

## MINUTES

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

June 8, 2006  
11:30 a.m.

**PRESENT:** Bobby Green, Chair; Bill Dwyer (Lane County), Anne Ballew, Sid Leiken (City of Springfield), Kitty Piercy, David Kelly (City of Eugene), Judy Volta (City of Coburg), Gerry Gaydos, Susan Ban (Lane Transit District), Jane Lee (Oregon Department of Transportation), members; Dennis Taylor (City of Eugene), Mark Pangborn (Lane Transit District), Bill Van Vactor (Lane County), Gino Grimaldi (City of Springfield), Don Schuessler (City of Coburg), *ex officio* members.

George Kloeppe, Tom Schwetz, Byron Vanderpool, Paul Thompson, Ann Mortenson, Jamon Kent, Byron Vanderpool, Kathi Wiederhold, Petra Schuetz (Lane Council of Governments); Matt Garrett, Tom Boyatt, Jeff Scheick (Oregon Department of Transportation), Gary Papé (Oregon Transportation Commission), David Cox (Federal Highways Administration), Dave Ralston, Greg Mott, Len Goodwin (City of Springfield), Jim Carlson, Mark Schoening, Gary McNeel, Kurt Corey (City of Eugene), Tom Stinchfield (Lane County), Anita Yap, Stefano Viggiano (Lane Transit District), Connie Bloom Williams (Commuter Solutions), Terry Connelly (Chamber of Commerce), Rob Zako (1000 Friends of Oregon), Kevin Matthews (Friends of Eugene), Rob Handy, Lauri Segel, Linda Swisher, Charles Biggs, guests.

### WELCOME AND INTRODUCTIONS

Mr. Green convened the meeting and welcomed those present. MPC members introduced themselves.

### APPROVE MAY 11, 2006 MINUTES

Ms. Lee asked that her comment on page 4 be amended as follows: “Ms. Lee replied that the equivalent of 18 family-wage jobs *per \$1 million of construction* would be sustained.

Mr. Dwyer, seconded by Ms. Piercy, moved to approve the May 11, 2006, minutes as revised. The motion passed unanimously, 9:0.

### COMMENTS FROM THE AUDIENCE

**Mark Robinowitz**, P.O. Box 51322, Eugene, spoke in support of the Commercial Street bike path connector and urged that the project be built now, not four or five years in the future. He said the recent Osprey Report on the West Eugene Parkway (WEP) did not mention an agreement in 2001 by many MPC members along with state and federal agencies to select “no build” for the parkway, nor did it mention that in June 1996 the Federal Highway Administration withdrew approval of the parkway rather than try to

defend the project in federal court. He said there should be discussions of how the region will address climate change and other disruptions rather than keep alive a highway that would not be built. He said the recently proposed southern route was not acceptable and would not solve transportation problems and the suggestion of butterfly crossings was not sensible. He said funds could be used instead to upgrade Beltline Highway to interstate status.

**Terry Connelly**, Eugene Area Chamber of Commerce, 1401 Willamette Street, Eugene, commented that opponents said the community was sharply divided over the WEP project but a recent poll of 300 registered voters in Eugene indicated that 57 percent supported the project. He said the chamber could support a collaborative process, but not if it put at risk the only viable solution to date—the parkway. He asked why undertaking a collaborative process and allowing the current environmental review of the parkway to follow its prescribed course had to be mutually exclusive. He expressed concern about what would be gained if two years from now the collaborative process did not produce agreement on a solution; by that time the findings on the parkway would no longer be viable. He said the collaborative process could be worthwhile but should not result in the citizens of Eugene and Lane County and the government agencies represented at the MPC having to abandon the one viable solution identified for west Eugene. He asked for clarification of the meaning of participating in the collaborative process and whether MPC members agreed up front to endorse and support the outcome. He hoped the MPC could work together in a timely and efficient manner to address traffic problems in west Eugene.

**Rob Handy**, 455-1/2 River Road, Eugene, thanked representatives from the Oregon Department of Transportation (ODOT) for their interest in community concerns. He was encouraged by some of the information in the document entitled *West Eugene Parkway: Public Comments/Possible Agency Response*, which he felt was moving in the right direction, but was skeptical of the concept of a butterfly crossing. He felt the collaborative process would result in more progress toward a better, faster, cheaper solution by examining other alternatives.

**Rob Zako**, 1000 Friends of Oregon, 1280-B East 28<sup>th</sup> Avenue, Eugene, stated that the WEP as currently envisioned in the process that was moving forward would not result in construction of a parkway, at least not in the next seven to ten years. He said ODOT's timeline targeted the end of 2006 for a record of decision (ROD). He said achieving an ROD did not mean the parkway would be constructed, as the cost and sequence of events following the ROD were not yet known. He reviewed several of the milestones in the ODOT timeline that were likely to take an extensive amount of time. He noted the Osprey Report had identified three options but the only viable one was the collaborative process as there was no alternative to everyone working together.

**Kevin Matthews**, PO Box 1588, Eugene, said the community was approaching an exciting opportunity to get past a 20-year old, technically obsolete idea of building a highway to nowhere through wetlands and actually begin work on west Eugene transportation issues. He said that could not be done under the regulatory process without expanding the purpose and need of the parkway project, the narrowness of which had prevented serious public consideration of alternatives. He described a number of potential alternatives to the parkway and felt the alternative alignment proposed by the Federal Highway Administration would take the process backward. He urged endorsement of a collaborative process that could restore community confidence in the ability of transportation planning to meet transportation needs.

**Charles Biggs**, 540 Antelope Way, Eugene, applauded the accuracy with which his comments at the May 11, 2006, MPC meeting were reflected in the minutes. He said he had attended the June 7, 2006, meeting of the Citizen Advisory Committee and was disappointed that his comments were summarized in the staff memorandum reporting on the May MPC meeting. He felt that draft minutes of the MPC meeting should

have been provided to the CAC so they would have detailed information about public participation at the MPC level as they developed a public participation plan.

**Lauri Segel**, 1210 East 29<sup>th</sup> Place, Eugene, commented on public participation and programming of STP-U funds. She said there was a delay in forming the CAC because of the MPC's concern about costs. Regarding STP-U funds, she noted that programming of funds for planning activities was recommended at 25 percent of the total amount of funds. She reviewed the allocation of those funds and said it appeared there was adequate funding for a relatively efficient and effective public participation program. She asked the MPC to consider contracting with Metro Television to make MPC meetings available on both webcast and television as that would make it accessible to more people and help educate the public about the MPC's purpose and activities.

## **METROPOLITAN PLANNING ORGANIZATION (MPO) ISSUES**

### **Report from the MPO Citizen Advisory Committee (CAC)**

Ms. Wiederhold reported that the CAC's key agenda item at its June 7 meeting was review of the draft Public Participation Plan. She would incorporate the committee's final revisions into the document and expected to forward the plan to the MPC in July along with a request from the CAC to open a public comment period. She said an orientation was held for new committee members prior to the regular meeting and an EmX tour was planned for all committee members in July.

### **Oregon MPO Consortium (OMPOC)**

Mr. Schwetz reviewed the agenda for the June 16, 2006, OMPOC meeting to be held at the Springfield City Hall in the Library Meeting Room.

In polling the members, Mr. Green identified that Ms. Ballew, Ms. Ban, and Ms. Lee would be attending and encouraged other members to attend if possible.

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

Mr. Thompson stated that staff recommended approval of Resolution 2006-08 adopting a single amendment to the FY05-07 MTIP that would modify an existing project to reduce its extent.

Mr. Dwyer, seconded by Ms. Piercy, moved to approve Resolution 2006-08 adopting amendment 2006-13 to the FY05-07 Metropolitan Transportation Improvement Program. The motion passed unanimously, 9:0.

### **Endorsement of Transportation Enhancement Program Applications**

Ms. Schuetz asked the MPC to review and approve a draft letter of endorsement for local Transportation Enhancement Program applications and approve submittal of the letter to ODOT. She said the submission deadline for final applications and the letter was June 30, 2006, and listed the four projects:

- Delta Ponds Multiuse Path – Eugene
- Spring Connector Multiuse Path – Eugene
- Commerce Connector Multiuse Path – Eugene
- South A Pedestrian Enhancement – Springfield

Mr. Dwyer, seconded by Ms. Piercy, moved to approve submittal of the four local Transportation Enhancement Program applications to the Oregon Department of Transportation and provide a letter of endorsement for those applications. The motion passed unanimously; 9:0.

### **Programming FY07 Surface Transportation Program – Urban (STP-U) Baseline Planning Funds**

Mr. Thompson stated that the MPC was requested to approve Resolution 2006-09 programming baseline planning funds for the MPO and five member jurisdictions, consistent with information presented by staff at earlier meetings. He said that a proposal for the rest of the programming process, including an evaluation process for modernization, preservation and project development would be presented at the July meeting.

Ms. Ballew, seconded by Mr. Dwyer, moved to approve Resolution 2006-09 programming Surface Transportation Program – Urban funds for core Metropolitan Planning Organization planning activities by the Metropolitan Planning Organization and member jurisdictions. The motion passed unanimously, 9:0.

### **Federal Highway Administration (FHWA) Presentation on Revised Southern Alignment for West Eugene Parkway and City of Eugene Proposal for FY06-09 MTIP and West Eugene Parkway**

There were no objections to Mr. Green’s suggestion to combine discussion of the two agenda items related to the West Eugene Parkway (WEP).

Mr. Dwyer asked if the ROD marked the end of the process or the beginning of another process. Mr. Cox replied that there would be several actions following the FHWA ROD and the timing of a number of those had not yet been decided. He said FHWA was in consultation with the Corps of Engineers and hoped that the FHWA environmental process would meet the Corps’ criteria so that there could be one ROD. He said the process did not include possible litigation.

In response to a question from Mr. Kelly, Mr. Cox said that the document entitled *West Eugene Parkway: Public Comments/Possible Agency Response* was a compilation of FHWA thoughts. He described the history of FHWA’s partnership with the City of Eugene on an assessment of the WEP, which resulted in the Osprey Report. He said the report informed him on community attitudes and concerns about the WEP project and he shared many of those concerns. In an effort to address those concerns, he said FHWA had crafted a response as reflected in the document. He used a map to illustrate a possible southern alignment of the parkway. He said this alignment could reduce wetlands impacts and visual and noise impacts. He noted that the alignment was similar to an alignment proposed in the early 1980s for which many of the

impacts had already been studied, providing considerable information. He compared a southern alignment to the current preferred alignment and said the southern alignment would use land identified in the West Eugene Wetlands Plan as developable land and land that was of lower quality environmentally. He said the current alignment used 37 wetlands acres and the southern alignment used 27 wetlands acres.

Mr. Cox illustrated on a second map how the southern alignment avoided to the greatest extent possible land owned by the Bureau of Land Management (BLM) and purchased with conservation funds, taking approximately 10 acres; the current alignment would take 21 of those acres. He compared the 25- to 30-foot elevation of the current alignment to the lower elevation of a southern alignment and said a southern route would have far less visual impact and could be screened with berms and vegetation. He used a third map to show concentrations of Fender's Blue Butterfly, Kincaid's Lupine and Willamette Daisy. He said no alignment would entirely avoid impacts to the butterfly and lupine and the FHWA document contained several ideas to protect the species.

Mr. Cox indicated there was a possibility that the lower elevation of a southern alignment could be less expensive but other factors, such as a utility line and industrial land, could offset any savings; it appeared that the cost of the two alignments was comparable. He felt either alignment could improve recreation in the area and FHWA would be willing to pay for and sponsor a proposal to enhance recreation opportunities throughout the wetlands.

Mr. Leiken arrived at 12:15 p.m.

Regarding the ROD, Mr. Cox said the Corps of Engineers would have to conclude that the proposed project was the least environmentally damaging alternative in order to issue a fill permit. He felt the southern alignment would be most likely to result in that conclusion in terms of damage and mitigation. He envisioned that whichever alternative was eventually built, it would enhance public transit. He said a mitigation package for the southern alignment had not been developed, but places within the West Eugene Wetlands area would be sought for wetlands restoration. He emphasized that the proposed southern alignment would still be a safe, first class facility.

Mr. Dwyer asked how close mitigated wetlands needed to be to qualify. Mr. Cox said he did not believe there were any restrictions on proximity but he would look to experts and interested citizens in the community to help identify locations. He said that FHWA's preference would be to replace wetlands within the west Eugene area.

In response to a question from Mr. Dwyer, Mr. Cox said that much of the purpose of the parkway was to serve future growth over the next several decades.

Mr. Dwyer pointed out problems with Greenhill Road and travel from Veneta and asked why those issues were being avoided. Mr. Cox replied that no one improvement would solve all of the community's transportation problems and it was necessary to address them in order of importance as they could not be done at once; the parkway was a start.

Mr. Green invited Eugene's representatives to present their proposal so that both proposals could be discussed.

Ms. Piercy summarized the MPC's last discussion regarding the need to act on the MTIP and potential funding loss if the WEP was removed from the MTIP. Also discussed was the Eugene City Council's concern for assuring the best alignment that solved traffic issues and protected the wetlands and the timing

and cost of a collaborative process. She noted that the agenda packet contained the Agenda Item Summary and draft resolution presented to the City Council on May 24. She said the resolution asked the MPC to take three actions:

1. Reprogram the WEP to FY09 in the FY06-09 MTIP, and
2. Endorse and agree to participate in a collaborative process at outlined in Option II of the Osprey Report, and
3. Request that ODOT delay the NEPA (National Environmental Policy Act) process until conclusion of the collaborative process and consideration of process results.

Ms. Piercy said the proposal indicated Eugene's willingness to move the MTIP forward and allowed for an 18-month collaborative process to see if an alignment that would have greater consensus of approval could be identified. She said Eugene also proposed that \$200,000 in STP-U project development funds be used for the collaborative process. She said councilors who supported the resolution were divided between those who supported the WEP and those who did not. She hoped the MPC would consider Eugene's proposal and accept the opportunity to work together.

Mr. Green asked if Eugene's MPC representatives would be able to approve any changes to the resolution language that might occur during deliberations or would they need to return to their council for approval. Mr. Kelly replied that if revisions were minor and consistent with the vote they could approve; otherwise they would need to go back to the council. He said the resolution was Eugene's best attempt to respond to some of the concerns raised over the last few months by moving the FY06-09 MTIP forward and retaining the WEP in the MTIP to protect the funding.

Ms. Piercy thanked FHWA and Mr. Cox for their earnest response to concerns and willingness to work with the community. She felt the FHWA proposed southern alignment was a fine one to be considered within the collaborative process.

Mr. Taylor said the proposal from Eugene attempted to bring the Osprey Report forward, provide a funding mechanism and acknowledge the need for buy in from all of the partners. He said it was clear from the conflict assessment that having a trained facilitator with mediation and collaboration skills was essential to the process. He said the MPC would be involved in developing details of the collaborative process if the proposal was accepted.

Ms. Piercy said the collaborative process was not yet defined to avoid having it appear that one person or entity was controlling the process; the facilitator chosen for the process would work with the entire MPC to put the collaborative process together.

Ms. Volta said it was clear from both presentations that there was a wide range of opinions on the parkway from full support to complete opposition; somewhere in the middle was recognition of the need for transportation and safe, efficient means to reach destinations. She was impressed with the FHWA proposal and said it was important to discuss it while recognizing that cost and time were factors. She said the MPC's goal was to have safe, efficient transportation that met the needs for future growth and did not severely impact the environment. She agreed it was necessary to reach a consensus and move ahead.

Mr. Green noted that the Osprey Report emphasized the need for ODOT to participate in the collaborative process and asked for a response from ODOT Director Matt Garrett.

Mr. Garrett thanked the MPC for the opportunity to have a frank conversation. He viewed the FHWA

proposal as a disciplined approach that attempted to bring resolution to a 26-year conversation. He said public comment at the beginning of the meeting made clear a lack of confidence in the MPC's ability to make decisions. He said ODOT could accept the proposed southern alignment, as it did not breach the NEPA process. He pointed out that the NEPA process was an extremely robust and comprehensive outreach for the type of conversation proposed in the collaborative process. He appreciated Eugene's efforts to bring resolution to the issue but was concerned that 18 months could be the minimum amount of time for a collaborative process that seemed somewhat open-ended. He said there were other costs associated with the process beyond the facilitator that could range into millions of dollars beyond the \$12 million already invested in the project. He felt there should be a conversation that would bring the existing dialogue to closure and restore confidence in the MPC's ability to address transportation issues. He said the southern alignment offered the opportunity for that conversation and an opportunity tailor-made for the collaborative process – no constraints. He said the current purpose and needs statement was a guiding document that would limit the fullness of the conversation Eugene proposed. He emphasized that ODOT was well aware of the gravity and sensitivity of the situation but it was important to continue with the environmental process and capture an ROD and see where that lead.

Mr. Kelly agreed there was value in the FHWA proposal but it was a new concept that would need to be vetted and analyzed in the same way as the current alignment. He thought the best way to accomplish that would be within a collaborative process. He observed that the NEPA process had changed direction a number of times over the years, including vetting and rejecting an alignment very similar to the one from FHWA. He said that stretching the NEPA process slightly would allow a discussion of the FHWA and other proposals by all stakeholders and achieve an ROD that would result in transportation and not be litigated. Regarding the possibility of beginning a new process with a new purpose and need, he said the collaborative process could help expedite that and avoid starting a new environmental process.

Mr. Gaydos remarked that Lane Transit District (LTD), from a transit perspective, recognized the need for corridors that were safe and fully and efficiently used. He agreed with Ms. Volta's earlier remarks. He said as a resident of Eugene he had served on the Planning Commission during discussions about the parkway alignment and people felt it was important to select an area around the railroad that had already been disrupted. He said the Florence to Eugene highway need still existed and would not go away and a corridor that could transport people was extremely important. He urged MPC members to use the time until the July meeting to find a way to have a collaborative process that would allow them to move forward. He did not want to see all of the work and efforts up to now be for naught. He understood the concerns and frustration but the need still existed and the community and the State deserved the best transportation system possible. He agreed with Ms. Piercy's comments that the southern alignment deserved to be considered during the collaborative process and thanked FHWA for developing its proposal.

Mr. Dwyer stressed that everyone was committed to the best regional transportation plan possible that was also environmentally sensitive. He said he was not opposed to considering alternatives but wanted to protect the current \$12 million investment and hoped that everyone was committed to finding a solution.

Mr. Green asked why FHWA chose the southern alignment instead of looking at an alignment that did not include mitigation of wetlands. Mr. Cox replied he was pro-transportation and believed in the benefits of highways. He said the southern alignment met the transportation need with fewer impacts than the currently preferred alignment and many of the studies that had been done covered that area. He said there was no alignment that did not require mitigation of wetlands, including widening West 11<sup>th</sup> Avenue.

Mr. Green pointed to Item 4 in the resolution regarding delay of the NEPA process until completion of the

collaborative process and consideration by ODOT of its product. He asked how the Eugene City Council would react if that product included mitigation of wetlands.

Ms. Piercy said reaction would depend on factors such as the amount and location of mitigation. She said that mitigation was not off the table.

Mr. Kelly agreed with Ms. Piercy. He said any road whatsoever was likely to involve some wetlands impact given the geography of the area. He felt a council majority could be achieved if there was some wetlands impact, depending on the extent of that impact.

Mr. Green was not certain a facilitator was necessary and the MPC could reach a solution quickly if members were locked in a room and unable to leave until there was agreement. He said there was shared interest in achieving a solution and did not feel 18 months would be needed. He noted that a conflict resolution process in St. Croix, Minnesota had been underway for three years, cost \$5 million to date and hoped to reach agreement in 2006. He said the collaborative process proposed by Eugene could cost \$5 million and he was not certain he wanted to invest that amount of money in a process when the solution existed among MPC members and agencies. He was pleased that wetlands mitigation was still on the table for discussion.

Mr. Papé stated the Oregon Transportation Commission (OTC), after extensive discussions, was opposed to Eugene's request to delay the NEPA process and put the project in abeyance for an undefined period of time. He said the OTC had two biases; the first was to provide funding to projects that were shovel-ready in communities where the transportation program needed to move forward. He said there was an ever-increasing demand for funds that was diminishing the OTC's ability to respond to communities' transportation needs. He said the second bias related to the stewardship of taxpayer dollars. He said that over \$12 million had been spent on the project to date and if there was a no build decision that money would not be recovered. He said if there was no ROD, FHWA could require the State to repay some funds as well; consequently it was critically important to move forward with the NEPA process.

Regarding the collaborative process, Mr. Papé said a letter from the U.S. Institute of Environmental Conflict Resolution indicated that while 18 months was a target the process might take longer and a similar process in St. Croix had cost the two agencies involved more than \$5 million. He said that \$200,000 was the opening ante for the consultant and the OTC had difficulty seeing the value of using STP-U funds for the collaborative process. He stated that additionally, the State Transportation Improvement Program (STIP) had approximately \$17 million in project funds set aside for the WEP. He said the OTC did not believe it was appropriate stewardship of taxpayer money to "park" those funds when communities around the State were crying for funds to complete projects; the WEP should be removed from the STIP if the decision was not to move forward. He said the OTC did not think it was fair to the population of the rest of the State, which had paid dollars into the transportation funding system, to reserve funds indefinitely.

Mr. Dwyer declared he was optimistic until Mr. Papé's remarks. He said a process that would get to a yes involved negotiation and compromise but it appeared that the OTC position was "my way or the highway" and a threat to withdraw funds. He said the highway system did not belong to the OTC, which was an appointed, not elected, body; the highway system belonged to the people of Oregon. He said the people deserved to find a process that would lead to a conclusion and was concerned with a threat that all bets were off unless the current ROD process continued.

Mr. Leiken remarked that the Springfield City Council had not discussed the WEP issue in depth as it was not directly involved and only participated in the MPC because TransPlan required it. He said that the

council's and City's work plans were full and he was not certain there was enough time to participate in a collaborative process, although the council would discuss the matter. He asked why 18 months was identified as the length of the process.

Ms. Piercy said 18 months represented the best estimate after consultation with experts and a council discussion about the need to put a time limit on the process.

Mr. Leiken asked if there would be a moratorium on future development in west Eugene and possibly Veneta if the WEP was not built or could the transportation need be addressed through other projects.

Ms. Piercy responded that the reason for engaging in the collaborative process was to reach agreement and address those transportation problems. She said Eugene's focus was to get past the current discussion and move forward. She asked that all MPC members work together on that within a specified time span.

Mr. Leiken said that Springfield would discuss participating in the collaborative process but was currently neutral on the subject.

Regarding the suggestion to lock MPC members in a room, Mr. Kelly remarked that the collaborative process was simply a more thorough version of that and the differences were use of neutral outside expertise to inform the process and transparency of discussions. He said a collaborative process could have periodic checkpoints to gauge progress and make course corrections if necessary to avoid being open-ended. He pointed out that while \$17 million in STIP funds were available, the parkway was projected to cost approximately \$165 million and there had been no discussion of how the rest of the funding would be obtained. He wondered whether the object had become creating a document that could be filed away instead of building transportation projects that would help west Eugene.

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

Ms. Ballew concurred with Mr. Leiken about Springfield's extensive work program and expressed concern over the use of staff time in a collaborative process. She was also concerned about dedicating a majority of STP-U planning funds for the WEP when there were many other projects that could use those funds.

Mr. Kelly said the STP-U funds would come from the project development and modernization pool, not the planning pool, and represented only about 10 percent of those funds.

Referring to Eugene's request that ODOT delay the NEPA process until the collaborative process was concluded and the product considered, Ms. Volta asked what was meant by "consideration."

Ms. Piercy replied that if there was broad agreement among participants of the collaborative process about what should move forward, that should have some influence on ODOT's decision.

Mr. Vanderpool asked if the MPC wanted time on the July agenda for additional discussion of the issue.

Mr. Green suggested that unless there were time sensitive matters to act on, only the issue of the WEP and collaborative process should be addressed. He determined there was consensus to continue discussion of WEP proposals and the collaborative process at the July 2006 in an effort to reach agreement on how to proceed.

### **Summary of the Oil, Water & Oregon Symposium**

Mr. Schwetz said that notes from the Oil, Water and Oregon Symposium had been distributed to members. He said there were three good speakers and the notes described their remarks. He particularly drew the committee's attention to the ten lessons from history attached to the notes.

### **Follow-up and MPO Calendar**

#### **ODOT Update**

Ms. Lee distributed the June 2006 ODOT newsletter to the committee.

The next meeting was scheduled for July 13, 2006, at the Eugene Library Bascom-Tykeson Room.

The meeting was adjourned at 1:30 p.m.

(Recorded by Lynn Taylor)