

PACTS Policy Board

July 22, 2021

10:00 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 (for Chris Branch)	✓
Portland	Nell Donaldson (for Andrew Zarro)	✓
Raymond	Nathan White	
Saco	VACANT	
Scarborough	Jay Chace	✓
South Portland	Kate Lewis	✓
Standish	Michael Delcourt	
Westbrook	Eric Dudley	✓
Windham	Barry Tibbetts	
Yarmouth	Rob Waeldner	

Non-municipal Members		
MaineDOT	Jennifer Brickett	✓
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	Craig Pendleton	
Casco Bay Lines	Hank Berg	✓
METRO	Greg Jordan	✓
NNEPRA	Patricia Quinn	✓
Reg. Transp. Program	Jack DeBerardinis	
So. Portland Bus Serv.	Donna Tippet	✓
York Co. Comm. Action	Robert Currie	✓

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. Acceptance of the May 25, 2021 Policy Board Meeting Minutes

Jay Chase moved to accept the May 25, 2021 meeting minutes as written; Erin Courtney seconded. All were in favor.

4. Chair's Report

Matt thanked staff for their video reports suggestion.

5. Regional Transportation Advisory Committee (RTAC) Report

Tom Milligan highlighted five items RTAC discussed at their most recent meeting:

- Concord Coach Lines Phase IV Funding Request
- Rapid Transit Feasibility Study
- Autonomous Vehicle Shuttle Pilot
- Collector Paving Projects
- Complex Projects

There was concern about using relief funds to support a private company, Concord Coach Lines (CCL), but RTAC felt that CCL provides a fundamental component of the region's transportation network. RTAC supported the Rapid Transit Feasibility Study, despite concerns about the Portland region having adequate population to support this mode. The Autonomous Vehicle Shuttle Pilot was not broadly supported by RTAC, which expressed concern with the state of autonomous vehicle technology and the use of CARES funds for the purpose. RTAC supported the Collector Paving Projects due to the long-term cost benefits of proactive maintenance. RTAC also supported the staff recommendation for Complex Projects.

6. Staff Report

Senator King has advanced the three projects suggested by PACTS for earmarks in the US Senate, which will now be discussed in the Senate:

- Replacement of Casco Bay Lines' "Down-Bay" ferry
- Upgrade of PACTS' Regional Traffic Management System (RTMS) server
- A bundle of collector paving projects, including funding for the Transit Stop Access Project and transit signal priority

The "Transit Together" regional marketing campaign, a collaboration between the region's seven transit agencies, has entered Phase II, which focuses on regaining ridership. Staff showed the campaign's main video which has been broadcast throughout the region and on social media.

GPCOG is seeking applications from Host Sites for the 2021-2022 AmeriCorps Resilience Corps program. The first cohort of Resilience Corps Fellows is serving various agencies, nonprofits, and initiatives until October 2021. A second cohort will serve between November 1, 2021 and October 14, 2022. Applications to host a Resilience Corps fellow are open until August 1. Questions should be directed to Julia Breul, GPCOG's Resilience Corps Program Manager at jbreul@gpcog.org.

7. Adoption of a Remote Participation Policy

Public Law 290 was recently signed into law by the Maine Legislature, permitting members of public bodies to attend public meetings remotely under certain circumstances, including illness, mobility challenges, and long travel times. Staff has developed a PACTS Remote Participation Policy which allows board members to participate in meetings remotely as voting members. The policy includes the language a board member must submit to staff in advance of the meeting should they need to participate remotely. Staff recommended that the board approve the Remote Participation Policy after public discussion.

Ken Capron, a member of the public, asked about the effects on public attendance of meetings. Chris Hall confirmed that PACTS intends to continue allowing for virtual public attendance.

Hope Cahan moved to adopt the PACTS Remote Participation Policy as presented; Jim Bennett seconded. All were in favor.

8. Reappointment of the PACTS Chair and Vice Chair

PACTS bylaws state that the officers of the Policy Board are elected for one-year terms and may be reappointed for only one consecutive year. Chair Matt Sturgis and Vice Chair Hope Cahan are committed to serving in their roles for the period July 1, 2021 to June 30, 2022, and staff recommend their reappointment.

Jim moved to reappoint Chair Matt Sturgis and Vice Chair Hope Cahan; Tom seconded. All were in favor.

9. Appointment of Subregional Representatives to the Executive Board

PACTS bylaws direct the Policy Board to appoint subregional representatives from among their members to the Executive Board. Eric Dudley has been serving as an interim representative for the Western subregion since May 2021. Staff recommend his formal appointment. Staff also recommend appointing Bill Shane as the representative for the Northern subregion.

Tom moved to appoint Eric Dudley as Western subregion representative and Bill Shane as Northern subregion representative; Jay seconded. All were in favor.

10. Allocation of FHWA Funds for Collector Paving Program Projects

The Collector Paving Program (CPP) seeks to preserve roads and proactively prevent the need for full repaving. The budget for the program this year is \$2.2 million. In 2020, PACTS convened a working group to revise the CPP policy. The revised policy details how projects are ranked according to pavement condition, presence of transit, and traffic volume. Staff have generated a list of projects for

2023 based on this policy, and it has been approved by the relevant municipalities and recommended for approval by RTAC. Staff recommend approving the projects list in the packet, after which staff will work with MaineDOT to verify cost estimates through field reviews.

Jim noted that some projects are experiencing substantial cost overruns due to the rising costs of labor and materials. He asked whether the potential for overages was considered, and whether there were adequate funds available to cover those overages. Staff noted that PACTS commits to covering up to 20 percent overages, but some projects could be cancelled if higher priority projects require additional funds. Todd Pelletier of MaineDOT, Jen Brickett, and Keith Gray echoed concerns about substantial cost overruns. Keith suggested potentially bundling projects to increase efficiency, and staff stated that the new collector paving policy promotes project bundling through its subregional selection process. Harold noted that based on recommendations from MaineDOT, the costs shown for the CPP factor in a planned 30 percent cost increase from the initial consultants' estimates. Tom Milligan noted that RTAC acknowledged the importance of funding for the CPP because of the reduced costs of proactive maintenance as compared to later reconstruction.

Jim felt that allocating funds to additional, new projects is not appropriate until the projects that have been planned for previously have been fully funded according to cost estimates based on current economic conditions. Staff noted that the prioritization method for projects could include preference for projects that have been selected in the past. A longer-term discussion of priorities could be necessary, but many of these projects must be completed soon to avoid more expensive repairs later. Matt gave an example of several municipalities jointly submitting projects a few years ago that needed to be shifted back when rising oil prices caused a jump in construction bids. He noted the important role of the board in continuing to balance the region's priorities with any financial constraints. Ephrem felt that projects should receive the amount of their initial cost estimates, and the 20 percent contingency for overruns as needed. Beyond that, municipalities should fund any overages. Nell Donaldson requested that staff make long-range financial projections available to committee members.

Jim asked whether it would be possible to defer action to the following month. He requested that staff identify all outstanding projects that have been approved but not yet awarded. Staff reiterated that for this round of projects, a 30 percent cost increase has been built in. For future rounds, an analysis of outstanding projects would be possible. A project list for the 2023 CPP is due to MaineDOT by the end of July, but Jen and Todd stated that a one-month deferral was possible. Ephrem supported doing an analysis of the amount needed for outstanding projects, noting that the increased costs on many of those projects are likely too much for a municipality to cover. Allen Armstrong asked whether the prioritization system is consistent between current rounds and previously awarded projects, to allow for direct comparison. Harold noted that this current ranking methodology has been in use since at least 2018. Harold also noted that the CPP needs are smaller maintenance projects, whereas the complex projects which have experienced such overruns constitute more significant improvements. Jim asked whether there is a backlog of CPP projects as there is for complex projects. Staff offered to prepare more information and seek approval through the August Executive Board meeting in order to complete this item before MaineDOT's deferred deadline.

Staff noted that the CPP is funded through a set-aside of the region's total FHWA funds, whereas complex projects go through the funding framework. They are not typically considered together. Tom noted that unlike complex projects, CPP projects also do not require municipalities to pay back any engineering and design fees if the project doesn't go through. This is due to the fact that collector paving projects are continuous, without a dedicated phase for preliminary design report (PDR).

Jim moved to approve the list of prioritized CPP projects, to direct staff to work collaboratively with MaineDOT to review and validate cost estimates of the selected segments, and to request that staff present their analysis of project funding at the August Executive Board meeting; Ephrem seconded. All were in favor. Note: the board later opted to convert the August Executive Board meeting to a Policy Board meeting.

11. Allocation of FHWA Funds for Complex Projects

PACTS has approximately \$2.5 million available annually for complex projects. PACTS funds complex projects in two stages—preliminary design report (PDR), then construction funding when PDR is complete. PACTS commits to funding construction of all projects for which it has funded PDR. PACTS received six eligible funding requests for the 2024 complex projects cycle. One request is for construction on a project in Windham for which the municipality had already completed PDR, and the rest are all for PDR costs. Two projects have already been fully funded for PDR and construction but are requesting additional funding due to cost increases.

Staff prepared three options for the allocation of funds:

1. A PDR-Heavy Allocation, which funds all eligible products for PDR, and funds the additional costs for the two projects already fully funded. This option commits PACTS to an additional \$17 million of future construction costs.
2. A Construction-Heavy Allocation, which funds PDR only for the highest-scoring project, funds construction of Windham's project, and funds the additional costs for the two projects already fully funded. This option commits PACTS to an additional \$6 million of future construction costs.
3. A Limited Allocation with Savings, which funds PDR only for the three highest-scoring projects, funds the additional costs for the two projects already fully funded, and leaves \$900,000 unallocated. This option commits PACTS to an additional \$16 million of future construction costs.

Staff recommended Option 1 because it advances the most projects toward "shovel-ready" status, making them eligible for potential federal funding increases or discretionary funding opportunities. RTAC also recommended this option. MaineDOT has recommended Option 2 due to concern about Option 1's over-commitment to construction costs in the future.

Tom emphasized RTAC's support for Option 1 due to the importance of preparing more "shovel-ready" projects. Jen noted that planning for increased future federal funding is a substantial risk, and that committing to fund construction costs for so many projects reduces PACTS' responsiveness to potential new needs that may arise in the future. Jim pointed out the excess cost overages for the two projects already underway, which increased his concern about overcommitting to projects without up-to-date cost estimates. He was concerned about Option 1, which would commit most of the region's FHWA funding for many years. He suggested tabling the issue to give committee members more time to consider and discuss. Todd agreed that overcommitting to future construction costs is dangerous, and he noted that PDR is often not enough to make a project "shovel-ready". Tom asked whether deferring a decision was possible, and staff responded that the agenda item could be moved to the Executive Board meeting in August, converted to a Policy Board meeting.

Ephrem moved to table the Complex Projects debate until the August 24 meeting; Hope seconded. Nell asked whether any data from staff could be helpful for the Board's thinking. Staff showed the model for future construction expenses, assuming steady federal funding and correct construction cost estimates. The model shows that Option 1 commits PACTS to six additional years of construction costs, on top of the three years from previously approved projects.

On the motion, all were in favor.

12. Approval of CARES Act Phase IV Funding for a Rapid Transit Feasibility Study

Transit Tomorrow, the region's long-range transit plan, included a recommendation to study the feasibility of rapid transit on the Gorham-Westbrook-Portland corridor. In Phase III of the CARES Act funding, PACTS allocated \$25,000 to scope that study, and Colin Burch was hired to manage the study. Rapid transit describes a combination of signal priority, dedicated transit lanes, and modified stops to provide a frequent, reliable, and high-capacity transit connection. A study is intended to position PACTS to ultimately fund the project through the FTA's Capital Improvement Grant. RTAC unanimously approved the project. Staff recommended the allocation of \$800,000 in CARES Phase IV funds for the Gorham-Westbrook-Portland Rapid Transit Feasibility Study.

Ken Capron asked about the relationship between the study and MicroRail. Staff noted that the rapid transit study is not tied to a particular mode of transit and will evaluate a range of feasible options.

Will Gayle stated his support for the study but was concerned about using CARES funding for this when there are unmet, more immediate needs to regain ridership in the region's transit system. Hope supported the study, citing rapid transit as a potential means of increasing ridership. Donna stated that the unmet need referenced by Will includes multiple South Portland Bus Service (SPBS) buses in need of replacement. She felt that ridership could be improved by having new, reliable buses. She also felt that this project should go through scoring via the Funding Framework before moving ahead. Tom agreed with concerns about using CARES funds and asked whether a local match would be required as part of this project. Hank Berg opposed funding the project because of the CARES funding issue,

the cost overruns issue, and the lack of a Funding Framework process. Greg supported the project. He felt it was aligned with PACTS' Priority 3 for CARES funding because rapid transit was an innovation intended to help recover ridership. He felt that the study should not go through the Funding Framework process because it was specifically recommended as part of Transit Tomorrow, a result of extensive stakeholder engagement and planning.

Keith felt that the price was high for a study. He asked whether there was support from the relevant municipalities. Staff noted that the cost was consistent with examples from peer agencies. There have been conversations with the relevant municipalities, but the study would provide a more clear plan so that municipalities could take a position. Nell stated that there was support from many members of RTAC for using CARES funds to innovate and improve transit. She noted that the city of Portland is building its future planning and land use strategies around transit, so transit improvements must be set in motion now. Eric agreed on behalf of Westbrook. Hope supported advancing the project without municipal commitments. She felt that local leaders would need a more clear picture of their options before committing. She saw the study as an important step towards meeting the state's climate goals and building back ridership. Kate Lewis agreed with the long-term need for this planning. She was concerned about the cost for a project which would not contribute for many years to the immediate need to rebuild ridership. She asked whether the project has been compared with potential other recommendations from Transit Tomorrow which could help rebuild ridership in the next 3-5 years. Staff noted that PACTS is simultaneously working on some aspect of all the recommendations from Transit Tomorrow. Prior to the PACTS reorganization, the previous Transit Committee and Executive Committee funded this project scope with the plan to go through with the project. Erin supported funding the study as a critical component of innovating to regain ridership.

Erin moved to approve \$800,000 in CARES IV allocations for the Gorham-Westbrook-Portland Rapid Transit Feasibility Study; Hope seconded. Carlos Pena noted that rapid transit is complex and requires a long, extensive planning process. He felt that PACTS should avoid potentially short-sighted concerns about cost and approve the study to begin that planning work now. Jen supported the study and noted that MaineDOT was prepared to assist in the process.

On the motion, Hank and Donna were opposed, all others were in favor. The motion carried.

13. 2022-2023 Draft Unified Planning Work Program (UPWP) Budgeting

Staff are developing the \$2.7 million 2022–2023 UPWP. MaineDOT has announced that they will allow 15 percent of unused funds in a prior UPWP to be carried over to future UPWPs, which this UPWP will do. Based on feedback from the Executive Board, staff created a plan and budget of the UPWP for approval by the Policy Board. After review by FTA, FHWA, and MaineDOT, the UPWP will be submitted for final Policy Board approval in October 2021. The UPWP is organized around four main priorities, each of which are broken down into individually budgeted elements in the agenda:

1. Coordination and Administration
2. Program and Seek Funds

3. Plan for the Future
4. Implement Plans and Mobility Improvements

Federal funding in the UPWP must be matched at 20 percent. MaineDOT provides a 15 percent match on FHWA funds, leaving a 5 percent local match to be collected from the region's municipalities. Staff proposed to the Executive Board in June that this local match be distributed proportionally across the region's municipalities based on four evenly weighted metrics: population, employment, total collector and arterial lane miles, and vehicle miles travelled (VMT). Based on Executive Board feedback, staff are preparing alternatives which would focus on the PACTS capital management area rather than planning area and include municipal tax revenues as a factor in distributing local match.

Contrary to their approach to FHWA funding, MaineDOT does not contribute match to FTA funding, so the region's municipalities must provide the full 20 percent local match. In accordance with a request from the Executive Board, staff are coordinating with other Maine MPOs and MaineDOT to formally request that MaineDOT contribute a 15 percent match for FTA planning funds.

Jen noted that priority 2H, "Seek New Funding for PACTS Priorities," could be conflated with advocacy, which is a prohibited use of federal funds. Staff stated that this item consists only of writing grants and taking advantage of existing funding sources. Will asked whether the locations for 3E, "Transit Tomorrow: Create Transit Friendly Places" had been identified. They have not.

Will moved to approve the draft UPWP tasks, elements, and budgets; Erin seconded. All were in favor.

14. Allocating CARES Act Phase V-VI and ARPA Funds

This item was postponed to the August Policy Board meeting without objection.

15. Other Business

The August Executive Board meeting time will be used for a Policy Board meeting. It will begin at 9 am on August 24, and will be in person.

16. Adjourn

Erin moved to adjourn; Allen seconded. With no objection, the motion carried.