

PACTS Policy Board

March 24, 2022

11:00 am–1:00 pm

Meeting Minutes

Municipal Members		
Arundel	VACANT	
Biddeford	Jim Bennett	
Cape Elizabeth	Matt Sturgis, Chair	✓
Cumberland	Bill Shane	✓
Falmouth	Hope Cahan, Vice Chair	✓
Freeport	Jake Daniele	✓
Gorham	Ephrem Paraschak	
North Yarmouth	Brian Sites	
Old Orchard Beach	Diana Asanza	✓
Portland	Keith Gray	✓
Portland	Roberto Rodriguez	✓
Raymond	Nathan White	
Saco	Patrick Fox	
Scarborough	Jon Anderson	
South Portland	Kate Lewis	✓
Standish	Michael Delcourt	
Westbrook	Eric Dudley	✓
Windham	Barry Tibbetts	
Yarmouth	Rob Waeldner	✓

Non-municipal Members		
MaineDOT	Dale Doughty	✓
Maine Turnpike Auth.	Erin Courtney	✓
Active Transp. Specialist	Kara Wooldrik	✓
Environmental Specialist	Allen Armstrong	✓
Transp. Equity Specialist	Andrew Blunt	✓
Transp. Equity Specialist	Yura Yasui	
RTAC	Tom Milligan	✓
BSOOB Transit	Chad Heid	✓
Casco Bay Lines	Hank Berg	✓
Greater Portland Metro	Greg Jordan	✓
NNEPRA	Patricia Quinn	✓
Reg. Transp. Program	Jack DeBeradinis	✓
So. Portland Bus Serv.	Donna Tippet	✓
York Co. Comm. Action	Tom Reinauer	✓

Non-voting Members		
SMPDC	Stephanie Carver	✓
Federal Highway Admin.	Carlos Peña	
Federal Transit Admin.	Leah Sirmin	

1. Welcome

Matt Sturgis opened the meeting and welcomed the attendees.

2. Public Comment

No public comment was received.

3. Approval of the January 27 Policy Board Meeting Minutes

Bill Shane moved to approve the January 27 meeting minutes as written; Hope Cahan seconded. All were in favor.

4. Chair's Report

Matt Sturgis thanked staff and PACTS' various committees for their recent hard work in developing today's agenda.

5. Regional Transportation Advisory Committee Report

The Regional Transportation Advisory Committee (RTAC) last met on March 1. Items of discussion included the PACTS Municipal Partnership Initiative (MPI) and American Rescue Plan Act (ARPA) funding allocations. The committee also heard presentations from GPCOG's Community Transportation Leaders, a program that empowers people of color, people with disabilities, and older adults to participate in PACTS' decision making.

6. Staff Report

President Biden has signed a \$1.5 trillion spending bill, appropriating funding from the 2021 Infrastructure Investment and Jobs Act (IIJA). The region is anticipated to see increased Federal Transit Administration (FTA) and Federal Highway Administration (FHWA) funding, through both formula and discretionary grant opportunities.

Casco Bay Lines was awarded \$3.6 million under FTA's Passenger Ferry Grant Program to support the purchase of a replacement vessel for the *Maquoit II*. Also, Greater Portland Metro was awarded \$1.9 million under FTA's Bus and Bus Facilities Grant Program to replace its four BREEZ shuttles. These discretionary awards will free up regional FTA Section 5307 funding for other purposes.

The offices of Senators King and Collins notified staff of an opportunity to submit projects for congressionally directed spending. Due to the short turnaround and significant staff resources required, staff recommend not submitting this year, and instead using the region's upcoming long-range transportation plan, *Connect 2045*, to prioritize investments for next year. However, MaineDOT is evaluating statewide opportunities.

At the request of the Transit Marketing Task Force, staff have developed driver recruitment videos for several of the region's transit agencies, available for viewing at vimeo.com/showcase/9299672.

Windham has recently completed *North Windham Moves*, a study focused on safety improvements along Route 302 in North Windham. Preliminary designs envision improved sidewalks, reconfigured intersections, and new connecting roads. Windham is working with MaineDOT to identify funding sources. Additional project information is available at windhammaine.us/728/North-Windham-Moves.

Carlos Peña, FHWA's liaison to the board, has announced his retirement. Staff and the board thanked him for his contributions.

7. 2023 PACTS Municipal Partnership Initiative Project Review

PACTS Municipal Partnership Initiative (MPI) allocates a total of \$1.6 million—including \$400,000 to each of PACTS' subregions—to capital projects throughout the region. Within each subregion, municipalities meet to cooperatively determine a slate of projects to advance. Each project requires a minimum 50 percent local match. This year's proposed projects include a mix of intersection improvements, pedestrian infrastructure, and paving projects.

Bill Shane moved to approve the projects for MPI funding as presented; Tom Milligan seconded. All were in favor.

8. 2022 Performance Measures and 2022–2025 Transportation Improvement Program

Federal regulation requires PACTS to annually adopt safety performance targets for a variety of measures. Per previous guidance from the Policy Board and the Transit Task Force, staff developed safety performance targets for the board's consideration. Subject to approval, the safety performance targets are incorporated into the region's Transportation Improvement Program (TIP).

The 2022–2025 TIP documents all projects in the region that utilize federal funding. The TIP was released for a 10-day public comment period; no comments were received. Once approved, staff will submit the TIP to MaineDOT to be incorporated into the Statewide TIP (STIP), at which point projects can move forward. Staff and MaineDOT continue to work to improve project prioritization processes.

Kate Lewis asked whether more aspirational goals—for example, zero fatalities—would be appropriate. Staff noted the Policy Board committed to developing a Vision Zero policy at its January meeting, which will identify strategies to actively eliminate fatalities and serious injuries from the region's transportation system. This effort will include an evaluation of implications to funding and existing PACTS policies.

Hank Berg noted Casco Bay Lines and NNEPRA are exempt from FTA's safety plan requirements, as those agencies' safety programs are overseen by the US Coast Guard and the Federal Railroad Administration (FRA). He requested the data be presented in separate tables for each mode. He felt Casco Bay Lines' safety targets had been developed without input from the agency. Patricia Quinn felt the same. She noted NNEPRA is classified as "commuter rail" rather than "heavy rail".

Kate Lewis asked whether the discussion was time sensitive. Staff noted PACTS' TIP needs to be incorporated into MaineDOT's STIP. The safety performance targets are a required element of the TIP.

Hank and Patricia recommended removing ferry and rail safety performance targets from the TIP, with language clarifying CBL and NNEPRA's exemption.

Hope Cahan suggested future TIPs include comparison to national averages by mode. She asked whether the upcoming Vision Zero policy would cover all modes. Staff expected that it would. Hope

cautioned against removing key components of the transit system from the region's safety targets, and urged staff and the agencies to continue to work together to identify any necessary data.

Jake Daniele asked what would happen if PACTS were not to meet its targets. Staff noted there is no penalty, only a requirement to continuously monitor and report on progress. Staff also noted that adopting a Vision Zero policy will make the region eligible for additional funding, and suggested adding language to the TIP that PACTS is developing a Vision Zero policy.

The group agreed the process would benefit from increase coordination with and among the transit agencies.

Bill Shane moved to approve the 2022 Safety Performance Measures, subject to separating the transit data into separate tables by mode, changing "heavy rail" to "commuter rail" when referring to NNEPRA, removing ferry and rail safety targets and adding language explaining their exemption, and adding reference to the Policy's Board January decision to pursue the development of a Vision Zero Policy; and to approve the 2022–2025 Transportation Improvement Program, subject to adding the GP Metro BREEZ bus replacements to the errata sheet; Hope Cahan seconded. All were in favor.

9. Allocation of the Region's ARPA Funds

Staff provided an overview of transit funding and decision making milestones. Over the past several years, guidance from federal partners and decisions by the PACTS governing bodies have informed a cooperative process whereby transit funding decisions are made by an expanded group of stakeholders—RTAC and the Policy Board—and according to a data-driven set of metrics in support of regional goals—the Transportation Funding Framework.

At its August meeting, the Policy Board voted unanimously to use the Funding Framework to allocate the region's ARPA funds. Based on the total funding request from the ARPA applications—approximately \$7.9 million—PACTS could fund each of the above projects with its \$8.1 million of ARPA funds. However, the final CARES allocation identified a \$3.8 million projected fare revenue shortfall corresponding to approximately April to December 2023.

Two complementary strategies for the region's pandemic relief funds had emerged in the early stages of the pandemic: ensuring the region's transit agencies had the funding they needed to continue operating, and capitalizing on the opportunity to invest in the transit system and catalyze long-term ridership recovery and growth. Staff presented four funding scenarios intended to support these two strategies in various ways:

- Option 1: Fund service and system investments.
- Option 2: Fund projected fare revenue shortfalls, then the fund highest scoring investments based on remaining budget.

- Option 3: Fund the highest scoring investments, then fund a portion of projected fare revenue shortfalls.
- Option 3a: Fund the highest scoring investments, then fund a portion of Casco Bay Lines' and NNEPRA's projected fare revenue shortfalls.

At its March meeting, RTAC reviewed and discussed the proposed funding scenarios, and voted with 14 in favor and 5 opposed to support Option 3a. Among other points of discussion, the group acknowledged the need for compromise.

Matt Sturgis asked for public comment. Christian MilNeil, RTAC member, acknowledged the need to move more people in fewer vehicles, and felt the ARPA funds represented the best opportunity to advance regional goals. He supported the process and RTAC's recommendation of Option 3a.

Eamonn Dundon, RTAC member, felt RTAC's recommendation of Option 3a was strong and represented the best compromise. He noted that key transit markets have fundamentally changed, and felt the transit system would also need to change. Matt closed the public comment period.

Bill Shane—also a member of RTAC—noted he had been leaning towards Option 1 prior to their meeting, but agreed with Option 3a as a compromise. He felt RTAC could benefit from a deeper understanding of transit planning and funding issues.

Kate Lewis felt there was a mismatch between PACTS' priorities and the recommendation of Option 3a. She supported Option 1 as a means to fund forward-looking projects.

Tom Milligan supported maintaining the system to provide critical service to those who need it most, referring to the recent presentations made by the Community Transportation Leaders.

Hope Cahan was supportive of Option 1. She felt the Community Transportation Leaders' presentations made clear that the transit system is not meeting equity nor ridership goals.

Patricia Quinn noted the agencies have been impacted by the pandemic in different ways. She listed a number of key initiatives NNEPRA has implemented in response to changing ridership, including schedule changes, new ticketing machines at all stations, fare promotions, maintenance work, and more. She supported funding the \$3.9 million projected fare revenue shortfall and allocating the remaining funding to meet needs according to risk assessments and cost-benefit analyses.

Greg Jordan felt the Policy Board's direction and decision to use the Funding Framework to allocate the ARPA funds had been clear. He felt the process was fair and transparent, and noted the agencies had submitted a variety of projects, including several collaborative applications. He stressed a need for the transit system to adapt and adapt quickly. He felt many agencies could face structural funding deficits if too little is done to rebuild ridership.

Hank Berg noted the critical importance of the pandemic relief funds to the agencies. He noted three of four transit agencies on RTAC voted against Option 3a. He felt the process had not been cooperative as required by FTA. He supported funding projected fare revenue shortfalls so agencies could prepare their budgets and resetting the process with the remaining funds.

Erin Courtney urged the group to respect prior decisions, including the Policy Board's decision to use the ARPA funds for transformative projects and RTAC's recommendation to support Option 3a. She noted some CARES funds have been allocated to transformative projects, including Transit Together and the Portland-Westbrook-Gorham Rapid Transit study. She moved to approve Option 3a; Eric Dudley seconded.

Chad Heid noted the agencies were not consulted on the funding scenarios presented to RTAC. He felt the impacts of the projects on geographic and demographic equity were unclear. He felt the decision required further study, including cost-benefit and return-on-investment analyses.

Tom Reinauer noted any increased Section 5307 formula funding would require a 50 percent local match. He supported the project he submitted for ARPA funding, but said YCCAC continues to struggle with day-to-day operations. He supported a higher percentage of funding directed to funding the projected fare revenue shortfalls, and increased education to members of RTAC, the Policy Board, and the public. He disagreed with generalizations suggesting certain demographic groups use certain transit services.

Dale Doughty felt he needed additional data to understand the implications of the options.

Greg Jordan suggested the fare revenue shortfalls were a projection based on recovery and cost inflation variables two years into the future. He felt there was a risk either way, and that Option 3a was the best balance to mitigate long-term funding deficits. He felt the role of the transit agencies in the process was to provide information and perspective, but noted that PACTS has moved away from a system of governance where the transit agencies made funding decision alone and toward a system with more stakeholder input.

Donna Tippet felt the agencies' expertise was not incorporated into the process. She supported funding projected fare revenue shortfalls and having the transit agencies decide how to allocate the remaining funds.

Hope Cahan was supportive of Option 3a. She felt the process had been clear and had balanced the various ongoing transit planning initiatives. She supported the inclusion of multiple decision making partners beyond the transit agencies, as is common elsewhere in the country. She requested staff conduct an equity analysis to better understand the impact of transit investments.

Staff noted that while PACTS always strives for cooperation, consensus can be difficult with such a diverse group. Staff summarized that additional information may be helpful, including an equity analysis

based on how funding has been allocated to the agencies, and an analysis of national trends of the impacts of system and service investments on ridership recovery. Staff estimated this additional analysis could require up to six months to one year.

Matt Sturgis expressed his support for Option 3a and the need to invest in system infrastructure and improvements. He recognized staff, the scoring committee, and RTAC for their roles in the process, and believed all had provided the board with sufficient and timely information to inform the decision.

On the motion, Diana Asanza, Kate Lewis, Tom Milligan, Chad Heid, Hank Berg, Patricia Quinn, Jack de Beradinis, Donna Tippett, and Tom Reinauer were opposed; all others were in favor. The motion carried. (Weighted vote: 38–16; standard vote: 11–9)¹

10. Connect 2045 Project Update

This item was postponed to the upcoming Executive Board meeting. Staff briefly referenced an upcoming call for projects, which will solicit projects from municipal and transit agency members for inclusion in *Connect 2045*, the region's upcoming long-range transportation plan. Staff will seek guidance from the Executive Board on project prioritization criteria.

11. Other Business

There was no other business discussed.

12. Adjourn

Bill Shane moved to adjourn; Hope Cahan seconded. With no objection, the motion carried.

¹ Per PACTS Bylaws, Policy Board votes are weighted by municipal population.