

PACTS Policy Board

May 25, 2021

6:00–8:00 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	Andrew Zarro	✓
Portland	Chris Branch	
Raymond	Nathan White	
Saco	VACANT	
Scarborough	Jay Chace	✓
South Portland	Rick Sargent	✓
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	✓
Reg. Transp. Adv. Comm.	VACANT	
BSOOB Transit	Craig Pendleton	
Casco Bay Lines	Hank Berg	✓
METRO	Greg Jordan	✓
NNEPRA	Patricia Quinn	✓
Reg. Transp. Program	Jack DeBerardinis	✓
South Portland Bus Serv.	Donna Tippet	✓
York Co. Comm. Action	Robert Currie	✓

Non-voting Members		
So. Maine Plan. and Dev.	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 March 30, 2021 Policy Board Meeting Minutes

Allen Armstrong moved to accept the March 30, 2021 Policy Board meeting minutes as written; Patricia Quinn seconded. All were in favor.

4. Chair's Report

Matt reminded all in attendance that the 2021 GPCOG Annual Summit will be held on Thursday, May 27.

5. Staff Report

Staff welcomed Andrew Zarro, City Councilor for **Portland's District 4, to the Policy Board**. Staff also thanked Belinda Ray, who has stepped down, for her service.

Staff have been coordinating multiple federal transportation earmark processes. PACTS was informed by the office of Congresswoman Chellie Pingree in April of an opportunity to identify projects for congressional earmark funding. The Executive Committee discussed three priority projects at the April 6 and April 16 meetings, including:

1. **Replacement of Casco Bay Lines' "Down-Bay" ferry**
2. Upgrade of PACTS' Regional Traffic Management System (RTMS) server
3. A bundle of paving projects

After receiving public comment on three projects, the Executive Committee recommended those **projects to Congresswoman Pingree's office**. Congresswoman Pingree ultimately submitted a \$7.5 million request for the replacement ferry to the US House Committee on Transportation and Infrastructure. If passed, this could free up resources for other transit projects in the region.

The US Senate has also announced an earmark process, known as Congressional Directed Spending. The deadline to submit projects is June 1. Staff recommend submitting the same three projects as submitted to the House.

Per a survey of board members, future meetings of the Policy Board will be held on the fourth Thursday of the month from 11:00 am to 1:00 pm. The board will meet approximately four times per year according to major project, funding, and federal compliance milestones. Agenda dates will be posted to the calendar. Topics of discussion at the upcoming July meeting will include collector paving projects, CARES funding for rapid transit, and Federal Highway Administration (FHWA) funding allocation to complex projects.

6. Appointment of an RTAC Member to the Policy and Executive Boards

PACTS bylaws direct the Policy Board chair to nominate and the Policy Board to confirm one member of the Regional Transportation Advisory Committee (RTAC) to the Policy and Executive Boards. In coordination with staff and RTAC, the chair has nominated Tom Milligan of Biddeford to serve on both boards.

Jim Bennett moved to confirm the nomination of Tom Milligan to the Policy and Executive Boards; Erin Courtney seconded. All were in favor.

7. Appointment of Subregional Representatives to the Executive Board

PACTS bylaws direct the Policy Board to appoint subregional representatives to the Executive Board. At its March 30 meeting, the Policy Board agreed that each subregion would identify and submit its nominees. The Central subregion has since identified Chris Branch and Kate Lewis, and the Southern subregion has identified Jim Bennett. Staff recommended that Eric Dudley continue to serve on an interim basis for the Western subregion until they identified their own nominee. The Northern subregion has not yet identified a nominee.

Erin Courtney moved to approve the nominees as presented; Kara Wooldrik seconded. All were in favor.

8. Request for Additional Construction Funding: Falmouth and Yarmouth Paving Projects

Two collector paving projects—one on Main Street in Yarmouth and Lunt Road in Falmouth—are currently underway. In March 2020, the PACTS Executive Committee increased PACTS' maximum contribution for construction cost overages from 10 percent to 20 percent of the initial construction cost agreement. Yarmouth and Falmouth are both seeking that full 20 percent contribution. The low bid for Yarmouth's project was \$433,000 but the cost agreement only provided \$287,000, so they are requesting \$57,437. The low bid for Falmouth's project was \$226,000 but the cost agreement only provided \$183,000, so they are requesting \$36,686. Of those requested amounts, only 75 percent would come from the holding WIN, with the towns covering the rest and any other construction overages. Staff clarified the purpose of the holding WIN, which consists of unallocated funding from previous years, for use to construction overages and unexpected expenses. Jim noted that current market trends point toward a substantial increase in construction costs, which PACTS should work to prepare for.

Jim moved to approve both funding requests as presented; Patricia seconded. All were in favor.

9. Approval of the 2021 Five-Year Capital and Operations Plan (FYCOP)

The FYCOP is a yearly document that catalogs the needs of the region's transit agencies and programs expenditures according to the region's annual apportionments of Federal Transit Administration (FTA) Section 5307 and 5337 funds. Once a FYCOP is approved, staff prepare and submit a split letter to FTA which documents the allocation of funds to each transit agency in the region as agreed to by the region's FTA designated recipients.

Jim moved to accept the FYCOP as presented; Greg seconded. All were in favor.

10. Approval of CARES Act Phase IV Priority 1 and 2 Funding Requests

The region was allocated approximately \$53 million through the CARES Act in early 2020. PACTS has been allocating this funding in six-month phases according to four priorities:

1. Maintaining regional transit service
2. Pandemic recovery and resiliency
3. Transit system innovation to spur ridership recovery
4. Municipal budget assistance

Phase IV will provide funding for July–December 2021. Each agency has projected its Priority 1 and 2 needs through December 2022.

Erin asked whether the money allocated in previous phases has been spent. Staff stated that not all funds allocated in Phases II and III have been spent yet, but they need to be spent by the end of 2022.

Erin moved to approve the allocation of CARES Act Phase IV Priority 1 and 2 funding requests as presented; Jay Chase seconded.

Patricia asked whether the board is being asked to approve all funding requests, or only those from transit agencies. Staff clarified that the motion would only approve transit agencies' Priority 1 and 2 requests. Patricia amended the motion to clarify that \$2,858,342 would be allocated to Priority 1 and \$196,400 would be allocated to Priority 2, totaling \$3,054,742.

Jen asked about the next steps for Concord Coach funding. Staff stated that RTAC and the Policy Board will consider it at their next meetings.

Greg asked about the process for advancing Priority 3 projects. Staff responded that two projects—a feasibility study for rapid transit and an autonomous vehicle pilot project—will be considered at the

next RTAC meeting. The Policy Board will consider the projects at their July meeting. These two projects were considered by the former Transit Committee. Staff intend to release a call for Priority 3 projects as part of Phase V–VI, and to utilize the Funding Framework to score the project ideas received. The agencies have projected net losses through December 2022. Staff anticipated a significant amount recommended for Priority 1. Staff also noted that Priority 4 was more relevant at the beginning of the pandemic and is not likely to be a major expense in the future.

On the motion, all were in favor.

11. Approval of 2021 Municipal Partnership Initiative (MPI) Projects

Staff explained that the MPI allocates \$1.6 million to the region annually, divided evenly among the four subregions. RTAC voted on May 4 to recommended the projects in Table 2 of the agenda packet for approval. However, the Northern subregion has requested to allocate \$200,000 each to North Yarmouth and Cumberland instead of \$300,000 to North Yarmouth and \$100,000 to Cumberland as printed.

Jim noted that this change would fully fund Cumberland's local match for its project. Staff stated that the project total may be higher than the amount shown, and added that the MPI policy could not fulfill that request without a 50 percent local match.

Jim moved to approve the table as presented, subject to the Northern region adjusting their allocations, in coordination with staff and in alignment with MPI policy; Erin seconded.

Erin asked how unused funds would be reallocated if a project were cancelled. The MPI policy states that municipalities would be given a chance to compete for unused funds if they exceed \$75,000. If the unallocated funds do not exceed \$75,000, or no project is approved to use the funds, they would be placed in the holding WIN.

Draven Walker, assistant for Town Manager Rosemary Roy, stated that North Yarmouth budgeted their project based on the original MPI funding amount of \$300,000 and asked what options are available for North Yarmouth to receive more funding after the altered amounts have been approved.

On the motion, all were in favor.

12. TIP Amendment—METRO and South Portland Bus Service Administrative Support Vehicles

As part of the CARES Act Phase III allocation, both METRO and South Portland Bus Service (SPBS) were allocated funding for vehicles to support administrative operations. Projects that change the function, location, or capacity of an asset are required to be in the Transportation Improvement Program (TIP).

Jay Chace moved to approve the TIP amendment as presented; Kara seconded. All were in favor.

13. Other Business

Erin noted that certain bills currently before the State legislature could impact labor negotiations for municipalities. South Portland, Portland, and Bangor have already weighed in on LD 677 which would instate mandatory arbitration for labor negotiations. Erin felt this would raise labor costs.

Jim thanked Greg and METRO for Greg's help in the process of recruitment for a new executive director of Biddeford-Saco-Old Orchard Beach Transit (BSOOB). The new executive director will be announced shortly.

14. Adjourn

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