

PACTS Municipal Partnership Initiative Policy

Overview

The Portland Area Comprehensive Transportation System's ("PACTS") Municipal Partnership Initiative ("PACTS MPI") builds upon the Maine Department of Transportation's ("MaineDOT") successful Municipal Partnership Initiative ("MPI") by using PACTS' annual allocation of state money to be matched with a minimum fifty percent (50%) local funds for road reconstruction or rehabilitation projects. The PACTS MPI is designed to fund collector or arterial roadway projects, and to focus on bringing substandard roads up to PACTS' and MaineDOT's minimum standards thereby having the completed segment(s) eligible for future pavement preservation programs. Preservation, modernization and expansion aspects of these roads for safely accommodating all transportation modes are also eligible uses of the PACTS MPI funds.

Projects funded through PACTS, either with state or federal funding, need to, in some part, support the goals of PACTS' long-range plan, *Destination 2040* and be located within the PACTS Capital Management Area (see [PACTS Bylaws](#)). While the intent of the program has always been to reconstruct or rehabilitate collectors and arterials, pavement preservation projects are eligible for these funds. When reasonable and appropriate, roads funded under the MPI program should consider improvements which are over and above the minimum road standards, such as inclusion of new or improved sidewalks, granite, or concrete slipform curb vs. bituminous curb, additional shoulder width for wider paved shoulders or bike lanes (including separated bike lanes), traffic calming, road diets, and intersection improvements. All PACTS MPI projects must comply with the Americans with Disabilities Act (ADA) requirements and consider state, municipal, and regional Complete Street Policies.

PACTS MPI Requirements

- Professional Engineer Certified: All projects must be designed by an engineer licensed in the State of Maine. Once constructed, the engineer of record must certify that the project was constructed in accordance with the plans and specifications.
- 10-Year Useful Life: The work included must be considered a capital improvement with a minimum 10-Year useful life.
- Deliverability: The construction will be administered by the municipality. The municipality must demonstrate they have the ability or can obtain the ability to administer the project. Construction must commence within twelve (12) months and construction must be certified complete in twenty-four (24) months from when a Cooperative Agreement is executed. If timelines are not met, PACTS may reallocate funding to other eligible projects in other communities. However, the municipality may request an extension if extenuating circumstances exist.

- Public Involvement: The municipality is responsible to lead the public involvement process consistent with all laws, including Maine’s Sensible Transportation Policy Act. The value and extent of documented community support will be considered a project benefit.
- Betterment to the State Transportation System: Projects must be improvements above and beyond mitigation work for a traffic movement permit, or above and beyond the legal requirements of a highway opening permit.
- Multiple Party Agreements: The municipality and all involved parties must be willing to enter into an agreement whereby the PACTS state funds contribution is capped based on project estimates prior to construction.
- Right-of-Way Acquisition: The PACTS MPI will only reimburse for the right of way required for the transportation betterment. Most projects are expected to be within existing right of way; however, the municipality may want or need to secure property rights. If this is required, the process shall be in accordance with all applicable State and Federal Laws, and a detailed explanation must be provided as part of the application.
- Engineering: Municipalities can seek reimbursement for engineering costs associated with their project. PACTS MPI will only reimburse at 50% of the costs up to the cap amount established in the contract. However, engineering costs will not be reimbursed until construction of the project is at least 1/3 complete.

Funding

The PACTS MPI program’s state funding for CY 2022 is \$ 1,640,201.00. The following are the project funding parameters:

- Minimum state funding per project: \$75,000.00
- Maximum state funding per project: \$400,000.00 or total funding divided by four and rounded down to the nearest \$100,000
- Minimum local funding match: 50%
- PACTS Crack Sealing Program: \$50,000.00 (Maximum)
(No municipal match)

PACTS Project Selection

The PACTS MPI project selection is intended to be simple and similar to the Maine Department of Transportation MPI program. PACTS’ MPI program will be a tiered system focused first on each of the subregions. In an effort to encourage sub regional coordination, subregions will have the first opportunity to submit a project/s for MPI funding. The intent is to fund at least one project from each subregion annually. For the first round of project solicitation, the goal is to allocate \$400,000 of PACTS’ state MPI per sub region. The annual deadline for this first round of MPI funding is February 1st.

In the event there is remaining funding after the initial sub regional application deadline (with a minimum surplus of \$75,000), a notice will be sent to Policy Board and RTAC members that there is additional MPI funding available. The members are responsible for sharing this information with municipal staff and officials. In the second round of project solicitation, all PACTS municipalities, regardless of sub region, will be eligible to submit projects for the remaining MPI funding. PACTS will accept round 2 project applications until April 1st of a given calendar year and eligible projects will be scored, as needed.

If less than \$75,000 remains after the first *or* second round, the remaining funds will be distributed to projects that have a greater than 50% local match. If funds are still unallocated, the remaining funds will be transferred to the MPI Holding WIN for future allocations.

If a municipality withdraws their project before April 1, those funds will be added to the second round of solicitations and the deadline to apply for those funds will extend to two weeks after the notice to municipalities. Funds for projects withdrawn after April 1, will be distributed to projects from the first or second round that have a greater than 50% local match. If funds are still unallocated, the remaining funds will be transferred to the MPI Holding WIN for future allocations.

PACTS staff will review the subregional projects, identify any potential eligibility concerns, and share the project information with the Regional Transportation Advisory Committee (RTAC). The RTAC will recommend the list of eligible projects to the Policy Board (or Executive Board, as appropriate) for approval. In the event that the second round of project solicitations exceeds the MPI funds available, then three (3) PACTS staff members will independently score the applications from the second round based on the following criteria:

- 1) Collector and/or arterial numerical rankings (based on the most current PACTS Arterial or Collector Road reports) that is calculated with PCR/PCI values, transit routes, and traffic volumes, as described in PACTS Collector Paving Policy for those roads, or road segments, that need reconstruction or rehabilitation or must be brought up to design standards. **Total available points: 80.**
- 2) Extra points will be given for a municipal match which is higher than the minimum 50% required by assessing 1 point for every 5 percent (rounded) increment above 50%, up to a maximum of 100% match. For example, a \$200,000 project where the municipality proposes a 60% match (\$120,000 vs. \$100,000) would receive 2 additional points. **Total available points: 10.**
- 3) Extra points will also be awarded for projects that consider improvements which are over and above the minimum road standards, such as inclusion of new or improved sidewalks, granite curb vs. bituminous curb, additional shoulder width for wider paved shoulders or bike lanes, road diets, traffic calming, intersection improvements, etc. Staff will use this guidance to

qualitatively evaluate project benefits, comparing one project relative to other projects submitted during the same application period. **Total available points: 10.**

The total maximum points available are 100.

PACTS Regional Transportation Advisory Committee will make a recommendation to the Executive Board/Policy Board on which projects should be funded.

PACTS MPI Crack Sealing

The PACTS MPI Crack Sealing program was designed to reduce administrative work for municipalities. As such, it requires no municipal match. Funding will come from the PACTS MPI Crack Sealing Set Aside, \$40,201, and will be supplemented from the PACTS Holding WIN, up to \$9,799—totaling a maximum of \$50,000 per year toward the PACTS Crack Sealing Program. The fund will be transferred to a crack sealing WIN and be administered by the MaineDOT Region 1 office to crack seal a prioritized list of roadways in the collector paving program and include it in their crack sealing program. Roads to crack seal are prioritized first by their PCI/PCR rating and second by their AADT.

Starting in 2021 the PACTS Crack Sealing Program will focus on two (2) PACTS subregions per year on a yearly alternating basis. The Western and Southern subregions will be bid together, and the Central and Northern subregions will be bid together—this is based on lane miles in each subregion. The 2021 PACTS Crack Sealing treatment will begin with the two subregions with the fewest miles treated in the 2020 Crack Sealing Pilot Project, which based on data provided by MaineDOT, will begin with the Southern and Western subregions.

All crack sealing segments will be field verified by MaineDOT prior to treatment. If a segment is deemed an unfit candidate for crack sealing by the MaineDOT, it can be removed from the treatment list. Municipalities will be notified of any candidates to be removed.

The PACTS Crack Sealing Program effectiveness will be evaluated again in late-2022 or early 2023.

Process after PACTS Selection and Programming (for informational purposes)

1. PACTS will submit the PACTS MPI project candidates, including location information, scope of work, estimated costs by funding stages and funding sources and other information as may be required by the MaineDOT MPO Engineer (“**MPO Engineer**”) for potential inclusion in the annual MaineDOT Work Plan.
2. PACTS staff will participate in the MaineDOT Work Plan Development Meeting (Synergy Meeting) to present their PACTS MPI and other project candidates to MaineDOT representatives. If a PACTS MPI project candidate duplicates the scope of an existing project, the PACTS MPI project requests may be revised or cancelled after a consultation with the municipality.

3. Upon acceptance of a PACTS MPI project into the MaineDOT Work Plan, PACTS will provide to the MPO Engineer a letter on PACTS letterhead, formally requesting authorization of the PACTS MPI project, including:
 - a. The name of the Municipality
 - b. Project Description
 - c. Location, including Beginning and Ending Route Log Miles
 - d. Detailed Scope of Work
 - e. Total Project Cost including State, Local and Capped Amounts
 - f. Any Cost of Additional Work above Agreement Estimate
 - g. (Requested) Construction Year
 - h. Municipal contact information
4. The MPO Engineer will work with MaineDOT's Contract Procurement Office ("CPO") to draft a project-specific Cooperative Agreement with PACTS and the Municipality.
5. The CPO will email the project-specific Cooperative Agreement to PACTS and the municipality for execution.
6. Upon receiving the Cooperative Agreement from PACTS and the municipality, the MPO Engineer will submit it to the Bureau of Planning Director for signature and will activate the Work Identification Number (WIN).
7. The fully executed Cooperative Agreement will be sent to the CPO for processing.
8. The CPO will return the fully executed Cooperative Agreement to the municipality accompanied by a Notice to Proceed with copies of all documents submitted to PACTS.
9. Municipality will retain a State of Maine licensed Professional Engineer to oversee all Project activities, including certification that plans were prepared in accordance with agreed-upon scope and relevant state standards.
10. Municipality will submit the plans and specifications to PACTS and MaineDOT for review and concurrence. Any exceptions to State Design Standards must be clearly noted on the project plans cover sheet with a request for MaineDOT acceptance of the State Design Exception(s).
11. When the project is considered complete the municipality will provide PACTS and the MaineDOT certification through the Engineer of Record that the project is complete and was constructed in accordance with the plans and specifications and meets the MaineDOT quality assurance standards applicable to the project.
12. Municipality will send PACTS their invoice accompanied by supporting documentation for review and approval. PACTS will forward to MaineDOT for

payment.

13. Upon approval by PACTS, PACTS will provide to the MPO Engineer a letter on PACTS letterhead formally requesting PACTS' State allocation reimbursement portion of the PACTS MPI project.
14. Payment of PACTS MPI State funds from MaineDOT will ideally be a one-time reimbursement following completion of the work. For larger projects this could be a draw of 1/3, 1/3, 1/3 or 1/2, 1/2 if needed for cash-flow reasons (this would be specified in the project-specific Cooperative Agreement).
15. Review of PACTS invoices will be made by the MaineDOT MPO Coordinator ("**MPO Coordinator**"). Upon acceptance of an invoice, the MPO Coordinator will process the invoice for payment by the Bureau of Finance and Administration directly to the Municipality with notice of said payment to the PACTS staff project manager.
16. The MPO Engineer will ensure that the project is closed out when complete and all payments have been made.

Milestones

1. January 1st-February 1st: Sub regional Project Applications Due.
2. February 1st-March 1st: PACTS staff reviews list of applications, review funding requests totals. Following the deadline, PACTS notifies PACTS Policy Board and RTAC members of remaining funds.
3. April 1st: Deadline for additional applications ("round 2"), if applicable.
4. April or May: Final MPI Project List reviewed by PACTS Regional Transportation Advisory Committee (RTAC): The RTAC reviews and submits the final list for Policy Board (or Executive Board, as needed) approval.
5. Late May/June: Policy Board (or Executive Board, as needed) approves the final MPI project list. Directs staff to submit projects to MaineDOT for work plan inclusion.