PACTS Executive Committee Minutes  
March 3, 2020

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<tr>
<th>Committee Members</th>
<th>Affiliation</th>
<th>Attendance</th>
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<tbody>
<tr>
<td>Chris Branch</td>
<td>Portland/Central Subregion</td>
<td>Y</td>
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<tr>
<td>Jennifer Brickett</td>
<td>MaineDOT/PACTS Policy Committee</td>
<td>Y</td>
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<tr>
<td>Hope Cahan, Vice Chair</td>
<td>Falmouth/PACTS Policy Committee</td>
<td>Y</td>
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<tr>
<td>Erin Courtney</td>
<td>MTA/PACTS Policy Committee</td>
<td>N</td>
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<tr>
<td>Eric Dudley</td>
<td>Westbrook/Western Subregion</td>
<td>Y</td>
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<tr>
<td>Greg Jordan</td>
<td>METRO/PACTS Policy Committee</td>
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<td>Matt Sturgis, Chair</td>
<td>Cape Elizabeth/PACTS Policy Committee</td>
<td>Y</td>
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<tr>
<td><strong>Guests</strong></td>
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<td>Maureen O'Meara</td>
<td>Cape Elizabeth</td>
<td>Y</td>
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<tr>
<td>Sarah Tracy</td>
<td>Freeport</td>
<td>Y (phone)</td>
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<td><strong>For GPCOG:</strong></td>
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<td></td>
<td>Steph Carver, Kristina Egan, Chris Hall,</td>
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<td>Ryan Neale, Elizabeth Roberts</td>
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1. Welcome – Matt Sturgis, Chair  
Matt Sturgis opened the meeting.

2. Open Public Comment  
There were no public comments.

3. Acceptance of February 4, 2020 meeting minutes  
Hope Cahan made a motion to approve the February 4, 2020 minutes; seconded by Chris Branch. The minutes were approved unanimously.
4. Staff Report
FTA and FHWA are conducting PACTS' 4-year federal recertification. The federal representatives will attend the Policy Committee meeting on April 23rd and solicit public input after the meeting.

PACTS is currently applying to become a direct recipient in order to make it easier to pursue federal funding. As a requirement, direct recipients must have a Disadvantaged Business Enterprise (DBE) Program. PACTS is currently in the process of creating a DBE program.

5. Adoption of the 2020 – 2023 PACTS Transportation Improvement Program (TIP)
MaineDOT and PACTS annually submit the Statewide Transportation Improvement Program and the PACTS Transportation Improvement Program to the Federal Highway and Transit Administrations. The FHWA and FTA may not release the federal funds for any of these projects until they have gone through a public comment period and have been endorsed by the PACTS governing body. On January 23, the PACTS Policy Committee voted to delegate authority to the PACTS Executive Committee to endorse the TIP once the 10-day comment period has been completed. The 2020/2021/2022/2023 TIP was released for a 10-day public comment period on February 11.

Minor comments were received from the public. This included comments regarding bike/pedestrian activities. Changes and updates were made to incorporate work in the UPWP that was not previously mentioned, including work around the Active Transportation Plan and Regional Complete Street Policies.

Hope asked if there were any changes to the metrics; Steph responded that there were changes to the language describing the metrics. Steph also noted the metrics were not really metrics, but rather activities. She said she talked with MDOT staff for their feedback and approval to ensure the language was appropriate.

Hope suggested the next time the TIP is revised, the metrics could be revisited early on. Steph agreed and anticipated that updates would need to occur every year, given all the activities we're pursuing.

The metrics are important for everyone to understand. Steph observed that historically, we've waited for information from MaineDOT before getting started, but that getting
started on addressing issues earlier and finalizing it after we've heard from MaineDOT would be a better process in the future.

Chris moved approval of the TIP 2020/2021/2022/202; the motion was seconded by Eric. The motion was approved unanimously.

6. Planning Committee Charge
Maureen O'Meara from Cape Elizabeth, representing the Planning Committee, explained that many of the Planning Committee members have a role to play in PACTS and can play that role without adding time to the current processes. The proposed charge for the Planning Committee includes developing recommendations for the Maine Climate Council to consider. The Planning Committee would like to provide comments and recommendations for this ongoing work, which will be done by June. The Planning Committee is looking for the Executive Committee to affirm this charge.

Chris Branch said he was comfortable with the charge and noted that recommendations should be approved by the Executive Committee.

Greg Jordan asked Kristina, as a member of the working group, whether there was an opportunity for the Transportation Working Group work be shared with PACTS. Kristina indicated that would be helpful. Kristina presented to the Planning Committee on the work the Transportation Working Group has been doing and that she and Greg were both appointed by DOT to serve as co-chairs of the suburban and urban group. Kristina thought it would be helpful to present to the Executive and Policy Committees the same presentation given to the Planning Committee regarding the work completed thus far and the schedule of the Working Group.

Greg expressed that he thought the process should be that comments and recommendations would be filtered through the PACTS governing board, rather than having the Planning Committee make recommendations on their own. Maureen responded that it was not the Planning Committee's intention to go on their own. Rather, they could provide valuable comment on the matter, but would need approval from the Executive Committee.

There are several PACTS Committee members who are on the Transportation Working Group, including NNEPRA, Portland, and METRO, and that they could represent the thinking of PACTS as well.
Hope asked if the work from the Planning Committee would result in any possible changes to the Transportation Working Group's recommendations to the Maine Climate Council. Kristina replied that comments are welcome and will be considered. The Planning Committee is one group among many offering recommendations and that there are a lot of eyes on what the overall recommendations will be. Greg agreed.

Hope moved to authorize the 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 TIP framework. Chris seconded the motion. All were in favor.

7. PACTS Bylaws Workshop
The Executive Committee charged staff with preparing a workshop on potential changes to the PACTS bylaws. The PACTS Reforms called for some changes to the way PACTS does business, which could require revisions to the bylaws. Key reforms pertinent to today's workshop include:

1. Participation by elected officials: Staff is regularly meeting with officials to boost participation.
2. Too many committees: Some committees do not have clear missions, and it may be beneficial to clarify the boundaries in responsibilities between the Executive and Policy Committees, and combine the Technical and Planning Committees to create a Planning and Programming Committee that better aligns PACTS' plans with PACTS' funding.
3. Engagement on transit decisions. There was not enough engagement on transit issues and representation at governing levels.
4. Number of meetings, the concomitant cost, and scheduling.

The workshop focused first on the number of committees and committee charges. PACTS currently has five committees, which require significant staff time and cost. Per the bylaws, Technical meets monthly, and Transit meets twice a month; combined with Policy and Executive, and not counting Planning, this means five meetings a month, sometimes more. The budget implication is that there is a lot of administrative work. Many committee members are on multiple committees and experience meeting fatigue. Overall, it's a lot of work for a small region.
Chris Branch recalled the possibility of combining the Planning and Technical Committees, citing that the Planning Committee met infrequently. He also expressed that other metropolitan planning organizations do not have Planning Committees.

Eric mentioned that the Planning Committee was created in the early 2000s but was unsure whether it really had a clear focus. Eric commented that combined Planning and Technical Committee meetings are very large and if we were combining them, he suggested communities would appoint just one representative.

Kristina said there may be a challenge in the composition of the combined committee as the Planning Committee is comprised of Planners, and the Technical Committee of public works and engineers. As a result, there might be a committee with mostly engineers and some planners. Chris Branch responded that it would depend on who communities appoint to the committee.

Greg asked about the intent to combine the Technical and Planning committee through the funding prioritization process. Kristina said that we would need to change the charge of the committee to oversee long range planning and ensure that the planning matches the programming. Greg asked whether there was an intent to combine Transit and Technical. Kristina noted that the ad hoc TIP committee is comprised of the old TIP committee and the full Transit Committee. If all the subcommittees were combined and charged with programming and planning, a multimodal planning process can be created that is informed by the plan.

Chris Branch said that many of the technical people would not be interested or have the knowledge about the transit side. As a result, if they are given more of a charge, their possible lack of expertise in transit could cause lack of interest and low meeting attendance.

Greg agreed with Chris that culturally, silos exist and crossing over can be challenging. Greg suggested programming of all funds would ensure our region has a multimodal system. Kristina pointed out that this is something we’ve already agreed to do through the Transportation Improvement Program Committee. Kristina indicated that it could be a cultural or participation hurdle, but integration could best develop the transportation network. Committee members agreed.
Greg expressed that combining all three committees into one seems unwieldy. He asked if the committees should stem from the strategic objectives of Destination 2040 or the functional lines of the committees.

Greg suggested forming a working group or committee to review these issues. Matt and Hope would make appointments. The guidance would be: reduce the number of committees, expand participation of elected officials, increase transit representation in the governing bodies, and consider adding seats for Community Transportation Leaders. The group agreed to form a working group and provide them this guidance.

Kristina noted that committees are struggling to reach a quorum. The bylaws allow for invoking the rule of necessity to conduct business in an emergency. Chris Branch said that the Policy Committee’s quorum is less than a third of members. Kristina noted that nine municipalities are required and that five of the eighteen municipalities very rarely participate. She suggested that the quorum requirement could be changed to allow other members to count toward a quorum. Eric said that the reason for not counting agencies toward the quorum was to protect the ability to receive funds.

Chris noted that the process by which subregions nominate designees is not defined. Matt Sturgis noted that the 2020 Census could expand Policy Committee membership.

The group generally agreed that the quorum requirements should be simple and should encourage members to attend. Chris Branch noted that if the quorum requirement was lowered, Portland, with six members, could potentially dominate.

It was noted that Gregg Isherwood of Custom Coach & Limousine currently fills the Transit Committee’s private operator seat. Gregg has never attended a meeting. If there is no federal requirement for a private sector representative, this seat could be changed to an Executive Committee appointee.

Kristina said that the bylaws do not set terms for Policy Committee members. She said that setting two-year terms for all committees would allow the same people to implement 18 months of the Unified Planning Work Plan and to create a new Plan. Matt suggested that terms could be staggered with half up each year. This could be based on PACTS’ fiscal year. Chris noted that the bylaws say that municipalities are responsible for appointing PACTS committee representatives. Federal law requires a municipal elected body to appoint PACTS representatives. In practice, this may be done
by municipal managers. It was suggested that it be clearly communicated to
municipalities when terms start and end, and that municipalities be allowed to appoint
representatives based on their appointment schedule.

Chris Branch noted that a lot of the technical issues with the bylaws can be cleaned up
without the Committee spending a lot of time on it.

Staff will share the full list of changes in a redline document with the working group.
The key areas of focus and potential changes include:

- Establishing a task force to review the structure and composition of PACTS
  committees
- Establishing quorum requirements that are simple, improve the ability to conduct
  business, and encourage attendance
- Establishing staggered two-year terms for all committee members so half are up
  each year
- Eliminating the private transit operator seat on the Transit Committee and
  replacing with an Executive Committee appointment

Staff will work with Matt and Hope to identify potential members of the committee task
force. Matt and Hope will appoint the task force.

8. Follow Up on Engaging Community Transportation Leaders
In January, PACTS agreed to develop an approach to advancing our transportation
inclusivity work and engage Community Transportation Leaders.

Zoe Miller said that providing training to the Leaders training is intended to keep people
involved in the long term. Those who have been involved as mobility liaisons are eager
to see their involvement move forward. Being involved in this work means a lot to
people. The work was funded through the Federal Transit Administration’s Transit
Planning 4 All. Zoe indicated that it was good for the region to be in the national
spotlight on this and to be a leader on inclusive planning and decision-making. A
proposal submitted to present at the MASSDOT Mass Mobility Conference was
approved and one of the mobility liaisons will be part of a panel there.

Zoe said our goal is to identify how we can operationalize some of the work. The people
involved in this project may not have the same connections as those currently in the
room. The concept is to provide a continued place where they can connect and to develop systemic ways for those who are underrepresented to be part of the decision-making process. Zoe said one option is to convene the peer to peer network of community transportation leaders and provide coaching and to continue fundraising for this piece with a goal of $7,000. The 2020 work can be funded with the Unified Planning Work Plan. Zoe said she thinks that funders will be interested in this kind of work.

The second option involves adding seats to the PACTS Committees. The Public Involvement Plan adopted in October 2019 indicated that ways to adjust committees would be explored. Zoe said we would need to determine exactly what this would like and are exploring other models. This work would fit into the existing UPWP budget. Kristina said that this work is grounded in the decisions that we've already made; the FTA is supportive of this work; we have direction from the PACTS Public Involvement Plan and the PACTS reforms; and the budget allocation identified in the UPWP to engage those who are not typically engaged. This work would be funded for at least the next year, with additional fundraising opportunities to continue the work.

Hope asked for more details on what the $12,000 for adding seats to the PACTS Committees would include. Zoe said this includes funding for staff to work on the details and structure of what the involvement will look like and preparation. It would also cover support for onboarding people onto committees; best practices would allow for two to join at the same time. Kristina agreed, citing the time it takes to onboard elected as an example of staff time and support. She added that this will likely require even more staff support given the coaching needed for the transportation leaders, who may have never previously been on a committee.

Hope said it would be helpful to move forward with it so that we have a better understanding of whether the amount allocated would be sufficient and to allow us to assess and learn from the process.

Greg expressed support for the approach and asked if committee appointments should be discussed in the context of the task force. Kristina said that the task force should figure out the details of how to best seat Leaders on PACTS committees. Eric said that we want to ensure that this work is meaningful for participants and committees.

Zoe noted that the varied professional backgrounds of the program graduates may be valuable for certain committees. Kristina added that staff will work with appointing
committees to ensure the right person is seated on the right committee. Greg said that we’re looking for perspectives on how they access, use, and understand the transportation system, not necessarily their skills.

In reference to Eric's point about making this work meaningful, Kristina said that we need to make agendas accessible so members do not feel alienated and can meaningfully engage with topics. This work will take a lot of effort and we would like to track how Community Transportation Leaders participate.

Matt said it is a natural progression to incorporate these perspectives to advance our mission of being effective and successful to the end user.

Greg made a motion to approve the proposed actions as written:

- Approve convening a peer-to-peer network of Community Transportation Leaders and adding Community Transportation Leaders to PACTS Committees and supporting their success in those seats.
- Approve supporting staff to develop grant proposals to continue funding the peer-to-peer network.

The motion was seconded by Eric. All were in favor.

9. TIP Funding Working Group Report
Elizabeth said that the TIP Funding Working Group convened to discuss PACTS' approach to this season’s high construction bids. PACTS policy has been to fund 10% of construction costs if construction bids come in higher than estimates. Last year, when construction bids came in 30-40% higher than estimates, the decision was made for PACTS to fund the deficits to cover anticipated deficits. This prevented PACTS from funding new projects for 2022. The Working Group decided PACTS should not fund scope creep for projects; a mechanism still needed to be in place to keep costs down on projects. Additionally, MaineDOT observed that PACTS was not set up to make quick decisions regarding these budgets. When a bid is received, the community typically has 30-45 days to approve or reject the bid. However, the Executive Committee would not be able to approve funding for a project if a bid opened tomorrow.

Elizabeth outlined recommendations from the TIP funding working group that include holding meetings to make decisions quickly when needed, and allowing up to 20% in
additional funding for projects that come in at bids higher than anticipated. Elizabeth said that with the 10% policy, we can usually find money in our holding WIN; if we increase it to 20% we may need to delay some projects.

Chris Branch detailed several options in lieu of using WIN funds. Municipalities could make up the difference with increased local funds or reduce project scope. Another possibility is, with permission of the Executive Committee, funds could be moved from one project to another. There was a lot of money in the holding WIN a few years ago, but not very much now.

Steph Carver added that the purpose of this was to try to create a nimbler environment for projects and PACTS communities to pursue projects so we can get money into the economy and projects moving forward. Given that, there is a trade-off that needs to happen. Projects would go to the Executive Committee for approval, and anything beyond 20% in increased costs over the bid would be the responsibility of the municipality. Elizabeth reiterated that municipalities could reduce project scope to potentially reduce overall project costs.

Greg asked how much contingency is programmed into projects. Elizabeth said PACTS has a 10% contingency and that is what the policy covers. Elizabeth said that Executive Committee approval is needed to move funding from the Holding WIN, even if it is less than 10% over budget. Kristina said that projects overages of 10% or less usually are approved with little debate. With this change, the Executive Committee would be able to consider overages up to 20%. In order for money to be moved from the holding WIN, it needs Executive Committee approval, even if it is less than 10%. What PACTS is considering today would be a change where the Executive Committee would have to approve funding overages between 10% and 20% from the holding WIN.

Hope asked if overages up to 10% would need to go to the Executive Committee. Kristina said it should not be a staff decision and it was best to keep the governing boards fully engaged on any decisions where money is coming out of the WIN.

The Committee discussed the wording of the proposed action and agreed the language would include ‘up to 20%’ as the amount that can come from the Holding WIN.

Chris made a motion to approve the proposed actions as revised, with the new language reading:
• Create a policy that will allow for overages up to 20% of construction costs to be covered. As this may not be feasible within the available funds in the Holding WIN, it may involve discussion of impacts to existing or future projects.

Hope seconded. All were in favor.

10. PACTS Municipal Partnership Initiative (MPI) Crack Sealing
Elizabeth said that there is a new $50,000 set aside for crack sealing within existing Municipal Partnership Initiative funding. Crack sealing can help lengthen the life of our roads, and stretch limited PACTS funds.

The Technical Committee has discussed this but has not developed a policy. A concern is that this could be a significant administrative burden for municipalities for a relatively small amount of funding. If the set aside was divided up to municipalities, municipalities would have about $5,000 dollars each. The Technical Committee suggests eliminating the municipal match so the program is funded entirely by PACTS. The current plan is to fold this into MaineDOT’s existing crack sealing program. PACTS would need to transfer funds to a special WIN that Region 1 can access. Region 1 would then use PACTS’ prioritized list to seal roads until the funds run out.

Elizabeth indicated that a disadvantage to this approach is that fewer funds would be leveraged without the match, but one of the reasons behind this approach is to alleviate the administrative burden on municipalities.

Hope asked how the prioritized list was developed. Elizabeth said that a consultant has rated collector roads in the region using the Pavement Condition Index (PCI). The consultant also made recommendations on which roads would benefit most from crack sealing. Roads with a PCI of 75-80 were included in the list. This list was then reviewed by the Technical Committee. Hope asked if that list was compared to any priorities set up in PACTS, to which Elizabeth responded that it was based on the condition of the road. MaineDOT estimates the funds would cover about 10 miles of roads in total.

Chris Branch said that more than $50,000 is needed but this is a start. He asked why arterials were not considered in this program. Chris said he did not have a problem with dropping the match and agreed that the administrative burden may negate the value that smaller communities get out of the program. Chris added that Region 1 will be
able to take advantage of economies of scale and save money. Eric Dudley said that to get 10 miles of road for $50,000 is excellent and communities could not accomplish this individually. Elizabeth said the list includes 10 or 11 communities throughout the region. Chris said this could be a good approach for state highways as well.

Hope made a motion to approve the proposed actions as written; Chris seconded. All were in favor.

Kristina said this discussion of crack sealing to extend road life is a symptom of our lack of resources in the region. GPCOG is doing a State of the Region report and event to make the case for more money for transportation in the region. She asked committee members to get their elected officials attend to help build public support to get resources for transportation.

Hope asked if staff could report back on potential ways to partner with MaineDOT to use funds more efficiently; Elizabeth agreed. Kristina said that PACTS has partnered with MaineDOT to swap out our federal allocation for state funds on MPI because the money can go further with fewer restrictions.

11. Overview of Public Transportation Funding

Greg Jordan provided an update of ridership statistics and productivity metrics for the region’s seven transit providers, noting that the region’s ridership density is between 15 and 20 and that boardings per capita compares well with other areas. Greg noted that we are providing service where needed on major corridors and highways.

Greg said that the 5307 federal formula funding program is the major funding source of many transit agencies that supports allocations on capital projects. He also identified 5337 funds that are only available to fixed guideways such as the ferry and Downeaster. Greg said there are some funding sources that we do not take advantage of, including 5337 to help fund the bus rapid transit system in our region that is considered to be a ‘fixed guideway’. RTP is now eligible for 5307 funds. Greg said we currently have an annual agency-driven process to allocate funding and we are moving toward a more comprehensive prioritization system. Greg described the allocation timeline.

Greg described the process for expansion applications and indicated they were more merit driven. Applications are scored by outside experts on a technical basis. The Transit Committee then reviews the applications and determines if funding should
move forward. Greg noted that the funding prioritization framework will consider system maintenance and system expansion together.

Greg presented a graphic of the current forecast from 2020 to 2025 of funding available, current programming, and fund balance. Greg explained that typically a Six Year Capital and Operating Plan is approved. This year we are looking at a two-year plan due to the new funding framework that will start with a blank slate for funding and will involve scoring frameworks and metrics.

Greg said there are limited funds available and there is general agreement that we should make the best use of funds. He suggested we discuss how much burden is on local municipalities to fund underperforming projects. Kristina added that our federal and state partners are also pushing MPOs for more performance-driven metrics.

In response to a question from Eric Dudley, Greg said transit agencies eliminating fares was an overreaction to ridership declines nationally over the last 5 years. Removing fares would require significant offsets. Downtown circulators are more often a candidate to be free to maximize use and speed up boardings. Kristina added that in places where this has been done, businesses often contribute through a transportation management association to help make up the deficit. One of the discussions in the UPWP this year is exploring a Transportation Management Association which would bring in private funds to assist with the funding and promotion of transit.

The group discussed moving the next Policy Committee meeting from July to June 25th to address more timely agenda items.

Staff will coordinate with Committee members for a meeting in June, possibly June 11.

12. Adjourn
Hope offered a motion to adjourn. The motion was seconded by Eric. All were in favor.