

MINUTES

Metropolitan Policy Committee
Lane Council of Governments—4th Floor Conference Room—99 East Broadway
Eugene, Oregon

November 8, 2007
11:30 a.m.

PRESENT: Kitty Piercy, Chair; Alan Zelenka (City of Eugene); Bobby Green, Peter Sorenson (Lane County), Anne Ballew, Sid Leiken (City of Springfield), Greg Evans, Mike Dubick (Lane Transit District), Judy Volta (City of Coburg), Sonny Chickering (Oregon Department of Transportation), members; Angel Jones (City of Eugene), Bill Van Vactor (Lane County), Gino Grimaldi (City of Springfield), Stefano Viggiano (Lane Transit District), Don Schuessler (City of Coburg), *ex officio* members.

George Kloeppe, Kathi Wiederhold, Susan Payne, Petra Schuetz, Byron Vanderpool, Ann Mortenson, Jamon Kent (Lane Council of Governments); Jeff Scheick, Ed Moore, Eric Havig (Oregon Department of Transportation); Greg Mott, Len Goodwin, Tom Boyatt (City of Springfield), Chris Henry, Kurt Yeiter (City of Eugene), Tom Schwetz, Mary Archer, Connie Bloom-Williams, Lisa VanWinkle (Lane Transit District); Celia Barry (Lane County); Dave Jacobson (MPO Citizen Advisory Committee); Terry Connolly, Rob Zako, Lauri Segel, guests.

WELCOME AND INTRODUCTIONS

Ms. Piercy called the meeting of the Metropolitan Policy Committee (MPC) to order and welcomed committee members, staff and guests. Those present introduced themselves.

APPROVE OCTOBER 11, 2007, MINUTES

Ms. Ballew, seconded by Mr. Green, moved to approve the October 11, 2007, minutes as submitted. The motion passed unanimously, 9:0.

COMMENTS FROM THE PUBLIC

Lauri Segel, speaking on behalf of the Goal 1 Coalition, stated that the Regional Transportation Plan update did not comply with the State's Transportation Planning Rule regarding a finding of consistency with the transportation system plan (TSP) or triggering an update of the TSP. She referred to a letter from the Oregon Department of Transportation (ODOT) as capitulation and said regardless of whether ODOT was complicit with the MPO, she was not aware of anything that had changed.

Rob Zako, 1,000 Friends of Oregon, said the problem was lack of planning by the MPO. He felt there was no planning because there had been no discussion of goals, evaluation of how to achieve those goals, or involvement of the public. He saw public money being spent without planning. He hoped after the RTP update was adopted the MPO would begin planning.

METROPOLITAN PLANNING ORGANIZATION (MPO) ISSUES

Report from the MPO Citizen Advisory Committee (CAC)

Dave Jacobson, CAC vice chair, noted that a written report of the CAC's November 7 meeting had been provided, along with a report from the Freight Subcommittee. He said the subcommittee had been formed in response to recommendations in the MPO certification review and provided some recommendations regarding the composition of an MPO Freight Advisory Committee.

Mr. Sorenson asked if the CAC had been in contact with members of the Goal 1 Coalition and those who had signed the petition expressing concern about lack of public involvement in the RTP update process.

Mr. Jacobson said the CAC was publishing a guide for citizen involvement in regional transportation planning, had developed a public participation plan and encouraged members of the public to attend monthly CAC meetings to share their comments and concerns.

Mr. Sorenson asked if the CAC would provide the MPC with recommendations on any items that came before it for action. Mr. Jacobson said the CAC would respond to any specific direction or request from the MPC for feedback. Ms. Wiederhold noted that the CAC bylaws, approved by the MPC, specifically identified those items or issues on which the CAC was to provide recommendations and comments. She said the CAC routinely reviewed documents and perhaps the reports could more clearly spell out any comments or recommendations to the MPC.

Ms. Piercy suggested contacting individuals who had signed the petition and extending an invitation to attend a CAC meeting.

Adopt 2031 Regional Transportation Plan (RTP)

Mr. Vanderpool directed the committee's attention to additional materials distributed at the meeting: a petition from the Goal 1 Coalition with additional signatures, a letter from Rob Zako dated October 31, 2007, and a letter from ODOT dated November 6, 2007. He said staff had no further comments with regard to the additional materials and the RTP was unchanged from the version reviewed at the MPC's October 2007 meeting. He said the Transportation Planning Committee and MPO staff recommended adoption of the RTP, which was in compliance with all federal guidelines.

Ms. Piercy asked if adoption of the RTP could be postponed for another month. Mr. Vanderpool replied that the Air Quality Conformity Determination (AQCD) had to be passed at this meeting, as it was required in order for the Metropolitan Transportation Improvement Program (MTIP) to be included in the State Transportation Improvement Program (STIP). He said the Federal Highways Administration (FHWA) would consider a one month extension of the RTP adoption if the MPO could articulate what federal procedural steps would be undertaken in that additional time; a longer delay would not be considered and there was no guarantee that a one month delay would be granted.

In response to questions from Mr. Sorenson, Mr. Vanderpool said the current AQCD expired on December 13, 2007, in accordance with the Oregon Department of Environmental Quality requirement, which prevailed under federal law; the new AQCD had to be received by federal agencies by December 13, 2007,

which was the date of the next MPC meeting. He said the public comment period on the AQCD closed on October 24.

Mr. Leiken arrived at 11:50 a.m.

Continuing, Mr. Vanderpool explained that as of July 2007 the MPO was required to have a SAFETEA-LU (Safe, Accountable, Flexible Transportation Equity Act-A Legacy for Users) compliant RTP in order for the MTIP to exist; that had to occur by December 2007 to allow MPO projects to remain eligible for federal funding. He said the public comment period on the RTP update was concluded on November 5, 2007.

Ms. Ballew urged adoption of the RTP without delay to avoid jeopardizing federal funding. She said if problems with the RTP were identified, it could always be amended.

Mr. Evans concurred with Ms. Ballew that it was necessary to adopt the RTP to protect the status of MTIP projects. He said that TransPlan issues could be addressed as an ongoing process to align it with the RTP.

Ms. Piercy commented that there appeared to be agreement among MPC members that it was important to begin the TransPlan update process as soon as possible.

Mr. Sorenson asked if adoption of the RTP triggered a requirement to update TransPlan within a one-year period. Mr. Vanderpool said the State Transportation Planning Rule (TPR) required one of three things to occur upon adoption of an RTP: 1) amend the local transportation system plans to be consistent with the RTP, or 2) issue a finding of consistency, or 3) enter into a work program agreement with the Department of Land Conservation and Development. He said local jurisdictions would determine which approach they would take. He said staff could report back to the MPC at its next meeting on discussions among local jurisdictions about next steps.

In response to a question from Mr. Sorenson, Mr. Havig explained that ODOT had initially requested additional disclaimer language, but that was not acceptable to FHWA; subsequently ODOT determined that the existing language in the RTP update was sufficient for its needs, particularly as ODOT began to work with local jurisdictions on local transportation system plans.

Mr. Zelenka expressed concern with insufficient linkage to land use plans and inadequate public involvement. He asked staff to bring back, in cooperation with Eugene, Springfield and Lane County, a discussion of actions that had to be taken, deadlines and impacts on different jurisdictions and ways to improve public involvement. He said the RTP contained hundreds of millions of dollars in projects and only a few people came to testify. He also requested an analysis of how the projects in the plan matched with anticipated State resources over the next several funding cycles, as he felt the RTP did not match the reality of available funding.

Ms. Volta said she was in favor of adopting the RTP and even though it was not a perfect document, there was not time to resolve all issues. She said that amendments could occur at a later date.

Mr. Evans agreed with concerns that transportation and land use planning were not integrated, but it was necessary to adhere to the process that was currently in place and not jeopardize project funding. He said addressing those concerns would require a task force to overhaul all municipal planning processes within the MPO; in the meantime the RTP and MTIP should move forward.

Mr. Green, seconded by Mr. Evans, moved to approve Resolution 2007-09 adopting the Central Lane Metropolitan Planning Organization 2007-2031 Regional Transportation Plan.

Mr. Green appreciated the concern about public participation and agreed that it could be improved. He said the RTP could also be amended if necessary, but if it was not adopted it would be difficult to advocate for federal funding. He also supported adoption of the RTP so the State could continue to invest in regional projects.

Mr. Zelenka also asked for an estimate of the costs associated with the list of planning activities and deadlines he requested earlier, along with an accounting of how the \$100,000 budgeted by LCOG for public involvement was spent.

In response to a question from Mr. Sorenson, Mr. Vanderpool indicated that the two Springfield projects were moved from the illustrative to the financially constrained list in the RTP, but did not change their status in TransPlan as there was no concept of a financially constrained list in state plans. He said the projects' status was only being changed at the federal level, not the local level.

Mr. Sorenson questioned why the MPC should take action before it fully understood the implications of that action.

Mr. Vanderpool said that local jurisdictions had been meeting for the past year to discuss the implications for local planning processes and he doubted that those questions would be resolved by the next MPC meeting.

Mr. Evans left the meeting at 12:30 p.m.

Mr. Leiken remarked that the RTP was a living document that established opportunities for the region today, but could be revised if the region's goals changed in the future. He said adoption of the updated RTP did not guarantee all of the projects would be built by 2031.

Mr. Scheick asserted that ODOT was in favor of adoption of the RTP and the language addressed its concerns. He said the Oregon Transportation Commission was scheduled to adopt the 2008-2011 STIP in November and if the region's MTIP was not in compliance, federal funds would be jeopardized. He affirmed that ODOT was willing to be a partner with local jurisdictions and assist financially to update TransPlan to better match state and federal planning horizons. He pointed out the planning horizons did not need to match exactly, but should be closer together than a decade.

Mr. Zelenka asked if updating TransPlan would require an update to the RTP. Mr. Vanderpool said the RTP must be updated at least every four years, but could be updated sooner if necessary.

Mr. Green asked what criteria FHWA would require to grant a one-month extension. Mr. Vanderpool said the MPO would need to identify the specific steps in the federal process that warranted another month and even then there was no guarantee the extension would be granted.

Mr. Dubick cautioned against missing the opportunity for MTIP projects to be included in the STIP.

Ms. Piercy asked if the State was willing to help with resources to assist with an extensive overhaul of regional and local planning processes. Mr. Scheick indicated that some funding would be available, but local jurisdictions would be expected to make a major investment in the process.

Mr. Sorenson stated he would vote against the motion without a realistic assessment of the impact on local transportation and land use plans.

Mr. Zelenka stated he would not vote for the motion until the deficiencies had been addressed.

Ms. Piercy said she would vote in favor in order to move the process forward, but felt strongly the region should commit to an examination of the planning processes and pursuing the resources necessary to accomplish that.

The motion passed, 7:2; Ms. Piercy, Mr. Green, Ms. Ballew, Mr. Leiken, Mr. Dubick, Ms. Volta and Mr. Chickering voting in favor; Mr. Zelenka and Mr. Sorenson voting in opposition.

Mr. Green thanked Ms. Piercy for her affirmative vote and indicated his willingness to commit to the planning efforts required to address concerns. Mr. Leiken concurred with Mr. Green.

Adopt MPO Air Quality Conformity Determination (AQCD)

Ms. Payne stated that the committee was being asked to adopt the AQCD for the RTP and MTIP. She said the AQCD was a finding that the RTP and MTIP projects would not cause the established carbon monoxide standards to be exceeded and was required as part of the RTP and MTIP update process. She said there were a few minor editorial changes to the previous draft and those were indicated in the document. She said the analysis had concluded the RTP and MTIP projects would not result in a violation of the carbon monoxide standards. She said the public comments and staff responses were included in the agenda materials.

Ms. Volta left the meeting at 12:50 p.m.

Ms. Ballew, seconded by Mr. Dubick, moved to approve Resolution 2007-10 adopting the air quality conformity determination for the 2007-2031 Regional Transportation Plan (RTP) and the FY2008-2011 Metropolitan Transportation Improvement Program (MTIP). The motion passed unanimously, 7:0. (Mr. Chickering was out of the room.)

Oregon MPO Consortium (OMPOC) Legislative Policy Concepts and Objectives

Mr. Vanderpool pointed out there were two versions of the legislative agenda; the first version reflected comments at the MPC's last meeting and the second version reflected comments from the Eugene City Council. He asked for direction on how the two sets of revisions should be reflected in a single document for MPC approval.

Mr. Zelenka said he preferred the second version, which retained the fourth bulleted item related sustainable state funding for local transportation needs and local flexibility in the use of funds.

Mr. Zelenka, seconded by Mr. Green, moved to adopt the second version of the draft legislative agenda.

Ms. Ballew expressed concern with the addition of language in an "Overall comments" section as not necessarily reflecting the priorities of all jurisdictions.

Ms. Piercy said the "Overall comments" section could simply accompany the revised draft as Eugene's comments and did not need to be included in the legislative agenda document. Mr. Zelenka agreed with that suggestion.

The motion passed, 8:0.

Commuter Solutions Strategic Plan

Mr. Schwetz used a slide presentation to review the Commuter Solutions 2005-2010 Strategic Plan. He said Commuter Solutions was formed in 1995 by Lane Transit District to promote use of alternative transportation modes. He reviewed statistics for group, business-based and school-based pass programs, which represented 49 percent of the population. He said congestion mitigations services had been extremely successful in helping residents cope with roadway construction projects. He said Commuter Solutions would continue to play a key role in the future and remain a wise investment by regional partners.

Ms. Piercy asked if there had been any discussion about neighborhoods owning and sharing a vehicle. Ms. Bloom-Williams said staff had been in discussions with Flexcar and there was the possibility of a pilot program on the University of Oregon campus, although such a program would become more feasible with greater density in the community.

Ms. Piercy commended LTD's EmX service for its ease of use. She felt its accessibility, including no fare, was an asset to the community and helping to change people's behaviors.

Mr. Sorenson, seconded by Mr. Zelenka, moved to encourage Lane Transit District to develop a plan to provide no fare transit services. The motion passed, 8:0.

Follow-up and MPO Calendar

ODOT Update

Mr. Scheick distributed a handout entitled *ODOT Program Allotment Adjustment*. He stated that the OTC was facing a \$140 million shortfall in program funding and considered options for addressing that at its October 2007 meeting. He said adjustments to eliminate the deficit included reducing the program reserve, delaying the remodel of ODOT headquarters and removing \$70 million from the 2008-2011 STIP in the modernization category. He anticipated a decision would be made at the OTC's next meeting.

Mr. Sorenson left the meeting at 1:20 p.m.

Mr. Scheick anticipated Region 2's share of the reduction to be \$20.5 million. He said the region would develop a straw proposal for projects in the STIP from which funds could be removed and ask for responses from the MPOs; chairs and vice chairs would then meet with ODOT to develop a final proposal. He expected to get a proposal out by the end of November. He said MPOs would also be asked for input on the 2010-2013 STIP, which would make about \$6.5 million available to Region 2 for modernization. He said there was some momentum during the 2007 legislative session for a transportation funding package, which he hoped would result in a package in the 2009 session. He indicated that if there were a significant increase in modernization funds, regions would be asked to identify their priorities. He said the OTC was concerned that the existing infrastructure was not being maintained and had directed ODOT to take a triage approach to redeploy funds for maintenance, the bridge program and operations.

Mr. Green asked if Senate Bill 994 had prompted OTC's action. Mr. Scheick said there were several factors involved in the \$140 million shortfall, including lower gas tax revenues than were projected, an increase in the costs of employee benefits and overhead and the distribution of \$56 million to the counties under SB 994.

Mr. Green commented that it would be up to counties and local jurisdictions to identify which projects were priorities for modernization funding. He asked how that would be equalized for those counties that did not have modernization project that were ready to go. Mr. Scheick said a regional equity would be applied to the amount of modernization dollars that would be reduced in each region. He said all regions would have a reduction in their modernization program, but every county might not be affected. He said some projects might be eliminated, but it was more likely projects would be reduced, delayed or built in phases.

MTIP Administrative Amendments

Ms. Payne stated that the administrative amendment added a new project to purchase two replacement vehicles for LTD's rural service, with the funding to come from a new federal grant received from ODOT's Public Transit Division.

The meeting was adjourned at 1:35 p.m.

(Recorded by Lynn Taylor)