# PACTS TRANSIT COMMITTEE MINUTES

**April 16, 2020**

<table>
<thead>
<tr>
<th>Name</th>
<th>Affiliation</th>
<th>Attendance</th>
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<tbody>
<tr>
<td>Hank Berg, Vice Chair</td>
<td>Casco Bay Island Transit District</td>
<td>Y</td>
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<tr>
<td>Lori Brann</td>
<td>MaineDOT</td>
<td>Y</td>
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<tr>
<td>Chris Chop</td>
<td>Maine Medical Center</td>
<td>Y</td>
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<tr>
<td>Robert Currie</td>
<td>YCCAC</td>
<td>Y</td>
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<tr>
<td>Jack De Beradinis</td>
<td>RTP</td>
<td>Y</td>
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<tr>
<td>Casey Gilbert</td>
<td>Portland Downtown</td>
<td>N</td>
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<tr>
<td>Rebecca Grover</td>
<td>Maine Turnpike Authority</td>
<td>Y</td>
</tr>
<tr>
<td>Art Handman</td>
<td>City of South Portland</td>
<td>Y</td>
</tr>
<tr>
<td>Bruce Hyman</td>
<td>Planning Committee Appointee</td>
<td>Y</td>
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<tr>
<td>Gregg Isherwood</td>
<td>Custom Coach &amp; Limousine</td>
<td>N</td>
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<tr>
<td>Greg Jordan, Chair</td>
<td>METRO</td>
<td>Y</td>
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<tr>
<td>Patricia Quinn</td>
<td>NNEPRA</td>
<td>Y</td>
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<tr>
<td>Tony Scavuzzo</td>
<td>BSOOB Transit</td>
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### Guests

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<tr>
<th>Name</th>
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<tr>
<td>William Gayle</td>
<td>NNEPRA (in place of Patricia)</td>
<td>Y</td>
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<tr>
<td>Hope Cahan</td>
<td>Vice Chair, PACTS</td>
<td>Y</td>
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<tr>
<td>Nate Moulton</td>
<td>MaineDOT</td>
<td>Y</td>
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### For GPCOG

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<tr>
<th>Name</th>
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<tr>
<td>Kristina Egan, Chris Hall,</td>
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<td>Rick Harbison, Ryan Neale</td>
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1. **Welcome**
   Greg opened the meeting.

2. **Open Public Comments**
No public comments were offered.

3. Acceptance of April 2, 2020 Meeting Minutes
Robert Currie moved acceptance of the April 2, 2020 minutes. Art seconded. All were in favor.

4. Programming CARES Act Funds
Ryan provided an update on the CARES Act funds and reported that FTA released a breakdown of the apportionment for the region 5307 and 5337. There is $30M in 5307 and $22.5M through 5337. Once funds are apportioned, FTA has indicated that 5337 can be treated like 5307 funds, meaning the funding is open to all transit providers. The total CARES funding for the region is approximately $54M.

Hank asked whether agencies should apply to only 5307. Ryan confirmed and explained that once it is apportioned to the region, all CARES transit funding should be treated as 5307. Greg added that there will be a new 5307 CARES Act code in the TRaMS system to select the appropriate source. Lori confirmed.

Ryan summarized the key takeaways from the Transit Committee Workshop indicating that the group came to a consensus on using a February 1st through June 30th timeframe for agencies to estimate their expenses and loss of revenue to submit their request for CARES Act funding. Staff received requests from all seven transit agencies. These requests have been compiled into one spreadsheet, which will be distributed to committee members for closer review.

Ryan provided an overview of the funding spreadsheet and indicated that there were some agencies that returned negative values for some line items and explained his process so that the values were correctly reflected in the totals. Ryan confirmed with the respective agencies that their values were accurately captured in the overall totals.

Hank explained he did not include any loss of revenue in his estimates based on his understanding that it was not allowable. Greg explained the funding will not be used to
plug loss of fare revenue, but rather using the funds to cover 100% of the net operating costs. Thus, by definition, net operating costs are higher due to the loss of fare revenue.

Ryan stated that with all submissions from the transit agencies, the total value projected for phase one is approximately $14M. Ryan noted that PACTS proposed allocating funds to post-pandemic transit planning, developing the framework and CARES Act funding allocation, and improving virtual public participation. The total value of the PACTS allocations is $125,000 and is included in the total value of the request.

Greg indicated that the initial request of $13.7M is approximately 26% of the total allocation to the region and will leave approximately $40M to allocate moving forward and asked whether other members of the committee had any questions regarding the table or numbers presented.

Hank asked for clarification regarding the inclusion of capital expenses in the estimate. Greg confirmed that while capital expenses would be eligible, this first phase of the funding estimates are to only include operating expenses and will defer the discussions and needs to the second phase of the funding allocation discussions.

Bob asked whether there was any consideration made to extend the timeframe past June and whether any considerations had been made regarding the following phases. Greg indicated that the conversations around phase two is the immediate next task and that the purpose of the PACTS allocations specified in the spreadsheet was to specifically support the committee in those discussions. Greg stated that there needs to be a robust and strategic framework for making the decisions in addition to moving along the process quickly—there will be discussion regarding funds for the remainder of the year and moving forward.

Art commented that because not all of the bills and invoices for South Portland are currently in, the numbers he provided to PACTS were estimates. Art questioned whether it would be possible to include a contingency in the split letter for corrections
or additional invoices that might come in at a maximum of a certain percentage. Greg suggested as an alternative method, that once those real expenses are outlined and if they exceed the original estimates, it could be something to discuss in phase two. Art expressed concern over how the grant was filed and whether FTA looked over the split letter, indicating that he would not want to get rejected for a large amount of funds. Art accepted the suggestion by Greg to discuss any overages in phase two as long as there is pre-award authority to cover any overages in phase one.

Jack observed that the assumptions that the various agencies used to estimate their requests could be different. Greg agreed and indicated that METRO’s estimate was based on running Saturday level service through June 30th. He acknowledged the uncertainty of the upcoming months and indicated a need for some degree of flexibility in how funding is utilized and how the pre-existing annual federal funding allocations are included in our decision making.

Patricia Quinn agreed with the observation that the assumptions used to estimate requests will vary by agency and suggested each agency document what their assumptions were in terms of level of service so that the committee is aware and understands that service levels may change as we adapt to the pandemic. Patricia also asked whether there would need to be a breakdown for all expenses in the split letter in terms of what percentages of expenses are 5307 and what percentages are 5311. Greg supported the idea of each agency documenting their assumptions and asked Ryan to assist in ensuring the agencies provide a description of the assumptions made for their level of service in estimating their requests. Greg responded to Patricia’s question and explained that while FTA did make the allocation based on the utilization of the 5307 formulas, all the funding is part of the 5307 funds and there is no reason to segment it.

Hope Cahan expressed that she thought the numbers for the PACTS planning work were low and indicated she would like to revisit when appropriate. Kristina explained that the numbers are estimates, only through June 30th. Kristina indicated she received
estimates from consultants and that the numbers will cover staff time through June 30th, however, it is possible that the numbers were underestimated. Kristina proposed that more detailed estimates on the post pandemic recovery piece be examined in phase two because it will likely require more resources.

Jack asked a question regarding the timeline to receive the funds. He explained that the Regional Transportation Program (RTP) is applying for both 5311 and 5307 and questioned whether the 5307 in March would come in before the 5311. Lori replied that it would not be the case and explained that the 5311 grants will be approved this week and the 5307 will still need to go through the DOL process. DOL has promised to turn those around quickly, however Lori indicated she was uncertain on the timeline on those funds but guessed it would be faster than four weeks. Lori added that to get the funds distributed more quickly, MaineDOT did not require agencies to indicate specific uses for funds.

Bob questioned whether the funds would be distributed monthly or whether it would be distributed as a lump sum for phase one. Lori stated that the MaineDOT will continue to want RTP and YCCAC to invoice separately per month for charges, as it will need to be processed monthly.

Greg asked Patricia whether Northern New England Rail Passenger Authority (NNEPRA) had any more information regarding the emergency funding NNERPA had access to and the process by which that would be allocated. Patricia explained that the amount Amtrak can bill NNEPRA is capped at 80% of what was billed in the previous year. For example, Amtrak expenses for February amounting to $1.9M would be capped at about $700,000 for March and April going forward—it is a reduction of what is billed and was factored into the estimates provided. Greg asked whether it would be appropriate for NNEPRA to provide documentation for their funding process; Patricia confirmed that it would be appropriate.
Kristina asked if a more formal vote could be taken to provide relief to municipalities that provide local match. Many GPCOG municipal members are furloughing employees and experiencing dips in their revenue and stressed that transit agencies and municipalities are all in this together. She explained that municipalities do not have access to CARES Act funds and the State of Maine is under no obligation to filter any funds down to localities. Because that direction was from a Transit Committee workshop, Kristina asked to have a more formal vote from the Transit Committee that agencies intend to provide some municipal relief using CARES Act funds through local match, understanding that it is not applicable to all agencies that do not receive local match. Art explained that as a municipality, 100% of the CARES Act funding will go back to the City of South Portland.

Greg stated that it was an important point to be captured in the documentation in the approval of the funding. Greg indicated that providing relief to municipalities where transit agencies were able was substantive part of the discussions during the Transit Committee Workshop. Greg indicated that the tables were designed to provide the net cost, setting aside existing federal and local allocations so agencies could be in a position to provide that assistance. In the case of METRO, there is interest in taking steps toward that direction.

Hank indicated that Casco Bay Lines' business model does not get funding from municipalities and explained that the ferry's equivalent revenues come from charters and cruises to be used for local match. Because Casco Bay Lines is impacted most in July, August, and September that might be something be discussed in phase two.

Tony expressed support in providing some sort of relief to municipalities, explained that BSOOB transit is underfunded locally and would not be in a position to give back, but rather in a situation to not increase anything. Tony acknowledged the BSOOB Transit's situation is different than that of other transit agencies, and as long as each agency's situation is respected in the motion, BSOOB transit will do their part.
Greg added that for those who have local funding in their budgets will do what they can to give back to the localities at the direction of their respective governing bodies. Greg agreed that the next phase should include more discussion on how the CARES Act funding should be utilized to help cities and towns. Kristina added that GPCOG will send a letter to the Governor asking that some of the CARES Act funding be sent directly to municipalities. GPCOG is also working with the congressional delegation on follow-on CARES legislation that will provide financial relief to municipalities.

Greg asked committee members whether there were any questions regarding the process around phase two of the funding allocation process. Kristina explained that she was taking note of issues that came up during the discussion to be further addressed in phase two. Kristina welcomed any input regarding key issues the committee would like to discuss in phase two and indicated that GPCOG is contracting with a facilitator in the next few weeks to assist with those conversations.

Hank questioned whether there was a goal to submit for phase two funding and if the goal should be to submit by the end of May given that it might take as much as 30 days to process. Greg stated that he was uncertain of whether there was enough information on how to approach the remainder of the funding to set a goal yet. He indicated there were still many options to work through and did not think the committee should presuppose a goal at this point until the committee meets again to discuss the phase two process. Kristina stated that the phase two process will establish a timeline and process. If committee members had suggestions/ideas/comments regarding the scope of the process, they should feel free to email Kristina or Ryan. Once the split letter is approved, GPCOG will be able to contract with a facilitator to scope the process.

Kristina proposed the discussion around providing relief to municipalities be captured in a directional motion indicating that the transit committee acknowledges that there
may be opportunities to provide relief to municipalities through CARES Act funding and will be discuss it in depth in the phase two of the allocation process.

Chris asked Hank and Patricia how the fare revenues were reflected in the funding estimates, as Casco Bay Lines and Northern New England Passenger Rail Authority might have a slight advantage relative to bus agencies that have suspended service if they are still collecting revenues where others are not. Patricia indicated that NNEPRA has stopped service effective Monday and fare revenues had declined significantly before the suspension of service. NNEPRA explained that March revenues were half of what was anticipated; $20,000 in revenue was projected in April and zero in May. NNEPRA is assuming it will return to some service level in June. Hank stated that Casco Bay Lines revenue had dropped approximately 84% and any revenue projected was subtracted from the ask.

Bob indicated that he supported the effort to provide relief to municipalities, however explained that YCCAC does not receive any municipal support and that it is not within their capabilities to assist municipalities. Greg reiterated that situations would vary among agencies and that agencies that are able, will provide what relief they can in the short term, in the long term as well.

Ryan asked if the motion could include that agencies provide a description of their expected levels of service going forward. Greg confirmed and added that documentation should define the core assumptions used by the transit agencies to inform their funding request. For example, METRO’s assumptions were based on sustaining Saturday level service with fares suspended through June 30th. Greg suggested that a second part of the motion, beyond the support of cities and towns as able, that agencies will provide PACTS with documentation to describe assumptions to the financial tables.
Jack asked whether allocation to the municipalities would come from the available funds from the total pot or directly from the agencies. Greg explained CARES funding would be distributed to the transit agencies.

Bob made a motion to:

- Approve allocations as presented in the CARES Act Funding table provided by PACTS Staff
- Agencies will provide PACTS with documentation of the methodologies and core assumptions used to inform CARES Act funding requests
- Agencies will endeavor to use CARES Act funding to provide relief to cities and towns during the first phase.

Patricia seconded the motion. All were in favor.

5. Other Business

Kristina explained that one of PACTS's priorities is to attract more capital funding to the region. This year, PACTS is not prepared to submit a capital project for the current BUILD grant round. But, PACTS is considering submitting a BUILD planning grant focusing on advancing Transit Tomorrow’s recommendations.

The group then discussed next steps on CARES funding. Greg questioned suggested the Transit Committee meet quickly to discuss phase two. Kristina asked Greg if METRO would be willing to be the direct recipient for the planning funds, Greg confirmed. Kristina described the next steps to be getting a contract in place with METRO and the consultant and try to have a meeting with the consultant in the next two weeks. However, it would largely depend on the time it will take to complete the contract. Art asked whether there was any local match requirement for the planning process and Kristina replied it would be covered 100% by the CARES Act funds.

Greg asked Ryan if he was able to get the split letter out and signed by the group as quickly as possible. He confirmed and indicated that transit agencies will first need to
look closely at the spreadsheet, and get more direction on FTA on what else would need to be incorporated in the split letter—Ryan indicated something could be circulated by early to mid-next week. Ryan will also share the split letter with those who are not required to sign it but are part of the committee.

Kristina said staff would aim to the start the phase 2 CARES allocation process with the consultant at the next Transit Committee Workshop.

Lori added that if Commissioner Van Note needs to sign the second split letter, please follow up with she or Nate to ensure that it gets to signed by the Commissioner.

6. Adjourn

Hank moved to adjourn; Jack seconded. All were in favor.

Upcoming Meetings:
- April 23, 3:00 p.m. – PACTS Policy Committee
- April 24, 9:30 a.m. – Transit Tomorrow Public Advisory Committee
- April 28, 1:00 p.m. – PACTS Transit Committee Workshop
- May 14, 9:30 a.m. – PACTS Transit Committee