

South Portland City Council
Position Paper of the City Manager

Subject:

ORDER #217-17/18 – Authorizing the City Manager to sign the Metropolitan Planning Agreement for Cooperative, Comprehensive and Continuing Transportation Planning and Programming. Passage requires majority vote.

Position:

This agreement is required by the Federal Department of Transportation under the provisions of 23 CFR §450.314, which requires metropolitan planning organizations (in our case, the Portland Area Comprehensive Transit System (PACTS)), the Maine Department of Transportation, and the providers of public transportation to jointly agree upon and develop specific written provisions for:

- cooperatively developing and sharing information related to transportation performance data
- the selection of performance targets
- the reporting of performance targets
- the reporting of performance to be used in tracking progress toward attainment of critical outcomes for the region
- the collection of data for the State asset management plans

Both Corporation Counsel Sally Daggett and Transportation Director Arthur Handman have reviewed this agreement. Mr. Handman will be at Tuesday's meeting to answer questions.

Requested Action:

Council passage of ORDER #217-17/18.



City Manager



CITY OF SOUTH PORTLAND

LINDA C. COHEN
Mayor

SCOTT T. MORELLI
City Manager

SALLY J. DAGGETT
Jensen Baird Gardner & Henry

EMILY F. SCULLY
City Clerk

District One
CLAUDE V.Z. MORGAN

District Two
KATHERINE W. LEWIS

District Three
EBEN ROSE

District Four
LINDA C. COHEN

District Five
ADRIAN T. DOWLING

At Large
MAXINE BEECHER

At Large
SUSAN HENDERSON

**IN CITY COUNCIL
ORDER #217-17/18**

ORDERED, that the City Manager be, and hereby is, authorized and directed to execute a Metropolitan Planning Agreement for Cooperative, Comprehensive and Continuing Transportation Planning and Programming between the City and the Maine Turnpike Authority in substantially the same form as shown on the attached.

Fiscal Note: Less than \$1,000

Dated: May 1, 2018

**METROPOLITAN PLANNING AGREEMENT FOR COOPERATIVE,
COMPREHENSIVE AND CONTINUING TRANSPORTATION PLANNING AND
PROGRAMMING**

This Agreement is entered into by the State of Maine Department of Transportation, (MaineDOT); the Portland Area Comprehensive Transportation System (PACTS), which is the federally designated Metropolitan Planning Organization (MPO); and the following public transportation agencies serving the Portland Urbanized Area (PACTS Transit Agencies):

- Biddeford Saco Old Orchard Beach Transit Committee;
- Casco Bay Island Transit District;
- Greater Portland Transit District;
- Northern New England Passenger Rail Authority; and
- City of South Portland and its Bus Service.

HERETOFORE, MaineDOT, PACTS and PACTS Transit Agencies are jointly referred to as the Parties.

WHEREAS, 23 CFR §450.314 requires the MPO, State, and the providers of public transportation to jointly agree upon and develop specific written provisions (either as part of the metropolitan planning agreements required under paragraphs (a), (e), and (g) of 23 CFR §450, or documented it in some other means) for cooperatively developing and sharing information related to transportation performance data, the selection of performance targets, the reporting of performance targets, the reporting of performance to be used in tracking progress toward attainment of critical outcomes for the region (see §450.306(d)), and the collection of data for the State asset management plans for the National Highway System (NHS); and

WHEREAS, Federal regulation requires a written agreement which includes specific provisions for the development of financial plans that support the Metropolitan Transportation Plan (MTP) (§450.324) and the Metropolitan Transportation Improvement Program (TIP) (§450.326), and development of the annual listing of obligated projects (§450.334);

NOW, THEREFORE, in consideration of the forgoing, the Parties hereby establish and agree to the following terms and conditions;

MaineDOT shall:

1. Include information outlined in 23 CFR 450.216 (f) and the safety performance measure requirements in any statewide transportation plan amended or adopted after May 27, 2018, and information outlined in 23 CFR 450.218 (q) in any statewide transportation improvement program amended or adopted after May 27, 2018.
2. Include information outlined in 23 CFR 450.216 (f) and the transit state of good repair requirements in any statewide transportation plan amended or adopted after October 1, 2018, and information outlined in 23 CFR 450.218 (q) in any statewide transportation improvement program amended or adopted after October 1, 2018.

3. Include information outlined in 23 CFR 450.216 (f) and the pavement and bridge condition, system, freight and CMAQ performance measure requirements in any statewide transportation plan amended or adopted after May 20, 2019, and information outlined in 23 CFR 450.218 (q) in any statewide transportation improvement program amended or adopted after May 20, 2019.
4. Set state targets and incorporate performance tracking into plans and decision-making processes for asset management, safety and any other federally required aspects of the transportation system. MaineDOT will coordinate with PACTS and the PACTS Transit Agencies (as appropriate for transit-related performance measures) to develop statewide performance targets.
5. On or before October 1, 2018, and at least every four years thereafter, MaineDOT (for all rural transit agencies) shall develop individual Transit Asset Management (TAM) Plans which, at a minimum, shall include capital asset inventories and condition assessments, decision support tools, and investment prioritization for all public transportation assets used to provide general public transportation, including vehicles, facilities and equipment. MaineDOT will share drafts of its Tier II TAM plan with PACTS and the PACTS Transit Agencies as milestones are reached, should methods utilized be helpful to urban transit agencies in developing their plans.
6. Upon publication of the final rule, develop a Public Transportation Agency Safety Plan for rural transit agencies. MaineDOT will confer with PACTS and PACTS Transit Agencies to share best practices with all MPO's and transit agencies throughout the state.
7. Lead and execute development of the quinquennial Locally Coordinated Transit Plan during 2018, inviting full involvement of PACTS and the PACTS Transit Agencies to satisfy mutually-beneficial needs assessment and public participation objectives.
8. Demonstrate fiscal constraint and share financial information in plans and programs showing reasonably expected available funding and assumptions to support projects in order to provide reasonable assurance that the federally supported transportation system is being adequately operated and maintained.
9. Maintain a current Public Involvement Plan (PIP), Long-Range Transportation Plan (LRTP), and Statewide Transportation Improvement Program (STIP) consistent with MPO Transportation Improvement Programs (TIPs).
10. Convene quarterly meetings with all MPO's to facilitate collaboration, coordination and problem-solving.

PACTS shall:

1. Include information outlined in 23 CFR 450.324 (f) (3-4) and the safety performance measure requirements in any metropolitan transportation plan amended or adopted after May 27, 2018, and information outlined in 23 CFR 450.326 (d) in any transportation improvement program amended or adopted after May 27, 2018.
2. Include information outlined in 23 CFR 450.324 (f) (3-4) and the transit state of good repair performance measures in any metropolitan transportation plan amended or adopted after October 1, 2018, and information outlined in 23 CFR 450.326 (d) in any transportation improvement program amended or adopted after October 1, 2018.
3. Include information outlined in 23 CFR 450.324 (f) (3-4) and the pavement and bridge condition, system, and freight performance measure requirements in any metropolitan transportation plan amended or adopted after May 20, 2019, and information outlined in 23 CFR 450.326 (d) in any transportation improvement program amended or adopted after May 20, 2019. Set regional targets and incorporate performance tracking into plans and decision-making processes for asset management, Safety and any other federally required aspects of the transportation system in collaboration with MaineDOT and PACTS Transit Agencies (as appropriate for transit-related performance measures) applicable to the urbanized Portland area.
4. Document in the MTP and TIP that projects demonstrate fiscal constraint by including sufficient financial information to confirm that projects in those documents can be implemented using committed or available revenue sources, with reasonable assurance that the federally supported transportation system is being adequately operated and maintained.
5. Maintain a current Public Involvement Plan, Metropolitan Transportation Plan and TIP in coordination with MaineDOT, including satisfying the public notice and hearing requirements of Section 5307(b) on behalf of all Parties and ensuring that the TIP document states that the PACTS TIP process satisfies the Program of Projects (POP) requirements of the 5307 Program.

PACTS Transit Agencies shall:

1. Work cooperatively with PACTS to develop the POP/TIP and collaborate on prioritizing the allocation of Section 5307 funds.
2. On or before October 1, 2018, and at least every four years thereafter, develop individual Transit Asset Management (TAM) Plans which, at a minimum, shall include capital asset inventories and condition assessments, decision support tools, and investment prioritization for all public transportation assets used to provide general public transportation, including vehicles, facilities and equipment.
3. Unless exempted, upon publication of the final rule, develop a Public Transportation

Agency Safety Plan, seeking to coordinate with other transit providers, PACTS and MaineDOT.

4. Set transit agency performance targets that reflect performance measures, report on progress towards achieving those targets, develop performance-based plans for safety and asset management, and implement a performance-based approach to planning and programming. Each transit provider agrees to share the measures and targets that it intends to use with MaineDOT and PACTS, share Transit Asset Management plans, and work cooperatively toward a consistent package of regional and statewide measures to the extent practicable.
5. Coordinate with PACTS to make sure the public knows that the PACTS public participation process associated with the PACTS TIP development is being used to satisfy the public hearing requirements of Section 5307(b).
6. Cooperate with PACTS to develop and implement performance targets addressing transit state of good repair and safety performance measures.

The Parties shall:

1. Recognize and agree that they will conduct a cooperative, comprehensive and continuing performance-based transportation planning and programming process for the Portland Urbanized Area in accordance with the provisions of 23 CFR §450, 49 CFR §613, and their mutual responsibilities for carrying out this process as described and outlined in the following paragraphs.
2. Develop and agree upon performance measures as applicable and appropriate to each party.
3. Seek to select compatible, if not consistent, indicators, methodologies and targets to enable comparison and statewide data tabulation to the extent feasible.
4. Exchange necessary data and drafts of respective federally required plans for review and comment before being finalized.
5. Determine collaboratively how performance related data will be collected, shared and evaluated in future years in the most efficient and effective manner for all.
6. Meet regularly as the PACTS Transit Committee for group discussion.

This Agreement shall be effective on the date last signed below. It will remain in effect unless and until the time it is superseded by amendment or terminated by agreement of all parties. Modifications and amendments may only be modified in writing signed by all parties.

This agreement may be subject to revision once further clarity is received on air quality non-attainment issues associated with the decision in *South Coast Air Quality Management District v. EPA*, Docket No. 15-1115 (D.C. Cir. Feb. 16, 2018).”

AUTHORIZATION AND EXECUTION

By our signatures below, we confirm this working relationship to support the goals and objectives of the metropolitan planning process and certify that we have proper authorization to enter into this Agreement on behalf of our agency.

MAINEDOT:

Herb Thomson, Director
MaineDOT Bureau of Planning

Dated

FACTS:

Sara Zografos
GPCOG Transportation Director

Dated

TRANSIT AGENCIES:

Greater Portland Transit District

Dated

Casco Bay Island Transit District

Dated

City of South Portland (and its Bus Service)

Dated

Northern New England Passenger Rail
Authority

Dated

Biddeford Saco Old Orchard Beach Transit
Committee

Dated