

Regional Transportation Advisory Committee

June 7, 2022

9:00 a.m.

Meeting Minutes

Seat	Representative	Attendance
PACTS Southern – Municipal	Diana Asanza	Y
PACTS Southern – Planning/ Economic Development	Jessa Berna	
PACTS Southern – Public Works/ Engineering	Tom Milligan	Y
PACTS Central – Municipal	Matt Sturgis	
PACTS Central – Planning/ Economic Development	Nell Donaldson	Y
PACTS Central – Public Works/ Engineering	VACANT	
PACTS Western – Municipal	VACANT	
PACTS Western – Planning/ Economic Development	Steve Puleo	Y
PACTS Western – Public Works/ Engineering	Katherine Kelley	Y
PACTS Northern – Municipal	Bill Shane	Y
PACTS Northern – Planning/ Economic Development	Theo Holtwijk	Y
PACTS Northern – Public Works/ Engineering	Adam Bliss	
Transit	Hank Berg	Y
Transit	Patricia Quinn	Y
Transit	Jack De Beradinis	Y
Transit	Mike Tremblay	Y
MaineDOT	Ryan Neale	Y
Maine Turnpike Authority	Rebecca Grover	Y
Active Transportation Specialist	Jean Sideris	Y
Environmental Specialist	Christian MilNeil	Y
Community Transportation Leader	Leeann Brionez	
Community Transportation Leader	Mireille Kabongo	
Private Sector Trade Association	Eamonn Dundon	Y

1. Welcome

Nell Donaldson opened the meeting and welcomed the attendees.

2. Public Comment

There was no public comment.

3. Approval of the May 3, 2022 Meeting Minutes

Mike Tremblay moved to approve the May 3, 2022 meeting minutes as written. Bill Shane seconded. All were in favor; Theo Holtwijk abstained.

4. Staff Report

Chris Chop, GPCOG, gave an update on the status of the distribution of America Rescue Plan Act (ARPA) funds. In March 2022, RTAC voted on a suite of investments to improve public transit using ARPA funding (\$7 million in improvement projects and \$1 million in operating funds for Casco Bay Lines & NNEPRA). The PACTS Policy Board approved RTAC’s recommendation by an 11-9 vote. However, there is a federal requirement that a “split letter” be signed by six agencies in order to release the funds; one agency has signed. Four agencies expressed concerns with the split letter and also with

the PACTS Transportation Funding Framework. Staff has put together a task force to address the concerns with the Framework; the task force will begin its work in late June.

There was no public comment.

Christian MilNeil expressed his hope that transit agencies will sign the split letter releasing the ARPA funds to help transit riders. Nell Donaldson indicated that the PACTS Policy Board meeting was productive, and she believes there is a path forward.

5. RTAC Chair and Vice Chair Elections

In April, Aubrey Miller, GPCOG, asked RTAC members for nominations for Chair and Vice Chair. She received one nomination for Chair (Nell Donaldson) and one nomination for Vice Chair (Mike Tremblay). The staff recommendation is to elect Nell Donaldson as Chair and Mike Tremblay as Vice Chair for FY2023. Bill Shane moved to approve the recommendation; Tom Milligan seconded.

There was no public comment.

Patricia Quinn asked if METRO's loss of a seat on RTAC in December would affect Mike Tremblay's role as Vice Chair, if elected. Aubrey answered yes, and that RTAC will need to find a solution at that time. One option is the change the transit agencies' calendar year terms to align with the fiscal year terms in the PACTS bylaws. Patricia also asked if the officers could represent more diverse areas in the region. Aubrey answered that the bylaws recommend, but do not require, that the officers represent different subregions.

After some discussion, the committee agreed to vote on the motion, as is, with the understanding that the committee will need to revisit the issue before the end of the calendar year. All voted in favor.

6. Transportation Investment Strategy

Part A: PACTS' 2025 MPO Allocation

Each year, PACTS receives an allocation—the “MPO Allocation”—of state and Federal Highway Administration (FHWA) capital improvement funding through the Maine Department of Transportation (MaineDOT). PACTS splits the FHWA funds between the Collector Paving Program (40%) and Complex Projects (60%). For collector paving, the PACTS region is divided into three subregions and funds rotate through the subregions each year. For complex projects, funding is allocated on a competitive basis after a call for projects and scoring process. Also, complex project funding is allocated to projects in two phases—first for preliminary design report (PDR), and then for construction once PDR is completed. When PACTS decides to fund a complex project for PDR, it's also making a commitment to fund the project through construction. In October 2021, the PACTS Policy Board directed staff not to issue a call for new complex projects for the 2025 MPO Allocation due to the fact that PACTS had already funded seven projects that were still in the PDR stage and carried a future construction commitment of approximately \$17 million. Now, all seven projects are still in the PDR stage and are still not ready to receive construction funding. With no *new* complex projects to fund for *PDR*, and no *existing* complex projects ready for *construction* funding, staff developed two possible scenarios for the 2025 MPO Allocation. Scenario 1 directs most of the 2025 allocation to Collector Paving and the 2026 allocation to Complex Projects. This scenario would allow road segments in the South subregion to be paved early and would give previously funded complex projects more time to complete PDR. Scenario 2 is nearly the same as Scenario 1 but allocates some of the excess funds

from the 2025 allocation to the Saco Island Multimodal Bridge, a complex project that scored well last year but did not receive funding due to its high construction cost estimate.

Christopher Parelius, a member of the public, asked if the Saco Island Multimodal Bridge was part of the Eastern Trail bridge using the rail line. Aubrey Miller, GPCOG, stated she believes it is separate.

Christian MilNeil confirmed this is the bridge from Saco Island to the Biddeford Mill District. He stressed the need to invest money in transformative projects that align with the climate goals of the state, and expressed support for the bridge.

After some discussion about collector paving, Chris Chop, GPCOG, reiterated that the rationale behind funding collector paving with the 2025 allocation is that there are no complex projects ready to be funded. If funds were allocated to complex projects, those funds would sit idle until the projects move into the construction phase. Katherine Kelley added her support for the Collector Paving Program, noting that it is easier to fund sidewalks locally than it is to fund paving.

Tom Milligan expressed support for Scenario 2, noting that the Saco Island Multimodal Bridge scored higher than less expensive projects that received funding last year.

Christian MilNeil made a motion to recommend Scenario 2; Tom Milligan seconded the motion. There were 14 votes in favor and 2 (Hank Berg and Jack De Beradinis) abstentions; the motion carried.

Part B: Preparing for New Funding

The Infrastructure Investment and Jobs Act (IIJA) is a generational opportunity that will offer more annual funding and discretionary opportunities. While the amount of funding is still unknown, PACTS should prepare now to be ready to submit projects for MaineDOT's Work Plan and to apply for competitive discretionary funding. To prepare, PACTS and the region can finalize studies, complete preliminary design reports (PDRs), prioritize investments, coordinate with MaineDOT and PACTS' congressional delegation, secure local match, and apply for funding. Connect 2045 will assist in prioritizing projects but is still underway. Short-term resources to help identify a shortlist of projects for when additional funding becomes available include GPCOG's "shovel ready/shovel worthy" project list (even if outside of the PACTS process right now), prior PACTS plans and studies, and coordination with MaineDOT. The hope is to get projects into the pipeline so they can be efficiently advanced and ultimately put into MaineDOT's Work Plan, which they'll develop in the summer and fall.

Nell Donaldson asked for clarification about how Part A relates to Part B. Chris Chop, GPCOG, responded that the complex projects are all in design and not ready for construction funding, but are certainly candidate projects for future funding and funding those projects could potentially be one solution. Another solution would be to identify other projects that are local priorities that were submitted for that shovel ready/shovel worthy list. Another option would be to look at PACTS plans and studies to see what other projects are out there.

Christopher Parelius, a member of the public, asked for clarification on what a complex project is. Aubrey Miller, GPCOG, explained that a complex project is a large project funded in two phases—preliminary design report (PDR) and construction—through PACTS. Nell added that most of the "shovel ready/shovel worthy" projects are outside of the PACTS funding structure. Chris Chop, GPCOG, gave examples of complex projects—intersection redesigns, multiuse trails, enhanced signalization projects, bicycle/pedestrian bridges, complete streets improvements.

Ken Capron, a member of the public, asked why PACTS has not adopted the Benefit Cost Analysis (BCA) from United States Department of Transportation (USDOT). Chris Chop answered that the BCA is one tool used by federal partners to screen and evaluate projects. It is very time consuming and resource intensive.

Bill Shane said he believes PACTS should have a more fluid process for tracking PDRs to keep people on track and to help get projects to the construction phase. He also spoke about the importance of communication between PACTS and MaineDOT so they know what projects are upcoming and can comment, if necessary. Chris Chop agreed and stated that this is already on staff's to-do list. Tom Milligan stated that while he agrees with Bill regarding a more streamlined process and accountability, consideration should be made for projects that are slowed by things out of their control. Bill added that when municipalities receive PDR funding, they should be in contact with PACTS staff to ensure they know what the next steps are and what their roles are. With historic funds available, it is more important than ever to get projects through the PDR process and ready for funding for construction.

Nell summarized the discussion, noting she heard it is important to hold everyone accountable and to expedite PDRs. Regarding the shortlist of projects, she said it makes sense to draw projects from the GPCOG shovel ready list, ensure they are ready, and bring a shorter list back to committees for review.

7. Connect 2045 Call for Projects Evaluation Criteria Review

Staff's tasks are to identify all regionally significant transportation projects in the PACTS region, estimate available funding over the next 20 years, and sort projects into a "fiscally constrained" (within predicted funding) list and an "illustrative" (beyond financial means) list. Currently, staff are developing the evaluation criteria and assembling a project scoring team. PACTS also held a public workshop on May 19 and launched a survey that same day. (Note: The slide desk from staff's presentation is available in the [June 7 RTAC meeting packet on the GPCOG website](#).)

Ken Capron, a member of the public, noted that Connect 2045 does not offer any opportunities for private enterprise unless they have a sponsor, and wondered how he could submit MicroRail. He wondered how Connect 2045 complies with Sections 5306, 5312, 5309, 5315, which encourage private enterprise. Chris Chop, GPCOG, replied that this process and PACTS' selection of projects are governed by PACTS' Transportation Improvement Program (TIP) Policies and Procedures, which spell out the discretion MPOs have on entities eligible for federal funding that is administered by PACTS. He added that he encourages nonprofits and private ventures to work with municipal partners and transit providers to submit projects that have local buy-in and support.

Mike Tremblay expressed his concern with using AAA as a safety scorer, as AAA prioritizes vehicular drivers over pedestrians and bicyclists. He hopes they are replaced with another organization with a well-rounded background in safety for all transit users. Mike added that including more categories dilutes the weight of the existing categories.

Ryan Neale liked the idea of incorporating the feedback from the survey directly into goals. He also wanted clarification on whether the volunteer experts would score a single project or all the projects, barring any conflict of interest. Rick Harbison, GPCOG, replied that the volunteer experts would score all of the projects.

Hank Berg expressed his concerns about modal equity in the scoring and stated the Casco Bay Lines does not fit under some of the categories listed. Chris Chop replied that there are categories that a ferry provider would score well under. Rick added that the Connect 2045 project lists do not include operations and maintenance. Also, Transit Tomorrow did identify the ferry corridor as a priority corridor.

Patricia Quinn stated that she is concerned about quantitative scoring being applied to qualitative criteria. She also mentioned that there is not a clear process on how projects that are not funded through PACTS are scored. Patricia added that there is not even a scoring framework for the Funding Framework for operational enhancement projects. She stated that a “siloed” approach to the scoring is contradictory to network development. Patricia mentioned that the application requires a brief description of the project while the criteria is very detailed. Additionally, the application does not require applicants to list funding sources, time frame, and local match. Finally, she indicated that evaluating regional significance should be reviewed by transit experts and not staff. Rick Harbison stated that projects that are not seeking PACTS funding would not go through the scoring process but would be included as part of Connect 2045. He stated that scoring metrics will be reviewed again by staff and the scoring team and metrics (or questions) will be removed if needed. Additionally, staff wanted to ensure more diverse voices at the table (Community Transportation Leaders, Bus Ambassadors, etc.).

Christian MilNeil stated that the reduction of vehicles miles traveled and infrastructure costs may be missed in the scoring metrics but understands the current metrics, such as Supporting Great Places, may address those issues. He expressed support for the scoring metric but clarified that this is just a call for projects and not a guarantee of funding.

Mike Tremblay noted that Connect 2045’s call for projects scoring lacks a bit of the equity that would ensure they are serving areas of need.

Theo Holtwijk stated that any project that is regionally significant, whether funded by PACTS or another source, should be added to Connect 2045 to increase the viability of the project. He added that projects that fall outside of the funding eligibility areas should still be scored for regional significance. Theo stated that Connect 2045 should be an advocate for the entire region and not just the communities that fall under the funding eligibility region.

Chris Chop responded that the Capital Management Area specifies where PACTS can spend federal capital funding. The area was formed based on the 2010 census and redrawn by the PACTS Policy Board, MaineDOT, and municipalities. Staff did not feel comfortable requiring municipalities from outside the Capital Management Area to submit projects when they could not be funded by PACTS. Finally, MaineDOT has separate processes and statewide planning efforts that govern the way they select projects outside the Capital Management Area (in collaboration with the MPO).

Hank Berg expressed his concern about submitting projects that will not be funded by PACTS out of fear of it scoring low and inhibiting their chances of being awarded funds from other competitive sources. He also wanted to volunteer a Casco Bay Lines project to run through the scoring system.

Tom Milligan wondered if the current application should go through a screening committee. If the screening committee approves, a more detailed application is sent and then eventually reviewed by the scoring team. Chris Chop replied that there is already a two-step process through the scoring metrics and then the Funding Framework. However, he restated that submitting a project through Connect 2045 does not automatically guarantee the applicant for PACTS funding. He added that if more information is needed that staff will reach out, but there is a list of frequently asked questions on the [Connect 2045 website](#).

Patricia restated her concern about projects being listed in Connect 2045 with low scores having a negative impact on future funding opportunities. Rick Harbison stated that he does not envision including scores in the plan but rather listing projects as short/long-term projects under “fiscally constrained” and “illustrative” lists.

8. Review of the Draft 2022 Five-Year Capital and Operations Plan (FYCOP)

PACTS is responsible, as the metropolitan planning organization (MPO) for the region, for the annual programming of the Federal Transit Administration (FTA) funds. The 2021 Infrastructure Investment and Jobs Act (IIJA) brought a historic increase in federal funding for transit; the region's apportionments for FY2022 include nearly \$14 million in Section 5307 funds, approximately \$300,000 in Section 5310 funds, and more than \$13 million in Section 5337 funds. However, ridership has not returned to pre-pandemic levels and costs have increased due to inflation.

Section 5307 and 5337 funding is allocated via annual updates to the region's Five-Year Capital and Operations Plan (FYCOP). The Transit Task Force met three times in May and June to prepare the Draft 2022 PACTS FYCOP. The 5337 draft budget is balanced through 2026, but the 5307 draft budget shows annual deficits for 2023-2025 (ending with a surplus of approximately \$2.5 million in 2026), due to increased costs such as the ferry replacement. As the FYCOP is a budget of anticipated needs rather than a prioritization tool, it is difficult to know how to address projected deficits, but the Transit Task Force will work to identify strategies. The Task Force will also work to establish a shared understanding of the methodologies used for accounting for CARES (Coronavirus Aid, Relief, and Economic Security) Act funds and how receipt of those funds impacts an agency's request for Section 5307 funds. The FYCOP will be brought before PACTS Executive Board at the end of June 2022.

Donna Tippet, South Portland Transportation Director, speaking as a member of the public, stated that the 5307 numbers in 2025 do not include ARPA (American Rescue Plan Act)-funded METRO service improvements; if they are included, they could lead to further deficits. Mike Tremblay agreed that no ARPA projects are included, but there is a mechanism to get funding for those through the 12% of 5307 funds that will be set aside beginning in 2023. He also noted that agencies should look at grants to see if there is any unspent grant funding that could be rolled forward. Mike added that the possibility of leveraging 5337 funding to offset the deficits in 5307 should be explored.

Christian MilNeil asked if PACTS can approve a budget that shows a deficit. Nell Donaldson replied that the goal is to get to a balanced budget. Chris Chop, GPCOG, added that balancing can include not only finding new funds but also shifting funds. Christian expressed hope that agencies can look at their capital budgets and find alternative funding or postpone projects or seek public-private partnerships, and protect operations funding, particularly for bus service.

Patricia Quinn pointed out that we only need to approve the funding for 2022 and the rest is a planning scenario. She added that the FYCOP is a lot of very technical work, and thanked her colleagues and PACTS staff for their collaboration on the Transit Task Force.

Hank Berg acknowledged a new ferry is a big expense, but noted that maintaining it at the end of its life is very expensive. He added that Casco Bay Lines and NNEPRA worked together to get \$2 million in 5337 funds for the ferry, which reduces the burden on 5307. Also, Casco Bay Lines was able to get \$4 million in getting discretionary funding for the hybrid electric propulsion system of the second ferry.

9. Other Business

There was no other business discussed.

10. Adjourn

With no objections, the meeting was adjourned.