

PACTS Policy Board

July 28, 2022

11:00 am–1:00 pm

Meeting Minutes

Municipal Members		
Arundel	VACANT	
Biddeford	Jim Bennett	
Cape Elizabeth	Matt Sturgis, outgoing chair	✓
Cumberland	Bill Shane	
Falmouth	Hope Cahan, incoming chair	✓
Freeport	Jake Daniele	✓
Gorham	Ephrem Paraschak	✓
North Yarmouth	Diane Barnes	✓
Old Orchard Beach	Diana Asanza	
Portland	Keith Gray	✓
Portland	Roberto Rodriguez	
Raymond	Nathan White	
Saco	Patrick Fox, incoming vice chair	✓
Scarborough	Angela Blanchette	✓
South Portland	Kate Lewis	✓
Standish	Michael Delcourt	
Westbrook	Eric Dudley	✓
Windham	Barry Tibbetts	
Yarmouth	Scott LaFlamme	✓

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 Liaison	Tom Milligan	✓
BSOOB Transit	Chad Heid	✓
Casco Bay Lines	Hank Berg	✓
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.	Rachel Levee	
Federal Transit Admin.	Leah Sirmin	

1. Welcome

Matt Sturgis opened the meeting and welcomed the attendees.

2. Board Appointments

Matt Sturgis presented several proposed board appointments:

- PACTS Chair—Hope Cahan
- PACTS Vice Chair—Patrick Fox
- RTAC Liaison to the Policy and Executive Boards—Tom Milligan
- Executive Board, Northern Subregion Representative—Scott Laflamme

Allen Armstrong moved to confirm the board appointments as presented; Diane Barnes seconded. All were in favor. (Weighted vote: 48–0; standard vote: 18–0)¹

Hope Cahan recognized and thanked Matt for his service as chair.

3. Public Comment

No public comment was received.

4. Approval of the May 24 Policy Board Meeting Minutes

Matt Sturgis moved to approve the May 24 meeting minutes as written; Patrick Fox seconded. Dale Doughty and Scott Laflamme abstained; all others were in favor. (Weighted vote: 47–0; standard vote: 17–0)

5. Chair's Report

There was no report from the chair.

6. Regional Transportation Advisory Committee (RTAC) Report

Tom Milligan noted several items recently discussed at RTAC would be discussed later in the meeting.

7. Staff Report

At its July 11 meeting, the Portland city council adopted a resolution with requests of GPCOG and the Maine Turnpike Authority (MTA) regarding GPCOG's Gorham-Westbrook-Portland Rapid Transit Study and MTA's proposed Gorham Connector. Staff will meet with MTA to identify opportunities for collaboration between the two efforts, and return to the Policy Board for additional guidance regarding a response to the Portland city council's resolution at a future meeting.

A "State of the System" report has been posted to transittogether.org, documenting the region's transit demand, existing services, and opportunities for collaboration. The project team is working on two network design scenarios based on a workshop with the region's transit agencies. An upcoming second workshop will focus on opportunities for increase coordination and collaboration between agencies.

Staff will soon submit an application for funding under USDOT's [Safe Streets for All](#) program. The funding will support development of the region's Vision Zero Policy. Having such a policy in place will unlock additional funding opportunities for the region.

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

At its July 19 meeting, the Transit Task Force resolved all outstanding technical issues with the ARPA split letter. The split letter awaits signature by the region's designated recipients based on progress made by the Funding Framework Task Force to review the Transportation Funding Framework. The process has been positive and productive.

Per PACTS bylaws, meetings are held in accordance with the current version of Robert's Rules of Order. The current version is the 12th Edition.

8. TIP Amendment: Westbrook, Route 25 Project

MaineDOT has requested PACTS amend its TIP to transfer \$863,357 in state construction funding from the MaineDOT Holding WIN to a MaineDOT-sponsored project in Westbrook. The project will apply an ultra-thin bonded wearing course to an approximately 1-mile section of William Clark Drive (Route 25). The amendment was posted for a 10-day public comment period; no comment was received.

Diane Barnes moved to approve the TIP amendment as presented; Tom Milligan seconded. All were in favor (Weighted vote: 52–0; standard vote: 21–0)

9. Approval of 2024 Collector Paving Projects

PACTS' 2024 MPO Allocation is \$4,121,609. 40 percent of this funding is reserved for collector paving—this year totaling \$1,648,643; to be matched by an additional 25 percent in local funding. Per PACTS' Collector Paving Program Policy, the proposed segments were selected according to poorest condition (but not so poor as to require full rehabilitation or construction), and reviewed by MaineDOT to confirm estimated costs. The list of proposed segments as presented in Attachment 9-A was reviewed and recommended for approval by the Collector Paving Working Group and RTAC.

Matt Sturgis moved to approve the list of 2024 Collector Paving Program projects; Allen Armstrong seconded. Bill Shane was opposed, all others were in favor. (Weighted vote: 45–2; standard vote: 19–1)

10. Transportation Funding Strategy and Allocation of PACTS' 2025 FHWA Capital Improvement Funds

PACTS' 2025 FHWA MPO Allocation is \$5.8 million, including \$1.6 million in state funding to support the PACTS Municipal Partnership Initiative (MPI) and \$4.1 million in federal funding to support the Collector Paving Program (40 percent of federal funding) and Complex Projects Program (60 percent of federal funding). Funding for complex projects is allocated through a competitive application process and is awarded in two phases: 1) preliminary design report (PDR), and 2) construction. Awarding PDR funding to a complex project commits PACTS to also funding its construction once PDR is complete.

In October 2021, the Policy Board voted not to launch a call for complex projects for 2025 funding. Seven active projects are still in the PDR phase and are not ready to accept construction funding.

At its June 7 meeting, RTAC recommended a funding strategy for consideration of the board:

- Fund PDR for the Saco Island Multimodal Bridge project (including a future commitment of \$6 million of construction funding).
- Use the remaining 2025 FHWA MPO Allocation to support the Collector Paving Program. This would fund projects for paving in 2025 in the Southern subregion, in addition to the Northern subregion as scheduled.
- Use 100 percent of the 2026 FHWA MPO Allocation to support the Complex Projects Program.

Allen Armstrong moved to adopt the funding strategy as presented; Tom Milligan seconded.

Staff anticipated construction funding will be awarded on a first-come-first-served basis as PDRs are completed.

Patrick Fox noted the construction estimate for the Saco Island Multimodal Bridge, connecting the Saco Transportation Center with the Biddeford Mill District, is not based on the lowest-cost option, so there may be opportunities to mitigate cost increases. Staff noted the project is expected to be competitive for discretionary grant funding.

On the motion, Eric Dudley was opposed, Hank Berg abstained; all others were in favor. (Weighted vote: 46–5; standard vote: 19–1)

11. Approval of Complex Projects Task Force Recommendations

PACTS' Complex Projects Program allocates funding to projects in two phases: 1) preliminary design report (PDR), and 2) construction. Project sponsors may request funding for PDR and construction or funding for construction only. Awarding PDR funding to a project commits PACTS to also funding its construction once PDR is complete, barring substantial changes in project costs or feasibility.

In 2021, the program had approximately \$2.5 million in funding, and received 9 applications requesting \$3.6 million in PDR funding plus an additional \$24 million in future construction funding commitments. Two existing projects requested additional funding for construction cost overruns. PACTS' extant construction funding commitments totaled \$17 million. In October 2021, the Policy Board appointed a Complex Projects Task Force to recommend revisions to the policies related to the selection and funding of complex projects, with an emphasis on balancing enough projects in the PDR phase and not overcommitting to future construction funding.

The task force developed the following major recommendations:

- Project sponsors must complete Horizontal-Vertical Alignment Complete (HVAC) before applying for PACTS funding. This helps identify major right-of-way, historic, environmental, and other barriers earlier in the process to reduce unexpected cost increases.
- The scoring criteria would award 1 bonus point for each additional 5 percent of local match put forward by the project sponsor above the minimum 25 percent. This incentivizes additional local funding, allowing PACTS funding to stretch further.
- From each annual allocation, the Policy Board would first replenish the Holding Win to a minimum of \$240,000 as required by MaineDOT, and allocate additional funding to the Holding WIN for construction overruns. This would better prepare PACTS for construction overruns.
- Project sponsors may continue to request additional funding for construction overruns up to 20 percent of total construction costs. However, this funding would require a 50 percent local match. This allows PACTS funding to stretch further.
- Project sponsors must complete PDR within two years of the funding having been awarded. If this target is not met, project sponsors must present an explanation to the Policy Board. This increases PACTS' understanding of project delays, and encourages accountability from project sponsors.
- The Policy Board would review the process in four years. Staff noted the Policy Board is empowered to review the process sooner, if desired.
- PACTS should increase funding to the Complex Projects Program and decrease funding to the Collector Paving Program. This recommendation was beyond the scope of the task force and is not part of today's action.

Hope Cahan asked for public comment. Ken Capron of Portland urged the board to simplify its procedures. Hope closed the public comment period.

Patrick Fox moved to approve the recommendations of the Complex Projects Task Force as presented; Matt Sturgis seconded.

The group discussed whether the process penalizes project sponsors that completed PDR with local funding. Staff noted that is not the intent, as funding can be awarded for projects seeking PDR and construction funding or construction funding only. Projects are prioritized according to *when* funding is approved; not *what type* of funding is approved.

The group discussed whether the 50 percent local match on construction overrun funding would be overly burdensome to project sponsors. Kate Lewis moved to amend the motion by striking the recommendation related to increased local match on construction overrun funding; Scott Laflamme seconded. Diane Barnes, Scott Laflamme, Kate Lewis, Tom Reinauer, and Donna Tippet were in favor; Chad Heid and Patricia Quinn abstained; all others were opposed. The amendment did not carry. (Weighted vote: 21–41; standard vote: 5–13)

Allen Armstrong moved to amend the motion by increasing the amount a project sponsor may request for additional funding for construction overruns to up to 40 percent of total construction costs (but maintaining that this funding would require a 50 percent local match); Kate Lewis seconded. Allen Armstrong was in favor; Chad Heid abstained; all others were opposed. The amendment did not carry. (Weighted vote: 1–53; standard vote: 1–18)

Matt Sturgis moved to postpone approval of the recommendations to the Policy Board's October meeting, and to refer two items of discussion to the Complex Projects Task Force: 1) whether the process penalizes project sponsors that completed PDR with local funding, and 2) whether the 50 percent local match on construction overrun funding would be overly burdensome to project sponsors; Patricia Quinn seconded. Jake Daniele was opposed; all others were in favor. The motion carried. (Weighted vote: 51–2. Standard vote: 18-1)

12. Adoption of a Regional Complete Streets Policy

To avoid meetings running long and the need to postpone items, the group discussed increase the number of meetings to bimonthly.

Kate Lewis moved to postpone adoption of a Regional Complete Streets Policy to the Policy Board's next meeting and to increase the number of meetings to bimonthly; Patrick Fox seconded. All were in favor. (Weighted vote: 52–0. Standard vote: 17–0)

13. Other Business

There was no other business discussed.

14. Adjourn

With no objection, the meeting was adjourned.