

MINUTES

Metropolitan Policy Committee
Eugene Public Library – Bascom-Tykeson Room – 100 West 10th Avenue
Eugene, Oregon

December 8, 2005
11:30 a.m.

PRESENT: Anne Ballew (City of Springfield), Chair; Bobby Green, Faye Stewart (Lane County), Christine Lundberg (City of Springfield), David Kelly, Kitty Piercy (City of Eugene), Judy Volta (City of Coburg), Gerry Gaydos, Susan Ban (Lane Transit District), Jeff Scheick (Oregon Department of Transportation), members; Dennis Taylor (City of Eugene), Ken Hamm (Lane Transit District), Bill Van Vactor (Lane County), Cynthia Pappas (City of Springfield), Don Schuessler (City of Coburg) *ex officio* members.

George Kloeppe, Tom Schwetz, Paul Thompson, Ann Mortenson, Jamon Kent, Byron Vanderpool (Lane Council of Governments); Tom Boyatt (Oregon Department of Transportation), Greg Mott, Nick Arnis (City of Springfield), Chris Henry, Mark Schoening, Lisa Gardner (City of Eugene), Tom Stinchfield (Lane County), Stefano Viggiano, Anita Yap (Lane Transit District), Anna Morrison (Lane County Board of Commissioners), Terry Connolly Eugene Chamber of Commerce), Rob Zako (1000 Friends of Oregon), Jim Welsh (Eugene Association of Realtors), Emily Lawton (Federal Highways Administration), Larry Reed, Paul Spain, guests.

WELCOME AND INTRODUCTIONS

Ms. Ballew opened the December 2005 meeting of the Metropolitan Policy Committee (MPC) and welcomed those present.

Members of the MPC introduced themselves.

APPROVE NOVEMBER 10, 2005 MINUTES

Mr. Kelly pointed out that Mr. Green's motion on page 12 related to the FY06-09, not the FY05-07 Metropolitan Transportation Improvement Program.

Mr. Kelly, seconded by Mr. Gaydos, moved to approve the November 10, 2005 minutes as corrected. The motion passed unanimously, 10:0.

COMMENTS FROM THE AUDIENCE

Jim Welsh, representing Eugene Association of Realtors and the Central Oregon Coast Board of Realtors, said that transportation was a priority for those associations. He supported Lane County transportation planning, projects and priorities, specifically the Transportation Planning Committee (TPC) recommendations for FY08-11 State Transportation Improvement Program (STIP) priorities. He said the

associations recommended that the MPC adopt the priorities as the TPC fully understood the need to improve the flow of traffic for the growing communities between Eugene and the coast. He noted that the Florence City Council was scheduled to hold a hearing on expansion of its urban growth boundary (UGB) by as much as three hundred additional acres. He said that significant growth was being seen in Florence and other communities along Highway 126 and it was important to continue planning for transportation improvements along that corridor if growth to meet demand was not going to occur in Eugene. He urged the MPC to move the projects forward, especially the West Eugene Parkway (WEP).

Larry Reed, land use planner, 4765 Village Plaza Loop, Eugene, spoke in support of the MPC's adoption of the STIP priority list as recommended by staff, including the five projects listed in the staff memorandum of November 30, 2005. He said the WEP was needed to reduce congestion because the area was growing and the community had agreed upon it. He said the community had examined alternatives and it was unlikely that a new alternative would mysteriously appear. He said that 61 percent of Eugene citizens had opposed searching for new alternatives. He stated that it was acceptable to fill wetlands and Congress had established procedures for filling wetlands when the regional need was established and the loss of wetlands was mitigated. He said the area being impacted was not a pristine or non-impacted ocean estuary, forestland or wilderness; it was mostly along a railroad track and abandoned farmland. He said that not building the WEP would have an extremely negative impact on the economy and job growth in the area because for the last 18 years all planned growth in the area and associated traffic had relied on the WEP as the foundation for all of the transportation impact analyses that were done in support of that growth. He thought that not building the WEP could have two effects: businesses that sited in west Eugene in the last 18-20 years relied on the WEP to be there and if the business started to suffer because of not having a WEP there could be a legal claim against the City of Eugene for failure to build it and the second effect was that today and into the future under Oregon's Transportation Planning Rule no additional growth could occur in west Eugene because the WEP would not be on the project list as mitigation for increased traffic caused by growth. He said that could affect job growth and hurt the lower middle class and working class poor by either eliminating or severely limiting their opportunities to move up in the social strata. He urged that the WEP remain on the project list.

Paul Spain, 1112 Valley Butte Drive, Eugene, voiced his support for the STIP modernization projects as follows:

- Beltline Highway at Coburg Road Interchange
- Interstate 5/Beltline, I-5 to Gateway/Beltline
- Interstate 5 at Coburg Road
- West Eugene Parkway, Garfield Street to Seneca Street
- Beltline Highway, River Road to Coburg Road

Mr. Spain said the nature of his business put him in contact with many small business owners and residents in the community and he was confident in expressing that the majority of those people were in support of those projects and that was echoed by the fact that on two separate occasions the voting populace of the area was also in support of at least one of those projects: the West Eugene Parkway. He felt that if the other projects were individually presented to that same voting populace there would be support for them as well. He hoped that elected public officials and public policy-makers would move swiftly to complete the aforementioned projects.

Rob Handy, 455 ½ River Road, Eugene, speaking as chair of the River Road Community Organization,

noted agenda materials related to ConnectOregon applications and said it was likely that an application would also be submitted from Northwest Container Corporation for a siding facility in a railyard to unload and load diesel trucks onto rail cars. He asked that in fairness to the public interest there be consideration of the fact that the project would be in an area where air pollution problems already existed and asked that air pollution monitoring be conducted to develop a baseline for the area and monitor future pollution levels. He also urged master planning for the railyard. As a private citizen he stated that the WEP was a 1985 solution to a 2005 problem and there were good reasons why agencies had not approved the project yet. He asked that the region work together to find a cheaper, faster solution that everyone could live with for dealing with west Eugene traffic problems.

Rob Zako, 1000 Friends of Oregon, compared the situation with the WEP to a football game in which each side kept pushing in the hope it would prevail. He said if the MPC took that approach it would be bad for both sides as both sides had more to lose by trying to win than they did by trying to work together. He said that WEP opponents felt if the project was delayed long enough it would not be built, they would win and Eugene would be a great place, but that was a mistake as there were traffic problems in west Eugene that would only get worse and need to be addressed eventually with a new roadway. He said that delays would only result in lost opportunities for siting that roadway. He said that WEP supporters felt that by pushing forward and getting permits that something would be built. He said that it was likely the WEP could be built but submitted to the business community and WEP supporters that that would be a bad thing and only further polarize the community by splitting the wetlands, making future efforts to bring the community together to solve problems difficult. He supported Ms. Piercy's efforts to develop a process for people to work together and stressed the importance of both sides entering into collaboration, discussions and negotiations in good faith with a feeling that there was something to be gained by the process and something to lose by not participating. He urged the MPC to stop fighting and come together to solve problems and wished members luck in doing so.

Terry Connelly, representing the Eugene Area Chamber of Commerce, commented that the STIP project priorities recommended by staff were important and worthy of the MPC's support. In regard to the WEP, he asked the MPC and public to consider some issues as they moved forward. He said the first was the challenge of asking the public to engage in the process Ms. Piercy would request to explore alternative solutions when the public had opposed that in 2001 in the vote on Ballot Measure 2053. The second was that nothing precluded Eugene having a discussion or exploring alternative solutions while the WEP remained on the MTIP list. He said the parkway was currently involved in a federal approval process that could still move forward while alternatives were discussed. He said that the federal environmental analysis of the project would provide the public with opportunities to offer alternative solutions for consideration. Given Eugene's reluctance to move forward with the parkway, he suggested that the other MPC member jurisdictions could expect Eugene to demonstrate a commitment to exploring alternatives by allocating the resources necessary to be sincere about finding solutions. He observed that the WEP was itself an alternative that had emerged from earlier planning efforts to identify transportation solutions for west Eugene. He urged Eugene to demonstrate its intent to explore alternatives by committing the necessary financial resources.

Mr. Kelly said he had heard that a representative from the Federal Highways Administration (FHWA) would make a presentation during the meeting and asked, in light of public comments, if that presentation could be held prior to the next agenda item.

Ms. Ballew said the preferred order of business was to address the FY08-11 STIP modernization priorities next, followed by an opportunity for Ms. Piercy, subject to the committee's concurrence, to discuss her proposal for a collaborative process, at which time the FHWA could participate in that discussion. Ms.

Ballew determined there were no objections to proceeding with the agenda as she had outlined.

METROPOLITAN PLANNING ORGANIZATION (MPO) ISSUES

Central Lane MPO FY08-11 STIP Modernization Priorities

Mr. Thompson explained that the agenda packet contained a memorandum that described the recommendations from the TPC at its November 28, 2005, meeting regarding priorities for the MPO to forward to both the Lane County Board of Commissioners and the Oregon Department of Transportation (ODOT) for funding for modernization projects in the FY08-11 STIP. He said that at the November 2005 meeting staff had indicated it would bring to the December meeting priorities for scoping of projects; however, subsequent to that meeting the TPC had learned that the ODOT prioritization process had been accelerated and it was necessary to move straight to funding priorities for modernization projects. He noted there were five projects on the list the TPC was recommending as MPO priorities and the motion to make those recommendations was approved by the TPC by a vote of 6:1. He said the Citizen Advisory Committee was scheduled to act on the TPC recommendations at its December 7, 2005, meeting but that meeting was cancelled due to lack of a quorum. He said that staff was asking the MPC to approve the set of five priorities.

Mr. Kelly noted that in October 2005 the TPC had recommended against including the WEP in the STIP list and asked what had changed since then that caused the TPC to reverse its action. Mr. Thompson replied that the TPC had voted to remove the WEP from the set of priorities for scoping because it was necessary to get scoping on the other projects and there was concern that controversy over the parkway could delay that. He said that since the October meeting the TPC had learned from ODOT that it was necessary to move beyond scoping priorities to the actual funding priorities the MPO would recommend and at the November 28 TPC meeting Lane County staff had proposed a motion to add the WEP to staff's original list of four projects and that motion had passed 5:1:1, with one abstention; the entire list was then approved as a recommendation to the MPC by a vote of 6:1. He said the Lane County Board of Commissioners would be considering the countywide priorities on December 14, 2005, and needed input from the MPO on its priorities.

Mr. Green, seconded by Mr. Stewart, moved to approve the Transportation Planning Committee's recommendation of five modernization priority projects for the FY08-11 State Transportation Improvement Program and forward those projects to the Lane County Board of Commissioners and the Oregon Department of Transportation as the MPO priorities.

Ms. Piercy, seconded by Mr. Kelly, moved to amend the motion and forward the four remaining projects on the list as MPO priorities without the West Eugene Parkway.

Mr. Kelly commented that Ms. Piercy's action was in accordance with direction from the Eugene City Council and he strongly supported the other four projects on the list. He hoped that the committee could find common ground to agree on four of the five projects and asked for support of the amended motion.

The motion to amend the motion failed, 8:2; Ms. Piercy and Mr. Kelly voting in favor.

The main motion failed, 8:2; Ms. Piercy and Mr. Kelly voting in opposition.

Ms. Ballew asked the committee's permission for Ms. Piercy to present a proposal to explore parkway alternatives and invited FHWA representative Emily Lawton to join the group. There were no objections.

Ms. Piercy explained that subsequent to the November 2005 MPC meeting she had pursued the possibility of developing a collaborative process for exploring alternatives to the WEP that would address traffic issues, connectivity and wetlands protection. She said that discussions with FHWA and ODOT representatives had resulted in FHWA agreeing to a collaborative process within its ongoing NEPA (National Environmental Policy Act) process for the WEP. She said it was likely the collaborative process would occur at the conclusion of the NEPA technical analysis and prior to community forums and involve a neutral consultant to facilitate the process. She said that Eugene was willing for the collaborative process to be included in the NEPA process and was working on an agreement with FHWA. She did not yet have a specific proposal for the MPC to consider beyond the general concept of a collaborative process within the NEPA process with a neutral facilitator to manage the collaboration. She hoped that the MPC would regard the collaborative process as an opportunity to work within the current timeframe to move past the impasse and asked for support for the concept. She thanked FHWA for its support and willingness to help move the process forward.

Ms. Lundberg asked if continuation of the parkway NEPA process implied that the parkway project was in the new MTIP. She viewed the NEPA process as part of the overall planning process and asked how that could occur if the project was removed from the MTIP. Ms. Lawton said that because the MPO was operating under the FY05-07 MTIP, which was in place until March 2007, the NEPA process could continue within the current MTIP and FHWA was willing to include a collaborative process within that NEPA process.

Ms. Lundberg asked why Eugene would not approve the FY08-11 STIP if there was the possibility that the collaborative process could produce a solution that was acceptable. She did not think that holding all of the projects hostage made sense.

Ms. Piercy said that Eugene was willing to move all of the other projects forward except for the parkway.

Ms. Ballew asked why Eugene was continuing to block all of the other jurisdictions' projects. She said that MPC members were willing to accommodate Eugene's request within the NEPA process but at the same time needed a good faith effort from Eugene to not block other federal funds coming to the region.

Mr. Kelly reminded members that at the November 2005 MPC meeting Eugene was prepared to not block any funds and had voted to move 67 projects forward. He thought that good faith efforts by partners would be responded to with good faith efforts by Eugene. He saw the FHWA's willingness to engage in a collaborative process as potentially positive. He said that MPC members were at "loggerheads," as was the broader community, and it was essential to find a way to get past that. He said there was a new process available that would likely occur during a February through April timeframe and he saw it as an outstretched hand to bring all the right people together with a neutral facilitator to try to come to a common solution. He said the good faith of starting that process would be answered in good faith. He noted that the agenda included an MTIP amendment requested by Lane Transit District (LTD) to move a bus project forward and he understood the item was time sensitive. He said if there was general interest in seeing what FHWA had to offer he would be happy to move the bus project forward. He stated that good faith and local collaboration begat good faith and local collaboration.

Ms. Lundberg referred to earlier votes in which Eugene's representatives had voted in opposition to all other MPC members. She asked what Eugene would do if the collaborative process determined that the WEP, or something very similar to it, was the transportation solution for west Eugene. She asked if Eugene would agree to that project and said the MPC needed some assurance that it would agree or the same impasse would exist at the end of the process.

Mr. Kelly said the best assurance was a good facilitator who would help participants reach a conclusion. He said that use of a nationally recognized facilitator within transportation was the best hope.

Ms. Lundberg felt that the necessary assurance that a conclusion would be supported even if it made 49 percent of the community unhappy was still lacking.

In response to a question from Mr. Green, Ms. Piercy emphasized that there was not a specific proposal or motion on the table. She had provided an update on the process and potential agreement with FHWA for a collaborative process and neutral facilitation and hoped the MPC would recognize the generosity of FHWA's offer and Eugene's willingness to work within the NEPA process and give its informal approval to the concept.

Mr. Green said his perception of collaboration was that the playing field was level and no one was operating from a position of strength. He asked whether the collaboration would occur from a position of interest or strength. He did not find the process as proposed by Eugene to be what collaboration was intended to be. He asked how FHWA could justify engaging in a collaborative process with the local community when there was already a consensus on the project, with 61 percent of the people opposed to pursuing alternatives. He had not heard from the Eugene City Council, which voted to remove the WEP from the project list, or from FHWA about how the collaborative process could be reconciled with the vote against exploring WEP alternatives. He said it felt as though people had been asked to vote on an issue and then that vote was ignored and he could not engage in that process. He said the Eugene City Council should issue a public statement acknowledging it did not agree with voters and wanted to pursue another course and level the playing field by taking ownership of its responsibility for ignoring the will of the voters. He asked if FHWA had addressed that issue during its discussions with Eugene representatives.

Ms. Lawton said the question had not come up during FHWA's discussions with the City of Eugene. She said from FHWA's point of view the collaborative process was just an extension of the public involvement process, which was an important component of the NEPA process, and gave FHWA an opportunity to inform the public about the project and learn from the public as well. She saw the collaboration piece as an enhancement of the required NEPA public involvement process.

Ms. Volta said it was evident that the MPC because of its rules and structure was dysfunctional with any one of the three largest members, Springfield, Eugene and Lane County, being able to veto a majority vote and block projects. She said the process did not benefit any of the members and asked if the bylaws could be examined to see if the MPC could operate more like an Area Commission on Transportation (ACT). She said that no other transportation body in the country operated like the MPC and this was an example of why a consensus-building model would be better in order to avoid holding projects hostage.

Ms. Ballew asked if the committee wanted staff to investigate potential bylaws revisions and determined that a majority of the members were in agreement with the suggestion.

Mr. Gaydos expressed his appreciation for Ms. Piercy's efforts to develop a collaborative process and FHWA's willingness to listen to the community and said he could support the concept if it would not slow

down the process and cost jurisdictions money. He did not want to see time and resources wasted if the MTIP could not be moved forward and was concerned that the outcome was pre-ordained if Eugene would again block projects.

Mr. Kelly said that was not Eugene's intent. He pointed out that MTIP amendments were processed constantly by the MPC and it was not necessary to wait for another three-year cycle. He said the City Council's position as reflected by the votes of its MPC representatives was that at the present time Eugene was not prepared to support the inclusion of the parkway in the new MTIP or STIP. He said the fact that the parkway was still in the current MTIP and STIP allowed the NEPA process to move forward and he hoped would also allow a collaborative process to move forward and depending on the outcome of that process and the results of the environmental process it was entirely possible that a year from now Eugene would be looking at and supporting an MTIP amendment that moved the parkway or something very like the parkway back in to the new MTIP and STIP for construction purposes. He said the planning could still continue because the project was in the current MTIP and STIP. He said Eugene only wanted to take a pause from the construction impetus.

Ms. Ban asked what the FHWA envisioned as the scope of the collaborative process and whether it would examine alternatives to the parkway or simply determine to support or not support the project. Ms. Lawton said she envisioned the collaborative process as an opportunity to share information, including any alternatives suggested by the public and responses from ODOT and FHWA to those alternatives.

Ms. Ban confirmed that alternatives that had been previously considered could be examined in the process and asked whether new alternatives could also be considered. Ms. Lawton said those details were still to be worked out with Eugene but she felt that a new alternative that met the purpose and need could be considered, although it was possible that could trigger the start of a new NEPA process and the project would be back to the first phase.

Mr. Green stated that if the City of Eugene wished to expend its staff resources, time and money working with FHWA on a collaborative process he was not opposed to that but did not see how the County would support that financially or in other ways. He said the County respected the vote of the people and to do something different it would need to hear clearly from a majority of the community that they wanted to pursue alternatives.

Mr. Scheick agreed with Ms. Lawton that the collaborative process was still being developed and no decision had been made. He emphasized that ODOT wanted to assure there was a good public involvement process through the final environmental impact statement (EIS) and that would happen with or without the collaborative process proposed by Eugene. He said the collaborative process could provide a venue for the two-way exchange of information about the alternatives that had been considered and possibly examine new alternatives. He cautioned that if a different path was chosen it would be necessary to start over with a draft EIS or perhaps even with initial planning work and the collaborative process agreed upon by Eugene and FHWA did not necessarily mean that the current process would continue with a record of decision (ROD) by the end of 2006.

Mr. Kelly asked for clarification that with or without the collaborative process there would be a record of decision by the end of 2006 and the ROD could be no build if the collaborative process resulted in a dramatically different alternative that fell outside the purpose and need, triggering a new planning process. He asked if a new process would mean another 20 years or be considerably shorter if there was consensus among cooperating agencies around a collaboratively reached alternative. Mr. Scheick agreed that the intent was to reach a record of decision by the end of 2006 and the NEPA process would include public

involvement, with or without the collaborative component. Ms. Lawton commented that a new planning process could be required. She said the national goal for an EIS was three years.

Ms. Ballew said it was her understanding that FHWA and the City of Eugene would pay for the additional work associated with the collaborative process, which would occur between February and April 2006 as part of the NEPA process. Ms. Lawton and Ms. Piercy agreed with that understanding.

Mr. Green asked how credible the collaborative process would be in terms of reaching a record of decision if Lane County was not a participant.

Ms. Ballew clarified that the NEPA process, to which all MPC members were parties, would continue and the collaborative process would be a part of that process. Ms. Lawton said that any comments received in the collaborative process would be included in the NEPA process. She said FHWA envisioned that the public hearing for the NEPA process would be held after the collaborative process was completed, although the agreement with Eugene had not yet been finalized.

Ms. Lundberg asked if the NEPA process would entail quantitative and qualitative public input as inclusively and completely as possible to reach a conclusion without the collaborative process. Ms. Lawton agreed that was part of a NEPA process.

Ms. Piercy said that the difference with the collaborative process was that a skilled facilitator would determine from the stakeholders involved in the NEPA process what they wanted to see achieved in terms of transportation solutions within the purpose and need, which was different from just listening in a forum.

Ms. Lundberg asked how there could be a stakeholders group in the collaborative process if the County or any other stakeholder did not participate.

Ms. Piercy said her intent was to find a way past a 20-year impasse and she hoped that the MPC's elected officials would be willing to participate within the NEPA process. She said the collaborative proposal was sensitive to members' wishes not to hold up the NEPA process and to resolve the impasse within the already established timeframe. She hoped that all could come forward with a generous spirit. Referring to earlier comments about the community's vote, she said that Eugene did respect the vote of the people but was a representative government, as were the other MPC jurisdictions, and part of the job of being a representative was being empowered to respond to changes in conditions and situations or new information and act on the people's behalf in their best interests. She said her experience in the legislature was that issues were revisited on a regular basis when new information was received and changes were needed on behalf of the public. She said the collaborative process was chosen based on what seemed to best fit what the MPC would accept as being within the NEPA process and timeframe.

Ms. Piercy pointed out that the MPC had agreed that the three largest members could have veto power but now objected when Eugene exercised its veto. She was trying to honor what the MPC wanted and be a good participant in the process. She was not trying to be disrespectful of other jurisdictions and acknowledged that each jurisdiction had different needs and desires for its citizens. She recognized that Springfield and Lane County had a right to their positions and stated that Eugene also did. She was making every effort to respond to the MPC's request to be more open and generous in working with others and asked members to join her in discussing how to resolve the 20-year impasse on the parkway project.

Ms. Volta expressed appreciation for Ms. Piercy's willingness to bring forward a proposal and said the MPC did want to hear her ideas. She was concerned that even with the collaborative process there would

still be public input from those who adamantly opposed or fully supported the parkway and the MPC would be back to the same impasse.

Ms. Piercy responded that her conversations with people in the community over the past two years had indicated readiness to explore ways to resolve the impasse and find a solution with a broader range of support and that was what she was trying to do.

Mr. Kelly said the facilitator would be interviewing stakeholders and collecting information before the “electeds” and staff gathered.

Ms. Lundberg commented that the community had been debating the parkway issue for 20 years and during the NEPA and ODOT public processes a great deal of time was spent trying to find solutions. She had faith in those processes and shared Mr. Green’s concern about going through another more extensive process that might not produce a different result. She preferred to allow the NEPA process to proceed as it was and keep the parkway on the project priorities list. She reminded members that the Beltline/I-5 project looked very different at the end of the EIS process.

Ms. Ballew acknowledged the difficulty of Ms. Piercy’s position and said that there was general agreement that some type of traffic mitigation in west Eugene was needed. She was willing to support Ms. Piercy’s proposal to work with FHWA to explore ways to resolve the impasse if Eugene was willing to commit to approve the federal funds that were being held up for projects that were important to other MPC partners. She asked if Eugene would approve adding those projects to the FY05-07 MTIP instead of moving them forward to the FY06-09 MTIP.

Mr. Kelly said if he could see forward motion towards a collaborative process he was willing to provide forward motion on the MTIP amendments that were time sensitive.

In response to a question from Mr. Green, Ms. Ballew clarified that Eugene was willing to support amending the federal funds that were needed into the MTIP so that agencies like Willamalane, LTD, City of Springfield and ODOT could have access to those federal funds and in turn the MPC would not obstruct Eugene’s proposal to work with FHWA to insert a collaborative process to explore alternatives into the parkway NEPA process.

Mr. Kelly stated that if the MPC was being asked to approve all of the projects for the MTIP, except the WEP, he had heard so much hostility from members to the proposal from Ms. Piercy and FHWA that he would not be in a position to approve all of them. He said that if he started to hear support for the process he was prepared to approve the MTIP amendment for LTD’s bus acquisition project and if other projects came to the MPC in January, and forward progress had been made on the FHWA collaborative process, he would approve those time sensitive needs also. He referred to Ms. Ballew’s clarification comment about other jurisdictions not obstructing the proposal and said he wanted to see an additional step of the jurisdictions agreeing to participate.

Ms. Ballew said it appeared that Eugene was still holding hostage all the other federal funds and she could not support moving forward with Eugene’s proposal unless those funds were made available.

Mr. Kelly said he was willing to move both issues forward in concert but had not heard any jurisdictions agree to participate.

Ms. Volta asked if the Eugene representatives were willing to move the MTIP amendment as written

forward if the MPC was willing to embrace the collaborative process proposed by Eugene and FHWA.

Mr. Kelly said that, barring a completely different direction from the Eugene City Council, he and Ms. Piercy could not include the WEP in the FY06-09 MTIP or the FY08-11 STIP. He was willing to approve amendments to the FY05-07 MTIP in concert with the collaborative process going forward.

Mr. Green wished to separate himself and Lane County from Mr. Kelly's characterization of the meeting as hostile and make it clear that Lane County was not the author of the confusion. He had been a Eugene city councilor for six years and had been through many public forums. He had observed some elected officials posturing, which was the basis of his concern about the outcome of the collaborative process. He said if the City of Eugene wished to engage in the process with the FHWA it should move forward but the collaboration felt more like Eugene being in a position of strength and insisting that partners come to the table, which he did not think was collaboration. He said that while Eugene was a separate unit of government it shared voters with the County and in addition the County needed to consider the interests of 337,000 constituents countywide. He said the question for him was what alternative would come at the end of the process that did not include wetlands as any alternative that included wetlands would continue to be a stumbling block for Eugene.

Ms. Ballew noted that an amendment to the FY05-07 MTIP to include the "LTD Buses" project was on the agenda and asked staff if it would be possible to also include the projects for Willamalane, Springfield, ODOT and any time sensitive projects originally proposed for the FY06-09 MTIP. Mr. Vanderpool said that action on the other projects would have to occur at the January 2006 MPC meeting.

Ms. Ballew asked if Eugene agreed to support those amendments in January. Mr. Kelly replied that Eugene would support the projects in parallel with MPC's support of the collaborative process.

Mr. Vanderpool clarified that what was required was direction to staff to prepare those amendments for the MPC's consideration. He said there was agreement from the appropriate federal authorities that the MPC would then have sufficient time between that notification to staff and the next MPC meeting to comply with the necessary federal requirements.

Mr. Thompson distributed a spreadsheet of proposed FY06-09 MTIP projects and the time frame for the latest possible timing for an MTIP amendment in order for a project to proceed on its current schedule. He said that amendments could move forward individually or as a package. He identified those projects that required MPC action and those that could be addressed by the TPC administratively.

Mr. Schwetz suggested that staff time could be used most efficiently by batching as many amendments as possible into a single action because a federal process was required for every action. Mr. Thompson noted that the FY05-07 MTIP amendment to include the LTD bus project was at LTD's request and currently the MPO staff was not initiating any amendments or MTIP changes based upon direction from the MPC at its November 2005 meeting. He said the MPC would need to provide different direction to staff for amendments to be presented at the January 2006 meeting.

Mr. Green stated that the question before the MPC was whether to support the MTIP amendments conditioned upon the MPC agreeing to the collaborative process and suggested that the questions be separated. He said there was no proposal for a collaborative process before the MPC nor were there any details about the process upon which to base a decision. He felt it was odd to connect that issue to a vote on projects and felt there should be separate votes on the MTIP amendment and on support for the collaborative process. He said that the collaborative process should be in the form of a written proposal

with detailed information so the MPC would know exactly what it was being asked to engage in.

Ms. Ban said the MPC was not being asked to approve a specific proposal but rather to support in concept the collaborative process, which would be the decision of individual jurisdictions. She clarified that the MPC would only be able to take action on the LTD bus project amendment to the MTIP and other projects would need to be presented at the January 2006 meeting. She agreed with Mr. Green that the questions should be uncoupled. She said that collaboration typically involved everyone being willing to give something up and she did not feel that had been apparent in the discussion to date. She said that there was nothing to lose by allowing Eugene to proceed with the collaborative process and engaging in a conversation but the issues should be addressed separately.

Mr. Kelly stated that separating the two issues would result in a rerun of the MTIP vote at the November 2005 MPC meeting. He understood that there was no concrete proposal yet for a collaborative process and that staff needed direction to prepare MTIP amendments.

Mr. Kelly, seconded by Ms. Piercy, moved to direct staff to prepare for the January 2006 Metropolitan Policy Committee meeting a memorandum on the details of the collaborative process and a motion calling for Metropolitan Policy Committee support and participation in that process, and to prepare for the January 2006 meeting all of the Metropolitan Transportation Improvement Program projects listed on the spreadsheet through June 2006 as amendments to the FY05-07 Metropolitan Transportation Improvement Program, and to place the order of items on the agenda so that the collaborative process was considered prior to the amendments.

Mr. Kelly stated that if Eugene and FHWA agreed on a process and the collaborative process motion passed he would support the FY05-07 MTIP amendments.

Ms. Volta said she was in agreement with Mr. Kelly's motion until he became cynical and it began to feel like a hostage situation again, which was where no one wanted to be.

Mr. Kelly said that the history of the issue had lead to a base of mutual distrust on all sides around the table and he thought the collaboration was a way to start rebuilding those connections. He said if he could bundle both questions into the same motion he would but he thought the FHWA would not accept an action that included both the MTIP amendments and another item. He said he would accept a friendly amendment to take both actions in the same vote. He thought that Ms. Ballew had indicated an interest in assuring that the time sensitive MTIP amendments could move forward if there was involvement in the collaborative process.

Ms. Volta said that members had expressed support for moving forward with the collaborative process but that was not really a part of the business of the MPC.

Mr. Kelly said he did not hear support for the collaborative process and he did see it as part of the MPC's business.

Ms. Volta said that there was acknowledgement by the MPC of the effort between the City of Eugene and FHWA but jurisdictions would interface with the collaborative process as they wished.

Mr. Kelly said he was confused because he felt that MPC members did have an interest in transportation in

west Eugene.

Ms. Lundberg said she had confidence that the NEPA process would encompass all of the stakeholders that wanted to participate and she had no issue if Eugene wanted to have a collaborative process with stakeholders who wanted to explore alternatives, as that would be folded into the NEPA process. She said that MPC members accepted that a separate collaborative process would be combined with the NEPA process in the final decision and outcome, but were being asked to commit to participate in that separate process. She assumed that the collaborative process would produce an outcome and that stakeholders who were invested in what an alternative might be would participate in that process as part of the NEPA process. She said she was comfortable with the collaborative process moving forward and MPC jurisdictions participating in the NEPA process. She said she had not heard a commitment from Eugene to accept the West Eugene Parkway project if it was the outcome of the collaborative process and questioned why jurisdictions should have to commit to a separate process outside of the NEPA process when it was not clear the current situation would change. She thought that was one of the reasons that jurisdictions were hesitant to make the commitment to participate in the collaborative process.

Mr. Schwetz said he understood that one of the primary purposes of the NEPA process beyond identifying the impacts of the proposed investment was to ensure that all of the alternatives had been considered. Ms. Lawton agreed that the process ensured consideration of a reasonable range of alternatives.

Continuing, Mr. Schwetz said that it was the MPC's interest to make sure that fundamental purpose was achieved and all reasonable alternatives had been considered. He did not think that was obviated by Eugene voters' preference regarding consideration of alternatives. He said despite that vote there was a federal requirement to consider all alternatives that were brought forth consistent with the purpose and need and the collaborative process was a refinement of that component of the NEPA process.

Mr. Green said there was a pattern, with the City of Eugene approving 67 projects but not the WEP and agreeing to support the FY05-07 MTIP amendments if the MPC agreed to the collaborative process. He questioned why the MPC had to agree to the process in order to take action on items that were clearly the MPC's responsibility. He said the collaborative process was not the MPC's issue and while it could be concerned and interested in it, he did not see why it was connected to something the MPC had a legal responsibility to do. He said that was why he wanted the two issues separated and if Eugene only wanted the MPC's concurrence with moving forward with the collaborative process he saw no reason to connect it to action the MPC had a responsibility to take. He was initially willing to support the process until Eugene conditioned approval of MTIP amendments on agreement to participate in the collaborative process. He said the MPC should not be asked to agree prior to being provided with details and before action on MPC issues. He confirmed that the FHWA intended to proceed with the collaborative process whether or not the MPC agreed to it and questioned why the MPC was being asked to address the issue.

Mr. Scheick concurred with Mr. Green's remarks and emphasized that the collaborative process proposed by the City of Eugene and agreed to by FHWA was embedded in a NEPA process that included public involvement in the EIS. He said that ODOT also did not see that there was a decision required of the MPC; an invitation to participate was sufficient.

Mr. Kelly said the difference in the NEPA process with and without the collaborative process was that a facilitated process only worked if all of the critical players were part of the facilitated process. He said if Springfield or Lane County were not involved in that facilitated process it could not be successful. He thought that having jurisdictions comment on the results of the facilitated process was a very different and ineffective step compared to Springfield and Lane County and all other interested parties being at the table

during the facilitated process. He agreed that details of the proposal were not yet available and that was why his motion asked that staff draft MTIP amendments and details of the collaborative process for collective action by the MPC in January 2006. He admitted that the collaborative process was not required under federal regulations to come before the MPO but the MPC had a larger mission to work on transportation collaboratively through the region and the reason for getting MPC support and participation in the collaborative process was because it would help move transportation issues in west Eugene forward; without everyone's cooperation and involvement the process could not do that.

Mr. Green said his point was that the issues should not be connected as they were two separate issues.

Mr. Kelly said Eugene had tried not connecting the issues at the November 2005 MPC meeting and his motion was attempting something different.

Ms. Ballew said it was likely that there would be a similar outcome if Eugene connected the two issues.

Mr. Kelly pointed out that his motion directed staff to prepare two separate motions, one for MTIP amendments and one for the collaborative process. He restated his motion to direct staff to draft details of the collaboration process, draft wording for a motion of MPC support and participation in that process to be voted on at the January 2006 meeting and to draft a bundle of amendments to the FY05-07 MTIP that included all the projects on the spreadsheet with timeframes on or before June 2006, and to present the motions in that order on the January 2006 MPC agenda.

Ms. Volta observed that Eugene was now involving MPC staff in work on the collaborative process that was originally going to be done by Eugene.

Mr. Kelly said that his expectation was that MPC staff would only replicate the finished language produced by Eugene and FHWA and prepare the language of a motion for the MPC to participate in the process described in an attached document.

Mr. Van Vector asked if other MPC members would have any input on the design of the collaborative process. Ms. Piercy and Mr. Kelly welcomed input from other jurisdictions.

Mr. Green asked for clarification that if the MPC did not agree to the collaborative process as the first item on its January 2006 agenda the MTIP amendments would still move forward.

Mr. Kelly said the MTIP amendments would still come to a vote but he could not guarantee the results.

Mr. Green used a football analogy to illustrate the true spirit of collaboration in which the prevailing team at the coin toss decided whether it would receive or kick the ball and the other team got to choose which end of the field it wanted to defend and that was reversed at halftime and the other team gained possession of the ball. He said it seemed that Eugene wanted to keep the ball and was not willing to share it by insisting on connecting the process and advancing it ahead of business the MPC needed to act upon, which was MTIP amendments.

Ms. Ballew agreed with Mr. Green that Eugene was still holding the MPC hostage and she could not support connecting the two issues and the sequencing of action on the agenda.

The motion failed, 8:2; Mr. Kelly and Ms. Piercy voting in favor.

Amendment to FY05-07 Metropolitan Transportation Improvement Program (MTIP)

Ms. Ban, seconded by Mr. Gaydos, moved to approve Resolution 2005-14 adopting an amendment to the FY05-07 Metropolitan Transportation Improvement Program to add a new project, "LTD Buses."

Mr. Kelly remarked that the project was a transit project not a roadway project and he supported the time sensitive nature of it and was happy to move it forward and show a collaborative spirit in spite of what he believed to be an astonishingly hostile reception. He said his earlier motion had asked staff to draft two motions for the January 2006 meeting that would move ahead a number of projects and would start a collaborative process on another very important project.

The motion passed unanimously, 10:0.

Ms. Ballew suggested a motion to move the time sensitive projects forward by amending the FY05-07 MTIP.

Ms. Ban, seconded by Ms. Volta, moved to direct staff to prepare an amendment to the FY05-07 Metropolitan Transportation Improvement Program to add all of the time sensitive projects through June 2006 for the Metropolitan Policy Committee's consideration at its January 2006 meeting. The motion failed, 8:2; Mr. Kelly and Ms. Piercy voting in opposition.

Ms. Piercy asked if Ms. Ballew's intent was to suggest a second motion to bring the collaborative process proposal forward to the MPC's January meeting for action and if so, she said she could support the previous motion. Ms. Ballew said that was her intent and suggested the previous motion be made again.

Ms. Ban, seconded by Ms. Lundberg, moved to direct staff to prepare an amendment to the FY05-07 Metropolitan Transportation Improvement Program that bundled the time sensitive projects through June 2006 into a single motion. The motion passed, 9:1; Mr. Kelly voting in opposition.

Ms. Ballew asked for a motion to bring the proposed collaborative process to the MPC at its January meeting.

Ms. Ban, seconded by Mr. Kelly, moved to direct staff to prepare for review at the January 2006 Metropolitan Policy Committee meeting a memorandum on the details of the collaborative process as proposed by the City of Eugene and a motion calling for Metropolitan Policy Committee support and participation in that process.

Ms. Ban accepted a friendly amendment from Mr. Stewart to include Lane County and any other interested jurisdiction in developing details of the proposal. The motion as amended passed, 8:2; Mr. Scheick and Mr. Green voting in opposition.

Status of TPR Update

This item was not addressed.

ConnectOregon Applications Status

This item was not addressed.

The meeting was adjourned at 1:37 p.m.

(Recorded by Lynn Taylor)