

MINUTES

Metropolitan Policy Committee
Springfield Library Meeting Room - 225 5th Street - Springfield

March 11, 2004
11:30 a.m.

PRESENT: Bonny Bettman, Chair; Peter Sorenson (alternate for Bobby Green and Bill Dwyer), Anne Ballew, Judy Volta (alternate for Mike Dean), George Poling (alternate for Jim Torrey), Pat Hocken (alternate for Gerry Gaydos), Sid Leiken, Bob Pirrie, members; Bill Van Vactor, Dennis Taylor, Ken Hamm, Mike Kelly, Mike Hudson, Randy Papé, *ex officio* members.

Jim Carlson, Johnny Medlin, Chris Henry, City of Eugene; Ollie Snowden, Kent Howe, Tom Stinchfield, Lane County; Tom Schwetz, Paul Thompson, Byron Vanderpool, George Kloeppel, Lane Council of Governments; Nick Arnis, Len Goodwin, City of Springfield; Tom Boyatt, Oregon Department of Transportation.

ABSENT: Jim Torrey, Bill Dwyer, Bobby Green, Gerry Gaydos, Hillary Wylie, Christine Lundberg, Blake Hastings, Mike Dean, members; Eric Havig, Bob Keefer, *ex officio* members

I. CALL TO ORDER

Ms. Bettman called the meeting to order.

Mr. Leiken, seconded by Ms. Volta, moved to approve the minutes from the Metropolitan Policy Committee meeting held on February 12, 2004. The motion passed unanimously.

II. WELCOME AND INTRODUCTIONS

Those present introduced themselves.

III. COMMENTS FROM THE AUDIENCE

Lauri Segal, representing 1,000 Friends of Oregon, spoke regarding citizen involvement. She recalled that in the previous year the Metropolitan Policy Committee (MPC) had decided to form a sub-committee to provide direction on how best to elicit citizen input on how the State transportation funding would be prioritized. She reported that, after meeting for several months, the committee had made recommendations. To date, she stated, they had not been acted upon. She commented that the citizen process had represented a good step and urged the MPC to select an option and direct staff to pursue it.

IV. MPO ISSUES

a. FY05 Unified Planning Work Program

Mr. Schwetz highlighted the information presented in the memorandum entitled **Item 4a: FY 04-05 Unified Planning Work Program Adoption**. He directed the MPC to look over *Table 1* on page 3 of the memorandum. He noted that the table delineated the special projects that were either underway or planned

to be underway in this fiscal year. He explained that the federal government liked to see such a list include special projects both within the MPO area and outside of the MPO. He requested the MPC hold a public hearing and then adopt the work program.

Mr. Sorenson asked what the difference in spending between projects within and without the MPO was. Mr. Schwetz responded that he did not know at this point, adding that many of the projects were those being conducted under the auspices of the Oregon Department of Transportation (ODOT).

Mr. Sorenson asked if mobility and nodal development would receive fair treatment as opposed to the hard dollar need for transportation infrastructure. Mr. Schwetz replied that it was safe to say that resources going into the MPO area were being fairly distributed.

Ms. Bettman opened the public hearing.

Mr. Schwetz noted that Rob Zako had submitted a letter, included in the member packets, regarding the Unified Planning Work Program (UPWP).

Rob Zako, speaking on behalf of 1,000 Friends of Oregon, commented that, though he had worked for a long time on transportation issues, it was still unclear as to what action the MPC had planned to take on the UPWP. He was unclear whether the UPWP was packaging other decisions that had already been made or if the adoption of it was an actual policy choice that allocated funding. He noted the current UPWP had the development of integrated land use and transportation planning as an activity and the draft for the next fiscal year had eliminated this.

In response to a question from Mr. Sorenson, Mr. Schwetz stated that the issue had been discussed by the MPC and the committee had received an opinion from legal counsels in which they had mutually concluded that this region was not subject to the transportation planning rule (TPR) requirements related to the need for an integrated land use transportation plan. He related that, at the staff level, such a plan had not been included as a part of the UPWP. He added that the UPWP was not cast in stone, but rather was an informational piece that could be modified.

Mr. Sorenson asked if there was a time issue in the adoption of the UPWP. Mr. Schwetz explained that it must be adopted in time to get it through ODOT's contracting process signed and complete before July 1, 2004.

Ms. Ballew recommended that, within the amount available, the cost of public involvement should be adjusted if it is determined that more public involvement is in order.

Mr. Schwetz stated that the work program could be tied to the dynamics of reauthorization. He explained that, should the UPWP move forward at this point, the federal government would only approve 7/12 of the budget because there is only authorization to spend 7/12 of the federal transportation budget at this point.

Mr. Kloeppel clarified that reauthorization meant the federal reauthorization of the transportation legislation.

Ms. Bettman commented that she was happy to see that the City of Eugene had applied for Transportation Growth Management (TGM) grants to use to pursue nodal development. She asked if the amount was known. Mr. Schwetz replied that it was not yet known.

Ms. Bettman, noting that the legal counsel had stated that there was no legal requirement to include any language covering integrated land use and transportation, asked what it would take to include OAR 660-012-0035(5)(c)(D), as requested by 1,000 Friends of Oregon in a letter dated March 3, 2004. Mr. Schwetz replied that it was essentially the development of a policy and would not represent a large expense.

Ms. Bettman, seconded by Mr. Sorenson, moved to add policy (D) to the implementation strategies. Ms. Ballew said she would not support the motion.

Mr. Schwetz suggested that this was a good topic for further discussion, adding that it could be included in the regional transportation planning (RTP) update process should MPC choose to do so. He did not think it needed to be included in the UPWP.

Ms. Hocken recommended getting a sense of the cost prior to adding this policy. She asked what goal the addition of the policy represented.

Mr. Schwetz remarked that the first thing that would need to be done, should the motion be approved, would be to identify the requirements of an integrated land use transportation plan. He said staff would have to work with the Land Conservation and Development Commission (LCDC) to determine how to meet those requirements.

Mr. Sorenson asked for clarification on why the OAR requirements regarding transit planning and land use plan designation would be met while policies having to do with reviewing and managing roadway improvements to insure that their effects were consistent with nodal development strategies would not. He asked why one would be done and not the other. Mr. Schwetz explained that this was addressed in the TransPlan and by virtue of this, the policies were satisfied.

In response to another question from Mr. Sorenson, Mr. Schwetz said the policy could be added but that staff would not recommend it.

Mr. Leiken asked what the number one criterion was for the reduction of automobile use. Mr. Schwetz said the TPR outlined several reasons, including congestion, air quality, public costs, etc.

Mr. Leiken opined that more fuel cell automobiles would be coming out in the next 20 years. He recommended that any policy be crafted with care so that it would not eliminate choices. He felt this could create squabbles between the cities and the County. He supported nodal development policies, but averred this policy was too narrow. He stated his opposition to the motion.

Ms. Bettman reiterated that the State instructed the municipalities to reduce the reliance on the automobile. She opined that this constraint would integrate all policies.

The motion failed (Ms. Bettman and Mr. Sorenson voting in favor.)

Mr. Sorenson, seconded by Ms. Bettman, moved to postpone action until a discussion could be held on the policy called out in the previous motion. The motion failed (Mr. Sorenson and Ms. Volta voting in favor).

Mr. Kloepfel stated that the MPC could reinvest in that policy discussion and direct staff in any way it chose. He said, for example, if a majority of the body, notwithstanding the advice of counsel, chose to

direct the staff to develop an integrated land use transportation plan scope and document, that would be the direction that staff would follow.

Ms. Hocken, seconded by Ms. Ballew, to adopt the final draft of the FY05 Unified Planning Work Program and direct staff to allow time for a discussion on OAR 660-012-0035(5)(c)(D) at a future MPC meeting. The motion passed unanimously.

b. Draft FY 06-09 STIP Project Priorities

Mr. Thompson briefed the MPC on the prioritization of projects as outlined in the staff memorandum entitled **Item 4b: Draft FY06-09 STIP Project Priorities**. He explained that the MPC staff had looked at the projects and established priorities based on eligibility criteria. He emphasized that it had been unanticipated that ODOT and the Transportation Commission had determined that essentially the same criteria and timeline would be the same for the Oregon Transportation Investment Act 2003 (OTIA III) as was being used for the Construction and Development Statewide Transportation Improvement Programs (C-STIP and D-STIP). He noted there were two additional criteria that the OTC had tentatively identified for determining OTIA III priorities:

- Local match: tentatively required to be 25 percent for a project to be eligible under the OTIA and additional matching funds would give further priority to a project;
- Ready for construction: the definition was included in the MPC packets, but the rule was not yet approved.

Continuing, he said staff had proceeded and looked at possible OTIA III projects as well as the STIP projects.

Mr. Thompson stated that the combined D-STIP and C-STIP funding for ODOT Region 2 was projected to be \$5 million in FY08 and FY09 and that approximately \$29 million would be allocated for Region 2 out of the OTIA III funding source in that timeframe.

Mr. Thompson called attention to the table of **Potential D-STIP Projects**. He noted that the first two projects were on the financially constrained RTP or TransPlan project list. The third one, though not in the 2002 TransPlan, was within the recently expanded TMA boundary and the Coburg Transportation System Plan (TSP).

In response to a question from Ms. Bettman, Mr. Thompson explained that a project could not be funded unless they met a criterion that required a project be able to be funded to meet an identified milestone such as a facility plan study or an environmental assessment. He added that D-STIP projects did not require matching funds.

Mr. Thompson noted that the all area meeting for Region 2 to develop priorities had been rescheduled to May 14.

Mr. Thompson directed the MPC to look over the table of **Potential C-STIP Projects**. He clarified that the West 11th Avenue project was not on the financially constrained list. He said, in recognizing the C-STIP funding sources had relatively little funds available this time around, staff had limited its prioritization for this resource to projects that cost less than \$10 million.

Mr. Sorenson asked, regarding the West Eugene Parkway (WEP) unit's 1-B and 2-A/2-B, what their relationship was to the West 11th Avenue project. Mr. Thompson responded that he would characterize those projects as being independent of each other.

Mr. Sorenson asked if all of the area included in the West 11th Avenue project was within the urban growth boundary (UGB). Mr. Thompson affirmed that it was.

Mr. Thompson indicated that the Beltline-Coburg interchange project had special circumstances connected with it, noted in the memorandum. He stated that it had been slated to be funded in the FY04-07 STIP but its funding had been pulled and provided to the Willamette Valley Rail project.

Mr. Thompson pointed out that the prioritized OTIA III projects were included on the list of potential C-STIP projects as the higher cost (greater than \$10 million) projects. He noted that, of the five projects that were ranked 9 or 8, two of the projects, the WEP Units 2-A/2-B and the I-5/Beltline Road interchange, were on the financially constrained RTP list. Staff recommended that these two highest ranking projects be forwarded.

Ms. Bettman asked if a local match was required for OTIA III funds. Mr. Thompson explained that it had been proposed but not acted upon.

Mr. Pirrie commented that when projects were forwarded in a competitive atmosphere, matching funds were a consideration that was looked at.

In response to a question from Ms. Bettman, Mr. Thompson said a match did not have to be direct funding, but could also consist of other things such as a donation of right-of-way.

In response to another question from Ms. Bettman, Mr. Pirrie expressed hesitance to place a value on the consideration of whether or not a project had matching funds, because there was a lot of resistance from other communities that had less capacity to generate such funds.

Ms. Bettman opened the public hearing.

Andrew Orahaska, 1737 Orchard Street, Eugene, said the WEP units 2-A and 2-B would be constructed through wetlands, a habitat type that was once plentiful in the Willamette Valley. He stressed that less than 1 percent of the wetlands habitat was left. He opined that one would think, knowing this, that a road should not be built through it. He listed endangered species that reside in the area, including the Fender's Blue Butterfly. He asserted that building a four-lane highway through the habitat was not consistent with the Endangered Species Act and not consistent with City policies regarding open space and the wetlands project. He noted that the area had been designated as critical habitat by the United States Fish and Wildlife Service (USFWS). He recommended the WEP units 1-B and 2-A/2-B be "scrapped."

Jonathan Evans echoed Ms. Segal's comments made in the public portion of the meeting regarding citizen involvement. He registered his opposition to WEP units 1-B and 2-A/2-B. He opined that, given the significant fiscal constraints the State was faced with, transportation funding should be prioritized to best benefit the citizens. He felt there were underutilized lands within the UGB of Eugene that should be developed intelligently as opposed to focusing development outside the UGB, which he asserted would promote development outside of the UGB.

Rob Handy, 455 ½ River Road, Eugene, asked the MPC if members had read the Supplemental Draft of the Environmental Impact Statement for the WEP. He acknowledged that committee members were busy people but strongly encouraged them to read the draft. He opined that, had the MPC members read the draft, they would realize the WEP was an "incompetent project." He felt that every ODOT traffic analysis

update made the project “more chilling.” He commented that all of the MPC members were good people who wanted what was right for the children of the community.

Mr. Handy expressed extreme disappointment that Eugene Mayor Jim Torrey and County Commissioner Bobby Green were not in attendance. He opined that they were “ducking an opportunity to be accountable to the public.” He alleged that Commissioner Green was “out of touch with his constituents.” He asked why the wetlands could not be preserved and existing roadways utilized to solve transportation issues.

Mr. Handy alleged that Eugene City Councilor George Poling had been sent to “rubberstamp” the project. He called Jim Torrey and Bobby Green “architects for destruction.” He felt the policy choice was clear: forward “mega-sprawl projects” or not.

David Sonnichsen, Skyline Boulevard, Eugene, urged the MPC not to forward the recommendation to fund any segments of the WEP. He called the wetlands an “eloquent spokesperson” for what our priorities were for the community. He thought the hoops agencies had to jump through to pursue the project were many. He added that funding should reflect the priorities of the community and the WEP was not such a priority.

Jan Spencer, 212 Benjamin Street, Eugene, noted that he had read an article in the *New York Times* regarding Saudi Arabian oilfields that asserted that research indicated the oilfields there would not continue to satisfy our energy needs. He called attention to the national trade deficit and blamed it on automobile imports. He discussed the uneven balance of resource consumption in this country and global warming. He asserted the WEP was 180 degrees in the opposite direction than the community should go. He added that there were City, County, and State policies that directed policies to favor those that discourage increased automobile usage. He urged the public officials to help the area move in a direction that was “beyond the automobile.”

Dean Bishop, 28255 West 11th Avenue, Eugene, said the WEP units 2-A/2-B would be built through his front yard. He questioned the wisdom of spending a large amount of money on a new road system in the face of such great maintenance need for existing roads. He said the WEP would negatively impact the West Eugene Wetlands Project, which had become a popular area for recreation. He stressed that other modes for transportation should be looked into, as the cost to the area was too great.

Majeska Seese-Green, 549 Van Buren Street, Eugene, noted that the Whiteaker Neighborhood was located between the eastern end of the proposed WEP and downtown Eugene. She supported the investment in improvements on 6th Avenue and 7th Avenue. She commented that the Whiteaker Neighborhood had the “dubious honor” of being the location for the most dangerous intersection in Eugene.

Speaking on behalf of the Whiteaker Community Council, Ms. Seese-Green stated the council’s opposition to the WEP. She said this opposition was not just because of the projected affect of the WEP on the neighborhood, but rather was because the council wished to support policies that protect the environment, reduce sprawl, and reduce the vehicle miles traveled.

Ms. Seese-Green remarked that the United States were waging a war to control supplies of oil. She averred the cost was high and was being felt at all levels of government, City, County, State and up. She urged the MPC to be good global citizens and take a stand against funding the WEP.

Terry Connolly, 1401 Willamette Street, Eugene, spoke on behalf of the Eugene Chamber of Commerce. He said when it came to projects of regional and statewide significance such as the Interstate 5/Beltline Road interchange and the WEP, jurisdictions should position themselves to be able to attain the funding. He stated that it was through the jurisdictions' own legislative actions that the policy to pursue actions to facilitate the construction of the project had been made. He wished to convey the message to Mr. Papé and ODOT that the projects had enjoyed statewide support and this needed to be factored into how this community evaluated the projects for their competitiveness for funding.

Krista Rohoss, 80 Howard Avenue, Eugene, thanked the MPC for the opportunity to speak. She stressed that many people would be adversely affected by the decision on these projects that could not be present. She expressed appreciation for Ms. Bettman's support for policies that would reduce the dependence on the automobile. She noted she felt motivated to speak on environmental issues because many family members were contracting cancer due to exposure to environmental contaminants. She remarked that, though the elected officials were accountable for the results of these decisions, likely different people would be sitting on the MPC by the time the ramifications in human health from destroying the wetlands and building a four-lane highway through them were experienced. She added that the WEP would likely cost more than projected as there were frequent cost overruns in highway construction.

Pam Hardy, 212 Pearl Street, Eugene, expressed appreciation for the public involvement in this process. She conveyed her concern about the idea of putting a major four-lane highway through the wetlands. She supported the opportunity for continued economic growth and a better living environment. She said she had been moved by the gentleman who pointed out that only 1 percent of the wetlands habitat in the Willamette Valley remained. She felt the cost of the project would be tremendous and would be better spent on other projects in the area. She advised the MPC to look at the larger goals of the City of Eugene and opined that, should it do so, it would not support building a highway through sensitive habitat. She urged the MPC to remove the WEP projects from the current funding priorities.

Lauri Segal, 1,000 Friends of Eugene, commented that the C-STIP projects were funded by a "smaller pot of money." She felt many people did not realize that, though the C-STIP did not look for money for the WEP, OTIA III, a "huge pot of money," did tend to look for money for the WEP. She commented that there were many projects that could not be funded, noting that, of the projects, there were only four that were urban standards. She asserted that the jurisdictions were not taking care of the existing neighborhoods and commercial and retail areas. She said the suggestion that such projects brought more tax money into the area was not accurate, as there was no tax structure to bear this up, aside from cigarette and motel room taxes, which provided no support for the infrastructure.

Ms. Segal noted that the TransPlan relied on a 25 percent gas tax, but this tax had not been used. She asserted that the State was borrowing on the future. She questioned the viability of maintaining a huge list of projects without this gas tax money.

Ms. Segal asked how the 6th Avenue, 7th Avenue, and 11th Avenue projects might relate to ancillary projects for the WEP, should it move forward.

Mark Rabinowitz, Sutherlin Lane, Eugene, called the process "an elaborate deception." He alleged that the WEP environmental analysis was not completed. He asserted that only two of the C-STIP projects were included in the fiscally constrained list and, as such, no further funding could be allocated to the WEP.

Mr. Rabinowitz asserted that, without further gas tax increases to help pay for road construction, projects would be incomplete. He noted that Lane County voters had voted down a modest gas tax increase in 2000.

Mr. Rabinowitz alleged that ODOT did not know how \$88 million had been arrived at as the projected cost for WEP construction and now asserted that it would cost \$128 million.

Mr. Rabinowitz said there would be another tour of the Bertelson Nature Park on March 21.

Rob Zako, 1,000 Friends of Oregon, asked what the status of funding for the second phase of the Interstate 5/Beltline Road interchange in the already adopted FY04 STIP. He asked if the Federal Highway Administration had approved this. He wondered what the requirements were for projects to be considered ready for construction and whether they needed to have matching local funds to receive OTIA III funding. He acknowledged that Mr. Thompson had answered the latter. He asked Mr. Papé to clarify what he meant when he said the OTC would not penalize Lane County for not having an ACT but Lane County might penalize itself for not having an ACT. Noting recent events such as the OTIA III, Ballot Measure 30, T3, and no increases in the gas tax in a decade, he asked how the long range funding picture compared with what was projected in the TransPlan. He asked how the court of appeals had ruled on the case of ODOT v. Klamath Falls and what ODOT would have said in the case of Jake Rivers v. Springfield if PeaceHealth had not lobbied to take away the ODOT voice in that case. Regarding the latter, he questioned how this would affect the funding for the I-5/Beltline Road Interchange. He asked when the WEP evaluation report due to be released and what was it likely to say and had staff and the MPC heard of the “Dougan letter” to the Federal Highway Administration. How did the Bureau of Land Management (BLM) respond when they met with ODOT staff to discuss the WEP? He asked what progress was being made in the getting an exception to the policy that dictated that wetlands purchased with Land Conservation and Water funds could not be filled by construction on the WEP. He wondered what candid opinion staff held on the WEP and the implications of its construction through the wetlands area.

Ms. Bettman closed the public hearing.

Mr. Leiken suggested that, since the all area meeting had been postponed until May and that Mr. Torrey and Mr. Green were not present, the vote on STIP and OTIA III priorities be delayed.

Mr. Leiken, seconded by Mr. Poling, moved to delay the vote on the FY06-09 STIP priorities for a month.

Mr. Leiken objected to the characterization made in public testimony that Mr. Torrey was somehow ducking the vote.

Ms. Bettman commented that it was not often that there was broad public involvement in such issues. She felt there were serious time concerns and said she would not support the postponement.

Mr. Sorenson opined that, should the decision be postponed, another public hearing should be provided to allow the public to speak to the item again.

Ms. Volta remarked that public sentiment, according to the vote of the public and opinions expressed in the newspapers, was largely in favor of the WEP. She felt the vote should proceed.

Mr. Sorenson offered a friendly amendment to include another public hearing, prior to the vote on STIP project priorities, should the vote be postponed a month. It was not accepted.

Mr. Thompson suggested that the MPC take action on the D-STIP and C-STIP priorities but not the OTIA III priorities.

Ms. Ballew said the WEP had been approved by the electorate of the City of Eugene.

Mr. Sorenson asked the MPC to consider whether it could approve the projects in the priority list that were relatively non-controversial.

Ms. Hocken pointed out that there was time allotted for public comment and citizens who wished to speak to the issue were more than welcome to do so.

The motion failed.

Mr. Sorenson moved to forward the C-STIP and D-STIP project priority list with the exception of the two OTIA III projects, to be considered at the next meeting of the MPC. Ms. Volta provided the second.

The motion failed.

Ms. Ballew said her reluctance to vote on the motion had arisen from the exclusion of the I-5/Beltline Road Interchange project.

Ms. Ballew, seconded by Ms. Bettman, moved to forward the C-STIP and D-STIP project priority list and the OTIA III priority project to improve the I-5/Beltline Road Interchange. The motion failed.

Ms. Bettman, seconded by Mr. Leiken, moved approval of the staff recommendation for the C-STIP, D-STIP, and OTIA III project priority list. The motion failed.

Ms. Bettman asked staff to clarify whether the State had prioritized the WEP. She requested copies of the "Dogan letter" and the WEP environmental analysis update.

Ms. Bettman asked if the projects were really ready to be built in FY06-09 and whether the money would be lost if the projects were not to be built. She also asked if there was a federal law that indicated the jurisdictions would have to take into consideration the impacts a highway would create on low income neighborhoods.

Ms. Hocken asked what the second phase funding for the I-5/Beltline Road Interchange was.

Mr. Thompson said he would provide the information.

Mr. Snowden stated, in response to a question from Ms. Bettman, that the Board of Commissioners would meet and discuss the inconclusive vote of the MPC by the end of March and staff would let the MPC know the results of the discussion.

Ms. Bettman stated that the MPC had run out of time and the rest of the agenda would have to be deferred.

V. COMMENTS FROM STAFF

Mr. Schwetz asked to make an announcement. He had circulated a supplemental memorandum regarding the MPO partnership being discussed State-wide. Mr. Kloeppeel indicated that members of the MPC would be invited to a meeting in Portland related to this.

The next meeting was scheduled for April 8, 2004.

The meeting adjourned at 1:33 p.m.

(Recorded by Ruth Atcherson)

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