

MINUTES

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

November 18, 2004
11:30 a.m.

PRESENT: Bonny Bettman, Chair (City of Eugene), Don Hampton (Lane County), Anne Ballew (City of Springfield), Judy Volta (City of Coburg), Susan Ban (Lane Transit District), Robert Pirrie (Oregon Department of Transportation), members; Cynthia Pappas (City of Springfield), Dennis Taylor (City of Eugene), Ken Hamm (Lane Transit District), Jamon Kent (City of Coburg), *ex officio* members.

Randy Papé, Tom Boyatt (Oregon Transportation Commission), George Kloeppe, Tom Schwetz, Paul Thompson, Ann Mortenson, Susan Payne, Kathi Wiederhold, Petra Schuetz (Lane Council of Governments), Nick Arnis, Mark Metzger (City of Springfield), Lisa Gardner (Lane Transit District), Tom Stinchfield, Dave Morgan (Lane County), Jim Carlson, Chris Henry, Kurt Yeiter (City of Eugene), Marguerite Nabeta (Department of Land Conservation and Development), David Reinhard, Ellen Teninty (consultants), Alice Dugan, Lauri Segel, Rob Handy, Linda Swisher, Carlos Barrera (guests).

ABSENT: Gerry Gaydos, Bobby Green, Bill Dwyer, Jim Torrey, members; Bill Van Vactor, *ex officio* member.

1. CALL TO ORDER/WELCOME AND INTRODUCTIONS

Ms. Bettman called the meeting of the Metropolitan Policy Committee (MPC) to order. Those present introduced themselves.

2. APPROVE OCTOBER 14, 2004, MINUTES

Mr. Hampton, seconded by Ms. Ballew, moved to approve the minutes of the October 14, 2004, meeting. The motion passed unanimously.

3. COMMENTS FROM THE AUDIENCE

Rob Handy, 455-½ River Road, Eugene, complained that the MPC was holding a public hearing, but members of the committee were missing and would miss the benefit of his testimony. He called on the committee to pay attention to public comment early in public processes to avoid future legal action. He called the committee's attention to a letter from Rob Zako included in the meeting packet and asked members to consider Mr. Zako's comments. He asked if the MPC was willing to do the hard work that needed to be done on transportation issues. Alternatively, issues could be returned to the individual jurisdictions for more thorough vetting. He questioned whether it was time for an Area Commission on Transportation to be formed or if the Citizen Advisory Committee should take on the work of the MPC.

Lauri Segal, 120 West Broadway, Eugene, representing 1,000 Friends of Oregon, expressed her philosophical opposition to the MPC holding a hearing on the same date it would adopt the Metropolitan Transportation Improvement Program (MTIP). She asked that the legal guidance for the document be included in the staff materials so she could look them up. She questioned whether the MPC or metropolitan planning organization (MPO) adopted the document and asked that be made clear. Ms. Segal asked the committee to postpone adoption of the MTIP because she had not understood the MTIP was a subject of the November 4 public outreach event and she did not think the public was clear either about the process or the difference between the MTIP and the Regional Transportation Plan. She thought time was needed so the public officials could consider public comment prior to adoption of the plan.

4. MPO (Metropolitan Planning Organization) ISSUES

a. Draft Regional Transportation Plan (RTP) Public Review

Mr. Thompson provided one item which was an errata for one project not correctly listed on the RTP project list, the Eugene West Bank Bicycle Trail. He circulated a list of frequently asked questions about the RTP, a document detailing the 15 new projects in the RTP, a document reviewing the public outreach done to date on the RTP, and the additional public comment received since the packet was mailed. He said the appendices referred to in the public involvement tracking sheet were available for review at the meeting.

Speaking to Ms. Segal's earlier comments, Mr. Thompson reported that MTIP was noticed in the display advertising published for the November 4 open house public outreach event held at the Eugene Library as well as in other outreach materials. People had asked questions about both the RTP and MTIP at that time.

Mr. Thompson said although minor housekeeping revisions and format changes had been made, the document before the MPC was essentially the same document the committee received in October. Significant changes were still shown in legislative format.

Mr. Thompson reviewed the public outreach process.

Also speaking to Ms. Segal's comments, Mr. Kloeppe clarified that the adoption of the RTP was a responsibility of the MPC. That responsibility had been delegated to it by the Lane Council of Governments Board of Directors, acting as the designated Metropolitan Planning Organization (MPO). He apologized for any confusion the multiple acronyms caused.

Responding to a question from Mr. Hampton regarding the timing of the process, Mr. Thompson referred to page 3 of the staff memorandum entitled *Draft Regional Transportation Plan (RTP) Public Review*, which outlined the schedule for the RTP adoption process. The MPC was scheduled to adopt the document on December 9 because the current RTP would lapse under federal regulations on December 12. That would halt work on local federally-funded projects and affect all jurisdictions within the MPO.

Responding to a question from Ms. Bettman, Mr. Kloeppe said that Congress had passed several continuing resolutions to continue federal transportation funding pending reauthorization of the transportation funding act. Ms. Bettman questioned how real the deadline was. Mr. Schwetz said staff had attempted to negotiate the deadline without success. He pointed out that Portland Metro had been unable to negotiate an extension the previous year and sanctions were imposed. Projects were delayed.

Ms. Bettman opened the public hearing.

Rob Handy, 455-½ River Road, again questioned where absent committee members were. He did not consider the process underway to represent a minor update given that new projects were added to the plan since the last draft. He asked how the system planning needed to facilitate new onramps to I-5 at Franklin Boulevard could be included in the plan prior to December with adequate public outreach. He suggested the Citizen Advisory Committee could be involved in the process. He questioned the schedule and said an extension should be negotiated.

Lauri Segal, 120 West Broadway, representing 1,000 Friends of Oregon, wondered why staff had not pointed out the addition of the federal courthouse project to the list in the staff memorandum. She objected to the addition of the West Eugene Parkway projects because she did not think they had been approved by the Federal Highway Administration. She questioned the inclusion of Beltline given it was a future project in TransPlan. She questioned how the financially constrained list could grow, suggesting that logically, projects should be related to Coburg, newly included in the MPO, but they were not. She said further, the list would be affected by the studies required for the I-5 onramps at Franklin Boulevard. She did not understand how the RTP West Eugene Parkway projects could be different from the TransPlan West Eugene Parkway projects. Ms. Segal suggested that an explanation of why the jurisdictions expected a certain amount of transportation funding in the planning period would be useful in explaining why financial constraint did not seem to be significant.

Ms. Bettman closed the public hearing.

Mr. Thompson responded to the public testimony. Regarding the projects cited by Mr. Handy as additions, he noted the Patterson Street underpass project was in the October preliminary draft. In regard to the West Eugene Parkway projects, he said that the intent of updating financial constraint was to keep projects listed in the RTP current with the project planning work being done by the responsible jurisdiction. He clarified that phase 3 of the Beltline project was still on the “illustrative” list; it was not constrained or reasonably expected to receive funding within the planning horizon. The new phase of the West Eugene Parkway on the constrained list was the interchange of the parkway at Beltline. Regarding the courthouse project, he acknowledged it was an addition to the RTP but had already been adopted into the RTP by MPC and was also specifically adopted as part of the MTIP by the MPC, so the funds were already programmed in that document. Mr. Schwetz added it was amended into the RTP previously. Mr. Thompson said the project should not have been identified in a way that made it appear to be new.

Regarding the issue of financial constraint and the overall growth of financially constrained dollars, Mr. Thompson said updating the 1997 dollars to 2004 dollars resulted in approximately a 25 percent increase due to the inflation factor across all projects, resulting in a significant increase to the totals.

Mr. Thompson noted there were two Coburg projects on the constrained roadway list and a significant Coburg project, the Coburg interchange at I-5, on the illustrative list.

Mr. Thompson clarified that in regard to determining financial constraint and reasonably expected revenues, that was for improvement projects, not operations, maintenance, and preservation. A statewide staff group established reasonably expected revenue forecasts for such RTPs throughout Oregon. Because of the delay in the federal reauthorization, staff had taken a very conservative view of revenues in the draft plan and at the direction of federal officials, extrapolated projections from historic trends.

Mr. Schwetz discussed the difference between projects listed in the RTP and projects listed in the MTIP. He said the RTP included projects but they had no dates associated with them; the MTIP specified when projects would be built and the amount of revenue that would be expended in a given year. He cited as an example the inclusion in the RTP of a phase of the West Eugene Parkway costing \$17.8 million; the MTIP included that phase for \$15.5 million. He attributed the difference to the fact funds had already been expended as part of project development. Mr. Pirrie noted that the Oregon Department of Transportation (ODOT) had invested \$10 million in the West Eugene Parkway for right-of-way, preliminary engineering, and environmental work. Ms. Bettman asked why the project was not listed in the RTP at the lower figure. She asked that staff account for what had been spent prior to the next hearing. Mr. Thompson said the two documents needed to be consistent, but not identical. The RTP, as a 20-year planning document, was only updated every three years, and on occasion the MTIP, which was the budget document and must be updated every two years, will include a project on the RTP list and be programmed for construction in a specific year with a cost different from that in the RTP. Once that expenditure was authorized by the MPC and reflected in the MTIP, if it did not coincide with an update of the RTP, it might never be reflected in an update of the RTP until the next cycle, and by then it might already be constructed.

Ms. Ban determined from Mr. Thompson that the numbers were affected by the fact that cost estimates in the MTIP were done closer to project construction and could be based on more firm information.

Ms. Ban asked staff to comment on the deadline issue and its affect on local projects. Ms. Bettman suggested the issue was how long the delay lasted. Mr. Thompson noted that Lane Transit District (LTD) had a concern about operational funding, which included federal funds. Ms. Gardner indicated that any approvals by the federal government, including National Environmental Policy Act (NEPA) review of projects, would be delayed, so LTD's Martin Luther King Jr. Parkway project would be affected by a delay. LTD was in the midst of the approval process.

Responding to a question from Ms. Ban about the impact of delay, Mr. Schwetz said the delay would be longer than a few months because staff would have to establish a longer planning horizon, and there were many issues related to that, including the fact the existing urban growth boundaries in the region might not accommodate projected growth beyond 2025. More than a few projects would be affected.

Ms. Ballew indicated she would be very reluctant to miss the December deadline because of the impact not only on the metropolitan area, but on jurisdictions not represented at the MPC. She believed delay always cost money. Costs go up, conditions change, and people's availability changed.

Ms. Bettman agreed she would not want to delay adoption of minor updates, but she believed several projects in the plan went beyond the definition of a minor update. She wanted to remove those projects and move forward with the remainder of the plan.

Responding to a question from Ms. Bettman regarding the method used to determine financial constraint, Mr. Thompson said the method had not changed. The difference in this instance was the uncertainty of federal funding over the next six years. He reiterated that staff was directed by the federal government to project federal revenues based on historic trends until the federal reauthorization.

Ms. Bettman determined from Mr. Schwetz that the RTP was not part of the Eugene-Springfield Metropolitan Area General Plan. Mr. Thompson clarified that the RTP was not the Transportation System Plan (TSP) for the two jurisdictions, and had no regulatory relationship to the general plan. TransPlan was the TSP. Ms. Bettman questioned which plan was the governing plan when a project description was different.

Ms. Bettman objected to the deletion of the city-specific policies because it would affect how preservation projects were prioritized. Mr. Thompson recalled that the STP-U allocation was done in the context of the MTIP, and the criteria adopted by the MPC awarded points for consistency with or support for the RTP policies. He also recalled that the criteria awarded points for Coburg projects for support of Coburg TSP policies. Mr. Thompson suggested that if the three policies were removed from the RTP and remained within the TSP, the STP-U evaluation process be revised to indicate points could be awarded for project support of the RTP regional policies or local TSP policies, no matter the jurisdiction. Ms. Bettman preferred to retain the policies in the RTP until the STP-U evaluation process was changed.

Mr. Schwetz indicated the policies were removed largely for housekeeping reasons. He pointed out that one of the policies recommended for deletion, related to nodal development, had been superseded by time, and the other policy, related to the project list, referred to the Eugene-Springfield Metropolitan Area General Plan, and was not a policy used for project prioritization. However, he did not see why the policies could not be retained at this time.

Ms. Bettman said that the discussion reinforced her concerns about the document, which was that in addition to the changes required by federal law for the minor update, other changes were proposed and the community was not aware of their unintended consequences. She considered the policy in question an example of that. She said the policy mattered to the City of Eugene.

Ms. Bettman referred to the West Eugene Parkway and the federal authorization. She said the project in the RTP was not the project in TransPlan. The project in TransPlan was a State highway with limited accesses. The project in the RTP was an arterial with access and at-grade interchanges. She said staff was stating the project had been rescoped on the basis of ODOT's re-evaluation report. Ms. Bettman determined from Eugene City Manager Dennis Taylor that the Eugene council had not reviewed the re-evaluation report. She asserted that the project was a different project that filled a completely different purpose than the original project, and she did not think it had been accepted by the Federal Highway Administration. Mr. Schwetz clarified that the purpose and need statement for the project had not changed. Ms. Bettman argued that the project had changed, and did not fulfill the purpose and need statement. She asked who made that determination.

Mr. Pirrie said the re-evaluation report updated the data used in the environmental document. The purpose and need for the project remained the same. The alignment and terminus of the project remained the same. The operation and design of some of the project elements were changing, but overall it was the same project. The Federal Highway Administration was reviewing the re-evaluation report.

Ms. Bettman asked how adoption of the RTP would affect the federal buy-off for the re-evaluation report. Mr. Schwetz indicated the two issues were unrelated.

Ms. Ban, seconded by Mr. Hampton, moved to retain the policies in question in the plan as placeholders pending further discussion.

Ms. Ban did not believe it would be a problem to retain the policies in the plan for the time being.

Ms. Ballew noted Mr. Schwetz's comments about the non-Eugene-specific policy and suggested the other two could be removed at this time. Ms. Bettman wanted more time to determine the implications of removing the other policies.

Responding to a question from Mr. Hampton, Mr. Thompson said the Transportation Planning Committee had recommended removal of the policies.

Mr. Kloeppe acknowledged the change in process that had occurred in separating the TSPs from the RTP and the resulting confusion. He believed that the shift would be beneficial over time because the public officials would be able to rely on what he termed the “raw material for transportation planning activities” or “building blocks” in the form of the local TSPs, the State highway plan, and other documents not required to be constrained in the same way as the RTP. The processes were changing. He said the plans must be consistent, but they did not have to be the same and, for example, could have different planning horizons.

Ms. Bettman acknowledged Mr. Kloeppe’s comments but pointed out the project lists in the MTIP, which was to be compiled from capital improvement plans and TSPs, there were a number of projects in there because they were consistent with RTP policies. The policies in the plan were important to the jurisdictions. She thought it unfortunate the process was proceeding on such an expedited pace as she did not think the other jurisdictions understood the implications of it.

Mr. Pirrie emphasized Ms. Gardner’s previous points about the NEPA deadlines and said continued funding for projects was essential given tight planning and funding windows.

The motion passed unanimously.

b. Draft FY05-07 Metropolitan Transportation Improvement Program (MTIP)

Ms. Bettman noted that staff was seeking approval for release of the draft plan for public review.

Mr. Thompson said the MPC adopted the fiscal year (FY) 2004-06 MTIP in October 2003. A number of administrative amendments had been made since then, as well as some non-administrative amendments approved by the MPC. The update would move the MTIP forward a year from 2004-06 to 2005-07. He said the reasons for doing so included the federal requirement for a three-year document. In addition, adoption of the RTP would trigger a six-month window within which to update the MTIP for consistency. That included air quality conformity. The federal government had indicated that it was more efficient to update both documents and do the air quality conformity at the same time.

Mr. Thompson said the MTIP was affected in the same way as the RTP by the lack of clarity regarding federal funding. Subsequently, staff had added projects in FY07 to the already adopted MTIP that were already reflected in the State Transportation Improvement Program (STIP). Staff had yet to address the STIP-U allocations for FY07 because of uncertainty about federal funding. When reauthorization occurred, staff would return with amendments to the MTIP to reflect STIP-U allocations in FY07.

Mr. Pirrie discussed phases one and two of the I-5/Beltline interchange and reported that ODOT was working with its partners on the project to combine the projects into a single construction project for greater efficiency. The overall scope of the project had not changed, although phases one and two were not specifically the phases in the environmental document. He briefly described the phases of construction. Mr. Pirrie indicated that ODOT may request an amendment to the MTIP to that effect prior to adoption.

Ms. Bettman maintained that some of the interchanges along the West Eugene Parkway had changed in scope. She asked if that was due to the fact the roadway was no longer a parkway and would require more

lanes. Mr. Pirrie said the roadway was still a limited access parkway. Ms. Bettman said that the roadway was an arterial, and by definition such roads did not have limited access. She asked if the interchange design at Beltline and the West Eugene Parkway was due to the change in the nature of the use of the parkway as an arterial as opposed to a limited access roadway. Mr. Pirrie did not understand the question. Ms. Bettman indicated she would follow-up with an e-mail.

Mr. Henry noted that staff had sought a legal opinion regarding the difference between interchanges and intersections, and the opinion was that the two were consistent and the project, from ODOT's perspective, required an interchange at the location to meet mobility standards. East of that location the designation as an arterial road still remained limited access and still resembled in cross-section the original design. What changed from the shift to local jurisdiction were the mobility standards, the level of service required at the intersections, and how the intersections were designed. Ms. Bettman maintained that the intersections, as opposed to interchanges, changed the nature of the way they were designed. Mr. Henry said they could be designed identically, but ODOT's threshold for level of service (volume to capacity ratio) was different than local thresholds. Ms. Bettman asked how access would be limited. Mr. Henry said that access would be limited and specifically would be limited to and from minor streets. Ms. Bettman asked how that could occur in the absence of a City access management plan. Mr. Henry said that the project included access control lines to limit access.

Ms. Bettman asked for information about the Judkins Point exchange project. Mr. Boyatt said the City applied for funding for a project north of Interstate 5. A right turn lane would be added to the off-ramp connecting to Glenwood Boulevard, and a southbound left turning pocket would be created on Glenwood Boulevard for the I-5 onramp. The project's funding included money from Lane County Community Development Road Improvement Assistance Fund. Ms. Bettman asked if the project was affected by the systems planning proposed for the onramps at Franklin Boulevard. Mr. Boyatt said yes. The planning process would encompass the project area. The project would still have value and would be a wise investment with a useful life.

Ms. Bettman indicated she was likely to request an amendment to the MTIP to fund the systems planning effort for the I-5 onramps at Franklin Boulevard.

Ms. Ballew, seconded by Ms. Volta, moved to release the draft plan for public review. The vote on the motion was 5:1, those participating in the vote included Ms. Bettman (Eugene), Ms. Ballew (Springfield), Ms. Ban (LTD), Ms. Volta (Coburg), and Mr. Hampton (Lane County). Ms. Bettman voted no, and the motion failed because it did not garner an affirmative vote from at least one member from Eugene.

Ms. Bettman indicated she opposed the motion because the Eugene City Council had not yet had an opportunity to review the MTIP. The council had agreed unanimously in June 2004 that it wished to see such lists prior to its submittal to the MPC. She had notified Mr. Taylor the previous week that review had not occurred, and had not received an indication as to when that review would occur. She did not think it was appropriate to send the list to the public until that review occurred. The MTIP was not time-constrained in the same way the RTP was, giving the council time for review.

Responding to a question from Ms. Volta, Ms. Bettman confirmed that the bylaws of the MPC allowed one member jurisdiction to veto an action. She added that she had sought a change in the bylaws. Mr. Kloeppe indicated he would follow-up.

c. Draft Air Quality Conformance Determination

Mr. Schwetz referred members to *Table 4: Carbon Monoxide Emissions Analysis within the CATS Boundary* on page 25 of the staff memorandum entitled *Draft Air Quality Conformity Determination for 2004-2025 Regional Transportation Plan and FY050-07 Metropolitan Transportation Improvement Program*. The table indicated the local area was well below any violation of air quality standards, in particular the emissions budget, established in 1990.

Mr. Schwetz invited questions on the materials provided to the committee in the agenda packet.

Responding to a question from Ms. Bettman, Mr. Schwetz said that Lane Regional Air Pollution Agency had determined that transportation was not a regional significant contributor to the local PM10 problem, so in 1995 it was removed as a conformity requirement. Ms. Bettman asked how staff considered that in context of the recent LRAPA air quality advisory. Mr. Schwetz deferred the question to LCOG's air quality staff. Ms. Susan Payne said that data from various monitors set up throughout the city recorded carbon monoxide levels showing peaks and air stagnation days, which can cause problems. However, those peaks were well below the standards the Environmental Protection Agency had set. She said that the peak recordings occurred at about 8 p.m. at night, indicating that the home wood heating systems contributed most significantly to the problem.

d. Recruitment Extension for MPO Citizen Advisory Committee

Ms. Wiederhold noted that Mr. Green, chair of the MPC Public Involvement Subcommittee, was not able to be at the meeting because he was attending an Association of Oregon Counties meeting.

Ms. Wiederhold referred the MPC to the staff memorandum regarding the topic entitled *Recruitment Extension for MPO Citizen Advisory Committee*, and reported that the subcommittee met on November 1 to review the 17 applications that had been received. The subcommittee tentatively selected ten applications to forward to the MPC, but deferred making a final decision to do some targeted recruitment to interest groups missing from the applicant pool. The targeted recruitment ended on November 21.

Ms. Wiederhold briefly reviewed the public outreach done for the committee recruitment. She said 20 additional applications had been received. The subcommittee would meet again to review the applications and finalize its recommendation, which she anticipated would be before the MPC in December.

Ms. Wiederhold anticipated that the first Citizen Advisory Committee meeting would occur in January or February 2005.

e. ODOT's Two-Phase Planning Process for Franklin Boulevard/I-5 Interchange

Mr. Pirrie noted the inclusion in the meeting packet of a letter from Jack Lee of ODOT outlining the two-phase planning process proposed for the systems planning for the onramps at Franklin Boulevard and I-5. He extensively reviewed the process, noting that under State policy, the NEPA process must follow the systems and project planning processes. He further noted that the project concepts must be adopted into the local TSP with supporting policy language. He said that \$180,000 was earmarked by ODOT for the project for use between now and June 30, 2005. He anticipated that another \$200,000 would be allocated

in the next biennium. He said that both local staff and the local elected officials would need to commit to the project. Mr. Pirrie looked forward to the planning effort.

Mr. Taylor believed that the proposal created an opportunity for the local jurisdictions to work with the State to engage the entire community in a coordinated single process.

Ms. Bettman believed the project had benefits for the entire community and she was interested in seeing a process that was similar to the stakeholder process used for the Beltline-I-5 interchange project. She questioned how much it would cost each jurisdiction to support the planning phase, and said she would like to see that figure soon so the RTP and MTIP could be amended to allow the planning phase to compete for funding from other sources. She indicated she would like to see an estimation of the ultimate project cost so the RTP could be amended with its inclusion.

f. Follow-up and MPO Calendar

i. Meeting Notes from MPO Summit II

Mr. Schwetz indicated he had prepared a summary of the MPO Summit and included the meeting notes in the agenda packet. Ms. Bettman indicated the next summit would occur in February in Salem.

ii. Status Report on ODOT Freight Route Designations

Mr. Schwetz reported that the Oregon Transportation Commission decided to extend the process for the Freight Route Analysis Project. The overall process and timeline were included in a graph attached to a staff memorandum on the topic entitled *Status Report on ODOT Freight Route Analysis Project*, which was included in the meeting packet. He anticipated that the MPC would discuss the project's recommendations and forward comments to the Oregon Transportation Commission prior to the end of the public comments period in January 2005. No final action was expected by the commission until May 18, 2005.

iii. Memo on Status of Section 115 Surface Transportation Projects

Mr. Schwetz called attention to a memorandum in the meeting packet entitled *Status of Section 115 Surface Transportation Projects*. He reported that Congress approved a series of earmarks but failed to approve funding for them. However, all the Section 115 projects had been funded with left-over Transportation Efficiency Act (TEA-21) funding. This action affected funding for LTD's RideSource Program.

Mr. Pirrie announced a public comment opportunity for the FY06-09 draft STIP on December 1 at the Springfield City Council Chambers.

The meeting adjourned at 1:28 p.m.

(Recorded by Kimberly Young)