

MINUTES

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

July 13, 2006
11:30 a.m.

PRESENT: Bobby Green, Chair; Bill Dwyer (Lane County), Anne Ballew, Christine Lundberg for 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; Randy Papé (Oregon Transportation Commission); Jim Carlson for Dennis Taylor (City of Eugene), Linda Lynch for Mark Pangborn (Lane Transit District), Bill Van Vactor (Lane County), Gino Grimaldi (City of Springfield), *ex officio* members.

WELCOME AND INTRODUCTIONS

Mr. Green welcomed those present and Metropolitan Policy Committee (MPC) members introduced themselves.

CALL TO ORDER/APPROVE JUNE 8, 2006 MINUTES

Mr. Green called the meeting to order.

Ms. Piercy, seconded by Mr. Dwyer, moved to approve the June 8, 2006, minutes as submitted. The motion passed unanimously, 8:0.

COMMENTS FROM THE AUDIENCE

Sue Wolling, 85219 South Willamette Street, Eugene, reminded committee members of the recent death of a bicyclist on Territorial Road, which was narrow and dangerous but a link to scenic bike routes. She noted that Lane County was encouraging bicycle tourism and urged the committee to consider safety improvements to Territorial Road, particularly adding shoulders to the roadway.

Zachary Vishanoff, Patterson Street, Eugene, spoke to the “signature bridge” project and asked why a large, fancy bridge was needed. He expressed concern about no-bid contracts and public/private partnerships as well as possible development of the greenway and urged more discussions with the public.

David Hinkley, 1350 Lawrence Street, #11, Eugene, speaking to the West Eugene Parkway, stated that five years since the vote none of the necessary federal approvals had been obtained and the cost had doubled. He said it was time to acknowledge that the parkway could not be built and explore ways to solve the many transportation problems in west Eugene.

Mr. Gaydos arrived at 11:40 a.m.

Webb Sussman, 642 Wimbledon Court, Eugene, speaking as a private citizen, requested that the MPC give attention to bicycle safety in Lane County and specifically to problems with Territorial Road. He said that the County and State were spending significant funds to encourage bicycle tourism in the area and the recent fatality on Territorial Road was detrimental to those efforts. He hoped to see investments in improving bicycle safety on Territorial Road. He said as the vice chair of the Citizen Advisory Committee he was available to respond to questions on the Public Participation Plan.

Mike Knefaty, 2006 Morning View Drive, Eugene, said he moved to Eugene two years ago because of the quality of life and environment. He said if the planning process for the WEP had failed for 25 years it was not the project but the process that had failed to bring people together. He said a solution existed if people would accept that wetland reclamation was possible. He asked why replacing wetlands used for the parkway with two or three times that amount of wetlands elsewhere was not a viable solution.

Rob Handy, 455-1/2 River Road, Eugene, said that even though the public was told the WEP had been planned and was ready to go for years, apparently it was not. He noted that in addition to the City of Eugene, federal partners had concerns about the project. He appreciated the willingness of at least one representative from each MPC jurisdiction to participate in a collaborative process. He said it was incumbent on the Oregon Transportation Commission (OTC) to realize that its support and leadership were needed to find other solutions to west Eugene traffic problems. He urged that all new infrastructure include dedicated transit lanes.

Rob Zako, 1000 Friends of Oregon, 1280-B East 28th Avenue, Eugene, assured the MPC that he was not a WEP opponent but rather an transportation advocate interested in solving transportation problems. He said it behooved everyone not to play the “blame game” and to recognize that there were different and overlapping interests and it was possible to work together. He was encouraged by the recent turn of events and the opportunity to address the question of where and how to grow and how to provide the transportation infrastructure.

Mark Robinowitz, P.O. Box 51322, Eugene, stated that five years ago a west Eugene charette to determine how to salvage the parkway concluded there was no way to do that and the formal recommendations were: 1) proceed with preserving the function of West 11th Avenue as an expressway west of Beltline, 2) finish Beltline phase 3 improvements to West 11th Avenue, and 3) close out the WEP environmental impact statement with “no build” as the preferred solution. He said the original idea for the parkway originated in 1951 and the Oregon Department of Transportation (ODOT) had spent millions of dollars to complete the environmental process. He listed a number of federal regulatory obstacles to the parkway that remained even if there was local support. He urged that a collaborative process focus on how to address climate change and peak oil.

Janice Jackson spoke in support of the WEP and expressed doubt that a collaborative process would be more successful than two votes of the people of Eugene. She felt that the Eugene City Council did not have the authority to cancel the will of the people.

Jan Spencer, River Road, Eugene, a member of the Citizen Advisory Committee, spoke as a private citizen. He said it was past time to acknowledge a failed transportation system. He said the discussion should focus on major redesign of the entire urban area and regional transportation instead of whether the WEP should be built. He listed the problems with reliance on automobile transportation, including health, environmental and foreign policy implications. He favored a collaborative process to seriously consider the realities of climate change, energy costs, public health and foreign policy to redesign the way people lived.

Mr. Kelly arrived at 11:55 a.m.

Joan Obie echoed Mr. Spencer's remarks and added that four children were hit by cars near Churchill High School during the past year because traffic from West 11th Avenue was rerouted on to 18th Avenue because of congestion. She listed the number of schools along West 18th Avenue. She did not think there was sufficient ridership to support a light rail system and people would continue to drive cars. She urged the MPC to find solutions to traffic problems in west Eugene.

METROPOLITAN PLANNING ORGANIZATION (MPO) ISSUES

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

Mr. Thompson commented that he had notified MPC members of the project name change as requested by ODOT.

Mr. Dwyer, seconded by Mr. Kelly, moved to approve Resolution 2006-10 amending the Central Lane Metropolitan Planning Organization FY2005-07 Metropolitan Transportation Improvement Program. The motion passed, 10:0.

Draft Public Participation Plan (PPP)

Mr. Dwyer, seconded by Ms. Ballew, moved to release the draft Public Participation Plan to the public and open a public comment period from July 13, 2006 to August 31, 2006.

Ms. Ballew commended the CAC for its work on the draft plan.

Mr. Kelly also commended the committee and asked how extensive the interested parties list was. Ms. Wiederhold replied that there were hundreds of people on the list.

Mr. Kelly suggested that Surface Transportation Program-Urban, along with amendments to the Regional Transportation Plan (RTP) and MTIP be added to the list of MPO work products on page 13 of the draft plan.

The motion passed, 10:0.

FY06-09 Metropolitan Transportation Improvement Program (MTIP)

Mr. Green suggested that a series of motions could be used to address a number of issues related to adoption of the FY06-09 MTIP, initiating a discussion and taking action requested by the Lane Council of Governments (LCOG) Board of Directors.

Mr. Green, seconded by Ms. Volta, moved that the Metropolitan Policy Committee support the new alignment proposed by the Federal Highway Administration as the preferred alternative for the West Eugene Parkway; request that Eugene, Springfield and Lane County promptly initiate the processes

necessary to adopt the new alignment by amending the TransPlan, West Eugene Wetlands Plan and Regional Transportation Plan; recommend that the Oregon Department of Transportation withhold submittal of the National Environmental Policy Act documents to the Federal Highway Administration past the December 2006 schedule so that the local plan amendment process can be completed; and request that Eugene, Springfield and Lane County report to the August 2006 Metropolitan Policy Committee meeting with each agency's conceptual concurrence with the new alignment as the preferred alternative and intent to complete the plan amendment process by the end of 2006.

Mr. Green commented that the purpose was not to change anyone's mind, but to create a record of MPC members' position on the proposed parkway alignment and related issues.

Ms. Piercy distributed copies of July 12, 2006, motion by the Eugene City Council providing direction to her and Mr. Kelly as the Eugene MPC representatives. She said the council had rescinded its motion on the resolution presented at the June 2006 MPC meeting, continued to support a collaborative process that included ODOT and withheld support of the WEP in its current alignment and the alternate alignment proposed by FHWA. She reviewed details of the motion and indicated the direction to her and Mr. Kelly was to not support Mr. Green's motion.

Mr. Kelly added that lack of support for the FHWA proposed alignment did not mean it was dismissed from any future consideration and Eugene was willing to include that alignment in the collaborative process that explored other options.

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

Mr. Kelly asserted that the MPC's most important task was to move the MTIP forward. He noted that if ODOT issued a no build recommendation a small allocation of funds was necessary to conclude the environmental work.

Mr. Kelly, seconded by Ms. Piercy, moved to adopt the FY06-09 Metropolitan Transportation Improvement Program as submitted, with removal of West Eugene Parkway projects and the addition of a project to allow the completion of the environmental documentation for a no build decision.

Mr. Vanderpool said that an alternative being considered, since exact cost figures were unknown, was to change the title of the project in the MTIP to clarify that it was the West Eugene Parkway environmental process and remove it from the construction project list. He said the dollar amount could be adjusted administratively at a later date.

Mr. Kelly withdrew his motion.

Mr. Kelly pointed out there were two different WEP project numbers in the MTIP. Mr. Thompson remarked the second project was Phase 2 environmental mitigation, which was west of Beltline and a moot point as it would not occur.

Mr. Kelly, seconded by Ms. Piercy, moved to adopt the FY06-09 Metropolitan Transportation Improvement Program as submitted, with removal of the West

Eugene Parkway Phase 2 environmental line item and renaming of the West Eugene Parkway Phase I item to "Complete West Eugene Parkway Phase 1 Environmental Process."

Mr. Kelly said the motion was consistent with ODOT Director Matthew Garrett's remarks at an earlier meeting regarding closing the process in order to begin working on other transportation projects.

Mr. Garrett asked LCOG staff to work with Ms. Lee to draft appropriate language to present to the MPC and assure clarity to the conversation.

Mr. Kelly suggested that the language change could be done administratively and presented to the MPC as a consent calendar item.

Mr. Dwyer observed that the City acted independently, but there were serious transportation problems that needed to be addressed. He was concerned that there had been no discussion of the corridor west of the parkway project, between Greenhill Road and Veneta. He said even if the parkway was built there would still be a bottleneck there. He hoped to find a way to direct resources toward finding solutions and options for resolving the bottleneck between Veneta and Greenhill Road. He pointed out the new development anticipated in Veneta that would increase traffic along the corridor. He hoped some of the funds reserved for the parkway would remain in the region to deal with regional transportation problems.

Mr. Papé said he thought funding to complete the environmental process was included in the FY05-07 MTIP. Mr. Vanderpool said that was correct; however, the FY05-07 MTIP had a narrow window and ODOT as well as other partners had indicated an interest in programming projects that extended beyond that timeline.

Mr. Papé expressed concern that Mr. Kelly's motion would add language that complicated that process.

Mr. Kelly said that once the FY06-09 MTIP was adopted it replaced the FY05-07 MTIP, which was why he had moved to include that language. Mr. Vanderpool agreed with Mr. Kelly's statement.

Mr. Green stated he would support the motion, even though it did not include the WEP, because it was important to move other projects forward and it addressed concerns raised by the LCOG board and removed the risk of losing federal funds.

Mr. Thompson pointed out that the motion needed to adopt the MTIP and the air quality conformity determination.

Mr. Kelly restated his motion as follows: I move to approve Resolution 2006-11 adopting a Fiscal Year 06-09 Metropolitan Transportation Improvement Program, which includes air quality conformity, and modified to remove the West Eugene Parkway Phase 2 environmental process and changing the name of the West Eugene Parkway Phase 1 to a project title and funding to close out the environmental process. Ms. Piercy as second concurred with the restated motion. The motion passed, 10:0.

Ms. Piercy expressed her understanding of how difficult and arduous the process had been and thanked all those involved for their consideration of her efforts toward a collaborative process.

Mr. Kelly said he had received constituent feedback that the action implied it was a “no growth” move or the Eugene City Council was opposed to all road projects. He pointed out that the council was in favor of addressing as soon as possible road projects such as the Beltline corridor and other projects to resolve transportation problems in the community. He hoped that closing the WEP record of decision would allow all parties to come together to find other transportation solutions.

Mr. Garrett explained that recent decisions prompted him to submit a no build recommendation to FHWA and closed the chapter on solutions contained in the current environmental process specific to the WEP. He said there was a process for vetting projects and one of the ramifications of the MPC’s decision was a funding issue; the money set aside specific to the WEP would refer back to the larger modernization pool of funds statewide and be reallocated by the Oregon Transportation Commission. He said projects to be considered for those funds would be vetted through the mechanisms currently in place. He said if there was a collaborative process, as requested by the City of Eugene, which had statewide or regional significance then ODOT would participate if invited to do so, although there were still unanswered questions regarding the cost, funding source and length of time involved.

Mr. Kelly commented that the funds reserved by ODOT for the WEP represented only about ten percent of the project’s construction cost.

Mr. Green said the question was how to advance the County’s interest in the West 11th Avenue to Veneta corridor. He said that was a comprehensive planning process that would need to be started over; any projects would need to be vetted and compete with other projects for planning funds and it would be many years before construction could occur.

Mr. Dwyer said he wanted the project on a list. Mr. Green said the County’s Roads Advisory Committee should address the issue. Mr. Schwetz urged the MPO to establish a set of development priorities because of the length of time involved in moving a project through the process. Mr. Thompson agreed with Mr. Schwetz’s remarks and added that the MPC had previously approved a set of funding priorities to present for the FY08-11 State Transportation Improvement Program (STIP) and included in those was a request for development funds for a Beltline project between River Road and Coburg Road. He expected that would have a good chance to be funded and could be considered an established development priority. He said the WEP was listed in the RTP and as that plan was amended and updated the WEP would be removed from the constrained project list and the funding could be made available to move other projects onto the constrained list.

Ms. Piercy left the meeting at 12:25 p.m.

Mr. Carlson, Eugene assistant city manager, clarified that West 11th Avenue (Highway 126W) between Veneta and perhaps as far as Greenhill Road was outside of the jurisdictional boundary of MPO responsibility, so both projects would properly be within the County’s purview.

Report from Lane Council of Governments (LCOG) Board

Mr. Vanderpool reviewed actions by the LCOG board at its June 2006 meeting, including authorizing a letter to the MPC and authorizing the board’s executive committee to work with the MPC to resolve an impasse in the event an MTIP was not approved. He thanked the MPC for approving the MTIP and said the remaining item to be addressed was adoption of a dispute resolution methodology for MPO duties only in the MPC bylaws. He said the LCOG board expected that a methodology that would preclude a lengthy

impasse period would be adopted by the MPC's January 2007 meeting, with the details to be determined by the MPC. He offered the assistance of LCOG staff to develop a dispute resolution mechanism that was acceptable to the MPC and the LCOG board. He reiterated that the LCOG board had not taken a position on any transportation project before the MPC and was not attempting to influence which projects moved forward.

Mr. Dwyer observed that the MPC's structure was reminiscent of the United Nations Security Council with veto power that did not allow for dispute resolution. He suggested that compulsory binding arbitration facilitated by a person acceptable to all parties was needed to move beyond the Security Council model.

Ms. Volta understood why Eugene, Springfield and Lane County were concerned with having veto power, but was concerned that the process did not work. She pointed out that if ODOT had not agreed to issue a no build recommendation the MPC would still be at an impasse. She said there were other entities in the area, such as Veneta, that were developing and would need a better voice in transportation decisions and the current model did not provide that. She said from the perspective of a small community that was fortunate to be an MPC member she wanted to see changes from both a procedural and resolution standpoint to help the process work better.

Mr. Kelly felt that the process did work well the vast majority of the time and at some point each jurisdiction had used its veto. He said that it would be very difficult to use binding arbitration to resolve MPC disputes and suggested looking at how other jurisdictions resolved disputes while maintaining the autonomy and cooperation of partners.

Mr. Green remarked that the MPC was originally intended to be the dispute resolution body as it also dealt with issues other than transportation. He said the MPC had drifted away from that role and was now focused primarily on transportation. He said MPC members could take whatever positions they chose on metropolitan projects but if a project such as the WEP was truly a regional project, communities such as Veneta and Florence should have been involved in the discussions and decisions. He was not comfortable with one jurisdiction having veto power over a project with regional implications.

Ms. Lundberg said there should be a clear definition of what constituted a local or regional project. She said the LCOG board was a full body of elected officials in the region and suggested that that perhaps disputes could be referred to the LCOG board.

Mr. Dwyer commented that the LCOG board included officials that represented only a few people. He said one approach to dispute resolution could include both a regular vote and a per capita vote.

Mr. Kelly stated that the LCOG board had a provision either in the bylaws or charter for the type of per capita vote Mr. Dwyer suggested, although he was not certain it had ever been used. Mr. Vanderpool confirmed the provision was in the charter but had never been invoked.

Referring to Mr. Green's remarks about the MPC's role as a dispute resolution body, Mr. Kelly said he would like to see more issues come before the MPC for that purpose. He said the MPC could formalize a process that would initiate dispute resolution when it appeared that a jurisdiction might use its veto to try to avoid a lengthy impasse.

Mr. Green felt that the MPC would have more opportunities to engage in collaboration on future projects such as those related to the Beltline corridor.

Proposed Process for Programming Surface Transportation Program-Urban (STP-U) Funds

Mr. Thompson reviewed the agenda materials and asked that the MPC direct staff to move forward with an STP-U programming process for FY08 and FY09. He said the key difference was focus of the programming and application and evaluation process on those projects that supported the regional priorities of the MPO. He said within that framework each jurisdiction could submit up to two applications per fiscal year within the preservation, project development and modernization category that represented its highest priorities within the regional framework. He said staff would review the technical information related to those projects and perform a technical evaluation of eligibility and worthiness for STP-U funding.

Mr. Dwyer, seconded by Mr. Kelly, moved to direct staff to proceed with the process for programming Surface Transportation Program-Urban funds.

Mr. Kelly asked if one of a jurisdiction's two annual applications could consist of a bundle of projects. Mr. Thompson replied that an application could include a number of projects as there was historical precedent.

Mr. Kelly asked if the pass/fail criterion related to inclusion or consistency with the RTP would regard preservation projects as consistent because of policies regarding maintaining the current system. He noted that a second set of flexible, subjective criteria had been dropped from the current draft. He asked if those were replaced by the concept of a technical evaluation by staff. Mr. Thompson replied that preservation projects would be deemed consistent with the RTP and the subjective criteria had been morphed into language related to a technical evaluation by staff and reviews by the CAC and MPC that included other considerations.

In response to a further question from Mr. Kelly, Mr. Thompson stated that the MPC would see the complete list of projects, including those that staff did not think were eligible or qualified.

Mr. Kelly said that a framework for the discussion of regional priorities would be helpful.

The motion passed, 9:0.

Mr. Dwyer left the meeting at 12:55 p.m.

Follow-up and MPO Calendar

Mr. Schwetz distributed copies of the consensus committee's recommendations for ConnectOregon funding. He noted that the Eugene Airport and Lane Transit District projects were funded in Region 2. He reviewed the distribution of projects among private and public sector applications and transportation modes. He also distributed a notice of the Oregon Transportation Commission's July 19, 2006, meeting in Salem.

The next meeting was scheduled for August 10, 2006, at the Springfield City Hall Library Meeting Room.

The meeting was adjourned at 1 p.m.

(Recorded by Lynn Taylor)