PACTS Executive Committee Minutes
May 5, 2020

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<tr>
<th>Committee Members</th>
<th>Affiliation</th>
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<tbody>
<tr>
<td>Jim Bennett</td>
<td>Biddeford</td>
<td>Y</td>
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<tr>
<td>Chris Branch</td>
<td>Central Subregion</td>
<td>Y</td>
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<tr>
<td>Jennifer Brickett</td>
<td>MaineDOT</td>
<td>Y</td>
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<td>Hope Cahan</td>
<td>PACTS Vice Chair</td>
<td>Y</td>
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<td>Erin Courtney</td>
<td>Maine Turnpike Authority</td>
<td>Y</td>
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<td>Eric Dudley</td>
<td>Western Subregion</td>
<td>Y</td>
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<td>Greg Jordan</td>
<td>Transit Committee</td>
<td>Y</td>
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<td>Matt Sturgis, Chair</td>
<td>PACTS Chair</td>
<td>Y</td>
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<td>Sarah Tracy</td>
<td>Freeport</td>
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<td><strong>Guests</strong></td>
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<td>Chris Mann</td>
<td>MaineDOT</td>
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<td><strong>For GPCOG</strong></td>
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<td>Kristina Egan, Ryan Neale, Elizabeth Roberts</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