

MINUTES

Metropolitan Policy Committee
Lane Council of Governments Offices – Wells Fargo Building – 99 East Broadway
Eugene, Oregon

May 12, 2005
11:30 a.m.

PRESENT: Anne Ballew (Springfield), Chair; Bobby Green (Lane County), Vice Chair; David Kelly, Kitty Piercy (City of Eugene), Judy Volta (City of Coburg), Bill Dwyer (Lane County), Susan Ban (Lane Transit District), Tom Boyatt for Robert Pirrie (Oregon Department of Transportation), members; Dennis Taylor (City of Eugene), Bill Van Vactor (Lane County), Jamon Kent (Coburg), Mark Pangborn for Ken Hamm (Lane Transit District), *ex officio* members.

George Kloeppe, Tom Schwetz, Paul Thompson, Petra Schuetz, Ann Mortenson (Lane Council of Governments); Greg Mott (City of Springfield), Connie Williams, Stefano Viggiano (Lane Transit District); Lisa Gardner, Mark Schoening (City of Eugene), Jack Lee (Oregon Department of Transportation), Karmen Fore (Congressman DeFazio's Office), Terry Connolly (Eugene Area Chamber of Commerce), Rob Handy (River Road Community Organization).

1. WELCOME AND INTRODUCTIONS

Ms. Ballew opened the May 2005 meeting of the Metropolitan Policy Committee (MPC) and welcomed those present. Members of the MPC introduced themselves.

Ms. Ballew announced that there would be some changes to the order of the agenda to accommodate schedules.

Mr. Kelly and Ms. Piercy arrived at 11:50 a.m.

4. METROPOLITAN PLANNING ORGANIZATION (MPO) ISSUES

h. Follow-up and MPO Calendar

ii. Report from the Citizens Advisory Committee (CAC)

Mr. Green reported that the CAC had met for the second time on May 4, 2005. He said a quorum was not established and therefore election of officers was postponed to the next meeting. He said the group convened as a subcommittee for discussion purposes. He said the discussion resulted in a suggestion for a joint meeting of the MPC and CAC to help the CAC become better informed about the functions of the MPC and purpose of the CAC. He indicated that CAC members expressed interest in the MPC's reaction to their recommendations regarding the Unified Planning Work Program (UPWP) and concern about how useful their advice was.

Mr. Kloeppe emphasized the need for better scheduling of tasks for the CAC in order to allow for thoughtful deliberation and recommendations to the MPC.

Mr. Thompson pointed out that a joint meeting would need to be held in the evening to accommodate CAC members' schedules.

Mr. Green asked staff to schedule a joint MPC/CAC evening meeting as soon as possible.

i. Interstate 105 (I-105) Preservation Project Update

Ms. Schuetz reported that the project was on the cusp of the first major closure, scheduled for May 16, 2005. She said that inclement weather had briefly delayed the crew but activities were back on schedule. She said that the closure would be of the eastbound lanes over the Interstate 5 (I-5). She indicated that informational presentations or personal contacts were made to 444 businesses and organizations and the Keepusmoving website had received 433,000 hits to date. She said that eight different media sources would be kept updated on construction activities and the bus system would be used to report points of congestion on the local system and provide information on alternative modes and construction updates.

Mr. Lee announced that the Oregon Department of Transportation (ODOT) would conduct a May 13, 2005, news conference regarding the project and closures and invited members to attend.

Mr. Dwyer asked if arrangements had been made with local jurisdictions for people to facilitate traffic. Ms. Schuetz replied that ODOT would not have flaggers in cities to handle overflow traffic because those streets were not in the State's system. She said that Eugene traffic engineers were increasing "green time" at a number of locations and Springfield planned to make adjustments as resources allowed when problems were identified. She said that neither jurisdiction had the resources for more mitigation of traffic issues. She noted that eight portable message signs would be moved about during the project and there were more than 40 fixed signs with detour information posted throughout the area. She said that a hotline was established to respond to questions.

2. APPROVE APRIL 14, 2005, MEETING MINUTES

Mr. Kelly asked that the word "claimed" be added to his comment regarding MPO consortium representation of MPOs of the state.

Mr. Dwyer, seconded by Mr. Kelly, moved to approve the April 14, 2005, minutes as corrected. The motion passed unanimously.

3. COMMENTS FROM THE AUDIENCE

Rob Handy, 455-1/2 River Road, chair of the River Road Community Organization, expressed appreciation for Congressman DeFazio's work on the reauthorization of the Federal Transportation Bill. He stated the River Road neighborhood's interest in redevelopment of the railyard, compatibility of any redevelopment with adjacent neighborhoods and livability issues related to the industrial area. He noted the \$2.5 million earmarked for the Short Haul Intermodal Pilot Project and asked if some of those funds might be available for master planning for a portion of the site. He commented that diesel emissions were harmful and while local air quality standards might not apply to a federal project, perhaps federal standards would apply and

a monitoring station could determine the baseline of existing diesel emissions. He also asked if funding would be available for a traffic and environmental analysis.

4. MPO ISSUES (continued)

a. Presentation from Congressman DeFazio's Office on Reauthorization of the Federal Transportation Bill

Ms. Fore reported that Congress was currently working on reauthorization of a federal transportation bill. She said that reauthorization occurred every six years from the Highway Trust Fund, which consisted of gas tax monies. She said that the reauthorizations had initially addressed large projects that related to highway construction or efficiencies of the highway system but in the last two iterations of the legislation components of intermodal transportation were included. She said there was disagreement among the Senate, House, and White House regarding the amount to be spent and if an agreement could not be reached before the current legislation expired on May 31, 2005, a temporary extension would allow Congress to complete work on a new bill. She noted that the legislation did not affect the federal deficit as funding came from the Highway Trust Fund.

Ms. Fore stated that Congressman DeFazio had secured approximately \$148 million in earmark funding for his district and she was optimistic that the legislation would move forward. She explained that earmarks were articulated with a single line in the legislation at the congressional level and details of projects provided at the local level when funds were appropriated.

Ms. Volta expressed appreciation for the \$9 million that was earmarked for the I-5 interchange at Coburg but was concerned that an ODOT representative had commented at a recent meeting that the project "was not on the horizon." Ms. Fore commented that nothing was certain until the bill passed. She said the State approached Congress for funding for state projects but local regions might have a different process for identifying project priorities.

Mr. Boyatt explained that the ODOT representative had been discussing the planning and environmental assessment process, which could take three to five years. He said the phrase "not on the horizon" was an unfortunate choice of words that was meant to indicate the project was still seven or eight years away from ground-breaking, not imply it was not moving forward.

In response to a question from Mr. Kelly, Ms. Fore said the Great Street Trail Connection project was related to bike path connections and the Short Haul Intermodal Pilot Project related to more efficient movement of cargo throughout the state. She said that Oregon was an export state and shipping was critical; connections to Portland were difficult for many shippers because of the bottleneck.

Mr. Kelly asked which the relevant agencies for earmark projects were. Ms. Fore said she would provide that information.

Ms. Piercy commended Congressman DeFazio's efforts to secure earmarks. She agreed that information about the relevant agency or agencies for the intermodal project would be helpful. Ms. Fore noted that the intermodal project was consistent with the Connect Oregon intermodal initiative to improve use of rail to move freight traffic off highways.

Mr. Dwyer commented that ODOT would spend thousand of dollars developing projects such as the Franklin Boulevard/I-5 Interchange that were not on any list and seemed reluctant to move forward with the Coburg/I-5 Interchange project. He asked what MPC action was necessary to move the project forward.

Mr. Boyatt replied that ODOT had been working on planning for the Coburg project for over a year and those efforts had been temporarily suspended when Coburg had staffing capacity issues. He said ODOT had significant planning funds invested in the project in order to be well positioned to take advantage of federal funds when they became available.

Mr. Schwetz stated that the Regional Transportation Plan could be amended to include the Coburg project with a preliminary cost estimate to facilitate the \$9 million. He said that an upcoming opportunity to establish State Transportation Improvement Program (STIP) priorities for 2008-11 could also provide an occasion to send a message to ODOT regarding the importance of the project to the region.

Mr. Dwyer stated the MPC should direct staff to take whatever action was necessary to move the project forward.

Ms. Ballew asked if there would be an impact on other projects as the total cost of the Coburg project would be greater than the \$9 million earmark. Mr. Schwetz replied that staff was developing preliminary cost estimates.

Ms. Volta clarified that ODOT had been a good partner on the project and her concern related to what seemed to be conflicting messages from different agencies. She emphasized the importance of being consistent in describing the project.

Ms. Ballew asked staff to prepare a memorandum providing a history of the project, timelines and any other relevant factors.

b. Transportation Planning Committee (TPC) Bylaws

Mr. Thompson explained that the bylaws were last updated by the LCOG board in 2002 and several changes to the structure of the MPO, specifically expansion of the MPO boundary to include Coburg and delegation of MPO Policy Board responsibilities to the MPC, resulted in the need to update the TPC Bylaws. He indicated that the TPC had adopted the amendments at its April 28, 2005, meeting and MPC Resolution 2005-05 would approve the amendments and place them in effect.

Mr. Kelly noted that the TPC was a public body and materials related to a Land Use Board of Appeals (LUBA) appeal indicated that formal TPC minutes were not available. He said that the public meetings law required that public bodies take minutes of meetings. Mr. Thompson replied that budgetary constraints had forced the TPC to dispense with formal minutes recorder services. He hoped to resume that function in July 2005.

Mr. Dwyer, seconded by Mr. Green, moved to adopt Resolution 2005-05 Approving Amendments to the Lane Council of Governments Transportation Planning Committee Bylaws. The motion passed unanimously.

c. Allocation of Surface Transportation Program Urban (STP-U) Funds

Mr. Thompson stated that the MPC approved at its April 2005 meeting the allocation of \$868,000 in STP-U funds for planning and project development in FY06 and staff noted at that time that unallocated revenues expected for the FY2004-06 period would allow an additional \$1.3 million to be programmed. He reviewed the possible approaches and relevant points contained in his memorandum to the MPC dated May 5, 2005, including:

- Expeditious programming of funds in FY06 to allow jurisdictions receiving those funds to complete the STP-U fund utilization process and expend the funds would not allow for involvement of the CAC in the process because of time constraints.
- Programming of funds for construction of modernization projects in FY06 was probably not reasonable because of time constraints.
- Another option would be to carry over the unallocated funds and program them as part of the FY07-09 process.
- One option for programming the funds for FY06 would be to apply the funding target percentages for the four project categories to the unallocated funds and fund the next-highest-scoring projects from the evaluation of 2003 STP-U applications.
- Alternately, MPC could direct staff to reopen the application process to allow jurisdictions to modify existing applications or submit new ones.

Ms. Ballew noted that the current funding targets were 50 percent for preservation, 20 percent for modernization, 20 percent for planning and project development and 10 percent for transportation demand management (TDM). She noted the City of Eugene's interest in prioritizing STP-U funds for preservation projects and suggested that the targets be revised to reflect 60 percent for preservation, 35 percent for a combination of modernization and planning and project development, and 5 percent for TDM.

Mr. Kelly observed that modernization was difficult to accomplish in FY06 because of the time required for such projects. He urged that the application process be reopened with a "blank slate" and allow jurisdictions to resubmit projects. He felt that TDM should not be reduced from 10 to 5 percent and suggested that it remain at 10 percent and modernization be reduced to 30 percent.

Mr. Dwyer, seconded by Ms. Ban, moved to revise the funding targets to 60 percent for preservation, 30 percent for modernization and planning and project development combined, and 10 percent for transportation demand management and reopen the application process to allow jurisdictions to modify existing applications or submit new ones. The motion passed unanimously.

d. Oregon MPO Consortium Meeting

Mr. Schwetz reported that the next MPO Consortium meeting was scheduled for May 26, 2005, in Salem. He said the agenda would be finalized by MPO chairs and reviewed a list of potential agenda topics and indicated that others could be suggested. He asked that any MPC members interested in attending the meeting contact LCOG staff who would handle registrations.

Ms. Volta asked if the MPO Consortium meeting was open to all MPC members. Mr. Schwetz replied that it was and noted that in accordance with decisions made at the MPC's April 2005 meeting any member

could attend but the MPC would be officially represented by the chair and vice chair, with Eugene and Coburg MPC members as alternates.

e. Amendments to FY2005-07 Metropolitan Transportation Improvement Program (MTIP)

Mr. Thompson explained that there were two Coburg preservation projects in the MTIP that had been programmed with STP-U funds in October 2003. He said that the City had indicated that they were no longer the highest priorities for use of STP-U and local match funds. He said the City had requested the projects, which totaled \$54,000 in STP-U funds, be removed from the MTIP and those funds would be added to the \$1.3 million in unallocated STP-U funds.

In response to a question from Ms. Volta, Mr. Thompson said that the City of Coburg could resubmit applications for those projects at a later date, either for the unallocated FY06 STP-U funds or in the FY07-09 process.

Mr. Dwyer, seconded by Ms. Piercy, moved to approve Resolution 2005-06 Adopting Amendments #2005-15 and #2005-17 to the Central Lane MPO Metropolitan Transportation Improvement Program FY2005 to 2007. The motion passed unanimously.

f. Regional Project Coordination Matrix

Mr. Schwetz referred to the table entitled *Central Lane MPO Project Coordination Matrix with Costs* and explained that it was developed in response to the MPC's interest in both ongoing regional coordination efforts and regular reporting. He noted that project cost data had been added at Mr. Green's request.

g. Additional Item from Mr. Kelly

Mr. Kelly noted that the MPC had voted unanimously at its April 2005 meeting to pursue a work plan item merging the Regional Transportation Plan (RTP) and Transportation System Plan (TSP) into a single transportation plan. He said the Springfield City Council had recently considered a large TDM grant to update the TSP and was concerned that the action was antithetical to the MPC's direction.

Mr. Schwetz stated that as a result of the MPC's direction to add pursuit of a work task to merge the plans to the work program staff had determined that it would be useful to submit a TGM grant to fund that work. He said ODOT had suggested modifying the TGM grant application to which Mr. Kelly had referred by including the work item related to merging plans; that grant application was due to be submitted May 23, 2005.

Mr. Mott added that staff was still unclear about the interrelationship of the plans; local plans did not include some elements of the regional plan and transportation management area (TMA) status further complicated the issue with respect to the approval authority of local governing bodies. He said that local land use planners were also concerned about coordination of area and planning horizons and the implications of a merger had not yet been determined.

Mr. Kelly agreed that it would take time to analyze the impact of merging plans but that should be done as soon as possible. He opined that a combined plan could be a single document that identified which elements related to regional and local jurisdiction projects and policies, most of which would be the same. He said each jurisdiction and the MPC would approve the same document.

Mr. Dwyer agreed that a single plan could include everything with footnotes to indicate which elements were RTP components and which were TSP components.

Mr. Thompson pointed out that new guidelines on RTP horizon questions were issued by the Federal Highways Administration (FHWA) on April 12, 2005, and were still being interpreted by the Oregon Division of FHWA; staff would inform the MPC of the implications once they were known.

h. Follow-up and MPO Calendar (continued)

iii. MTIP Administrative Amendment

Mr. Thompson distributed a fact sheet on the MTIP administrative amendment to combine three existing ODOT projects in the MTIP into one project. He said this was done at ODOT's request and did not alter the total dollar amount associated with the project work or change the time frame outside of the FY05-07 MTIP time frame.

iv. Land Use Board of Appeals (LUBA) Notice of Intent to Appeal MPC Adoption of 2025 Regional Transportation Plan (RTP)

Mr. Schwetz distributed the LUBA order denying the petitioners' objections to the record prepared by LCOG. He said that the record would stand and the petitioners' opening brief was due by May 26, 2005. He said LCOG's response was due by June 16 and a LUBA ruling would be made by July 21, 2005. He said that legal counsel was consulted regarding a pre-filing discussion with petitioners and the recommendation was to postpone a discussion until the opening brief had been filed, it could be examined and strategies for negotiation determined.

Mr. Dwyer commented that LUBA actions could include remanding the issue to LCOG, reversing the MPC action or affirming it. Mr. Kloepfel noted that the determination had not yet been made as to whether LUBA had jurisdiction on the adoption of regional transportation plans.

Mr. Van Vactor asked if the MPC would hold an executive session if negotiation with the petitioners was possible. Mr. Kloepfel replied that legal counsel suggested once a brief was in hand an executive session could be held to discuss negotiation strategies.

Mr. Kelly noted that LCOG's response to the brief was due one week after the MPC's June meeting and a special meeting might need to be scheduled.

v. U.S. Department of Transportation (USDOT) Response to Marianne Dugan Letter

Mr. Thompson referred to a copy of the USDOT letter of April 25, 2005, included in the agenda packet. He said the letter, in response to a letter from Marianne Dugan, was signed by both the Federal Highway Administration and Federal Transit Administration and indicated that issues raised in Ms. Dugan's letter

were without merit and USDOT would not reverse any decisions or revisit any information that was previously issued in response to adoption of the RTP and the air quality conformity determination.

Mr. Kelly noted a reference in the USDOT letter to response to public input and asked if the written response on LCOG's website was available to the MPC on December 9, 2004, when it adopted the RTP. Mr. Thompson said that written responses were all available on December 9; the document on the website was a summary of responses and produced later by staff, but the responses it incorporated were also available on December 9, 2004.

Ms. Ballew adjourned the meeting at 1:10 p.m.

(Recorded by Lynn Taylor)