

MINUTES

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

September 13, 2007
11:30 a.m.

PRESENT: Kitty Piercy, Chair; (City of Eugene); Peter Sorenson (Lane County), Anne Ballew, Sid Leiken (City of Springfield), Gerry Gaydos, Greg Evans (Lane Transit District), Judy Volta (City of Coburg), Ann Sanders (Oregon Department of Transportation), members; Angel Jones (City of Eugene), Bill Van Vactor (Lane County), Gino Grimaldi (City of Springfield), Mark Pangborn (Lane Transit District), Don Schuessler (City of Coburg), *ex officio* members.

Byron Vanderpool, Ann Mortenson, Paul Thompson, (Lane Council of Governments); Ed Moore (Oregon Department of Transportation); Greg Mott, Tom Boyatt, Len Goodwin (City of Springfield), Chris Henry (City of Eugene), Tom Schwetz, Mary Archer (Lane Transit District); Tom Stinchfield (Lane County); Rob Zako, Zachary Vishanoff, Lauri Segel, guests.

WELCOME AND INTRODUCTIONS

Ms. Piercy called the meeting to order and welcomed committee members, staff and guests. Those present introduced themselves.

APPROVE AUGUST 9, 2007, MINUTES

Mr. Gaydos, seconded by Ms. Ballew, moved to approve the minutes of the August 9, 2007, meeting. The motion passed unanimously, 8:0.

COMMENTS FROM THE PUBLIC

Zachary Vishanoff, Patterson Street, Eugene, said the University of Oregon's proposed basketball arena was a regional planning issue and should have accountability. He said that business owners in the area had little recourse but to hire an eminent domain lawyer to protect themselves from the City of Eugene and the University's condemnation action. He said that community input on the project was missing and students and faculty had been left out of the process. He said there had been some discussion of a recall petition in Ward 3, but he did not support that type of drastic measure; however, neighbors had little choice but to try to collect enough signatures to put the project to a public vote. He hoped that members of the MPC might have opinions on how the situation could be resolved.

Rob Zako, 1280-B East 28th Avenue, Eugene, said one of the properties in the area was a high tech dentistry facility and the owners were concerned about eminent domain because of the difficulty in

determining a fair market value for their property. He said that passage of Measure 39 was intended to prohibit eminent domain takings of private property for private use. He said it was a difficult situation.

METROPOLITAN PLANNING ORGANIZATION (MPO) ISSUES

Report from the MPO Citizen Advisory Committee (CAC)

Mr. Vanderpool reported that the next CAC meeting was scheduled for September 19; the MPC had already received a report on the CAC's August 1, 2007, meeting. He said the meeting schedule was being rearranged so that meetings occurred sufficiently in advance of the MPC meetings to allow for timely reporting of activities. He said the CAC was considering bylaws amendments and those would be forwarded to the MPC with the CAC's recommendations.

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

Mr. Thompson said that typically administrative amendments were handled by the staff Transportation Planning Committee (TPC), but Lane Transit District (LTD) had recently been notified of a grant from the Federal Transit Administration to assist with the technical analysis of West Eugene transit alternatives and requested that the amendment be forwarded to the MPC for action instead of waiting until the next TPC meeting. He said that would allow LTD to access the funds and immediately begin work on the project.

Mr. Gaydos, seconded by Ms. Ballew, moved to approve administrative amendment 2007-40 to the FY06-09 and FY08-11 Metropolitan Transportation Improvement Programs. The motion passed unanimously, 8:0.

Draft 2031 Regional Transportation Plan (RTP)

Mr. Thompson said the document before the committee was the final draft of the 2031 RTP. He said the content was essentially the same as the July 2007 preliminary draft, with some exceptions. He said the most significant change was in response to the MPC's direction at the August meeting to eliminate some of the overlap between the RTP and local transportation plans; this was accomplished by removing Section 3, Chapter 4 and appendices E and F, which related to State requirements. He said that information would remain in local plans. He said the outstanding maps and performance measures had now been completed and were included in the final draft. He said language regarding context and the difference between federal and local documents was incorporated at the beginning of the final draft. He asked the MPC to hold a public hearing and provide staff with feedback on the document itself and the next steps toward adoption.

Mr. Sorenson asked what the differences were between the July 2007 draft and the September 2007 draft. Mr. Thompson reiterated that the September draft had been modified to remove references to State requirements and clarifying language about context added, consistent with the MPC's direction, and all of the maps and performance measures were in the September 2007 final draft.

Mr. Sorenson asked if the list of constrained projects was still in the final draft. Mr. Thompson replied that both the constrained project list and illustrative project list were contained in the July and September drafts and were unchanged from the lists reviewed and approved by the MPC in March and April 2007.

Mr. Sorenson asked staff to address the criticism that projects were being listed before the needs had been identified. Mr. Thompson explained the projects on the RTP constrained list were responding to known needs and in virtually each case the project had arisen from a local process that identified that project as meeting needs either in the local jurisdiction's capital improvement program or the jurisdiction's priorities for use of federal funding. He said projects had gone through significant evaluation and an extensive local process. He said the RTP reflected and combined those projects into an overall regional vision.

Mr. Sorenson asked if staff foresaw any problems leaving the record open and continuing the public hearing so the public could submit additional testimony. Mr. Thompson said there was no problem doing that as long as the delay did not extend beyond another month or two as the air quality conformity for the current adopted RTP would expire at the end of the calendar year and it would cause considerable difficulty if a new one was not in place by that time.

Ms. Piercy opened the public hearing.

Rob Zako, 1280-B East 28th Avenue, Eugene, said the July draft was incomplete and the September draft was complete, but he had only seen the final draft a few days ago. He asked that the public hearing be continued to the October meeting so people would have time to review the document. He said there were five recommendations made at the August meeting and he hoped to see a staff response soon. He asked for more information about the land use assumptions that went into the RTP. He said he did not understand the section of the staff memorandum of September 5, 2007, regarding State and federal planning requirements as it seemed to suggest the MPC was not a decision-making body; it was only coordinating decisions made elsewhere. He felt the memorandum minimized the connection between land use and transportation, which was inconsistent with federal requirements. He noted that projects #27 and #30, totaling \$90 million, had been moved from the illustrative to the constrained list and were both Oregon Department of Transportation (ODOT) projects on Highway 126 in Springfield. He questioned how that decision, which represented a huge change in priorities, had been made and did not recall that Springfield held public hearings. He wondered if that was the best use of taxpayers' money and did not see the need for the projects in the RTP. He also found the legislative format of the draft confusing as it did not appear to indicate deleted sections.

Lauri Segel, 642 Charnelton Street, Eugene, said she had not had an opportunity to review the September RTP document and supported Mr. Zako's request to have the hearing continued at the October MPC meeting. She agreed the MPC was not a land use planning or policy organization, the planning the MPC did do was supposed to be predicated on land use plans. She said the problem was that land use plans did not consider new circumstances and hence the MPC's planning did not consider new circumstances. She listed HB 3337 and the unintended development in Lane County as a result of Measure 37 as significant new circumstances that were not considered in land use or transportation planning documents. She asked why it was necessary to adopt the plan now instead of waiting for land use planning to occur. She noticed in a brief review of the final draft that a higher population was projected than in the previous RTP, but that higher population projection was not reflected in any of the local land use planning documents.

Ms. Piercy asked if MPC members were in agreement with keeping the record open for another month and continuing the public hearing to the October meeting.

Mr. Leiken said he would agree to a month's extension, but wanted a report back to MPC on how many people submitted comments during the extended period. He noted the local TMA (transportation management area) took into account a population of well over 200,000.

Mr. Sorenson pointed out that the final draft was received by him only two days before the public hearing and felt that raised a public process issue. He did not think that the timing truly allowed for meaningful public comment. He urged staff to develop a process that allowed adequate time for review of a document before the hearing was held. He said that Lane County had processed 800 Measure 37 claims and that had a major impact on population projections. He observed that the community was concerned about deteriorating infrastructure and traffic safety issues while more new transportation projects were being constructed. He said that should be a factor in the allocation of transportation dollars.

Ms. Volta asked how often the RTP was updated. Mr. Thompson replied that the plan had to be updated every four years, but that could happen more frequently if the MPC chose. He said if a situation occurred that significantly changed the underlying land use or other assumptions on which the RTP was based an update of the RTP should be initiated. He said examples included a comprehensive plan update or urban growth boundary change. He said federal law identified several different types of updates, depending on the significance of the changes being proposed.

Mr. Vanderpool acknowledged the challenges of trying to publish a large document such as the RTP on a schedule that allowed more time for public review and input. He noted that the memorandum from staff identified the various plan components that had been published throughout the development process. He invited suggestions from MPC members on how that process could be improved. He said a piecemeal adoption approach was used by many jurisdictions because of the volume of the entire document.

Mr. Vanderpool said the RTP was a reflection of work done at the local level and activities such as updating the comprehensive plan were never on the same schedule as the mandated RTP update, but the MPC could initiate an RTP update at any time. He said the population projection on the RTP was based on an extension to the 2031 RTP planning horizon of the currently adopted 2030 population projections.

Mr. Sorenson asked what role the Citizen Advisory Committee (CAC) had in the RTP update process. Mr. Thompson said the CAC developed the Public Participation Plan, which set the public involvement process for various documents and was adopted by the MPC. He said once the extent of the RTP modifications was known, the CAC's opinion about an appropriate public involvement process for the update was solicited; the CAC recommendations for the process had been followed. He said additionally the CAC had reviewed the components of the RTP on the same schedule as the MPC.

Mr. Evans said the MPC was providing continuity to local land use planning processes around transportation issues. He said those local planning processes included a number of opportunities for public involvement and comment and the RTP coordinated the results of those local land use decisions at the regional level. He did not see a concern with public process because public input began with local planning commissions through jurisdictions to the MPC.

Ms. Ballew indicated she was not opposed to an extension of the hearing and record. She said the projects on the list had been well vetted at the local level in order to get to that point and there should be no surprises. She said the RTP represented a federal process for which the MPC was responsible, but land use decisions were the purview of local jurisdictions.

Ms. Piercy determined there were no objections to continuing the hearing for a month. She said that local planning issues had been raised, but not addressed as a region. She said the MPC could choose to discuss any topic it deemed important and many changes were occurring that should be the subject of regional conversations and reflected in planning documents.

Mr. Evans agreed that those conversations were an ongoing process, but felt the MPC did not need to micromanage the planning processes of local jurisdictions. He said the MPC's role was to coordinate at the regional level and said that some of the issues raised by those commenting during the hearing would be more appropriately raised during the local processes.

Ms. Piercy stated that the CAC was confused about how to be effective in its role as an advisory committee to the MPC if all decisions were made at the local level before they came to the CAC.

Mr. Sorenson asked if there had been any changes to the constrained project list between July and September. He asked which projects had been added or dropped from the financially constrained list as it appeared in the current RTP. Mr. Thompson said there had been no changes since the MPC had reviewed the project lists in May. He said at the same time the MPC was provided with lists of the projects that had been deleted from, modified or added to the 2004 RTP project list.

Mr. Sorenson asked if changing the RTP by adding projects that had not been developed through local jurisdictions' planning processes constituted "putting the cart before the horse" and would result in requiring jurisdictions to plan around those projects. Mr. Thompson replied that the project list updates were based on changes generated at the local level. He noted there were no new significant projects in the updated RTP that were not already in the 2004 RTP. He said when the West Eugene Parkway project was removed from the plan, ODOT asked for local recommendations on how those funds should be used for other projects that had been on the illustrative list.

Mr. Vanderpool summarized that the public hearing would be continued to the October MPC meeting and the public comment period would be extended through November 5, 2007.

Oregon MPO Consortium (OMPOC) Legislative Policy Concepts and Objectives

Mr. Vanderpool reviewed the second draft of the OMPOC legislative statement and said changes reflected in legislative format had come from other MPOs. He asked for feedback from MPC members on any changes they wished to see in the document so that an updated version could be considered for approval at the next MPC meeting.

Ms. Piercy commented that the document had been referred to the Eugene City Council's Intergovernmental Relations Committee but a response had not yet been received.

Mr. Evans asked that advocacy for funding for senior and disabled transit accessibility be more specifically stated in the last bulleted item in the statement. He said accessibility was currently an unfunded mandate for transit and the demand for those services was growing each year.

Mr. Leiken emphasized the importance of having clear, written directives from the Oregon Transportation Commission to assure consistency, particularly when policies related to allocation or reprogramming of funds and match requirements were involved.

Mr. Van Vactor noted that the first and fourth bulleted items were similar, although the fourth item did not mention capacity. He suggested those items be merged.

Ms. Volta suggested rewording the second bulleted item as follows: Engage Oregon's Congressional delegation to secure *and prioritize* strategic and sustainable federal investments in Oregon's transportation

infrastructure. She said that sometimes priorities established by certain bodies did not meet an area's needs. She said all jurisdictions needed more funding, but was not certain how decisions about the allocation of funds was made and who was involved in those decisions.

Ms. Ballew said it was always a challenge to decide where to spend funds in an area with small, medium and large jurisdictions.

Follow-up and MPO Calendar

ODOT Update

Ms. Sanders reviewed her memorandum to the MPC, which discussed ODOT's obligation to pay out \$56.2 million without a corresponding increase in revenues.

Mr. Van Vactor asked if that pay out would be from reserves. Mr. Moore said his understanding was that the legislature had identified funds that were already obligated in ODOT's budget and not actually reserves. He said the OTC was struggling to balance the ODOT budget in the absence of an available reserve and the funds would need to come from projects.

Ms. Sanders reported that the Safe Routes to Schools program used 14 percent of the funds for administrative costs. She said the legislature had approved \$100 million in ConnectOregon funds.

Mr. Boyatt stated that notices of intent to apply were due September 30 and final ConnectOregon applications were due November 21, 2007. He said the final rules would be published in mid-November and encouraged applicants to use the draft rules to develop their applications.

Ms. Sanders announced that Dean Fuller and Sonny Chickering were finalists for the area manager position.

Mr. Leiken thanked ODOT for a recent tour of Coburg and Interstate 5 projects.

MTIP Administrative Amendments

Mr. Thompson reviewed the four administrative amendments approved by the Transportation Planning Committee. There were no questions.

The meeting was adjourned at 12:45 p.m.

(Recorded by Lynn Taylor)