

MINUTES

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

August 11, 2005
11:30 a.m.

PRESENT: Anne Ballew (City of Springfield), Chair; Bobby Green, Bill Dwyer (Lane County), Vice Chair; Tammy Fitch for Sid Leiken (City of Springfield), David Kelly, Kitty Piercy (City of Eugene), Judy Volta (City of Coburg), Dave Kleger for Gerry Gaydos (Lane Transit District), Karl Wieseke for Jane Lee (Oregon Department of Transportation), members; Dennis Taylor (City of Eugene), Jamon Kent (Lane Council of Governments), Bill Van Vactor (Lane County), Ken Hamm (Lane Transit District), Cynthia Pappas (City of Springfield), *ex officio* members.

Tom Schwetz, Paul Thompson, Petra Schuetz, Ann Mortenson (Lane Council of Governments); Greg Mott, Nick Arnis (City of Springfield), Stefano Viggiano, Anita Yap, Linda Lynch, Terry Parker (Lane Transit District); Connie Williams (Commuter Solutions), Chris Henry, Mark Schoening (City of Eugene), Tom Stinchfield (Lane County), Kathy Dedrick (Congressman DeFazio's Office), Terry Connolly (Eugene Area Chamber of Commerce), Charles Biggs, Zachary Vishanoff, guests.

1. WELCOME AND INTRODUCTIONS

Ms. Ballew opened the August 2005 meeting of the Metropolitan Policy Committee (MPC) and welcomed those present.

Members of the MPC introduced themselves.

Ms. Ballew introduced Kathy Dedrick, chief of staff for Congressman Peter DeFazio. She thanked Ms. Dedrick for her work on the federal transportation bill and presented her with a birthday cake on behalf of the MPC. Mr. Schwetz pointed out that copies of a list of Oregon projects funded in the legislation had been provided to members.

Ms. Piercy said that Mr. Kelly would be delayed and asked that the items related to Surface Transportation Program-Urban (STP-U) funds and a single Regional Transportation Plan/Transportation System Plan (RTP/TSP) document be moved to the end of the agenda. There were no objections.

2. APPROVE JULY 14, 2005, MINUTES

Mr. Dwyer, seconded by Ms. Fitch, moved to approve the July 14, 2005, minutes as submitted. The motion passed unanimously.

3. COMMENTS FROM THE AUDIENCE

Charles Biggs, Eugene, stated that he had recently attended a STIP staff meeting and had two points of concern. He said that staff appeared to frown upon public involvement and would only do it if mandated. He said he also heard staff reiterate something about an emergency meeting in late December when someone took action without his colleagues support or knowledge. He asked the MPC to tell staff not to repeat these things.

Zachary Vishanoff, Patterson Street, Eugene, stated that the pilot project to tax vehicles by the mile was invasive and “Orwellian.” He said he understood the project had been transferred to the Portland area and wondered what the status was as he was unable to obtain any information. He said that public involvement was not well utilized in planning for the courthouse district in Eugene. He did not think that Smart Growth streets would not allow bike lanes as vehicle traffic would slow bikes. He said there were many flaws in the plan for the courthouse district streets and the process should be reopened. He asked that the Interstate 5/Franklin Boulevard interchange be “deprioritized” as it was too expensive and should have more discussion. He said that bus rapid transit would require the removal of trees on Franklin Boulevard and the public should be informed about the day of removal and there should be a dialogue prior to that happening.

4. METROPOLITAN PLANNING ORGANIZATION (MPO) ISSUES

a. FY08-11 MPO-Specific State Transportation Improvement Program (STIP) Prioritization Factors and Evaluation Process

Ms. Ballew briefly summarized the item and reminded the committee that it had previously indicated acceptance of the statewide eligibility criteria and prioritization factors as proposed by the Oregon Transportation Commission (OTC). She asked if there were any other additional comments.

Mr. Thompson clarified that the Citizen Advisory Committee (CAC) had been given an overview of the criteria at its August 3, 2005, meeting. He said the CAC may have suggestions for improvements or adjustments to the criteria.

c. Regional Transportation Plan (RTP) Amendment for Interstate-5/Coburg Interchange

Mr. Thompson said the proposed amendment was consistent with the MPC’s direction to staff at its July 2005 meeting. He said the amendment would move the Interstate 5/Coburg interchange project from the illustrative list in the RTP to the financially constrained list. He noted a correction to his memorandum of August 3, 2005: in the second paragraph the sum of \$8 million should be changed to \$9 million and the sum of \$13.5 million should be changed to \$14.5 million. He said that staff and the Transportation Planning Committee (TPC) unanimously recommended approval of the amendment.

Mr. Dwyer, seconded by Ms. Fitch, moved to approve Resolution 2005-10 adopting an amendment to the Central Lane MPO Regional Transportation Plan. The motion passed unanimously.

e. Follow-up and MPO Calendar

i. Report from Citizen Advisory Committee (CAC)

Mr. Schwetz announced that there had been two resignations from the CAC and requested permission to recruit for a full complement of CAC members. He said the MPC had approved a 15-person membership and initially only 12 people were appointed. He said the proposal was to have the CAC co-chairs and vice chair, along with the MPC chair and vice chair and a Eugene MPC representative screen applicants and made recommendations on appointments to the MPC.

Ms. Ballew determined that there was consensus to move forward with the proposal. She emphasized the importance of having committed members of the CAC because it was such an important component of community involvement. She noted that there had been attendance problems that resulted in a lack of quorum at meetings and said she had asked staff to contact CAC members who had poor attendance to determine if they were still committed or would prefer to resign.

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

Ms. Volta observed that changing the quorum requirement from two-thirds to a simple majority could help the CAC achieve a quorum at its meetings. Mr. Schwetz said that recommendation for a bylaws amendment would be coming to the MPC.

Mr. Dwyer agreed with Ms. Volta's suggestion. He commented that CAC membership required a significant amount of effort and those selected should be aware of and committed to that work.

Ms. Piercy remarked that she wanted the CAC to have the best possibility for success and encouraged any modifications that would help the CAC do its work.

Ms. Ballew highlighted the need for a balance of perspectives from the community to be represented on the CAC.

ii. Metropolitan Transportation Improvement Program (MTIP) Administrative Amendments

Ms. Ballew determined that there were no questions from MPC members.

iii. Federal Transportation Bill Reauthorized

Mr. Schwetz noted that he had distributed a replacement table of Lane County earmarked projects in the federal transportation bill, also known as the Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). He said the replacement table included \$9 million for the I-5 interchange at Coburg and \$400,000 for the I-5/Franklin Boulevard interchange study. He said the bill represented a 25 to 30 percent increase over the previous legislation and changed the planning requirements to allow a 4-year cycle instead of the current 3-year cycle. He said the State would need to implement the change to allow a STIP every four years instead of every three years.

In response to a question from Ms. Ballew, Mr. Schwetz said that funds would be available for projects

when they were amended into the plan and programmed into MTIP at appropriate times. He said it was unclear in the legislation what the match requirements were on projects and according to Ms. Dedrick most of the Lane County projects were subject to a 10.72 percent match instead of the typical 20 percent match.

Mr. Wieseke stated that ODOT had anticipated the match requirements for the I-5/Beltline project and programmed that amount.

iv. LUBA No. 2004-223 Final Opinion and Order

Ms. Ballew stated that the petitioners had 21 days to appeal the decision to the Oregon Court of Appeals.

b. Evaluation Criteria and Process for Programming FY07-09 STP-U Funds

Ms. Ballew asked whether the \$3.5 million available in each year of the three-year period would be treated as regional funds or as funds available to local jurisdictions. She noted that the funds were very flexible but could not be distributed by formula to the County and cities. She said asked for comments from members on whether the funds should be focused on a large project or several smaller projects.

Mr. Thompson stated that while the STP-U funds were flexible and at the MPC's discretion, they could be expensive to access in some uses because of the extensive process requirements. He said it was often more efficient to use these funds on projects that were being funded from other federal sources because those projects were already required to go through the process or use the funds for activities such as planning, project development or preservation that were not required to go through the process. He said the process could cost as much as \$50,000, which would be prohibitive for a small project.

Mr. Green remarked that even though the funds were flexible the MPC could face the same problem as the State in trying to decide on a regional basis between large projects and smaller projects. He wondered what guiding principles to apply to projects to determine which were best for the system and expressed an interest in having the MPC engage in that discussion.

Mr. Kelly arrived at 12:10 p.m.

Mr. Dwyer agreed it was important for the MPC to discuss developing regional criteria to establish priorities. He gave congestion and accident rates as examples of factors that could be used for objective evaluation of priorities.

Mr. Schwetz expressed the staff's interest in engaging the MPC in exactly that type of discussion. He said the current criteria attempted to achieve a regional focus by reference to the regional plan but should be refined to address factors such as those mentioned by Mr. Dwyer. He said that the criteria should help determine the regional priorities within the various categories. He gave gap-funding to move key projects forward as an example of how the funds could be used.

Mr. Kelly observed that there was no "right" set of criteria; it depended on what the MPC wanted to give weight to. He looked at the modernization piece as strategic and providing the most "bang for the buck" but emphasized that Eugene's interest was in maximizing the opportunities for road preservation. He cited an idea suggested by CAC member Rex Redmon to determine the value of a preservation project by the cost of not doing the project. He noted that it was less expensive to resurface a road than to rebuild it.

Mr. Dwyer said that determining the value of preservation projects should not be difficult as pavement had an identified life expectancy, but replacement cost was a “moving target” because it was based on prices at a certain point in time.

Ms. Fitch suggested that the MPC could consider increasing the percentage for modernization in FY07 and then put more funding into preservation in FY08 and FY09. She said the TPC should review applications for modernization and provide the MPC with information on how much of the available funding they would use.

Mr. Dwyer commented that he would prefer to have projects come forward and determine if they justified changing the formula.

Mr. Thompson remarked that staff had recognized in their discussions that in opening the FY07 modernization project process there had been some indication that the priority projects submitted in that category might exceed the available funds for a particular year. He said the TPC could bring to the MPC a recommendation to program more than 20 percent for modernization in FY07 with the caveat that there could be less for modernization in FY08 and FY09. He said it was possible that the percentage targets set for categories could be met over the three-year period instead of each year.

Mr. Schwetz said another option could be to program funds for FY07 and FY08, which would make a larger amount of funds available.

Mr. Kelly expressed his concern with revisiting decisions the MPC had made earlier. He noted that Eugene staff had developed a project list based on the MPC’s allocation of 20 percent for modernization in FY07 and that list had been approved by the City Council. He questioned why criteria were needed if projects were reviewed first. He said that criteria should represent the MPC’s philosophy of transportation funding.

Ms. Ballew said it was not yet clear whether the MPC wanted to limit itself to regional projects or support a blend of local and regional projects. She did not think that either approach had to be adopted permanently. She wondered whether the projects or the criteria drove the process. She suggested that jurisdictions proceed to submit their applications and asked whether some large projects had been withheld because of the limited amount of funds.

Mr. Kelly said that awareness of the amount of funds available had driven development of the project list.

Mr. Thompson pointed out that the revised schedule allowed a longer period for revising criteria, and programming the second and third years of modernization and all three years of preservation with first year modernization, three years of planning and three years of transportation demand management (TDM) moving forward under the established criteria already in place.

Ms. Ballew determined it was the consensus of the MPC to accept the revised schedule as summarized by Mr. Thompson.

Mr. Kelly pointed out that in accordance with the schedule the draft MTIP was released to the public before the MPC discussed it. He asked if that was unusual. Mr. Thompson said that had been the practice in the past and was somewhat driven by the fact that the draft needed to be released to the public in time to allow the required air quality review period and waiting for MPC review of the draft would be too late.

In response to a question from Ms. Volta, Mr. Dwyer said that project applications from outside of incorporated cities that were submitted to the County were reviewed by engineering staff then presented to the Road Advisory Committee, which then forwarded them to the County Commission. Mr. Schwetz added that only the County, Eugene, Springfield and Coburg were eligible for STP-U funds.

Mr. Green reiterated his request that staff propose a set of criteria and cautioned that any new criteria should not be based on accident rates or other tragic circumstances.

Ms. Ballew said that Springfield would be interested in the possibility of gap-financing raised by Mr. Green in his earlier remarks.

Ms. Fitch noted that the cost of right-of-way would continue to rise and that was a critical issue for Springfield.

d. Update on Pursuit of a Single RTP/TSP Document

Mr. Schwetz reviewed his memorandum of August 4, 2005, which presented the status of staff work on pursuit of a single RTP/TSP document. He said several meetings with local staff had occurred and a meeting with Federal Highway Administration (FHWA) staff had been scheduled in two weeks. He said there was agreement that a single document was desirable but problems arose with the difference between federal and State processes, timelines and consequences. He said Department of Land Conservation and Development (DLCD) staff were exploring the additional of language to the Transportation Planning Rule (TPR) that would better coordinate between the two sets of requirements. He drew the MPC' attention to the comparison of requirements contained in the attached table entitled *Federal Regional Transportation Plan (RTP) and State Transportation System Plan (TSP) Requirements and Interrelationships*. He indicated the next step was to perform an analysis of the information contained in the table to better identify which components could be merged and which might need to remain independent.

Ms. Fitch said her concern was with limited resources and staff time and what would be accomplished by the effort if the current system was not "broken." She felt it was appropriate that local jurisdictions have their own plan and the MPC made decisions on behalf of the MPO.

Mr. Kelly said moving to a single document would not eliminate an existing approval process and local jurisdictions would continue to approve their own TSP; the effort would be a return to TransPlan, which served as both the RTP and TSP and would actually conserve resources. He was pleased that the State saw no impediment to a single document.

Ms. Fitch pointed out that the last TransPlan update took many years to complete.

Mr. Schwetz stated that the staff analysis would explore the process and try to determine which approach would use more resources.

Ms. Volta observed that a significant amount of time had already been spent on the initiative and cautioned that even if the results of the analysis indicated the concept of a single document should be pursued there were still philosophical differences to be resolved.

Ms. Ballew agreed with Ms. Volta. She noted that even though Eugene was interested in a single plan the

reality could be that it would not work for the other jurisdictions.

Mr. Kelly commented that if there was a single document it would only be necessary to go through philosophical disputes once.

Mr. Kleger pointed out that the two planning cycles operated on remarkably different calendars and the federally mandated one allowed for much less time. He cautioned that merging the documents should not create unintended consequences. He said that transit funding was highly competitive and needed to be acted upon swiftly.

Mr. Kelly noted that the change from a three-year to four-year planning cycle in the federal transportation reauthorization bill was very helpful.

Mr. Van Vactor asked if the results would have been the same in the Land Use Board of Appeals (LUBA) case if the two plans had been merged. He said it was important that the MPC's decisions be as sustainable as possible and Oregon had a very user-friendly land use system in terms of appeals. He doubted the federal system was as user-friendly. He was concerned that merging the documents could significantly increase the opportunities for appeal of MPC actions. Mr. Thompson replied that part of the LUBA opinion in dismissing the appeal was that federal adoption did not apply to statewide land use goals and criteria and he did not see that that would change when the MPC took action to adopt the federal plan, even if there was only one document. He said, however, if adoption of one document by the MPO automatically meant it was subject to local processes those local actions were more open to LUBA appeal than the federal action.

Mr. Kelly said that even though the two plans were in a single document a table of contents could distinguish between the federal and state components.

Mr. Green asked if a single document would expedite approval or could one plan delay the other in terms of timing. Mr. Thompson referred to a memorandum from the Department of Justice (DOJ) that was attached to Mr. Schwetz's memorandum. He said DOJ had a very definite concern regarding differences between State and federal timelines and consequences to federal funding if the document was subject to the State's process.

Mr. Green said that potential delays and jeopardizing funding was a major concern for him.

Ms. Fitch asked for a legal review of whether merging the plans would have affected the LUBA ruling or any other concerns raised by the prospect of a single document. Mr. Schwetz agreed that legal advice would be sought on the issue of a single document and that new TPR language would help to clarify how the State would interact with the federal process. He hoped the process would produce a better understanding of how the State and federal regulations could work together.

Mr. Kelly asked for clarification of whether there were certain projects that could move forward and be constructed with federal funds without being in the TSP. Referring to the LUBA appeal, he asked how a single document could be constructed so that there was no greater exposure to appeals. He saw no reason to delay action pending the State's revisions to the TPR. Mr. Schwetz responded that the State had a deadline to amend the TPR in 2006.

Mr. Green said his concern was less with a process that was project-driven but rather the issue of assuring local control.

With respect to projects being in one plan and not another, Mr. Thompson noted that the federal courthouse district project was amended into the RTP a year ago and was moving forward, but was not in the TSP. He said an opinion by the Eugene city attorney confirmed that was acceptable and he could provide that information if necessary.

Ms. Ballew reminded members that the September and October 2005 meetings were on the third instead of the second Thursday of those months.

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

(Recorded by Lynn Taylor)