



U.S. Department
of Transportation

Transportation Management Area Planning Certification Review

Federal Highway
Administration

Federal Transit
Administration

Portland Area Comprehensive Transportation System (PACTS)

October 29, 2020

Final Report





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1.0 EXECUTIVE SUMMARY

On June 23 & 25, 2020, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) conducted the certification review of the transportation planning process for the Portland, Maine urbanized area. FHWA and FTA are required to jointly review and evaluate the transportation planning process for each urbanized area over 200,000 in population at least every four years to determine if the process meets the Federal planning requirements.

1.1 Previous Findings and Disposition

The first certification review for the Portland urbanized area was completed in 2016. A summary of the status of findings from the last review is provided in Appendix B.

1.2 Summary of Current Findings

The current review found that the metropolitan transportation planning process as conducted in the Portland, ME region substantially meets the Federal planning requirements. As a result of this review, FHWA and FTA are certifying the transportation planning process conducted by the metropolitan planning organization (MPO), Maine Department of Transportation (MaineDOT), and the providers of public transportation. There are also recommendations in this report that warrant close attention and follow-up, as well as areas that the MPO is performing very well in, that are to be commended.

Recommendations

1. Unified Planning Work Program

PACTS should include in the UPWP a map of the metropolitan planning area with overlays showing the demographics of the area by socioeconomic groups, low-income, minority populations, and transit routes serving the area. The studies proposed in the UPWP should be overlaid on this information to determine if an appropriate distribution of planning work across the region is being provided.

2. Metropolitan Transportation Plan

The updated MTP should clearly include all necessary financial resources that are reasonably expected to be made available to carry out the plan, including identification of the costs and revenue sources necessary to adequately operate and maintain the highway and public transportation systems, consistent with 23 CFR 450.324(f)(11).

3. Intermodal Transportation Planning Coordination

The Review Team recommends that the MPO and transit agencies refer to the Section 5307 Urbanized Area formula program requirements when allocating funding through PACTS SYCOP, TIP, and annual split letter. Special attention should be made to operating caps, security and ADA requirements.



4. Intermodal Transportation Planning Coordination

The Review Team recommends that the MPO continue its work to install bicycle parking and facilities to support the region's transit system. As mentioned in the Active Transportation Plan and during the site visit, there are still several transit facilities that offer inadequate parking for bicycles throughout the PACTS region. The MPO should coordinate with the transit agencies and additional stakeholders to incorporate and encourage the use of active transportation in connection with the region's transit system.

5. Transportation Improvement Program

A copy of the TIP policies and procedures document outlining the project selection criteria and prioritization process should be included in the TIP and made available on PACTS' website to improve transparency of the project selection process.

6. Transportation Improvement Program

The TIP should include a clear financial plan that documents financial constraint and includes information on the assumptions used to develop the estimates of federal funds reasonably anticipated to be available. The financial plan should be intelligible to the public and explain different acronyms and clearly identify funding sources.

7. Performance Based Planning and Programming

Future TIPs should clearly address all federally-required performance measures, including transit measures.

8. Performance Based Planning and Programming

PACTS should define its processes and timelines for reviewing and updating transit performance targets, ensuring the MPO's targets are appropriately coordinated with the State and transit agencies and that those performance measures and targets are incorporated into the region's planning documents and processes.

9. Public Participation

It is recommended, given the success of the public meeting during the certification review, that PACTS explore other ways to implement virtual and other emerging public involvement technologies and techniques to accommodate members of the public that cannot participate in-person. These approaches should be incorporated in the public participation plan.

10. Public Participation

PACTS should develop an approach to evaluate the effectiveness of its public involvement efforts including better documentation and measurement of public involvement using specific goals and criteria to determine what worked and what may need to be changed to increase public participation and gain the public trust. Developing an evaluation handbook to formally evaluate the public involvement process is one approach that would provide PACTS with the tools to continually assess and refine its



approach to better meet the needs of the public. This in turn would enable PACTS to more effectively target its public involvement resources.

11. Civil Rights

PACTS should provide a more prominent location or easily seen links on its website for translated materials, procedures, and forms.

12. Civil Rights

PACTS should develop data collection strategies and measures to ensure Title VI is fully incorporated into project planning and decision making.

13. Civil Rights

PACTS should evaluate extending the timeline for public comment to ensure all parties who may want to comment are able to.

14. Civil Rights

More specific information on how a presentation is going to be conducted should be included on meeting notices to allow for more effective reasonable accommodation and translation requests.

15. List of Obligated Projects

PACTS should revise how the list of obligated projects is presented to improve transparency and clearly communicate the federal funds obligated for projects compared to amounts programmed in the TIP, regardless of federal funding agency.

16. Freight Planning

PACTS is encouraged to work collaboratively with MaineDOT, MTA and the Port Authority to identify areas of opportunities to exchange information on projects that will positively impact the movement of freight in the metropolitan planning area.

17. Freight Planning

It is recommended that PACTS get more involved in the next update of the State Freight Plan to possibly identify and map freight corridors and distribution centers. For the next MTP update, the freight section should be expanded to include more maps and information on the freight modes and existing freight needs within the PACTS area.

18. Environmental Mitigation

In the next MTP update, PACTS should describe environmental mitigation measures that address both human and natural environmental factors. As part of that process, PACTS should increase coordination with resource agencies by asking them to help assess the system-wide impacts of implementing the MTP and help define potential mitigation measures that may be needed at the system-wide level. Mapping



resources (natural, historic, etc.) potentially affected by proposed transportation projects can help avoid and minimize negative impacts.

19. Environmental Mitigation

As part of the MTP update or through a separate UPWP study, PACTS is encouraged to complete a regionwide transportation infrastructure vulnerability assessment to identify those transportation components in the region most susceptible to damage or failure due to climate related events including but not limited to, storm surge and sea level rise.

20. Travel Demand Forecasting

PACTS is encouraged to explore expected future data needs that will be needed to support the ongoing maintenance and updates to the model to support analytical needs for long range plan, TIP, and CMP development activities. The updated model and advanced functionality should result in model outputs that could be potentially useful and informative for evaluating long range strategies and programming decisions. PACTS may want to explore how accessibility and operational measures can be used to communicate the effectiveness of system-level investment strategies.

21. Congestion Management Process

PACTS is encouraged to continue efforts focused on the integration of the CMP with long-range plan and TIP processes through the incorporation and alignment of measures and objectives to advance priority investment strategies. The MPO objectives and corridor level metrics could be used to support MTP and TIP performance measures, and aid in the identification of transportation investment strategies.

22. Congestion Management Process

The CMP documentation notes that some of the measures require data not yet available or that rely on data that is not updated often enough to support the process. One measure in particular – the Truck Travel Time Reliability Measure used for evaluating corridor performance, utilizes the NPMRDS data set which is available to all state DOTs. The MPO should consider development of a data management plan which can be helpful for identifying data needs for planning and programming activities and aligning resources with data procurements considered to be of greatest priority to support the agency's mission.

Commendations

1. MPO Structure and Agreements

PACTS is recognized for its leadership in working with GPCOG in the development of the agreement that led to the merger and integration of PACTS and GPCOG staff. The merger will maintain PACTS as the region's MPO and as a standing, permanent committee within GPCOG with full and exclusive authority over all matters relating to PACTS responsibilities as the region's MPO, including the programming of FHWA and FTA planning funding through the biennial Unified Planning Work Program and programming of capital projects in the TIP.

2. MPO Structure and Agreements



PACTS is commended for its current effort to assess the work, structure and number of committees in an effort to reduce costs and the total number of committees with clearer charges for each committee.

3. Public Participation

The Review Team commends PACTS for sponsoring for the Community Transportation Leaders Program as an ongoing opportunity for community members to gain the knowledge and tools for meaningful participation in transportation planning and decision-making and encourages PACTS to continue this work.

4. Nonmotorized Planning

PACTS is commended for completing “Getting There From Here – An Active Transportation Plan.” The plan provides the region with viable solutions designed to accommodate walking, bicycling, and public transit in addition to driving. The plan does a great job to outline the regional bicycle and pedestrian network, the regional public transit network, and the local active transportation network. It provides a framework to prioritize modal links, transportation hubs, and associated infrastructure needs. The plan addresses inequities by helping to ensure that everyone has safe, convenient, and affordable transportation options.



2.0 INTRODUCTION

2.1 Background

Pursuant to 23 U.S.C. 134(k) and 49 U.S.C. 5303(k), the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) must jointly certify the metropolitan transportation planning process in Transportation Management Areas (TMAs) at least every four years. A TMA is an urbanized area, as defined by the U.S. Census Bureau, with a population of over 200,000. After the 2010 Census, the Secretary of Transportation designated 183 TMAs – 179 urbanized areas over 200,000 in population plus four urbanized areas that received special designation.

In general, the review consists of three primary activities: a site visit, a review of planning products (in advance of and during the site visit), and preparation of a Certification Review Report that summarizes the review and offers findings. The review focuses on compliance with Federal regulations, challenges, successes, and experiences of the cooperative relationship between the metropolitan planning organization (MPO), the State DOT, and public transportation operator(s) in the conduct of the metropolitan transportation planning process. Joint FTA/FHWA Certification Review guidelines provide agency field reviewers with latitude and flexibility to tailor the review to reflect regional issues and needs. As a result, the scope and depth of the Certification Review reports will vary significantly.

The Certification Review process is only one of several methods used to assess the quality of a regional metropolitan transportation planning process, compliance with applicable statutes and regulations, and the level and type of technical assistance needed to enhance the effectiveness of the planning process. Other activities provide opportunities for this type of review and comment, including Unified Planning Work Program (UPWP) approval, the Metropolitan Transportation Plan (MTP), metropolitan and statewide Transportation Improvement Program (S/TIP) findings, air quality (AQ) conformity determinations (in nonattainment and maintenance areas), as well as a range of other formal and less formal contact provide both FHWA and FTA an opportunity to comment on the planning process. The results of these other processes are considered in the Certification Review process.

While the Certification Review report itself may not fully document those many intermediate and ongoing checkpoints, the “findings” of Certification Review are, in fact, based upon the cumulative findings of the entire review effort.

The review process is individually tailored to focus on topics of significance in each metropolitan planning area. Federal reviewers prepare Certification Reports to document the results of the review process. The reports and final actions are the joint responsibility of the appropriate FHWA and FTA field offices, and their content will vary to reflect the planning process reviewed.



2.2 Purpose and Objective

Since the enactment of the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991, the FHWA and FTA are required to jointly review and evaluate the transportation planning process in all urbanized areas over 200,000 population to determine if the process meets the Federal planning requirements in 23 U.S.C. 134, 40 U.S.C. 5303, and 23 CFR 450. The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), extended the minimum allowable frequency of certification reviews to at least every four years.

The Portland Area Comprehensive Transportation System (PACTS) is the designated MPO for the Portland, ME urbanized area. The ***Destination 2040*** Long Range Transportation Plan was adopted by the PACTS Policy Committee in 2016 for the eighteen communities in the PACTS urbanized area: Arundel, Biddeford, Cape Elizabeth, Cumberland, Falmouth, Freeport, Gorham, North Yarmouth, Old Orchard Beach, Portland, Raymond, Saco, Scarborough, South Portland, Standish, Westbrook, Windham and Yarmouth.

PACTS has served as the regional transportation planning and federal funding organization (the federally mandated "Metropolitan Planning Organization" or MPO) for the Greater Portland area since 1975. Portland reached the Transportation Management Area (TMA) threshold as a result of the 2010 US Census. PACTS is composed of municipal, state, federal officials, representatives of regional planning, transit agencies, and interested citizens and businesses. PACTS oversees transportation studies, identifies needs, and sets priorities for certain federal transportation funds available to the area. Current membership of the PACTS MPO consists of elected officials and citizens from the political jurisdictions in the PACTS urbanized area.

The Maine Department of Transportation (MaineDOT) is the responsible state agency, and public transportation is provided by the region's seven public transit agencies: Casco Bay Island Transit District, Greater Portland Transit District (METRO), Northern New England Passenger Rail Authority (NNEPRA, operates Amtrak Downeaster train service), Shuttlebus/ZOOM, South Portland Bus Service, the Regional Transit Provider (RTP), and York County Community Action Corporation (YCCAC).

Certification of the planning process is a prerequisite to the approval of Federal funding for transportation projects in the area. The certification review is also an opportunity to provide assistance on new programs and to enhance the ability of the metropolitan transportation planning process to provide decision makers with the knowledge they need to make well-informed capital and operating investment decisions.



3.0 SCOPE AND METHODOLOGY

An initial mock certification review was conducted in 2013 in preparation for the first PACTS Planning Certification completed in 2016. A summary of the status of findings from the last review is provided in Appendix B. This report details the 2020 review, which consisted of a formal site visit and a public involvement opportunity, conducted on June 23 & 25, 2020. The site visit was conducted remotely using the USDOT's Teams meeting platform, and the public meeting utilized PACTS' Zoom platform.

Participants in the review included representatives of FHWA, FTA, MaineDOT, public transportation operators, Greater Portland Council of Government (GPCOG), and PACTS staff. A full list of participants is included in Appendix A.

A desk audit of current documents and correspondence was completed prior to the site visit. In addition to the formal review, routine oversight mechanisms provide a major source of information upon which to base the certification findings.

The certification review covers the transportation planning process conducted cooperatively by the MPO, State, and public transportation operators. Background information, current status, and key findings are summarized in the body of the report for the subject areas selected by FHWA and FTA staff for on-site review.



4.0 PROGRAM REVIEW

4.1 Metropolitan Planning Area Boundaries

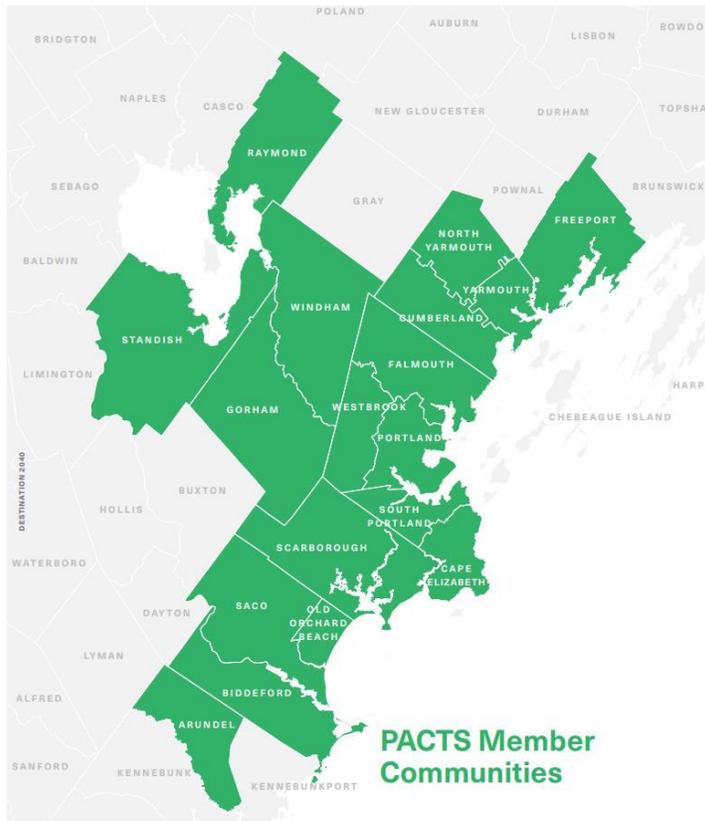
4.1.1 Regulatory Basis

23 U.S.C. 134(e) and 23 CFR 450.312(a) state the boundaries of a Metropolitan Planning Area (MPA) shall be determined by agreement between the MPO and the Governor. At a minimum, the MPA boundaries shall encompass the entire existing urbanized area (as defined by the Bureau of the Census) plus the contiguous area expected to become urbanized within a 20-year forecast period for the MTP.

4.1.2 Current Status

Portland Area Comprehensive Transportation System (PACTS) is the designated MPO for the entire Portland, ME urbanized area.

MPO Area Boundaries



PACTS is Maine’s largest MPO, encompassing 18 communities with an urbanized area population of over 200,000. Pursuant to federal statute, PACTS was established in 1964 as



collaborative effort of municipal, regional, state, and federal representatives responding to the transportation-related goals and objectives of the Greater Portland region and its citizens. PACTS distinguishes between its “Study Area” where planning activities are conducted and its “Capital Management Area” where FHWA-funded capital projects are programmed.

4.1.3 Findings

The transportation planning process in the Portland UZA is consistent with the federal requirements for this topic area.

4.2 MPO Structure and Agreements

4.2.1 Regulatory Basis

23 U.S.C. 134(d) and 23 CFR 450.314(a) state the MPO, the State, and the public transportation operator shall cooperatively determine their mutual responsibilities in carrying out the metropolitan transportation planning process. These responsibilities shall be clearly identified in written agreements among the MPO, the State, and the public transportation operator serving the MPA.

4.2.2 Current Status

On May 28, 2020, PACTS and the Greater Portland Council of Governments (GPCOG) formally merged to further enhance their capacity to work together to better serve the region’s transportation, housing, land use, economic and environmental interests to more deeply integrate their governance, their work, and their vision for the region. PACTS continues to operate as the official MPO for Portland, but the merger fully integrates the PACTS and GPCOG staffs. PACTS currently has five standing committees: the Policy Committee, Executive Committee, Technical Committee, Planning Committee, and Transit Committee.

PACTS includes eighteen local jurisdictions, each of which is represented on the Policy Committee (Arundel, Biddeford, Cape Elizabeth, Cumberland, Falmouth, Freeport, Gorham, North Yarmouth, Old Orchard Beach, Portland, Raymond, Saco, Scarborough, South Portland, Standish, Westbrook, Windham and Yarmouth). The number of representatives for each municipality is determined by population. MaineDOT, the Maine Turnpike Authority, and representatives of the Planning Committee, Technical Committee, and Transit Committee each have a voting seat on the Policy Committee as well.

4.2.3 Findings

Commendation: PACTS is recognized for its leadership in working with GPCOG in the development of the agreement that led to the merger and integration of PACTS and GPCOG staff. The merger will maintain PACTS as the region’s MPO and as a standing, permanent committee within GPCOG with full and exclusive authority over all matters relating to PACTS



responsibilities as the region's MPO, including the programming of FHWA and FTA planning funding through the biennial Unified Planning Work Program and programming of capital projects in the TIP.

Commendation: PACTS is commended for its current effort to assess the work, structure and number of committees in an effort to reduce costs and the total number of committees with clearer charges for each committee.

4.3 Unified Planning Work Program

4.3.1 Regulatory Basis

23 CFR 450.308 sets the requirement that planning activities performed under Titles 23 and 49 U.S.C. be documented in a Unified Planning Work Program (UPWP). The MPO, in cooperation with the State and public transportation operator, shall develop a UPWP that includes a discussion of the planning priorities facing the MPA and the work proposed for the next one- or two-year period by major activity and task in sufficient detail to indicate the agency that will perform the work, the schedule for completing the work, the resulting products, the proposed funding, and sources of funds.

4.3.2 Current Status

The PACTS total planning budget for CY 2020-2021 was \$2,765,150. PACTS is responsible for improving the safety, mobility, productivity, environmental quality and energy conservation for the region's transportation facilities, systems, and services. To identify priority projects and initiatives from this long list of responsibilities, PACTS gathered input from PACTS committee members, member municipalities' elected officials, and the public.

The initial step of the process was assessing the region's current transportation infrastructure. The PACTS Policy and Executive Committees began by ranking the priorities included in *Destination 2040*. PACTS then gathered input from six public sub-regional meetings. A total of 17 planning initiatives were identified and ranked. The ranked initiatives were used to clearly focus in on three to five top priorities to PACTS' work.

4.3.3 Findings

Recommendation: PACTS should include in the UPWP a map of the metropolitan planning area with overlays showing the demographics of the area by socioeconomic groups, low-income, minority populations, and transit routes serving the area. The studies proposed in the UPWP should be overlaid on this information to determine if an appropriate distribution of planning work across the region is being provided.



4.4 Metropolitan Transportation Plan

4.4.1 Regulatory Basis

23 U.S.C. 134(c), (h) & (i) and 23 CFR 450.324 set forth requirements for the development and content of the Metropolitan Transportation Plan (MTP). Among the requirements are that the MTP address at least a 20-year planning horizon and that it includes both long and short-range strategies that lead to the development of an integrated and multi-modal system to facilitate the safe and efficient movement of people and goods in addressing current and future transportation demand.

The MTP is required to provide a continuing, cooperative, and comprehensive multimodal transportation planning process. The plan needs to consider all applicable issues related to the transportation systems development, land use, employment, economic development, natural environment, and housing and community development.

23 CFR 450.324(c) requires the MPO to review and update the MTP at least every four years in air quality nonattainment (and maintenance) areas and at least every 5 years in attainment areas to reflect current and forecasted transportation, population, land use, employment, congestion, and economic conditions and trends.

Under 23 CFR 450.324(f), the MTP is required, at a minimum, to consider the following:

- Projected transportation demand
- Existing and proposed transportation facilities
- Operational and management strategies
- Congestion management process
- Capital investment and strategies to preserve transportation infrastructure and provide for multimodal capacity
- Design concept and design scope descriptions of proposed transportation facilities
- Potential environmental mitigation activities
- Pedestrian walkway and bicycle transportation facilities
- Transportation and transit enhancements
- A financial plan

4.4.2 Current Status

PACTS adopted its current Long-Range Transportation Plan on April 28, 2016. PACTS is currently in the process of updating the plan. The 2016 MTP included over 40 recommendations ranging from revising project scoring criteria to development of regional transit-oriented development guidance to completion of a regional transportation infrastructure vulnerability assessment. While the region has made progress toward implementing some of the recommendations, staff



indicated that the MPO's aim for the new MTP is to focus on a more manageable number of recommendations that can realistically be advanced.

The 2016 MTP includes a Financial Plan chapter which evaluates capital and operating needs as compared to anticipated resources. The Financial Plan states that municipal and state operational costs or funds used to maintain the highway and public transportation systems are not included.

Additional observations and recommendations related to the MTP can be found throughout this report (see [#4.7 Performance Based Planning and Programming](#), [#4.11 Freight Planning](#), [#4.12 Environmental Mitigation](#)).

4.4.3 Findings

Recommendation: The updated MTP should clearly include all necessary financial resources that are reasonably expected to be made available to carry out the plan, including identification of the costs and revenue sources necessary to adequately operate and maintain the highway and public transportation systems, consistent with 23 CFR 450.324(f)(11).

4.5 Intermodal Transportation Planning Coordination

4.5.1 Regulatory Basis

49 U.S.C. 5303 and 23 U.S.C. 134 require the transportation planning process in metropolitan areas to consider all modes of travel in the development of their plans and programs. Federal regulations cited in 23 CFR 450.314 state that the MPO in cooperation with the State and operators of publicly owned transit services shall be responsible for carrying out the transportation planning process.

4.5.2 Current Status

The Portland, ME Urbanized Area (UZA) includes seven transit providers that receive federal funds and offers a diverse multi-modal transportation system. The region consists of five bus operators which includes the Greater Portland Transit District (METRO), South Portland Bus Service (SPBS), Biddeford-Saco-Old Orchard Beach Transit Committee (BSOOB), Regional Transportation Program (RTP) and York County Community Action Program (YCCAC). The region also includes a fixed rail operator, the Northern New England Passenger Rail Authority (NNEPRA), and a ferry service provider, the Casco Bay Island Transit District (CBITD). The region's ADA paratransit services are operated by RTP through contractual agreements with METRO and SPBS. In December of 2012, the PACTS policy committee identified METRO, SPBS, BSOOB, NNEPRA, CBITD and the Maine Department of Transportation (MaineDOT) as the designated recipients for the region's FTA funding with concurrence from the Maine governor. The MaineDOT was elected as the pass-through organization for RTP and YCCAC to receive federal funds.



The seven transit providers have representation on the PACTS transit committee. Additional transit committee members include appointees from the PACTS executive committee, the MaineDOT, the Maine Turnpike Authority, Portland Planning Commission and a representative from the private transit sector. The transit committee is responsible for advising the PACTS executive committee on strategic public transportation passenger issues; submits recommendations for programming federal funds; reviews and scores project proposals for transit funding; and overall system planning.

The six-year capital and operating plan (SYCOP) is the MPO's core process to identify transit projects for the region's Transportation Improvement Program (TIP), as well as allocating FTA Section 5307 funding to the region's transit agencies. Requests for the SYCOP are submitted annually by mid-January by the transit agencies. The SYCOP assumes a 2% increase every year and factors in carryover from prior years' Section 5307 apportionments. The split letter for FTA funds apportioned to the Portland urbanized area is developed from the SYCOP and identifies capital, operating, ADA paratransit and planning activities to the region's designated recipients from the annual apportionment for specific federal fiscal years. The development of the SYCOP, and ultimately the TIP and split letter, has generally been a collaborative process. However, there have been recent occurrences where the split letter has authorized transit agencies operating assistance in excess of FTA's operating cap as identified in FTA's apportionment Table 3-a.

The MPO and regional transit agencies have demonstrated a close working relationship and have coordinated to achieve regional transportation goals. The MPO has worked with the transit agencies in developing a draft long-range public transportation plan. The plan establishes a 30-year path for investments in the region's public transportation network. Additionally, three of the transit providers, METRO, SPBS, and BSOOB, have introduced an electronic fare system, beginning the summer of 2020. METRO, SPBS, and BSOOB have recently incorporated a fare capping system that rewards passengers based on the frequency of rides within the transit systems. The MPO has collaborated with METRO and SPBS to conduct an equity analysis with residents in these service areas that have been impacted by the systems' fare capping initiative.

The Greater Portland region has an active pedestrian/bicycle scene and offers a vast network of trails. In 2018, GPCOG produced a long-range Active Transportation Plan for the PACTS region that outlines the region's bicycle and pedestrian network, public transit network, and local active transportation network. (See [#4.13 Nonmotorized Planning](#) for additional discussion.) The plan addresses PACTS' Transit Stop Access Project that includes funding from FTA to identify and install mini-hubs that include bicycle facilities in key locations. Currently, there are two permanent bicycle and pedestrian counters in the region. There have been times when the MPO supported volunteer count programs, however, the volunteer program was difficult to maintain and accurate data was difficult to attain. The availability of bike facilities at transit locations and facilities varies throughout the region. Many of the bus shelters outside the Portland Peninsula do not have bike racks available. The Casco Bay ferry terminal provides bicycle racks, but space is in high demand during summer months. NNEPRA has also recently



retrofitted coaches to accommodate an onboard bike rack. Lastly, many of the region's bus providers have bike racks fixed to their vehicles.

4.5.3 Findings

Recommendation: The Review Team recommends that the MPO and transit agencies refer to the Section 5307 Urbanized Area formula program requirements when allocating funding through PACTS SYCOP, TIP, and annual split letter. Special attention should be made to operating caps, security and ADA requirements.

Recommendation: The Review Team recommends that the MPO continue its work to install bicycle parking and facilities to support the region's transit system. As mentioned in the Active Transportation Plan and during the site visit, there are still several transit facilities that offer inadequate parking for bicycles throughout the PACTS region. The MPO should coordinate with the transit agencies and additional stakeholders to incorporate and encourage the use of active transportation in connection with the region's transit system.

4.6 Transportation Improvement Program

4.6.1 Regulatory Basis

23 U.S.C. 134(c), (h) & (j) set forth requirements for the MPO to cooperatively develop a Transportation Improvement Program (TIP). Under 23 CFR 450.326, the TIP must meet the following requirements:

- Must cover at least a four-year horizon and be updated at least every four years.
- Surface transportation projects funded under Title 23 U.S.C. or Title 49 U.S.C., except as noted in the regulations, are required to be included in the TIP.
- List project description, cost, funding source, and identification of the agency responsible for carrying out each project.
- Projects need to be consistent with the adopted MTP.
- Must be fiscally constrained.
- The MPO must provide all interested parties with a reasonable opportunity to comment on the proposed TIP.

4.6.2 Current Status

The most current TIP was approved on March 3, 2020. The TIP is financially constrained, and the funding estimates are based on past funding levels and reasonable projections of expected discretionary and new funding sources. All the municipalities participating in the TIP have agreed to provide the local match. Payment of the local match is worked out directly between



MaineDOT and the municipality when the project's status becomes "active". Consideration is given to all performance measures for the selection of projects in the TIP.

4.6.3 Findings

Recommendation: A copy of the TIP policies and procedures document outlining the project selection criteria and prioritization process should be included in the TIP and made available on PACTS' website to improve transparency of the project selection process.

Recommendation: The TIP should include a clear financial plan that documents financial constraint and includes information on the assumptions used to develop the estimates of federal funds reasonably anticipated to be available. The financial plan should be intelligible to the public and explain different acronyms and clearly identify funding sources.

4.7 Performance Based Planning and Programming

4.7.1 Regulatory Basis

Under 23 U.S.C. 134(h)(2), the metropolitan planning process shall provide for the establishment and use of a performance-based approach to transportation decision-making to support the national goals, including the establishment of performance targets.

23 CFR 450.306(d) states that each MPO shall establish performance targets to support the national goals and track progress towards the attainment of critical outcomes. Each MPO shall coordinate with the relevant State to ensure consistency, to the maximum extent practicable, and establish performance targets not later than 180 days after the State or provider of public transportation establishes its performance targets. The selection of performance targets that address performance measures described in 49 U.S.C. 5326(c) and 49 U.S.C. 5329(d) shall be coordinated to the maximum extent practicable, with public transportation providers to ensure consistency with the performance targets that public transportation providers establish under 49 U.S.C. 5326(c) and 49 U.S.C. 5329(d). Additionally, each MPO shall integrate the goals, objectives, performance measures, and targets from other performance-based plans and programs integrated into the metropolitan transportation planning process.

23 CFR 450.314(h) states that the MPO, the State, and the public transportation operator shall jointly develop specific written provisions for Performance Based Planning and Programming (PBPP), which can either be documented as part of the metropolitan planning agreements or in some other means.

23 CFR 450.324(f) states that MTPs shall include descriptions of the performance measures and performance targets used in assessing the performance of the transportation system, a system performance report evaluating the condition and performance of the transportation system with respect to the performance targets, and progress achieved in meeting the performance targets in comparison with system performance recorded in previous reports.



23 CFR 450.326(d) states that the TIP shall include, to the maximum extent practicable, a description of the anticipated effect of the programmed investments with respect to the performance targets established in the MTP, linking investment priorities to those performance targets.

23 CFR 450.340 states that MPOs have two years from the effective dates of the planning and performance measures rule to comply with the requirements.

4.7.2 Current Status

PACTS has adopted targets for federal performance measures on highway safety, pavement and bridge conditions, and system performance. For some measures, the MPO adopted the State's targets while for other measures a regional target was developed. PACTS also adopted federally-required transit asset management (TAM) targets in December 2017.

All federal highway performance measures are addressed in the current PACTS TIP. Although TAM targets were adopted by the MPO, they have not been incorporated into the final version of the TIP and so no description of the link between investment priorities and TAM targets is provided.

An MTP update has not been completed since federal planning regulations requiring the incorporation of performance management were finalized; however, the upcoming MTP update will need to address performance management and include a system performance report. Additionally, PACTS will be required to adopt public transportation safety targets in 2021, following the adoption of Public Transportation Agency Safety Plans (PTASP) and targets by the appropriate transit agencies in the region.

4.7.3 Findings

Recommendation: Future TIPs should clearly address all federally-required performance measures, including transit measures.

Recommendation: PACTS should define its processes and timelines for reviewing and updating transit performance targets, ensuring the MPO's targets are appropriately coordinated with the State and transit agencies and that those performance measures and targets are incorporated into the region's planning documents and processes.

4.8 Public Participation

4.8.1 Regulatory Basis

Sections 134(i)(5), 134(j)(1)(B) of Title 23 and Section 5303(i)(5) and 5303(j)(1)(B) of Title 49, require a Metropolitan Planning Organization (MPO) to provide adequate opportunity for the public to participate in and comment on the products and planning processes of the MPO. The



requirements for public involvement are detailed in 23 CFR 450.316(a) and (b), which require the MPO to develop and use a documented participation plan that includes explicit procedures and strategies to include the public and other interested parties in the transportation planning process.

Specific requirements include giving adequate and timely notice of opportunities to participate in or comment on transportation issues and processes, employing visualization techniques to describe metropolitan transportation plans and TIPs, making public information readily available in electronically accessible formats and means such as the world wide web, holding public meetings at convenient and accessible locations and times, demonstrating explicit consideration and response to public input, and periodically reviewing the effectiveness of the participation plan.

4.8.2 Current Status

Like other agencies that conduct public business and seek to engage with stakeholders and members of the public, PACTS has had to adapt their practices in light of the ongoing COVID-19 pandemic and associated restrictions on public gatherings and other face-to-face interactions. At the time of this review, PACTS was conducting a study on best practices for inclusive virtual public engagement.

When the MPO receives comments on specific documents or broader planning process topics, there currently is not a coordinated, comprehensive approach to responding. Staff are considering ways to strengthen how PACTS responds to public comments and input received. Additionally, PACTS does not currently have an ongoing, systematic approach to evaluating the effectiveness of their public involvement efforts. The information shared with the Review Team and the methodology used to update the current public participation plan could help strengthen certain areas, such as how PACTS responds to comments and how to engage underserved populations that may not have access to public transportation or the internet.

During this review process, much of the public input received by the Review Team focused on opportunities to make the planning process more understandable and open to members of the general public. While PACTS utilizes a number of robust outreach methods, there are additional opportunities to ensure all audiences have access to information and clear avenues for providing input. This is something that should be included in a review of the effectiveness of public involvement efforts.

4.8.3 Findings

Commendation: The Review Team commends PACTS for sponsoring for the Community Transportation Leaders Program as an ongoing opportunity for community members to gain the knowledge and tools for meaningful participation in transportation planning and decision-making and encourages PACTS to continue this work.



Recommendation: It is recommended, given the success of the public meeting during the certification review, that PACTS explore other ways to implement virtual and other emerging public involvement technologies and techniques to accommodate members of the public that cannot participate in-person. These approaches should be incorporated in the public participation plan.

Recommendation: PACTS should develop an approach to evaluate the effectiveness of its public involvement efforts including better documentation and measurement of public involvement using specific goals and criteria to determine what worked and what may need to be changed to increase public participation and gain the public trust. Developing an evaluation handbook to formally evaluate the public involvement process is one approach that would provide PACTS with the tools to continually assess and refine its approach to better meet the needs of the public. This in turn would enable PACTS to more effectively target its public involvement resources.

4.9 Civil Rights (Title VI, EJ, LEP, ADA)

4.9.1 Regulatory Basis

It has been a long-standing policy of USDOT to actively ensure nondiscrimination under the Civil Rights Act of 1964. Title VI states that “no person in the United States shall, on the ground of race, color, or national origin, be excluded from participating in, be denied the benefits of or be subjected to discrimination under any program or activity receiving Federal financial assistance.” Title VI bars intentional discrimination (i.e. disparate treatment), as well as disparate impact discrimination stemming from neutral policy or practice that has the effect of a disparate impact on protected groups based on race, color, or national origin. The planning regulations 23 CFR 450.336 require an MPO to certify that “the planning process is being carried out in accordance with all applicable requirements of... Title VI of the Civil Rights Act of 1964 as amended (42 USC 2000d – 1) and 49 CFR part 21.” More specifically the following authorities address the requirements for Notification and Complaint Procedures: 49 CFR 21.9 (d); 28 CFR 35.107; 23 CFR 200.9 (b) (3); FTA C4702.1B, Chapter III 5 and 6.

As part of the planning and project development processes, seeking out and considering the needs of traditionally underserved, including Title VI /EJ populations, as well as providing timely notification to ensure ample opportunity to participate, is required. The following authorities address these requirements: 23 CFR 450.316(a) (1) (ii); 23 CFR 450.316(a) (1) (vii); 23 CFR 771.111(h) (2) (IV); FTA C4702.1B, Chapter III, 8.

Executive Order #12898 (Environmental Justice) directs federal agencies to develop strategies to address disproportionately high and adverse human health or environmental effects of their programs on minority and low-income populations. In compliance with this Executive Order, USDOT and FHWA issued orders to establish policies and procedures for addressing environmental justice in minority and low-income populations. The planning regulations, at 23



CFR 450.316(a)(1)(vii), require that the needs of those “traditionally underserved” by existing transportation systems, such as low-income and/or minority households, be sought out and considered.

Executive Order # 13166 (Limited-English-Proficiency) requires agencies to ensure that limited English proficiency persons are able to meaningfully access the services provided consistent with and without unduly burdening the fundamental mission of each federal agency.

4.9.2 Current Status

PACTS has a Title VI policy and complaint form posted on its website; however, visitors must make several clicks through English-only pages to find the complaint form and Title VI procedures that are translated, which would be difficult for non-English-speaking members of the community. The form and procedures for filing discrimination complaints are posted in Arabic, English, French, Portuguese, Somali, and Spanish. The website provides contact information for requesting language translations and alternative formats.

All recipients must collect and analyze data to determine the extent to which they are serving or impacting the public. This fundamental requirement was established in the U.S. Department of Justice’s Title VI regulation 28 CFR 42.406, and, further, in USDOT’s implementing regulations at 49 CFR 21.9(b). The FHWA Title VI regulations 23 CFR 200.9(b) (4) and the FTA Circular C4702.1B, Chapter V, 2.e. also have specific requirements for data collection and analysis. It should be noted that data collection and analysis are essential to implementing a system for both project and program level monitoring to determine if any impediments exist regarding access or equity. In response to a question about where emphasis is placed when considering projects, PACTS responded they are working on how to best measure and collect data on Title VI populations to inform their decision making.

PACTS currently has a 10-day public comment period for its TIP and TIP amendments. PACTS has trained a variety of community members to understand how the planning process works and how to participate in it. However, at the public meeting for this review none of these groups were represented. An offer to provide reasonable accommodations is posted on the website and is included in meeting announcements; however, the offer is very broad and does not include any specific details.

4.9.3 Findings

Recommendation: PACTS should provide a more prominent location or easily seen links on its website for translated materials, procedures, and forms.

Recommendation: PACTS should develop data collection strategies and measures to ensure Title VI is fully incorporated into project planning and decision making.



Recommendation: PACTS should evaluate extending the timeline for public comment to ensure all parties who may want to comment are able to.

Recommendation: More specific information on how a presentation is going to be conducted should be included on meeting notices to allow for more effective reasonable accommodation and translation requests.

4.10 List of Obligated Projects

4.10.1 Regulatory Basis

23 U.S.C. 134(j)(7) and 23 CFR 450.334 requires that the State, the MPO, and public transportation operators cooperatively develop a listing of projects for which Federal funds under 23 U.S.C. or 49 U.S. C. Chapter 53 have been obligated in the previous year. The listing must include all federally funded projects authorized or revised to increase obligations in the preceding program year and, at a minimum, the following for each project:

- The amount of funds requested in the TIP
- Federal funding obligated during the preceding year
- Federal funding remaining and available for subsequent years
- Sufficient description to identify the project
- Identification of the agencies responsible for carrying out the project

4.10.2 Current Status

The PACTS website includes a page with links to lists of obligated projects. The link identified as a list of FHWA projects for FY 2019 does include a few FTA-funded projects, but there is also a separate link for other FTA-funded projects. The two listings are inconsistent and formatted very differently.

4.10.3 Findings

Recommendation: PACTS should revise how the list of obligated projects is presented to improve transparency and clearly communicate the federal funds obligated for projects compared to amounts programmed in the TIP, regardless of federal funding agency.

4.11 Freight Planning

4.11.1 Regulatory Basis

The MAP-21 established in 23 U.S.C. 167 a policy to improve the condition and performance of the national freight network and achieve goals related to economic competitiveness and efficiency; congestion; productivity; safety, security, and resilience of freight movement;



infrastructure condition; use of advanced technology; performance, innovation, competition, and accountability, while reducing environmental impacts.

In addition, 23 U.S.C. 134 and 23 CFR 450.306 specifically identify the need to address freight movement as part of the metropolitan transportation planning process.

4.11.2 Current Status

Currently there is no in-house focus on freight at GPCOG/PACTS.

4.11.3 Findings

Recommendation: PACTS is encouraged to work collaboratively with MaineDOT, MTA and the Port Authority to identify areas of opportunities to exchange information on projects that will positively impact the movement of freight in the metropolitan planning area.

Recommendation: It is recommended that PACTS get more involved in the next update of the State Freight Plan to possibly identify and map freight corridors and distribution centers. For the next MTP update, the freight section should be expanded to include more maps and information on the freight modes and existing freight needs within the PACTS area.

4.12 Environmental Mitigation

4.12.1 Regulatory Basis

23 U.S.C. 134(i)(2)(D)23 CFR 450.324(f)(10) requires environmental mitigation be set forth in connection with the MTP. The MTP is required to include a discussion of types of potential environmental mitigation activities for the transportation improvements and potential areas to carry out these activities, including activities that may have the greatest potential to restore and maintain the environmental functions affected by the plan.

23 U.S.C. 168 and Appendix A to 23 CFR Part 450 provide for linking the transportation planning and the National Environmental Policy Act (NEPA) processes. A Planning and Environmental Linkages (PEL) study can incorporate the initial phases of NEPA through the consideration of natural, physical, and social effects, coordination with environmental resource agencies, and public involvement. This will allow the analysis in the PEL study to be referenced in the subsequent NEPA document once the project is initiated, saving time and money with project implementation.



4.12.2 Current Status

The current MTP does not include a detailed discussion of potential environmental mitigation. The MTP does discuss the more notable effects on air and water quality and the natural landscape.

PACTS staff is active on climate change and resiliency issues as a member of the Maine Governor's Climate Council Transportation Working Group and has participated in MaineDOT's culvert work. On greenhouse gas mitigation issues, PACTS is active in Maine Clean Communities with Maine's Department of Environment. Some limited vulnerability assessments have been conducted in the Portland region by different groups, but there has not been a comprehensive review of the potential impact of climate change on transportation assets or of the potential resiliency needs of the transportation system.

4.12.3 Findings

Recommendation: In the next MTP update, PACTS should describe environmental mitigation measures that address both human and natural environmental factors. As part of that process, PACTS should increase coordination with resource agencies by asking them to help assess the system-wide impacts of implementing the MTP and help define potential mitigation measures that may be needed at the system-wide level. Mapping resources (natural, historic, etc.) potentially affected by proposed transportation projects can help avoid and minimize negative impacts.

Recommendation: As part of the MTP update or through a separate UPWP study, PACTS is encouraged to complete a regionwide transportation infrastructure vulnerability assessment to identify those transportation components in the region most susceptible to damage or failure due to climate related events including but not limited to, storm surge and sea level rise.

4.13 Nonmotorized Planning

4.13.1 Regulatory Basis

23 U.S.C. 217(g) states that bicyclists and pedestrians shall be given due consideration in the comprehensive transportation plans developed by each MPO under 23 U.S.C. 134. Bicycle transportation facilities and pedestrian walkways shall be considered, where appropriate, in conjunction with all new construction and reconstruction of transportation facilities.

23 CFR 450.306 sets forth the requirement that the scope of the metropolitan planning process "will increase the safety for motorized and non-motorized users; increase the security of the transportation system for motorized and non-motorized users; and protect and enhance the environment, promote energy conservation, improve the quality of life.



4.13.2 Current Status

Many of the objectives and strategies identified in the region's current MTP support the creation or improvement of bicycle and pedestrian facilities, aiming to make them safer, more accessible, more appealing, and a more effective component of the overall transportation system. In 2018, PACTS completed a long-range active transportation plan for the region, "Getting There From Here." In addition to engaging bicycle and pedestrian advocates through the PACTS public involvement process, the Bicycle Coalition of Maine is an active participant and voting member of the PACTS Technical and Policy Committees.

4.13.3 Findings

Commendation: PACTS is commended for completing "Getting There From Here – An Active Transportation Plan." The plan provides the region with viable solutions designed to accommodate walking, bicycling, and public transit in addition to driving. The plan does a great job to outline the regional bicycle and pedestrian network, the regional public transit network, and the local active transportation network. It provides a framework to prioritize modal links, transportation hubs, and associated infrastructure needs. The plan addresses inequities by helping to ensure that everyone has safe, convenient, and affordable transportation options.

4.14 Travel Demand Forecasting

4.14.1 Regulatory Basis

23 CFR 450.324(f)(1) requires that the Metropolitan Transportation Plan include the projected transportation demand of persons and goods in the Metropolitan Planning Area over the period of the transportation plan. Travel demand forecasting models are used in the planning process to identify deficiencies in future year transportation systems and evaluate the impacts of alternative transportation investments. In air quality non-attainment and maintenance areas, they are also used to estimate regional vehicle activity for use in mobile source emission models that support air quality conformity determinations.

4.14.2 Current Status

PACTS completed a significant update to the regional travel model in 2017. The update addressed comments provided by FHWA during the previous certification review. Enhancements include the ability to forecast system usage and performance for four time periods across an entire average weekday. Peak hour traffic is now calculated as a fraction of the morning and afternoon peak period traffic. Seasonality is accounted for through the inclusion of parameters and inputs that reflect both fall and summer weekday travel periods. The model includes seasonal housing and recreational trips at beaches, parks and the ferry terminal, and can run in a scenario-based application framework.



The model estimates an accessibility factor that influences auto availability, walk mode share, and transit mode share choices. Toll forecasting has been enhanced through the segmentation of E-Z Pass and toll customers. Another noteworthy feature is the establishment of a Dynamic Traffic Assignment capability that can be used to evaluate a broader spectrum of operational performance measures, such as queue length and duration.

One challenge noted in the previous certification review is the limited sample of National Household Travel Survey records collected in the Portland, Maine region. Therefore, the estimation relied on the sample of all households in New England in MPO areas of less than 1 million population.

4.14.3 Findings

Recommendation: PACTS is encouraged to explore expected future data needs that will be needed to support the ongoing maintenance and updates to the model to support analytical needs for long range plan, TIP, and CMP development activities. The updated model and advanced functionality should result in model outputs that could be potentially useful and informative for evaluating long range strategies and programming decisions. PACTS may want to explore how accessibility and operational measures can be used to communicate the effectiveness of system-level investment strategies.

4.15 Air Quality

4.15.1 Regulatory Basis

The air quality provisions of the Clean Air Act (42 U.S.C. 7401) and the MPO provisions of Titles 23 and 49 require a planning process that integrates air quality and metropolitan transportation planning, such that transportation investments support clean air goals. Under 23 CFR 450.324(m), a conformity determination must be made on any updated or amended transportation plan in accordance with the Clean Air Act and the EPA transportation conformity regulations of 40 CFR Part 93. A conformity determination must also be made on any updated or amended TIP, per 23 CFR 450.326(a).

4.15.2 Current Status

EPA previously revoked the 1997 ozone NAAQS for all purposes, including transportation conformity. The Portland, Maine 8-hour ozone attainment area with a maintenance plan (which includes portions of Androscoggin, Cumberland, Sagadahoc, and York Counties) was one of two regions in Maine for which transportation conformity was required under the 1997 ozone NAAQS. As of July 20, 2012, the entire State of Maine was designated as unclassifiable/attainment for the 2008 ozone National Ambient Air Quality Standard (NAAQS), thus transportation conformity is not required for the 2008 ozone NAAQS. In addition, EPA issued air-quality designations for the 2015 ozone NAAQS on June 4, 2018 (83 FR 25776; effective August 3, 2018), where the entire State of Maine was designated as



unclassifiable/attainment, thus transportation conformity is not required for the 2015 ozone NAAQS.

On February 16, 2018, the D.C. Circuit Court of Appeals in *South Coast Air Quality Management District v. EPA* (“South Coast II,” 882 F.3d 1138) held that transportation conformity determinations must continue to be made in areas that were either nonattainment or maintenance for the 1997 ozone NAAQS and in areas that were attainment for the 2008 ozone NAAQS when the 1997 ozone NAAQS was revoked. Transportation conformity determinations were required in these areas (such as the Portland maintenance area in Maine) as of February 16, 2019.

As documented in the 2020-2023 TIP, all federally funded or approved transportation projects, programs and plans were reviewed and evaluated for their impacts on air quality. Specifically, the projects and other federally funded activities contained in the Long-Range Transportation Plan (LRTP) and TIP were determined to not cause or contribute to new violations, exacerbate existing violations, or interfere with the timely attainment of air quality standards. The transportation conformity process included the active participation of all agencies (federal, state, and local) that implement federally funded transportation projects and programs within the Portland area and demonstrated transportation conformity. A regional emissions analysis is not required in the orphan areas so the remaining criteria were evaluated and satisfied.

4.15.3 Findings

The transportation planning process in the Portland UZA is consistent with the federal requirements for this topic area.

4.16 Congestion Management Process

4.16.1 Regulatory Basis

23 U.S.C. 134(k)(3) and 23 CFR 450.322 set forth requirements for the congestion management process (CMP) in TMAs. The CMP is a systematic approach for managing congestion through a process that provides for a safe and effective integrated management and operation of the multimodal transportation system. TMAs designated as non-attainment for ozone must also provide an analysis of the need for additional capacity for a proposed improvement over travel demand reduction, and operational management strategies.

4.16.2 Current Status

Considerable progress has been made in the identification of congestion performance measures and establishment of objective weights. Priorities were identified through a CMP committee, which were then translated into weights for use in a CMP project prioritization process. PACTS can use these three sets of weights to prioritize congestion-related projects.



4.16.3 Findings

Recommendation: PACTS is encouraged to continue efforts focused on the integration of the CMP with long-range plan and TIP processes through the incorporation and alignment of measures and objectives to advance priority investment strategies. The MPO objectives and corridor level metrics could be used to support MTP and TIP performance measures, and aid in the identification of transportation investment strategies.

Recommendation: The CMP documentation notes that some of the measures require data not yet available or that rely on data that is not updated often enough to support the process. One measure in particular – the Truck Travel Time Reliability Measure used for evaluating corridor performance, utilizes the NPMRDS data set which is available to all state DOTs. The MPO should consider development of a data management plan which can be helpful for identifying data needs for planning and programming activities and aligning resources with data procurements considered to be of greatest priority to support the agency's mission.



5.0 CONCLUSION

The FHWA and FTA review found that the metropolitan transportation planning process in the Portland, Maine urbanized area meets Federal planning requirements. As a result of this review, FHWA and FTA are certifying the transportation planning process conducted by the metropolitan planning organization (MPO), Maine Department of Transportation (MaineDOT), and the providers of public transportation.



APPENDIX A - PARTICIPANTS

The following individuals attended the Portland urbanized area virtual on-site review on June 23 & 25, 2020:

FHWA: Carlos Pena, Jill Stark, Eric Pihl, Wanda Hughley-Culbertson, Eva Birk

FTA: Leah Sirmin, Brandon Burns, Kristin Wood, Peggy Griffin

PACTS staff/consultants: Kristina Egan, Chris Hall, Rick Harbison, Ryan Neale, Sara Devlin, Zoe Miller, Kevin Hooper

Transit Committee Members: Greg Jordan (Metro), Hank Berg (Casco Bay Lines), John Duncan (South Portland), Robert Currie (YCCAC), Tony Scavuzzo (BSOOB), Jack De Beradinis (RTP), William Gayle (NNEPRA), Patricia Quinn (NNEPRA); Chris Chop (Maine Medical Center)

MaineDOT: Chris Mann (MPO Coordinator), Amy Hughes (Civil Rights Office)



APPENDIX B - STATUS OF FINDINGS FROM LAST REVIEW

In preparation for the 2020 PACTS Federal Certification Review conducted by FHWA and FTA, the following is a status report on the 2016 PACTS Federal Certification Review, provided by PACTS staff to the Review Team on April 3, 2020.

2016 REVIEW RECOMMENDATIONS AND PACTS ACTIONS TO ADDRESS RECOMMENDATIONS

The recommendations for the 2016 Review are noted in italics, and PACTS responding actions are bulleted and indented.

UNIFIED PLANNING WORK PROGRAM

***Recommendation:** PACTS should explore opportunities to provide technical assistance and expand its outreach to those communities that are not fully engaged, and have not benefited from significant planning activities, such as transit coordination, safety, corridor development, congestion management, livability, or any other activity that the MPO can address through their work.*

To address this recommendation, PACTS:

- Hired an engineer to provide technical assistance to our members.
- Expanded outreach by holding annual sub-regional meetings in 2017, 2018, and 2019 to offer engagement opportunities close-to-home for all PACTS member municipalities. These meetings engaged municipal elected officials as well as municipal staff in helping to develop PACTS priorities.
- Held one-on-ones with newly elected officials from PACTS communities to inform them on the MPO process. Through these meetings, GPCOG's Executive Director personally offered engagement opportunities and encouraged participation by elected officials.
- Convened annual summits held in 2017, 2018, and 2019 to highlight MPO accomplishments and to provide a forum for peer exchange regarding transportation issues and successes.
- Annually convened Transit Committee retreats.

CONGESTION MANAGEMENT PROCESS



Recommendation: *The Review Team recommends the MPO integrate freight-related corridors and bottleneck locations during the next CMP update cycle and consider the development of freight-related performance measures as monitoring of system performance occurs.*

To address this recommendation:

- The 2018 draft Congestion Mitigation Plan identifies key corridors and bottlenecks and outlines performance measures to be monitored.
- The 2018 plan needs to be updated to include freight recommendations from the 2016 certification. PACTS will finalize the CMP plan as part of the Long-Range Plan update in 2021.

METROPOLITAN TRANSPORTATION PLAN

Recommendation: *The MPO should consider working more closely with MaineDOT's Environmental Office to ensure that environmental documents that are being developed for projects are approved by the MPO. Consistent with FHWA's guidance on the planning requirements and their relationship to the National Environmental Policy Act of 1969 (NEPA), each entire project described in a Record of Decision (ROD), Finding of No Significant Impact (FONSI), or Categorical Exclusion (CE) shall be consistent with the MTP prior to the FHWA approval of the environmental document for the project.*

To address this recommendation, PACTS:

- Hired technical capacity to monitor projects and will include environmental documentation as part of that review.
- Attends MaineDOT regional "synergy" meetings to review projects and receive updates on project development. This includes environmental requirements.
- Attended the Locally Administrated Projects training. GPCOG staff received training in environmental review as part of that training.

TRANSPORTATION IMPROVEMENT PROGRAM AND PROJECT SELECTION PROCESS

Recommendation: *The TIP is a public document that describes the implementation of projects. The TIP needs to include financial information that demonstrates how the TIP will be implemented. The financial plan is information that supports the implementation of the TIP, including the revenue sources that will be available to implement the projects from both public and private sources that are reasonably expected to be available.*

The State, the MPO and transit operators cooperatively develop the revenue and project cost estimates. This information should be summarized in the TIP. The revenue and project cost



estimates should reflect inflation rates and shown in YOY dollars. FHWA and FTA encourage the use of local data to support the inflation rate that is developed by the State DOT, MPO and transit.

To address this recommendation PACTS has modified its approach in the [2020 -2023 PACTS TIP](#), a public document describing the implementation of all projects, including financial information and reasonably anticipated public and private revenue sources available for specific projects (see pages 13-15 and Appendix V starting on page 30).

PACTS has worked with the MaineDOT and transit operators to jointly understand and track revenue and project cost estimates which reflect inflation rates that MaineDOT, PACTS and transit operators estimate based on local data and experience.

In the future PACTS will develop a more detailed financial plan showing how the next TIP will be implemented. The plan will include reasonably anticipated public and private revenue sources available for each project, as well as a joint understanding by MaineDOT, PACTS and transit operators of revenue and project cost estimates which reflect inflation rates that MaineDOT, PACTS and transit operators estimate based on local data and experience, together with a tracking system for each project's costs and revenues over time.

Recommendation: *The MPO should refine its TIP project selection and prioritization process, in consideration of the following:*

PACTS should update its TIP policies and procedures document to include a list of selection criteria used in the TIP project selection and prioritization process. PACTS should also post the updated document on its public website in order to improve the transparency and accessibility of the project selection process.

To address this recommendation:

- The most recent TIP Policies and Procedures includes a list of selection criteria. The Transit Committee has adopted policies and procedures, however, for public transportation, there is no criteria for the selection of projects with the exception of a scoring process for Regionally Administered Discretionary funding. These projects go through a rigorous evaluation process, and the process and decisions are posted publicly. To address this recommendation, and to ensure the highest and best use of federal transit dollars, in 2019, the PACTS Policy Committee appointed members to an ad hoc committee to create a funding framework for both Federal Highway and Federal Transit funded projects. The committee has procured a consultant to assist with establishing that framework. This framework is anticipated to be operational by the end of 2020.



Adding an additional criterion or criteria related to transportation infrastructure resiliency, alignment with hazard mitigation plans, and/or climate change adaptation and environmental justice.

To address this recommendation:

- These recommended criteria will be included for the TIP Committee's consideration as it develops the new funding prioritization framework.

INTERMODAL TRANSPORTATION COORDINATION

Recommendation: *The MPO should clearly present basic information about the modal breakdown of funds and projects programmed in the TIP and planned in the MTP. This information should be presented in a clear and attractive format as part of the TIP and MTP documents, so that members of the public and agency stakeholders can easily gain a broad understanding of the region's transportation priorities.*

To address this recommendation:

- Modal breakdown information has not been included in past MTPs or the TIP. Staff compiled data for inclusion in the 2020-2023 TIP, but because many projects are multi-modal, PACTS encountered challenges in separating funding accurately by mode. The transportation funding priority framework, which is currently in development, should better enable us to define projects or portions of projects by mode. PACTS plans to provide a modal breakdown of funds in the 2021 TIP and the update to the MTP in 2021. Examples of how other regions have done this effectively for projects that serve several modes would be helpful to PACTS.

Recommendation: *As the MPO and other regional stakeholders investigate the potential benefits of consolidating some of the Portland area's transit providers, they should focus on creating a streamlined and seamless customer experience. The transit system should function as one cohesive, easy-to-use whole, regardless of the underlying structure of the organizations that operate and maintain it.*

To address this recommendation, PACTS:

- Published a short-term transit improvement plan in 2017, called *Moving Southern Maine Forward*. The express goal of the plan is to catalyze coordinated actions by providers that will create a more seamless, user-friendly experience for transit customers. In 2018, 2019, and 2020, PACTS is implementing the plan. In the region, fare increases and fare capping was coordinated between three bus agencies. Electronic fare payment amongst those three agencies was scheduled to roll out this spring but has been disrupted by the global COVID-19 pandemic. There are ongoing



efforts to coordinate routes and schedules and ensure data consistency for Automatic Vehicle Location.

- Launched Transit Tomorrow in 2019, the region's first long-range public transportation plan. All of the region's seven providers are participating in the development of the plan, which will be published in 2020.

PUBLIC OUTREACH AND PUBLIC INVOLVEMENT

Recommendation: *The Review Team recommends that the MPO conduct a review of the Public Participation Plan, including measurements of effectiveness, and update accordingly. This can be in concert with the update to the MTP within the next year.*

To address this recommendation, PACTS:

- Updated its Public Participation Plan in 2019. The full plan can be accessed by the following link: <https://www.gpcog.org/371/Public-Participation>. The updated Public Involvement Plan outlines goals and strategies for 2020-2021, including the development and adoption of performance measures.

TITLE VI AND NONDISCRIMINATION

Recommendation: *As PACTS prepares for the submission of their federal fiscal year 2017 Title VI Implementation Plan, due September 1, 2016 to MaineDOT, the Review Team recommends that the MPO work with the MaineDOT's Title VI Coordinator and, as appropriate, the FHWA Maine Division and the Regional Civil Rights Officer in FTA Region 1, to address all Title VI, Environmental Justice and Limited English Proficiency requirements ensuring a compliant document.*

To address this recommendation, PACTS:

- Updated its Title VI Implementation Plan with MaineDOT input and approval: The plan can be accessed here: <https://www.gpcog.org/223/Civil-RightsTitle-VI>. The updated plan includes goals for FFY2021 including addressing several items to make the plan a compliant document. See page 47.

LIMITED ENGLISH PROFICIENCY

Recommendation: *The Review Team recommends the MPO develop a Limited English Proficiency (LEP) Plan to specifically identify LEP populations and document strategies and activities to engage these communities. Like all Federal-aid recipients, the MPO must conduct an analysis of programs, services and activities using the four-factor test to aid in providing LEP*



services when necessary. Once developed, the Limited English Proficiency Plan updates will occur on a three-year cycle.

To address this recommendation:

- The 2019 update of the Title VI Plan includes a four-factor analysis along with several goals related to ensuring accessibility of key information. These include developing Language Access Procedures and providing training to staff and consultants.

ENVIRONMENTAL JUSTICE PLAN

Recommendation: *The Review Team recommends the MPO review and update the EJ portion of the combined plan to document their procedures and strategies to ensure that the public has full opportunity to participate in the transportation decision-making process and the development of specific plans, programs, and projects. These recommended actions will bring the EJ portion of the plan into full compliance with Federal regulations.*

To address this recommendation:

- The 2019 update of the Public Involvement Plan includes a set of goals and strategies to “Advance the Inclusion of Underrepresented Communities.”
- PACTS launched the Community Transportation Leaders training program. This is an avenue for including protected populations in the transportation decision-making process.
- The updated Title VI Plan includes the addition of Equitable Target Areas that enable PACTS to assess investments relative to geographic areas with higher numbers of protected populations.

MANAGEMENT AND OPERATIONS CONSIDERATIONS

Recommendation: *Financial planning for management and operations should be presented in the TIP. An analysis depicting the shortfall of revenue to properly operate and maintain the highway system should be completed for the highway portion of the MTP.*

To address this recommendation, PACTS:

- Included financial planning tables in the current TIP.
- Analyzed funding short falls has been for the collector roads in the PACTS region and included this analysis in the current TIP.



- Plans to include financial planning for highway portion in the updated long-range plan.

FREIGHT PLANNING

Recommendation: *It is recommended that PACTS increase freight analysis for the region to include more detailed descriptions and maps of the freight infrastructure, such as port activities, intermodal facilities, distribution centers, truck routes, freight generators and operational characteristics; an economic and demographic summary to describe employment and population trends; a commodity flow analysis that summarizes volume and value of freight moving in the region, the mode splits, and any key trade partners. The FHWA Freight Management and Operations web site http://www.ops.fhwa.dot.gov/freight/freight_analysis/faf/ can provide information on freight data and tools.*

To address this recommendation:

- GPCOG led the development of an economic analysis for expanding cold storage facilities at the International Marine Terminal.
- PACTS will include a limited freight analysis in the update to the next Long-Range Plan. It should be noted that freight issues did not rank as priorities in the recent PACTS Priorities process. PACTS members are choosing to dedicate the region's limited resources to planning for and investing in maintaining infrastructure, improving public transit, managing growth, improving intersections and signals, and other priorities.

SAFETY

Recommendation: *PACTS could do further analysis of safety for the region to identify emphasis areas that could be addressed. The transportation safety planners desk reference report describes each emphasis area and provides ways of improving safety, and is designed to serve as a companion to the national Cooperative Highway Research Program (NCHRP) Report 500 series <http://www.trb.org/Main/Blurbs/152868.aspx> - Guidance for Implementation of the American Association of State Highway and Transportation Officials Strategic Highway Safety Plan. The reference document describes an overview of transportation safety, the potential roles that transportation planners can play to advance it, a framework for incorporating safety into the transportation planning process, available sources that may be accessed to fund safety programs, and a menu of possible safety strategies. <http://www.trb.org/Main/Blurbs/158452.aspx>*

To address this recommendation, PACTS:



- Assesses high crash locations in the PACTS region.
- Programed additional funding through the 2020/2021 UPWP for additional high crash location assessments.
- Worked with MDOT and the Bicycle Coalition of Maine on several pedestrian and bicyclist safety demonstration projects.



APPENDIX C - PUBLIC COMMENTS

Public Input Summary

FHWA and FTA held a public involvement session on June 25, 2020 to hear from the public on how they feel the metropolitan planning process is working in the Portland region. The session was held from 5:00-6:00 pm and was online utilizing the MPO's Zoom platform. After USDOT provided an overview of the TMA certification review process, the floor was opened up to the public to share their comments. Nine community members attended the session. Written comments were also invited via mail or email, and written comments were received from one community member. A summary of the common themes is provided below.

Some commenters noted that the planning process appeared to be focused on roads for auto usage and were interested in how the planning process could be used to reduce negative impacts of transportation systems (highways particularly) on neighborhoods.

Participants discussed a planning study conducted at a location in Portland which had not been fully implemented. Participants noted that it is difficult to understand who has jurisdiction and control for implementing different elements of a proposal. Comments also indicated it is difficult to understand the MPO's process and the appropriate ways to get involved.

Some participants had previously been active in transportation advocacy in the region but were unfamiliar with the MPO.

A number of comments indicated that information was not effectively provided to the public and should be provided in a format that is more meaningful to public. Participants suggested the MPO send information and notices to neighborhood groups as well as immigrant groups. Some participants felt that the communications they receive from PACTS are geared toward transportation professionals and engineers and not to the general public. It was suggested that information could be presented in a way that would make it more accessible to the public which would in turn empower the public to participate. Participants noted there should be more public awareness of the process, and one example was using publicly-understandable financial analysis.

PACTS committee meetings were noted to be subject to frequent schedule changes making it difficult for interested citizens to make plans to attend and participate. It was also suggested that the structure of meetings, with public comment at the beginning of meetings, should be revised to provide more opportunity for participation throughout a meeting.



APPENDIX D - LIST OF ACRONYMS

ADA: Americans with Disabilities Act
AMPO: Association of Metropolitan Planning Organizations
CAA: Clean Air Act
CFR: Code of Federal Regulations
CMP: Congestion Management Process
CO: Carbon Monoxide
DOT: Department of Transportation
EJ: Environmental Justice
FAST: Fixing America's Surface Transportation Act
FHWA: Federal Highway Administration
FTA: Federal Transit Administration
FY: Fiscal Year
HSIP: Highway Safety Improvement Program
ITS: Intelligent Transportation Systems
LEP: Limited-English-Proficiency
M&O: Management and Operations
MAP-21: Moving Ahead for Progress in the 21st Century
MPA: Metropolitan Planning Area
MPO: Metropolitan Planning Organization
MTP: Metropolitan Transportation Plan
NAAQS: National Ambient Air Quality Standards
NO₂: Nitrogen Dioxide
O₃: Ozone
PM₁₀ and PM_{2.5}: Particulate Matter
SHSP: Strategic Highway Safety Plan
STIP: State Transportation Improvement Program
TDM: Travel Demand Management
TIP: Transportation Improvement Program
TMA: Transportation Management Area
U.S.C.: United States Code
UPWP: Unified Planning Work Program
USDOT: United States Department of Transportation





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