

PACTS Regional Transportation Advisory Committee

Tuesday, May 4, 2021

9:00-10:30 am

Meeting Agenda

*Zoom webinar: us02web.zoom.us/j/89251271320
Phone: (646) 558-8656 Webinar ID: 892 5127 1320*

As of March 31, 2020, PACTS and GPCOG are holding all committee meetings via Zoom conferencing technology. We remain committed to full public access and participation in our meetings through remote access during the COVID-19 crisis. Remote meetings will be held in accordance with the requirements of LD 2167, Public Law Chapter 618.

Both the chat and Q&A features will be turned off during PACTS and GPCOG meetings to ensure full public access to telephone participants and to avoid the confusion of side conversations.

*Public comment will be taken verbally during the public comment period. Members of the public who wish to speak should "raise their hands." Participants joining by computer or mobile app can click on the "Raise Hand" button. Participants joining by telephone can dial *9.*

1. Welcome

This meeting is being recorded and will be made available at gpcog.org/AgendaCenter.

2. Public Comment 5 minutes

Members of the public are welcome to provide up to three minutes of public comment on items not on this agenda. For items on this agenda, additional opportunity for public comment will be provided after the item's staff report.

3. Acceptance of Previous RTAC Meeting Minutes 5 minutes

4. Election of Chair and Vice Chair 10 minutes

Nominations and a vote to elect a Regional Transportation Advisory Committee (RTAC) chair and vice chair.

5. Review of the Proposed 2021 Five-Year Capital and Operations Plan (FYCOP) 20 minutes

Discussion and a vote to recommend the proposed 2021 FYCOP to the PACTS Policy Board for approval.

6. Review of the Proposed Priority 1 and 2 CARES Act Phase IV Allocations 15 minutes

Discussion and a vote to recommend the proposed Priority 1 and 2 CARES Act Phase IV allocations to the PACTS Policy Board for approval.

7. 2022 PACTS Municipal Partnership Initiative – Project Submissions 15 minutes

Discussion and a vote to recommend the 2022 PACTS Municipal Partnership Initiative (MPI) submissions to the PACTS Policy Board for approval.

8. Allocation of FHWA Funds for Complex Projects 20 minutes

Discussion and a vote to recommend an allocation of FHWA funds from PACTS' 2024 MPO Allocation for complex projects for consideration by the PACTS Policy Board.

9. Other Business

10. Adjourn

Upcoming Meetings

- PACTS Policy Board—Tuesday, May 25, 6:00-8:00 pm
- PACTS Regional Transportation Advisory Committee (RTAC)—Tuesday, June 1, 9:00-10:30 am
- PACTS Executive Board—Tuesday, June 22, 9:00-10:30 am
- PACTS Regional Transportation Advisory Committee (RTAC)—Tuesday, July 6, 9:00-10:30 am

3. Acceptance of Previous RTAC Meeting Minutes

Contact	Harold Spetla, staff
Recommended action	Accept previous Regional Transportation Advisory Committee (RTAC) meeting meetings.
Attachments	3-A—2021-04-13 PACTS Regional Transportation Advisory Committee (RTAC) Meeting Minutes

The previous meeting of the PACTS Regional Transportation Advisory Committee (RTAC) was held on Tuesday, April 13, 2021. Minutes from the meeting are attached.

Recommended action: Accept previous Regional Transportation Advisory Committee (RTAC) meeting minutes.

4. Election of Chair and Vice Chair

Contact	Aubrey Miller, staff
Recommended action	Elect a Regional Transportation Advisory Committee (RTAC) chair and vice chair.
Attachments	4-A—RTAC Membership List

The Portland Area Comprehensive Transportation System (PACTS) bylaws state that the Regional Transportation Advisory Committee (RTAC) will have two officers—a chair and a vice chair. The chair and vice chair will be elected by a majority vote of RTAC.

The **officers' terms will be based upon the Greater Portland Council of Governments (GPCOG) fiscal year, July 1 to June 30.** The terms of the officers elected today will be May 4, 2021 to June 30, 2022.

According to the PACTS bylaws, the two officers of RTAC shall represent different organizations. It is preferred, but not required, that the officers represent different subregions.

In addition to presiding over RTAC meetings, the RTAC chair will serve on the Transit Task Force as a representative of PACTS. The Transit Task Force is an ad hoc working group that will address specialized transit issues; the Transit Task Force’s work will inform conversations at the RTAC level.

The list of RTAC members is attached for reference.

Recommended action: Elect a Regional Transportation Advisory Committee (RTAC) chair and vice chair.

5. Review of the Proposed 2021 Five-Year Capital and Operations Plan (FYCOP)

Contact	Andrew Clark, staff
Recommended action	Recommend the proposed 2021 FYCOP to the PACTS Policy Board for approval.
Attachments	5-A—2021 FYCOP (Proposed)

One responsibility of PACTS is the annual programming of certain Federal Transit Administration (FTA) funding sources. These include:

- Section 5307—Urbanized Area Formula Grants
- Section 5337—State of Good Repair Formula Grants

Section 5307 funds generally support the operations, preventative maintenance, and capital projects of fixed-route bus transit services, and the capital projects of fixed-guideway transit services. Section 5337 funds generally support the capital projects of fixed-guideway transit service. In the greater Portland region, Section 5307 and 5337 funds are used by the region's seven transit agencies according to the following table:

Transit Agency	Capital	Operations
Biddeford-Saco-Old Orchard Beach Transit	5307	5307
Casco Bay Lines	5307 and 5337	
METRO	5307	5307
Northern New England Passenger Rail Auth.	5307 and 5337	
South Portland Bus Service	5307	5307
MaineDOT	5307	5307

Allocation of Section 5307 and 5337 funds is done through collaboration of PACTS and the transit agencies via annual updates to the region's Six-Year Capital and Operations Plan (SYCOP). The SYCOP is rooted in the agencies' six-year projections for operations, preventative maintenance, capital project, and other planning project funding needs. Based on the region's annual apportionments of Section 5307 and 5337 funds, PACTS and the transit agencies work together to develop a balanced budget for the year. Once the annual SYCOP is approved by PACTS, staff develops a document known as a *split letter*—which documents the region's agreed upon split of FTA funding to each transit agency—and submits it to the FTA. The FTA strongly recommends transit agencies' funding requests be prepared by the first week of June.

In developing the budget, some agencies' projects may remain unfunded given projected funding allocations. The project needs are tracked in the SYCOP, and the relevant transit agency is encouraged to pursue discretionary grant funding for the project. For example, FTA offers funding for bus transit operators through Sec 5339—Bus and Bus Facilities Grants or Sec 5339(c)—Low- or No-Emission Vehicle Program Grants.

Due to timing constraints, this year the newly formed Transit Task Force has developed a proposed *five-year* plan (FYCOP). This has allowed the group to focus on finalizing projections for 2021 but to forego generating new projections at this time for what would be the sixth year, 2026. RTAC is asked to review the 2021 FYCOP and recommend it for approval by the Policy Board. As in years past, staff will develop and submit the annual split letter to the FTA by early June.

Recommended action: Recommend the proposed 2021 FYCOP to the PACTS Policy Board for approval.

6. Review of the Proposed Priority 1 and 2 CARES Act Phase IV Allocations

Contact	Andrew Clark, staff
Recommended action	Recommend the proposed Priority 1 and 2 CARES Act Phase IV allocations to the PACTS Policy Board for approval.
Attachments	6-A—CARES Act Phase I–Phase IV Funding Allocations

In early 2020, the PACTS region received approximately \$53 million in CARES Act funding to support the transit industry during the pandemic. PACTS has been allocating this funding in six-month phases. The next phase—Phase IV—will cover July–December 2021.

Funding is allocated to support the following priorities:

1. Maintaining regional transit service in light of reduced ridership and passenger-based revenues
2. Pandemic recovery and resiliency to support implementation of COVID-19 sanitation best practices
3. Transit system innovation to spur ridership recovery as the pandemic subsides
4. Municipal budget assistance to provide budgetary relief to municipalities that fund transit service through local match

The region's transit agencies—through the former PACTS Transit Committee and now through the Transit Task Force—have been tracking and projecting needs to inform their requests for funding under these priorities. For Phase IV, the agencies have submitted requests for Priorities 1 and 2 only, as shown in the table in Attachment 6-A. The process used to identify projects and allocate funding under Priority 3 is anticipated to change with the recent approval of the PACTS Transportation Funding Framework. Priority 4 was funded in Phase II only.

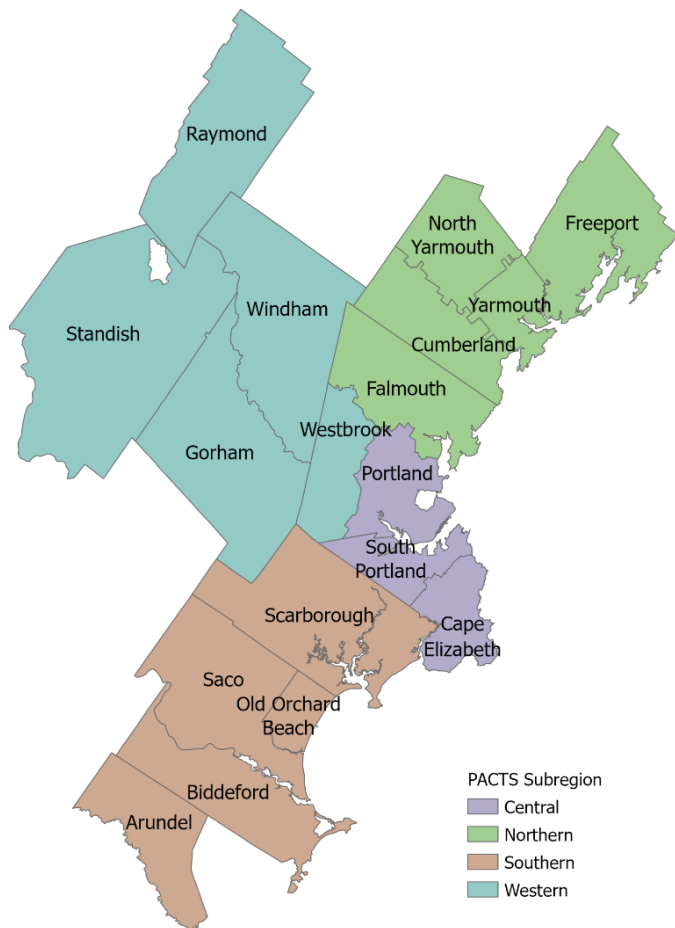
Recommended action: Recommend the proposed Priority 1 and 2 CARES Act Phase IV allocations to the PACTS Policy Board for approval.

7. 2022 PACTS Municipal Partnership Initiative – Project Submissions

Contact	Harold Spetla, staff
Recommended action	Review, discuss, and recommend approval of the 2022 PACTS MPI submissions.
Attachments	7-A—Table of 2022 PACTS MPI Submissions

The PACTS Municipal Partnership Initiative (MPI) program allocates \$1.6 million per year toward roadway rehabilitation, preservation, and multimodal safety improvements and the funds are evenly distributed across the four PACTS subregions—\$400,000 to each subregion. Each year, PACTS subregions (illustrated below) meet to collaborate and agree to the projects that will be submitted to PACTS to be considered for funding. Municipalities are required to provide a minimum 50% match on any one project. Unallocated subregional funds are made available to the entire PACTS region. For additional information please refer to the PACTS MPI Policy [here](#). This year, PACTS is responsible for approving the 2022 MPI projects.

PACTS Subregions



The following is a summary of information pertaining to the 2022 PACTS MPI submissions:

- The PACTS Northern Subregion notified staff of their intention to submit for the full \$400,000 prior to the March 1 deadline, which included North Yarmouth's detailed request for \$300,000. The Town of Cumberland provided their detailed request for \$100,000 on March 22.
- The PACT Central Subregion submitted a total request for \$435,000 (\$35,000 over the allotted amount), noting interest in any unallocated funding from other subregions.
 - There were no unallocated funds this year, so each Central Subregion project was reduced by an equitable amount, according to their request.
- The PACTS Western Subregion experienced some coordination difficulties and submitted three projects totaling over \$800,000.
 - Staff met with the municipalities requesting funding and both municipalities were amenable to negotiating a division of funds, reflected in the attached table.
- Cape Elizabeth submitted a request for design funds. While PACTS MPI policy does allow municipalities to be reimbursed for design costs, it is set up to fund construction projects.
 - PACTS MPI policy states that municipalities cannot be reimbursed until construction is at least 1/3 complete. So, if allocated 2022 PACTS MPI funds (for design), the Town would not be able to claim the funds until the construction is 1/3 complete.
 - The Town has expressed they understand the PACTS MPI policy and they are willing to wait until project construction is 1/3 complete to request reimbursement.
 - PACTS MPI policy also states that "*construction must commence within twelve (12) months and construction must be certified complete within twenty-four (24) months from when a Cooperative Agreement is executed. However, the municipality may request an extension if extenuating circumstances exist.*" As such, the Town would need to finish construction by Spring 2024 (assuming the agreement is executed Spring 2022).
 - The Town believes they can start construction by Spring 2024, but not finish and therefore need an extension.
 - While it is not ideal for funds to sit unspent beyond the 24-month construction window, it is also not unprecedented. Funds set aside for construction projects occasionally sit unspent when municipalities request project postponements to align timelines with other nearby construction projects or when municipalities are behind schedule in requesting reimbursement.

The 2022 PACTS MPI submissions are summarized in Attachment 7-A, including request, municipal match, and scope of work. Staff recommend approving the 2022 PACTS MPI submissions for the amounts listed within the attached table for consideration at the PACTS Policy Board meeting on May 25.

Recommended action: Review, discuss, and recommend approval of the 2022 PACTS MPI submissions.

8. Allocation of FHWA Funds for Complex Projects

Contact	Aubrey Miller, staff
Recommended action	Recommend an allocation of FHWA funds from PACTS' 2024 MPO Allocation for complex projects.
Attachments	<ul style="list-style-type: none"> 8-A—Complex Project Application Project Descriptions 8-B—Complex Project Application Funding Requests 8-C—Complex Project Application Scores 8-D—Funding Deficit Background Information 8-E—South Portland Request Letter 8-F—Westbrook Request Letter 8-G—Complex Project Funding Allocation Options

Each year the Portland Area Comprehensive Transportation System (PACTS) receives an allocation of state and Federal Highway Administration (FHWA) capital improvement funding through the Maine Department of Transportation (MaineDOT). This funding is often referred to as PACTS' MPO Allocation. This year PACTS received \$4,121,609 in FHWA funding.¹

PACTS uses sixty percent (60%) of the FHWA funding—\$2,472,965—for “**complex**” roadway and multimodal projects. A “complex project” is one that PACTS programs in two phases—preliminary design report (PDR) work funding in one year, then construction funding a year or more later (after PDR is completed)—per MaineDOT requirements intended to prevent funds from sitting unused. A PACTS decision to fund PDR is a commitment to fund construction of the project at some point in the future.

Cities and towns (municipalities) and other eligible agencies must apply for this funding. A municipality or agency may apply for PDR funds *or* construction funds. (A project that received PDR funds from PACTS would not need to reapply for construction funds, but a project that funded PDR through a different source of funding would need to apply for construction funds from PACTS.) In February, PACTS staff sent out a “call for projects” asking interested municipalities or agencies to apply for funding. PACTS received nine (9) applications:

- [Falmouth – Falmouth Corners Intersection Project](#)
- [Gorham – Gorham Cross Town Trail](#)

¹ The MPO Allocation PACTS received this year (2021) is actually an estimate of what PACTS will receive in calendar year 2024. Project selection and project development begins years before projects are ready to begin construction.

- Gorham – Gorham Traffic Adaptive Signals & Pedestrian Lighting
- Portland – The Forest Avenue Smart Corridor Project Phase IV (Revere Street to Bedford Street)
- Portland – Libbytown Safety and Accessibility Project
- Saco & Biddeford – Saco Island Multimodal Bridge
- Windham – Route 302 North Windham Sidewalk
- Yarmouth – Beth Condon Multi-Use Pathway Extension - Preliminary Design
- Yarmouth – Main Street Sidewalk Improvement Project

Brief project descriptions are included in Attachment 8-A. You may click on the project names to view the full application materials on Google Drive.

Eight of the applications are for PDR funds; PDR requests range from approximately \$15,000 to \$285,000 in FHWA funds. One of the applications is for construction funds; the construction request is for \$1,150,000² in FHWA funds. More details about the funding requests are shown in Attachment 8-B.

These applications were scored by a volunteer scoring committee using the criteria in the recently approved PACTS Transportation Funding Framework. The scores from the scoring committee members were averaged to reach a final score for each project. Project scores are shown below. More detail is included in Attachment 8-C.

Municipality	Project	Score
Portland	Libbytown Safety and Accessibility Project	44
Portland	The Forest Avenue Smart Corridor Project Phase IV (Revere St to Bedford St)	42
Saco & Biddeford	Saco Island Multimodal Bridge	39
Yarmouth	Beth Condon Multi-Use Pathway Extension - Preliminary Design	36
Gorham	Gorham Cross Town Trail	33
Yarmouth	Main Street Sidewalk Improvement Project	30
Gorham	Gorham Traffic Adaptive Signals & Pedestrian Lighting	29
Windham	Route 302 North Windham Sidewalk	29
Falmouth	Falmouth Corners Intersection Project	18

In addition to these nine projects (above), there are projects that have received funding in past years:

² Windham is requesting \$1,150,000 in FHWA funds and intends to provide a 50% local match of \$1,150,000.

- Three projects were funded for PDR but have not yet completed PDR. Therefore, they are not ready for construction funding.
 - Biddeford – Elm, Spruce, and Pearl Street Intersections Improvement Project
 - Portland – Smart Corridor/Route 302 Study Implementation: Forest Avenue from Marginal Way to Park Avenue
 - Portland – Proposed Improvements to Brighton Avenue (Route 25)
- Two projects were funded five or more **years ago, before MaineDOT's policy requiring PDR to be completed before projects are funded for construction**. These projects are now over budget and their sponsor municipalities (South Portland and Westbrook) are requesting additional funding.
 - South Portland – Multi-Use Path. Funding Request: \$758,800 (\$569,100 federal, \$189,700 local)
 - Westbrook – William Clarke Drive Improvements Project. Funding Request: \$630,000 (\$472,500 federal, \$157,500 local)

PACTS' current policy, set by the PACTS Executive Committee in March 2020, is to limit PACTS' funding of construction cost overages to 20% of available construction funding. Due to significant increases in construction cost estimates, the requests for these two projects exceed 20% of available construction funding. Both municipalities have implemented cost savings measures to reduce cost as much as possible. Background information about PACTS' efforts to assess and fund deficits in the PACTS capital improvement program is included in Attachment 8-D. The funding request letters from South Portland and Westbrook are included in Attachments 8-E and 8-F.

RTAC is asked to consider the project scores and funding requests and make a recommendation on how to allocate the FHWA funding. RTAC may wish to consider the following as it makes its recommendation:

- Should PACTS prioritize projects for construction or design (or both)?
- What is the future federal cost of construction for the projects? How do these costs compare to **PACTS' anticipated annual allocation (\$2.5 million for "complex projects")**?
- How will projects currently in PDR development impact future available funding once those projects are ready for construction?
- What were the project scores determined through the PACTS Transportation Funding Framework?
- Above all, what investment decision and package is best for the region?

Several options for allocating the funds are shown in Attachment 8-G. RTAC may propose a different **option. The PACTS Policy Board will consider RTAC's recommendation** at its meeting on May 25, and then approve projects for FHWA funding.

*Recommended action: Recommend an allocation of FHWA funds **from PACTS' 2024 MPO** Allocation for complex projects.*