

PACTS Executive Committee

March 18, 2021

8:30 am

Meeting Minutes

Name	Affiliation	Attendance
Jim Bennett	Southern Subregion	Y
Jennifer Brickett	MaineDOT	Y
Hope Cahan	PACTS Vice Chair	Y
Erin Courtney	Maine Turnpike Authority	Y
Eric Dudley	Western Subregion	Y
Greg Jordan	Transit Committee Chair	Y
Belinda Ray	Central Subregion	Y
Matt Sturgis	PACTS Chair	Y
VACANT	Northern Subregion	
For GPCOG		
Chris Chop, Andrew Clark, Kristina Egan, Aubrey Miller		

1. Welcome

Matt Sturgis opened the meeting and welcomed the attendees.

2. Public Comment

Eamonn Dundon of the Portland Regional Chamber of Commerce spoke of the importance of adopting the funding framework to advance regional goals and the recommendations of *Transit Tomorrow*, the region's long-range transit plan. The Chamber supports the framework for its prioritizing of regional benefit, the clear criteria that will be used to allocate funding, and the set-aside for innovation projects.

3. Acceptance of March 2, 2021 Meeting Minutes

Belinda Ray moved to accept the March 2 meeting minutes as written; Erin Courtney seconded. All were in favor; the motion carried.

4. Staff Report

No staff report was presented.

5. Funding Framework Final Approval

Staff have been working with the region's FTA designated recipients to reach agreement on the funding framework since October 2020. At its March 2 meeting, the Executive Committee instructed staff to hold an additional meeting so an agreement could be reached before final committee approval of the framework. In advance of this meeting, staff put forth a memo outlining potential terms, but no agreement was reached. Staff suggested the committee conditionally approve the framework to allow FHWA funds to flow and avoid delays to construction schedules. FTA funds cannot flow without unanimous agreement by the designated recipients.

Jim Bennett asked how much money will be held up if no agreement is reached. Chris Chop said approximately \$24 million. Jim asked how the rule requiring unanimous consent might be changed. Chris said, per federal guidance, all parties would have to agree. Kristina Egan added that when PACTS became a transportation management association (TMA) after the 2010 US Census, staff requested to the Commissioner of MaineDOT that the current designated recipient structure be put in place, which was relayed to the FTA for final adoption. Jim asked whether PACTS would have the ability to request a change, given it was PACTS that requested the current structure. Staff noted federal regulators often defer to state governments in these situations.

Jen Brickett said there had been a good-faith effort by all parties to reach agreement, but competing financial models and other questions had caused a hang-up in the discussion. She agreed it was important to find a solution, and added that had the group had more time, they may have.

Belinda expressed disappointment that agreement still had not been reached. She felt the framework as written was sufficient. She asked what remained to be negotiated. Matt said unanimous consent of the proposed set-aside for system enhancements remained an obstacle. Belinda said, given a party could disagree at any time and stall the process, the region should pursue reverting to a single designated recipient. She moved to adopt the framework as presented; Jim seconded.

Erin noted that AECOM, working as a consultant to the TIP Committee as the new framework was being developed, had researched and written a memo documenting federal guidance on designated recipient status and how it might be changed. The memo notes that federal guidance recommends regions have one designated recipient.

Jim suggested the Executive Committee hold an additional meeting on March 23, table the discussion until then, and direct staff to return with a report on how to change the region's designated recipient structure. This would allow for a final opportunity to reach agreement.

Greg Jordan agreed with the need to advance the framework and ensure funding would flow. He said that as proposed, based on current data there is a projected funding gap for operations and maintenance if 20 percent of funding were dedicated to system enhancement. However, he noted the process for converting system enhancement funds to operations and maintenance to ensure all needs are met, and felt the additional approval by RTAC and the Policy Board of this process was appropriate. Per the latest analysis, agencies would need to run through this process for the first three years, but there is sufficient funding to cover all projected needs. He noted recent discussions have acknowledged the additional funding that can be drawn upon if necessary, for example CARES Act or American Rescue Plan Act funds. He supported approving the framework in full.

Belinda noted also the \$1 million emergency contingency fund. She felt some agencies may not be satisfied with any system enhancement set-aside, but said that without system enhancements, regional goals would not advance and transit ridership would not recover.

Hope felt situations requiring unanimity are often unsuccessful, and supported revisiting the region's designated recipient structure. She agree with Jim in that an additional meeting and a final opportunity to find agreement would be helpful.

Jen suggested amending the framework to include language acknowledging that it must be agreed to by all designated recipients and PACTS to be fully functioning.

Jim recommended passing the framework as presented and scheduling an additional meeting to hear options on how to change the region's designated recipient structure. This would allow the designated recipients a final opportunity to reach agreement before the committee would evaluate or take action on pursuing changes to the region's designated recipient structure.

Belinda said she supported restructuring to one designated recipient in the region to encourage regional participation in decision making. While she was pleased to hear the parties were close to agreement, she noted there has been verbal agreement to the funding framework in the past.

Jen said she would not be comfortable voting for the framework without adding language that acknowledges the need for all designated recipients and PACTS to agree to it. Belinda withdrew her motion.

Jim moved to adopt the framework as presented, except to amend the language to include an acknowledgement that FTA funds will not flow until there is unanimous consent by the region's designated recipients and PACTS, or another path forward; Belinda second. All were in favor.

Jim moved to schedule an additional meeting before the end of the month to discuss 1) if no agreement is reached, the most efficient action PACTS can take to ensure FTA funds will flow; or 2) if an agreement is reached, a recommended path forward on the process to changing the region's designated recipient structure; Eric Dudley seconded. All were in favor.

6. Dissolution of the TIP Committee

The Executive Committee formed the TIP Committee in October 2019, and assigned the group three tasks:

1. To recommend allocation of PACTS' 2023 FHWA funding. This task is complete.
2. To develop and recommend a funding framework. The committee's work on this task is complete, though the framework is still under final review.
3. To recommend revisions to PACTS' TIP Policies and Procedures. This task has been on hold while the framework is under final review.

Given the new Regional Transportation Advisory Committee (RTAC) is a multi-disciplinary body like the TIP Committee, staff recommend the TIP Committee be dissolved and its final task assigned to RTAC. This recommendation is made in concurrence with Erin Courtney, chair of the TIP Committee.

Erin moved to dissolve the TIP Committee and assign its remaining task to RTAC; Hope seconded. All were in favor.

7. Updated Municipal Partnership Initiative Policy

Staff have updated the PACTS Municipal Partnership Initiative (MPI) policy. The updates include:

- Removing reference to a program year, which will eliminate the need to amend the policy each year
- Updating the project selection information to better reflect procedures in use and the provide information on how to handle excess funding
- Making permanent the Crack Sealing Program, which was previously a pilot program
- Updating the language to reflect PACTS' new committee structure

Matt noted the former Technical Committee voted to recommend the new MPI policy for adoption at its March meeting.

Hope moved to adopt the updated MPI policy; Belinda seconded. All were in favor.

8. New Collector Paving Program Policy

Last year, the former Technical Committee identified a need for a well-defined collector paving policy. Staff formed a Collector Paving Working Group, which included the chair of the Technical Committee and representatives from each subregion, MaineDOT, and MTA, to develop and recommend this policy. Two major points of the policy include:

- Consolidating all ADA accessibility-related work into a single contract, to improve efficiency

- Selecting projects based on new Collector Paving subregions, to allow for better planning for municipalities and more transparency in decision making

Belinda moved to adopt the new Collector Paving Program policy; Hope seconded. All were in favor.

9. Other Business

There was no other business discussed.

10. Adjourn

With no objection, the meeting was adjourned.