



*Administrative Guide to*  
**Metropolitan  
Planning  
Organizations**

February 2019



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## Acknowledgements

This MaineDOT *Administrative Guide to Metropolitan Planning Organizations* was developed in cooperation with the following organizations:

- Androscoggin Transportation Resource Center (ATRC)
- Bangor Area Comprehensive Transportation System (BACTS)
- Kittery Area Comprehensive Transportation System (KACTS)
- Portland Area Comprehensive Transportation System (PACTS)
- MaineDOT, Bureau of Planning and Bureau of Project Development
- Federal Highway Administration, Maine Division
- Federal Transit Administration, Region 1



# Purpose of the Administrative Guide to MPOs

MaineDOT developed this *Administrative Guide to Metropolitan Planning Organizations* in cooperation with Maine's four MPOs to explain the metropolitan transportation planning process – from the establishment of long-term goals to the development of projects designed to meet those goals. It sets forth the basic administrative requirements for MaineDOT and the state's MPOs to follow as they conduct Maine's urban transportation planning process. It is intended for the use of MPO staffs, MPO members and MaineDOT personnel, with the purpose of clarifying roles and responsibilities, improving communication, and minimizing conflicts that could affect the planning and project delivery processes.

The guide is based on interviews with the directors of Maine's four MPOs and with MaineDOT personnel, as well as research into state and federal transportation regulations. The guide consists of nine major sections:

1. MPOs in Maine
2. MPO Structure
3. MPO Long-Range Metropolitan Transportation Plans (MTPs)
4. MPO Unified Planning Work Programs
5. The Work Plan Process
6. Transportation Improvement Programs
7. The Project Development Process
8. Public Participation and Title VI
9. Air Quality Conformity

This guide is designed to reflect the policies and practices of MaineDOT and Maine's four MPOs, with the goal of improving the transportation planning process in our state. As a "living document," the guide will evolve as policies and practices change. Accordingly, MaineDOT will update the document as needed.



# MPO Critical Dates for 2019

MaineDOT has identified critical production dates related to federal requirements that could affect Maine's transportation funding or flexibility. MaineDOT's goal is to ensure that transportation resources are used to promote Maine's economy as soon as practicable. MaineDOT will update the list of critical dates in December every year for the following two years. In order to ensure we meet these critical schedules, MaineDOT staff will coordinate as needed in the event staff become concerned with schedule reliability.

## 2019

**February 28th:** MPO's approve TIPs after public comment

**April 1:** Unified Planning Work Program (UPWP Progress Reports due

**May 20th:** Performance Management/Pavement & Bridge (PM2) and System Preservation (PM3) targets need to be reflected in MTP & TIP updates or amendments by 5/20/2019.

**August 31st:** Final MPO Work Plan lists to MaineDOT

- Prior vetting/ field reviews related to PDR Policy

**September 8th:** KACTS LRTP due, last update 9/8/2014

**September 1st:** Draft UPWPs due for MaineDOT review

- Must include applicable consultant study summaries

**October 1st:** Draft UPWPs sent to FHWA for review

**October 15th:** UPWP/ annual audited overhead rates to MaineDOT

**December 1st:** All 2018-2019 consultant studies revised or carried over into next UPWP cycle with MaineDOT approval. The 2020-2021 UPWP will be reduced to account for any needs from prior UPWP unfinished projects.

**December 15th:** UPWP Cooperative Agreements signed.



## Section 1:

# Metropolitan Planning Organizations in Maine

## OVERVIEW

Metropolitan Planning Organizations (MPOs) grew out of the Federal-Aid Highway Act of 1962 to carry out a continuing, cooperative and comprehensive transportation planning process in large, urban areas. In Maine, MPOs share responsibility with the Maine Department of Transportation (MaineDOT) and several mass transit providers to conduct transportation planning in urban areas with core populations of at least 50,000.

Maine has four MPOs:

- **Androscoggin Transportation Resource Center (ATRC)**, organized in 1975, serves the Lewiston-Auburn metropolitan area.
- **Bangor Area Comprehensive Transportation System (BACTS)**, formed in 1982, serves the Bangor metropolitan area.
- **Kittery Area Comprehensive Transportation System (KACTS)**, formed in 1982, serves the Maine portion of a metropolitan area, which is primarily in New Hampshire.
- **Portland Area Comprehensive Transportation System (PACTS)**, formed in 1975, serves the Portland metropolitan area.

**Structure:** MPOs are formed by agreement between Maine’s governor and the cities and towns in each metropolitan area. They are governed by boards, known as policy committees, that consist of representatives and elected officials from state and local governments, regional planning agencies, business groups, and public transit providers. An MPO serving an area designated as a transportation management area (TMA), must include a formally designated official(s) to represent the collective interests of the operators of public transportation in the metropolitan planning area (MPA). They will have the same decision-making rights and authorities as other officials on its policy board. Many MPOs also have advisory committees and employ professional staffs. The MPO structure is covered in Section 2.

**Funding:** Every two calendar years, MPOs in Maine receive allocations of federal planning funding to cover their operating costs, and to support transportation studies and other planning activities in their Unified Planning Work Programs (UPWP). Although not required to do so, MaineDOT also provides Maine’s MPOs with capital improvement funding every two years to fund projects that preserve and improve the Federal-Aid surface transportation systems in their regions. In most cases, MaineDOT develops the MPO-sponsored projects.

**Products:** Each MPO produces a 20-year long-range transportation plan (Metropolitan Transportation Plan), a two-year Unified Planning Work Program (UPWP), and a four-year Transportation Improvement Program (TIP). These documents, which describe the investment priorities for each MPO region, are covered in Section 3 through Section 6 of this guide.

## MAINE'S METROPOLITAN PLANNING ORGANIZATIONS

### Androscoggin Transportation Resource Center (ATRC)

**Director:** Jennifer Williams, P.E.

**E-mail:** [jwilliams@avcog.org](mailto:jwilliams@avcog.org)

**Address:**

125 Manley Road  
Auburn, ME 04210

**Phone:** (207) 783-9186

**Web:** [www.atrcmpo.org](http://www.atrcmpo.org)

**Metropolitan planning area:** Auburn, Lewiston, Lisbon and Sabattus. The ATRC area population, according to the U.S. Census of 2010, is 73,506.

### Bangor Area Comprehensive Transportation System (BACTS)

**Director:** Rob Kenerson, P.E.

**E-mail:** [robk@bactsmmpo.org](mailto:robk@bactsmmpo.org)

**Address:**

12 Acme Rd #102,  
Brewer, ME 04412

**Phone:** (207) 974-3111

**Web:** [www.bactsmmpo.org](http://www.bactsmmpo.org)

**Metropolitan planning area:** Bangor, Brewer, Veazie and portions of Hampden, Orono, Old Town, Milford, Bradley, Hermon, Orrington, and the Penobscot Nation. The BACTS area population, according to the U.S. Census of 2010, is 61,210.

### Kittery Area Comprehensive Transportation System (KACTS)

**Director:** Tom Reinauer

**E-mail:** [treinauer.smpdc.org](mailto:treinauer.smpdc.org)

**Address:**

110 Main St., Suite 1400  
Saco Island  
Saco, ME 04072

**Phone:** (207)571-7065

**Web:** [www.smrpc.org/transportation/kacts/kacts.htm](http://www.smrpc.org/transportation/kacts/kacts.htm)

**Metropolitan planning area:** KACTS comprises the Maine portion of a larger urbanized area primarily in New Hampshire. The MPO covers portions of Kittery, Eliot, Berwick, South Berwick, and Lebanon. The KACTS area population, according to the U.S. Census of 2010, is 28,038.

**Portland Area Comprehensive Transportation System (PACTS)**

**Director:** Sara Zografos

**E-mail:** [szografos@gpcog.org](mailto:szografos@gpcog.org)

**Address:**

970 Baxter Blvd., 2nd Floor

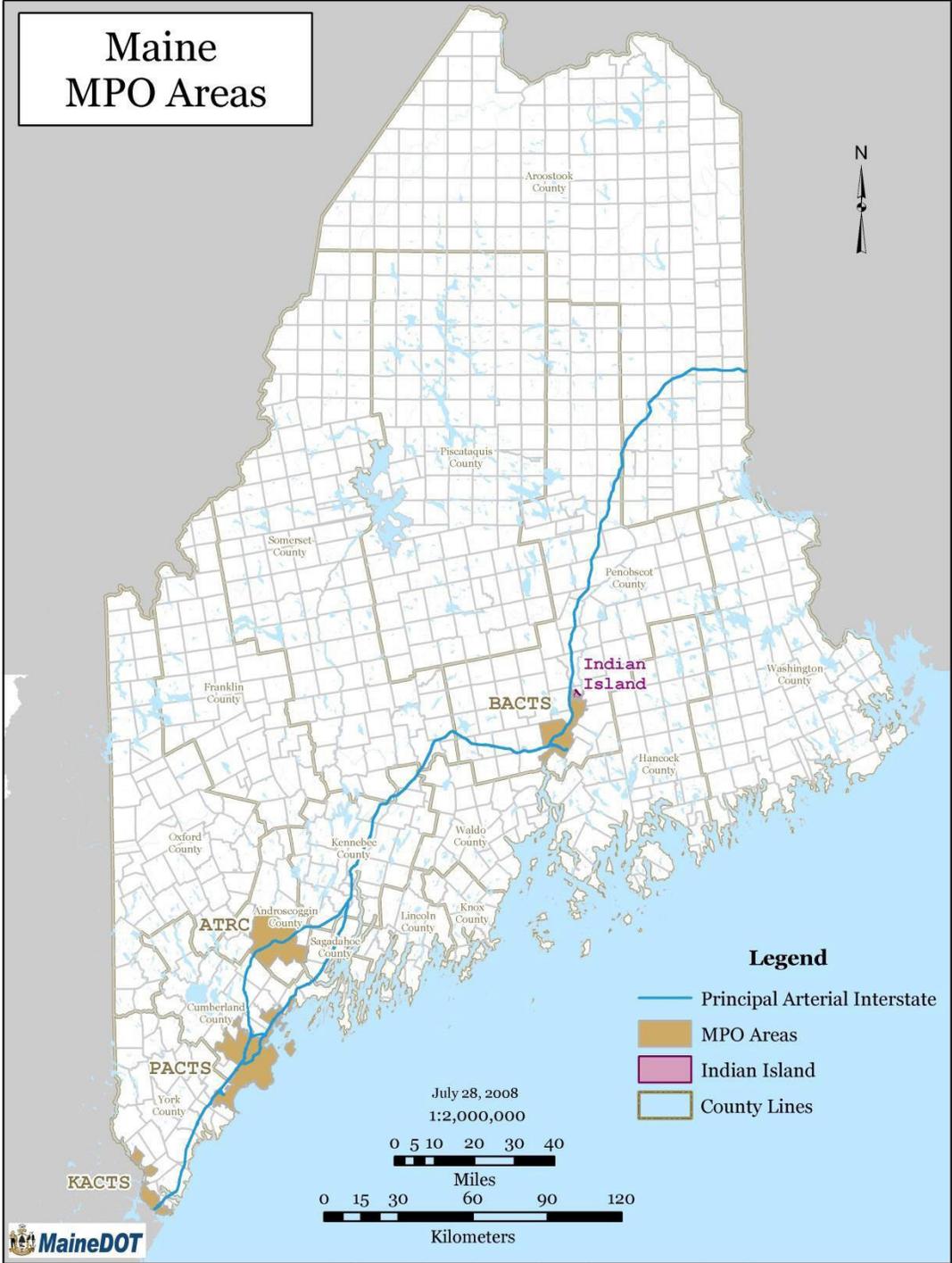
Portland, ME 04103

**Phone:** (207) 774-9891

**Web:** <http://www.pactsplan.org/>

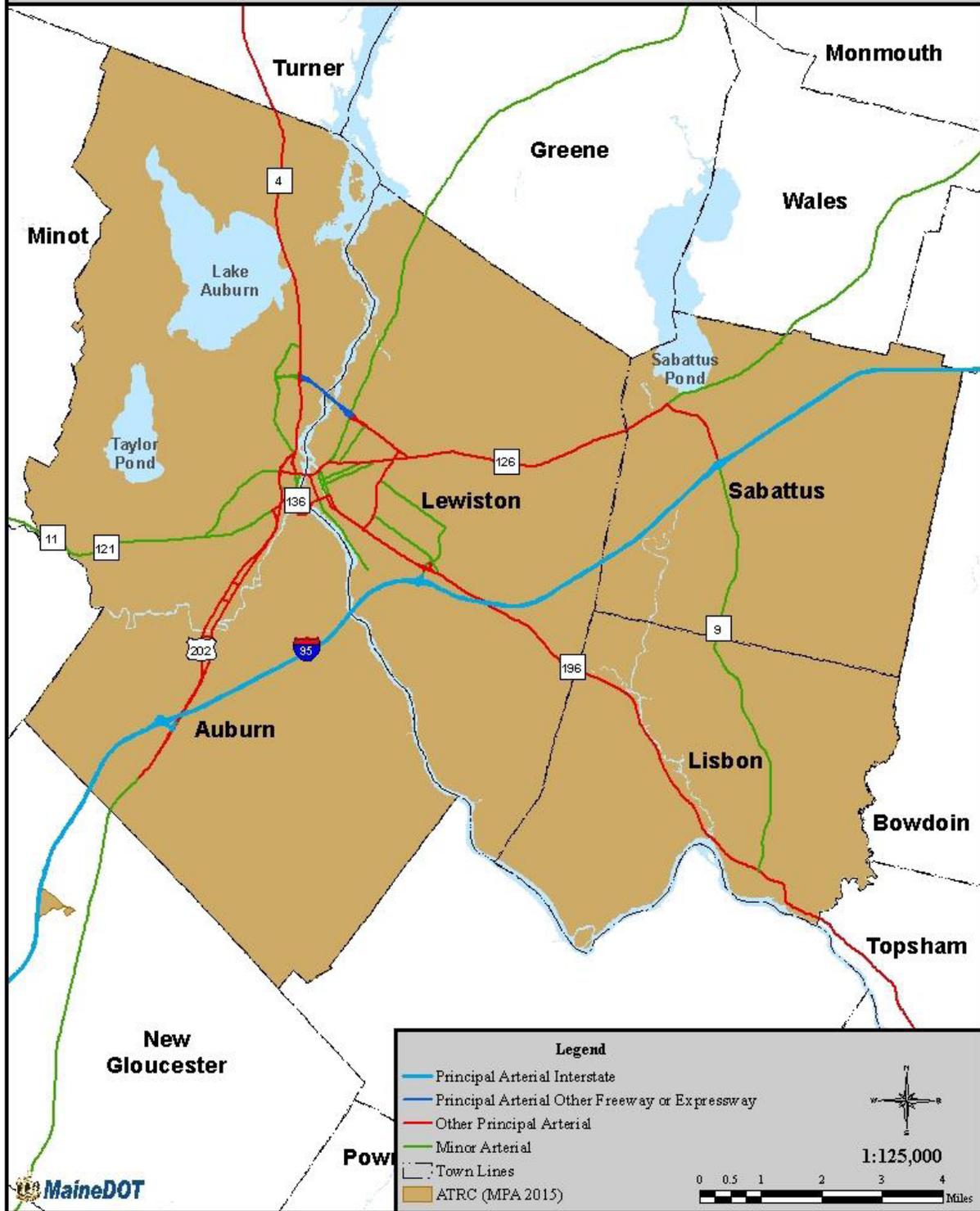
**Metropolitan planning area:** The PACTS planning area includes portions or all of the following 18 communities: Arundel, Biddeford, Cape Elizabeth, Cumberland, Falmouth, Freeport, Gorham, North Yarmouth, Old Orchard Beach, Portland, Raymond, Saco, Scarborough, South Portland, Standish, Westbrook, Windham and Yarmouth.

The PACTS planning area population, according to the U.S. Census of 2010, is 217,492. (The Census of 2010 and the associated increase in population over 200,000 established the Greater Portland area as a Transportation Management Area, which means, among other things, that PACTS must have a Congestion Management Process and its planning process must be certified by FHWA/FTA at least once every four years).

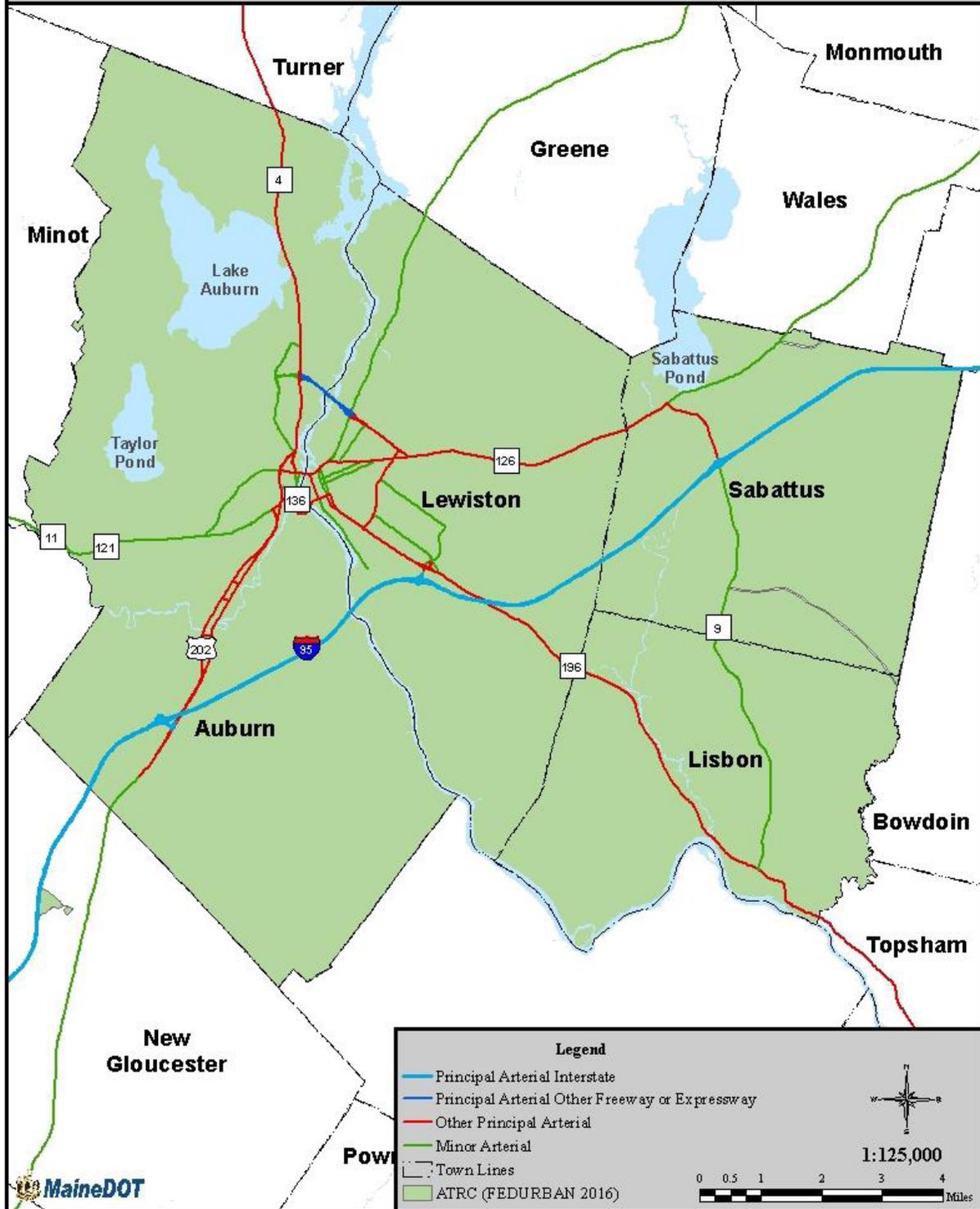


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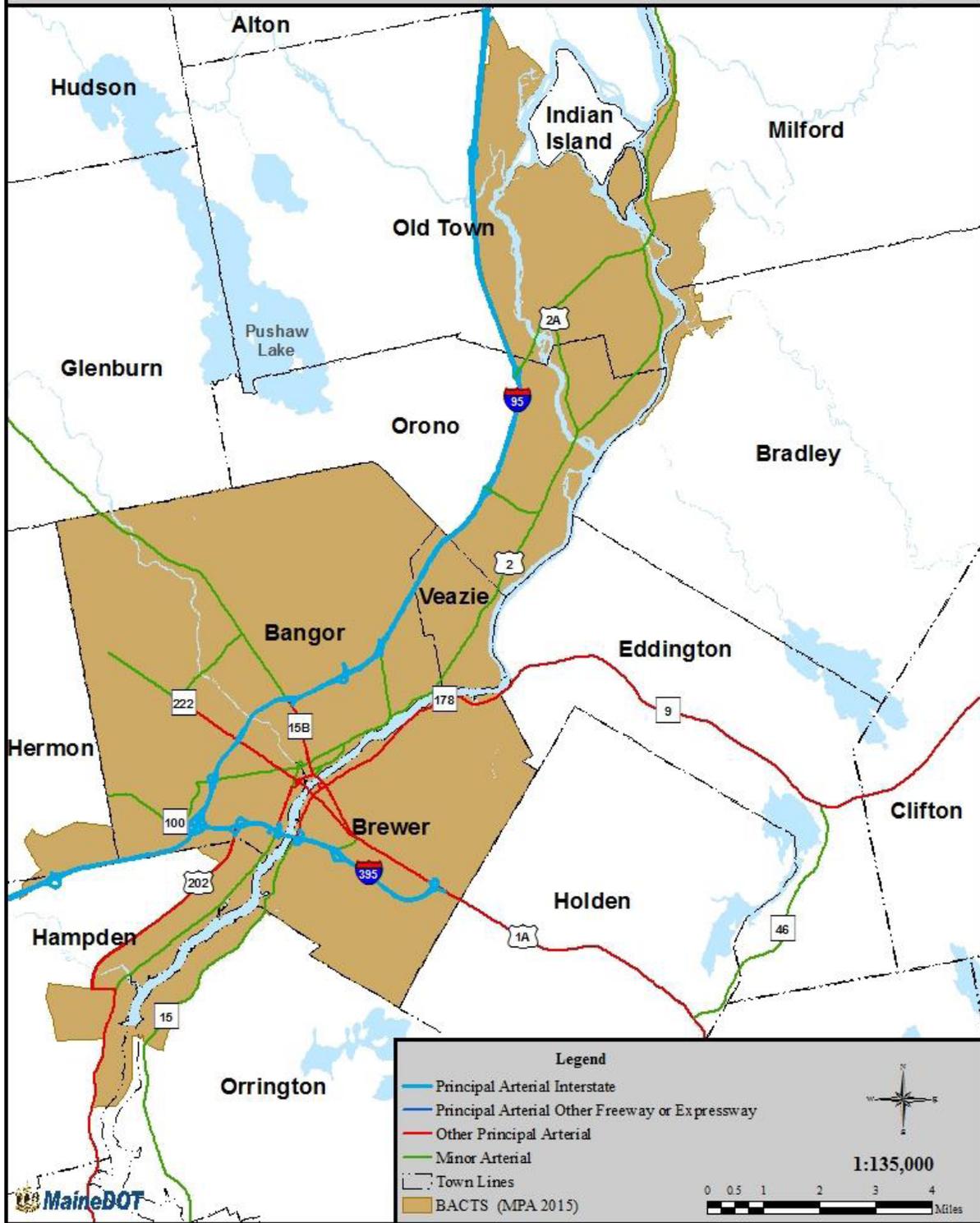
# ATRC Metropolitan Planning Area



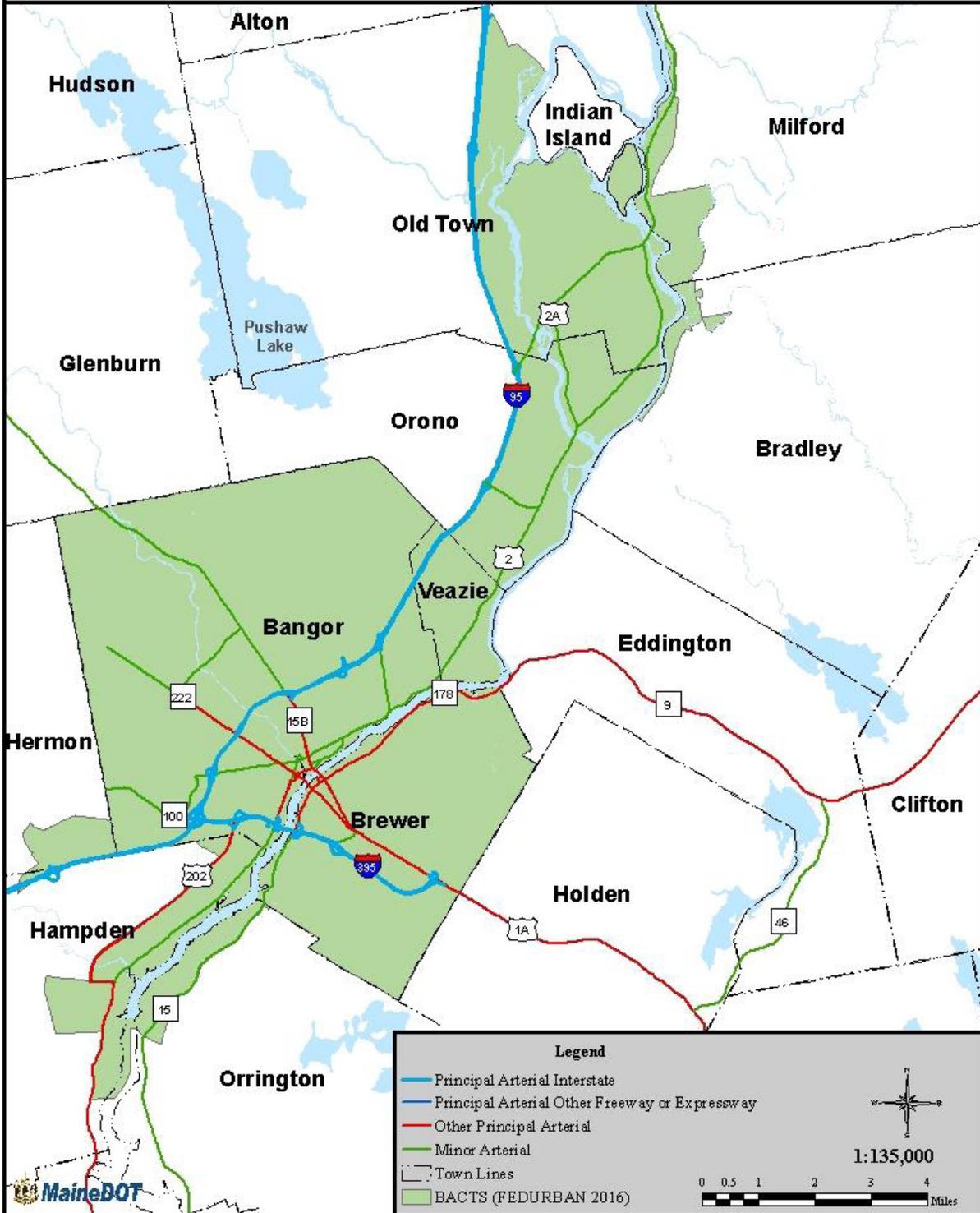
# ATRC Federal Urban Area



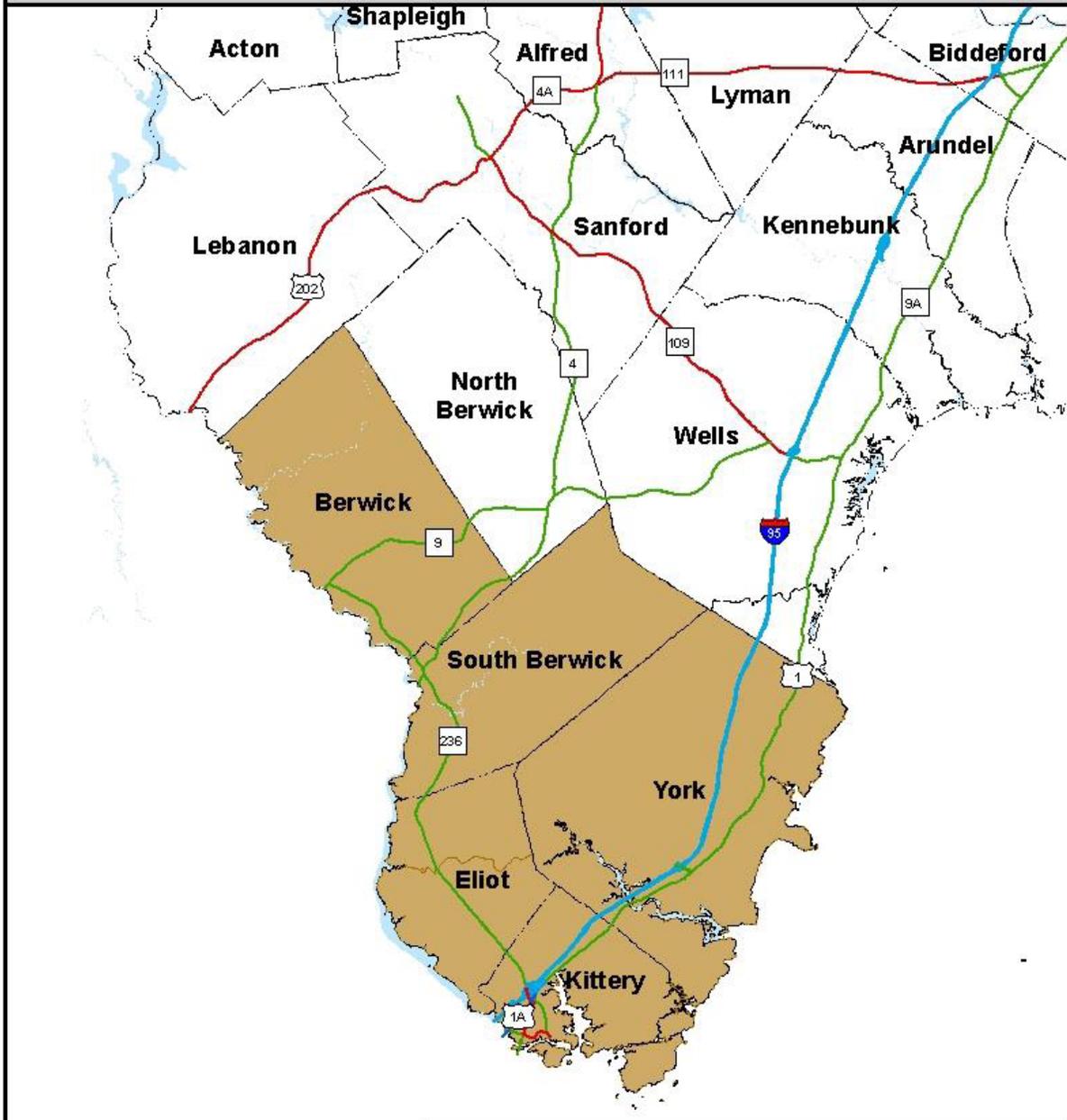
# BACTS Metropolitan Planning Area



# BACTS Federal Urban Area



# KACTS Metropolitan Planning Area



**Legend**

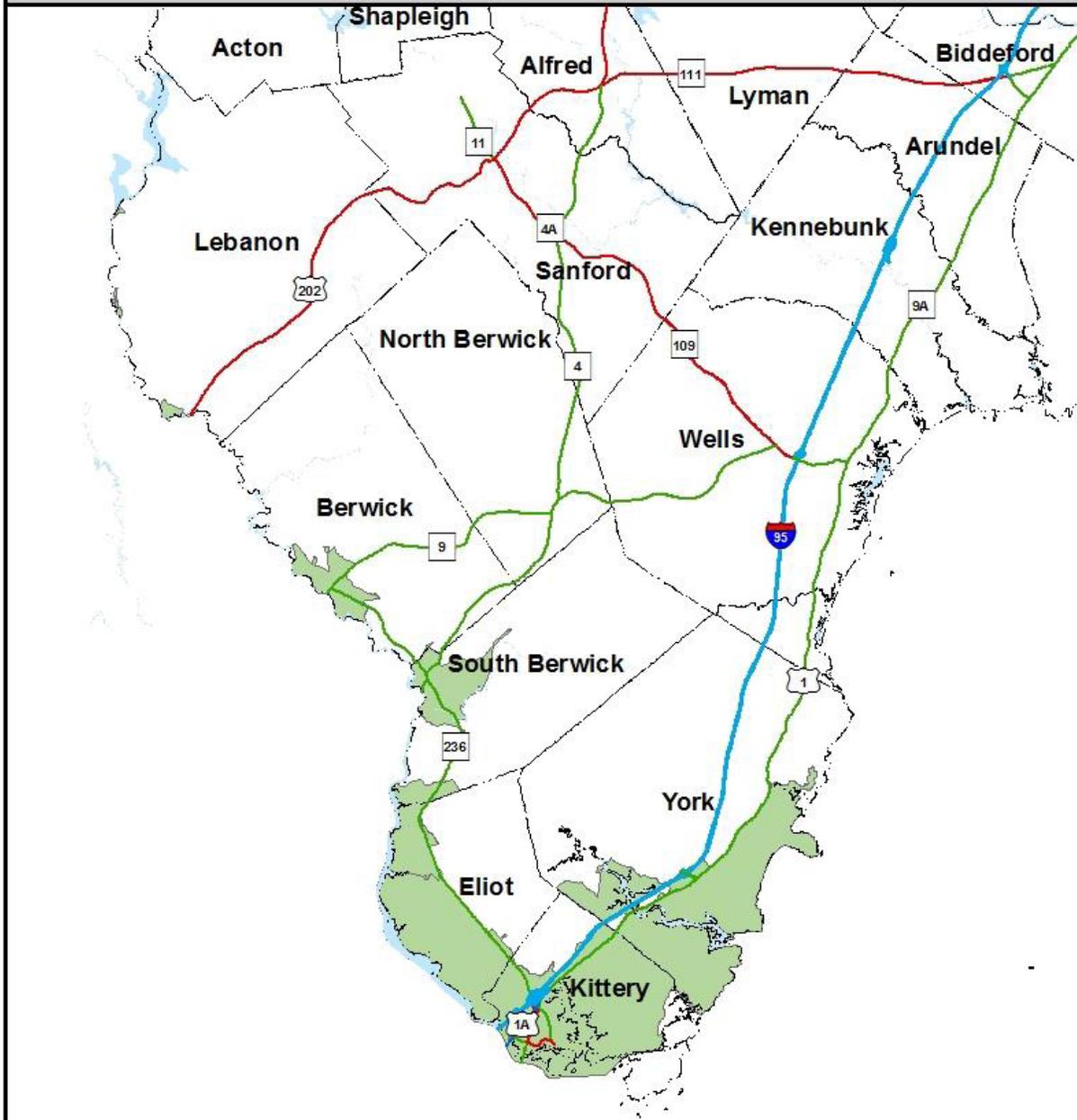
- Principal Arterial Interstate
- Principal Arterial Other Freeway or Expressway
- Other Principal Arterial
- Minor Arterial
- Town Lines
- KACTS (MPA 2015)

1:230,000

0 0.75 1.5 3 4.5 6 Miles



# KACTS Federal Urban Area



## Legend

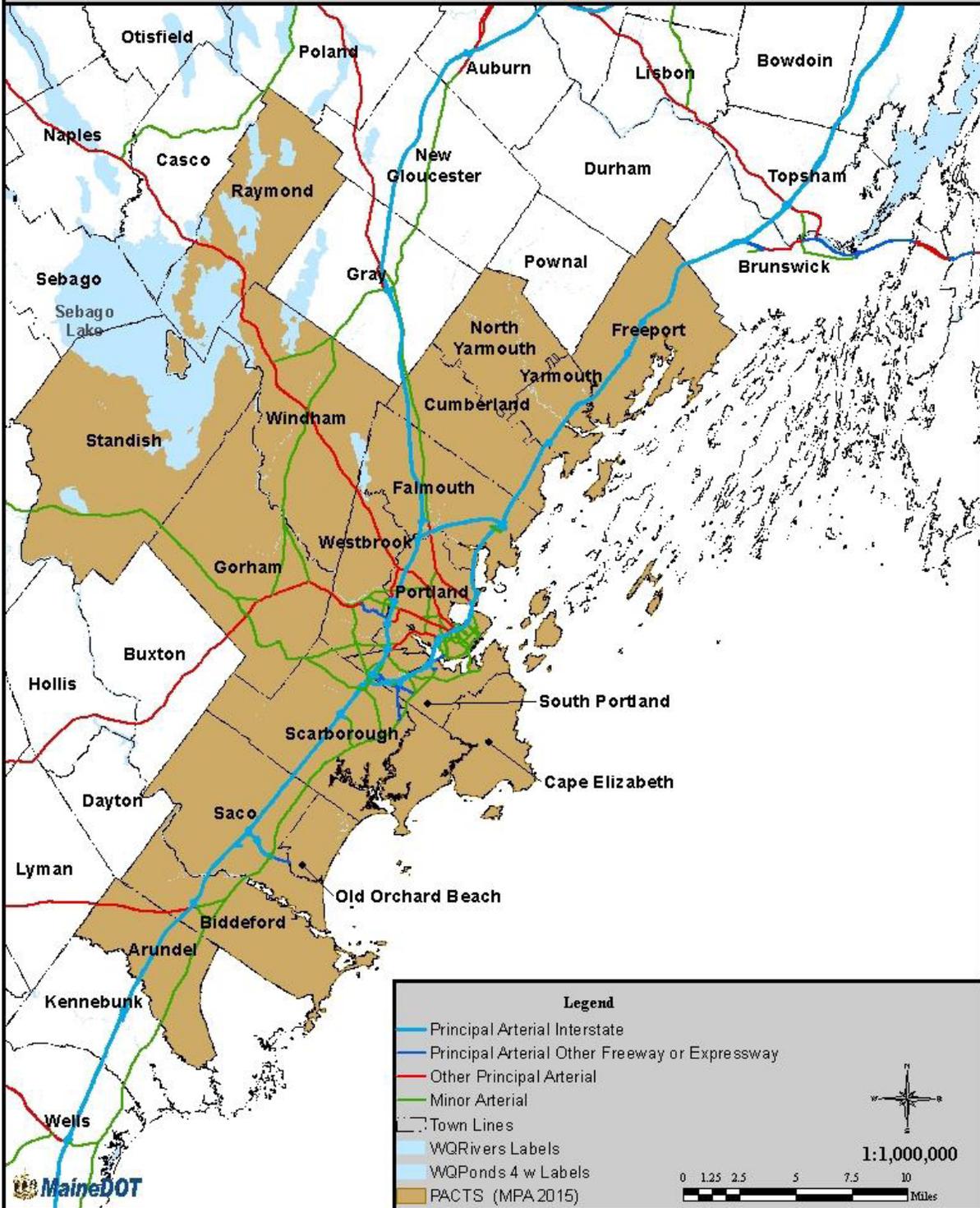
- Principal Arterial Interstate
- Principal Arterial Other Freeway or Expressway
- Other Principal Arterial
- Minor Arterial
- Town Lines
- KACTS (FEDURBAN 2016)



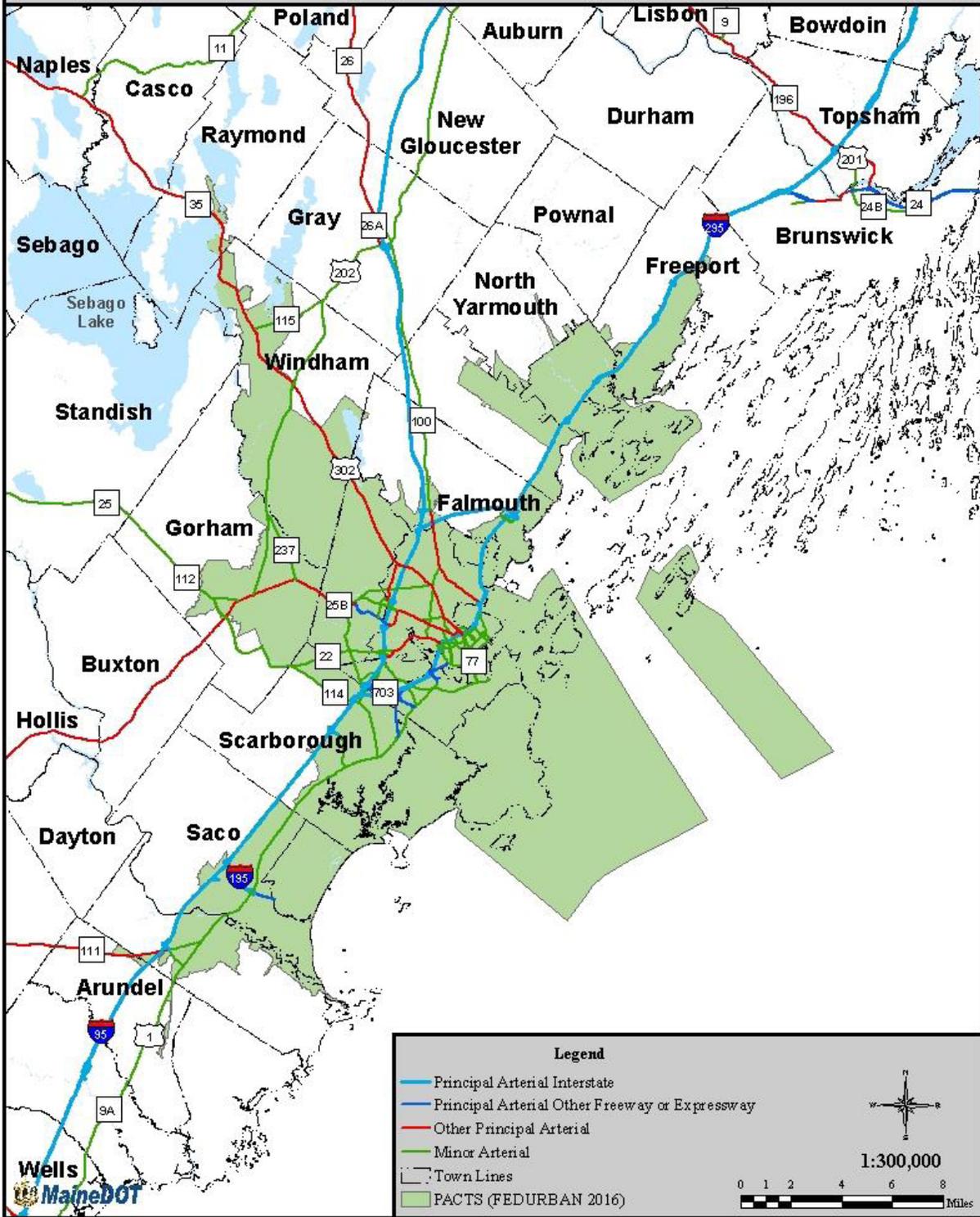
1:230,000



# PACTS Metropolitan Planning Area



# PACTS Federal Urban Area



## 1.2- ROLE OF THE MPO

MPOs carry out a continuing, cooperative and comprehensive (3-C) planning process in partnership with MaineDOT, public transit operators and other agencies that undertake transportation planning and project selection in urban areas. The 3-C process is:

- **Continuous** – The process is ongoing and cyclical.
- **Cooperative** – Transportation stakeholders work together to develop the best strategies for a metropolitan area.
- **Comprehensive** – Programs and strategies address all modes of transportation, all options, and the benefits and drawbacks of all alternatives.

Transportation planning involves more than merely listing highway and transit projects. Maine's four MPOs, MaineDOT, the Maine Turnpike Authority and other agencies cooperate to identify needs, evaluate options and select strategies to manage, preserve and improve Maine's transportation network. These partners regularly produce plans and programs that consider all modes of transportation and that support the interests of the state and its communities, with the goal of advancing statewide and regional long-term goals.

To promote 3-C regional planning, MPOs, by federal regulation, must consider ten federal planning factors:

1. Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity and efficiency.
2. Increase the safety of the system for users of all modes of transportation.
3. Increase the security of the system for users of all modes of transportation.
4. Improve accessibility and mobility for people and freight.
5. (a) Protect and enhance the environment; (b) promote energy conservation; (c) improve the quality of life; and (d) promote consistency between transportation projects, and state and local planned growth and economic development patterns.
6. Enhance the integration and connectivity of the transportation system, between modes, for people and freight.
7. Promote the efficient operation and management of the system.
8. Emphasize the preservation of the existing transportation system.
9. Improve the resiliency and reliability of the transportation system and reduce or mitigate the stormwater impacts of surface transportation; and
10. Enhance travel and tourism.

## MPO Plans and Programs

Each MPO produces three federally required documents:

- **Long-Range Metropolitan Transportation Plan (MTP).** The MTP, covering at least 20 years, describes a long-term regional vision for transportation investments. It identifies the policies, goals and strategies needed to meet an MPO region's demand for transportation services. The plan should consider all modes, and foster 1) mobility and access for people and goods; 2) efficient performance and preservation of the system; and 3) good quality of life within the metropolitan region. Plans must be updated every four years in air quality non-attainment and maintenance areas, and every five years in attainment areas. MPO MTPs are covered in Section 3 of this guide.
- **Unified Planning Work Program (UPWP).** The UPWP describes transportation studies and other planning tasks that an MPO intends to undertake in its region with federal, state and local planning funds. MPOs update their UPWPs every two years, during odd-numbered calendar years. UPWPs are covered in detail in Section 5 of this guide.
- **Transportation Improvement Program (TIP).** The TIP is a four-year, fiscally constrained programming of FHWA and FTA - funded investments scheduled within each MPO. MPO TIPs list all projects to be completed with available federal funds in an MPO area, including those programmed by MaineDOT. Maine MPO TIPs are updated annually and included in the State Transportation Improvement Program (STIP). The TIP process is covered in Section 6 of this guide.

MPOs and operators of public transportation must utilize a performance-based approach to planning and programming by establishing performance targets in key national performance areas. The MPOs can either establish their own targets or adopt the targets established by the state DOT. Those targets must be referenced in the MPOs' MTPs and in the investment priorities of the Transportation Improvement Program (TIP). Key implementation dates can be found here: <https://www.fhwa.dot.gov/tpm/rule/timeline.pdf>. It is recommended that this website be checked periodically for updates.

MPOs also contribute to MaineDOT's annual Work Plan:

- The MaineDOT Work Plan outlines the work that the department plans to perform over the next three years. The Work Plan is calendar year-based and includes all MaineDOT work activities. Projects and activities listed for the upcoming calendar year are more firmly funded and tied to definite schedules, while those for the following two calendar years may be more subject to change.

Additionally, Federal transportation law requires each MPO to produce two other documents:

- **Public Participation Plan.** Public involvement is a key component of the transportation planning process. Each MPO must have an approved Public Participation Plan that provides citizens with complete information, timely public notice, and opportunities for early and continuing involvement in the transportation planning process. MPOs must update their plans as needed to stay current with relevant federal regulations. Public participation is addressed in Section 9 of this guide.
- **Title VI/Environmental Justice Plan.** Each MPO must have a plan for complying with federal Title VI and environmental justice anti-discrimination requirements. MPOs must update their plans annually, after the October 1 start of a new federal fiscal year, for the review of the Federal Highway Administration and Federal Transit Administration. Title VI and environmental justice are covered in Section 9 of this guide.

Document	Horizon	Contents	MPO Updates
Metropolitan Transportation Plan for FHWA/FTA	20 years	Policies, goals and strategies	Every 5 years (4 years for Non-attainment and Maintenance areas)
Unified Planning Work Program for MaineDOT/FHWA	2 years	Planning studies and tasks	Every two years, in odd-numbered calendar years
Transportation improvement program for FHWA/FTA	4 years	Transportation investments	Every 2 years, in odd-numbered calendar years
MPO projects for MaineDOT Work Plan	Annually	Transportation investments	Due to MaineDOT by August 31
Public Participation Plan for FHWA/FTA	N/A	Details of the MPO public involvement process	As needed to stay in compliance with relevant federal regulations
Title VI/Environmental Justice Plan for FHWA/FTA	N/A	Actions each MPO takes to meet anti-discrimination laws	Annually, after October 1

### 1.3- ROLE OF MaineDOT

MaineDOT is a partner in the metropolitan transportation planning process. MaineDOT representatives serve on MPO committees and present the state's perspective in the consensus building that identifies the transportation needs, priorities and solutions in each MPO region.

By federal regulation, MaineDOT must carry out a continuing, cooperative and intermodal transportation planning process that facilitates the efficient, economic movement of people and goods. MaineDOT coordinates and consults with a variety of agencies – including the four MPOs – as it develops the plans and programs that carry out the state’s long-term strategies for maintaining and improving Maine’s transportation system.

MaineDOT uses three primary capital-planning documents:

**Long-Range Transportation Plan.** The long-range transportation plan sets goals and objectives for Maine’s transportation system over a 20-year period. It is typically updated every five years and prepared in cooperation with a variety of agencies, including Maine’s four MPOs.

**Work Plan.** The MaineDOT Work Plan outlines the work that the department plans to perform over the next three years. The Work Plan is calendar year-based and includes all MaineDOT work activities. Projects and activities listed for the first calendar year in the three-year series are more firmly funded and tied to definite schedules, while those for the following two calendar years may be subject to change.

**Statewide Transportation Improvement Program (STIP).** The STIP is a budgetary and scheduling document prepared for FHWA and FTA. It lists the transportation improvements scheduled to be implemented in Maine with available FHWA and FTA funding over four years, including the MPO areas. The document focuses specifically on the years in which MaineDOT expects to draw down, or “obligate,” its federal funding. MaineDOT submits its STIP to federal agencies for approval annually. The STIP is covered in Section 6.

## **MaineDOT’s Role in Financial Management**

MaineDOT manages Maine’s federal and state transportation funding, including the money set aside for Maine’s four MPOs. In this role, covered in Section 3, MaineDOT:

- Distributes federal planning funds to the MPOs and provides state matching funds for MPO planning activities;
- Programs the federal transit money that is set aside for Maine MPOs and public transit agencies to support planning activities, transit agency operations, and investments in Maine’s public transit systems;
- Allocates federal and state highway money to the MPOs and ensures that they produce financially balanced transportation improvement programs;
- Manages the money in the projects that MPOs select for MaineDOT’s annual Work Plan.

## MaineDOT's Role in Project Selection and Development

MaineDOT provides technical assistance to MPO staffs, helps with project scoping and cost estimation, and routinely assists in developing the projects that MPOs program. MaineDOT also works with MPOs as they develop their Transportation Improvement Programs (TIPs) to ensure that the documents include MaineDOT projects in MPO areas.

The Bureau of Planning and the Office of Freight and Business Services oversee the planning and funding of projects statewide. Once MaineDOT's Statewide Transportation Improvement Program (STIP) has received federal approval, the Bureau of Project Development designs and delivers the planned projects, including those in MPO areas. For more information about the project development process, see Section 7 of this guide.

## Role of MaineDOT MPO Coordinator

The MPO coordinator, in the Bureau of Planning, is MaineDOT's primary liaison to Maine's four MPOs. The coordinator:

- Tracks MPO committee schedules to ensure that the appropriate MaineDOT staff members attend, and represents MaineDOT at MPO meetings as needed.
- Works with MPOs and MaineDOT personnel, including project managers, to resolve questions about transportation studies and other matters.
- Reviews and approves monthly invoices from each MPO, seeking reimbursement of expenses eligible for planning funds from the Federal Highway Administration and Federal Transit Administration, as well as from MaineDOT.
- Maintains a spreadsheet that tracks the annual unexpended balance of federal Metropolitan Planning funds for each MPO.
- Calculates each MPO's biennial allocation of federal planning and capital improvement funding.

## Role of MaineDOT MPO Engineer

- Serves as a liaison between the Bureaus of Planning and Project Development, for all projects programmed by MPOs and developed by MaineDOT.
- Works with MPOs and MaineDOT personnel, including project managers, to resolve questions about capital projects and other matters
- Serves as MaineDOT's representative on MPO technical committees.

## **Role of MaineDOT Bureau of Planning - Program Development Division staff**

- Provides each MPO with a copy of its Transportation Improvement Program (TIP), which is data-derived, based on the development of the Work Plan and projects currently under construction.
- Provides annual schedules and monitors the development of MPO MTPs, UPWPs, TIPs, and two-year capital project lists to ensure that MPOs meet deadlines and comply with state and federal regulations. Usually, the MPO coordinator sends a letter to each MPO in January of each year outlining deadlines and other important dates in the planning process.

## **Roles of MaineDOT Transit Planning and Operations Staff**

Staff members in the Multimodal Planning Division of the Bureau of Planning serve as MaineDOT's primary liaisons to urban public mass transit providers.

These staff members:

- Represent MaineDOT at MPO transit committee meetings and other events.
- Serve as primary contacts for the MPOs regarding transit-related issues.
- Oversee the distribution of federal transit planning, capital improvement and operating funds to Maine's urban transit providers.
- Calculate the federal allocation of transit planning, capital improvement and operating funds to each MPO, using standardized federal formulas.
- Provide schedules and monitors the status of MPO UPWPs, TIPs, MaineDOT's STIP, UPWP Progress Reports, and MPO sections of MaineDOT's Work Plan to ensure that MPOs are meeting deadlines and remaining compliant with state and federal transit regulations.
- Share information and coordinate activities with the MaineDOT MPO coordinator, as appropriate.

## Section 2:

### MPO Structure

Metropolitan planning organizations (*MPOs*) are the forums for cooperative transportation decision-making in federal urbanized areas, which the U.S. Census Bureau defines as having at least 50,000 people and core densities of 1,000 or more people per square mile. They are formed by agreement between Maine's governor and the communities comprising at least 75 percent of the people in an urbanized area, including the largest city. MPOs include representatives from cities and towns, MaineDOT and agencies that oversee major modes of transportation, such as public transit providers. The member cities and towns determine the voting representatives by consensus.

#### 2.1- MPO COMMITTEES

##### Policy Committee

A policy committee governs each MPO, overseeing the regional planning process and approving the resulting plans and programs. Policy committees include appointed and/or elected officials from cities and towns, along with representatives from regional planning organizations, public transit providers, and MaineDOT. An MPO that serves as a Transportation Management Area must also have on their policy committee a representative of a transit provider with authority equal to that of other MPO officials. They can allow a representative of a transit provider to also represent a local community.

The Maine Turnpike Authority is a member of the MPOs serving the Lewiston-Auburn, Kittery and Portland regions. The Federal Highway Administration (*FHWA*) and Federal Transit Administration (*FTA*) are non-voting members of each MPO. Members elect the committee chairs and other officers.

The director of MaineDOT's Bureau of Planning appoints a representative to each MPO policy committee and notifies each MPO of MaineDOT's official voting member and any alternates.

The policy committees of Maine's four MPOs generally meet as follows:

- ATRC (Lewiston-Auburn) – 4th Thursday of each month, 10 a.m.
- BACTS (Bangor area) – 3rd Tuesday, 9:30 a.m., on a quarterly schedule.
- KACTS (Kittery area) – As needed (no regular schedule).
- PACTS (Portland area) – on Thursdays at 3:00 p.m. on a quarterly schedule.

Generally, each MPO policy committee establishes the overall transportation policy

direction for its region. The policy committee:

- Adopts the MPO MTP, Unified Planning Work Program (UPWP), Transportation Improvement Program (TIP), and other documents, including the Public Participation Plan.
- Approves funding for MPO-sponsored projects.
- Reviews and acts on technical reports and studies from staff and consultants.
- Forms other committees necessary to assist the policy committee.
- Performs any other duties required by federal and state regulations, including the certification of the MPO planning process.

## Technical Committees

MPO technical committees assist their policy committees by making recommendations on transportation improvements and by providing technical analysis on specific issues. MPO technical committees in Maine consist primarily of municipal engineers and public works directors.

The MPO engineer from the Bureau of Planning represents MaineDOT on MPO technical committees. Additionally, technical staff members from some of MaineDOT's Region Offices often attend meetings to answer questions and provide information.

Two of Maine's four MPOs have technical committees. KACTS (Kittery area) and BACTS (Bangor area) perform their technical committee activities at the policy committee level. Committee chairs are elected by the members.

Each MPO technical advisory committee generally meets as follows:

- ATRC (Lewiston-Auburn) – Second Thursday of the month, 10 a.m.
- PACTS (Portland region) – Second Tuesday of the month, 8:30 a.m.

## Maine MPO Committee Schedules & Contacts, 2016

Androscoggin Transportation Resource Center (ATRC)			
Policy	Schedule	MaineDOT Member	MPO Contact
	Monthly 4th Thurs. 10 a.m.	Darryl Belz, Safety and Scoping Section MPO Engineer 624-3275 <a href="mailto:Darryl.belz@maine.gov">Darryl.belz@maine.gov</a>	Jennifer Williams, Director 783-9186 <a href="mailto:jwilliams@avcog.org">jwilliams@avcog.org</a>
Technical	Schedule	MaineDOT Member	MPO Contact
	Monthly 2nd Thurs. 10 a.m.	Darryl Belz, Safety and Scoping Section MPO Engineer 624-3275 <a href="mailto:Darryl.belz@maine.gov">Darryl.belz@maine.gov</a>	Colton Bernier, Engineer 783-9186 <a href="mailto:cbernier@avcog.org">cbernier@avcog.org</a>
Bangor Area Comprehensive Transportation System (BACTS)			
Policy	Schedule	MaineDOT Member	MPO Contact
	Quarterly 3rd Tues. 9:30 a.m.	Darryl Belz, Safety and Scoping Section MPO Engineer 624-3275 <a href="mailto:Darryl.belz@maine.gov">Darryl.belz@maine.gov</a>	Rob Kenerson, Director 942-6389 <a href="mailto:robk@bactsmpo.org">robk@bactsmpo.org</a>
Transit	Schedule	MaineDOT Member	MPO Contact
	Odd Months 1st Wednesday 9:30 a.m.	Darryl Belz, Safety and Scoping Section MPO Engineer 624-3275 <a href="mailto:Darryl.belz@maine.gov">Darryl.belz@maine.gov</a>	Connie Reed, Transportation Planner 974-3111 <a href="mailto:robk@bactsmpo.org">robk@bactsmpo.org</a>
Kittery Area Comprehensive Transportation System (KACTS)			
Policy	Schedule	MaineDOT Member	MPO Contact
	As needed. No set schedule.	Chris Mann, MPO Coordinator 624-3513 <a href="mailto:Chris.a.mann@maine.gov">Chris.a.mann@maine.gov</a>	Tom Reinauer, Director 571-7065 <a href="mailto:treinauer@smpdc.org">treinauer@smpdc.org</a>
Portland Area Comprehensive Transportation System (PACTS)			
Policy	Schedule	MaineDOT Member	MPO Contact
	3rd Thurs. (as needed) 1:30 p.m.	Andrew Bickmore, Acting Director, Bureau of Planning; 624-3300 <a href="mailto:Andrew.Bickmore@maine.gov">Andrew.Bickmore@maine.gov</a>	Sara Zografos, Director 774-9891 <a href="mailto:szografos@gpcog.org">szografos@gpcog.org</a>
Technical	Schedule	MaineDOT Member	MPO Contact
	Monthly 2nd Tues. 8:30 a.m.	Darryl Belz, Safety and Scoping Section 624- 3275 <a href="mailto:Darryl.Belz@maine.gov">Darryl.Belz@maine.gov</a>	Paul Niehoff, Sr. Planner 774-9891 <a href="mailto:pniehoff@gpcog.org">pniehoff@gpcog.org</a>
Planning	Schedule	MaineDOT Member	MPO Contact
	Monthly 1st Thurs., 9 a.m.	Chris Mann, MPO Coordinator 624-3513 <a href="mailto:Chris.a.mann@maine.gov">Chris.a.mann@maine.gov</a>	Jessa Berna Planner 774-9891 <a href="mailto:Jberna@gpcog.org">Jberna@gpcog.org</a>
Transit	Schedule	MaineDOT Member	MPO Contact

	Monthly 2nd Thurs. 9:30 a.m.	MaryAnn Hayes, Manager, Multimodal Planning Division 624-3239 <a href="mailto:MaryAnn.Hayes@Maine.gov">MaryAnn.Hayes@Maine.gov</a>	Ben Lake Clean Transportation Manager 207-774-9891 <a href="mailto:blake@gpcog.org">blake@gpcog.org</a>
Executive	Schedule	MaineDOT Member	MPO Contact
	Monthly 1st Tues. 8 a.m.	Andrew Bickmore, Acting Director, Bureau of Planning; 624-3300 <a href="mailto:Andrew.Bickmore@maine.gov">Andrew.Bickmore@maine.gov</a>	Sara Zografos, Director 774-9891 <a href="mailto:szografos@gpcog.org">szografos@gpcog.org</a>

### Generally, MPO Technical Committees:

- Review and rank potential projects for policy committee approval and inclusion in the MaineDOT Work Plan and MPO Transportation Improvement Program (TIP).
- Direct MPO staffs in developing scopes for technical studies and in reviewing and scoring consultant proposals.
- Oversee the development and maintenance of traffic data collection and transportation management systems, as directed by the Policy Committee.
- Conduct other business, as directed by their Policy Committees.

### Other committees

- BACTS Municipal Partners Transit Committee provides forum to share information and allow for open dialog about transit related initiatives, programs and projects; coordinate planning and development efforts; and foster collaboration between the urban transit provider and municipal partners within the Greater Bangor Urbanized Area (UZA). Meetings are at 9:30 a.m. the first Wednesday of odd months. The Executive Committee addresses routine business between policy committee meetings. The group consists of the chair, vice chair, secretary/ treasurer and the past chair.
- PACTS (Portland region) uses an Executive Committee to address routine business between Policy Committee meetings. The group consists of the Chair and Vice-Chair of the Policy Committee, the Chair or designated member from the Transit Committee, and representatives from Maine Department of Transportation, Maine Turnpike Authority, and a representative from each of PACTS four Sub regions. Meetings are at 8:30 a.m. on the first Tuesday of each month.
- PACTS planning committee considers issues that include land use, economic development, and community enhancement. MaineDOT's representative is the MPO coordinator. Meetings are at 9 a.m. on the first Thursday of each month.
- PACTS' transit committee considers issues involving public passenger transit. MaineDOT's representative is the manager of the Multimodal Planning Division. Meetings are at 9:30 a.m. on the second Thursday of each month.

## 2.2- MPO DIRECTORS AND STAFFS

Each MPO employs a director who reports to the policy committee. The director is akin to a chief operating officer, handling day-to-day activities and managing the MPO staff.

At the discretion of their policy committees, MPOs employ other staff members to perform planning and technical services. MPO staffs provide committees with technical assessments and evaluations of proposed transportation improvements. They also collect data, prepare documents, foster coordination with MaineDOT and other agencies, facilitate public involvement, and manage the transportation planning process.

Additionally, three MPOs in Maine contract for administrative, planning and financial management services with regional planning agencies, as follows:

- ATRC – Androscoggin Valley Council of Governments (AVCOG), in Auburn.
- KACTS – Southern Maine Planning and Development Commission (SMPDC), in Saco.
- PACTS – Greater Portland Council of Governments (GPCOG), in Portland.

## 2.3- MPO BOUNDARIES

The metropolitan planning area is an MPO's official boundary, representing the region in which the metropolitan transportation planning process takes place.<sup>1</sup> Federal transportation funding may be used within this area, which must cover at a minimum:

- The entire federal urbanized area for each MPO region, as defined by the U.S. Census Bureau; and
- The surrounding area likely to become urbanized within the 20-year forecast period of an MPO MTP.

After each federal census, MaineDOT coordinates with each MPO and federal officials to gather information supporting the establishment of the planning area. Approval of the planning area requires the dated signatures of the MPO chair and the MaineDOT commissioner, acting for Maine's governor. In Maine, a representative from the Federal Highway Administration (FHWA) also signs the official MPO boundary maps, which must be submitted to the FHWA and the Federal Transit Administration (FTA).

### Boundary Maps

After each federal census, MaineDOT's Bureau of Planning reviews the data and maps produced by the U.S. Census Bureau. MaineDOT, in cooperation with each MPO, may make adjustments to ensure that boundary lines accurately reflect the official Census

1. Two MPOs refer to their metropolitan planning areas (MPA) by different names. The Portland Area Comprehensive Transportation System calls the PACTS "Study Area." The Kittery Area Comprehensive Transportation Study refers to its MPA as the "KACTS Region."

Urbanized Area for each MPO. MaineDOT staff will consider geographic features, development densities, and any other variables necessary to produce accurate maps. Maps include municipal boundaries, waterways, major roads, railroads, airports, and intermodal stations.

## Section 3:

### MPO Metropolitan Transportation Plans

Metropolitan planning organizations (MPOs) create federally required long-range Metropolitan Transportation Plans (MTP) showing how they intend to invest in their regions over 20 years. These plans identify goals, objectives and performance measures in MPO regions, while also providing policy and strategy recommendations for meeting regional transportation needs.

The long-range planning process examines how demographic characteristics in a region are likely to change – and how these changes will affect transportation. MPO MTPs should address roads, public transit systems, freight needs, and bicycle and pedestrian needs. Plans must consider short- and long-range strategies that promote the efficient movement of people and goods, support economic vitality, maintain a region’s quality of life, minimize transportation-related air pollution and congestion, improve transportation resiliency and reliability, mitigate stormwater impacts of surface transportation and enhance travel and tourism. The MTP must use a performance-based approach to decision-making.

#### 3.1 – TIMELINE

MPO MTPs must cover at least 20 years at the time of approval and are updated every five years. Updates enable MPOs to confirm that their plans are consistent with current and projected transportation and land-use conditions.

Ending years for MTPs in air quality non-attainment and maintenance areas should be the same as MaineDOT’s long-range plan to coordinate conformity analyses. MPOs in such areas should provide MaineDOT with at least a 90-day notice before approving MTPs. (See Section 10 for more information about air quality conformity.)

#### 3.2 – FEDERAL REQUIREMENTS

MPO MTPs and plan updates must, at a minimum, include the following.

1. The current and projected transportation demand of persons and goods in the metropolitan planning area over the period of the transportation plan.
2. Existing and proposed transportation facilities including major roadways, public transportation facilities, intercity bus facilities, multimodal and intermodal facilities, nonmotorized transportation facilities (e.g., pedestrian walkways and bicycle facilities, and intermodal connectors) that should function as an integrated metropolitan transportation system, giving emphasis to those facilities that serve important national and regional transportation functions over the period of the transportation plan.

3. A description of the performance measures and performance targets used in assessing the performance of the transportation system.
4. A system performance report and subsequent updates evaluating the condition and performance of the transportation system with respect to the performance targets, including progress achieved by the MPO and historical system performance.
5. Operational and management strategies to improve the performance of existing transportation facilities to relieve vehicular congestion and maximize the safety and mobility of people and goods.
6. **For TMAs only:** Consideration of the results of the congestion management process, including the identification of SOV projects that result from a congestion management process.
7. Assessment of capital investment and other strategies to preserve the existing and projected future metropolitan transportation infrastructure, provide for multimodal capacity increases based on regional priorities and needs, and reduce the vulnerability of the existing transportation infrastructure to natural disasters.
8. Transportation and transit enhancement activities, including the role that intercity buses may play in reducing congestion, pollution, and energy consumption in a cost-effective manner. Strategies and investments that preserve and enhance intercity bus systems, including systems that are privately owned and operated, and including transportation alternatives and associated transit improvements should also be considered.
9. In all areas (regardless of air quality designation), proposed improvements shall be described in sufficient detail to develop cost estimates. **For non-attainment areas:** Provide concept and design scope descriptions of all existing and proposed transportation facilities in sufficient detail, regardless of funding source.
10. A discussion of types of potential environmental mitigation activities 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 MTP.
11. A financial plan that demonstrates how the adopted transportation plan can be implemented. It must:
  - (i) contain system-level estimates of costs and revenue sources that are reasonably expected to be available to adequately operate and maintain the Federal-aid highways and public transportation.
  - (ii) include estimates of funds that will be available to support metropolitan transportation plan implementation. This shall be cooperatively developed by the MPO(s), public transportation providers and the State.
  - (iii) include recommendations on any additional financing strategies to fund projects and programs included in the MTP.

- (iv) consider all projects and strategies proposed for funding under Title 23 U.S.C., Title 49 U.S.C., Chapter 53 or with other Federal funds; State assistance; local sources; and private participation. Revenue and cost estimates that support the MTP must use an inflation rate(s) to reflect “year of expenditure dollars.”
- (v) For the outer years of the metropolitan transportation plan (i.e., beyond the first 10 years), the financial plan may reflect aggregate cost ranges/cost bands, as long as the future funding source(s) is reasonably expected to be available to support the projected cost ranges/cost bands.
- (vi) For nonattainment and maintenance areas, the financial plan shall address the specific financial strategies required to ensure the implementation of Transportation Control Measures in the applicable State Implementation Plan.
- (vii) For illustrative purposes, the financial plan may include additional projects that would be included in the adopted transportation plan if additional resources beyond those identified in the financial plan were to become available.
- (viii) In cases when the FHWA and the FTA find a metropolitan transportation plan to be fiscally constrained and a revenue source is subsequently removed or substantially reduced (i.e., by legislative or administrative actions), the FHWA and the FTA will not withdraw the original determination of fiscal constraint. However, in such cases, the FHWA and the FTA will not act on an updated or amended metropolitan transportation plan that does not reflect the changed revenue situation.

12. Pedestrian walkway and bicycle transportation facilities in accordance with 23 U.S.C. 217(g).

### 3.3 – CONSULTATION WITH OTHER AGENCIES

In drafting an MTP, an MPO by federal regulation must consult as appropriate with agencies responsible for:

- Environmental protection;
- Natural resources conservation;
- Land use management;
- Economic development;
- Tourism and natural disaster risk reduction
- Airport operations;
- Freight movements.
- Tourism; and
- Natural Disaster Risk Reduction.

Through the consultation process, agencies exchange information to eliminate or minimize conflicts that might affect transportation. As part of their public participation plans, MPOs develop and document roles, responsibilities and key decision points for consulting with these other agencies.

Additionally, MPO staff members should review the long-range plans of MaineDOT and the Maine Turnpike Authority (MTA), just as MaineDOT and MTA staff should study each MPO MTP to ensure that concurrence exists.

When the metropolitan planning area includes American Indian lands, an MPO must appropriately involve the tribal government in the development of the MTP. This requirement applies to the BACTS area, which covers the Penobscot Indian Nation.

### 3.4 – ENVIRONMENTAL MITIGATION

Federal regulations require MPOs to consider potential environmental effects when developing or updating their MTPs. MPOs should review the types of transportation investments in their plans. If proposed improvements would change traffic patterns or enable a transportation facility to handle more traffic, a plan must discuss potential environmental mitigation activities.

MPOs should:

- Work with appropriate agencies to identify environmentally sensitive areas. These agencies include the Maine Department of Environmental Protection, the Maine Department of Conservation, the State Planning Office, or a regional planning organization. The review should consider the following, when applicable:
  - water quality;
  - wetlands;
  - public recreation areas, wildlife refuges and historic or archeological sites;<sup>2</sup>
  - endangered species;
  - hazardous waste sites;
  - air quality;
  - noise;
  - property acquisitions and displacements; and/or
  - changes in accessibility to jobs, recreation, health care or other services.
- Consult with appropriate resource agencies to define mitigation measures that may be needed in the metropolitan area.

2. For more information, refer to Section 4(f) of the U.S. Department of Transportation Act of 1966. See also the following link: <http://environment.fhwa.dot.gov/projdev/4fpolicy.asp>

- Assess the area-wide impacts of implementing the MTP.
- Determine if the identified mitigation could be achieved.
- Adjust the MTP, if necessary, to minimize the need for mitigation.

### **3.5– APPROVAL AND DISTRIBUTION**

Each MPO must have in place an MTP that covers at least 20 years. Although the plan does not need the approval of the Federal Highway Administration or Federal Transit Administration, these agencies must endorse an MPO's documentation of air quality conformity in non-attainment and maintenance areas, which affect southern Maine. MPOs must provide copies of their MTPs to each federal agency and MaineDOT's Bureau of Planning before the MPO conducts its self-certification.

MPOs must publish their MTPs or otherwise make them available for public review. Federal regulations encourage MPOs to post public information on their websites.

### **3.6 – AMENDMENTS**

An MPO MTP may be amended at any time, resulting from changes in funding availability, the addition of new projects, or changing priorities. The amendment process carries the same requirements as a plan update, including public participation.

Documentation must include: an analysis of how the proposed change(s) might affect the transportation system; documentation of the public involvement process; new maps; documentation and data files of the revised model and/or technique; a revised balancing of project costs against forecasted revenues; and an updated air quality conformity analysis.



## Section 4:

### MPO Unified Planning Work Programs

Every two years, MPOs produce unified planning work programs (UPWP) that describe their regional planning priorities and document how they intend to spend their allocated federal, state and local planning funds. A UPWP by federal regulation must address:

- **What will be produced?** The document must show the work proposed for the next two-year period, by major activity and/or task, and the resulting products. MPOs must include activities that address the ten federal planning factors listed in Section 1.2 of this guide.
- **Who will do the work?** The UPWP must identify the agency responsible for each work task or study – the MPO, MaineDOT, a transit operator, a regional planning agency, or a consultant.
- **When will the work be done?** The document should include a schedule for completing each task.
- **How much will each activity cost?** The MPO should show the proposed funding by activity and task, as well as a summary of total amounts and sources of federal, state and other matching funds.

#### 4.1 – ELIGIBLE ACTIVITIES

Every two years each MPOs receives federal, state and local money to carry out a continuing, cooperative and comprehensive transportation planning process in its region. What follow are examples of eligible planning activities:

- Developing a long-range transportation plan, transportation improvement program, and UPWP;
- Conducting inventories of existing federal-aid routes to determine their condition and capacity, as part of a transportation asset management program;
- Determining the types and volumes of vehicles using these routes;
- Predicting the level and location of population, employment and economic growth;
- Conducting technical studies of the management, operations, capital requirements, innovative financing, and economic viability of proposed improvements, including mass transit projects;
- Carrying out studies of potential enhancements that could make mass transit more inviting to use and thus encourage greater participation; and

- Undertaking up to 20 percent of preliminary engineering and design costs.

Note: Lobbying activities, by federal law, cannot be conducted with federal money.

January-March (Odd years)	MaineDOT provides MPOs with preliminary estimates of PL funds for development of their upcoming UPWPs.
July	MPOs provide MaineDOT with summaries of their upcoming UPWP studies for review.
September 1	MPOs provide MaineDOT with a draft of their upcoming UPWPs for review.
September 1	MPOs provide MaineDOT with drafts of current UPWP planning study reports for review/edits.
October 31	Draft UPWP's are sent to FHWA/FTA for review
November/December	Final UPWP's approved by FHWA and FTA. Representatives from each MPO and the Bureau of Planning sign the cooperative agreements.

## 4.2 – MAINEDOT/MPO COOPERATIVE AGREEMENTS

Before spending its allocated federal and state planning funds, an MPO must have a cooperative agreement with MaineDOT that:

- Shows the total amount of federal Metropolitan Planning (PL), Section 5303 and state money for which the MPO will seek reimbursement from MaineDOT during the two- year period of the UPWP; and
- Lays out the responsibilities and requirements of the state and the MPO.

In addition, an agreement cannot be executed until the MPO has provided the following contract documentation:

- Employee compensation rates;
- Disadvantaged Business Utilization Form; and
- Approved Unified Planning Work Program.

For MPOs that do not have their overhead rates approved by a cognizant agency, MaineDOT's Office of Audit needs the following before December of the final year of the existing agreement in order to approve the upcoming agreement:

- An approved annual audited overhead rate with the following:
  - Certificate of Final Indirect Costs
  - AASHTO ICQ
  - Documents requested on page 1 of the AASHTO ICQ
    - Current Chart of Accounts
    - Post-Closing Trial Balance
    - Financial Statements (if audited, the full report)

- Supplemental reconciliation (if necessary)
- Company's vacation and sick leave policies
- Company's bonus policy
- Sample Timesheet
- Copy of the Executive Compensation review work papers (NCM if that was used)

Agreements cover two state calendar years, from January 1 to December 31. MPO chairs and the Director of MaineDOT's Bureau of Planning must sign the agreements before January 1 of every even-numbered year. Once in place, agreements may be modified to reflect changing conditions and/or funding levels, should actual federal or state funding differ from the estimates used in the agreements

The Federal Highway Administration (FHWA) regional office in Maine requires MaineDOT to execute agreements every two years to receive PL funding and distribute this money to Maine's four MPOs.

MaineDOT typically drafts agreements in November of each odd-numbered calendar year, in time to provide each MPO with a draft by December 1. This schedule provides each MPO with time to review and comment on the document, so that any revisions can be made in time for it to be signed and in place by December 30.

Below are the steps necessary to execute a planning agreement.

- The FHWA issues letters approving each MPO UPWP and MaineDOT's two-year Planning Work Program.
- MaineDOT's Contract Procurement Office signs off on the draft cooperative agreement with each MPO.
- MaineDOT develops and executes an agreement with FHWA, which must give authorization to proceed.
- MaineDOT creates a PIN that holds each MPO's allocation of planning funds for the biennium.
- Representatives from MaineDOT and each MPO sign the cooperative agreements.
- MaineDOT provides the MPO with a letter of authorization to proceed.

Note: Expenses incurred before these steps have been taken are ineligible for state or federal funding.

## 4.3 – UPWP AMENDMENTS AND REVISIONS

### UPWP amendments

MPOs may amend their UPWPs to meet changing regional needs and priorities.

Amendments are modifications that:

- Change the federally approved total planning budget;
- Change the scope(s) of federally approved work tasks; and/or
- Add or delete work tasks.

MPOs submit requests for amendments by e-mail to the MaineDOT MPO coordinator and/or staff members in the MaineDOT's Multimodal Planning & Operations Section, who review and forward the requests to the Federal Highway Administration (FHWA) and/or Federal Transit Administration (FTA) for approval. After review and clarification, the FHWA and/or FTA usually approve the request by e-mail.

Amendment requests should address the following, as appropriate:

- What is the proposed change, who is requesting it, and why?
- What are the dollar amounts, and what is the funding source?

### UPWP revisions

Simple UPWP revisions do not change the FHWA/FTA approved total planning budget and do not change the scope of the FHWA/FTA funded work task(s). Revisions are e-mailed to the MaineDOT MPO coordinator, as well as the FHWA/FTA division planner for informational purposes. The MPO coordinator copies appropriate staff members in the Multimodal Planning & Operations Section who handle transit-related issues.

## 4.4 – PROGRESS REPORTS

The Federal Highway Administration (FHWA) requires MPOs to submit progress reports each calendar year. Reports are due for each calendar year by the first week in April of the following calendar year. They should be sent to the MPO Coordinator. Under the Consolidated Planning Grant program, reports must include transit-related activities.

Progress reports must include:

- A summary of accomplishments.
- Progress in meeting product schedules, with explanation of delays.
- Approved UPWP amendments or revisions.

## 4.5 – TRANSPORTATION STUDIES

MPO staffs should develop scopes and cost estimates for planning studies in consultation with MaineDOT staff members, as appropriate. MPO committees, in turn, should review study scopes and budgets before approving them for inclusion in a UPWP. Finally, MPO staffs should oversee all approved studies, in coordination with member communities and MaineDOT, where appropriate.

Roles and responsibilities: MPO-funded studies		
MPO	City/Town	MaineDOT
<p>MPO committees review the scopes and budgets of proposed studies.</p> <p>Staff members coordinate study schedules and draft requests for proposals in partnership with communities.</p> <p>Staff members give MaineDOT technical staff opportunities to review study scopes and assist study committees, as appropriate.</p>	<p>Planning/technical staffs submit a scope, budget, and purpose-and-need for each proposed study.</p> <p>Appropriate staff members coordinate study schedules and draft requests for proposals with MPO staffs.</p> <p>The primary city/town contacts for studies make sure that representatives from the MPO and MaineDOT are involved.</p>	<p>MPO coordinator ensures that appropriate staff members are involved with MPO studies.</p> <p>Technical staff in planning and/or other bureaus review proposed study scopes, RFP's and consultant contracts before execution, and serve on advisory committees.</p> <p>Appropriate technical staff review study data and offer feedback to ensure that conclusions are technically sound.</p>

Before undertaking the studies in their federally approved UPWPs, MPOs should consult with MaineDOT as appropriate to determine the need for and extent of the department's assistance. MaineDOT in most cases will assign a technical liaison to a study advisory committee to support and assist the MPO

*Note:* Before the start of an MPO study that requires MaineDOT's assistance, representatives of MaineDOT and the MPO must sign an agreement defining the roles of each agency, including financial responsibility. Requests for changes in study scopes or financial support for which MaineDOT is the lead agency must be sent to the study's MaineDOT project manager, after approval by the MPO policy committee. Studies that have received final approval should be posted on the MPO website and a copy should be sent to MaineDOT. Any draft recommendations prior to final study approval need to be reviewed and approved by MaineDOT before being released to the public.

## 4.6 – CONSULTANT SELECTION

MPOs hire consultants to undertake many of the tasks in their UPWPs. In doing so,

they must use a qualifications-based selection process. Price cannot be a factor. For tasks using federal or state money, MPOs must observe MaineDOT's consultant selection procedures from the Local Project Administration Manual & Reference Guide, which comply with applicable federal and state procurement requirements and is regularly updated. MPOs can use the Simplified Acquisition Contract process by selecting consultants from MaineDOT's pre-qualified list (<http://maine.gov/mdot/cpo/prequal/#prequal5>) or issue their own request for qualifications to create a pool of pre-qualified consultants. MPOs can also use an advertised, competitive process by issuing a request for proposals (RFP) and are required to do so for contracts of \$150,000 or more. Updated RFP templates can be obtained from the MaineDOT MPO Coordinator. All of the details associated with these options are outlined in the Consultant Selection section of the Local Project Administration Manual and Reference Guide ([mainedot.gov/lpa/manual](http://mainedot.gov/lpa/manual)) . Before an MPO executes any contract with a consultant, MaineDOT must issue authorization to proceed or the MPO could risk federal and state participation.

Once an MPO has a consultant under contract, the MPO shall submit invoices monthly to MaineDOT's MPO Coordinator, in a format acceptable to MaineDOT, summarizing costs by UPWP task, fund source and the corresponding match percentage of that fund source. The invoices must be accompanied by all supporting documentation (the details of this are spelled out in the MaineDOT cooperative agreement with the MPO). Any issues associated with incorrect or incomplete invoices will cause that invoice to be sent back for corrections and result in delayed payment.

MPOs should ensure that all consultant studies are initiated by January of the second year of their UPWP to ensure they can be completed by the end of the contract or funding for that study could be re-assigned or forfeited. MPOs should also ensure that consultants provide deliverables for these studies, such as draft reports, by September of the second year of the UPWP to ensure that MaineDOT staff and MPO staff have sufficient time to review the material and provide comments so the consultant can make changes and issue a final document before the contract end date in December.

## 4.7 – Schedules

Studies must conform to MaineDOT's philosophy of putting Maine's transportation resources to work in Maine's economy. Therefore, studies should only be funded if they are developed enough that they can be completed within the UPWP in which they are funded. Unless waived by MaineDOT's Bureau of Planning Director, all studies must be under contract with a consultant by the end of the first year of the UPWP. A study can only go beyond the two-year UPWP if approved by MaineDOT. If this occurs, the subsequent UPWP will be reduced by the amount of money required to complete the study from the previously funded UPWP.

- MaineDOT Consultant General Conditions  
[mainedot.gov/cpo/docs/general/consultant-general-conditions.pdf](https://mainedot.gov/cpo/docs/general/consultant-general-conditions.pdf)
- MaineDOT Disadvantaged Business Enterprise information  
[mainedot.gov/civilrights/dbe/](https://mainedot.gov/civilrights/dbe/)

## **Section 5:**

### **The MPO Work Plan Process**

#### **MPO Work Plan Process & Capital Funding**

In addition to funding state sponsored projects such as bridges, safety improvements, arterial pavement preservation, etc. within MPOs, MaineDOT provides each MPO an

annual allocation of federal surface transportation funding. These amounts have been held flat primarily due to generally flat funding at the federal level. However, these funding amounts were generated based upon formulas agreed upon by MaineDOT and the MPOs. The formulas were based on federal funding factors such as lane miles, vehicle miles traveled, population, etc.

### MPO Discretionary Capital Funding

MPO	Capital		PL	
	Federal	State	Federal	State
AIRC	\$2,307,624	\$288,453	\$308,347	\$57,815
BACTS	\$1,976,120	\$247,015	\$312,166	\$58,531
KACTS	\$636,023	\$79,502	\$135,274	\$25,364
PACTS	\$5,121,609	\$640,201	\$830,661	\$155,749

While MaineDOT participates in each MPO’s Work Plan processes, MaineDOT only places three primary requirements on the MPO processes:

1. MaineDOT must receive an MPO approved list of financially constrained projects by August 31st each year. Between August 31st and Work Plan publication, MaineDOT will facilitate a process to identify conflicts or synergies between MPO and MaineDOT sponsored projects within each MPO area.
2. Projects must meet all applicable federal requirements including necessary non-federal match.
3. MaineDOT must have confidence that each project funded for construction in the subsequent Work Plan will be able to advertise for construction within the three-year Work Plan period. MaineDOT staff will work with the MPOs to determine whether projects should be fully funded or funded for preliminary engineering only.

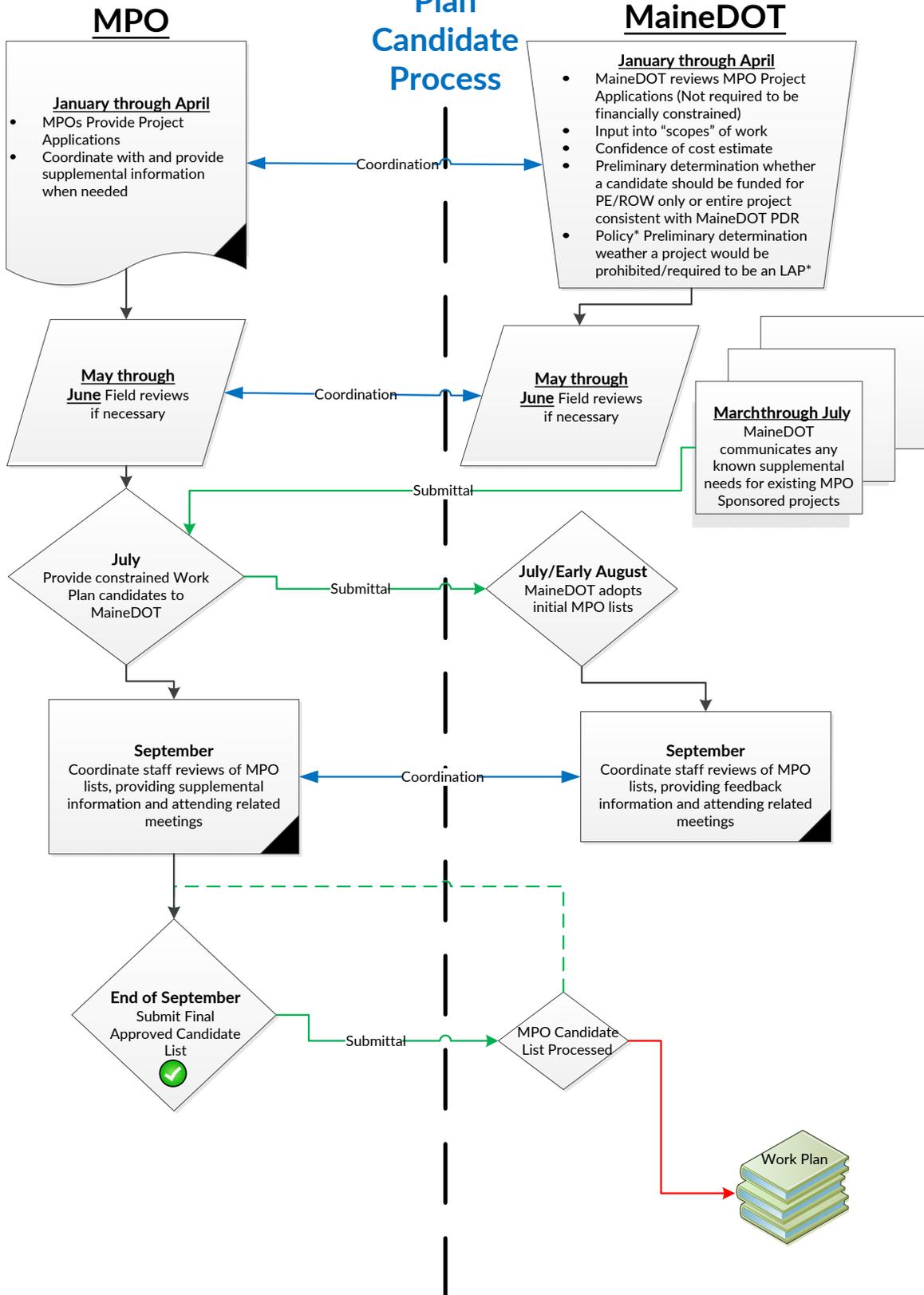
Besides meeting these requirements, MPOs have chosen to include some, if not all, factors into the Work Plan process:

- Defined project selection criteria.
- Solicitation for project applications from member communities.

- Field reviews.

Maine's MPOs have approached MaineDOT's Commissioner regarding ways to increase funding within Maine's MPO areas. While MaineDOT indicated that the state is not prepared to systematically increase MPO discretionary funding, MaineDOT will partner with MPO communities for projects that promote economic opportunity, safety and mobility on a case by case basis. Route 26/100 in Falmouth and Franklin Street in Portland are recent examples where MPO communities have leveraged millions above and beyond the MPO allocation by approaching MaineDOT leadership with deliverable projects with considerable local resources dedicated to them.

# MPO Work Plan Candidate Process



## Section 6

### Transportation Improvement Programs

Annually, MaineDOT provides each Metropolitan Planning Organization (MPO) with a data derived Transportation Improvement Program (TIP) listing of FHWA and FTA funded projects within the Metropolitan Planning Area (MPA) of the MPO, consistent with the priorities in its MTP. MPOs then prepare their TIP in cooperation with MaineDOT, for inclusion in the State Transportation Improvement Program (STIP).

A TIP, by federal law, covers four years and includes all activities within an MPO area that utilize FHWA and/or FTA funding – including those programmed by MaineDOT. Typically, TIPs comprise projects developed for the MaineDOT Work Plan and projects currently under construction. A project within an MPO must be in an approved TIP to be authorized for federal funding.

## **6.1 – FEDERAL REQUIREMENTS FOR THE MPO TIP**

MPO TIPs are primarily financial planning and scheduling documents for federal transportation agencies. They must be based on reasonable funding estimates and contain:

1. A prioritized list of projects that will require obligations of federal money during the four-year TIP period, including:
  - Enough detail to identify each project – location, beginning and end, length, scope of work, the state Work Identification Number (WIN), and federal project ID number if available;
  - The available funding by stage (should correspond to latest estimate for the funded stages) for each project; and
  - The amount of FHWA and/or FTA funds expected to be drawn down (obligated) in each year.
2. A financial plan that:
  - Demonstrates the consistency of proposed investments with current and projected revenue sources, based on realistic funding assumptions.
  - Provides estimates of public and private funding sources that are reasonably expected to be available to carry out the TIP.
  - Identifies potential revenue gaps and recommends any additional strategies for funding needed projects and programs.

### **Air quality conformity**

MPOs in air quality non-attainment and maintenance areas must include enough detail in their TIPs to undertake an air quality analysis in cooperation with MaineDOT and the Maine Department of Environmental Protection. FHWA and/or FTA must make an air-quality conformity determination under the requirements of the federal Clean Air Act and the U.S. Environmental Protection Agency's transportation conformity regulations. (For more information, see Section 10 of this guide.)

### **Fiscal constraint**

MPO TIPs must be based on reasonable funding estimates. The total federal share of projects in the first year of a TIP may not exceed levels of funding committed to the MPO. Similarly, the total federal share of projects in the second, third and fourth years

may not exceed levels of funding reasonably expected to be available.

## **Public involvement**

By federal regulation, each MPO must follow a public participation process that supports early and continuing public involvement. MPOs must:

- Provide reasonable public access to information used to develop MPO Work Plan candidates, which result in the TIP;
- Hold open meetings as Work Plan candidates are developed, with adequate public notice; and
- Allow for a public comment period before the TIP goes to MaineDOT, consistent with federally mandated MPO public participation plans.

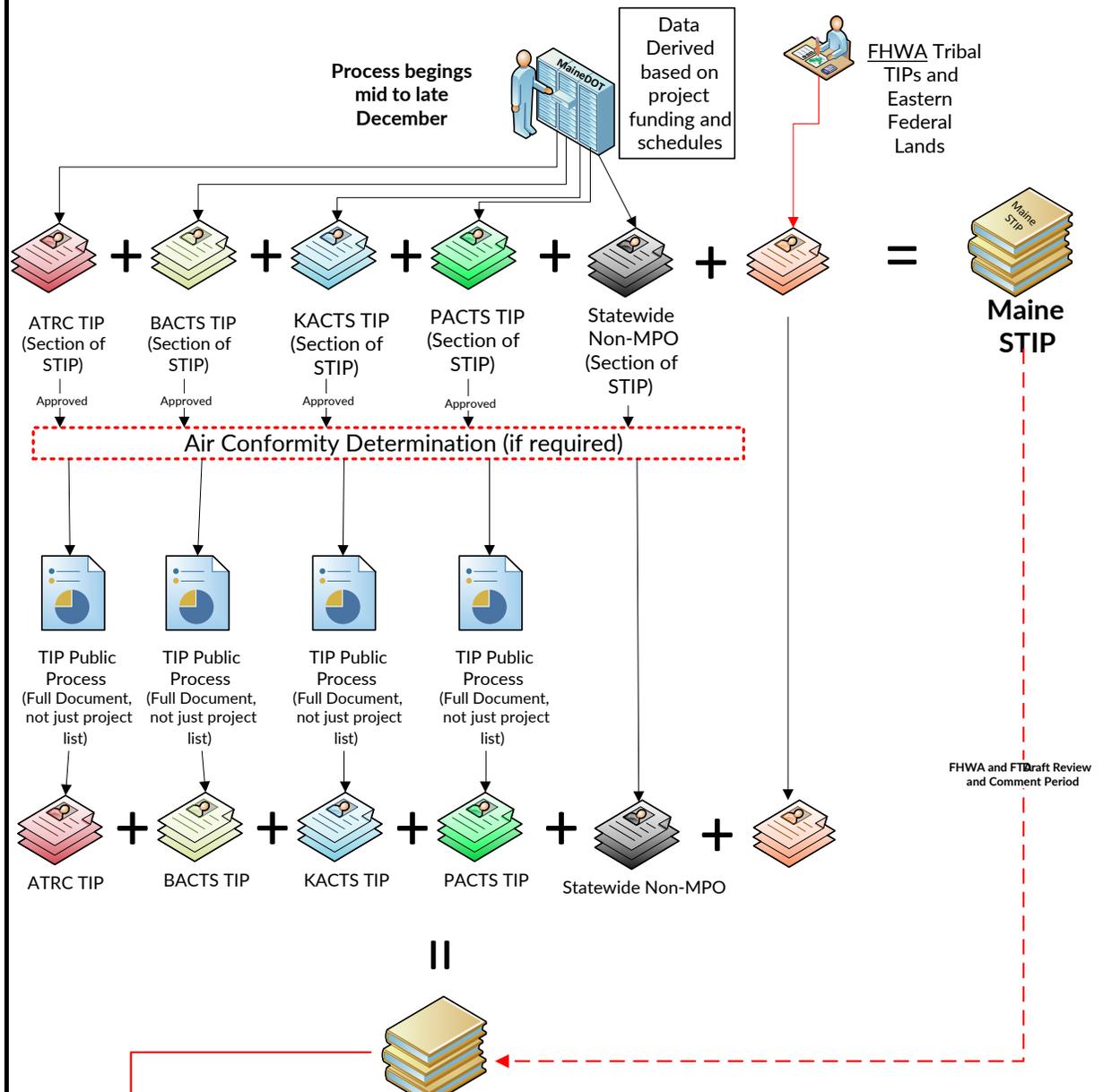
## **6.2 – MPO SPONSORED PROJECTS**

MPO TIP projects are developed in conjunction with the MaineDOT Work Plan and projects currently under construction. Typically, MPOs program the following types of projects in accordance with their Metropolitan Transportation Plan (MTP) and performance measure requirements:

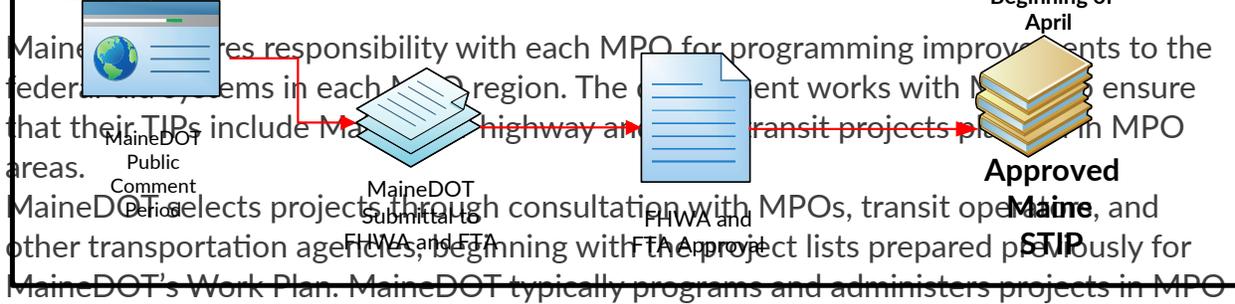
- Reconstruction, rehabilitation and preservation of urban collectors;
- Reconstruction of arterial highways (except for interstates and freeways);
- Intersection improvements funded outside of the Hazard Elimination Program;
- Transit capital improvements; and
- Bicycle-pedestrian improvements outside of the Transportation Enhancement and Safe Routes to School programs.

# STIP/TIPs Development Process

May 2018



## 6.3 - MAINEDOT SPONSORED PROJECTS WITHIN MPO AREAS



areas involving:

- Pavement preservation on arterial highways;
- Maintenance and capital improvements on the interstate system, freeways and other limited-access, divided highways (except for the Maine Turnpike);
- Bridge improvements;

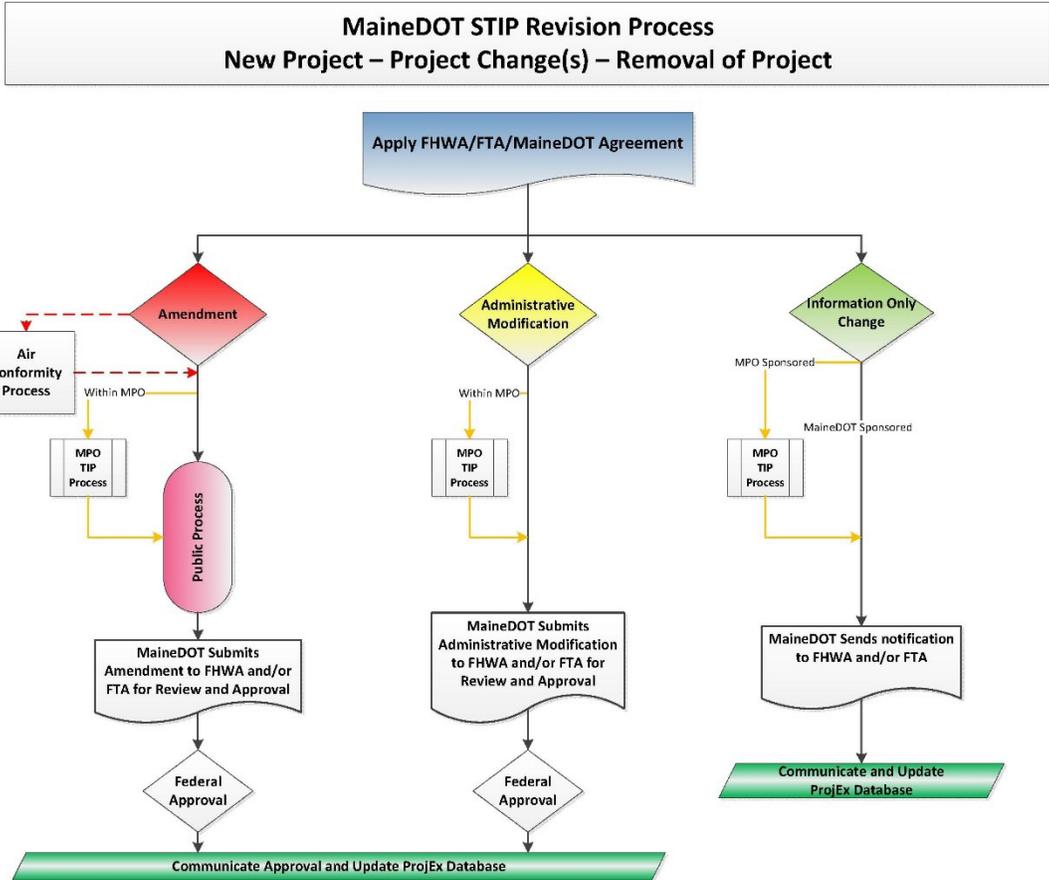
Safety improvements funded through the Hazard Elimination Program;

- Projects funded under MaineDOT competitive programs, such as the MaineDOT Bicycle and Pedestrian Program (formerly the Transportation Alternatives Program).
- Passenger and freight transportation improvements; and mass transit projects that require federal transit funding, including 5307, 5310, 5337, and 5339.

## 6.4 – TIP AMENDMENTS

MPO TIPs shall be changed in accordance with the Statewide Transportation Improvement Program (STIP) Procedures for the State of Maine. The latest version can be found below:

*[STIP Revision Procedures 2018](#)*



## 6.5 – ANNUAL LISTING OF OBLIGATED PROJECTS

In the interest of transparency, federal law requires MPOs to produce annual listings of projects in their regions for which federal funds have been obligated. MPOs must post these listings on their websites or otherwise make them publicly accessible within 90 calendar days of the September 30 end of a federal fiscal year. This requirement is designed to give the public an accurate understanding of how federal transportation funds are being spent.

In Maine, MPOs rely on MaineDOT to provide them with listings of transportation improvements, including mass transit and bicycle-pedestrian projects, for which federal funds were obligated during the most recent federal fiscal year. MPOs submit requests for these listings to the MaineDOT MPO coordinator, typically in November of each year.

**The annual listing must identify the following for each project:**

- The amount of federal funds requested in the TIP;
- The type of work done;
- The beginning and end points of the project;
- The project length, in miles;
- The federal funding that was obligated during the previous year; and
- The federal funding remaining and available for subsequent years.

MPOs are encouraged to make their annual listings accessible to the public by posting the information on their websites. MPOs may also make the annual listings available through other means, including printed reports, publication in local newspapers, and newsletters.

## **6.6 – METROPOLITAN PLANNING PROCESS CERTIFICATION**

The MPO must certify that the metropolitan transportation planning process is addressing major issues facing the MPO and is meeting federal requirements. An MPO’s self-certification statement must be provided with the approved TIP when submitted to MaineDOT. For a list of requirements, see 23 CFR 450.

## **Section 7:**

### **The Project Development Process**

The Project Development Process. The Bureau of Project Development oversees the design and delivery of the transportation improvements included in MaineDOT’s Work Plan, including those selected by metropolitan planning organizations (MPOs). The process begins when MaineDOT uploads planned projects into its financial tracking

system and assigns project managers to oversee the scopes, schedules and budgets of those projects.

Project managers assemble teams that draw from appropriate disciplines and stakeholders. Disciplines represented on the team may include, but are not limited to the following:

- Highway design
- Bridge design
- Environmental
- Geotechnical design
- Property acquisition
- Utility coordination
- Survey
- Landscape design
- Maintenance
- Construction

Also represented on the team will be stakeholders from the MPO and the community/communities in which the project is being undertaken. If a project is selected by FHWA to be a project of division interest, a representative from the Federal Highway Administration will also be part of the team.

## **7.1 – ROLES AND RESPONSIBILITIES**

This section describes the responsibilities of MaineDOT, MPOs, communities, and the Federal Highway Administration in the project development process.

### **MaineDOT project managers**

- Discuss projects – before design begins – with appropriate representatives from the MPO and the municipality to ensure that all parties agree on scopes and budgets.
- Oversee execution of the contents of the Three-Party Agreements between the MaineDOT, the MPO and the municipality. The agreements cover roles and responsibilities. (See Section 8.5, Project Agreements, for more information.)
- Notify by e-mail representatives from the MPO and the municipality of major project milestone meetings, including at a minimum: 1) the initial team meeting; and 2) plans, specifications and estimate (PS&E) complete meeting.
- Ensure that all applicable design standards are met, consistent with the MaineDOT Highway Design Guide, and work with the MPO staffs and municipalities to apply appropriate flexibility, where warranted.

- Update project schedules and cost estimates in the ProjEx database, as stated in MaineDOT Standard Operating Procedure Management of Project Funding and MaineDOT Business Practices for schedule.
- Upon completion of the preliminary design report (PDR), inform the MPO staffs and affected communities of any changes in cost estimates, scopes or schedules.
- Obtain all necessary federal approvals during the project development process.

### **MaineDOT MPO coordinator**

- Serves as the primary bridge between MaineDOT's Planning and Project Development staffs, regarding MPO-sponsored projects.
- Assists the MaineDOT project manager and MPO staff in resolving any issues affecting the scope, schedule or budget of an MPO project.
- Initiates transfers of funds between MPO projects, after receiving written authorization from the MPO and informing the MaineDOT project manager. Transfers must be completed by the MaineDOT's office of Capital Resources.
- Coordinates with the Office of Capital Resources any requests for amendments and /or adjustment to the statewide transportation improvement program (STIP) that corresponds to changes in an MPO transportation improvement Program (TIP). (See Section 7.5 for more information)
- Provides each MPO with bimonthly updates on project schedules and funding, as well as any outstanding issues that need to be resolved.
- Arranges for project managers or other MaineDOT staff to attend MPO meetings, as appropriate.

### **MPO directors/staffs**

- Document all MPO decisions affecting project funding. Letters or e-mails must be sent to MaineDOT's MPO coordinator, with copies to the project manager.
- Work with the MaineDOT project manager and communities to arrange public meetings to explain and receive feedback about MPO-sponsored projects. This applies to projects with significant right-of-way takings, environmental impacts, or substantial public interest.
- Review and sign a Three-Party Agreement – involving MaineDOT, the MPO and the municipality – before design work begins on an MPO project.
- Work with the project manager to ensure that the available funding in a project can cover the MaineDOT estimate. (MaineDOT will not advertise a project if available funding cannot cover the estimate.)
- Ensure that the MPO policy committee approves amendments and/or adjustments to the MPO Transportation Improvement Program to reflect budget and/or scope changes in projects.

- Coordinate with the sponsoring municipality any requests for changes in a project's scope. The MPO staff should direct such requests to the MaineDOT project manager, with a copy to department's MPO coordinator.

## **Municipalities**

- Work with the MPO staff and MaineDOT to ensure that the scope of each project reflects the municipality's intent and that each project has adequate funding.
- Work with MaineDOT and MPO staff members to convene public meetings about high-profile projects that involve right-of-way takings, environmental impacts and other issues of public concern.
- Direct concerns about a project's scope and/or requests for scope changes to the MaineDOT project manager, through the MPO staff. The MPO staff should be the primary point of municipal contact.
- Review and sign Three-Party Agreements covering the roles and responsibilities of MaineDOT, the MPO and the municipality during the development of a project. (See Section 8.5, "Project Agreements," for more information.)
- Take responsibility for covering their shares of the cost of an MPO project.

## **Federal Highway Administration**

- Executes a Federal-aid Project Agreement before any design work begins.
- Reviews and grants the necessary federal approvals at milestone stages, such as National Environmental Policy Act (NEPA) complete, right-of-way, and construction authorization.
- Reimburses MaineDOT for eligible project costs.

## **7.2- PROJECT MILESTONES**

MaineDOT's project development process typically observes these major milestones:

### **Project kickoff**

The project manager requests that the Bureau of Finance & Administration activate the project and draft a Federal-aid Project Agreement. For MPO projects, the manager and

MPO Coordinator work together to draft a Three- Party Agreement for the review and signature of the staffs of the sponsoring MPO and municipality. The project kickoff stage typically involves:

- *Contact with the MPO and the municipality.*
- *Initial contacts with utility companies and/or railroads, when applicable.*
- *Review of existing right-of-way ownership.*
- *Preliminary survey.*
- *Preliminary environmental evaluation.*
- *Preliminary geotech evaluation*

### **Initial team meeting**

The project manager meets with the project team to review information about the project scope, schedule and budget. Representatives from the MPO and the municipality must be invited. This phase of the process may involve a discussion of the following:

- *Basic existing conditions plan*
- *Preliminary utility coordination*
- *Preliminary project design concepts*
- *Environmental evaluation*
- *Preliminary geotech evaluation*

### **Preliminary public meeting**

The MaineDOT project manager – in partnership with the municipality and the MPO – shares information and gathers public comments. MaineDOT generally holds public meetings for projects involving impacts to landowners or the traveling public. Otherwise, MaineDOT typically sends an informational letter to a municipality for standard overlays, which involve paving within the existing right-of-way.

### **Preliminary alignment complete**

The project team selects the horizontal and vertical alignment and deems it complete prior to moving to the next phase of design.

### **Preliminary design report (PDR)**

The PDR provides details such as the proposed design; the environmental, right-of-way, utility and other coordination activities; the public involvement process; the estimated

project budget and schedule; and the results of the preliminary engineering. For projects sponsored by MPOs, the project manager should e-mail or otherwise provide the PDR to the MPO and municipality.

## Formal public meeting

MaineDOT, in partnership with the municipality and MPO presents details of the project and gives the public a final opportunity to comment on the scope, alignment and major design features. MaineDOT typically holds public meetings when there are impacts to landowners or the traveling public.

## NEPA complete

The National Environmental Policy Act requires that federally-funded projects have minimal impact on natural and cultural resources. Federally-funded projects must consider all environmental factors under NEPA. Right-of-way negotiations cannot begin until MaineDOT obtains NEPA sign-off from federal agencies. (See Section 8.3 for details about the NEPA process.)

## Midway team meeting

Final design begins after MaineDOT addresses comments from the formal public meeting. The project manager convenes a midway team meeting, including the MPO and the municipality, and then determines if the project is ready for the final design. This phase typically involves:

- *Discussion of PDR changes, including completion of the PDR.*
- *Decision to move to final design, involving the creation of the plans used for construction.*
- *Development of Municipal-State Project Agreement.* The agreement covers the current cost estimate and spells out the roles and responsibilities from construction forward. (For MPO projects, the Three-Party Agreement signed at kickoff supersedes this.)

## Highway plan impacts complete

The design team completes the design to a point when the impacts to a landowners and resources are known. These impacts are “locked down” so that the environmental permitting and right of way acquisition process can begin.

The Plans, Specifications, and Estimate are completed once the following has occurred:

- Environmental package complete and certificate issued

- TAMEing
- Right of Way certificate issued
- Engineers' estimate completed
- Utility certificate issued
- Plans completed
- Specifications completed

## **Contracts package complete**

The project manager submits a package of plans, specifications and cost estimate (*PS&E*) to the contracts section of the Bureau of Project Development.

## **Project advertised**

After the PS&E package is approved, MaineDOT seeks bids through notices posted to its website.

## **Project awarded**

MaineDOT has 30 days in which to award a contract after opening bids. The Contract Award Committee must discuss any concerns about the bids with the project manager, the MPO and the municipality.

## **Construction begins**

After MaineDOT awards a construction contract, the project team and contractor discuss plans, specifications and procedures. The previously drafted Municipal-State Project Agreement must spell out how to handle changes that may affect the cost or schedule of a project that is under way.

## **Construction complete**

After the work is done, the project manager arranges a final inspection team meeting to discuss what went right, what went wrong, and how the process could be improved. Representatives from the MPO staff and the municipality should be invited. The construction complete stage also involves resolution of utility and/or railroad agreements and any right-of-way disputes.

## **Project complete**

A project is ready to close when utility and railroad agreements are closed out, right-of-way disputes are settled, the available funding is adequate to cover final costs, and MaineDOT has collected any municipal matching shares.

## 7.3- NATIONAL ENVIRONMENTAL POLICY ACT

The *National Environmental Policy Act* of 1969 (NEPA) serves to ensure that federally funded projects have a minimal effect on the natural and social environments. Before moving forward with a federal-aid transportation project, MaineDOT must evaluate the potential effects to natural and/or cultural resources. The Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) oversee compliance with the NEPA process for federal-aid projects in Maine.

Different types of transportation projects will have varying degrees of complexity and potential to affect the environment. Under NEPA, the required environmental document depends on the degree of impact. MaineDOT's Environmental Office, in coordination with federal agencies, prepares one or more of the following documents for each proposed project:

**Categorical Exclusions (CE)** apply to projects without significant environmental impacts. These projects typically do not involve new roadway alignments, substantial public opposition, hazardous materials, wetlands, or right-of-way takings that would displace or substantially affect neighboring homes or businesses. Examples of such projects in MPO areas include, but are not limited to:

- Resurfacing, rebuilding or adding auxiliary lanes to an existing highway (for weaving, turning or climbing traffic).
- Constructing bicycle and pedestrian facilities on existing highways.
- Undertaking highway safety or operational improvements.
- Repairing, rebuilding or replacing an existing bridge on its current alignment.

**Environmental assessments (EA)** are prepared for projects when it is not clearly known if there will be significant environmental impacts.

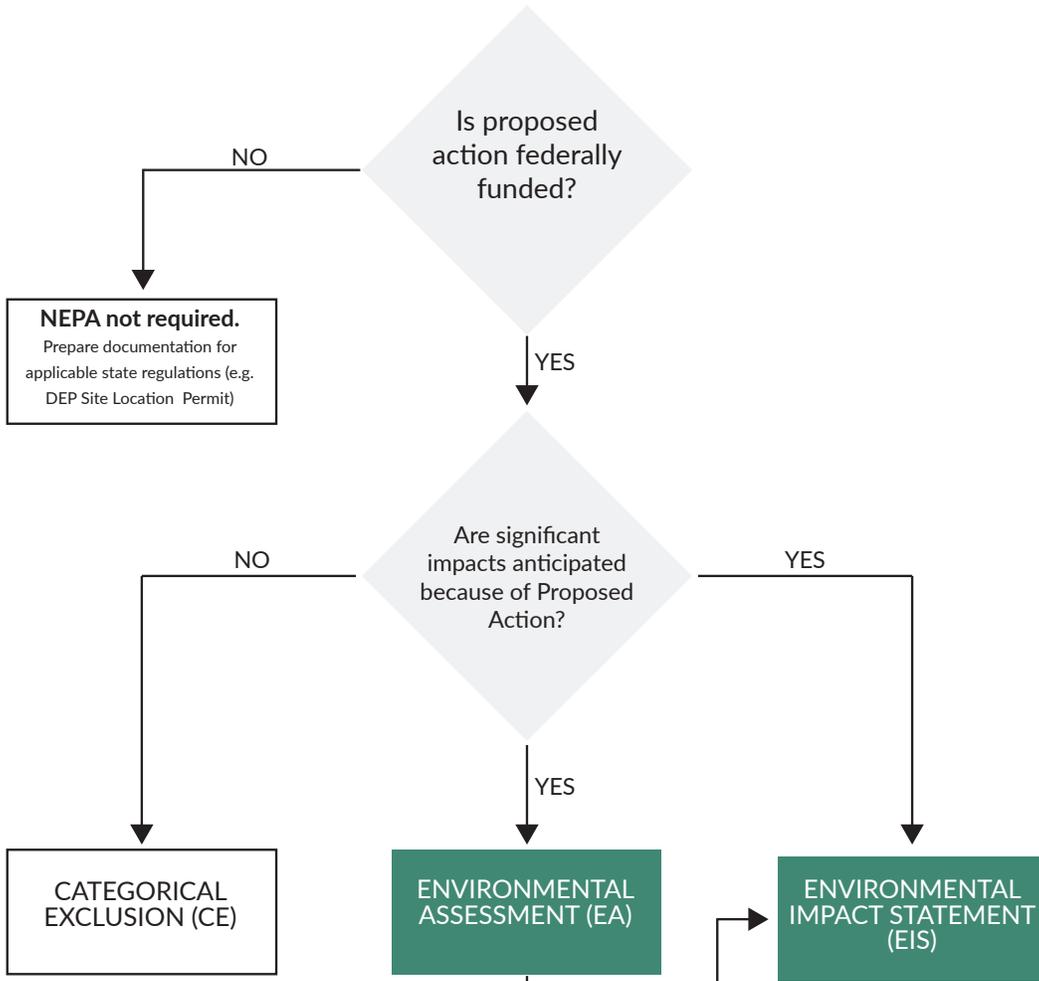
**Finding of no significant impact (FONSI)** is prepared if the EA review concludes that there is no significant impact from a proposed project.

**Environmental impact statements (EIS)** are prepared for projects that have a significant impact on the human and natural environment. Draft EIS and Final EIS documents, with input from the public, provide a full description of the proposed project, the existing environment, and the analysis of the beneficial and adverse impacts of all reasonable alternatives. Types of projects that may require an EIS include large-scale projects such as a new controlled access highway and a highway project of four or more lanes on a new location.

**Record of decision** presents the selected transportation decision analyzed in an EIS,

the basis for that decision, and the environmental commitments, if any, to mitigate for project impacts to natural and/or cultural resources. Note: Negotiations to acquire right-of-way cannot occur until the NEPA process is completed.

## NEPA Process Flow Chart



\*Not a separate report but rather a finding of no significant impacts attached to the EA as a separate statement.

\*\*Separate Environmental Document

## 7.4-PUBLIC INVOLVEMENT

State and federal laws require MaineDOT – at its discretion or at the request of a municipality – undertake a public participation process during the planning and design of projects. The process provides citizens with an opportunity to provide input on projects that may involve property takings, environmental impacts, or substantial changes to the landscape. MaineDOT, in partnership with MPOs and communities, must:

- Notify abutters;
- Solicit comments from anyone affected by a project;
- Be available to respond to people affected by a project; and

- Incorporate citizen concerns and suggestions into the design, as appropriate.

Roles and Responsibilities: Public Meetings		
MPO Staff	City/Town Staff	MaineDOT Staff
<ul style="list-style-type: none"> <li>• Arrange meetings and notify the public, with MaineDOT and municipalities.</li> <li>• During meetings, explain the MPO process and how particular projects were selected.</li> </ul>	<ul style="list-style-type: none"> <li>• Work with MaineDOT and MPO staffs to arrange meetings and notify residents.</li> <li>• During meetings, explain why the community proposed particular projects.</li> </ul>	<ul style="list-style-type: none"> <li>• Notify the MPO and municipality of the need for a meeting, requesting that they take the lead.</li> <li>• During meetings, discuss project scopes, schedules and related technical information.</li> </ul>

As the chart above illustrates, MaineDOT project managers work with MPO staffs and communities to arrange public meetings to discuss MPO-sponsored projects. Typically, the public process explains:

- The scope and schedule of a project, including how the project was selected and the design features that MaineDOT will use;
- How construction of a project may affect a community or neighborhood;
- Any mitigation and community enhancements to be used; and
- The process for property acquisitions.

## 7.5- PROJECT AGREEMENTS

Agreements between federal, state, and local agencies ensure that roles, responsibilities, and expectations are clear before a project begins. Three-Party Agreements and Federal-aid Project Agreements are the most common agreements that apply to MPOs.

### Three-Party Partnership Agreement

MaineDOT in 2010 began using a new type of standard agreement for projects sponsored by MPOs. Known as a Three-Party Partnership Agreement, the document spells out the roles and responsibilities of MaineDOT, the MPO, and the municipality during the preliminary engineering and right-of-way phases of a project. Representatives from MaineDOT, the MPO and the municipality must sign such an agreement before design work begins. A template is included as Appendix B. (Note: Locally administered projects will continue to have separate agreements, as described in 8.7.)

Signed Three-Party Agreements should, at a minimum:

- Spell out a cost-sharing arrangement for the project, clearly stating the responsibility for the federal, state and local portions of eligible project costs;
- Describe the roles that MaineDOT, the MPO, and the municipality will play during the preliminary engineering and right-of-way phases – including attendance at project milestone meetings and public informational meetings.
- Discuss how MaineDOT, the MPO, and the municipality will address concerns about a project’s scope, financial status or schedule. (See Section 8.6, Resolving Conflicts, for guidance.)
- Establish responsibility for costs incurred to date if MaineDOT, the MPO or the municipality cancels a project before it is advertised for construction.

## Municipal-State Project Agreement

A MaineDOT project manager must enter into a Municipal/State Project Agreement with a community before a project is advertised for construction. The agreement should spell out the roles and responsibilities of MaineDOT and the municipality during the advertise, award, construction and construction engineering phases of the project, including reinforcing the federal, state and local shares of eligible project costs originally established as part of the Three-Party Agreement signed at the beginning of the design process.

The MaineDOT project manager must be aware of the MPO and/or municipal approval process and accompanying schedules. MPO policy committees, for example, normally meet once each month, and municipal councils meet either every week or every other week. Advertising dates should be based on those timelines.

## Federal-Aid Project Agreement

MaineDOT must obtain authorization from the Federal Highway Administration (FHWA) or Federal Transit Administration (FTA) before beginning work on a federally funded project. Such authorization takes the form of an approved Federal-aid Project Agreement. Any work done before an agreement is in place is ineligible for federal funding. The federal authorization process begins when a project manager kicks off a project and requests that it be activated in MaineDOT’s internal project tracking system. The MaineDOT Office of Capital Resources, within the Bureau of Finance and Administration, drafts a Federal-aid Project Agreement that includes:

- A description of the project location, with beginning and end.
- The work covered by the agreement.
- The total project cost and amount of federal funds under agreement, usually expressed as a percentage.

In approving a project agreement, the FHWA or FTA assumes a contractual obligation to pay MaineDOT for the federal share of the cost of a project’s eligible cost. At this point,

the federal funds become obligated. *Obligation* is a key step in federal financing; obligated funds are considered “used” even though no cash is transferred. Once the federal funding is obligated, the percentage of federal participation cannot be changed.

**Note:** *Federal regulation* requires projects to move either to right-of-way acquisition or construction within 10 fiscal years after a Federal-aid Project Agreement is executed and federal funds made available. Otherwise, the federal share of preliminary engineering costs may have to be repaid.

## 7.6– RESOLVING CONFLICTS

To keep projects moving, MaineDOT, MPOs and communities must establish processes to resolve conflicts. This section offers conflict resolution guidelines.

### Project Design

MaineDOT project managers must keep MPO staffs, municipal representatives and the MaineDOT MPO coordinator informed of scope, cost or schedule changes. MPO staffs and municipal representatives must be invited to key milestone meetings – especially the initial team meeting and PSE complete.

Any time a cost, scope or schedule change arises:

1. The project manager informs the MaineDOT MPO coordinator, municipality and MPO director. If MaineDOT, the MPO staff and the municipality consider the change significant, appropriate representatives from the Bureau of Planning, the MPO staff, and the municipality attempt to resolve the issue. The MPO coordinator arranges for the discussions.
2. If the initial discussion cannot resolve the issue, it goes to the appropriate MaineDOT program manager, the Director of the Bureau of Planning, the MPO director and/or chair, and the city/town manager or other authorized municipal representative for final resolution.
3. When the scope or cost changes, project agreements must be adjusted accordingly. Such changes may trigger amendments to the MPO transportation improvement program and MaineDOT statewide transportation improvement program. (See Section 7, Transportation Improvement Programs, for more information.)

### Project Advertise

MaineDOT awards a construction contract if the lowest responsible bid comes in at or below the engineer’s estimate. When the low bid exceeds the estimate, MaineDOT works with the MPO and the municipality to resolve the issue, as follows:

1. The MaineDOT project manager, MPO coordinator and/or other staff member

from the Bureau of Planning consult with representatives from the MPO staff and the municipality, in an attempt to answer two questions:

- 1.) Was a fair bid process followed?
  - 2.) Is the MPO willing to increase the available funding?
2. If all parties agree that the process was fair, and the MPO is willing to increase the funding, MaineDOT awards the contract after the MPO takes appropriate action. Similarly, if all parties agree the bids are too high, the bids may be rejected.
  3. If MaineDOT, the MPO staff and the municipality disagree on whether to award the contract, the issue goes to the appropriate MaineDOT program manager, the director of the Bureau of Planning, the MPO director, and the city/town manager or other authorized municipal representative.

### **Significant change orders during construction**

MaineDOT must communicate with the MPO staff and the municipality whenever an issue threatens to stop or delay progress on a project. The project manager usually informs the MaineDOT MPO coordinator, the MPO director and the sponsoring municipality upon learning about an issue. MaineDOT, the MPO and the municipality should observe the following process to resolve such issues:

1. The project manager and representatives from the Bureau of Planning, MPO staff and municipality initially attempt to resolve the issue. If, after the discussions, all parties agree on a resolution, then either MaineDOT or the MPO takes appropriate action and the project proceeds.
2. If the initial meeting fails to resolve the issue, it is elevated to the next level – involving the MaineDOT program manager, the Director of the Bureau of Planning, the MPO director, and the city/town manager or other authorized municipal representative.

**Note:** MPOs require policy committee action to increase the funding in a project.

### **Project Closeout**

MaineDOT must communicate with the MPO staff and the municipality whenever it appears that project costs will exceed the available funding or that certain aspects of a project may be deemed ineligible for federal funding. Typically, the MaineDOT project manager informs the MaineDOT MPO coordinator, the MPO director and the sponsoring municipality that the cost of a project is likely to exceed the available funding – or that a portion of a project might become ineligible for federal funding. In such an event:

1. The project manager and representatives from the Bureau of Planning, MPO staff, and the municipality initially attempt to resolve the issue. If, after the discussions, MaineDOT, the MPO and the municipality agree on a resolution, then MaineDOT

and/or the MPO take appropriate action.

2. If the initial meeting fails to resolve the issue, it is elevated to the next level – involving the MaineDOT program manager, the director of the Bureau of Planning, the MPO director, and the city/town manager or other authorized municipal representative.

## 7.7– LOCALLY ADMINISTERED PROJECTS

MaineDOT's *Local Project Administration Program* enables communities to administer the design and construction of state and/or federal-aid projects with MaineDOT oversight. Before undertaking a locally administered project (LAP), a municipal public works director or other local sponsor must complete certification training through MaineDOT that covers federal and state requirements. LAPs in MPO areas commonly involve:

- Development of sidewalks, bicycle ways and multi-use trails.
- Installation of traffic signals.
- Routine highway resurfacing.
- Highway rehabilitation.

Municipalities commonly request to undertake LAPs for the following reasons:

- A municipality may coordinate a state or federally funded project with local public works projects.
- A municipality may subsidize its engineering staff by charging time spent on an LAP to the project, as a way to absorb part of the municipal matching share.
- A municipality may have greater control over the delivery schedule of a project than if MaineDOT administered the project with its internal staff.

Communities may request authorization to undertake LAPs through MaineDOT's Bureau of Project Development, which oversees the Local Project Administration Program. MaineDOT project managers work with local officials to determine if local administration is appropriate for particular projects. Each project approved for delivery as an LAP is assigned a MaineDOT project manager, who oversees the project development process, authorizes various stages of project development, and serves as a resource for the municipality.

MaineDOT must ensure that locally administered projects meet state and federal requirements, which is why they require MaineDOT's approval. MaineDOT managers from disciplines relevant to a proposed project will assess the size and structure of a municipality or other local agency against the complexity of the work to determine the likelihood that a project will succeed if administered locally.

Why is MaineDOT's approval needed? The federal government holds MaineDOT accountable for federal transportation money distributed to Maine, including

awards made to municipalities and other local agencies. MaineDOT must verify that organizations are staffed and equipped to carry out projects successfully and to manage waste, fraud and abuse.

Requests for locally administered projects should be sent to the director of the MaineDOT Bureau of Planning through its MPO coordinator or bicycle/pedestrian program coordinator. The requests should include:

- Name, title and responsibilities of the full-time employee who will oversee the project;
- Staff experience and qualifications; and
- Ability to manage federal and state funds with proper accounting controls.

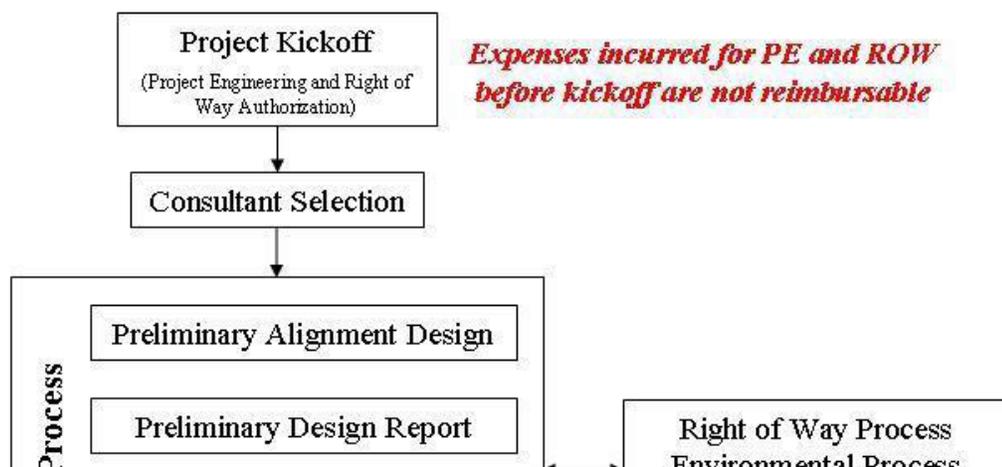
After review and discussion, the manager of MaineDOT's Multimodal Program will determine whether Local Project Administration would be a good fit for a particular project. If so, MaineDOT will draft an agreement with the municipality or other local agency sponsoring the project. If not, MaineDOT will administer the project using its own staff and invoice the host municipality for its share of the cost upon completion of the work.

The Multimodal Program in the Bureau of Project Development oversees most LAPs. MaineDOT has final authority over whether specific projects may be locally administered. The department makes this determination after reviewing municipal resources and the proposed scopes of work. If MaineDOT authorizes a municipality to undertake an LAP, the municipal sponsor must consult with the MaineDOT project manager periodically through the project development process. In most cases, MaineDOT will undertake any right-of-way takings.

Work cannot begin until:

- The municipality and MaineDOT sign a Local Project Agreement; and
- The MaineDOT project manager gives the municipality authorization to proceed.

## Locally Administered Project – Process Flowchart



## Funding LAPs

MPO-sponsored LAPs are funded through each MPO's two-year allocation of federal capital improvement funds. MaineDOT and communities provide matching shares, as appropriate. Communities should direct requests for additional federal funding for LAPs to the sponsoring MPO.

Communities that undertake LAPs do not receive direct grants. Instead, they are reimbursed for eligible project costs. MaineDOT project managers must approve all costs in advance as either eligible or ineligible for federal funding, and communities submit requests for reimbursement of pre-approved, eligible expenses after they occur.

**Eligible** project costs include, but are not limited to, the following:

- Design engineering;
- Permitting;
- Right-of-way;
- Utility coordination;
- Advertisement;
- Construction; and
- Construction inspection.

**Ineligible** project costs include, but are not limited to, the following:

- Municipal administrative costs;
- Costs not accepted by the MaineDOT project manager; and/or
- Any costs that occur before authorization from the MaineDOT project manager.
- Note: Any work done before a MaineDOT project manager issues a letter of authorization to proceed and executes a local project agreement is ineligible for federal or state funding. Similarly, advertising a project for construction before a project manager has issued a letter of authorization to advertise also makes a locally administered project ineligible for federal or state funding.
- Federal and state requirements.

LAPs undertaken with federal funds must meet requirements that include, but are not limited to, the following:

- Qualifications-based selection procurement for consultants.
- Compliance with the National Environmental Policy Act (NEPA).
- MaineDOT's utility coordination policy.
- MaineDOT design and specification standards.
- Right-of-way acquisitions under the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act, which requires that property owners be offered at least fair market value before negotiations begin. Note: MaineDOT in most cases will handle the right-of-way process.
- Sign-off from the Maine Historic Preservation Commission.

## Web resources

Federal Highway Administration guidance on highway design standards  
<https://www.fhwa.dot.gov/environment/publications/flexibility/index.cfm>

Federal Highway Administration, A Guide to Federal-Aid Projects and Programs  
<http://www.fhwa.dot.gov/federalaid/projects.cfm?progProj=allp#c47>

Federal Highway Administration Historic Preservation and Archaeology Program  
<http://environment.fhwa.dot.gov/histpres/index.asp>

Federal Highway Administration guidance on repayment of funds for canceled projects  
<https://www.fhwa.dot.gov/legsregs/directives/orders/50201a.cfm>

MaineDOT Highway Design Guide  
<https://www.maine.gov/mdot/engineering/highway/>

MaineDOT construction bid packages  
[mainedot.gov/contractors](http://mainedot.gov/contractors)

MaineDOT Environmental Office  
[mainedot.gov/env](http://mainedot.gov/env)

MaineDOT Local Project Administration Program  
[mainedot.gov/lpa](http://mainedot.gov/lpa)

MaineDOT permits  
[mainedot.gov/permits](http://mainedot.gov/permits)

MaineDOT project advertising schedule  
[mainedot.gov/contractors](http://mainedot.gov/contractors)

Maine Sensible Transportation Policy Act  
<http://legislature.maine.gov/statutes/23/title23sec73.html>

National Environmental Policy Act  
<http://environment.fhwa.dot.gov/projdev/index.asp>

Public involvement  
[https://www.fhwa.dot.gov/planning/public\\_involvement/project\\_development/index.cfm](https://www.fhwa.dot.gov/planning/public_involvement/project_development/index.cfm)

Real estate acquisitions, federal guidance  
[https://www.fhwa.dot.gov/real\\_estate/local\\_public\\_agencies/lpa\\_guide/index.cfm](https://www.fhwa.dot.gov/real_estate/local_public_agencies/lpa_guide/index.cfm)

Survey data, MaineDOT  
[mainedot.gov/surveyinfo](http://mainedot.gov/surveyinfo)

Utilities coordination process, MaineDOT  
[mainedot.gov/utilities](https://mainedot.gov/utilities)

Utility rights of way, federal guidance  
[https://www.fhwa.dot.gov/real\\_estate/right-of-way/utility\\_rights-of-way/index.cfm](https://www.fhwa.dot.gov/real_estate/right-of-way/utility_rights-of-way/index.cfm)

## **Section 8:**

# **Public Involvement and Title VI of the Civil Rights Act of 1964**

## **8.1 - PUBLIC INVOLVEMENT**

Transportation affects people's lives. For this reason, metropolitan planning organizations (MPOs) must consider the social, economic and environmental consequences of their actions to ensure that transportation programs support community values.

Each MPO must have in place a federally-required public participation plan, developed with transportation stakeholders, that provides reasonable opportunities for public involvement.

MPOs should strive to identify and address the concerns of everyone with an interest in transportation decisions, especially members of the following groups traditionally underserved by the transportation system:

- Transit-dependent citizens;
- Senior citizens and people with disabilities;
- Low-income and minority households; and
- People with limited English proficiency.

Other interested parties that should be considered in the MPO planning process include:

- Pedestrians and bicyclists;
- Freight shippers and freight transportation providers, including the trucking and freight rail industries;
- Public and private mass transit and paratransit providers, including the passenger rail industry; and
- Representatives of users of public transportation.

When the metropolitan planning area includes tribal lands, an MPO must involve tribal governments in the development of its MTP and TIP. In Maine, this requirement applies to the MPO for greater Bangor, which covers the Penobscot Indian Nation.

## Public involvement tools

MPOs by federal law must engage the public as they develop their regional MTPs and transportation improvement programs. Here are a variety of tools that MPOs should consider using to raise awareness about what they do.

- **Meetings**
  - Although meetings tend to be the first approach, keep in mind that many

people often are too busy with other demands or have conflicts with scheduled times. MPOs, therefore, should develop contact lists of interested people.

- **Website comment boxes**
  - MPOs should consider using their websites to obtain feedback from the public about plans and programs.
- **Public notices**
  - Notices about meetings, MPO draft plans and programs, or high-profile studies should be sent to newspapers and posted to MPO websites.
- **News releases and commentaries**
  - MPOs are encouraged to send news releases to media outlets to promote important meetings, transportation plans and other activities.
  - MPOs should consider submitting letters to the editor and opinion pieces to local newspapers to raise awareness of transportation-related issues.
- **Brochures and other mass-distribution materials**
  - Brochures and handouts are relatively inexpensive tools for providing information about policies, programs and other, more specific topics.
- **Newsletters**
  - Some MPOs regularly publish newsletters to inform citizens, communities, the news media and other interested groups about their activities.
- **Presentations**
  - Some MPO staffs make presentations to civic and professional groups to raise awareness about their activities.
- **Workshops, forums and open houses**
  - MPOs occasionally hold workshops, forums and open houses to provide information to the public and/or to obtain a sense of public priorities.
- **Public opinion surveys**
  - Surveys can be used occasionally to obtain specific information. The Portland area MPO, for example, once funded a statistically valid telephone survey to gauge the level of support for proposed regionally significant projects.
- **Databases of interested parties**
  - Databases identifying potentially interested parties can enhance public involvement activities. The databases should include information such as mailing addresses, affiliations, phone numbers, e-mail addresses and websites.
- **Visual displays**
  - MPOs should consider using maps, charts and other displays to present

information about their plans and programs.

## Requirements for public involvement

Federal regulations require MPOs to make their MTPs, TIPs and air-quality conformity determinations available for public review. MPOs also should provide transportation stakeholders and other interested parties with reasonable opportunities to comment on proposed MTPs and TIPs.

MPO public participation plans, by federal regulation, must describe the procedures, strategies and desired outcomes for the following:

- Adequate notice of public participation activities and time for public review and comment on proposed MTPs and TIPs;
- Timely notice and reasonable access to information about transportation planning processes;
- Making public information available by electronically accessible means, including the Internet;
- Holding meetings at convenient times and at accessible locations, in compliance with the *Americans with Disabilities Act*.
- Demonstrating that an MPO considered and responded to comments from the public during the development of its MTP and TIP;
- Reviewing the effectiveness of the procedures in the public participation plan to ensure they comply with federal regulations, including *23 CFR, Section 450.210*, “Interested parties, public involvement, and consultation;” and
- Using visual elements to describe MTPs and TIPs.

## Public participation plan updates

MPOs periodically must review their public involvement processes to determine their effectiveness in providing transportation stakeholders and other interested parties with full and open access to their decision making. They should update their public participation plans as needed to stay current with relevant federal regulations.

Triggers for plan updates may include trends that dramatically change community demographics, such as large-scale arrivals of new minority populations. MPOs should strive to provide members of a region’s minority and low-income populations with opportunities for meaningful involvement in the development of regional transportation plans and programs.

After allowing public comment periods of at least 45 days, MPOs must provide their

approved or revised public participation plans to the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) for informational purposes. Participation plans, whenever possible, should be posted to MPO websites.

## 8.2 – TITLE VI AND ENVIRONMENTAL JUSTICE

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color or national origin in any program receiving federal money. Additionally, a presidential executive order in 1994 directed every federal agency to make “environmental justice” part of its mission by identifying and addressing the effects of all programs, policies and activities on minority and low-income populations. These requirements also apply to agencies receiving federal funds, including MPOs.

Environmental justice requirements seek to do the following:

- Ensure that representatives of low-income and minority groups are involved in decision making;
- Prevent “disproportionately high and adverse” impacts on low-income and minority groups; and
- Assure that low-income and minority groups share in any benefits.

MPOs must demonstrate that their plans, programs and projects do not disproportionately affect minority or low-income populations. To that end, the Federal Highway Administration (FHWA) regional office in Maine requires MPOs to maintain plans for complying with the non-discrimination requirements of Title VI and environmental justice. ***Maine MPOs must update their compliance plans annually and submit them to the MaineDOT’s Civil Rights Office for review by the October 1 start of a new federal fiscal year.***

### Federal Guidance

The FHWA and the FTA have each issued guidance for incorporating Title VI and environmental justice concerns into transportation planning. MPO compliance plans must:

- Document the residential, employment and transportation patterns of low-income and minority populations so that their needs can be identified and addressed, and the benefits and burdens of transportation investments can be fairly distributed.
- Evaluate and – where necessary – improve the public involvement processes, by eliminating participation barriers in order to engage minority and low-income populations in transportation decision making. MPOs should strive through their public involvement processes to encourage meaningful community representation.

In particular, the following questions are important in addressing Title VI and

environmental justice issues in the transportation planning process:

- How will the public participation process reach low-income and minority communities? Specifically:
  - What information will be disseminated?
  - How and where will information be disseminated?
  - Where and when will public meetings be held?
  - Are other avenues being used to reach minority and low-income households? Suggestions include having contact with community leaders and/or community advisory boards.
  - How will the process elicit issues of concern?
- What statistics are being collected about minority/low-income communities, and how are they used to assess possible inequities? Actions to take include:
  - Evaluating what information is being collected.
  - Identifying what further information can and should be collected.
  - Analyzing the data to identify potential inequities.
  - Developing measures to verify whether there is equitable distribution of the benefits and burdens of transportation services.
- How are information and data incorporated? Questions include:
  - How are environmental justice and Title VI considered in creating the Metropolitan Long-Range Transportation Plan?
  - Is additional information needed to consider the impacts of transportation decisions on low-income and minority communities?
  - How are the specific interests of minority and low-income populations addressed?

## MaineDOT Responsibilities

MaineDOT, through its *Civil Rights Office*, ensures that its plans, programs and procedures comply with Title VI and environmental justice requirements. The FHWA and FTA oversee MaineDOT compliance efforts, which include the following:

- Performing Title VI reviews of sub recipients of federal funds, including MPOs.

- Signing annual assurances of compliance with all applicable laws and regulations.
- Promptly processing, investigating and resolving Title VI complaints.
- Correcting deficiencies.
- Updating Title VI implementation plans.
- Providing Title VI information to the public.
- Delivering training programs.

## MPO Responsibilities

Title VI applies to all organizations that receive federal money, including MPOs and their contracted consultants. Just as federal agencies oversee MaineDOT's compliance efforts, MaineDOT must ensure that MPOs comply with Title VI. MPO responsibilities include, but are not limited to, the following:

- Updating Title VI compliance plans each year by October 1.
- Signing annual assurances of compliance with applicable anti-discrimination laws and regulations.
- The Annual Title VI/EJ Goals & Accomplishments Report should be a stand-alone document that is also submitted directly to the MaineDOT no later than October 1.
- Ensuring that contracted consultants comply with Title VI, through periodic reviews, and incorporate the requirements of Form FHWA-1273 in all contracts.
- Keeping accurate and complete records needed to determine Title VI compliance.
- Soliciting and considering the views of all groups within the population of the MPO area in planning transportation projects. Such information should be included in MPO public participation and Title VI compliance plans.
- Promptly processing, investigating and resolving Title VI complaints, and correcting deficiencies.

## Web Resources

Americans with Disabilities Act

<http://www.usdoj.gov/crt/ada/pcatoolkit/toolkitmain.htm>

Androscoggin Transportation Resource Center (ATRC), public process

<http://avcog.org/DocumentCenter/View/2252>

Bangor Area Comprehensive Transportation System (BACTS), public process

[http://www.bactsmmpo.org/document\\_upload/2015%20Final%20Public%20Participation%20Plan.pdf](http://www.bactsmmpo.org/document_upload/2015%20Final%20Public%20Participation%20Plan.pdf)

Federal guidance on environmental justice

[https://www.fhwa.dot.gov/environment/environmental\\_justice/overview/index.cfm](https://www.fhwa.dot.gov/environment/environmental_justice/overview/index.cfm)

Federal Highway Administration guidance on public involvement

[http://www.fhwa.dot.gov/environment/environmental\\_justice/](http://www.fhwa.dot.gov/environment/environmental_justice/)

Federal Transit Administration guidance on Title VI and environmental justice

<https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/title-vi-regulations>

Federal guidance on public involvement

[https://www.fhwa.dot.gov/planning/public\\_involvement/index.cfm](https://www.fhwa.dot.gov/planning/public_involvement/index.cfm)

MaineDOT Civil Rights Office

[mainedot.gov/civilrights](http://mainedot.gov/civilrights)

Portland Area Comprehensive Transportation System (PACTS) public process

[https://www.dropbox.com/s/4w97nrkzhqzva/Public\\_Part\\_Plan\\_2011\\_Final.pdf?dl=0](https://www.dropbox.com/s/4w97nrkzhqzva/Public_Part_Plan_2011_Final.pdf?dl=0)

## **Section 9:**

### **Air Quality Conformity**

The Clean Air Act requires the U.S. Environmental Protection Agency (EPA) to set

National Ambient Air Quality Standards (NAAQS) for pollutants considered harmful to public health and the environment. Areas that do not meet the NAAQS are designated as nonattainment areas and are subject to transportation conformity. Maintenance areas are geographic regions that were previously designated as nonattainment, but are now consistently meeting the NAAQS. Transportation conformity requires MaineDOT and the MPOs to demonstrate that all future transportation projects in nonattainment and maintenance areas will not hinder the area from reaching and maintaining its air quality goals. On July 20, 2012 the entire state of Maine was designated as attainment for the for the 2008 8-hour ozone NAAQS; thus transportation conformity is not required for the 2008 NAAQS. Under the previous (1997) ozone NAAQS, Maine had two regions (Portland and Midcoast) designated as maintenance areas and subject to transportation conformity requirements under the Clean Air Act. On February 13, 2015, EPA published a final rule that revoked the 1997 ozone NAAQS for all purposes, including transportation conformity. Therefore, transportation conformity is no longer required for the Portland and Midcoast maintenance areas.

## Web Resources

Federal laws and regulations

[https://www.fhwa.dot.gov/environment/air\\_quality/conformity/index.cfm](https://www.fhwa.dot.gov/environment/air_quality/conformity/index.cfm)

Federal Highway Administration

<http://www.fhwa.dot.gov/environment/aqupdate/index.htm>

MaineDOT air quality conformity and analysis

[mainedot.gov/publications/docs/reports/AirConformityAnalysisSTIP%20Final.pdf](http://mainedot.gov/publications/docs/reports/AirConformityAnalysisSTIP%20Final.pdf)

Maine Department of Environmental Protection (MaineDEP)

<https://www.maine.gov/dep/>

Congestion Mitigation and Air Quality Improvement (CMAQ) Program

<http://www.fhwa.dot.gov/environment/cmaqpgs/>

## **Appendix A**

### **Sample Request For Proposals (RFP)**

[INSERT MPO]  
REQUEST FOR PROPOSALS FOR

[INSERT MPO] is seeking proposals for INSERT A SUMMARY OF SERVICES HERE.

### 1. PROPOSALS ARE TO BE RECEIVED AT MAINEDOT NO LATER THAN:

Date Due: \_\_\_\_\_  
Local Time: **2:00 p.m.**

**Proposals must be received prior to the time and date for which they are due.**

**Late Proposals.** Any proposal, portion of a proposal, or unrequested proposal revision received at the [INSERT MPO] after the time and date specified on the cover page of this RFP **will not** be accepted.

### 2. COMMUNICATIONS IN REFERENCE TO THIS RFP

Any communication in reference to this RFP shall be in writing by fax or email and directed to the RFP Coordinator listed below. All correspondence must reference the RFP# and Project name in the subject line.

Name:  
Title:  
Office:  
Fax: 207-        -  
E-Mail:

### 3. REQUEST FOR CLARIFICATION/RFP AMENDMENTS

During the proposal preparation period, all requests for clarification and/or additional information must be submitted via e-mail to the RFP Coordinator referenced in Section 2 of this RFP by no later than **xx:xx p.m.** on MONTH/DAY/YEAR. [INSERT MPO] reserves the right to answer or not answer any question received. Late requests for clarification will not be accepted. When appropriate, responses to clarification requests will be

emailed no later than close of business on MONTH/DAY/YEAR.

#### 4. PROPOSAL REQUIREMENT – SCOPE OF WORK

INSERT SCOPE OF WORK IN DEPTH HERE

#### 5. PROPOSAL RATING AND SELECTION PROCESS

- A. Proposal Rating. Proposals will be reviewed and rated using the responses to the Proposer Information outlined in this RFP.
- B. This is a Qualifications Based Selection (QBS) process, and therefore Technical Proposals alone will be used to select the successful proposer. Once the successful proposer has been selected, the government estimate will be compared against the successful proposer's Price Proposal and contract negotiations will begin.

#### 6. PROPOSER INFORMATION

- A. **Proposer's Qualifications (      ) points:** Identify the **key** staff your company will assign to fulfill the contract requirements (Contract Managers, contact people, or assigned technicians). Provide resumes describing the educational and work experiences for those **key** staff.
- B. **Proposer's Experience (      ) points:** Describe the Proposer's experience and capabilities providing similar services to those required. Identify at least five (5) projects with whom your company has done business similar to that required in this RFP in the last five (5) years. Include points of contact (client's company name, contact name, address, and telephone number), a brief description of the project, dates of the project and results.
- C. **Proposer's ability to control Schedule and Costs on this project (      ) points.**
  - i. Methods for controlling costs – quality control – assuring constructability. Provide a brief outline of methods used by the firm to control and monitor client costs, control quality, and if applicable, assure constructability of design plans.
  - ii. Schedule/Workload/Communication. Provide a brief outline of your firm's methods of schedule control and ability to handle projected workload. Discuss project coordination with [INSERT MPO]. Describe how your firm will manage its role in this project and how it intends to maintain effective communication for the assignment.
- D. **Proposer's References (      ) points:** Provide at least 3 work references including points of contact (person's name, company name, address and telephone number),

and a brief description of the projects with dates. If contacted, all references must verify that a high level of satisfaction was provided. [INSERT MPO] will determine which, if any, references are contacted. The results of any reference checks will be provided to the scoring committee and used when scoring the Technical Proposal.

- E. **Contact Information:** Provide the name, address, phone number, FAX number, and e-mail address of Proposer in the proposal.
- F. **Signature Page:** A signature page must be included with the Technical and Price Proposals stating that “I certify that all of the information contained in this Technical/Price Proposal to be true and accurate.
- G. **Schedule:** Include a schedule outlining project deliverable and any other relevant milestones.
- H. **Acknowledgement of Amendments:** The Proposer shall include reference to all amendments in their response to this RFP.

## 7. PACKAGING AND SUBMITTING YOUR TECHNICAL AND PRICE PROPOSALS

- A. **Organization and Format.** Your Technical Proposal, which should be organized as closely as practicable to the format and sequence indicated in these proposal instructions must be submitted as outlined below.
- B. **Font Type and Size:** Times New Roman – 12 Font
- C. **RFP Number & Title.** The Proposer’s full business name and address as well as the assigned RFP number and RFP title must be written on your Proposal Package.
- D. **Hard Copy.** Technical Proposals must be submitted as follows: ( ) copies of the Technical Proposal must be submitted in hard copy format accompanied by a DVD or CD in Portable Document Format (PDF), MSWord 2000 Format or greater.
- E. **Price Proposal:** The Price Proposal shall be provided in a separately sealed envelope. Prices shall be outlined for all required items. Each proposal will be **evaluated for all criteria, and then costs shall be evaluated independently. NO MENTION OF PRICE SHALL BE INCLUDED IN OTHER SECTIONS OF THE PROPOSAL; OTHERWISE THAT PROPOSAL SHALL BE REJECTED.**
- F. **Proposal Package Submittal:** Proposal packages must be mailed/delivered as follows:

Regular Mail Proposal Delivery	Hand Carried Proposer Delivery	Hand Carried Proposals from Federal Express/UPS Delivery
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Address to:	Address to:	Address to:
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## 8. GENERAL INFORMATION

- A. The contract resulting from this RFP will be governed by the most recent version of [INSERT MPO] Consultant General Conditions. A copy of the Consultant General Conditions is available at [INSERT MPO] website: [INSERT MPO WEB ADDRESS]
- B. This RFP does not commit [INSERT MPO] to pay any costs incurred in submitting your proposal, making studies or designs for preparing the proposal or in procuring or sub-contracting for services or supplies related to the proposal.

## 9. CERTIFIED DISADVANTAGED BUSINESS ENTERPRISE

### Certified DBE

MaineDOT Certified Disadvantaged Business Enterprise (DBE) consultants are encouraged to apply as the prime consultant for this work. It is important the DBE consultants take advantage of this RFP to at least gain entry to the MaineDOT Prequalification List for transportation project related services. Non-DBE consultants shall ensure that DBEs have the maximum opportunity to participate in the performance of any project contract in accordance with MaineDOT current requirements for DBE utilization when utilizing subconsultants. Consultants certified by another state’s transportation agency must be certified by MaineDOT.

Current requirements may be found at the MaineDOT website, “Certified Disadvantaged and Women Business Enterprise” directory available at; [mainedot.gov/civilrights/dbe/](http://mainedot.gov/civilrights/dbe/), or by contacting:

**Maine Department of Transportation**  
**ATTN: Sherry Tompkins, Civil Rights Unit**  
**Civil Rights Office**  
**16 State House Station**  
**Augusta, ME 04333**  
 Tel#: 207-624-3066  
 Fax#: 207-624-3021

## 10. PROPOSAL PRICING

Price Proposal, Elements of Supporting Data consist of the following:

1. Direct Labor. Please list all employees including their classifications for the

employees who are expected to perform services on this project. Please provide a breakdown of each employee's salary rate including direct labor, indirect labor, and profit. Please show all calculations in detail, and include payroll records supporting these rates.

2. **Indirect Labor (Overhead).** Please provide a copy of your latest audited corporate overhead rate report with supporting documentation
3. **Profit.** The percentage of profit is based on criteria specific to a project including, degree of risk, relative difficulty of work, size of job, etc.
4. **Direct Expenses.** Please provide a breakdown of direct expenses, including mileage, lodging, photocopying costs, etc. anticipated for this project. Direct expenses shall be reimbursed at cost, and travel expenses shall be reimbursed in accordance with the current per diem/mileage rates located at <http://www.maine.gov/osc/travel/addtltravelinfo.shtml> & <http://www.gsa.gov/portal/category/21287>
5. **Subconsultants.** Please identify each effort to be subcontracted. List the selected sub-consultant's name, location, amount proposed and type of contract. Describe the cost or price estimates for each subcontract. Please note that there is no mark-up allowed on subconsultant costs.

## 11. CONTRACT TERM, TYPE AND PAYMENT METHOD

The initial contract term shall be for a period of PLACE NUMBER OF YEARS HERE ex: TWO (2) NOTE THAT CONTRACT CANNOT EXCEED UPWP 2 YEAR LIMIT year(s), commencing upon approval of the contract documentation. At MaineDOT's discretion, the contract may be renewed for up to PLACE NUMBER HERE ex: TWO (2) additional one year periods.

The contract type utilized for this project shall be a PLACE TYPE OF CONTRACT HERE, and the method of payment shall be .

## 12. CONFIDENTIALITY

The information contained in proposals submitted for [INSERT MPO]'s consideration will be held in confidence until all reviews are concluded and the award notification has been made. At that time, the full content of the proposals becomes public record and is therefore available for public inspection upon request.

According to State procurement law, the content of all proposals, correspondence, addenda, memoranda, working papers, or any other medium which discloses any aspect of the request for proposals process will be considered public information when the award decision is announced. This includes all proposals received in response to this RFP, both the selected proposal and the proposal(s) not selected, and includes information in those proposals which a Proposer may consider to be proprietary in nature.

### **13. DEBARMENT CERTIFICATION**

By submitting to this RFP, I certify to the best of my knowledge and belief that the aforementioned organization, its principals, and any subcontractors named in this proposal:

- A. Are not presently debarred, suspended, proposed for debarment, and declared ineligible or voluntarily excluded from bidding or working on contracts issued by any governmental agency.
- B. Have not within three years of submitting the proposal for this contract been convicted of or had a civil judgment rendered against them for:
  - i. fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a federal, state or local government transaction or contract.
  - ii. violating Federal or State antitrust statutes or committing embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
  - iii. are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state or local) with commission of any of the offenses enumerated in paragraph (b) of this certification; and
  - iv. have not within a three (3) year period preceding this proposal had one or more federal, state or local government transactions terminated for cause or default.

Failure to provide this certification may result in the disqualification of the Bidder's proposal, at the discretion of [INSERT MPO].

### **FHWA-1273 REQUIRED CONTRACT PROVISIONS FOR FEDERAL-AID CONTRACTS**

#### **GENERAL**

These contract provisions shall apply to all work performed on the contract by the contractor's own organization and with the assistance of workers under the contractor's immediate superintendence and to all work performed on the contract by piecework, station work, or by subcontract.

Except as otherwise provided for in each section, the contractor shall insert in each subcontract all of the stipulations contained in these Required Contract Provisions, and further require their inclusion in any lower tier subcontract or purchase order that may in turn be made. The Required Contract Provisions shall not be incorporated by reference in any case. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with these Required Contract Provisions.

A breach of any of the stipulations contained in these Required Contract Provisions shall be sufficient grounds for termination of the contract.

## **CERTIFICATION REGARDING USE OF CONTRACT FUNDS FOR LOBBYING**

1. The prospective participant certifies, by signing and submitting this bid or proposal, to the best of his or her knowledge and belief, that:
  - a. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
  - b. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
2. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.
3. The prospective participant also agrees by submitting its bid or proposal that the participant shall require that the language of this certification be included in all lower tier subcontracts, which exceed \$100,000 and that all such recipients shall certify and disclose accordingly.

## **CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION**

This provision is applicable to all Federal-aid construction contracts, design-build contracts, subcontracts, lower-tier subcontracts, purchase orders, lease agreements, consultant contracts or any other covered transaction requiring FHWA approval or that is estimated to cost \$25,000 or more – as defined in 2 CFR Parts 180 and 1200.

1. Instructions for Certification – First Tier Participants:

- a. By signing and submitting this proposal, the prospective first tier participant is providing the certification set out below.
- b. The inability of a person to provide the certification set out below will not necessarily result in denial of participation in this covered transaction. The prospective first tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective first tier participant to furnish a certification or an explanation shall disqualify such a person from participation in this transaction.
- c. The certification in this clause is a material representation of fact upon which reliance was placed when the contracting agency determined to enter into this transaction. If it is later determined that the prospective participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the contracting agency may terminate this transaction for cause of default.
- d. The prospective first tier participant shall provide immediate written notice to the contracting agency to whom this proposal is submitted if any time the prospective first tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
- e. The terms "covered transaction," "debarred," "suspended," "ineligible," "participant," "person," "principal," and "voluntarily excluded," as used in this clause, are defined in 2 CFR Parts 180 and 1200. "First Tier Covered Transactions" refers to any covered transaction between a grantee or sub grantee of Federal funds and a participant (such as the prime or general contract). "Lower Tier Covered Transactions" refers to any covered transaction under a First Tier Covered Transaction (such as subcontracts). "First Tier Participant" refers to the participant who has entered into a covered transaction with a grantee or sub grantee of Federal funds (such as the prime or general contractor). "Lower Tier Participant" refers any participant who has entered into a covered transaction with a First Tier Participant or other Lower Tier Participants (such as subcontractors and suppliers).
- f. The prospective first tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly

enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

- g. The prospective first tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions," provided by the department or contracting agency, entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions exceeding the \$25,000 threshold.
  - h. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any lower tier prospective participants, each participant may, but is not required to, check the Excluded Parties List System website (<https://www.epls.gov/>), which is compiled by the General Services Administration.
  - i. Nothing contained in the foregoing shall be construed to require the establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of the prospective participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
  - j. Except for transactions authorized under paragraph (f) of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.
2. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – First Tier Participants:
- a. The prospective first tier participant certifies to the best of its knowledge and belief, that it and its principals:
    - i. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency;
    - ii. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud

- or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- iii. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (a)(2) of this certification; and
  - iv. Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

- b. Where the prospective participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

### 3. Instructions for Certification - Lower Tier Participants:

(Applicable to all subcontracts, purchase orders and other lower tier transactions requiring prior FHWA approval or estimated to cost \$25,000 or more - 2 CFR Parts 180 and 1200)

- a. By signing and submitting this proposal, the prospective lower tier is providing the certification set out below.
- b. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department, or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
- c. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous by reason of changed circumstances.
- d. The terms "covered transaction," "debarred," "suspended," "ineligible," "participant," "person," "principal," and "voluntarily excluded," as used in this clause, are defined in 2 CFR Parts 180 and 1200. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations. "First Tier Covered Transactions" refers to any covered transaction between a grantee or sub grantee of Federal funds and a participant (such as the prime or general contract). "Lower Tier Covered Transactions" refers to any covered transaction under a First Tier Covered Transaction (such

as subcontracts). "First Tier Participant" refers to the participant who has entered into a covered transaction with a grantee or subgrantee of Federal funds (such as the prime or general contractor). "Lower Tier Participant" refers any participant who has entered into a covered transaction with a First Tier Participant or other Lower Tier Participants (such as subcontractors and suppliers).

- e. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
- f. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions exceeding the \$25,000 threshold.
- g. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any lower tier prospective participants, each participant may, but is not required to, check the Excluded Parties List System website (<https://www.epls.gov/>), which is compiled by the General Services Administration.
- h. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
- i. Except for transactions authorized under paragraph e of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

## **Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Participants:**

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Failure to provide this certification may result in the disqualification of the Bidder's proposal, at the discretion of [INSERT MPO].

## **Appendix B**

# Sample Three Party Partnership Agreement



## MAINE DEPARTMENT OF TRANSPORTATION THREE-PARTY PARTNERSHIP AGREEMENT PIN 17330.00: Falmouth, Allen Avenue

This agreement (the "Agreement") is entered into by the State of Maine Department of Transportation (the "MaineDOT"), the Portland Area Comprehensive Transportation System MPO ("PACTS") and the Town of (the "Town"), collectively known as the "Parties."

**Whereas**, PACTS programmed PIN 17330.00 for the MaineDOT Biennial Capital Work Plan for FY 2010-2011 for design and delivery by MaineDOT, using capital improvement funding allocated through MaineDOT;

**Whereas**, the Municipality supports the PACTS decision to program PIN 17330.00 (the "Project.")

**Now Therefore**, the Parties agree that this document will cover the roles and responsibilities of each during the design, permitting and right-of-way stages through completion of final Plans, Specifications and Estimate ("PS&E") – and furthermore that this document will cover the financial commitments of the Parties through all stages of the Project – as follows:

1. The total estimated cost of the Project is \$414,000, and the Parties agree to share costs for the duration of the Project under the terms outlined below. (Terms will carry through to the execution of a formal Municipal/State Agreement, as described in Section 3.) The financial responsibilities of the Parties are as follows:
  - **Federal share** (PACTS) – 80% of federally participating costs, capped at \$331,200.
  - **State share** (MaineDOT) – 14%, of federally participating costs, capped at \$57,960.
  - **Local share** (Town) – 6% of federally participating costs, or \$24,840.
2. MaineDOT will develop construction plans and specifications for PIN 17330.00 within the scope agreed to by PACTS and the Town described in Attachment A, following MaineDOT's standard project development process to ensure adherence

to federal and state regulations.

3. After the final PS&E package is prepared, MaineDOT and the Town will execute a formal Municipal/State Agreement covering Project advertise, award, construction and construction engineering. Said will carry the financial terms outlined in Section 1 above, as well as a schedule for collection of the Town's share of Project costs.
4. MaineDOT will share information about the status of the Project with staff from PACTS and the Municipality at significant milestones to make sure the Parties remain in agreement about the scope, schedule and budget. This "check-in" process will occur at the following milestones, at a minimum:
  - Project kickoff/formal public contact.
  - Completion of the Preliminary Design Report (PDR).
  - Completion of Plans, specifications and estimate (PS&E).
  - Changes in the Project Schedule or Engineer's Estimate.
5. MaineDOT will consult with staff from PACTS and the Town before adjusting the Project scope. Additionally, PACTS and the Town will notify MaineDOT of any proposed changes in the Project limits or scope.
6. The Parties will participate as partners in all public meetings held to discuss the Project.
7. If MaineDOT withdraws from the Project before it has been advertised for construction, and that action was not directed by the Town, MaineDOT shall cover with State funds all Project costs incurred to date.
8. If the Town withdraws its financial support for the Project (as described in Section 1) and MaineDOT, as a result, must cancel the Project before it is advertised for construction, the Town shall fully reimburse MaineDOT for all preliminary engineering and right-of-way costs that it has incurred in reliance on the Town's commitment documented in this Agreement.

**IN WITNESS WHEREOF**, the parties hereto have executed this **AGREEMENT** effective on the day and date last signed.

\_\_\_\_\_  
Date \_\_\_\_\_

**MPO Representative**

*I certify that the signature above is true and accurate. I further certify that the signature, if electronic: (a) is intended to have the same force as a manual signature; (b) is unique to myself; (c) is capable of verification; and (d) is under the sole control of myself.*

\_\_\_\_\_  
Date \_\_\_\_\_

**Municipal Representative**

*I certify that the signature above is true and accurate. I further certify that the signature, if electronic: (a) is intended to have the same force as a manual signature; (b) is unique to myself; (c) is capable of verification; and (d) is under the sole control of myself.*

\_\_\_\_\_  
Date \_\_\_\_\_

**Representative**

*I certify that the signature above is true and accurate. I further certify that the signature, if electronic: (a) is intended to have the same force as a manual signature; (b) is unique to myself; (c) is capable of verification; and (d) is under the sole control of myself.*

**Attachment A**

## SCOPE OF WORK

### MaineDOT PIN 17330.00, "Falmouth, Allen Avenue."

Highway resurfacing: Beginning at the Portland city line and extending northerly 0.74 of one mile to a pavement joint just south of the Presumpscot Falls Bridge (No. 5669). The Project will include a pavement shim and ¾-inch overlay, along with replacement of guardrail ends.





# *MaineDOT*

     [mainedot.gov](http://mainedot.gov)