PACTS Executive Committee Agenda

June 2, 2020
8:30 – 10:30 a.m.

Zoom webinar: https://us02web.zoom.us/j/83472120298

As of March 31, 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. 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 May 5, 2020 meeting minutes (Attachment A)

4. Staff Report (Attachment B) – 10 minutes

5. PACTS Transit Committee Membership – 10 minutes

Staff Report
The PACTS Bylaws grant the Executive Committee the authority to “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.” The Bylaws also state that “(Transit Committee) 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.

Casey Gilbert, Executive Director of Portland Downtown, was appointed by the Executive Committee to the Transit Committee in December 2017. Her three-year term would be up in December 2020. Casey has notified PACTS staff that she has to step down from the Transit Committee due to conflicts with Portland Downtown’s board meetings, and would have had to step down in June anyway due to her pending departure from Portland Downtown. Casey has suggested that Amy Geren, Portland Downtown’s Program Director, fill the remainder of her term on the Transit Committee.

Transit Committee membership includes one representative from each of the region’s seven transit agencies. Interim Executive Director John Duncan has notified staff that he will replace Art Handman as the City of South Portland Bus Service’s representative on the Transit Committee. As transit agencies select their Transit Committee representatives, no action is needed on the Executive Committee’s part.

**Proposed action:** Appoint Portland Downtown Program Director Amy Geren to fill the remainder of Casey Gilbert’s term on the PACTS Transit Committee.

6. **Transportation Improvement Program Federal Highway Administration Projects**
   - 15 minutes

**Staff Report**

PACTS shares responsibility with MaineDOT for programming all projects funded with Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) funds in the PACTS area, via the Transportation Improvement Program (TIP). Each year PACTS receives a letter from MaineDOT estimating the federal and state capital improvement funding PACTS will receive; the February 2020 letter estimated PACTS’ allocation for calendar year 2023. The state allocation is used for the PACTS Municipal Partnership Initiative (MPI). 40% of the federal allocation is set aside for the collector paving program. The remaining 60% of the federal allocation is available for preservation, modernization, and expansion projects. The ad hoc TIP Committee was charged with recommending allocation of these preservation, modernization, and expansion funds—$3,297,287 after the 25% local match is included—for programming in the TIP.
In March 2016, a new MaineDOT policy required that “complex” projects be programmed in two phases: (1) program funds for preliminary design report (PDR), then (2) program construction funds after PDR is completed. This approach creates a “conveyor belt” of projects and prevents funds from sitting idle. Per the existing TIP Policies and Procedures, a PACTS decision to program funds to develop a PDR is a commitment to fund construction of the project at some point in the future.

Two projects were programmed for PDR in the 2018 TIP: the Beth Condon Shared Use Path Extension in Yarmouth and the Proposed Improvements to Brighton Avenue (Route 25) in Portland. The PDR for Beth Condon is complete and the construction estimate is $950,000. The PDR for Brighton Avenue is expected to be completed within 12 months and the construction estimate is at least $4.2 million. The project will be constructed in phases.

On May 19, the ad hoc TIP Committee voted to recommend allocation of the $3,297,287 in FHWA funds PACTS is expected to receive in 2023 as follows:

- $950,000 for the Beth Condon Shared Use Path Extension in Yarmouth. This will fully fund the Beth Condon project.
- $2,147,287 for the Proposed Improvements to Brighton Avenue (Route 25) in Portland. Portland will seek funds for the remaining construction costs next year, from the 2024 allocation.
- $200,000 for a PDR Set Aside to fund approximately one new “complex” project for PDR. The TIP Committee will recommend the selection of a new project for the PDR Set Aside funding by November for inclusion in the final TIP in early 2021.

The PACTS Executive Committee is asked to adopt the TIP Committee’s recommended allocation. The allocation will be ratified by the PACTS Policy Committee later this month and submitted to MaineDOT before the end of July.

*Proposed action: Adopt the TIP Committee’s recommended allocation of 2023 FHWA resources.*

7. Transportation Improvement Program (TIP) Amendments – 10 minutes

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 ten-day comment period.

MaineDOT is seeking TIP amendments for the following:

- Amend the 2020-2023 TIP to withdraw project WIN No. 18887.00, Portland, sidewalk rehabilitation of Forest Avenue at the intersection with Dartmouth Street and extending for 0.01 mile. The project funding is $117,052.43 comprised of $138,963.67 federal funds and $46,321.23 local funds. Included in this TIP amendment is the most recent Errata Sheet which captures changes outlined above to the 2020-2023 project list. This TIP amendment was posted for public comment on May 5, 2020. No public comments were received.

- Amend the current 2020-2023 TIP to add a MaineDOT sponsored project WIN 24877.00, pavement resurfacing of Route 115 beginning 0.33 of a mile northwest of Partridge Lane in Gray and extending southeast for 4.90 miles to Route 231 in North Yarmouth. The project funding is $980,000 comprised of $784,000 federal funds and $196,000 state funds. Included in this TIP amendment is the most recent Errata Sheet which captures changes to the 2020-2023 project list during the approval process. The projects on the Errata sheet will be part of the proposed TIP amendment. This TIP amendment is being posted for public comment on May 28, 2020. Executive Committee approval would be contingent on no substantive comments being received.

**Proposed action:**

- Approve the proposed TIP amendments and authorize staff to submit the TIP amendments to Maine DOT to be included in the State Transportation Improvement Program.
8. Other Business

9. Adjourn

Upcoming Meetings:
- June 9, 8:30 a.m. – PACTS Technical Committee
- June 11, 9:30 a.m. – PACTS Transit Committee
- June 16, 9:30 a.m. – PACTS TIP Committee
- June 23, 1:00 p.m. – PACTS Transit Committee Workshop
- July 23, 3:00 p.m. – PACTS Policy Committee
PACTS Executive Committee Minutes
May 5, 2020

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<tr>
<th>Committee Members</th>
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<td>Jim Bennett</td>
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<td>Chris Branch</td>
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<td>Jennifer Brickett</td>
<td>MaineDOT</td>
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<td>Hope Cahan</td>
<td>PACTS Vice Chair</td>
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<td>Erin Courtney</td>
<td>Maine Turnpike Authority</td>
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<td>Eric Dudley</td>
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<td>Greg Jordan</td>
<td>Transit Committee</td>
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<td>Matt Sturgis, Chair</td>
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**Guests**

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**For GPCOG**

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<td>Kristina Egan, Ryan Neale,</td>
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1. **Welcome – Matt Sturgis, Chair**

2. **Open Public Comment**
   There were no public comments.

3. **Acceptance of April 7, 2020 meeting minutes**
   Hope Cahan moved to accept the minutes, and Chris Branch seconded. The minutes were accepted unanimously.

4. **Staff Report**
Kristina Egan thanked Erin Courtney and Jay Chace for being willing to serve as chair and vice chair of the Transportation Improvement Program (TIP) Committee.

GPCOG decided not to pursue a Better Utilizing Investments to Leverage Development (BUILD) grant to avoid competing with other applications. GPCOG has asked consultant AECOM to assemble a list of draft high capacity transit corridors. AECOM and Jeff Levine are under contract to complete this work by June 15 so we can be ready for future funding opportunities.

Erin Courtney asked about the transit corridors to be included. Kristina said the number could ultimately be from three to seven depending on public comment and analysis results. Greg Jordan noted this is part of the Transit Tomorrow process of identifying potential corridors and discerning which are ready for more advanced planning to take advantage of funding opportunities. Sarah Tracy asked what changes to the corridors would be involved. Kristina said there is a range of options to allow a bus to be more competitive with cars, including separate lanes, signal priority, and ease of boarding. Greg said the first phase is to identify which corridors are appropriate for rapid transit regardless of mode. The next step is to decide on appropriate alternatives and modes in terms of cost effectiveness, ridership, and economic development impacts for a selected corridor.

Hope noted that the public is likely to be concerned about using public transit for some time and that enhanced competitiveness with the car is very important. Kristina noted there are many unknowns regarding the impact of the pandemic on public transit and that GPCOG is working with AECOM on the future of transit in the region. Changes going forward may include more vehicles to allow for distancing, protective equipment, and touchless payment. Jim Bennett noted that rail may be an increasingly reliable and competitive option going forward.

5. Unified Planning Work Program (UPWP) Amendment Regarding Coronavirus Aid, Relief, and Economic Security (CARES) Act Public Transportation Funding

The PACTS region’s CARES Act Phase I request includes $125K for PACTS planning related to COVID-19. METRO will be the direct recipient of these funds. Staff has been advised by MaineDOT and the Federal Transit Administration (FTA) that these planning funds should be incorporated into the 2020-2021 UPWP, although the funding amount of the UPWP contract with MaineDOT will not change. Matt Sturgis noted that this
seemed like a good use of the initial $125K. Hope and Kristina both noted that additional planning funds may be needed to further explore post-pandemic public transportation issues.

Hope Cahan moved to authorize staff to incorporate the CARES Act tasks as described in the packet into the 2020-2021 UPWP. Greg Jordan seconded. All were in favor.

**6. Programming of PACTS CARES Act Public Transportation Funds**

The PACTS Transit Committee has developed the assumptions and guiding principles listed in the meeting packet for the region’s remaining $40M of CARES Act public transportation funds. Kristina noted that this includes transit agencies providing assistance as they are able to municipalities. Greg said METRO is looking at the potential to use CARES funds to provide a credit to municipalities and revisiting cost structures to reduce structural costs to municipalities going forward. He noted that CARES funds making up for lost fare revenue reduces the burden on municipalities and is essential to maintaining current levels of service. Kristina noted that only BSOOB Transit, METRO, and South Portland Bus Service utilize local contributions in this way.

Kristina said there may be an opportunity with the CARES funds to replace or improve certain areas of the regional transit network, including implementing touchless payment, dynamic routing technology, and other innovations. She noted that Concord Coach has also approached PACTS about utilizing 5307 funds to address their challenges and that Concord Coach has spoken with MaineDOT about utilizing 5311 rural funds as well. Staff and the Transit Committee are looking into Concord’s request.

Kristina said this is an iterative process to garner input from the Executive Committee and the public. In response to a question from Sarah, Kristina said the CARES funds are allocated to the region’s seven direct recipients of FTA funds and noted this does not include Concord Coach. Any funds to Concord would have to go through a direct recipient of federal funds, either MaineDOT or one of the region’s transit agencies. Greg noted that the CARES funds come through the FTA’s 5307 program, which allows direct recipients to spend funds on capital, operating, and planning expenses consistent with program requirements. There is no local match for CARES funds, but they have to be used for a transit purpose by a transit agency.
Jim Bennett said this an excellent opportunity to innovate and experiment and to step outside the normal definitions and limitations with some of the funds. We would never be able to experiment and innovate at the level we can now in normal circumstances. Matt agreed and noted this might be an opportunity to address high capacity transit corridors to help build ridership. He said this is a good list of areas to focus on and agreed with a conservative approach, including no additional federal funds. Hope said she supports a single touchless payment system for the region and this is a great opportunity to move this forward. Chris also supported using funds for innovation.

Chris noted that the City of Portland is in the process of making significant budget cuts and there will be several priorities competing for funds. Helping municipalities offset their contributions should be strongly considered. He also said the primary goal of the CARES funds is to enable transit agencies to survive the significant impacts of the pandemic. Greg said that some of the CARES funds should be utilized to make the system more resilient, safer, and healthier. He said that there may be some pieces of the current system that should be eliminated or restructured. We should work to limit or mitigate any negative impact to municipalities and structurally lowering transit agency costs will provide relief to municipalities going forward. Sarah agreed on preserving existing transit agencies and on limiting the financial impact on municipalities. She said that Freeport is looking closely at its budget now. Greg noted that METRO is currently determining if part of their municipal contributions could be credited back with Phase I CARES funds.

7. Consider Revising PACTS Policy to Include Up to 20% of Total Project Overages

In March, PACTS approved covering up to 20% of construction cost overages for a project. The Committee is asked to consider if this is limited to construction costs or if it could cover preliminary engineering and right of way. The Town of Windham is asking for an additional $49K for its project which can be covered with the holding WIN.

Sarah asked if PACTS has covered such requests in the past. Elizabeth said overages in construction costs have been covered and noted that Windham is asking to cover engineering and right of way costs. Ryan noted that the Committee is being asked to consider a change in the policy to cover additional overages and, if that change is approved, to consider Windham’s specific request. With a policy change, the governing committees would consider requests on a case by case basis. Elizabeth noted that right of way can include a taking of property and a temporary easement for the work.
Chris Branch said that MaineDOT has a set process for right of way and the value of property is based on appraisals. He has concerns over including engineering in particular as well as right of way. Those costs should be understood at the beginning of the project and should not change. The City of Portland has covered right of way overruns with funds from the overall project budget. Erin asked if approval of the policy would enable Windham to ask for more funds after construction bids are in. Elizabeth said the Committee could make the decision on Windham’s request and a policy change would enable a municipality to make a one-time request to cover up to a 20% overage on any aspect of the project.

Jennifer Brickett said that Windham’s right of way and engineering costs were estimated in 2017. Wages increased and additional work was included in the preliminary engineering including a new ADA ramp and landing requirements. Several Committee members suggested that PACTS and Windham would be better served if any requests for additional funds are deferred until construction bids have come in. The Committee would like some certainty that Windham plans to move ahead with the project before committing additional funds. Elizabeth said that MaineDOT has concerns with putting the project out to bid with the existing overruns unless Windham or PACTS can fund the overages. Windham may not be able to advertise the project if the Executive Committee does not approve the request. Sarah said that municipalities should not be allowed to request funds to cover overages in both preliminary engineering and right of way as well as construction costs. She suggested covering up to a 10% overage for preliminary engineering and right of way costs.

Hope expressed support for including 20% of project overruns with the municipality determining which portions of the project would be included. Matt said it would be helpful for municipalities to have a sense of the total project costs before requesting additional PACTS funds. Elizabeth clarified that Windham’s request of $49K is 20% of available construction funding. PACTS’ policy is to cover an additional 20% of construction funding. Windham is seeing overages already with preliminary engineering and right of way and available funding for construction ($245K) is less than the estimated construction costs ($317K). With the existing policy, Windham would be eligible for $49K for construction cost overages. Elizabeth noted that the advertised date for project bids is May 25.
Kristina suggested that a directional vote by the Committee to cover 20% of the construction costs would satisfy MaineDOT and enable the Committee to have a fuller understanding of the project and needed funds. Elizabeth could craft communicate to Windham and MaineDOT that total additional PACTS funds available for the project are $49K. These could be used as needed on the project. PACTS is unwilling to provide these funds without knowing that the project will move forward to construction. Elizabeth clarified that the intent of the existing policy is to cover an additional 20% of available construction funds, rather than estimated construction costs. The $49K would not change if the construction bids come in high unless the Committee revises the policy.

Chris said he was surprised that MaineDOT is telling Windham they cannot go out to bid. Chris moved to allow Windham to receive up to 20% of the estimated construction costs of $317K contingent upon actual bids and Windham moving the project to construction. Hope asked if PACTS’ policy needed to be revised to allow municipalities to make additional requests. Elizabeth said the intent was for a town’s request for additional funding to go to the Policy or Executive Committee for approval. Staff’s approach to requests has been based on 20% of available construction funds allocated by PACTS to the project. Chris’ motion on the construction cost estimate is a different approach. Kristina said that we do not want to change PACTS’ policy with this motion. Changing Chris’ motion to say 20% of the available construction funds contingent on Windham moving the project to construction would avoid a policy change. Chris agreed to this change to his motion and Hope confirmed she is fine seconding the motion as revised. All were in favor, with Jennifer Brickett abstaining.

Sarah moved to refer to the Policy Committee a potential change to PACTS policy to include project engineering and right of way costs in the 20% of overages currently covered. Erin seconded. Chris Branch voted against, all others were in favor.

Jennifer said she would talk with MaineDOT’s project manager about what would happen if federal funds have already been used and the project does not move forward.

8. PACTS 2020-2023 Transportation Improvement Plan (TIP) Amendments

The first TIP amendment withdraws a Saco paving project. Bids were double the estimated costs and Saco has decided not to fund this project. The project was part of the Collector Paving Program. Saco is not expected to put the project out to bid again.
The cost was driven up by roadway crown and pedestrian work and Saco did not feel the project was a good fit for the Collector Paving Program. Saco may look at other avenues to fund the project.

The second TIP amendment is to align the TIP with the allocation of the region’s normal 5307 formula funds through the Six Year Capital and Operating Plan (SYCOP). The amount programmed for capital expenses in FY 2020 in the SYCOP exceeds the previous amount in the TIP by $4.4M.

Chris moved to approve the proposed TIP amendments as presented so long as no substantial public comment is received, with Greg seconding. All were in favor.

The group discussed the pandemic’s potential impact on funding and budgets. Chris suggested asking MaineDOT about cutbacks on currently funded PACTS projects and about future state and federal funds. Kristina noted that there are still many unknowns and much advocacy occurring at both the state and federal levels. Cuts are likely but we do not have any indication on the magnitude. Staff will continue to work with MaineDOT to help us make informed decisions going forward.

Chris said he is concerned because he has money approved in his FY2021 CIP for matches for MaineDOT projects. He would like to let Portland’s finance director know if funds are not available. These decisions will be made in the next few months; information by the end of June would be helpful.

Kristina shared that Art Handman will be retiring from a long career with South Portland Bus Service. Interim director John Duncan will start next week.

9. Adjourn
Staff Report

Coronavirus Aid, Relief, and Economic Security (CARES) Act Public Transportation Funding

The CARES Act made $25B available for public transportation nationally, and $54M available to the PACTS region. The initial phase of PACTS CARES Act funding apportioned approximately $14M of the region’s total funds to address immediate needs for February 1 to June 30. Phase II is focused on addressing the longer-term effects of the COVID-19 virus on transit agencies and the regional public transportation network. The Transit Committee is developing a framework for programming Phase II and additional CARES Act funds by the end of June.

The PACTS Executive Committee has previously reviewed the key assumptions and priorities developed by the Transit Committee. At recent meetings, the Transit Committee has considered a draft framework to guide the programming of the region’s remaining CARES funds. The top priority is providing funding to offset reduced operating revenue for transit agencies. Once these needs are met, other priorities to consider include, in no particular order:

- Pandemic recovery and resiliency, which would invest in projects or improvements directly aimed at improving the health and safety of transit agencies’ operations and enhance resiliency to the current and future pandemics
- Transit system innovation, which would invest in regionally significant projects or improvements that (re)build ridership, improve the customer experience, improve network efficiency, and/or help meet climate goals
- State of good repair needs, which would invest in the repair, replacement, and/or rehabilitation of major capital assets where municipal local match is either not available, or can be avoided to assist municipal budgets or avoid debt
- Direct municipal budget assistance, which would allocate funding to transit agencies that directly receive local funding from municipalities

Staff is also developing a community input process to inform PACTS’ thinking and approach on the allocation of CARES funds. This effort will be combined with another outreach process on the future of public transportation in the PACTS region, which
includes a survey and interviews with key regional and national thought leaders and stakeholders on public transportation. The outreach will be directly primarily to large employers and organizations with an interest in public transit and whose decisions will significantly impact public transit in the region. Staff intends to work with partners such as the Portland Regional Chamber of Commerce to distribute the survey.

**Transit Tomorrow**

The Transit Tomorrow Project Advisory Committee (PAC) met on May 22. Project consultant AECOM provided an overview of key uncertainties surrounding the COVID-19 pandemic and the potential implications for the region's transit system. The PAC also reviewed AECOM’s preliminary recommendations. The recommendations are grouped into three key areas of focus, each of which includes several targeted recommendations, and each which incorporates the principles of smart land use.

- **Make Transit Easier** – Everyone in the region, regardless of age, income, and mobility level, has access to transportation
  - Adopt a unified mobility platform
  - Encourage employer-driven initiatives
  - Enhance first and last mile connections
  - Strengthen coordination among providers
  - Expand travel training
  - Improve door-to-door options
- **Expand Local Connections**
  - Improve and expand local circulation
  - Provide easy access to rapid transit corridors
- **Introduce Rapid Transit**
  - Connect major markets frequently
  - Use preferential treatments and dedicated guideways to make transit easier

The full May 22 presentation is available on the [GPCOG website](https://gpcog.org). Next steps for the Transit Tomorrow process are collecting input during the Annual Summit on May 28, refining and finalizing the recommendations, developing a draft final plan, and a next PAC meeting in September 2020.
PACTS TMA Certification Review

The Federal Highway Administration (FHWA) has informed staff that they would like to schedule PACTS' TMA Certification Review as a virtual review in light of ongoing limitations on travel and in-person gatherings. The four-year certification due date is June 21, 2020, and FHWA would like to schedule 2-3 hour sessions for two days at the end of June. Staff will provide updates as more information is known.