCOG staff have also identified a study to do more detailed planning on several transit projects, identified as priorities in *Moving Southern Maine Forward*, the 2017 short-range transit plan, and as emerging priorities in *Transit Tomorrow*, the region’s long-range transit projects. The grant would be designed to prepared projects for possible future capital grants or investments. The planning project would focus on planning for the rapid transit corridors and enhancing access to transit stops. The project would incorporate several of PACTS’ highest priorities including:

- Upgrading traffic signals and intersections, with a focus on bus priority signals
- Targeting investments to places where people live and work
- Expanding public transportation

*Proposed actions:*

- **Identify any capital projects to advance for FY20.**
- **Discuss potential capital projects to advance for an FY21 BUILD grant.**
- **Provide input on a possible FY20 planning grant to advance recommendations from the Moving Southern Maine Forward and Transit Tomorrow studies.**

10. **Proposed PACTS Bylaws Revisions** (Attachments F, G, and H) – 20 minutes

**Staff Report**

Earlier this year the Policy Committee and the Executive Committee discussed and approved proposals to revise the PACTS Bylaws. A re-write of the Bylaws was approved after review of proposed changes to the articles governing the Policy and Executive Committees, and Article XIII governing staff responsibilities. Some changes were a product of the new PACTS-GPCOG merger (see particularly Article XIII), others were a product of reorganizing to make the Bylaws easier to read and understand without changing their substance.
Attachment F provides a one-page overview of the proposed Bylaws re-write. Attachment G is a full redline revision. And Attachment H is a copy of the current PACTS Bylaws for your reference.

Proposed action: Review, revise and approve the proposed revisions to the Bylaws as appropriate.

10. Adjourn

Upcoming Meetings:
  o April 28, 1:00 p.m. – PACTS Transit Committee Workshop
  o May 12, 9:00 a.m. – Joint PACTS Planning and Technical Committees meeting
  o May 14, 9:30 a.m. – PACTS Transit Committee

Future Agenda Items:
  o Recommendations from *Portland Commercial Street Operations and Master Plan* and *Westbrook Transit Oriented Development Transit Hub at Rock Row Development Studies*
  o Elements of PACTS Long-Range Transportation Plan
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<th>Committee Members</th>
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<td>Jim Bennett</td>
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<td>Jessa Berna</td>
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<td>Adam Bliss</td>
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<td>Jennifer Brickett</td>
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<td>Nathan White</td>
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<td><strong>For GPCOG</strong></td>
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1. **Welcome – Matt Sturgis, Chair**  
Matt Sturgis opened the meeting.

2. **Acceptance of October 24, 2019 Policy Committee Meeting Minutes**  
A motion was made for the acceptance of the 10/24/19 minutes by Chris Branch. The motion was seconded by Erin Courtney. All were in favor.

3. **Public Comment**  
There were no public comments.

4. **Staff Report**  
The Blue Ribbon Commission has not yet made a recommendation on whether or how to increase transportation revenues. The Transit Committee is beginning work on the Six Year Capital and Operating Plan. Transit agencies have been asked to submit initial funding requests. There will likely not be enough money to fund all requests. Staff is reviewing the PACTS bylaws to clarify membership terms and the appointment process. Staff will be exploring ways to fill Executive Committee vacancies where members are elected by subregions. Kristina also noted that the MaineDOT briefing on
the potential relocation of the Portland Transportation Center will be done at the
PACTS Executive Committee’s February 4 meeting.

5. 2019-2022 TIP Amendment
Stephanie Carver noted that the State Transportation Improvement Program (STIP)
materials had been received. She explained that we are asking to amend the current
2019-2022 Transportation Improvement Program (TIP) to include the project list that
MaineDOT has submitted for the new TIP to ensure consistency with the PACTS TIP.

Chris Branch asked if there were any changes from last year’s list, and Steph confirmed
the changes were just for MaineDOT projects. Marty Rooney said that the TIP and STIP
represent the proposed obligation of federal funds. The Federal Highway funds
function as a reimbursement program. He said that 100% of the funds are typically
obligated. In response to a question from Alex, he confirmed work will continue on the
Beth Condon trail. If new PACTS funds are added that would show up in a future TIP.
Steph said that the purpose of the request is to keep the 2020 projects moving forward
without a pause as we work through the current TIP update.

Larry Mead made a motion to approve the TIP amendment and to authorize staff to
submit the TIP amendment (included in Attachment C) to MaineDOT to be included in
the STIP, and Chris Branch seconded. All were in favor.

6. MaineDOT TIP 2020-2023 Project List
Steph Carver advised that this item relates to the new TIP document. The action is to
approve the TIP lists and to allow staff to prepare the full TIP document for the 10-day
public comment period.

Chris Branch made a motion to approve the TIP project lists and direct staff to prepare
the full TIP document for a 10-day public comment period, and to delegate authority to
the Executive Committee to approve the TIP in its entirety at the April 7 meeting. Eric
Dudley seconded. All were in favor.

7. PACTS Unified Planning Work Program (UPWP) Overview
Matt Sturgis noted that this item would be tabled until the next meeting. Chris Branch
suggested that we consider the funding of preliminary design review in the UPWP.
8. Approval of GPCOG – PACTS Merger

The PACTS – GPCOG Joint Merger Committee focused on what was necessary to bring the two organizations together. Chris said that the intent is to preserve the autonomy, authority, and mission of PACTS as the regional MPO and incorporate that into the structure of GPCOG. The committee is recommending a full merger. PACTS’ will have a role in managing GPCOG’s Executive Director. Equitable membership on the GPCOG Executive Committee is also included.

Jim Bennett stated he supported the merger and highlighted several points. He noted that the separation agreement requires two-thirds of the PACTS Policy Committee to trigger a separation. He added that municipalities had little say over PACTS staff and that the non-GPCOG communities should have some ability to have a formal role in the evaluation of the Executive Director. He said that the GPCOG and PACTS members of the committee are comfortable with the arrangement and said he believes that this is a well-structured and well-balanced outcome.

Matt Sturgis said that the committee includes GPCOG members who are not members of PACTS and vice versa, and that there is a good balance of representation.

Larry Mead said that he appreciates that GPCOG staff has given York County the opportunity to participate in non-PACTS events and initiatives. He said that the merger is a substantial step forward, and as a result, PACTS is now more focused with clearer objectives and more accountability.

Kristina noted that the final changes to GPCOG’s bylaws would be voted on in May at the GPCOG General Assembly annual meeting.

Chris Hall clarified that the Committee today is voting on the merger agreement, included as Attachment F in the packet. The packet materials also contain a summary of the agreement and proposed changes to GPCOG bylaws, which will be voted on by the GPCOG General Assembly. Other revisions to the PACTS bylaws can happen later.

Jim Bennett moved approval of the merger agreement. Claude Morgan seconded. All were in favor.
9. Follow Up on Community Transportation Leaders Presentations

Zoe Miller noted that the Community Transportation Leaders (CTL) Training Program goes beyond complying with civil rights mandates. A curriculum was created with funding from Transit Planning 4 All. Twenty-three people went through the training, which is focused on older adults, people with disabilities, and people of color. The intent is to offer the training again and explore how people can stay involved with PACTS and structural changes that may be needed. She noted that CTL members are involved with testing the new electronic fare payment system.

The group generally expressed support and appreciation for the passion and diversity of views among CTL members. Hope Cahan asked about the budget and how involvement can lead to action so participants feel it is worth the time. Zoe said that the budget would depend on the level of involvement. Staff could develop options and budget estimates for each. Kristina said that one of the PACTS reforms was to embrace diverse stakeholders and that the UPWP includes $50,000 over two years for this task, some of which can be allocated to these activities.

Erin Courtney asked if the efforts of other states could help in determining costs. Chris Branch said that cost estimates related to the scope of services would help in determining what level to fund.

Members were asked to rank this work as an overall priority to help with budgeting. Three members ranked it as high priority, 7 as medium priority, and 1 as low priority. It was noted that a better understanding of the level of investment and expected outcome will be helpful in rating this as a priority. Kristina noted that there are resource constraints and that some benefits are difficult to quantify.

Marty Rooney said that planning funds can be used for multiple purposes and encouraged the group to review the UPWP holistically.

Art Handman noted that the FTA requires designated recipients to do a lot of outreach, and that South Portland relies heavily on GPCOG to satisfy Title VI requirements. PACTS meetings that include transit operators can help satisfy these requirements.
Zoe said the PACTS Public Involvement Plan includes several elements that relate directly to this group, including developing performance measures for public involvement. She noted there is value in keeping the group connected and that it takes time to integrate them into the decision-making process. Formalizing an arrangement for the CTL group would be helpful.

Jim Bennett said that the choice of many young adults to not drive or own a vehicle will impact transit models. PACTS has been heavily auto-centric and having a different perspective will be helpful going forward.

Hope Cahan said there is enough interest for staff to develop recommendations with estimated budgets and outcomes.

10. Transportation Improvement Program Committee
The Executive Committee voted in October to create an ad hoc committee of former Transportation Improvement Program Committee members and Transit Committee members. She noted that this year the TIP committee is tasked with making recommendations to the Policy Committee on project funding for 2023 capital projects, updates and changes to the TIP and Transit Policies and Procedures, and a transportation funding framework.

An RFP was posted for a consultant to offer expertise to support the development of a framework for prioritizing federal funds.

A committee chair and vice chair would be elected when the committee meets. The committee’s recommendations will come to the Policy Committee. The group talked about concerns with participation. Kristina noted that attendance is a challenge for PACTS in general and this could be looked at in the bylaws revisions.

Sarah Tracy made a motion to appoint the TIP ad hoc committee membership as proposed in Attachment H of the agenda packet, with the inclusion of a requirement for attendance and for allowing alternates. The motion was seconded by Chris Branch. All were in favor.

11. Approve Updated Safety Performance Targets
Elizabeth Roberts said that State Departments of Transportation and Metropolitan Planning Organizations are required to establish performance targets. She noted that MaineDOT has developed targets, and MPOs can either adopt those targets or develop their own. She noted that the targets for PACTS show a decrease in the numbers and rates of serious injuries and fatalities.

Chris Branch asked if the MaineDOT goals are based on statewide or regional numbers, and expressed concern that statewide goals may be artificially low for our region, which has more traffic, more accidents, and more injuries. Elizabeth explained that statewide targets look at trends for the PACTS region.

Hope Cahan asked if there was any discussion about Vision Zero. Elizabeth said the goal is to reduce accidents and crashes as much as possible, and noted that fatalities have increased. The group agreed that Vision Zero was worth looking at, particularly in the context of a regional complete streets policy.

Jim made a motion to approve MaineDOT’s performance targets as presented in the packet. Sarah seconded. All were in favor.

12. Transportation Climate Initiative
Larry Mead said that the Northeast and Mid-Atlantic states are considering a cap on transportation carbon emissions, and that revenues from fuel providers would be directed towards reducing emissions. He noted the Mills administration is considering whether Maine should participate. The deadline for comments is in February. A subcommittee reviewed suggestions provided by staff and included in the packet. PACTS comments would not be on whether Maine should join but would outline important issues to consider if Maine does become a partner.

Larry noted that as a rural state Maine spends more on gas and has fewer transit options. Maine also would be a small partner in terms of revenue and population. We should ensure that Maine has a voice in decision-making and in how revenues are used. Kristina noted that the working group was half PACTS and half GPCOG, and that the GPCOG Executive Committee already approved the recommendations as written in the packet. Maine will have to decide by March. MaineDOT and the Maine Department of Environmental Protection are the lead representatives for Maine.
Sarah Tracy asked if we should define what is meant by “fair”. Hope said that the determination will be up to the Mills administration. Chris Hall said that Maine will have to answer these questions and our intent is to make sure that they are asked.

Alex Jaegerman said that a major change is needed to meet Governor Mills’ greenhouse gas emissions targets. The transportation sector is the largest contributor of greenhouse gas emissions. This initiative would help to address this. Alex said that it’s unfortunate that we are not making recommendations to participate. The recommendations are not as aggressive as they could be to achieve the state’s climate goals.

Kristina said that the first recommendation could be revised to speak to the benefits of the initiative and the impact of reducing greenhouse gases. Chris Hall suggested that recommendation four could be reworded so revenues help reduce greenhouse gas emissions and transition the region to lower carbon transportation. The group was supportive of this change.

Chris Branch expressed concern about the cost of providing transit service in rural areas relative to urban areas. He suggested that revenue be directed to urban areas with the highest return on investment. Hope added that rural transit options should be appropriate for the area. Kristina noted that the Maine Climate Council’s Transportation Working Group is discussing tailoring incentives for rural and urban areas. Alex suggested that recommendation three focus on cost-effectiveness rather than fairness. Lena noted the significant contribution of buildings to greenhouse gas emissions. Sarah expressed concern that with a statewide initiative rural areas might be disproportionately affected and might have more economic challenges. Fairness should be partnered with cost effectiveness. The group generally agreed with this idea.

Jim Bennett suggested that recommendation three be revised to acknowledge the unique challenges of urban and rural communities. The committee agreed on wording suggested by Kristina: “TCI must be fair to rural and urban communities and tailor strategies that are cost effective for both.” It was noted that there was no support for removing recommendation five and that would remain. There were no other revisions.
Chris Branch made a motion to approve the recommendations as reworded, and Sarah Tracy seconded. All were in favor, with Jennifer abstaining.

As a future agenda item, Chris Branch noted that new sources of funding need to be located, whether within existing accounts or from outside funding sources. He noted the region is growing but may not receive additional funds. Kristina said this was a major theme of the PACTS reforms. We need to do a better job of locating additional funds and we need to get more capital projects through preliminary engineering to be eligible for more funds. She noted the success of the region's transit agencies in pursuing discretionary funds.

13. Adjourn
CHAPTER 5: DISADVANTAGED BUSINESS ENTERPRISE PLAN

The Portland Area Comprehensive Transportation System (PACTS) supports the participation of Disadvantaged Business Enterprise (DBE) identified organizations throughout the transportation planning process. This chapter describes the requirements and procedures that PACTS will adhere to while conducting operations.

POLICY STATEMENT

PACTS has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. PACTS has received federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, PACTS has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of PACTS to ensure that DBEs, as defined in Part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also our policy:

1. To ensure nondiscrimination in the award and administration of DOT-assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
3. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. To help remove barriers to the participation of DBEs in DOT-assisted contracts;

The PACTS DBE Liaison Officer is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by PACTS in its financial assistance agreements with DOT. PACTS has designated the GPCOG Transportation Director as the DBE Liaison Officer:

TBD, Transportation Director
Greater Portland Council of Governments
970 Baxter Blvd, Suite 201
Portland, ME 04103
Tel: (207) 774-9891
Email: info@gpcog.org

PACTS ensures that this policy statement is disseminated to all members and to recipients and subrecipients. The statement is accessible to DBE and non-DBE business communities that perform work on DOT-assisted contracts. PACTS uses various networks to distribute this policy including electronic notification to stakeholder lists, social media, and the PACTS website.
SUBPART A – GENERAL REQUIREMENTS

Objectives (49 CFR § 26.1)

The five program objectives are found in the policy statement on the first page of this chapter.

Applicability (49 CFR § 26.3)

As a recipient of federal financial assistance, PACTS is required to administer a DBE program in compliance with all laws, regulations and Executive Orders and guidance. This DBE Program is also applicable to all PACTS sub-recipients. Sub-recipients are required to sign annual certifications and assurances confirming their compliance with PACTS and federal, state, and local regulations, as appropriate.

Definitions (49 CFR § 26.5)

PACTS will adopt the definitions contained in Section 26.5 for this program. For the purposes of this program, a socially and economically disadvantaged individual means any individual who is a citizen (or lawfully admitted permanent resident) of the United States and who:

1. A recipient finds to be a socially and economically disadvantaged individual on a case-by-case basis.
2. Is included in the following groups, members of which are rebuttable presumed to be socially and economically disadvantaged:
   a. “Black Americans,” which includes persons having origins in any of the Black racial groups of Africa;
   b. “Hispanic Americans,” which includes persons of Mexican, Puerto Rican, Cuban, Dominican, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race;
   c. “Native Americans,” which includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians;
   d. “Asian-Pacific Americans,” which includes persons whose origins are from Japan, China, Taiwan, Korea, Burma (Myanmar), Vietnam, Laos, Cambodia (Kampuchea), Thailand, Malaysia, Indonesia, the Philippines, Brunei, Samoa, Guam, the U.S. Trust Territories of the Pacific Islands (Republic of Palau), the Commonwealth of the Northern Marianas Islands, Macao, Fiji, Tonga, Kiribati, Tuvalu, Nauru, Federated States of Micronesia, or Hong Kong;
   e. “Subcontinent Asian Americans,” which includes persons whose origins are from India, Pakistan, Bangladesh, Bhutan, the Maldives Islands, Nepal or Sri Lanka;
   f. Women;
   g. Any additional groups whose members are designated as socially and economically disadvantaged by the SBA, at such time as the SBA designation becomes effective.
Non-discrimination Requirements (49 CFR § 26.7)

PACTS will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR part 26 on the basis of race, color, sex, or national origin.

In administering its DBE program, PACTS will not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of DBE program with respect to individuals of a particular race, color, sex, or national origin.

Record Keeping Requirements (49 CFR § 26.11)

PACTS will report DBE participation to USDOT as follows:
- As a recipient of FHWA funding, the MaineDOT will report DBE participation on a semi-annual basis (June 1 and Dec 1), using Uniform Report of DBE Awards or Commitments and Payment Form.
- As a recipient of FTA funding, the MaineDOT will report DBE participation on a semi-annual basis (June 1 and Dec 1), using Uniform Report of DBE Awards or Commitments and Payment Form. These reports will reflect payments made to DBEs on DOT-assisted contracts.

Bidders List: § 26.11(c)

PACTS will create a bidders list, consisting of information about all DBE and non-DBE firms that bid or quote on DOT-assisted contracts. The purpose of this requirement is to allow use of the bidders list approach to calculating overall goals. The bidder list will include the name, address, DBE non-DBE status, age, and annual gross receipts of firms.

PACTS will collect this information by requiring bidders to report the names, addresses, and other information of DBE subcontractors to PACTS prior to the time of bid opening or finalization of a contract agreement. PACTS will maintain records documenting a firm’s compliance with the requirements of this part. PACTS will keep the complete application package for each certified firm. These records will be retained in accordance with applicable record retention requirements for the recipient’s financial assistance agreement. Other certification or compliance related records will be retained for a minimum of 3 years unless otherwise provided by applicable record retention requirements for the recipient’s financial assistance agreement, whichever is longer.


PACTS has signed the following assurances, applicable to all DOT-assisted contracts and their administration:

Pacts Title VI Environmental Justice Non-Discrimination Plan
Assurance: § 26.13(a)

PACTS shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT assisted contract or in the administration of its DBE Program or the requirements of 49 CFR part 26. The recipient shall take all necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of DOT assisted contracts. The recipient's DBE Program, as required by 49 CFR part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the [Recipient] of its failure to carry out its approved program, the Department may impose sanction as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

This language will appear in financial assistance agreements with sub-recipients.

Contract Assurance: § 26.11(b)

PACTS will ensure that the following clause is placed in every DOT-assisted contract and subcontract:

The contractor, sub-recipient, or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate, which may include but is not limited to:

1. Withholding monthly progress payments;
2. Assessing sanctions;
3. Liquidated damages; and/or
4. Disqualifying the contractor from future bidding as non-responsible.

SUBPART B – ADMINISTRATIVE REQUIREMENTS

DBE Program Updates (49 CFR § 26.21)

Since PACTS has received a grant of $250,000 or more in FTA planning capital, and or operating assistance in a federal fiscal year, PACTS will continue to carry out this program until all funds from FTA financial assistance have been expended. PACTS will provide updates to FTA should any significant changes occur in the Program.

Policy Statement (49 CFR § 26.23)

PACTS has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. PACTS has received
federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, PACTS has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of PACTS to ensure that DBEs, as defined in Part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also our policy:

1. To ensure nondiscrimination in the award and administration of DOT-assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
3. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. To help remove barriers to the participation of DBEs in DOT-assisted contracts;

**DBE Liaison Officer (DBELO) (49 CFR § 26.25)**

PACTS has designated the following individual as DBE Liaison Officer:

TBD, Transportation Director  
Greater Portland Council of Governments  
970 Baxter Blvd, Suite 201  
Portland, ME 04103  
Tel: (207) 774-9891  
Email: info@gpcoq.org

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that PACTS complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to the Executive Director concerning DBE program matters. An organization chart displaying the DBELO’s position in the organization is found in Appendix I to this program.

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. The duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required by USDOT.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with all departments to set overall annual goals.
4. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
5. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals attainment and identifies ways to improve progress).
6. Analyzes PACTS’ progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the PACTS Transportation Director and Policy Committee on DBE matters and achievement.
10. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
11. Certifies DBEs according to the criteria set by USDOT and acts as liaison to the Uniform Certification Process in Maine.
12. Provides outreach to DBEs and community organizations to advise them of opportunities.

**DBE Financial Institutions (49 CFR § 26.27)**

It is the policy of PACTS to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, to make reasonable efforts to use these institutions, and to encourage prime contractors on DOT-assisted contract to make use of these institutions.

Through a search of minority owned businesses as listed by the Maine Department of Transportation and through a search of minority depository institutions as listed by the Federal Reserve, PACTS did not identify any minority owned financial institutions in the PACTS region.

**Prompt Payment Mechanisms (49 CFR § 26.29)**

PACTS will include the following clause in each DOT-assisted prime contract:

The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than 30 days the receipt of each payment the prime contract receives from PACTS. The prime contractor agrees further to return retainage payments to each subcontractor within 30 days after the subcontractor’s work is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of PACTS. This clause applies to both DBE and non-DBE subcontracts.

**Directory (49 CFR § 26.31)**

PACTS uses the MaineDOT DBE directory, which is available online at the following website: [www.maine.gov/mdot/civilrights/dbe/](http://www.maine.gov/mdot/civilrights/dbe/).

MaineDOT publishes a current directory identifying certified DBE’s. The MaineDOT DBE directory includes the address, phone number, and the types of work the firm has been certified to perform as a DBE; this list is updated weekly. All DBE firms listed in the directory are certified as meeting the requirements as outlined in 49 CFR part 26.

**Section 26.33 Overconcentration (49 CFR § 26.33)**

If DBE firms are overconcentrated in a certain type of work, this may unduly burden the opportunity of non-DBE firms to participate in this type of work. PACTS has not identified that overconcentration exists in the types of work DBE’s perform. PACTS will continue to monitor DBE participation and
usage and will use appropriate measures designed to assist DBE’s if any overconcentration areas are identified.

**Business Development Programs (49 CFR § 26.35)**

GPCOG has a small business loan program. Small to medium-sized businesses with fewer than 50 employees or sales of less than $5 million are eligible to apply for loans. Loans are made to all types of businesses and can range in size from several thousand dollars to loans in excess of $200,000. Most loans are in the range of $25,000 to $100,000 with an average loan size of about $52,000. Loan applications for projects related to food, energy, and freight would receive priority consideration from GPCOG’s Loan Committee. Interested persons would obtain information about the program by visiting [https://www.gpcog.org/280/Loan-Program-for-Small-Businesses](https://www.gpcog.org/280/Loan-Program-for-Small-Businesses)

**Monitoring and Enforcement Mechanisms (49 CFR § 26.37)**

PACTS will take the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 26.

1. We will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.109.
2. We will consider similar action under our own legal authorities, including responsibility determinations in future contracts.
3. We will also provide a monitoring and enforcement mechanism to verify that work committed to DBEs at contract award is actually performed by the DBEs. This mechanism will provide a running tally of actual DBE attainments (e.g. payment actually made to DBE firms), including a means of comparing these attainments to commitments.
4. We will keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award.

**SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING**

**Set-aside or Quotas (49 CFR § 26.43)**

PACTS does not use quotas in any way in the administration of this DBE program.

**Overall Goals (49 CFR § 26.45)**

PACTS will establish overall goals every three years in accordance with the process specified in §26.45 of 49 CFR.
A description of the 2020-23 goal and the methodology to calculate that goal can be found in Appendix K.

In accordance with Section 26.45(f) PACTS will submit its overall goal to DOT on August 1 of each year. PACTS will also request use of project-specific DBE goals as appropriate and/or will establish project-specific DBE goals as directed by FTA.

Before establishing the overall goal each year, PACTS will consult with the Maine Department of Transportation website to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the PACTS' efforts to establish a level playing field for the participation of DBEs.

Following this consultation, PACTS will publish a notice of the proposed overall goals, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at our principal office for 30 days following the date of the notice, and informing the public that PACTS and USDOT will accept comments on the goals for 45 days from the date of the notice. This notice will be published on the PACTS website and advertised in local newspapers. Normally, PACTS will issue this notice by June 1 each year. The notice must include addresses to which comments may be sent and addresses (including offices and websites) where the proposal may be reviewed.

PACTS' overall goal submission to DOT will include a summary of information and comments received during this public participation process, including PACTS' responses.

PACTS will begin using the overall goal on October 1 of each year, unless other instructions are received from DOT. If PACTS established a goal on a project basis, PACTS will begin using the goal by the time of the first solicitation for a DOT-assisted contract for the project.

Goal setting and Accountability (49 CFR § 26.47)

When the approved annual goal is not achieved, PACTS must submit a written analysis to DOT explaining why the goal was not met and what actions PACTS will take to achieve the annual goal in the following fiscal year. That analysis must be submitted within 90 days after the end of the federal fiscal year for approval.

Transit Vehicle Manufacturers Goals (49 CFR § 26.49)

PACTS has not historically use FTA-assisted funding or otherwise to procure transit vehicles. If this changes, PACTS will require each transit vehicle manufacturer to certify that it has complied with the requirements of this section as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurements.

Breakout of Estimated Race-Neutral & Race-Conscious Participation (49 CFR § 26.51(a-c))
PACTS seeks to meet the established DBE annual goal solely through race-neutral means. Race and gender neutral DBE participation occurs when a DBE is awarded a contract through customary competitive procurement procedures, is awarded a subcontract on a contract that does not carry a DBE contract goal, or wins a subcontract from a prime contractor that did not consider its DBE status in making the award.

**Contract Goals (49 CFR § 26.51(d-g))**

PACTS will meet the maximum feasible portion of its overall goal using race-neutral means of facilitation DBE participation.

PACTS will only use contract goals to meet any portion of the overall goal if PACTS does not project being able to meet using race-neutral means. Contract goals are established so that, over the period to which the overall goal applies, they will cumulatively result in meeting any portion of our overall goal that is not projected to be met through the use of race-neutral means.

PACTS will establish contract goals only on those DOT-assisted contracts that have subcontracting possibilities. We need not establish a contract goal on every such contract, and the size of contract goals will be adapted to the circumstances of each such contract (e.g., type and location of work, availability of DBEs to perform the particular type of work.)

PACTS will express the contract goals as a percentage of the federal share of a DOT assisted contract.

**Good Faith Efforts Procedures (49 CFR § 26.53)**

If a contract goal is established on a particular project, clear direction will be given to the bidder. It is the obligation of the bidder/offeror is to make good faith efforts. The bidder/offeror can demonstrate that it has done so either by meeting the contract goal or documenting good faith efforts.

The DBELO is responsible for determining whether a bidder/offer who has not met the established contract goal has documented sufficient good faith efforts in their attempt to meet that goal.

PACTS will ensure that all information is complete and accurate and adequately documents the bidder/offer's good faith efforts before we commit to the performance of the contract by the bidder/offeror.

**Information to be submitted (§ 26.53(b))**

PACTS treats bidder/offers' compliance with good faith efforts' requirements as a matter of responsiveness.

Each solicitation for which a contract goal has been established will require the bidders/offerors to submit the following information:

Pacts Title VI Environmental Justice Non-Discrimination Plan
1. The names and addresses of DBE firms that will participate in the contract;
2. A description of the work that each DBE will perform;
3. The dollar amount of the participation of each DBE firm participating;
4. Written and signed documentation of commitment to use a DBE subcontractor whose participation it submits to meet a contract goal;
5. Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractors commitment and
6. If the contract goal is not met, evidence of good faith efforts.

Administrative reconsideration (§ 26.53(d))

Within 30 days of being informed by PACTS that it is not responsive because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offerors should make this request in writing to the following reconsideration official:

Kristina Egan, Executive Director
Greater Portland Council of Governments
970 Baxter Blvd, Suite 201
Portland, ME 04103
Tel: (207) 774-9891
Email: kegan@gpcog.org

The reconsideration official will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts.

As part of this reconsideration, the bidder/offeror will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The bidder/offeror will have the opportunity to meet in person with our reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do. We will send the bidder/offeror a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so. The result of the reconsideration process is not administratively appealable to the Department of Transportation.

Good Faith Efforts when a DBE is replaced on a contract (§ 26.53(f))

PACTS will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE, to the extent needed to meet the contract goal. PACTS will require the prime contractor to notify the DBE Liaison officer immediately of the DBE’s inability or unwillingness to perform and provide reasonable documentation. The DBE must be given 5 days to business days to respond to the contractor and DBEO if they intend to object to the request for removal from the project. The 5 business days response period may be shortened for safety reasons existing on the project.
In this situation, we will require the prime contractor to obtain our prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts.

If the contractor fails or refuses to comply in the time specified, our contracting office will issue an order stopping all or part of payment/work until satisfactory action has been taken. If the contractor still fails to comply, the contracting officer may issue a termination for default proceeding.

Sample BidSpecification:

The requirements of 49 CFR Part 26, Regulations of the U.S. Department of Transportation, apply to this contract. It is the policy of PACTS to practice nondiscrimination based on race, color, sex, or national origin in the award or performance of this contract. All firms qualifying under this solicitation are encouraged to submit bids/proposals. Award of this contract will be conditioned upon satisfying the requirements of this bid specification. These requirements apply to all bidders/offerors, including those who qualify as a DBE. A DBE contract goal of 1.53% percent has been established for this contract. The bidder/offeror shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26 (Attachment 1), to meet the contract goal for DBE participation in the performance of this contract.

The bidder/offeror will be required to submit the following information: (1) the names and addresses of DBE firms that will participate in the contract; (2) a description of the work that each DBE firm will perform; (3) the dollar amount of the participation of each DBE firm participating; (4) Written documentation of the bidder/offeror’s commitment to use a DBE subcontractor whose participation it submits to meet the contract goal; (5) Written confirmation from the DBE that it is participating in the contract as provided in the commitment made under (4); and (5) if the contract goal is not met, evidence of good faith efforts.

Counting DBE Participation (49 CFR § 26.55)

PACTS will count DBE participation toward overall and contract goals as provided in 49 CFR 26.55.

SUBPART B – CERTIFICATION STANDARDS

Certification Process (49 CFR § 26.61-26.73)

PACTS will rely on the State of Maine DBE certification procedures. These procedures are available from the Maine Department of Transportation, 16 State House Station, Augusta, Maine 04333. MaineDOT uses the certification standards of Subpart D and Part 26 to determine the eligibility of firms to participate as DBEs in DOT-assisted contracts. To be certified as a DBE, a firm must meet all certification eligibility standards.

SUBPART E – CERTIFICATION PROCEDURES

Unified Certification Programs (49 CFR § 26.81)

Pacts Title VI Environmental Justice Non-Discrimination Plan
PACTS works closely with MaineDOT, which is the certifying agency for all USDOT recipients in Maine for the DBE program, which was approved by USDOT in 2000. MaineDOT requires that all recipients sign the UCP Agreements in order to participate in USDOT assisted programs. MaineDOT has a list of all participating recipients and has signed copies of agreements on file at MaineDOT.


PACTS relies on MaineDOT for certification decisions regarding DBEs. MaineDOT’s DBE program states that “to be certified as a DBE, and for currently certified firms to remain in good status, a firm and the majority owner must meet all eligibility requirements including furnishing the Personal Financial Statement. Certification and renewal decisions are based on the facts as a whole. As such, the burden of proof for all applicants and those seeking renewal must furnish all evidence required under 49 CFR Part 26.”

For more information about certification procedures, contact MaineDOT’s Civil Rights Office at (207) 624-3066 or at: [http://www.maine.gov/mdot/civilrights/dbe](http://www.maine.gov/mdot/civilrights/dbe)

**SUBPART F – COMPLIANCE AND ENFORCEMENT**

**Information, Confidentiality, Cooperation (49 CFR § 26.109)**

PACTS relies on MaineDOT for information, confidentiality, and cooperation. MaineDOT’s DBE Program states that “MaineDOT will safeguard from disclosure to third parties information that may reasonably be regarded as confidential business information, consistent with Federal law and the Maine Freedom of Information Act, MSRS Title 5 CH. 65 § 791.

‘Records and correspondence utilized by state agencies in the certification for minority business enterprises, women’s business enterprises and a disadvantaged business enterprises which pertain to the applicant’s financial or tax status, to private contracts made by the applicant, to the applicant’s trade secrets or to any other matter customarily regarded as confidential business information shall be confidential and shall not be open for public inspection [1985, c. 587 (NEW).]’

*Nothing in this section prevents the disclosure of any records, correspondence or other materials to authorized officers and employees of the State Government and Federal Government. [1985, c. 587 (NEW).]*’

Notwithstanding any contrary provisions of state or local law, we will not release personal financial information submitted in response to the personal net worth requirement to a third party (other than USDOT) without the written consent of the submitter.”

**Monitoring Payments to DBEs**

PACTS will require prime contractors to maintain records and documents of payments to DBEs for three years following the performance of the contract. These records will be made available for
inspection upon request by any authorized representative of PACTS or USDOT. This reporting requirement also extends to any certified DBE subcontractor.

We will perform interim audits of contract payments to DBEs. The audit will review payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts states in the schedule of DBE participation.
Staff Report

Transportation Director
GPCOG is currently seeking a Transportation Director to lead our innovative team working to improve the region’s transportation network. Please view the job posting for more information.

Upcoming Subregional Meetings
GPCOG will be holding this year’s convenings of elected officials and municipal staff to discuss transportation priorities and other regional priorities. This year, we'll focus on transportation funding resources, Transit Tomorrow, and COVID response. We will also convene as four subregions, rather than five. The meetings will be virtual, and held at the end of April and beginning of May:

Northern Subregion: 4/29
Lakes Region: 4/30
Central and West Subregions: 5/6
Southern Subregion: 5/7

CARES Act Public Transportation Funding
The Coronavirus Aid, Relief, and Economic Security (CARES) Act provides $25 billion nationally to transit agencies to help prevent, prepare for, and respond to the COVID-19 pandemic. Funds must be used for “reimbursement for operating costs to maintain service and lost revenue due to the coronavirus public health emergency, including the purchase of personal protective equipment, and paying the administrative leave of operations personnel due to reductions in service.” The PACTS region is receiving $53,022,637 in 5307 formula funds and Maine is receiving $24,554,813 in 5311 and 5340 funds. This is in addition to the normal apportionments which were announced in February 2020.

Any projects normally eligible under urbanized area and rural area formula funds are eligible for CARES Act funds. Eligible capital expenses include vehicle replacement, equipment purchases, and facility repair. The start date for reimbursable expenses is January 20, 2020. Operating and capital expenses that do not involve a change in location, function, or capacity of an asset do not need to be in the Transportation
Improvement Program (TIP), State Transportation Improvement Program (STIP), or long-range plan. The federal share for CARES Act eligible projects is 100%.

The PACTS Transit Committee has discussed in recent meetings and workshops a process and framework for apportioning CARES Act funds. The Committee agreed that funding requests would proceed in phases, with the first phase addressing the immediate situation and including requests covering February 1 to June 30. Funds for future phases will address long-term recovery issues related to COVID-19 and the resiliency of the region’s transit network. The Committee also discussed using CARES Act funds in lieu of other federal grants and the possibility of using CARES Act funds to ease the burden on municipalities.

The Transit Committee approved a motion to:

- Approve the allocations as presented in the CARES Act funding table provided by PACTS staff
- Each agency will provide PACTS with information on the core assumptions about service levels and fare revenues that inform CARES Act funding requests
- Each agency, where applicable and as able, will endeavor to use CARES Act funds to provide relief to cities and towns in phase one

Agency requests will be included in a Split Letter separate from the normal 5307 Split Letter approved by the PACTS Executive Committee on April 7. The Committee programmed $13.7 million to cover net costs from February 1 through June 30, leaving $39.3 million to be programmed in future phases. It was agreed that the Split Letter for phase one of the CARES Act public transportation funding does not require approval by the PACTS Executive or Policy Committees.

**Transit Tomorrow**

PACTS adopted the below vision for the region’s public transportation system over the next 30 years:

*Using our region’s public transportation system is faster and more affordable than driving a car. Our system is funded sustainably and provides reliable and seamless transportation for our community, including commuters, mainland and*
island residents, and those with limited mobility options. Our communities support the long-term viability of public transportation by focusing new homes and jobs where people already live and work.

The project has completed its scenario modeling. It shows the outcomes and tradeoffs between different investment and land use decisions on a variety of factors, including transit ridership, vehicle miles traveled, greenhouse gas emissions, congestion, transit accessibility, and parking demand. The planning process evaluates two transit investment options - improving transit everywhere, and targeting investment to key corridors for rapid transit that carries a lot of people between key regional employment and housing centers. It also assesses how compact land use development affects ridership and other factors. The results show that targeting transit investments to increase frequency on high-capacity routes increases ridership more than increasing transit service everywhere, and that the compact land use scenario performs yields the best results across all metrics, especially when combined with transit improvements.

The next step is to develop recommendations for rapid transit regional corridors, better serving older adults and people with disabilities, and enhancing neighborhood transit circulation.
### Portland Area Comprehensive Transportation System (PACTS)

**Coronavirus Aid, Relief and Economic Security (CARES)\(^\text{1}\)**

**Calculation of Funding Request**

**February 1 through June 30, 2020**

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<td><strong>Total Actual Operating Expenses</strong></td>
<td>$3,976,060</td>
<td>$3,295,394</td>
<td>$3,048,864</td>
<td>$2,851,331</td>
<td>$3,218,083</td>
<td>$16,389,732</td>
</tr>
</tbody>
</table>

| Actual and Estimated Deductions |          |          |          |          |          |          |
| METRO - Fixed Route Bus Service | $9,999   | $4,738   | $26,112  | $38,072  | $78,921  |
| METRO - ADA Paratransit         | $ -      | $ -      | $ -      | $ -      | $ -      |
| South Portland - Fixed Route Bus Service | $ - | $ - | $ - | $ - | $ - |
| South Portland - ADA Paratransit | $ -      | $ -      | $ -      | $ -      | $ -      |
| Biddeford-Saco-Old Orchard Beach Transit | $ - | $ - | $ - | $ - | $ - |
| Casco Bay Lines                 | $86,545  | $14,805  | $18,486  | $43,417  | $68,275  | $231,538 |
| Northern New England Passenger Rail Authority | $1,498 | $1,100 | $1,000 | $1,000 | $5,598 |
| Maine DOT for Regional Transportation Program (Non-ADA) | $ - | $ - | $ - | $ - | $ - |
| Maine DOT for York County Community Action Agency | $ - | $ - | $ - | $ - | $ - |
| **Total Actual Deductions**      | $98,042  | $20,643  | $19,486  | $70,329  | $107,347 | $316,057 |

| Actual and Estimated Revenues |          |          |          |          |          |          |
| METRO - Fixed Route Bus Service | $185,158 | $176,805 | $40,000  | $14,500  | $65,000  | $481,463 |
| METRO - ADA Paratransit         | $ -      | $ -      | $ -      | $ -      | $ -      | $ -      |
| South Portland - Fixed Route Bus Service | $24,947 | $10,533 | $2,000 | $2,000 | $41,479 |
| South Portland - ADA Paratransit | $ -      | $ -      | $ -      | $ -      | $ -      | $ -      |
| Biddeford-Saco-Old Orchard Beach Transit | $75,863 | $83,952 | $ - | $ - | $159,815 |
| Casco Bay Lines                 | $64,432  | $44,202  | $31,814  | $39,166  | $59,889  | $239,504 |
| Northern New England Passenger Rail Authority | $960,024 | $478,535 | $10,000 | $1,000 | $66,500 | $1,516,059 |
| Maine DOT for Regional Transportation Program (Non-ADA) | $9,244 | $1,449 | $1,449 | $8,107 | $20,249 |
| Maine DOT for York County Community Action Agency | $2,500 | $2,500 | $2,500 | $2,500 | $2,500 |
| **Total Actual Revenues**        | $1,312,924| $805,771 | $82,763  | $55,615  | $198,996 | $2,456,069 |

**CARES Act Funding Request (100% of Net Operating Cost)**

| METRO - Fixed Route Bus Service | $797,625 | $659,074 | $770,000 | $794,388 | $721,928 | $3,743,015 |
| METRO - ADA Paratransit         | $35,358  | $28,000  | $15,000  | $15,000  | $25,000  | $118,358 |
| South Portland - Fixed Route Bus Service | $144,919 | $180,121 | $120,340 | $126,132 | $145,114 | $716,627 |
| South Portland - ADA Paratransit | $11,450  | $14,378  | $2,500   | $2,500   | $6,000   | $36,828  |
| Biddeford-Saco-Old Orchard Beach Transit | $61,874 | $73,800 | $161,000 | $161,000 | $618,674 |
| Casco Bay Lines                 | $315,100 | $331,219 | $761,262 | $506,377 | $569,958 | $2,683,915 |
| Northern New England Passenger Rail Authority | $1,169,238 | $819,365 | $978,000 | $987,000 | $1,132,500 | $5,086,103 |
| Maine DOT for Regional Transportation Program (Non-ADA) | $ - | $66,055 | $36,535 | $30,821 | $48,271 | $181,682 |
| Maine DOT for York County Community Action Agency | $29,530 | $96,969 | $101,969 | $101,969 | $432,404 |
| Post-pandemic transit planning   | $60,000  | $60,000  | $60,000  | $60,000  | $60,000  | $60,000  |
| Framework and allocation of CARES Act funding | $40,000 | $40,000 | $40,000 | $40,000 | $40,000 |
| Virtual public participation     | $25,000  | $25,000  | $25,000  | $25,000  | $25,000  | $25,000  |
| **Total Actual Revenues**        | $2,680,094| $2,468,981| $2,946,605| $2,725,186| $2,911,740| $13,742,606|

\(^1\) The financial data reflects CARES Act funding, which is intended to support transportation services during the COVID-19 pandemic.
PACTS Recommendations to the Maine Climate Council’s Transportation Working Group

For PACTS Policy Committee Review at the April 23rd Meeting
Recommended by the PACTS Planning Committee at the April 2nd Meeting

Include Climate Mitigation and Adaptation in Municipal and Regional Planning

- Update Growth Management Act to include provisions for municipalities to develop and implement strategies for meeting the state’s climate goals in comprehensive plans.
- Support regional plans that guide development and state and local capital investments.

Create Statewide Policy Framework to Support Smart Growth and Clean Transportation and Align State Investments to Support Implementation

- Reward municipalities that are part of a regional plan and whose comprehensive plans and municipal investments reduce greenhouse gases with state funding for open space conservation, farmland conservation, public transit, roads, active transportation facilities, affordable housing, renewable energy, school buildings, and more.
- Create regulatory requirements and incentives for municipalities and regions to ensure land development incorporates best practices for transportation-related greenhouse gas reductions.

Encourage Compact Development in Designated Growth Areas

- Remove regulatory barriers to growth areas identified in municipal comprehensive plans. Removing barriers would allow for multi-family housing, accessory dwelling units, reduced parking requirements, and other zoning and ordinance changes that would increase housing and employment growth.
- Provide grants and loans for public water and sewer to support compact development in growth areas.

Expand electric vehicles

- Expand state’s EV incentives, and expand eligibility for incentives to include e-bikes.
- Require parking facilities and developments over a certain size to have EV charging infrastructure.
- Ensure the electric grid can handle anticipated increased load from electric transportation.

Invest in High Quality, Rapid Public Transportation

- In the PACTS region, key public transit corridors should aim for 15 - 20 minute headways, in separated guideways from normal traffic, and connect downtowns and growth centers.
Provide funding for Complete Streets

- Ensure the state is providing adequate investments in commuter trails, bikeways, and sidewalks, in addition to traditional road funding, to encourage active transportation use for both short trips and commute trips.

- In addition to making adequate investments in commuter trails, bikeways, and sidewalks to encourage active transportation use for both short trips and commute trips, ensure the State is providing MaineDOT with sufficient funds to fully accomplish its complete streets policy.

Provide funding for climate-friendly transportation investments

- The state currently has a funding shortfall to maintain our current transportation infrastructure in a state of good repair. To implement the above recommendations, the state needs new transportation resources to invest in transportation projects and initiatives that will reduce greenhouse gases. A fund should be established.

- The resources should come from transportation user fees, which should be based on greenhouse gas emissions levels.

- Another source of funding is to assess a Transportation Impact Fee on developers, based on trip generation from new, larger-scale buildings.

Adopt state level vehicle emissions standards in the face of the planned federal rollback of the Corporate Average Fuel Economy standards.
PACTS Bylaws Redline Notes and Comments
4.16.20

Article I – Name - No changes

Article II – Mission – No changes

Article III – Membership – changes include:

1. Revised title of Article to ‘Membership, Structure and Operations’
2. Restructured article to cover address general appointment procedures, voting rights, and use of the ‘rule of necessity.’
3. Removed GPCOG as a non-voting member in the Policy, Technical and Planning Committees
4. Added language allowing the Policy Committee to set staggered terms in the future
5. Moved much of the original article into relevant committee articles.

Article IV – Officers – Remove provisions relating to officers of specific committees and relocated those to the appropriate committee articles.

Reduced the number of officers from 10 to 8 since the Policy Committee officers also serve as the Executive Committee officers.

Article V – Policy Committee – changes include:

1. Membership defined with reference to GPCOG bylaws and federal law
2. Appointment procedures moved from old Art. III and re-written.
3. New framework used for all committees to detail committee name, members, appointment procedures, terms, duties and functions, quorum, meeting frequency, and officers.
4. Incorporated provisions of PACTS-GPCOG merger agreement.
5. Changed quorum to 10 members
6. Added provision for census-based revisions to representatives.
7. No other substantive changes

Article VI – Executive Committee – changes include:

1. Reformatted
2. Changed quorum to 5 members.
3. Expanded Nominating Committee responsibilities to include sub-regional representative nominations.

Article VII and VIII – Technical and Planning Committees – reformatted with no substantive changes.

Article IX – Transit Committee – reformatted. Removed private transit operator from membership and added a third Executive Committee appointment.

Article X, XI and XII – no changes.

Article XIII – amended to reflect merger.
BYLAWS
PORTLAND AREA COMPREHENSIVE TRANSPORTATION SYSTEM
Amended January 25, 2018

Redline of Proposed Amendments 4.16.20

ARTICLE I

Name
The name of this organization shall be the PORTLAND AREA COMPREHENSIVE TRANSPORTATION SYSTEM (known as PACTS).

ARTICLE II

Mission
PACTS is a “Metropolitan Planning Organization” established pursuant to Federal statute and rules. As such, PACTS is a collaborative effort of municipal, regional, State and Federal representatives responding to the transportation related goals and objectives of the greater Portland region and its citizens. PACTS develops plans, programs and funding priorities that seek to improve the safety, mobility, productivity, environmental quality and energy conservation of our region’s transportation facilities, systems and services.

ARTICLE III

Section 1. Eligibility. Eligibility for active membership in this metropolitan planning organization is based upon rules published on, February 14, 2007, in 23 CFR Part 450, as amended, and upon a vote of the PACTS Policy Committee effective January 24, 2013. In accordance with the Federal rules, the organizational structure of PACTS is based upon agreement among the units of general-purpose local governments in the urbanized area and the Governor of the State of Maine. The Federal rules further state that the elected officials of general-purpose local governments shall be represented in the organization.
Each municipality which has a single representative on the Policy Committee shall also appoint two alternates to the Policy Committee. Likewise, each multiple-representative municipality shall appoint two alternates to the Policy Committee beyond the number of seats in accordance with Article V, Section 2.

Section 2. Subregional representatives on the Executive Committee must also be members of the Policy Committee. Policy Committee “alternates” may not be selected to serve on the Executive Committee.

Section 2. Appointments. Participation by an individual as a representative of a municipality, the Maine Department of Transportation (MaineDOT), the Maine Turnpike Authority (MTA), the Greater Portland Council of Governments (GPCOG), the Southern Maine Planning and Development Commission (SMPDC), and the seven public transportation organizations listed in Article IX, Section 2, shall be established by correspondence to the Policy Committee Chairperson Executive Director of GPCOG from the chief elected or administrative officer of that organization, except in cases for which no such officer exists. Participation by that individual shall continue until the Policy Committee Chairperson Executive Director of GPCOG is advised in writing of a new individual representative. Nothing in this Article III, Section 2 prohibits the PACTS Policy Committee from adopting term limits and staggered terms for itself or for any other PACTS committee.

Section 4. Participation by an Executive Committee Appointee on the Technical, Planning and Transit Committees (per Article VI, Section 1, Subsection 9) shall be for a three-year term, and may be for successive terms. The individuals shall be selected from a pool developed by various means, including a memorandum sent to individuals known to be interested in transportation affairs, a memorandum sent to existing PACTS committee members, and other means.

Section 35. SMPDC. The Southern Maine Planning and Development Commission (SMPDC) and GPCOG representatives shall represent all communities within the SMPDC and GPCOG service areas that are not otherwise represented on the committees. The SMPDC and GPCOG Executive Committees shall appoint the individuals, respectively its representatives.
Participation by those individuals shall continue until the Policy Committee Chairperson is advised in writing of new representative(s). They are replaced.

Section 6. The public transportation seats on the Policy, Executive, Technical and Planning Committees shall be filled by votes of the Transit Committee. The representatives shall serve for two years, and may serve successive terms.

Section 42. PACTS Regions.

A. The PACTS Capital Management Area is the area on a map (Appendix A) adopted by the Policy Committee in May, 2014.

B. The Policy Committee also adopted The PACTS Study Area is the area on a map (Appendix B) adopted by the Policy Committee on January 24, 2013. PACTS will spend federal transportation planning funds throughout the PACTS Study Area.

C. The areas described as four subregions on the Policy Committee also approved the PACTS Subregion Map (Appendix C) was adopted by the Policy Committee on January 24, 2013. The four subregions involve the municipalities as follows:

- Southern Subregion: Arundel, Biddeford, Old Orchard Beach, Saco and Scarborough
- Central Subregion: Cape Elizabeth, Portland and South Portland
- Northern Subregion: Cumberland, Falmouth, Freeport, North Yarmouth and Yarmouth
- Western Subregion: Gorham, Raymond, Standish, Westbrook and Windham

Section 5. Voting. Each voting member of every PACTS committee will have one vote.

Section 6. Rule of Necessity. Whenever any PACTS Committee is unable to act due to so many members being absent or disqualified due to a conflict of interest, bias, or other legal reason that the Committee will not be able to meet its quorum requirement, those members present may take actions under the legal theory of “Rule of Necessity.” The members present may apply this rule when failure of the Committee to act at that meeting would seriously risk or certainly prevent a
member organization from receiving federal or state transportation funds related to an item on the meeting agenda.

ARTICLE IV
Officers

Section 1. The officers of PACTS shall consist of Chairpersons and Vice Chairpersons for the Policy Committee, the Executive Committee, the Technical Committee, the Planning Committee and the Transit Committee.

Section 2. The two officers of each Committee shall represent different organizations. Effort shall be made, but it is not required, that the Chairpersons of each committee represent different organizations.

Section 3. The Chairperson and Vice Chairperson of the Policy Committee shall represent different subregions.

Section 4. The officers of the Policy Committee shall be elected for one year terms and may be reappointed for only one consecutive year. A majority vote of those present and voting shall elect. The terms shall be based upon PACTS’ fiscal years, July 1 to June 30. The officers of the Policy Committee shall also serve as the officers of the Executive Committee. Effort shall be made, but it is not required, that at least one of the officers of the Policy Committee be an elected official.

Section 5. The officers of the Transit, Planning and Technical Committees shall be elected for two year terms or until their successors are elected. A majority vote of those present and voting shall elect. The terms shall be based upon PACTS’ fiscal years, July 1 to June 30.

Section 6. A three-member Nominating Committee comprised of Policy Committee members chosen by the Executive Committee shall recommend a slate of officers for the Policy Committee. Nominating Committees comprised of the existing Chairperson and the immediate past Chairperson of the Technical, Planning and Transit Committees shall recommend a slate of officers for their respective committees.
Section 7. The officers of the Transit Committee shall be representatives of two of the region’s seven transit agencies.

Section 8. Vacancies in any office shall be filled by vote of the membership of each committee.

ARTICLE V

Portland Area Comprehensive Transportation System (PACTS) Policy Committee

Section 1. Name. Portland Area Comprehensive Transportation System (PACTS) Policy Committee.

Section 2. Members. The Committee membership will be established by the PACTS Policy Committee pursuant to 23 U.S. Code Section 134.

The PACTS Policy Committee members are:

<table>
<thead>
<tr>
<th>Organization</th>
<th>Representatives</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arundel</td>
<td>1</td>
</tr>
<tr>
<td>Biddeford</td>
<td>2</td>
</tr>
<tr>
<td>Cape Elizabeth</td>
<td>1</td>
</tr>
<tr>
<td>Cumberland</td>
<td>1</td>
</tr>
<tr>
<td>Falmouth</td>
<td>1</td>
</tr>
<tr>
<td>Federal Highway Admin</td>
<td>1 (non-voting)</td>
</tr>
<tr>
<td>Federal Transit Administration</td>
<td>1 (non-voting)</td>
</tr>
<tr>
<td>Freeport</td>
<td>1</td>
</tr>
<tr>
<td>Gorham</td>
<td>1</td>
</tr>
<tr>
<td>MaineDOT</td>
<td>1</td>
</tr>
<tr>
<td>MTA</td>
<td>1</td>
</tr>
<tr>
<td>North Yarmouth</td>
<td>1</td>
</tr>
<tr>
<td>Old Orchard Beach</td>
<td>1</td>
</tr>
<tr>
<td>Planning Committee</td>
<td>1</td>
</tr>
<tr>
<td>Portland</td>
<td>6</td>
</tr>
<tr>
<td>Raymond</td>
<td>1</td>
</tr>
<tr>
<td>Saco</td>
<td>2</td>
</tr>
<tr>
<td>Scarborough</td>
<td>2</td>
</tr>
<tr>
<td>SMPDCRPC</td>
<td>1 (non-voting)</td>
</tr>
<tr>
<td>South Portland</td>
<td>2</td>
</tr>
<tr>
<td>Standish</td>
<td>1</td>
</tr>
<tr>
<td>Westbrook</td>
<td>1</td>
</tr>
</tbody>
</table>
The basis for the number of municipal representatives is: one vote for the first 18,000 population or part thereof, and one additional vote for each additional 12,000 population or part thereof. The number of votes allocated to each municipality is adjusted, as warranted, after the release of decennial census data.

Section 3. Appointment of members and alternates; qualifications.

A. Municipal Councils or Select Boards will select their PACTS Policy Committee representatives, who must be elected officials or their designees. Designees must be senior municipal staff with experience in transportation issues.

B. Municipal Councils or Select Boards will also select their Committee alternates, who must be either elected representatives or senior municipal staff with experience in transportation issues. Each municipality which has a single representative on the Policy Committee shall also appoint two alternates to the Policy Committee. Likewise, each multiple-representative municipality shall appoint two alternates to the Policy Committee beyond the number of seats in accordance with Article V, Section 2.

C. The Executive Director or Chief Executive Officer of the following agencies/organizations will select their Committee representatives: the Maine Department of Transportation (MaineDOT), the Maine Turnpike Authority (MTA), and the Southern Maine Planning and Development Commission (SMPDC).

D. The Transit, Planning, and Technical Committees will each appoint a representative as noted elsewhere in these Bylaws. In each case the Committee Chair will serve as a member of the Policy Committee, or if the Chair elects, the Committee will select a member to serve on the Policy Committee in the event that the Chairperson chooses not to serve on that Committee.

E. The Federal Highway Administration and the Federal Transit Administration will appoint their own representatives.

F. All appointments will be made in writing, including via email, and directed to the GPCOG Executive Director or the Director’s designee.
Section 4. Vacancies. Any vacancies will be replaced by the appropriate appointing authority and communicated in writing, including via email, to the GPCOG Executive Director or the Director’s designee.

Section 5. Terms: Committee members will serve until a replacement member is appointed.

Section 6. Duties and Functions:

A. The Committee will perform all duties and functions required by federal law as the region’s Metropolitan Planning Organization. The Committee is established as a standing, permanent committee within GPCOG with full and exclusive authority over all matters relating to PACTS’s responsibilities as the region’s MPO, including the PACTS budget.

B. The Committee has full authority to establish subcommittees, working groups and other organizational structures, as well as operating procedures and guidelines, in the exercise of its authority under this Article.

C. The Committee will have a formal role in the GPCOG Executive Committee’s hiring, evaluation and firing of the GPCOG Executive Director. This participation must include a formalized process to include a representation of municipal PACTS Policy Committee members which are not members of GPCOG.

D. In addition, the Committee will:

1. Set the tone, establish the regional vision, and do high level policy development. This includes:

   a. To set the strategic direction for and endorse updates to the long-range transportation plan for the region.

   b. To collaborate with others to integrate our transportation work with other regional issues, such as housing, economic development and conservation.

   c. To set the overall strategic direction for the biennial Unified Planning Work Program.

   d. To endorse the biennial update of the PACTS TIP Policies and Procedures document which guides the programming of MPO Allocation projects and Federal Transit Administration (FTA) public transit funds.

E. Adopt annually the PACTS Transportation Improvement Program (TIP) – as federally required of metropolitan planning organizations – for submission to the FHWA and FTA.

F. Appoint the five sub-regional representatives to serve on the PACTS Executive Committee. Effort shall be made, but it is not required, that at least two elected officials serve on the PACTS Executive Committee.

G. Establish and amend the PACTS bylaws in conformity with the bylaws of GPCOG.
H. Approve, and to direct the GPCOG Transportation Executive Director (amend to say GPCOG or GPCOG Executive Director or the Director’s designee) to sign long-term contracts on behalf of PACTS.

I. Ratify the following budget decisions made by the Executive Committee:

   a) The biennial UPWP.
   b) The biennial list of MPO Allocation projects.

J. Return the budget decisions to the Executive Committee in the event that the Policy Committee finds them inconsistent with the Policy Committee’s strategic direction. The Policy Committee does not have the authority to amend these documents/actions.

K. Challenge subsequent Executive Committee amendments to the budget decisions if the members determine that the Executive Committee has not adequately followed the Policy Committee’s strategic direction. The challenge process goes as follows:

   a) The Executive Committee makes an amendment to a document ratified by the Policy Committee.
   b) Staff advises the Policy Committee of the amendment.
   c) At least five (5) municipalities challenge the amendment as inconsistent, and must say how it is inconsistent.
   d) The Policy Committee acts within 45 business days of the Executive Committee’s action. (If the Committee members convene but fail to have a quorum then the matter is closed.)
   e) An inconsistency finding only undoes the amendment made by the Executive Committee. The Policy Committee does not have the authority to amend the amendment made by the Executive Committee.

L. Perform any other duties required by the Federal and State governments.

Section 7. Quorum. 10 municipalities will comprise a quorum.

Section 8. Meeting frequency. The Committee will meet quarterly, or more frequently if needed.

Section 9. Officers. The Committee will have a Chair and a Vice Chair.

   a) Criteria. The two officers will represent different organizations and different subregions. Effort shall be made, but it is not required, that the Chairpersons represent different organizations. Effort shall be made, but it is not required, that at least one of the officers of the Policy Committee be an elected official.

   b) Selection. A three-member Nominating Committee comprised of Policy Committee members chosen by the Executive Committee shall recommend a slate of officers for the Policy Committee.
c) Election. Officers will be elected by majority vote of the Policy Committee at the Committee’s first meeting of the PACTS fiscal year.

d) Duties. The officers of the Policy Committee shall also serve as the officers of the Executive Committee.

e) Term. The officers of the Policy Committee shall be elected for one-year terms and may be reappointed for only one consecutive year. The terms shall be based upon PACTS’ fiscal years, July 1 to June 30.

f) Vacancies. Vacancies in any office shall be filled by vote of the membership of the Policy Committee.

Section 1. The Policy Committee shall be the policy making body of PACTS. The Policy Committee shall have the following functions and powers:

1. To establish and modify the Executive Committee’s, the Technical Committee’s, the Transit Committee’s and the Planning Committee’s structures.

2. To set the tone, establish the regional vision, and do high-level policy development. This includes:
   a. To endorse updates to the long-range transportation plan for the region,
   b. To collaborate with others to integrate our transportation work with other regional issues, such as housing, economic development and conservation,
   c. To set the overall strategic direction for the biennial Unified Planning Work Program (UPWP),
   d. To endorse the biennial update of the PACTS TIP Policies and Procedures document which guides the programming of MPO Allocation projects and Federal Transit Administration (FTA) public transit funds.

3. To adopt annually the PACTS Transportation Improvement Program (TIP) — as federally required of metropolitan planning organizations — for submission to the FHWA and FTA.

4. To appoint the five subregional representatives to serve on the Executive Committee. Effort shall be made, but it is not required, that at least two elected officials serve on the Executive Committee.

5. To establish and amend the PACTS bylaws.
5. To approve, and to direct the GPCOG Transportation Director to sign long-term contracts regarding the location of the PACTS office and other multi-year administrative services.

--- To ratify the following budget decisions made by the Executive Committee:

--- The biennial UPWP.

--- The biennial list of MPO Allocation projects.

6. To return the budget decisions (in subsection 7 above) to the Executive Committee in the event that the Policy Committee finds them inconsistent with the Policy Committee’s strategic direction. The Policy Committee does not have the authority to amend these documents/actions.

6. To challenge subsequent Executive Committee amendments to the budget decisions (in subsection 7 above) if the members determine that the Executive Committee has not adequately followed the Policy Committee’s strategic direction. The challenge process goes as follows:

--- The Executive Committee makes an amendment to a document ratified by the Policy Committee.

--- Staff advises the Policy Committee of the amendment.

--- At least five (5) municipalities challenge the amendment as inconsistent, and must say how it is inconsistent.

--- The Policy Committee acts within 45 business days of the Executive Committee’s action. (If the Committee members convene but fail to have a quorum then the matter is closed.)

--- An inconsistency finding only undoes the amendment made by the Executive Committee. The Policy Committee does not have the authority to amend the amendment made by the Executive Committee.

7. To perform any other duties required by the Federal and State governments.

Section 2. The membership of the Policy Committee shall be as follows:

<table>
<thead>
<tr>
<th>Organization</th>
<th>Representatives</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arundel</td>
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<td>1</td>
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</tbody>
</table>
Cumberland 1
Falmouth 1
Federal Highway Administration 1 (non-voting)
Federal Transit Administration 1 (non-voting)
Freeport 1
Gorham 1
GPCOG 1 (non-voting)
MaineDOT 1
MTA 1
North Yarmouth 1
Old Orchard Beach 1
Planning Committee 1
Portland 6
Raymond 1
Saco 2
Scarborough 2
SMRPC 1 (non-voting)
South Portland 2
Standish 1
Technical Committee 1
Transit Committee 1
Westbrook 1
Windham 1
Yarmouth 1

The basis for the number of municipal representatives is: one vote for the first 18,000 population or part thereof, and one additional vote for each additional 12,000 population or part thereof.

Section 3. Each voting representative shall have one vote. Attendance by representatives of nine municipalities shall constitute a quorum. However, if so many members are absent or disqualified due to a conflict of interest, bias, or other legal reason that the Policy Committee will not be able to meet its quorum requirement, those members present may take actions under the legal theory of “Rule of Necessity.” The members present may apply this rule when failure of the Policy Committee to act at that meeting would seriously risk or certainly prevent a member organization from receiving federal or state transportation funds related to an item on the meeting agenda.

Section 4. The Policy Committee shall meet quarterly, or as needed, to conduct PACTS business.
ARTICLE VI
PACTS Executive Committee

Section 1. Members.

The membership of the PACTS Executive Committee shall be as follows:

1. The Chairperson of the Policy Committee (1 year)
2. The Vice-Chairperson of the Policy Committee (1 year)
3. The Chairperson, or a designated member, of the Transit Committee (2 years)
4. A representative of the Maine Department of Transportation (2 years)
5. A representative of the Maine Turnpike Authority (2 years)
6. A representative of the Southern Subregion (2 years)
7. Two representatives of the Central Subregion (2 years)
8. A representative of the Western Subregion (2 years)
9. A representative of the Northern Subregion (2 years)

Section 2. Terms.

The years in parentheses above are the terms of each position. The individuals serving in the positions may be re-appointed, except for the Chairperson and Vice-Chairperson positions who may be reappointed for only one additional consecutive year. The Chairperson and Vice-Chairperson are eligible to represent subregions after their terms as officers.

The public transportation representative on the Executive Committee shall serve for two years, and may serve successive terms.

Section 3. Appointment of members.

a) The Chair and Co-chair will be elected as provided in Article V, section 9.

b) The public transportation seat will be filled by vote of the Transit Committee as provided in Article IX, Section 5.

c) The Executive Director or Chief Executive Officer of the Maine Department of Transportation (MaineDOT) and the Maine Turnpike Authority (MTA) will select their Committee representatives.

d) The Policy Committee will appoint two representatives from the Central Subregion, and one representative each from the Northern, Western, and Southern Subregions as provided in Article V, Section 6 (F).
All appointments will be made in writing, including via email, and directed to the GPCOG Executive Director or the Director’s designee.

Section 4. Vacancies. Any vacancies will be replaced by the appropriate appointing authority and communicated in writing, including via email, to the GPCOG Executive Director or the Director’s designee.

Section 5. Qualifications. Sub-regional representatives on the PACTS Executive Committee must also be members of the PACTS Policy Committee. Policy Committee “alternates” may not be selected to serve on the Executive Committee.

Section 6. Substitutes for members. All members may send substitutes to meetings. Sub-regional substitutes must be Policy Committee members (not alternates) from the same subregion.

Section 7. Duties and Functions. The Executive Committee will:

A. Develop the updates to the long-range transportation plan for the region, and submit to the Policy Committee for endorsement. The members will follow the strategic direction provided by the Policy Committee.

B. Develop the biennial Unified Planning Work Program (UPWP). These duties include:

i. Offer strategic direction recommendations every two years for the upcoming UPWP to the Policy Committee prior to the official start of the development of the UPWP.

ii. Oversee the development of a UPWP which is consistent with the strategic direction provided by the Policy Committee.

iii. Submit a draft final UPWP to the Policy Committee for ratification.

iv. Submit a revised draft final UPWP to the Policy Committee for ratification in the event that the Policy Committee makes an inconsistency finding.

v. Make all subsequent amendments to the UPWP.

vi. Submit a revised draft amendment to the Policy Committee in the event that the Policy Committee makes an inconsistency finding regarding a UPWP amendment of the Executive Committee.

vii. Enter into all contracts not in the purview of the Policy Committee.

C. Develop the biennial list of MPO Allocation projects and submit them to the Policy Committee for ratification. The members will follow the strategic direction provided by the Policy Committee in PACTS TIP Policies and Procedures.

D. Amend the PACTS Transportation Improvement Program for MPO Allocation capital projects, FTA capital and operating assistance projects, and all other federally funded projects in the PACTS region.

E. Adopt updates of the PACTS Transit Six Year Capital and Operating Plan developed by the Transit Committee.
F. Respond to Policy Committee challenges made to Executive Committee budget decisions.

G. Provide guidance and input to GPCOG staff and other PACTS Committees consistent with Article XIII of these Bylaws.

H. Create and disband special committees.

I. Appoint two members to each of the Technical and Planning Committees, and three members to the Transit Committee as detailed elsewhere in these Bylaws.

J. Adopt policies and procedures as needed to carry out the expressed functions and powers of the Executive Committee.

K. Take on other responsibilities as directed by the Policy Committee.

L. Select a Nominating Committee of three members drawn from the Policy Committee to nominate Policy Committee Officers and subregional representatives for the Executive Committee.

Section 8. Quorum. Attendance by six members of the Executive Committee will constitute a quorum.

Section 9. Meeting frequency. The Committee will meet monthly, or as needed.

Section 10. Officers. The Chair and Vice Chair of the Policy Committee will also serve as the Chair and Vice Chair, respectively, of the Executive Committee.

Executive Committee

Section 1. The Executive Committee shall have the following functions and powers:

1. To develop the updates to the long range transportation plan for the region, and submit to the Policy Committee for endorsement. The members will follow the strategic direction provided by the Policy Committee.

2. To develop the biennial Unified Planning Work Program (UPWP). The members’ roles include:

   a. Offer strategic direction recommendations every two years for the upcoming UPWP to the Policy Committee prior to the official start of the development of the UPWP.

   a. Oversee the development of a UPWP which is consistent with the strategic direction provided by the Policy Committee.
b. Submit a draft final UPWP to the Policy Committee for ratification.
   — Submit a revised draft final UPWP to the Policy Committee for ratification in
     the event that the Policy Committee makes an inconsistency finding (per
     Article V, Section 1, subsection 7).

c. Make all subsequent amendments to the UPWP.
   c. Submit a revised draft amendment to the Policy Committee in the event that
      the Policy Committee makes an inconsistency finding regarding a UPWP
      amendment of the Executive Committee (per Article V, Section 1, subsection
      8).

e. Enter into all contracts not in the purview of the Policy Committee.

2. To develop the biennial list of MPO Allocation projects and submit them to the
   Policy Committee for ratification. The members will follow the strategic direction
   provided by the Policy Committee in our TIP Policies and Procedures document
   (per Article V, Section 1, subsection 2).

4. To amend the PACTS Transportation Improvement Program for MPO Allocation
   capital projects, FTA capital and operating assistance projects, and all other
   federally funded projects in the PACTS region.

4. To adopt updates of the PACTS Transit Six Year Capital and Operating Plan
   developed by the Transit Committee.

4. To respond to Policy Committee challenges made to Executive Committee budget
   decisions (per Article V, Section 1, subsection 7).

4. To provide guidance and oversight to the GPCOG Transportation Director and
   committees. See Article XIII for details.

4. To create and disband special committees.

4. To appoint “appointees” to the Planning, Transit and Technical Committees (per
   Article III, Section 4).

4. Adopt policies and procedures as needed to carry out the expressed functions and
   powers of the Executive Committee.

4. To take on other responsibilities as requested by the Policy Committee.

Section 2. The membership of the Executive Committee shall be as follows:
1. The Chairperson of the Policy Committee (1 year)
   — The Vice Chairperson of the Policy Committee (1 year)
2. The Chairperson, or a designated member, of the Transit Committee (2 years)
2. A representative of the Maine Department of Transportation (2 years)
2. A representative of the Maine Turnpike Authority (2 years)
2. A representative of the Southern Subregion (2 years)
2. Two representatives of the Central Subregion (2 years)
2. A representative of the Western Subregion (2 years)
2. A representative of the Northern Subregion (2 years)

The years in parentheses above are the terms of each position. The individuals serving in the positions may be re-appointed, except for the Chairperson and Vice Chairperson positions who may be reappointed for only one additional consecutive year. The Chairperson and Vice Chairperson are eligible to represent subregions after their terms as officers.

Section 3. When the Policy Committee Chair or Vice Chair is from a multi-Policy-Committee-member municipality in the Southern, Western or Northern Subregion, then effort shall be made, but it is not required, that the subregional representative for that municipality’s subregion be from another municipality. In the case of the Central Subregion, effort shall be made, but it is not required, that subregional representatives be from municipalities that are not represented by the Chair or Vice-Chair.

Section 4. Attendance by six members shall constitute a quorum. All members may send substitutes to meetings. Subregional substitutes must be Policy Committee members (not alternates) from the same subregion.

Section 5. Each member shall have one vote. However, the members shall strive to make decisions through consensus rather than by voting.

Section 6. The Executive Committee shall meet monthly, or as needed.
ARTICLE VII

PACTS Technical Committee

Section 1. Members.

Section 1. The Technical Committee shall advise the Executive Committee on any and all matters for which the Executive Committee seeks its advice. The Technical Committee shall focus on technical project and program review issues which relate to a broad scope of transportation issues (including, but not limited to, road and highway preservation and construction, traffic control, different modes of transportation and alternative transportation systems). The Technical Committee shall also advise the Planning Committee and the Executive Committee on questions related to strategic transportation planning issues. The Technical Committee shall also work with staff to develop and monitor performance measures for assessing progress in attaining objectives contained in the Congestion Mitigation Plan and the long-range transportation plan for the region.

Section 2. The membership of the Technical Committee shall be as follows:

a. One voting member from each of the 18 PACTS municipalities, MaineDOT, MTA, and the Transit Committee.

b. Non-voting members from FHWA, FTA, GPCOG and SMPDC.

c. Two voting Executive Committee Appointees.

Section 2. Appointments.

A. Municipal Councils or Select Boards will select their Technical Committee representatives.

B. The Executive Director or Chief Executive Officer of the following agencies/organizations will select their Technical Committee representatives: the Maine Department of Transportation (MaineDOT), the Maine Turnpike Authority (MTA), and the Southern Maine Planning and Development Commission (SMPDC).

C. The Executive Committee will select two members to serve on the Technical Committee based on potential members’ interest in freight, marine, and air transport, and alternative transportation modes, energy, air and water pollution, and other environmental protection and community quality of life issues. These members shall be from the eighteen-municipality PACTS region.
D. The Transit Committee will vote to appoint a representative pursuant to Article IX of these Bylaws.

E. The Federal Highway Administration and the Federal Transit Administration will appoint their Technical Committee representatives.

F. All appointments will be made in writing, including via email, and directed to the GPCOG Executive Director or the Director’s designee.

Section 3. Vacancies. Any vacancies will be replaced by the appropriate appointing authority and communicated in writing, including via email, to the GPCOG Executive Director or the Director’s designee.

Section 4. Terms. Committee members will serve until replaced with the following exceptions:

A. Committee members appointed by the Transit Committee shall serve for two years and may serve successive terms.

B. Participation by an Executive Committee Appointee on the Technical Committee shall be for a three-year term, and may be for successive terms.

Section 5. Duties and Functions. The Technical Committee will:

A. Advise the Executive Committee on any and all matters for which the Executive Committee seeks its advice. The Technical Committee shall focus on technical project and program review issues which relate to a broad scope of transportation issues (including, but not limited to, road and highway preservation and construction, traffic control, different modes of transportation and alternative transportation systems).

B. Advise the Planning Committee and the Executive Committee on questions related to strategic transportation planning issues.

C. Work with staff to develop and monitor performance measures for assessing progress in attaining objectives contained in the Congestion Mitigation Plan and the long range transportation plan for the region.

Section 6. Quorum. Attendance by representatives of five municipalities shall constitute a quorum.

Section 7. Meeting frequency. The Technical Committee shall meet monthly, or as needed.

Section 8. Officers: The Technical Committee will have a Chair and a Vice Chair.

A. Selection: The officers of the Technical Committee shall be elected by a majority vote of the Committee. The terms shall be based upon PACTS' fiscal year, July 1 to June 30.
B. Qualifications: The two officers of the Committee shall represent different organizations. Effort shall be made, but it is not required, that officers represent different organizations subregions.

C. Term: The officers of the Technical Committee shall be elected for two year terms or until their successors are elected. A majority vote of those present and voting shall elect. The terms shall be based upon PACTS' fiscal year.

D. Vacancies: Vacancies in any office shall be filled by a vote of the membership of the committee.

Section 3. The members appointed by the Executive Committee will be selected based on their interest in freight, marine, and air transport, and alternative transportation modes, energy, air and water pollution, and other environmental protection and community quality of life issues. These members shall be from the eighteen-municipality PACTS region.

Section 4. Each voting representative shall have one vote. Attendance by representatives of five municipalities shall constitute a quorum.

Section 5. The Technical Committee shall meet monthly, or as needed.

Section 6. The Technical Committee shall select a member to serve on the Policy Committee in the event that the Chairperson chooses not to serve on that Committee.

ARTICLE VIII

PACTS Planning Committee

Section 1. Members. The Planning Committee shall advise the Executive Committee, the Technical Committee, and staff on strategic transportation planning issues. The Committee shall focus on long-range planning issues and relationships with other public planning issues, such as land use, economic development, environmental protection, resource conservation and community enhancement. The Planning Committee shall also actively work with staff to
implement the long-range transportation plan for the region, to monitor performance measures for assessing progress in attaining objectives contained in the Congestion Mitigation Plans and to report annually to the Executive Committee on their progress.

Section 2. The membership of the Planning Committee shall be as follows:

a. One voting member from each of the 18 PACTS municipalities, MaineDOT, MTA, and the Transit Committee.

b. Non-voting members from FHWA, FTA, GPCOG and SMPDC.

c. Two voting Executive Committee appointees.

Section 2. Appointments.

A. Municipal Councils or Select Boards will select their Planning Committee representatives.

B. The Executive Director or Chief Executive Officer of the following agencies/organizations will select their Planning Committee representatives: the Maine Department of Transportation (MaineDOT), the Maine Turnpike Authority (MTA), and the Southern Maine Planning and Development Commission (SMPDC).

C. The Executive Committee will select two members to serve on the Planning Committee based on potential members’ interest in freight, marine, and air transport, and alternative transportation modes, energy, air and water pollution, and other environmental protection and community quality of life issues. These members shall be from the eighteen-municipality PACTS region.

D. The Transit Committee will vote to appoint a representative pursuant to Article IX of these Bylaws.

E. The Federal Highway Administration and the Federal Transit Administration will appoint their Planning Committee representatives.

F. All appointments will be made in writing, including via email, and directed to the GPCOG Executive Director or the Director’s designee.

Section 3. Vacancies. Any vacancies will be replaced by the appropriate appointing authority and communicated in writing, including via email, to the GPCOG Executive Director or the Director’s designee.

Section 4. Terms. Committee members will serve until replaced with the following exceptions:
C. Committee members appointed by the Transit Committee shall serve for two years and may serve successive terms.

D. Participation by an Executive Committee Appointee on the Planning Committee shall be for a three-year term, and may be for successive terms.

Section 5. Duties and Functions. The Planning Committee will:

A. Advise the Executive Committee, the Technical Committee, and staff on strategic transportation planning issues. The Committee shall focus on long-range planning issues and relationships with other public planning issues, such as land use, economic development, environmental protection, resource conservation and community enhancement.

B. Work with staff to implement the long-range transportation plan for the region, to monitor performance measures for assessing progress in attaining objectives contained in the Congestion Mitigation Plans and to report annually to the Executive Committee on their progress.

Section 6. Quorum. Attendance by representatives of five municipalities shall constitute a quorum.

Section 7. Meeting frequency. The Planning Committee shall meet monthly, or as needed.

Section 8. Officers: The Planning Committee will have a Chair and a Vice Chair.

A. Selection: The officers of the Planning Committee shall be elected by a majority vote of the Committee. The terms shall be based upon PACTS' fiscal year, July 1 to June 30.

B. Qualifications: The two officers of the Committee shall represent different organizations. Effort shall be made, but it is not required, that officers represent different organizations/subregions.

C. Term: The officers of the Planning Committee shall be elected for two year terms or until their successors are elected. A majority vote of those present and voting shall elect. The terms shall be based upon PACTS' fiscal year.

D. Vacancies: Vacancies in any office shall be filled by a vote of the membership of the committee.

Section 3. The members appointed by the Executive Committee will be selected based on their interest in freight, marine, and air transport, and alternative transportation modes, energy, air and water pollution, and other environmental protection and community quality of life issues. These members shall be from the eighteen-municipality PACTS region.
Section 4. Each voting representative shall have one vote. Attendance by representatives of five municipalities shall constitute a quorum.

Section 5. The Planning Committee shall meet monthly, or as needed.

Section 6. The Planning Committee shall select a member to serve on the Policy Committee in the event that the Chairperson chooses not to serve on that Committee. The Planning Committee shall also appoint a member to serve on the Transit Committee.

ARTICLE IX

PACTS Transit Committee

Section 1. Members. The Transit Committee shall:

1. Advise the Executive Committee on strategic public passenger transit issues, in support of the principles outlined in the long-range transportation plan for the region.
2. Develop and recommend to the Policy Committee a set of transit planning and programming policies and procedures for incorporation into the PACTS TIP Policies and Procedures document.
3. Update the PACTS Six Year Transit Capital and Operating Plan and send it to the Executive Committee for adoption.
4. Authorize the FTA-required Split Letters regarding the sub-allocation of FTA formula funds before the transit agencies send the Split Letters to MaineDOT and FTA.
5. Recommend amendments to the PACTS Transportation Improvement Program to the Executive Committee regarding the allocation of FTA formula funds.
6. Select representatives to the Policy Committee, the Technical Committee, the Planning Committee and the Executive Committee. The representatives shall serve for two years, and may serve successive terms.

Section 2. The membership of the Transit Committee shall be as follows:

<table>
<thead>
<tr>
<th>Organization</th>
<th>Representatives</th>
</tr>
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<tbody>
<tr>
<td>CBITDCasco Bay Lines</td>
<td>1</td>
</tr>
<tr>
<td>MaineDOT</td>
<td>1</td>
</tr>
</tbody>
</table>
Section 2. Appointments.

A. The Executive Director or Chief Executive Officer of the following agencies/organizations will select their Transit Committee representatives: Casco Bay Lines, the Maine Department of Transportation (MaineDOT), the Maine Turnpike Authority (MTA), METRO, Northern New England Passenger Rail Authority (NNEPRA), Regional Transportation Program, ShuttleBus/ZoomBiddeford Saco Old Orchard Beach Transit, City of South Portland Bus Service, and York County Community Action Corporation (YCCAC).

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The PACTS Executive Committee will appoint a private transportation operator representative to the Transit Committee after conducting a region wide solicitation for a private transportation operator that provides passenger transportation services in Greater Portland to fill this seat on the Transit Committee. The term of service shall be three years.

B. The Executive Committee will appoint three members to the Transit Committee who are representatives of either an organization or a member of the public concerned with public passenger transportation, and interested in promoting the goals of the long range transportation plan for the region. These members shall be from the eighteen-municipality PACTS region.

C. The Planning Committee will appoint a member to the Transit Committee.

D. All appointments will be made in writing, including via email, and directed to the GPCOG Executive Director or the Director’s designee.

Section 3. Vacancies. Any vacancies will be replaced by the appropriate appointing authority and communicated in writing, including via email, to the GPCOG Executive Director or the Director’s designee.

Section 4. Terms. Members will serve until their replacement is appointed with the following exception:
Participation by an Executive Committee Appointee on the Transit Committee shall be for a three-year term, and may be for successive terms.

Section 5. Duties and functions. The Transit Committee will:

A. Advise the Executive Committee on strategic public passenger transit issues, in support of the principles outlined in the long-range transportation plan for the region.

B. Develop and recommend to the Policy Committee a set of transit planning and programming policies and procedures for incorporation into the PACTS TIP Policies and Procedures document.

C. Update the PACTS Six Year Transit Capital and Operating Plan and send it to the Executive Committee for adoption.

D. Authorize the FTA-required Split Letters regarding the sub-allocation of FTA formula funds before the transit agencies send the Split Letters to MaineDOT and FTA.

E. Recommend amendments to the PACTS Transportation Improvement Program to the Executive Committee regarding the allocation of FTA formula funds.

F. Select representatives to the Policy Committee, the Technical Committee, the Planning Committee and the Executive Committee. The representatives shall serve for two years, and may serve successive terms.

Section 6. Quorum. Attendance by representatives of four of the transit providers shall constitute a quorum.

Section 7. Meeting frequency. The Transit Committee shall meet monthly, or as needed.

Section 8. Officers: The Transit Committee will have a Chair and a Vice Chair.

A. Selection: The officers of the Transit Committee shall be elected by a majority vote of the Committee. The terms shall be based upon PACTS' fiscal years, July 1 to June 30.

B. Qualifications: The two officers of the Committee shall represent different organizations. Effort shall be made, but it is not required, that the officers represent different organizations. The officers of the Transit Committee shall be representatives of two of the region’s seven transit agencies.

C. Term: The officers of the Transit, Planning and Technical Committees shall be elected for two year terms or until their successors are elected. A majority vote of those present
and voting shall elect. The terms shall be based upon PACTS' fiscal years, July 1 to June 30.

D. Vacancies: Vacancies in any office shall be filled by vote of the membership of each committee.

Section 3. The members appointed by the Executive Committee shall be representatives of either an organization or a member of the public concerned with public passenger transportation, and interested in promoting the goals of the long range transportation plan for the region. These members shall be from the eighteen-municipality PACTS region. In addition, the private transportation operator seat shall be filled by an organization that provides passenger transportation services in Greater Portland. The term of service shall be three years. The seat will be filled by a vote of the Executive Committee after a region wide solicitation has been done.

Section 4. Each voting representative shall have one vote. Attendance by representatives of four of the transit providers shall constitute a quorum.

Section 5. The Transit Committee shall meet monthly, or as needed.

ARTICLE X
Meeting Procedures

The Parliamentary authority shall be the current edition of Robert's Rules of Order Newly Revised for all matters not covered in the bylaws.

ARTICLE XI
Administration of the Unified Planning Work Program

Section 1. The fiscal year of PACTS shall begin on the first day of July and shall end on the thirtieth day of June. The fiscal year shall constitute the budget and accounting year.

Section 2. PACTS activities are financed typically with Federal, State and local funds, but the activities may be financed with any sources of funds felt to be appropriate by the Policy Committee.
Section 3. GPCOG staff shall administer the work of PACTS in accordance with the agreement between GPCOG and PACTS dated January 25, 2018.

ARTICLE XII

Amendments

These bylaws may be amended by a simple majority vote of the representatives present and voting at any scheduled meeting of the Policy Committee. Members must be notified of a proposed amendment(s) prior to the meeting at which a vote is taken.
ARTICLE XIII

GPCOG Transportation Director GPCOG Administration of PACTS

Section 1. Duties and responsibilities.

A. The Executive Director of GPCOG is responsible for the administration of all PACTS affairs. The Executive Director will supervise the GPCOG Director of Transportation who will serve as PACTS senior staff leader. Other GPCOG staff will work on PACTS matters under the direct supervision of the GPCOG Director of Transportation.

B. GPCOG staff will:

1. Attend all PACTS Executive and Policy Committee meetings unless excused by the Chair, participating but not voting;
2. Faithful execution of all laws, Bylaw provisions and acts of the Executive and Policy Committees;
3. Timely prepare and submit a biennial budget and capital program to the Executive Committee on time;
4. Execute all amendments to the biennial UPWP with MaineDOT and any other appropriate parties;
5. Execute consultant contracts and contract amendments within approved budget limits;
6. Prepare and deliver to the Executive Committee a complete report on the financial and administrative activities of PACTS as of the end of each fiscal year, within 45 days of the fiscal year end unless the Executive Committee extends the reporting deadline for good cause for no more than an additional 45 days. These reports must be made available to the public;
7. Prepare any additional reports that the Executive Committee may require; and
8. Perform other duties concerning the affairs of PACTS as required by the Executive Committee.

Responsibilities of the GPCOG Transportation Director. The GPCOG Transportation Director is the chief executive officer of PACTS, responsible for the administration of all PACTS affairs, with the following powers and duties:

A. Supervision of other GPCOG staff working on PACTS matters;
B. Attendance at all PACTS Executive and Policy Committee meetings unless excused by the Chair, participating but not voting;
C. Faithful execution of all laws, Bylaw provisions and acts of the Executive and Policy Committees;
D. Timely preparation and submission of a biennial budget and capital program to the Executive Committee;
E. Approval and execution of all amendments to the biennial UPWP with MaineDOT and any other appropriate parties;
F. Execution of consultant contracts and contract amendments within approved budget limits;
G. Preparation and delivery to the Executive Committee of a complete report on the financial and administrative activities of PACTS as of the end of each fiscal year, within 45 days of the fiscal year end unless the Executive Committee extends the reporting deadline for good cause for no more than an additional 45 days. These reports must be made available to the public;
H. Preparation of any additional reports that the Executive Committee may require; and
I. Performance of other duties concerning the affairs of PACTS as required by the Executive Committee.
APPENDIX A: PACTS Capital Management Area Map

*Adopted by the Policy Committee in May, 2014.*
Appendix B: PACTS Study Area
Appendix C: PACTS Subregions
BYLAWS
PORTLAND AREA COMPREHENSIVE TRANSPORTATION SYSTEM
Amended January 25, 2018

ARTICLE I
Name
The name of this organization shall be the PORTLAND AREA COMPREHENSIVE TRANSPORTATION SYSTEM (known as PACTS).

ARTICLE II
Mission
PACTS is a “Metropolitan Planning Organization” established pursuant to Federal statute and rules. As such, PACTS is a collaborative effort of municipal, regional, State and Federal representatives responding to the transportation related goals and objectives of the greater Portland region and its citizens. PACTS develops plans, programs and funding priorities that seek to improve the safety, mobility, productivity, environmental quality and energy conservation of our region’s transportation facilities, systems and services.

ARTICLE III
Members
Section 1. Eligibility for active membership in this metropolitan planning organization is based upon rules published on, February 14, 2007, in 23 CFR Part 450, and upon a vote of the PACTS Policy Committee effective January 24, 2013. In accordance with the Federal rules, the organizational structure of PACTS is based upon agreement among the units of general-purpose local governments in the urbanized area and the Governor of the State of Maine. The Federal rules further state that the elected officials of general-purpose local governments shall be represented in the organization.

Each municipality which has a single representative on the Policy Committee shall also appoint two alternates to the Policy Committee. Likewise, each multiple-representative municipality
shall appoint two alternates to the Policy Committee beyond the number of seats in accordance with Article V, Section 2.

Section 2. Subregional representatives on the Executive Committee must also be members of the Policy Committee. Policy Committee “alternates” may not be selected to serve on the Executive Committee.

Section 3. Participation by an individual as a representative of a municipality, the Maine Department of Transportation (MaineDOT), the Maine Turnpike Authority (MTA), the Greater Portland Council of Governments (GPCOG), the Southern Maine Planning and Development Commission (SMPDC), and the seven public transportation organizations listed in Article IX, Section 2, shall be established by correspondence to the Policy Committee Chairperson from the chief elected or administrative officer of that organization, except in cases for which no such officer exists. Participation by that individual shall continue until the Policy Committee Chairperson is advised in writing of a new individual representative.

Section 4. Participation by an Executive Committee Appointee on the Technical, Planning and Transit Committees (per Article VI, Section 1, Subsection 9) shall be for a three-year term, and may be for successive terms. The individuals shall be selected from a pool developed by various means, including a memorandum sent to individuals known to be interested in transportation affairs, a memorandum sent to existing PACTS committee members, and other means.

Section 5. The SMPDC and GPCOG representatives shall represent all communities within the SMPDC and GPCOG service areas that are not otherwise represented on the committees. The SMPDC and GPCOG Executive Committees shall appoint the individuals, respectively. Participation by those individuals shall continue until the Policy Committee Chairperson is advised in writing of new representative(s).

Section 6. The public transportation seats on the Policy, Executive, Technical and Planning Committees shall be filled by votes of the Transit Committee. The representatives shall serve for two years, and may serve successive terms.
Section 7. The PACTS Capital Management Area is the area on a map (Appendix A) adopted by the Policy Committee in May, 2014. The Policy Committee also adopted the PACTS Study Area map (Appendix B) on January 24, 2013. PACTS will spend federal transportation planning funds throughout the Study Area. The Policy Committee also approved the PACTS Subregion Map (Appendix C) on January 24, 2013. The subregions involve the municipalities as follows:

- Southern Subregion: Arundel, Biddeford, Old Orchard Beach, Saco and Scarborough
- Central Subregion: Cape Elizabeth, Portland and South Portland
- Northern Subregion: Cumberland, Falmouth, Freeport, North Yarmouth and Yarmouth
- Western Subregion: Gorham, Raymond, Standish, Westbrook and Windham

ARTICLE IV
Officers

Section 1. The officers of PACTS shall consist of Chairpersons and Vice Chairpersons for the Policy Committee, the Executive Committee, the Technical Committee, the Planning Committee and the Transit Committee.

Section 2. The two officers of each Committee shall represent different organizations. Effort shall be made, but it is not required, that the Chairpersons of each committee represent different organizations.

Section 3. The Chairperson and Vice Chairperson of the Policy Committee shall represent different subregions.

Section 4. The officers of the Policy Committee shall be elected for one-year terms and may be reappointed for only one consecutive year. A majority vote of those present and voting shall elect. The terms shall be based upon PACTS' fiscal years, July 1 to June 30. The officers of the Policy Committee shall also serve as the officers of the Executive Committee. Effort shall be made, but it is not required, that at least one of the officers of the Policy Committee be an elected official.
Section 5. The officers of the Transit, Planning and Technical Committees shall be elected for two year terms or until their successors are elected. A majority vote of those present and voting shall elect. The terms shall be based upon PACTS’ fiscal years, July 1 to June 30.

Section 6. A three-member Nominating Committee comprised of Policy Committee members chosen by the Executive Committee shall recommend a slate of officers for the Policy Committee. Nominating Committees comprised of the existing Chairperson and the immediate past Chairperson of the Technical, Planning and Transit Committees shall recommend a slate of officers for their respective committees.

Section 7. The officers of the Transit Committee shall be representatives of two of the region’s seven transit agencies.

Section 8. Vacancies in any office shall be filled by vote of the membership of each committee.

ARTICLE V
Policy Committee

Section 1. The Policy Committee shall be the policy making body of PACTS. The Policy Committee shall have the following functions and powers:

1. To establish and modify the Executive Committee’s, the Technical Committee’s, the Transit Committee’s and the Planning Committee's structures.

2. To set the tone, establish the regional vision, and do high level policy development. This includes:
   a. To endorse updates to the long range transportation plan for the region,
   b. To collaborate with others to integrate our transportation work with other regional issues, such as housing, economic development and conservation.
   c. To set the overall strategic direction for the biennial Unified Planning Work Program (UPWP).
   d. To endorse the biennial update of the PACTS TIP Policies and Procedures document which guides the programming of MPO Allocation projects and Federal Transit Administration (FTA) public transit funds.
3. To adopt annually the **PACTS Transportation Improvement Program (TIP)** – as federally required of metropolitan planning organizations – for submission to the FHWA and FTA.

4. To appoint the five subregional representatives to serve on the Executive Committee. Effort shall be made, but it is not required, that at least two elected officials serve on the Executive Committee.

5. To establish and amend the PACTS bylaws.

6. To approve, and to direct the GPCOG Transportation Director to sign long-term contracts regarding the location of the PACTS office and other multi-year administrative services.

7. To ratify the following budget decisions made by the Executive Committee:
   a. The biennial UPWP.
   b. The biennial list of MPO Allocation projects.

8. To return the budget decisions (in subsection 7 above) to the Executive Committee in the event that the Policy Committee finds them inconsistent with the Policy Committee’s strategic direction. The Policy Committee does not have the authority to amend these documents/actions.

9. To challenge subsequent Executive Committee amendments to the budget decisions (in subsection 7 above) if the members determine that the Executive Committee has not adequately followed the Policy Committee’s strategic direction. The challenge process goes as follows:
   a. The Executive Committee makes an amendment to a document ratified by the Policy Committee.
   b. Staff advises the Policy Committee of the amendment.
   c. At least five (5) municipalities challenge the amendment as inconsistent, and must say how it is inconsistent.
   d. The Policy Committee acts within 45 business days of the Executive Committee’s action. (If the Committee members convene but fail to have a quorum then the matter is closed.)
e. An inconsistency finding only undoes the amendment made by the Executive Committee. The Policy Committee does not have the authority to amend the amendment made by the Executive Committee.

10. To perform any other duties required by the Federal and State governments.

Section 2. The membership of the Policy Committee shall be as follows:

<table>
<thead>
<tr>
<th>Organization</th>
<th>Representatives</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arundel</td>
<td>1</td>
</tr>
<tr>
<td>Biddeford</td>
<td>2</td>
</tr>
<tr>
<td>Cape Elizabeth</td>
<td>1</td>
</tr>
<tr>
<td>Cumberland</td>
<td>1</td>
</tr>
<tr>
<td>Falmouth</td>
<td>1</td>
</tr>
<tr>
<td>Federal Highway Administration</td>
<td>1 (non-voting)</td>
</tr>
<tr>
<td>Federal Transit Administration</td>
<td>1 (non-voting)</td>
</tr>
<tr>
<td>Freeport</td>
<td>1</td>
</tr>
<tr>
<td>Gorham</td>
<td>1</td>
</tr>
<tr>
<td>GPCOG</td>
<td>1 (non-voting)</td>
</tr>
<tr>
<td>MaineDOT</td>
<td>1</td>
</tr>
<tr>
<td>MTA</td>
<td>1</td>
</tr>
<tr>
<td>North Yarmouth</td>
<td>1</td>
</tr>
<tr>
<td>Old Orchard Beach</td>
<td>1</td>
</tr>
<tr>
<td>Planning Committee</td>
<td>1</td>
</tr>
<tr>
<td>Portland</td>
<td>6</td>
</tr>
<tr>
<td>Raymond</td>
<td>1</td>
</tr>
<tr>
<td>Saco</td>
<td>2</td>
</tr>
<tr>
<td>Scarborough</td>
<td>2</td>
</tr>
<tr>
<td>SMRPC</td>
<td>1 (non-voting)</td>
</tr>
<tr>
<td>South Portland</td>
<td>2</td>
</tr>
<tr>
<td>Standish</td>
<td>1</td>
</tr>
<tr>
<td>Technical Committee</td>
<td>1</td>
</tr>
<tr>
<td>Transit Committee</td>
<td>1</td>
</tr>
<tr>
<td>Westbrook</td>
<td>1</td>
</tr>
<tr>
<td>Windham</td>
<td>1</td>
</tr>
<tr>
<td>Yarmouth</td>
<td>1</td>
</tr>
</tbody>
</table>

The basis for the number of municipal representatives is: one vote for the first 18,000 population or part thereof, and one additional vote for each additional 12,000 population or part thereof.

Section 3. Each voting representative shall have one vote. Attendance by representatives of nine municipalities shall constitute a quorum. However, if so many members are absent or
disqualified due to a conflict of interest, bias, or other legal reason that the Policy Committee will not be able to meet its quorum requirement, those members present may take actions under the legal theory of “Rule of Necessity.” The members present may apply this rule when failure of the Policy Committee to act at that meeting would seriously risk or certainly prevent a member organization from receiving federal or state transportation funds related to an item on the meeting agenda.

Section 4. The Policy Committee shall meet quarterly, or as needed, to conduct PACTS business.

ARTICLE VI

Executive Committee

Section 1. The Executive Committee shall have the following functions and powers:

1. To develop the updates to the long range transportation plan for the region, and submit to the Policy Committee for endorsement. The members will follow the strategic direction provided by the Policy Committee.

2. To develop the biennial Unified Planning Work Program (UPWP). The members’ roles include:
   a. Offer strategic direction recommendations every two years for the upcoming UPWP to the Policy Committee prior to the official start of the development of the UPWP.
   b. Oversee the development of a UPWP which is consistent with the strategic direction provided by the Policy Committee.
   c. Submit a draft final UPWP to the Policy Committee for ratification.
   d. Submit a revised draft final UPWP to the Policy Committee for ratification in the event that the Policy Committee makes an inconsistency finding (per Article V, Section 1, subsection 7).
   e. Make all subsequent amendments to the UPWP.
   f. Submit a revised draft amendment to the Policy Committee in the event that the Policy Committee makes an inconsistency finding regarding a UPWP
amendment of the Executive Committee (per Article V, Section 1, subsection 8).

g. Enter into all contracts not in the purview of the Policy Committee.

3. To develop the biennial list of MPO Allocation projects and submit them to the Policy Committee for ratification. The members will follow the strategic direction provided by the Policy Committee in our TIP Policies and Procedures document (per Article V, Section 1, subsection 2).

4. To amend the PACTS Transportation Improvement Program for MPO Allocation capital projects, FTA capital and operating assistance projects, and all other federally funded projects in the PACTS region.

5. To adopt updates of the PACTS Transit Six Year Capital and Operating Plan developed by the Transit Committee.

6. To respond to Policy Committee challenges made to Executive Committee budget decisions (per Article V, Section 1, subsection 7).

7. To provide guidance and oversight to the GPCOG Transportation Director and committees. See Article XIII for details.

8. To create and disband special committees.

9. To appoint “appointees” to the Planning, Transit and Technical Committees (per Article III, Section 4).

10. Adopt policies and procedures as needed to carry out the expressed functions and powers of the Executive Committee.

11. To take on other responsibilities as requested by the Policy Committee.

Section 2. The membership of the Executive Committee shall be as follows:

1. The Chairperson of the Policy Committee (1 year)
2. The Vice-Chairperson of the Policy Committee (1 year)
3. The Chairperson, or a designated member, of the Transit Committee (2 years)
4. A representative of the Maine Department of Transportation (2 years)
5. A representative of the Maine Turnpike Authority (2 years)
6. A representative of the Southern Subregion (2 years)
7. Two representatives of the Central Subregion (2 years)
8. A representative of the Western Subregion (2 years)
9. A representative of the Northern Subregion (2 years)

The years in parentheses above are the terms of each position. The individuals serving in the positions may be re-appointed, except for the Chairperson and Vice-Chairperson positions who may be reappointed for only one additional consecutive year. The Chairperson and Vice-Chairperson are eligible to represent subregions after their terms as officers.

Section 3. When the Policy Committee Chair or Vice Chair is from a multi-Policy-Committee-member municipality in the Southern, Western or Northern Subregion, then effort shall be made, but it is not required, that the subregional representative for that municipality’s subregion be from another municipality. In the case of the Central Subregion, effort shall be made, but it is not required, that subregional representatives be from municipalities that are not represented by the Chair or Vice-Chair.

Section 4. Attendance by six members shall constitute a quorum. All members may send substitutes to meetings. Subregional substitutes must be Policy Committee members (not alternates) from the same subregion.

Section 5. Each member shall have one vote. However, the members shall strive to make decisions through consensus rather than by voting.

Section 6. The Executive Committee shall meet monthly, or as needed.

ARTICLE VII

Technical Committee

Section 1. The Technical Committee shall advise the Executive Committee on any and all matters for which the Executive Committee seeks its advice. The Technical Committee shall focus on technical project and program review issues which relate to a broad scope of transportation issues (including, but not limited to, road and highway preservation and construction, traffic control, different modes of transportation and alternative transportation
systems). The Technical Committee shall also advise the Planning Committee and the Executive Committee on questions related to strategic transportation planning issues. The Technical Committee shall also work with staff to develop and monitor performance measures for assessing progress in attaining objectives contained in the Congestion Mitigation Plan and the long range transportation plan for the region.

Section 2. The membership of the Technical Committee shall be as follows:
   a. One voting member from each of the 18 PACTS municipalities, MaineDOT, MTA, and the Transit Committee.
   b. Non-voting members from FHWA, FTA, GPCOG and SMPDC
   c. Two voting Executive Committee Appointees.

Section 3. The members appointed by the Executive Committee will be selected based on their interest in freight, marine, and air transport, and alternative transportation modes, energy, air and water pollution, and other environmental protection and community quality of life issues. These members shall be from the eighteen-municipality PACTS region.

Section 4. Each voting representative shall have one vote. Attendance by representatives of five municipalities shall constitute a quorum.

Section 5. The Technical Committee shall meet monthly, or as needed.

Section 6. The Technical Committee shall select a member to serve on the Policy Committee in the event that the Chairperson chooses not to serve on that Committee.

ARTICLE VIII
Planning Committee

Section 1. The Planning Committee shall advise the Executive Committee, the Technical Committee, and staff on strategic transportation planning issues. The Committee shall focus on long-range planning issues and relationships with other public planning issues, such as land use, economic development, environmental protection, resource conservation and community
enhancement. The Planning Committee shall also actively work with staff to implement the long-range transportation plan for the region, to monitor performance measures for assessing progress in attaining objectives contained in the Congestion Mitigation Plans and to report annually to the Executive Committee on their progress.

Section 2. The membership of the Planning Committee shall be as follows:
   a. One voting member from each of the 18 PACTS municipalities, MaineDOT, MTA, and the Transit Committee
   b. Non-voting members from FHWA, FTA, GPCOG and SMPDC
   c. Two voting Executive Committee appointees.

Section 3. The members appointed by the Executive Committee will be selected based on their interest in freight, marine, and air transport, and alternative transportation modes, energy, air and water pollution, and other environmental protection and community quality of life issues. These members shall be from the eighteen-municipality PACTS region.

Section 4. Each voting representative shall have one vote. Attendance by representatives of five municipalities shall constitute a quorum.

Section 5. The Planning Committee shall meet monthly, or as needed.

Section 6. The Planning Committee shall select a member to serve on the Policy Committee in the event that the Chairperson chooses not to serve on that Committee. The Planning Committee shall also appoint a member to serve on the Transit Committee.

ARTICLE IX
Transit Committee

Section 1. The Transit Committee shall:
   1. Advise the Executive Committee on strategic public passenger transit issues, in support of the principles outlined in the long-range transportation plan for the region.
2. Develop and recommend to the Policy Committee a set of transit planning and programming policies and procedures for incorporation into the PACTS TIP Policies and Procedures document.

3. Update the PACTS Six Year Transit Capital and Operating Plan and send it to the Executive Committee for adoption.

4. Authorize the FTA-required Split Letters regarding the sub-allocation of FTA formula funds before the transit agencies send the Split Letters to MaineDOT and FTA.

5. Recommend amendments to the PACTS Transportation Improvement Program to the Executive Committee regarding the allocation of FTA formula funds.

6. Select representatives to the Policy Committee, the Technical Committee, the Planning Committee and the Executive Committee. The representatives shall serve for two years, and may serve successive terms.

Section 2. The membership of the Transit Committee shall be as follows:

<table>
<thead>
<tr>
<th>Organization</th>
<th>Representatives</th>
</tr>
</thead>
<tbody>
<tr>
<td>CBITD</td>
<td>1</td>
</tr>
<tr>
<td>MaineDOT</td>
<td>1</td>
</tr>
<tr>
<td>Maine Turnpike Authority</td>
<td>1</td>
</tr>
<tr>
<td>METRO</td>
<td>1</td>
</tr>
<tr>
<td>NNEPRA</td>
<td>1</td>
</tr>
<tr>
<td>Executive Com. Appointees</td>
<td>2</td>
</tr>
<tr>
<td>Private Trans. Operator</td>
<td>1</td>
</tr>
<tr>
<td>RTP</td>
<td>1</td>
</tr>
<tr>
<td>ShuttleBus/ZOOM</td>
<td>1</td>
</tr>
<tr>
<td>South Portland Bus</td>
<td>1</td>
</tr>
<tr>
<td>YCCAC</td>
<td>1</td>
</tr>
<tr>
<td>Planning Committee</td>
<td>1</td>
</tr>
</tbody>
</table>

Section 3. The members appointed by the Executive Committee shall be representatives of either an organization or a member of the public concerned with public passenger transportation, and interested in promoting the goals of the long range transportation plan for the region. These members shall be from the eighteen-municipality PACTS region. In addition, the private transportation operator seat shall be filled by an organization that provides passenger transportation services in Greater Portland. The term of service shall be
three years. The seat will be filled by a vote of the Executive Committee after a region wide solicitation has been done.

Section 4. Each voting representative shall have one vote. Attendance by representatives of four of the transit providers shall constitute a quorum.

Section 5. The Transit Committee shall meet monthly, or as needed.

ARTICLE X
Meeting Procedures

The Parliamentary authority shall be the current edition of Robert's Rules of Order Newly Revised for all matters not covered in the bylaws.

ARTICLE XI
Administration of the Unified Planning Work Program

Section 1. The fiscal year of PACTS shall begin on the first day of July and shall end on the thirtieth day of June. The fiscal year shall constitute the budget and accounting year.

Section 2. PACTS activities are financed typically with Federal, State and local funds, but the activities may be financed with any sources of funds felt to be appropriate by the Policy Committee.

Section 3. GPCOG staff shall administer the work of PACTS in accordance with the agreement between GPCOG and PACTS dated January 25, 2018.

ARTICLE XII
Amendments

These bylaws may be amended by a simple majority vote of the representatives present and voting at any scheduled meeting of the Policy Committee. Members must be notified of a proposed amendment(s) prior to the meeting at which a vote is taken.
ARTICLE XIII

GPCOG Transportation Director

Section 1. Responsibilities of the GPCOG Transportation Director. The GPCOG Transportation Director is the chief executive officer of PACTS, responsible for the administration of all PACTS affairs, with the following powers and duties:

A. Supervision of other GPCOG staff working on PACTS matters;
B. Attendance at all PACTS Executive and Policy Committee meetings unless excused by the Chair, participating but not voting;
C. Faithful execution of all laws, Bylaw provisions and acts of the Executive and Policy Committees;
D. Timely preparation and submission of a biennial budget and capital program to the Executive Committee;
E. Approval and execution of all amendments to the biennial UPWP with MaineDOT and any other appropriate parties;
F. Execution of consultant contracts and contract amendments within approved budget limits;
G. Preparation and delivery to the Executive Committee of a complete report on the financial and administrative activities of PACTS as of the end of each fiscal year, within 45 days of the fiscal year end unless the Executive Committee extends the reporting deadline for good cause for no more than an additional 45 days. These reports must be made available to the public;
H. Preparation of any additional reports that the Executive Committee may require; and
I. Performance of other duties concerning the affairs of PACTS as required by the Executive Committee.
APPENDIX A: PACTS Capital Management Area Map

PACTS Capital Management Area

*Adopted by the Policy Committee in May, 2014.
Appendix B: PACTS Study Area
Appendix C: PACTS Subregions