

## MINUTES

Metropolitan Policy Committee  
Springfield City Hall – Library Meeting Room – 225 5<sup>th</sup> Street – Springfield

December 30, 2004  
11:30 a.m.

**PRESENT:** Bonny Bettman, Chair; Jim Torrey (City of Eugene), Bobby Green (Lane County), John Woodrow for Sid Leiken, Anne Ballew (City of Springfield), Judy Volta (City of Coburg), Gerry Gaydos (Lane Transit District), Robert Pirrie (Oregon Department of Transportation), members; Dennis Taylor (City of Eugene), Mark Pangborn for Ken Hamm (Lane Transit District), Jamon Kent (City of Coburg), *ex officio* members.

Karl Wieseke (Oregon Transportation Commission), George Kloeppe, Tom Schwetz, Paul Thompson, Ann Mortenson, Susan Payne, Petra Schuetz (Lane Council of Governments).

**ABSENT:** Bill Dwyer (Lane County), Gary Ross, Blake Hastings (Willamalane) members; Bob Keefer (Willamalane), Mike Kelly (Springfield), *ex officio* members.

### 1. CALL TO ORDER/WELCOME AND INTRODUCTIONS

Ms. Bettman convened the meeting of the Metropolitan Policy Committee (MPC) at 11:36 a.m. Those present introduced themselves.

Mr. Torrey raised a point of privilege, asking how best to incorporate the Oregon Department of Transportation (ODOT) amendment regarding the \$72.5 million Interstate 5-Beltline Road project into the Metropolitan Transportation Improvement Plan. Ms. Bettman thanked him for raising the point.

Mr. Kloeppe suggested that it be added to the document as it was ready for consideration. Ms. Bettman expressed a preference for adding it to an agenda as a discussion item. Mr. Schwetz said it was proposed for the document under consideration.

Mr. Torrey, seconded by Ms. Ballew, moved to adjust the agenda by addressing the Metropolitan Planning Organization (MPO) issues, agenda item 3, prior to the Comments from the Audience, agenda item 2, and to allow each of the speakers in the public hearing two minutes to speak.

Mr. Torrey, speaking to the motion, said because the meeting was an extension of the meeting held on December 9, the committee should begin where it left off.

Ms. Bettman disagreed. She asserted that the MTIP was updated in October of 2003 and did not need to be updated again until October of 2005. She opposed the motion, objecting in particular to abbreviating the time allotted to each person providing testimony.

The motion passed, 6:2; Ms. Bettman and Mr. Gaydos voting in opposition.

Ms. Bettman said the agenda would be changed as a result of the vote so that the MPO Issues item would be considered prior to hearing the Comments from the Audience. She stated that the ODOT amendment would become Item 4 on the agenda.

Mr. Kloeppe recommended that the ODOT letter be included as an amendment in the MTIP. Mr. Green concurred, adding that it should be part of the discussion prior to consideration of the MTIP.

Mr. Green, seconded by Mr. Torrey, moved to consider the amendment to include the ODOT letter in the discussion of agenda item 2 (a). The motion passed, 7:1; Ms. Bettman voting in opposition.

## 2. MPO ISSUES

### a. FY 2005-07 Metropolitan Transportation Improvement Plan (MTIP)

Mr. Thompson reported that the Federal Omnibus spending bill had been signed into law by the President on December 8 and it included \$5 million in additional Federal funding for transportation improvements in the Courthouse District. As such, he said it should be added to the MTIP considered for adoption at the present meeting as a line item under the Courthouse project.

Ms. Bettman opened the public hearing.

**Rob Zako**, 1000 Friends of Oregon, said he did not understand why the meeting was being held. He averred there were no issues to contend with regarding the MTIP before the committee. He did not remember a discussion of the STP-U funding or choices of how the flexible funding could be spent for this MTIP. He questioned the merits of meeting as he asserted there was nothing to discuss. He wished someone would explain what the meeting was about.

**Zachary Vishanoff** opined that planning in the City of Eugene was like a runaway train. He felt citizens of Eugene had not been appropriately instructed on “smart growth” and transportation planning. He worried that Eugene was becoming a test case for “smart roads,” roads on which surveillance cameras would be placed. He thought the citizens would not want such cameras. He commented that without a debate, projects such as the potential arena would not happen.

**Dan Eagan** said transportation was complicated but crucial to the economy. He explained that as director of the Springfield Chamber of Commerce, he wished to address several projects that were specific to Springfield: the Martin Luther King, Jr. Boulevard, the 42<sup>nd</sup> Street/Jasper Road interchange, and the Beltline Road/Gateway intersection. He said it was critical the projects be approved as Springfield had partners ready to go to make these improvements and the improvements would lead to more jobs. He urged the passing of the MTIP so that no funding or partners were lost.

**Terry Connolly** spoke on behalf of the Eugene Chamber of Commerce. He conveyed the chamber’s support for the resolution. He stated that there were many projects on the MTIP list, some specific to particular jurisdictions or agencies, but all of them provided regional benefits and resulted from partnerships between local, State, and Federal government agencies. He underscored the importance of prioritizing those partnerships now and into the future and not taking them for granted. He felt the resolution before the MPC provided the opportunity to demonstrate its commitment to important projects such as the Airport Road realignment, the Beltline Road/Interstate 5 interchange, the Chad Drive

extension, and the new Courthouse District improvements. He thought adoption of the resolution presented the opportunity for the Cities of Eugene, Coburg, and Springfield, Lane County, and Lane Transit District to affirm all previous actions taken on this project. He said it would send one more message to ODOT and the Oregon Transportation Commission (OTC) that the metropolitan area wanted them to fulfill their commitment to build the West Eugene Parkway (WEP).

**Debbie Jeffries** encouraged the MPC to approve the MTIP at the present meeting. She did not view the projects on the MTIP list as controversial or unnecessary, but felt they were very important to the area. She trusted the judgement of the government jurisdictions and agencies that had a role in development of the projects on the list and did not feel the meeting was an endeavor to fulfill the agenda of one person nor did she perceive that the potential decision that would result from the meeting to be an irresponsible spending of public funds. She opined that not all road repairs in the City of Eugene represented effective spending of public money and cited the Ayres Road repair, calling it a “fiasco.”

Ms. Jeffries conveyed her support for the WEP, calling it a project that was “particularly important” to the area. She said if approval of the resolution was needed as a procedural step for the WEP and other projects then it should be approved. She opined that failure to approve the list based on the inclusion of the WEP alone would be a bad move.

**Linda Swisher** wished to raise two points. She thought the whole MTIP process of public outreach to be profoundly unfair and a complete failure. She felt the pretense that the current proposal for the WEP was the same one the voters had previously approved of was wrong.

**Jozef Zdizniecki** asked who called for the meeting. He asserted that staff had asked the MPC to open up a 30-day review of the MTIP, at the end of which would be a public hearing, and the MPC had voted in opposition to this. He felt the review of the MTIP should be the first task of the newly formed Citizen Advisory Committee (CAC). He thought it should not be voted upon until this review had occurred and the CAC had made its recommendation on the MTIP.

**Bill McKay** stated that he was a citizen of the City of Eugene. He wanted to see the growth of Eugene and Springfield and the highways and transportation facilities built to promote that growth.

**Sandra Bishop** disapproved of the meeting, calling it an “unfriendly public process” as it was in the middle of the holidays. She expressed concern regarding the use of discretionary funds. She asserted that, in the past, the City took all of the maintenance funding used to pave alleys and built a road to the Riverfront Research Park. She opined that it had not been a great success. She thought the MTIP was mainly designed to push the WEP through, adding that the project was not what it had been as originally presented. She opposed tying up a lot of the public’s money in one project.

Regarding the Eugene Water & Electric Board (EWEB) property, Ms. Bishop wished to alert the MPC that the area had been industrial for over 100 years. She suggested that if and when the Patterson Street underpass was built, it would be prudent to be aware that the land may be polluted.

**Brian Terrett**, representing PeaceHealth Hospitals, noted the hospital was Lane County’s largest employer. He conveyed the hospital’s support for the plan. He encouraged the MPC to pass it.

**Rob Handy** opined there was a “dark underbelly to politics.” He noted that the Town of Coburg had not exercised its fiduciary responsibility and was now faced with problems. He opined that the MPC had “rubberstamped” the Regional Transportation Improvement Plan. He questioned whether the decisions

were vetted properly. He observed it had taken two years to get the CAC “up and running.” He thought the CAC should have been formed earlier in the process. He asked the MPC to consider its partnerships, such as that with the Eugene City Council. He asserted that the MPC was ignoring Eugene City Council policies. He opined that the process “stunk” because the MPC was not adhering to its public process. He averred the MPC was not taking moral and fiscal responsibility to stop bad things from happening, such as the WEP. He asked the committee to consider where its partnership with the public was.

**Dean Bishop** thought it interesting that the metropolitan area had a process that took thousands of hours of planners and engineers’ time, but at the last minute a “red herring” had been added. He called the WEP a “disaster” and averred the MPC was unwilling to do what it needed to stop it. He said there were a lot of good projects in the MTIP, but the WEP was “about greed and about money” and was not in the best interests of the community.

**Lauri Segel**, representing 1,000 Friends of Oregon, called the meeting a “mockery of public process.” She opined it was unwarranted and a misuse of authority by public officials, especially considering “the time left for adoption.” She asserted the meeting sought to assure that Mayor-elect Kitty Piercy would not have the opportunity to “put some transparency” in the process. She alleged the MTIP was a document that was difficult to decipher and had not been available for review for a long enough period of time. She felt there was “a lot wrong with this picture” and that it was time to stop “long-standing practices that were in clear violation of State and Federal transportation policies.” She conveyed the recommendation of 1,000 Friends of Oregon to postpone the adoption of the MTIP until the CAC had time to review it and make a recommendation to the full Metropolitan Policy Organization (MPO).

Additionally, Ms. Segel asserted the members of the MPC had not had public discussion regarding STP-U criteria and how preservation project proposals fared in the criteria applied for analysis for prioritization. She felt the process of using specific criteria to prioritize projects eligible for STP-U funding was supposed to be a significant part of this process. She alleged no public material had been made available in this regard.

**Debra Healey** spoke in opposition of the WEP. She had been initially amenable to proceeding with the project, in spite of reservations, but indicated she could not support it at its new higher price. She was appalled that the meeting had been called. She felt it was not a necessary part of the MTIP but was, rather, a way to bundle together things that should be considered separately. She called it a “last minute” meeting. She urged the MPC not to vote for the resolution to approve the MTIP.

**Phillip Farrington** reiterated Mr. Connolly’s comments, noting they were similar to those he had given to ODOT several weeks earlier at a workshop in the Springfield City Hall building. He particularly wished to support the proposal to combine the first two phases of the Interstate 5/Beltline Road interchange project. He said combining the two would save Oregon taxpayers money and would construct improvements more efficiently.

**Mark Rabinowitz** said he had received the notice for the meeting on December 22, 2004. He thought there was “virtually no notice” of the meeting. He called it a sham and alleged the MPC would “rubberstamp this through” because Jim Torrey did not run for election. He questioned the validity of allowing Mr. Pirrie a vote, given that he was not an elected official. He predicted gasoline would ultimately be rationed and there would be less driving. He asserted that three years earlier the officials of Eugene, Lane County, Oregon, and the Federal government had agreed that the WEP could not be built because it was “grossly illegal, overpriced, and would not work.” He suggested that people with “speculator friends” who wanted to get rich from the public process had forced it through.

**Jim Hanks**, JRH Transportation Engineering, remarked that the first time he had ever spoken in favor of a WEP was when his son was seven-years-old and now his grandson was 14-years-old. He observed there had been two votes and it had been through every public process and every environmental process “known to man.” He said the City of Eugene had limited the growth of its urban growth boundary (UGB) in every direction but west. In concert with this, he stated that transportation facilities need to be adequate to serve the growth. He predicted that should the WEP not be built in the present, the next generation living to the west was being condemned to heavy traffic congestion. He urged the MPC to help facilitate the construction of the WEP. He also wished to convey his support for the acceleration of improvements to the Interstate 5/Beltline Road interchange.

**Kevin Matthews**, president of Friends of Eugene, was offended that the hearing was called. He blamed Vice-Chair Ann Ballew for allowing it and Mayor Jim Torrey of Eugene for proposing to convene it. He did not feel two minutes would provide him enough time for his testimony. He was particularly unhappy that the Patterson Street underpass was included in the MTIP. He alleged it was not a part of any capital improvement program (CIP), that it was in a draft CIP and no public process on it had occurred, nor had it been considered fully by the Planning Commission and the City Council.

Mr. Matthews noted that the Friends of Eugene had won a lawsuit that called into question the changes in the zoning to allow a hospital to be built in almost any zone. He said Friends of Eugene would sue the MPC for “this illegal process engaged in today” and would cite the Patterson Street underpass as one example of the “grossly defective public process.” He suggested that the Friends of Eugene would also have to sue the MPC over the Interstate 5/Beltline Road Interchange because it would be contradictory to its own environmental assessment. He predicted that this would make the Friends of Eugene “seven out of seven, instead of five out of five.”

**Jerry Smith** likened the WEP to “robbing the taxpayers.” He said road building through the West Eugene Wetlands Project was never a good idea. He questioned the wisdom of selling the taxpayers on a \$17 million parkway and then implementing a parkway that was projected to cost ten times that much. He remarked that he spoke of money because “dire environmental consequences” did not get the attention of elected officials.

**Ruth Duemler** related that there had been an accident on Beltline Road a few days earlier. She called this a continuing problem. She felt transportation money should be spent to fix that road and not another. She remarked that every time there was an accident on Beltline Road, it made traffic slow to a crawl. She opined this was because the Beltline Road was a “disaster.” She urged the MPC to think not only of where the money had been spent, but of saving the wetlands. She thought there would be no way the WEP could be built that would allow the plants and wildlife of the West Eugene Wetlands Project to survive. She echoed earlier speakers’ consternation regarding holding a meeting between two major holidays.

Ms. Bettman closed the public hearing. She asked staff to address the issues brought up in the hearing.

Mr. Thompson stated, for the record, that the memorandum distributed to MPC members dated December 2 had noted that the MTIP was released for public review on November 4, on which date an open house had been held. Another open house was held on December 1. He reported that, as of December 9, there had not been any public comments submitted specific to the MTIP, although there had been participation and discussion of it at the open houses. He reported that since the December 9 meeting, 31 public comments had been submitted in either hard copy or via email; 4 objecting to the WEP, 8 comments

regarding the process and timing of the December 30 meeting, and 19 comments in support of adoption of the MTIP.

Mr. Thompson underscored that there were no decisions regarding dollars that the MPO policy board had direct discretion over within the proposed adoption. He said the STP-U dollars, which the MPC had discretion over, had last been addressed in the fall of 2003 and no STP-U funding allocations were included in the MTIP because the Federal reauthorization of the transportation spending bill had not passed yet and allocations for the coming fiscal year were as yet unknown.

Regarding the administrative amendments that were shown in the table in the agenda packet, Mr. Thompson stated that the Transportation Planning Committee (TPC) had adopted them at its meeting of December 16, with the exception of one of the ODOT administrative amendments, as it would have required an FY07 entry which was not technically part of the MTIP at this point.

Mr. Torrey asked the body for procedural advice as to how to proceed to amend the resolution to include the \$72.5 million request for ODOT and the \$5 million funding transportation item for the Courthouse Project.

Ms. Bettman averred there should be an opportunity to discuss it.

Mr. Torrey, seconded by Mr. Green, moved approval of the MTIP as proposed.

Ms. Bettman called for questions and comments from the body. Seeing none, she inserted herself in the queue.

Ms. Bettman asked Eugene City Manager Dennis Taylor how the MTIP would impact the Eugene City Council's review and deliberation of the project list. She asserted there were 22 modifications, four new projects, and four deletions. She opined the process was backwards and the City Council should look at the MTIP first. Mr. Taylor responded that after adoption the City Council would have the opportunity, as a body, to discuss it, but it would not have any impact in terms of additional advice individual representatives of Eugene would have coming to subsequent meetings of the MPC.

Ms. Bettman contended that this would negate the ability for the Eugene City Council to have an influence on the document. Mr. Taylor said, according to guidelines adopted by the City Council, having the opportunity to review a proposal submitted would occur after the action of the MPC. In response to a further question from Ms. Bettman, Mr. Taylor assured her that the plan could be retroactively amended.

Ms. Bettman alleged that the MPC never released the MTIP formally for public review and this raised legal questions in regard to land use issues. Mr. Thompson replied that staff had asked specific questions regarding land use to the Federal Highway Administration (FHWA), the body that had planning oversight of the document and whose regulations guide the adoption, and the FHWA had clarified that the MTIP was not a land use action and the MPC was not formally required to take action to release the document for public review. He reiterated that the document had, however, been released for public review as of November 4 and this constituted availability for public review as of this date. He stated that a letter from the FHWA, with concurrence from the Federal Transit Administration (FTA) and the Environmental Protection Agency (EPA), had been included in the MPC agenda packet for the meeting on December 9 and it spoke to both the RTP and the MTIP, stating that both documents had met and, in fact, exceeded the federal requirements for public involvement and that both documents were ready for adoption.

Ms. Bettman asked if there were other entities that would have policies set by the adoption of this document. Mr. Thompson replied that it was a Federal document and the aforementioned Federal agencies had oversight and control of the process and the regulation requirements.

Regarding the public process, Ms. Bettman related that she had gone to the Web site on which the notice and agenda for the meeting was posted and had observed that pages from the project list were missing. Mr. Thompson responded that he had not observed any pages to be missing, adding that the project list had not changed since December 9.

Ms. Bettman remarked that it was difficult for her to decipher the MTIP and surmised it must be difficult for the members of the public as well. Mr. Thompson pointed out that each project in the table had two unique identifiers to aid in finding information on the projects. Ms. Bettman reiterated her concern that the public process had been inadequate.

Ms. Bettman said, looking at the project list, it was impossible to see the breakdown of funding. She noted that Lane Transit District (LTD) was required to provide a 20 percent match and wondered where this funding would come from.

Ms. Bettman pointed out that there were several crossed out projects for the fiscal year (FY) 04. She asked if they had been completed and paid for. Mark Schoening, Eugene city engineer, responded that a project to improve Eugene streets was programmed to use an old source of Federal money. He explained that staff was still working through ODOT to allocate and identify funds and that the funds would be allocated to the 3<sup>rd</sup>/4<sup>th</sup> Connector project. Ms. Bettman surmised that the project had not been completed and that now staff wanted to spend it on something else. Mr. Schoening clarified for her that the money had not been allocated to any specific project prior to the Connector project.

Mr. Thompson further clarified that projects listed as programmed in a prior year did not mean that the projects were done nor that funding had been complete at the end of that year. Ms. Bettman said this was one of her objections. She felt projects were getting modified and money was being moved around without the supervision of elected officials.

Ms. Bettman cited the Judkins Point project and asserted it had been crossed out and redefined. She said it sounded like an entirely new project. Mr. Thompson affirmed that it was, explaining that the new Judkins Point project was on the south side of the road and was being conducted solely with Lane County Road Funds administered through the City of Eugene. Mr. Thompson also clarified that the “crossed out” Judkins Point project was an entirely different project that was not being redefined, but that the original project was a “prior year” MTIP entry and the new entry was for an entirely new project in a different year.

Ms. Bettman questioned whether the Airport Road project was in the adopted CIP. Mr. Schoening replied that it was not in the CIP, but had been included in the Supplemental Budget adopted by the City Council on December 6, which recognized the appropriation of Federal Aviation Administration (FAA) dollars. Ms. Bettman asked if this was typical, as she averred there should have been a public hearing. Mr. Schoening responded that there had been a public hearing on the Supplemental Budget on December 6.

Mr. Green inquired as to what the City of Eugene process was in terms of how information was provided to its representatives on the MPC. He thought there should be a subgroup of councilors working with the planning and transportation staff to address questions and communicate information back to the representatives on the MPC.

Ms. Bettman reiterated her feeling that the Eugene City Council should have been able to review, discuss, and approve of the MTIP. She asserted this had been preempted by the calling of the December 30 meeting. She indicated she would vote against the MTIP.

Mr. Green said there appeared to be a time management issue for the City of Eugene. He was offended that the MPC meeting was being characterized as a “smoke and mirrors process.” He opined that better time management on the part of the City of Eugene staff and elected officials would facilitate completing the work that needed to be done.

Mr. Torrey commented that the MPC representatives were appointed by the Mayor. He said he always appointed someone with a different point of view from himself in order to provide a broad spectrum of opinion from the City of Eugene.

Mr. Torrey pointed out that the MTIP was an agenda item for December 9 and would have been passed or not passed at that meeting. He related that the day before that meeting there had been a Eugene City Council work session at which a motion had been made to remove the Chad Drive extension project from the MTIP project list. He said substantial discussion occurred and he would have guessed the motion to have failed, 5:3. As a result of the discussion, he stated the council had determined there was not enough time in its work session to go through all of the process. Due to the imminence of the MPC meeting on December 9, he related that the two representatives of Eugene that serve on the MPC agreed they would vote as they saw fit, as had been the practice for the last eight years. He underscored that representatives did not have to vote in alignment with the Eugene City Council, adding that should the Council President have voted as the majority of the council had indicated, she would have always voted for the WEP. He reiterated that neither the Mayor nor the other representative was legally required to vote as the City Council required. He believed this was appropriate as the MPC was a dispute resolution body and one should not arrive with a preconceived response. He stressed that the City Council of Eugene knew that the MPC would vote on the MTIP on December 9 and nothing had changed since then.

Ms. Bettman said she had substituted a motion for the motion to remove the Chad Drive project at the December 8 City Council work session that asked the TPC to reallocate the flexible STP-U money from Eugene and transfer it to maintenance and preservation projects. She asserted it did not “kill” any projects, with the possible exception of the bike path project. She related that the council had been discussing her motion when the meeting ran out of time. She said another councilor moved to table the motion. She reiterated that there was time to consider the project list and asked forbearance.

Ms. Bettman commented that there were two Lane County road projects in the MTIP that were more than \$2 million a piece and utilized flexible funding. Mr. Thompson clarified for her that the projects were in the Lane County CIP, used Lane County Road funds for construction, and that the reason they were included in the MTIP was that the Federal government required regionally significant road projects to be included in the MTIP. Ms. Bettman averred that the MPC could be advocating that this money be spent on road preservation and maintenance in Eugene. She opined that by adopting the MTIP and not giving the Eugene City Council the opportunity to weigh in on it and recommend that Lane County not spend the money, the council was not being able to help direct the County in how it spent its Road Fund. She added that Eugene was part of the County. She alleged, additionally, some projects in the MTIP did not meet the requirement that they be ensconced in a CIP or another document.

Mr. Torrey, seconded by Mr. Green, moved to amend to include in the FY05-07 Metropolitan Transportation Improvement Program an additional \$5 million in Federal funding for the Courthouse District

transportation improvements for FY05 to reflect the federal earmark in the Federal Omnibus Spending Bill signed into law on December 8, 2004.

Mr. Torrey said the reason this had not been included in the MTIP prior to this was that the spending bill had yet to be signed. He noted the question regarding the \$1 million shortfall and explained that this shortfall was a result of being allocated \$5 million, though \$6 million had been the amount lobbied for. He suggested that the project should be reduced in scope by \$1 million. He hoped the project could be moved into the MTIP.

Ms. Bettman felt no one was looking at the list to determine where funds to accommodate the shortfall could come from.

Mr. Torrey requested the floor. He stated that the Eugene City Council had already voted to support the project using Urban Renewal funds, should the project not go forward. He noted that, under the Urban Renewal process, any expense greater than \$250,000 would require staff to come before the council for approval.

Ms. Bettman suggested that staff could decide administratively to take four different actions of just under \$250,000 to make up the shortfall.

The motion to amend passed, 7:1; Ms. Bettman voting in opposition.

Mr. Torrey, seconded by Mr. Woodrow, moved to amend the draft FY05-FY07 Metropolitan Transportation Improvement Program to include the Oregon Department Of Transportation request of December 22, 2004, to include \$72.5 million to fund the Interstate 5 at Beltline Road intersection project.

Ms. Ballew expressed hope that Springfield and ODOT could work together on the project, given the proximity to the Gateway area.

Ms. Bettman asked if this was the same amount of money that had originally allocated. Mr. Pirrie replied that no money had been allocated because this was the beginning budget process to identify what the costs would be for the initial phases of the project, beginning with the OTIA money allocated. He explained that additional funding was intended to include the “fly over” structure.

Ms. Bettman asked Mr. Pirrie to go over the list of recommended funding and tell her what was new and what was not.

Mr. Pirrie pointed out that the entire project as identified in the environmental assessment document had been approved and signed off by federal highways as a finding of no significant impacts. He stressed that the goal of inclusion in the MTIP was to complete as many phases of the project as possible. He delineated the funding sources for the different phases. Mr. Wieseke outlined the components of the project.

Ms. Bettman averred that taking this action preempted the ability to look at the money and determine what the highest priority for it was. Mr. Pirrie explained that the money was allocated in the OTIA program for the Game Farm Road structures and, as such, was specific and immutable, as was funding for the advanced

construction. He added that what was being done was that three key numbers were being combined into a single project to achieve a greater efficiency.

Mr. Thompson recalled that the MPC had identified this project as one of its top priorities in early 2004 when reviewing the MPO's construction STIP (C-STIP), development STIP (D-STIP) and OTIA III priority lists. He related that this input had gone through the ODOT process for allocating the OTIA funds.

Mr. Torrey commented that this money would be applied to another OTIA project somewhere else in Oregon should it not be used for this project. He emphasized that this money could not be used for maintenance or preservation.

Ms. Bettman countered that the money could be used in another project funded by a combination of dedicated and flexible funding, allowing some of that flexible funding to be reallocated. She called it a "shell game."

Ms. Bettman questioned the STP-U criteria. She said the OTIA money was supposed to utilize the same criteria and she did not see evidence of this in the MTIP. Mr. Thompson replied that the MPC had decided to use the MPO's own criteria for allocation of the STP-U funds. He stated that project eligibility and project evaluation criteria set by the Oregon Transportation Commission were utilized in setting priorities for the C-STIP, D-STIP, and OTIA funding. Ms. Bettman recalled that as OTIA money came available it would be subjected to the same criteria.

Mr. Pirrie clarified that the funds were specifically OTIA modernization funds for bridge replacement. He noted that the money could be reallocated to different projects through a process, but the money identified for the project was specific to that particular project at this point.

Ms. Bettman wondered how the money did get allocated. Mr. Pirrie replied that the OTIA III funds were allocated by the Legislature. Ms. Bettman asked what the public process for it was. Mr. Wieseke responded that there had been three public hearings on the project and the funding source.

Ms. Ballew reiterated that the Interstate 5/Beltline Road Interchange had been a regional priority for six to eight years. Mr. Torrey added that it was the number one priority.

Ms. Bettman wondered why it was not already in the MTIP and why the amendment was needed. Mr. Thompson reiterated that the amendment was to take advantage of the opportunity to take several phases of the project and do them at once. Mr. Pirrie added that it was projected that this would gain a 10 percent efficiency.

Ms. Bettman asserted that doing this would take money from a wide range of sources which would reduce the number of other projects that could be done. Mr. Wieseke replied that this was inaccurate. Mr. Thompson explained that the funding had been programmed for this particular project.

Mr. Green called for the question. The motion to amend passed, 7:1; Ms. Bettman voting in opposition.

The main motion to approve the Metropolitan Transportation Improvement Plan passed, 7:1; Ms. Bettman voting in opposition.

**b. Air Quality Conformity Determination for the FY 2005-07 MTIP**

Mr. Thompson explained that the Air Quality Conformity needed to be adopted to reflect this MTIP.

Mr. Torrey asked if there had been any comments or communications regarding the determination.

Ms. Bettman said this was because there was no public hearing. Mr. Thompson noted there was no requirement to have a public hearing on this.

Mr. Torrey ascertained that one person had spoken about the previous air quality conformity determination at the public hearing held on December 9, 2004.

Mr. Green, seconded by Mr. Woodrow, moved to approve Resolution 2004-09 adopting Air Quality Conformity determination for the FY 2005-07 MTIP.

Ms. Bettman indicated she would oppose the motion.

The motion passed, 7:1; Ms. Bettman voting in opposition.

### 3. COMMENTS FROM THE AUDIENCE

**Rob Zako** said he had researched the MPC. He agreed that the committee had been formed in 1987 as a dispute resolution body. He commented that a dispute in the Transportation Plan (TransPlan) had been sent to the MPC, which made a recommendation back to the member jurisdictions. He asserted that the Lane Council of Governments (LCOG) had delegated the authority to the MPC to be a decision-making body in 2002. He questioned the validity of placing an appointed body in a decision-making position. He acknowledged that most of the membership were elected officials, but pointed out that some were appointed, and that the elected officials were not bound by their respective councils to vote in one way or another. He opined that while the MPC was an advisory committee this was fine, but as the MPC was a “decision-making body” it should realize it was an unelected. He thought it raised an issue of legitimacy and the MPC members needed to recognize that it had power that was not granted by the people. He called it “unfortunate” that a meeting had been called on this date. Looking forward, he felt the MPC had some great opportunities to come together and talk about regional issues and encouraged the committee to work together, leave self-interest at the door, and work for the public interest.

**Kevin Matthews**, president of Friends of Eugene, echoed Mr. Zako’s comments. He said the MPC did not need to act as a “shadow government,” but that actions of the MPC in the month of December could be characterized in this way. He averred that Friends of Eugene did not want to be in an adversarial relationship. Regarding the Beltline Road/Interstate 5 project, he commented that the understanding of the stakeholders representing the Friends of Eugene was that the phasing of the project was significant. He opined that the piece participated in by the stakeholders had now “been killed” by the MPC based on a memorandum that came from ODOT on December 22. He accused the MPC of rubberstamping it, adding that this had “wiped out” the stakeholder participation. He said the process had not given Friends of Eugene time enough to have a conversation about the project and the organization felt like it “got screwed.” He questioned whether the members of MPC had adequately parsed through the MTIP. He commented that the RTP applied in some ways to some things and the TransPlan applied in some ways to other things and as the two were somewhat disparate it was so confusing it fundamentally defeated effective public participation. He opined that holding the open house “and then having the body vote not

to release something for review” and then asserting that everyone should have known what was happening was obfuscation. He said allowing the Eugene City Council to discuss something “helped us learn.” He asserted that when the process was truncated, the Friends of Eugene could not learn. He called the Friends of Eugene “champions of democracy and the public involvement,” stating that should things continue to move too fast, the organization would do what it could to slow things down. He indicated that the Friends of Eugene was initiating an appeal of the RTP. He hoped things could be worked out for the community and achieve consensus and not have a “50.1 versus 40.9 decisions.” He suggested that other citizens would be willing to take seats on the MPC if the membership “did not have the stamina and the time to put in.”

**Rob Handy** thanked Mr. Torrey for his service. He commended him for being a champion of his perspective and philosophy and for doing the good things he had done for the schools. However, he felt Mr. Torrey had left the area with a \$169 million albatross in the WEP.

Mr. Handy asked where the partnerships lay between the different jurisdictions and the City of Eugene. He asked the MPC membership to consider their responsibility to repair the damage done to the public trust by ignoring Eugene City policies.

**Mark Rabinowitz** reiterated his objection to the “lack of notice” for this meeting. He questioned the legality of it. He felt there needed to a serious discussion on why there were unelected officials making decisions for the taxpayers as well.

Regarding the temporary bridge over the Willamette River, Mr. Rabinowitz thought it was short-sighted that it was not built to seismic standards.

Mr. Rabinowitz expressed concern that roads were being built for expanding growth which the petroleum industry could not support as the world was running short of oil.

Mr. Rabinowitz called it “dumb” to build a hospital downstream from a glacier on an active volcano.

Mr. Rabinowitz asserted that money spent on a global positioning system for the highways was wasteful. He approved of enacting a gas tax as it would make people in SUVs shoulder more of the burden for road improvements.

**Bruce Miller** suggested that people should go to the University of Oregon and see what is going on over there. He lamented that no university students were at the meeting. He thought students and faculty would benefit from attending such a meeting.

Mr. Miller congratulated Ms. Bettman for asking questions. He felt a lot of the people at the table did not know what was going on.

#### **4. ADJOURN**

Ms. Bettman acknowledged that Ms. Ballew would be assuming the position of Chair and wished her good luck.

Ms. Volta commented that while many times many people disagreed with Ms. Bettman, she appreciated that she studied the issues. She thanked Ms. Bettman for serving as Chair of the MPC.

The meeting adjourned at 1:40 p.m.  
(Recorded by Ruth Atcherson)