

MINUTES

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

August 10, 2006
11:30 a.m.

PRESENT: Bobby Green, Chair; Faye Stewart for Bill Dwyer (Lane County), Anne Ballew, John Woodrow for Sid Leiken (City of Springfield), David Kelly (City of Eugene), Judy Volta (City of Coburg), Gerry Gaydos (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.

Byron Vanderpool, Tom Schwetz, Paul Thompson, Ann Mortenson, Kathi Wiederhold, Petra Schuetz, Susan Payne, Jamon Kent, Milo Mecham (Lane Council of Governments); Tom Boyatt, Jeff Scheick, Terri Harding (Oregon Department of Transportation), Greg Mott, Len Goodwin (City of Springfield), Mark Schoening, Chris Henry, Jim Carlson, Pam Berrian (City of Eugene), Tom Stinchfield (Lane County), Anita Yap, Stefano Viggiano (Lane Transit District), Connie Bloom Williams (Commuter Solutions), Robert Schroeter (Comcast), Sylvia Shaw, Webb Sussman (MPO Citizen Advisory Committee), Lauri Segel, guests.

WELCOME AND INTRODUCTIONS

Mr. Green called the meeting to order and welcomed those present. Metropolitan Policy Committee (MPC) members introduced themselves.

Mr. Green announced that the agenda would be revised to take up some of those items requiring no action until the arrival of another committee member.

COMMENTS FROM THE AUDIENCE

Lauri Segel, 642 Charnelton, Eugene, spoke to the Public Participation Plan and advocated for better access to MPC meetings by holding them in locations equipped for webcast or television. She encouraged involvement of the Citizen Advisory Committee in amendments to the Metropolitan Transportation Improvement Program. She said the many amendments processed annually were very difficult to for the public to track and the committee's involvement would assure another level of oversight. Regarding conflict resolution, she pointed out that the MPC was a relatively small body and a review of ACTs (Area Commission on Transportation) across the state indicated that most were much larger bodies and at least three-quarters of them acted by consensus. She asked the MPC to consider using a consensus-based approach.

METROPOLITAN PLANNING ORGANIZATION (MPO) ISSUES

Draft Public Participation Plan (PPP)

Ms. Wiederhold reminded the MPC that it opened the public comment period on the plan at its July 2006 meeting but did not have time for a discussion. Citizen Advisory Committee (CAC) officers Sylvia Shaw and Webb Sussman were available to answer any questions that members might have about the plan.

Ms. Shaw remarked that the CAC had struggled during its first year to gain an understanding of the regional transportation system and how citizens could play a role in the process.

Mr. Sussman said the PPP was the result of a year of work by a variety of people and while the committee felt that the plan would meet with the MPC's approval it was interested in any feedback.

Ms. Wiederhold said the public comment period was open through the end of August and review copies were available at libraries, government offices and online. She said the CAC had carefully reviewed the plan and made a number of positive and constructive changes while keeping in mind that the audience was federal regulators. She said the committee's next product would be a citizen's guide to transportation planning.

Mr. Green said he appreciated the CAC's efforts to make the plan user friendly and demystify the transportation planning process. He acknowledged the steep learning curve for committee members and felt the CAC was meeting the MPC's expectations.

Ms. Volta asked if CAC members felt the joint meeting with the MPC in 2005 was helpful and would they recommend holding a joint meeting annually. Ms. Shaw said the meeting was helpful and the CAC would like to have an annual joint meeting. Mr. Sussman added that even more frequent joint meetings would help assure that the two groups were in sync.

Ms. Wiederhold stated that following the public comment period on the plan there would be a public hearing before the MPC. She said adoption of the plan would be scheduled at an MPC meeting following review of public comments by both the CAC and the Technical Policy Committee (TPC) and compilation of recommendations from those committees for presentation to the MPC. She expected plan adoption to occur no later than the November 2006 meeting.

Ms. Wiederhold agreed that the plan had underestimated the number of MTIP amendments processed annually and said that webcasts of MPC meetings was being researched.

Mr. Green noted that the MPC might not meet in September and that would affect the schedule for plan adoption as the public hearing would not be held until October.

e-MPO Status

Ms. Schuetz stated that the electronic MPO or e-MPO was an electronic outreach and communications tool that would improve public outreach, staff interaction and internal data management. She said there were many layers to the e-MPO, including the major internal database and the external product for the public. She used a prototype of the public interface website to illustrate the Google mapping function and filters for searching projects by jurisdiction, project type (roadway, transit, bicycle/pedestrian) or MTIP construction year.

Ms. Volta asked if the website included feedback capability on specific projects. Mr. Thompson replied that the website would be interactive and a feedback link would provide staff contact information and an e-mail function for commenting on specific projects or general inquiries.

Mr. Kelly arrived at noon.

Ms. Schuetz said that jurisdictions would identify the specific staff contacts for their projects and update project information in real time.

Mr. Kelly asked if the e-MPO had been tested on a dial-up connection. Mr. Thompson said it had not been tested on dial-up as it was not yet database-driven and interactive; testing would occur once the site was dynamic. He said the developer felt that the Google mapping function was viable over slower connections. He added that the CAC had reviewed the e-MPO project and provided feedback on various aspects, including that the initial view of the page should be the current construction year.

Ms. Schuetz pointed out that the e-MPO website would include a link to Keep Us Moving, which would provide more details and downloadable materials as a project neared its construction phase.

Mr. Scheick suggested adding a link to TripCheck.

Mr. Thompson explained that icons were used on the map to indicate the location of projects and the extent to which a user could zoom in on a project location was limited to avoid trying to represent the exact extent or alignment of a project in advance of actual construction. He noted that comments and questions from the CAC were posted on flip chart pages if members wished to review them.

Mr. Green said that CAC members had recommended that eventually the e-MPO would be able to demonstrate how projects were connected from both system and long-range planning perspectives. He asked if project categories would include ConnectOregon categories such as freight and airports. Mr. Thompson said staff would look into that.

Ms. Wiederhold said the CAC liked the appearance of the website and were enthusiastic about being able to test it and make recommendations. She said one member had reminded staff that there should be a text version along with graphics to make the information accessible to the visually impaired.

APPROVE JULY 13, 2006, MINUTES

Mr. Kelly, seconded by Mr. Gaydos, moved to approve the July 13, 2006, minutes as submitted. The motion passed unanimously, 8:0.

METROPOLITAN CABLE FRANCHISE RENEWAL

Mr. Mecham said the question before the MPC pertained to the franchise renewal process. He said franchise renewal could occur under either a federal renewal process or a special expedited renewal process of the franchise. He said the MPC had determined by resolution that Comcast's efforts to initiate the special process under the franchise had not been successfully started, thus making renewal subject to the federally regulated process. He related that Comcast disagreed with the MPC action and was asking

the MPC to consent to engage in arbitration over whether or not Comcast had successfully initiated the franchise renewal process. He said staff interpreted franchise language to reserve the authority to agree to enter into arbitration to the grantors of the franchise – Lane County and the cities of Eugene and Springfield – and recommended that the MPC decline the request for arbitration.

Bob Schroeter, representing Comcast, stated that Comcast believed it had properly commenced the renewal process under the franchise agreement in October of 2005 and asked the MPC to assume jurisdiction of the matter. He said the MPC in February 2006 had adopted the staff's interpretation of how the renewal process should be invoked under the franchise and Comcast was formally notified of that decision in May 2006. He said that Comcast, subsequent to receiving notification, requested arbitration under the franchise provisions of each of the jurisdictions. He acknowledged there were different interpretations of the franchise and one reading could conclude that the MPC did not have jurisdiction. He noted that the MPC did assume jurisdiction over the matter in 2005 and was not aware that any of the jurisdictions having made any decision on Comcast's request. He stated that Comcast had directed its request for an additional ten-year extension or renewal to each of the jurisdictions but it was the MPC that assumed jurisdiction.

Mr. Schroeter declared that Comcast was asking to resolve the dispute over whether Comcast's rights under the franchise agreement would be respected and once that determination was made the process could move forward. He agreed there were two renewal processes: one franchise process and the process established under federal law. He indicated that Comcast had initiated the federal process as a parallel process, but believed that it had exercised its rights properly under the franchise process. He said Comcast was seeking MPC's consent to arbitration so that the issue could be resolved in a reasonable amount of time. He reminded the MPC that if it or an arbitrator determined that the franchise process had been properly initiated that did not mean a ten-year extension was automatically guaranteed; it meant the MPC would be reviewing whether Comcast was in substantial compliance on the merits. He said Comcast would have no objection to the MPC taking additional time to deliberate compliance if it determined it had jurisdiction. He asked the MPC to indicate clearly that it wished Comcast to take the request for arbitration to the individual jurisdictions if the MPC determined it did not have jurisdiction.

Mr. Green asked if staff from the cities of Eugene and Springfield wished to add anything to Mr. Meham's comments. Mr. Goodwin and Ms. Berrian both concurred with the staff recommendation.

Mr. Green asked what the next steps would be if the MPC declined the request for arbitration. Mr. Meham said that the parallel federal renewal process was under way and would not be affected by MPC action, although it could be interrupted if the franchise renewal process was accomplished sooner. He said if the MPC accepted the staff recommendation there was still a process for franchise renewal and declining the request for arbitration would be in effect directing Comcast to ask each of the three jurisdictions to consent to arbitration.

Mr. Van Vactor arrived at 12:20 p.m.

Mr. Kelly said he was comfortable with the staff recommendation, which was consistent with the City of Eugene staff's recommendation. He urged Comcast, if the MPC declined the request, not to take additional time and staff resources going to each of the jurisdictions only to get the same response from three different bodies. He felt there was no reason not to move forward under the federal process for renewal.

Mr. Schroeter indicated he did not feel that the MPC's denial of the request for arbitration would

automatically end the franchise process in favor of the federal process. He believed that Comcast had rights under the contract and would assert those rights.

Mr. Goodwin stated that the City of Springfield had tendered a renewal franchise to Comcast and offered to have it executed and renewal completed immediately and MPC action consistent with the staff recommendation would not interfere with that process.

Mr. Kelly, seconded by Ms. Ballew, moved to accept the staff recommendation and decline Comcast's request for agreement to submit to arbitration. The motion passed unanimously, 8:0.

METROPOLITAN PLANNING ORGANIZATION (MPO) ISSUES (continued)

Amendment to FY06-09 Metropolitan Transportation Improvement Program (MTIP)

Mr. Thompson explained that the amendment would add a new project to provide \$385,000 in Lane County Road Fund funding for Bob Straub Parkway environmental mitigation work. He said the actual construction project authority was a project in the MTIP and this would be added as a separate item to identify the amount and extent of environmental mitigation.

Mr. Woodrow, seconded by Mr. Gaydos, moved to approve Resolution 2006-12 conditionally adopting amendment 2006-29 to the FY06-09 Metropolitan Transportation Improvement Program. The motion passed unanimously, 8:0.

Process for Programming STP-U Funds

Mr. Thompson reported that staff, pending any further direction from the MPC, would start taking applications for FY07 planning funds above the baseline amounts already programmed, as well as applications for FY08 and FY09 Transportation Demand Management (TDM) funds and FY08 and FY09 planning funds. He said the process for programming the 65 percent reserved for preservation, project development and modernization would begin with a discussion of regional priorities. He said staff would present a framework for that discussion at the October 2006 meeting. He indicated that the Eugene and Springfield city councils had scheduled work sessions on the topic and the CAC was also involved in discussions of regional priorities.

Mr. Kelly remarked that MPC representatives would need time between discussion of priorities and a vote to obtain direction from their respective bodies.

Ms. Ballew stated that it was important to develop a working definition of regionally significant projects to help guide MPC discussions and actions.

Ms. Volta asked what process Coburg should follow to propose a project to STP-U funds. Mr. Thompson replied that if the project was on a facility under Coburg's jurisdiction the City should work with its staff to make the proposal to the MPO; if the facility was under County jurisdiction Coburg could go directly to the County.

Alternate MPO Dispute Resolution Mechanisms

Mr. Vanderpool pointed out that the issue, from the Lane Council of Governments (LCOG) Board's perspective, was specific to the MPC's MPO duties and did not apply to other duties. He reviewed his memorandum of August 2, 2006, which set forth alternative dispute resolution mechanisms discussed by the MPC at its July 2006 meeting, mechanisms from other bodies and jurisdictions and mechanisms from other MPOs in the state. He asked for direction to staff to either provide information about other options or focus on one or two of the examples provided for further discussion.

Mr. Green commented that MPO matters were regional issues and a super-majority should be called for to resolve disputes. He said that MPC matters were local issues and the current veto power should apply. He observed that the MPC was established to be the dispute resolution body and the intent was to have a representative body that could have a constructive conversation about options to present to the respective member bodies. He felt there was already a mechanism in place if the MPC chose to use it, but did not think there were discussions among members to explore options; rather, members came with established positions and were not willing to negotiate. He felt that a super-majority should be invoked on regional issues. He was opposed to the mechanism used by the Salem/Keizer MPO.

Ms. Ballew pointed out that an impasse did not happen often. She had some concern relative to home rule and was not convinced that there was a clear understanding of what constituted a regional project. She could see some merit in Mr. Green's suggestion of a super-majority for regional projects but because of the magnitude of resources involved with some projects she felt there would be some alternative approach if a jurisdiction had a very strong objection. She reiterated the need for a clear definition of "regional."

Mr. Kelly agreed with Ms. Ballew. He said the current system worked 99 percent of the time. He discussed the issue with Mayor Piercy and was stating both of their views. He said the challenge was that even regional projects had differing impacts in local jurisdictions and it would be problematic to address "regional" projects differently. He noted that other MPOs had similar systems in the sense that jurisdictions retained some autonomy. He said that Eugene could not support a super-majority and suggested that in situations where there was likely to be a serious disagreement a simple majority of the MPC, without regard to jurisdiction, could invoke a more formalized alternate process such as mediated discussion to resolve the dispute.

Mr. Gaydos supported Mr. Green's suggestion. He also liked the Corvallis MPO model to strive for consensus. He said part of the issue was the people tended to make decisions when they were constrained to make decisions and mediation could help get the best decision possible under the circumstances and timeframe.

Ms. Volta advocated for having a dispute resolution system in place before the disagreement started. She was not certain that the West Eugene Parkway impasse would have been settled if the Oregon Department of Transportation (ODOT) had not pulled the project. She did not think fighting over projects was the best way to resolve transportation issues.

Mr. Woodrow said he generally agreed with Mr. Green's suggestion of a super-majority to resolve regional disputes, but agreed with Ms. Ballew that it was necessary to have a clear definition of "regional" and when the super-majority would apply and what it would accomplish. He was concerned with the funds spent on consultants to resolve problems and did not want to see more spent.

Mr. Green remarked that one option not discussed was Lane County's role as the transportation authority in the Eugene/Springfield area. He pointed out that the County had not exercised its veto and its representatives had tried to reflect the center of the Board's position, but the County had two opportunities to veto a project: at the MPC level and as the transportation authority that determined priorities. He said the County preferred to work collaboratively with jurisdictions to reach agreement and he was not in favor of using consultants.

Mr. Vanderpool explained how nonattendance could be used as a veto. He said that technically the MPC had a mechanism in its bylaws for addressing that issue; the bylaws called for operating under Roberts Rules of Order and that included quorum call provisions but there was no alternative approach for addressing veto through nonattendance.

Mr. Green summarized the main points raised during the discussion:

- Better definition of "regional"
- Support for facilitation
- Little support for use of consultants
- Little interest in changing the current veto provisions
- Possible alternate approach to move beyond an impasse

Mr. Green suggested that the Beltline corridor project could be a test case for an alternative approach if there were disagreements about transportation, land use or environmental issues among jurisdictions.

Mr. Vanderpool said staff would develop information for defining "regional" for the committee's consideration but he did not hear interest from the committee in developing dispute resolution language with the exception of language to address attendance.

Alternative Mobility Standards

Mr. Schwetz distributed copies of a PowerPoint presentation. He explained that the Oregon Highway Plan (OHP) contained standards for mobility on the state highway system; when those standards could not be met, the OHP provided for the development of Alternative Mobility Standards (AMS). He said development of AMS required local commitment to specific actions and many of those were included in the Central Lane MPO Regional Transportation Plan (RTP). He said congestion related to an excess of vehicles on a portion of roadway that resulted in speeds that were slower than normal at certain times and could be characterized as both "good" and "bad" congestion. He reviewed the positive and negative effects of congestion and said that congestion was a consequence of growth in the economy and resulting increases in dwelling units and employment and growth in urban levels of development and surrounding areas.

Mr. Schwetz identified a number of variables that contributed to daily congestion such as special events, poor signal timing, bad weather, work zones and traffic incidents. He used a series of maps to illustrate geographic, population, employment, dwelling unit density and vehicle trip growth in the Eugene-Springfield metropolitan area. He also illustrated the mobility dependence of area roadways, both state and local, and the locations of congestion currently and in 20 years. He said the next phase would be to discuss ways in which congestion could be addressed.

Mr. Schwetz presented a comparison of mobility among Portland, Salem and the Eugene-Springfield area.

He said that the Eugene-Springfield area had lower congestion than most cities of comparable size. He identified congestion implications as set forth in the *Statewide Congestion Overview for Oregon*. He said that next steps included:

- Compile results from assessment of alternative solutions
- Develop proposal for possible changes to State's mobility standards
- Identify possible local commitments to include in proposal

In response to a question from Mr. Gaydos, Mr. Schwetz said that the analysis had identified the location of areas that were congestion tolerant and based on that would consider lowering the mobility standards in those areas to facilitate the positive effects of congestion.

Follow-up and MPO Calendar

ODOT Update

Ms. Lee distributed copies of an article from *The Oregonian* describing the soaring costs of road projects. She said she would give a presentation at the next MPC meeting on rising construction costs. She gave the Interstate 5/Beltline project as an example. She said that \$500,000 had to be reserved from the contingency fund in anticipation of increases in the cost of asphalt over the life of the project. She said that materials costs had increased 10 to 25 percent in the last year and were continuing to rise.

Ms. Ballew asked if most projects were underestimated for costs. Ms. Lee said that the difference between the amount initially authorized for a project and the actual cost as construction neared often required adjustments in the scope of the project.

Mr. Scheick said that the presentation on rising costs was made to the Oregon Transportation Commission at its last meeting and well received; it was also made to the House Transportation Committee. He said there were tools for trying to offset the challenges of cost increases but more were needed.

OMPOC 2006 Fall Congress

Mr. Schwetz encouraged MPC members to attend the Oregon MPO Consortium meeting on October 6-7, 2006, in Bend, Oregon. He said the meeting was intended to draw a wide range of participants, not just MPO representatives.

The next meeting was scheduled for October 12, 2006.

The meeting was adjourned at 1:25 p.m.

(Recorded by Lynn Taylor)