

PACTS Executive Committee

March 2, 2021

8:30 am

Meeting Minutes

Name	Affiliation	Attendance
Jim Bennett	Southern Subregion	Y
Jennifer Brickett	MaineDOT	Y
Hope Cahan	PACTS Vice Chair	Y
Erin Courtney	Maine Turnpike Authority	Y
Eric Dudley	Western Subregion	Y
Greg Jordan	Transit Committee Chair	Y
Belinda Ray	Central Subregion	Y
Matt Sturgis	PACTS Chair	Y
[VACANT]	Northern Subregion	
For GPCOG		
Chris Chop, Andrew Clark, Kristina Egan, Rick Harbison, Aubrey Miller, Elizabeth Roberts		

1. Welcome

Matt Sturgis opened the meeting and welcomed the attendees.

2. Public Comment

No public comment was received at this time.

3. Acceptance of the January 5, 2021 Meeting Minutes

Hope Cahan moved to accept the January 5 meeting minutes as written; Erin Courtney seconded. All were in favor.

4. Staff Report

At the January Executive Committee meeting, member Chris Branch requested additional guidance on MaineDOT's right-of-way acquisition policies. Staff contacted MaineDOT for clarification, and learned that it is now their policy to participate in right-of-way acquisition up to fair market value; additional costs would be borne by the municipality. Jen Brickett offered to connect any members wishing to further discuss the policy with Todd Pelletier, Assistant Director for Project Development at MaineDOT.

The Policy Committee approved the new committee structure at its October 2020 meeting and supporting bylaws changes at its January meeting. March 4 is the deadline for municipal appointments to the new Policy Board and Regional Transportation Advisory Committee (RTAC). Several appointments to both bodies are yet unmade. Staff will schedule and host meetings to assist and facilitate the appointment process.

The American Rescue Plan Act, currently moving through the federal legislature, includes \$30 billion to assist the transit industry. The American Public Transit Association estimates \$5–10 million may be allocated to the PACTS region should the act be signed into law. Staff are drafting a letter of support to be signed by the PACTS chair and vice chair and the region's transit agencies. Kristina noted this advocacy work is not funded with federal dollars.

5. Municipal Partnership Initiative Funding Transfer for Crack Sealing

Last year, PACTS introduced a pilot crack sealing program for member municipalities, funded through the region's Municipal Partnership Initiative (MPI) funds. To reduce administrative overhead, the program requires no local match. Funds are transferred to MaineDOT and projects are included in MaineDOT's Region 1 crack sealing program. Staff presented and requested the committee approve a prioritized list to receive crack seal treatment during the 2021 construction season, and to approve the necessary funding transfer.

Eric Dudley said that Westbrook had completed work on New Gorham Road, and that it could be removed from the list of proposed projects and the funds reallocated to another project.

Jen noted that from MaineDOT's perspective, the pilot program was a success. She asked whether any additional projects that might take the place of New Gorham Road had been reviewed. Elizabeth Roberts said that the list already includes extra projects, all of which had been reviewed by the municipalities and MaineDOT.

Jim Bennett moved to accept the proposed project list and approve the funding transfer; Belinda Ray seconded. All were in favor.

6. Amendment to the 2020 2023 Transportation Improvement Program to Fund a Replacement South Portland Bus Service Bus

Jim moved to approve the amendment; Eric seconded. Jen abstained, all others were in favor.

7. *Transit Tomorrow* Final Approval

Transit Tomorrow is the region's long-range transit plan, and provides a shared vision for improving the region's transit system over the next 30 years. The plan is informed by significant public engagement, a project advisory committee, and the region's transit agencies. The plan has been developed over the past two years and reflects detailed scenario planning, an analysis of key pandemic-related uncertainties, and extensive public comment.

The plan's recommendations address four broad themes:

- Making transit easier
- Creating frequent connections
- Improving rapid transit
- Creating transit-friendly places

Matt invited public comment. Kevin Sutherland urged the committee to approve the plan, and supported it as a regional plan for growth. Eamonn Dundon expressed full support from the Portland Regional Chamber of Commerce, highlighting the Chamber's three strategic priorities of transit, affordable housing, and workforce development, and the ability of the plan to position the region to compete for federal and state funding.

Belinda moved to approve the plan; Hope seconded.

Erin thanked staff for including the appendix of all public comment received.

Jim noted that with transit now becoming a preference and amenity to many, especially young people moving into downtown Biddeford, it would be important to balance the need for transit to continue to support equity and social justice goals. He added that it would be important for the transit agencies to continue to have a role in allocating funding to spur system innovation.

Belinda noted that Chris Branch's concerns about including more detail on funding have been added. Members of the committee expressed their support for the plan and looked forward to working to advance its recommendations.

On the motion, all were in favor.

8. Funding Framework Final Approval

Two years ago, the Policy Committee directed the development of a regional, multimodal, and consistent framework for allocating federal funds to projects. The Executive Committee established the TIP Committee for this purpose, comprised of the former TIP Subcommittee and the extant Transit Committee. AECOM, in consultation with the TIP Committee, began work on the framework in early 2020, and by fall presented a draft. The TIP Committee voted to recommend that draft to the Policy Committee for approval, subject to three caveats: 1) that the Municipal Partnership Initiative (MPI) process be exempt from the framework; 2) that the framework be adjusted as necessary to comply with FTA regulation; and 3) that there be further discussion on the proposed 75 percent/25 percent split of FTA Section 5307 funds for operations and enhancement purposes, respectively. The vote to recommend for approval was not unanimous, with some transit agencies opposed.

FTA guidance states that all six designated recipients in the region—BSOOB Transit, Casco Bay Lines, METRO, NNEPRA, South Portland Bus Service, and MaineDOT—and PACTS as the MPO must agree unanimously to the funding allocation process. In November 2020, the parties reached a verbal agreement subject to review of final written language, which some transit agencies ultimately opposed. After several additional meetings and attempted compromises, there is still no agreement.

Staff recommended the Executive Committee 1) approve the framework as verbally agreed to in November, noting that FTA funds cannot flow to projects until all parties agree; 2) request any transit agencies with outstanding reservations submit proposed language to address their concerns; and 3) authorize the PACTS Vice Chair to work with the agencies to develop final language. Jen suggested amending staff's recommended action to reflect any language as agreed upon during final negotiations.

Matt invited public comment. Jeff Levine noted the importance of balancing innovation with maintaining existing service. He supported the 25 percent set-aside for system enhancements as a way to build for the future, adding that using those funds to enhance existing service may make them more able to incentivize mode shift and replace personal vehicles.

Eamonn Dundon expressed full support from the Portland Regional Chamber of Commerce, urging the region's transit agencies to work together to prioritize projects that will have a regional impact. He noted the Chamber's support of eventually incorporating operating funds into the framework.

Kevin Sutherland supported the framework as a solution to coordinate regional growth.

Patricia Quinn noted that NNEPRA is not opposed to working cooperatively, but has concerns about establishing an exact split of FTA Section 5307 funds given the unknown impacts of the pandemic on budgets and operations. Hank Berg agreed with Patricia, adding that Casco Bay Lines is not opposed to system enhancements. He felt the parties were close to agreement. Donna Tippett said South Portland Bus Service routinely participates in collaborative efforts, but is concerned about continued operations during the pandemic. She noted the transit agencies' recent use of CARES Act funding to support system enhancements.

Kate Snyder, mayor of Portland, expressed support for the framework, and acknowledged the mechanisms included to ensure essential needs are met.

Jim expressed concern that not all designated recipients have been part of the negotiations taking place after the November meeting. He preferred the committee be

able to review the final version. He stressed the importance of ensuring smaller agencies have an equal voice in the allocation of system enhancement funding.

Hope asked for clarification on the set-aside process. She added that she felt the parties were close to agreement. Aubrey said the 25 percent set-aside would be allocated via a process similar to FHWA-funded projects. Transit agencies will be able to submit project proposals, which will be scored by staff, reviewed by RTAC, and approved by the Policy Board. There is a "safety valve" mechanism in place to allow agencies to access this funding for operations and maintenance if needs are unmet. Agencies will be able to submit a request for the funds, which will be reviewed by RTAC and approved by the Policy Board.

Greg said it will be important to be intentional about funding system improvements to ensure ridership recovers. He felt the safety valve and the \$1 million reserve fund were sufficient tools to ensure essential needs will be met. He moved to approve the framework as presented, subject to any final revisions, and to empower Hope to continue final negotiations; Erin seconded.

Belinda asked what the impacts to funding would be should the committee not approve the framework. Kristina said that if approved, FHWA funding would be able to flow. Project proposals have been received and are being scored by staff. FTA funding will not be able to flow until all designated recipients and the MPO agree to the process. Belinda felt it was important to keep some pressure on the parties to come to agreement, and did not support approving the framework without a final agreement in place. She supported the framework as written, and felt the 75 percent/25 percent split was fair, given the mechanisms to ensure essential needs are met. She stressed the importance of investing in the system to spur ridership recovery and support regional sustainability, housing, and equity goals.

Eric said he was not willing to vote to approve, given the uncertain language.

Jim stressed the need for all agencies to be present at the negotiations, and ensuring that smaller agencies will have equal say in distribution of funds. Kristina clarified that the TIP Committee had instructed staff to work directly with the non-supportive transit agencies to address their concerns, with the understanding that any changes would

need to be approved again by all agencies. Regarding the distribution of funds, she said that project proposals would be scored by staff, reviewed by RTAC—which has three transit representatives—and approved by the Policy Board—which has all seven transit agencies represented. With the committee restructuring, decision making has been expanded to include broader and additional perspectives, consistent with Policy Committee guidance.

Greg withdrew his motion. Jen moved to postpone the discussion until the next Executive Committee meeting, which will be scheduled for March 18 at 8:30 am; Belinda second.

Hope asked for direction in the final negotiations. Jim recommended the conversations continue with Casco Bay Lines, NNEPRA, and South Portland Bus Service, and that she relay the Executive Committee members' feedback with regards to their concerns. Jim said that if no agreement is reached, he would vote for the framework as presented to avoid further delays.

On the motion, all were in favor.

9. Preparing for Federal Stimulus

In December 2020, GPCOG issued a call for projects from municipalities, transit agencies, and other regional partners in preparation of potential stimulus funding. Over 100 projects were received, focusing on transportation, infrastructure, climate resilience, and more. Transportation projects total approximately \$220 million, in various stages of shovel readiness (projects that are ready to advance within six to nine months) and shovel worthiness (projects that require additional planning or design). Staff continue to review the proposals received, and will collaborate with MaineDOT on next steps, which will include identifying appropriate discretionary funding opportunities.

Jen clarified that MaineDOT considers "economic relief" to be funding that replaces lost revenues. This definition includes CARES Act funding, CRSSA Act funding, and the American Rescue Plan currently under debate in the legislature. "Stimulus" is funding in

addition to a certain fiscal baseline. A stimulus package has not been taken up in the legislature yet, but may be in the coming months under the "Build Back Better" initiative.

Hope moved to direct staff to continue working with MaineDOT and other partners on this effort; Jim seconded. All were in favor.

10. Other Business

There was no other business discussed.

11. Adjourn

Jim moved to adjourn; Belinda seconded. With no objection, the motion carried.