

PACTS Policy Board

August 24, 2021

9:00–11:00 am

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	Chris Branch	✓
Portland	Andrew Zarro	
Raymond	Nathan White	
Saco	Patrick Fox	✓
Scarborough	Jay Chace	
South Portland	Kate Lewis	✓
Standish	Michael Delcourt	
Westbrook	Eric Dudley	
Windham	Barry Tibbetts	
Yarmouth	Rob Waeldner	✓

Non-municipal Members		
MaineDOT	Jennifer Langland	✓
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	Tom Milligan	✓
BSOOB Transit	Chad Heid	✓
Casco Bay Lines	Hank Berg	✓
METRO	Greg Jordan	✓
NNEPRA	Patricia Quinn	✓
Reg. Transp. Program	Jack DeBerardinis	
So. Portland Bus Serv.	Donna Tippet	✓
York Co. Comm. Action	Robert Currie	✓

Non-voting Members		
SMPDC	Stephanie Carver	
Federal Highway Admin.	Carlos Peña	✓
Federal Transit Admin.	Leah Sirmin	

1. Welcome

Matt Sturgis opened the meeting and welcomed the attendees.

6. Limited Emergency Declaration

With no objection, this item was taken out of order to allow the meeting to be conducted remotely.

Allen Armstrong moved to adopt the order declaring a limited emergency as presented; Hope Cahan seconded. Matt noted the GPCOG Executive Committee had adopted the order immediately prior to the Policy Board meeting, with the following changes, and suggested they be incorporated into PACTS' order:

- ...WHEREAS, a majority of the new infections in the United States and the State of Maine involve the Delta variant, a highly contagious SARS-CoV-2 virus strain, which was first identified ~~in India~~ in December 2020...
- ...NOW, THEREFORE, BE IT ORDERED AND DECLARED by the GPCOG Executive Committee that a limited emergency continues to exist within the ~~City of Portland~~ greater ~~Portland region~~...

Allen and Hope agreed. Jen Langland abstained, all others were in favor; the motion carried.

2. Public Comment

No public comment was received.

3. Acceptance of the July 22 Policy Board Meeting Minutes

Hope moved to accept the July 22 meeting minutes as written; Tom Milligan seconded. All were in favor.

4. Chair's Report

Matt said he was looking forward to the upcoming year's work, including the items under consideration today.

5. Staff Report

Chris Chop, GPCOG staff, noted two items on the agenda that are continued conversations from the last Policy Board meeting: allocating emergency transit funding and allocating funding to complex projects. The board had requested additional analysis with regard to allocating funding to complex projects, which has highlighted past decisions and opportunities to improve policies and procedures.

7. Allocating CARES Act Phase V–VI and ARPA Funds

Transit funding in the PACTS region currently comes from three sources:

- Regular annual apportionments of Federal Transit Administration (FTA) Section 5307 and Section 5337 funding, totaling approximately \$20 million annually
- The 2020 Coronavirus Aid, Relief, and Economic Security (CARES) Act, approximately \$53 million
- The 2021 American Rescue Plan Act (ARPA), approximately \$8.1 million

Through 2025, those sources will provide approximately \$161 million, \$29 million of which is currently unallocated. There are additional considerations that may affect this outlook, including whether the Casco Bay Lines' Down Bay ferry replacement is selected for federal earmark funding, agencies' success in securing discretionary grant funding, and the final provisions of a federal infrastructure bill.

Table 1 shows how PACTS has been allocating the CARES funding according to four priorities:

**Table 1
CARES Allocations by Priority**

Priority	Total by Priority	Percent by Priority
1. Maintaining regional transit service	\$33,501,689	88%
2. Pandemic relief and recovery	\$1,568,556	4%
3. Transit system innovation	\$2,326,500	6%
4. Municipal budget assistance	\$553,485	1%

Staff have been working with the agencies to track the recovery of vehicle revenue-miles, vehicle revenue-hours, and ridership against a three-year baseline. While service regionally is currently back to approximately 90 percent of pre-pandemic levels, ridership lags behind at approximately 50 percent. This pattern has been seen across the country, and many experts believe transit service will need to evolve to meet changing demands. Many agencies around the country have seen strong recoveries due to intentional investments, some of which have also been undertaken in the greater Portland region (for example, enhanced cleaning and sanitation, and a marketing campaign to encourage riders to return).

The Transportation Funding Framework establishes a process by which PACTS funding is allocated, including roadway, multimodal, and transit funding. Emergency needs (i.e., CARES funds identified under Priorities 1 and 2) may be funded first; remaining funding flows through the framework. Staff proposed 1) the agencies identify Priority 1 and 2 needs through December 2022 (Phase V–VI) for approval in October, and 2) the board launch a call for projects to be funded with the remaining CARES and ARPA funds, to be scored, reviewed, and approved by the Policy Board by March 2022.

Greg Jordan generally agreed with the proposed methodology, but recommended extending the timeframe for identifying Priority 1 and 2 needs through December 2023 in anticipation of continued fare revenue pressure. He also suggested continued use of CARES funds for smaller Priority 3 projects that agencies could advance quickly in 2022. He supported using the framework to allocated the region's ARPA funds.

Hope moved to direct staff to work with the transit agencies to identify Priority 1, 2, and 3 needs for the remaining CARES funding through 2023, and to use the framework to allocate the ARPA funds;

CARES funds remaining after Priority 1, 2, and 3 needs have been identified will be allocated via the framework. Allen seconded.

Kristina Egan, GPCOG staff, asked whether Priority 3 projects would go through the call for projects. Greg felt allowing Priority 3 projects to be funded through the existing CARES process might allow for greater flexibility for the agencies.

Kate Lewis asked whether there might be any tradeoff in extending the funding deadline, versus making investments sooner to encourage ridership recovery. Greg agreed with the importance of making those investments, but felt innovation projects identified through the framework might have a longer timeframe for implementation, and that fare revenue pressure would still exist in the meantime.

Patricia Quinn agreed with Greg's suggestions. She noted the ongoing dynamic nature of the pandemic. She was supportive of both short-term and long-term investments. Donna Tippet also agreed with the flexibility of identifying smaller Priority 3 projects with the CARES funds. Hank Berg also agreed, adding that Casco Bay Lines is ineligible to use FTA Section 5307 funds for operating expenses, but may use CARES funds for that purpose. He noted that the revenues associated with tours and charters have not recovered.

On the motion, all were in favor.

8. Allocating FHWA Funds for Complex Projects

PACTS has \$2,472,965, equal to 60 percent of the federal funds from its 2024 MPO Allocation, in federal funds (plus a 25 percent local match) to allocate to complex projects. Since 2016, MaineDOT has required that PACTS program complex projects in two phases: preliminary design work first, then construction after the preliminary design report (PDR) is completed.

After input from the Policy Board in July, input from MaineDOT, review of the financial analysis and forecasting prepared for this meeting, and in an attempt to remain ambitious and have a diverse portfolio of large and small projects, staff revised the recommendation presented in July and recommends one of three options as shown in Table 2. These options are detailed in Attachment 8-M of the meeting packet.

There was no public comment on this item.

Table 2
Complex Project Funding Options

<i>Funded for:</i>	Option A	Option B	Option C
Preliminary design report (PDR)	<ol style="list-style-type: none"> 1. Portland Libbytown 2. Yarmouth Beth Condon Path 3. Yarmouth Main Street 4. Gorham Signals 	<ol style="list-style-type: none"> 1. Saco Isl. Multimodal Bridge 2. Yarmouth Beth Condon Path 3. Yarmouth Main Street 4. Gorham Signals 	<ol style="list-style-type: none"> 1. Yarmouth Beth Condon Path 2. Yarmouth Main Street 3. Gorham Signals
Construction	<ul style="list-style-type: none"> • South Portl. Multi-Use Path • Westbrook William Clarke Dr • Windham Route 302 Sidewalk (partial funding) 	<ul style="list-style-type: none"> • South Portl. Multi-Use Path • Westbrook William Clarke Dr • Windham Route 302 Sidewalk (partial funding) 	<ul style="list-style-type: none"> • South Portl. Multi-Use Path • Westbrook William Clarke Dr • Windham Route 302 Sidewalk

Jim Bennett noted that for projects funded before MaineDOT’s PDR-first policy, construction funding was allocated (and was therefore subject to the PACTS Project Cap Policy) before completing PDR. However, projects funded under the PDR-first policy are not allocated construction funds until after completing PDR and are therefore not subject to the Cap Policy on construction funding until after PDR is completed. He also expressed concern that one of the scorers favored the Portland projects more than the other three scorers. He suggested advancing projects ready for construction (South Portland, Westbrook, Windham) and a couple of less expensive PDRs (Beth Condon Path, Gorham Signals). He also suggested phasing the Libbytown project to limit PACTS’ construction commitment and leaving significant funding in the Holding WIN for unsuccessful PDRs so they would not necessarily need to reapply. He also suggested taking time to fix policy issues and then allowing projects that do not receive PDR funding the opportunity to refine and come back.

Jen Langland said MaineDOT’s recommendation is to concentrate on the \$17 million construction backlog and the projects that have already been funded for PDR. She noted there are risks with funding new PDRs and having the projects not come to fruition for 7-10 years, including a reduced ability to be nimble and address shifting priorities and increasing costs. MaineDOT recommends funding just 1-2 new projects for PDR. Jen also introduced Dale Doughty, MaineDOT’s new Director of Public Outreach and Planning.

Matt Sturgis asked if MaineDOT’s recommendation is Option C rather than Option A or B and Jen replied affirmatively.

Kristina asked how close existing PDR-funded projects are to being ready to receive an allocation of construction funding. Chris Branch noted that MaineDOT is doing the PDR for Brighton Avenue, but said he thought they would be ready to go to bid next year with certain aspects of the project, assuming they do not run into right-of-way (ROW) issues. He noted Portland will also seek other funding. Tom Milligan said MaineDOT is also doing the PDR for the Biddeford-Elm, Spruce, and Pearl Streets project and has started sending ROW solicitation letters, though Tom does not anticipate any ROW issues. He anticipates the project being ready to go out to bid next year.

Hope Cahan expressed concern about the recurring theme of projects costing significantly more than originally anticipated. She said she would be interested in staff presenting an analysis of regular transportation needs to be programmed and available funding from MaineDOT. She would like to have a better handle on historical and expected funding amounts and existing obligations to determine if PACTS needs to reevaluate how to distribute funding.

Matt noted he agrees with the conservative approach. He also supports instructing staff to have conversations with MaineDOT, particularly regarding funding for large-scale projects.

Chris Branch said he was open to phasing Libbytown construction, but that PDR would be necessary to determine how to phase the project most effectively. He moved to select Option A, emphasizing that he is seeking PDR funding and is open to phased construction for Libbytown; Rob Waeldner seconded.

Bill noted the Board has directed staff many times to have several projects ready in case of additional federal funding. He preferred advancing as many projects as possible and does not want to discourage staff from recommending PDRs.

Rob agreed with Bill about being ready for additional funding, but also recognized the concerns about tying up funds into the future. He supported Option A.

Jen clarified that after an earlier discussion with MaineDOT, City of Portland, and GPCOG staff, MaineDOT determined that Libbytown needed additional scoping before PDR. She said MaineDOT still supports Option C.

Kate Lewis asked for clarification as to whether Libbytown construction would be phased or removed. Chris Branch said he proposed to phase it or reduce the amount.

Kate supported reexamining how scoring is done, especially if one scorer appeared to be swaying things significantly. Chris Chop noted that no applicants were on the scoring committee.

Allen Armstrong suggested the group agree to a Libbytown construction obligation maximum.

Chris Branch suggested a construction amount of \$3 million. He commented that there was a push from the PACTS Executive Committee to have shovel-ready projects in case of additional funding, but the current method of allocation is that a project that gets funded for PDR will also get funded for construction.

Jim Bennett said he would support the motion, although did not support funding the Yarmouth Main Street project because it scored at number six. Regarding the Saco-Biddeford Multimodal Bridge, he said he didn't believe Saco and Biddeford would support the most expensive option, which staff included in the recommendation as a conservative estimate. He suggested moving PDR funds to the Holding WIN to allow the bridge project to rethink and return for funding.

Chris Branch pointed out that Portland is not expecting the \$13 million Brighton Avenue project to be fully funded through PACTS, adding that Portland has had discussions with MaineDOT about other funding sources. Kristina noted that the Brighton Avenue project currently accounts for a significant portion of PACTS' future funding allocations.

Bill Shane asked MaineDOT why they prefer Option C over Option A, noting that Libbytown construction was the big difference. Jen replied that Option C progressed more of the projects for construction over PDRs. Bill said the only construction difference was the amount for the Windham project. Dale said MaineDOT's original recommendation was none of the options. It was to advance most of the construction and select a few less expensive PDRs to keep the conveyor belt going. MaineDOT's preference is not to advance Libbytown to PDR, but rather to do additional scoping and let that inform a decision about PDR in the future.

Jim Bennett said that if the motion fails, he would move to advance Option C with the following changes:

- Remove Yarmouth Main Street
- Allocate \$1 million to Windham
- Allocate \$500,000 to South Portland
- Allocate \$400,000 to Westbrook
- Have funding left to allocate at a later time.

Jim said this would give the opportunity for the large projects to come back with phasing proposals and then seek PDR funding.

Matt Sturgis, returning to the motion on the table, asked Chris Branch if he would accept as a friendly amendment to limit the future construction commitment for Libbytown to \$3 million, which would change the total future construction estimate to \$5,565,200.

Chris Branch agreed. He added, however, that the City of Portland accepts but does not agree with MaineDOT's request for additional scoping for Libbytown. He said that during the meeting with City of Portland, MaineDOT, and GPCOG staff in July, it seemed that some thought the recommendation was to eliminate exit ramps on I-295, which is not the case.

The group discussed the legal weight of the motion, and whether PACTS would be responsible for additional funding should Libbytown project costs exceed the \$3 million cap. Kristina said no, but that the Policy Board would have the option to increase funding in the future. She pointed out that it is PACTS' policy to fully fund construction after funding PDR, not a federal requirement. The federal requirement is for the project sponsor to complete the project in a timely fashion or pay back the federal funds.

Several Board members expressed support for a variation of Option C that would keep Libbytown and perhaps the Saco-Biddeford Multimodal Bridge in priority positions for future funding allocations, possibly even reserving funding in the Holding WIN for one or both projects.

Kate said she understood the concerns about Libbytown and the concerns about funding a lower-ranking project ahead of a higher-ranking project. With regard to Jim Bennett's proposal, she said she could not support taking funding away from South Portland and Westbrook.

Diana Asanza expressed support for Jim's earlier recommendation.

On the motion, Jim Bennett, Ephrem Paraschak, Diana Asanza, Patrick Fox, and Tom Milligan were opposed; Jen Langland, Chad Heid, and Robert Currie abstained; all others were in favor. The motion carried.

9. Other Business

Bob Currie announced that he will be taking a new position as Director of Operations at York County Community Action Corporation. Matt and staff thanked Bob for his service on the board.

10. Adjourn

With no objection, the meeting was adjourned.