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**LANE TRANSIT DISTRICT
REGULAR BOARD MEETING**

**Wednesday, May 21, 2008
5:30 p.m.**

**LTD BOARD ROOM
3500 E. 17th Avenue, Eugene
(off Glenwood Boulevard in Glenwood)**

A G E N D A

Page No.

I. CALL TO ORDER

II. ROLL CALL

Davis _____ Dubick _____ Evans _____ Eyster _____
Gaydos _____ Kortge _____ Necker _____

The following agenda items will begin at 5:30 p.m.

- III. PRELIMINARY REMARKS BY BOARD PRESIDENT
- IV. ANNOUNCEMENTS AND ADDITIONS TO AGENDA 05
- V. BOARD CALENDARS (5 minutes) 06
- VI. WORK SESSION
 - A. June 9 Strategic Planning Work Session Agenda (40 minutes) 07
 - B. Pioneer Parkway EmX Project Update (20 minutes) 09

The following agenda items will begin at 6:30 p.m.

- VII. EMPLOYEE OF THE MONTH – June 2008 (1 minute) 10
- VIII. AUDIENCE PARTICIPATION
 - ◆ Each speaker is limited to three (3) minutes.
- IX. ITEMS FOR ACTION AT THIS MEETING
 - A. Consent Calendar (1 minute) 12
 - Minutes of the March 19, 2008, Regular Board Meeting (Page 13)
 - Revised Drug & Alcohol Program (Page 25 and 83)

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| B. Pioneer Parkway EmX Property Acquisition (5 minutes) | 26 |
| C. Call to Order as LTD Contract Review Board (10 minutes) | 33 |
| 1. Construction Management/General Contractor Process – Pioneer Parkway (10 minutes) | |
| a. Staff Presentation | |
| b. Opening of Public Hearing by Board President | |
| c. Public Testimony | |
| □ Each speaker is limited to three (3) minutes. | |
| d. Closing of Public Hearing | |
| e. Board Discussion and Decision | |
| 2. Adjourn Contract Review Board/Return to LTD Board Meeting | |
| D. First Reading, LTD Ordinance No. 24 (2008 Revision), Describing the Territorial Boundaries of Lane Transit District (5 minutes) | 43 |
| E. Selection of Pension Trustee (5 minutes) | 47 |
| X. ITEMS FOR INFORMATION AT THIS MEETING | |
| A. Board Member Reports (10 minutes) | 49 |
| 1. Meetings Held or Attended | |
| a. LCOG Board of Directors – April 24 | |
| b. APTA Authorization Committee – May 3 | |
| c. Metropolitan Policy Committee – May 8 | |
| d. West Eugene EmX Extension Corridor Committee – May 15 | |
| 2. Other Activities | |
| a. Oregon Transportation Commissioner Alan Brown Briefing – May 5 | |
| b. Springfield City Council – May 5 | |
| 3. No Meeting/No Report | |
| a. EmX Steering Committee | |
| b. Board HR Committee | |
| c. Pioneer Parkway Corridor Committee | |
| d. Board Finance Committee | |
| e. Board Service Committee | |

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| B. Health for Life Committee Update (20 minutes) | 52 |
| C. New Charter Regulations (10 minutes) | 53 |
| D. Monthly Financial Report—April 2008 (5 minutes) | 55 |
| E. River Road Transit Station Acquisition Update (respond if questions) | 67 |
| F. West Eugene EmX Extension Project Update (respond if questions) | 68 |
| G. Monthly Department Reports (respond if questions) | 69 |
| H. Board Correspondence (respond if questions) | 76 |
| I. Monthly Performance Reports (respond if questions) | 78 |
| XI. ITEMS FOR ACTION/INFORMATION AT A FUTURE MEETING | 81 |
| A. Strategic Planning Work Session (June 9, 3:00 p.m.) | |
| B. Second Reading and Adoption - LTD Boundaries Ordinance (June 18) | |
| C. Fiscal Year 2007-08 Supplemental Budget (June 18) | |
| D. Fiscal Year 2008-09 Budget Adoption (June 18) | |
| E. Emergency Fare Ordinance (June 18) | |
| F. Public Hearing and Approval, Job Access Reverse Commute Funding Application (June 18) | |
| G. Revised Lane Coordinated Plan (June 18) | |
| H. LTD Employee Committee Updates (June 18) | |
| I. Triennial Review Report (June 18) | |
| J. LTD Sustainability Plan (June 18) | |
| K. EmX Interior Ads (June 18) | |
| L. West Eugene EmX Extension Project Update (June 18) | |
| M. Technology Update (Future) | |
| N. Pioneer Parkway EmX Design and Budget (Future) | |
| O. Park & Ride Program (Future) | |
| P. Student Transit Pass Program Update (Future) | |
| XII. ADJOURNMENT | |

Alternative formats of printed material and or a sign language interpreter will be made available with 48 hours' notice. The facility used for this meeting is wheelchair accessible. For more information, please call 682-6100 (voice) or 1-800-735-2900 (TTY, through Oregon Relay, for persons with hearing impairments).

Q:\Reference\Board Packet\2008\04\Special Mtg 04-23-08\bdagenda.doc

Special Mobility Services: RideSource Activity and Productivity Information

| March-08 | Current Month | Prior Year's Month | % Change | Current YTD | Previous YTD | % Change | Current 12 Month | Prior 12 Month | % Change |
|---------------------------------|------------------|--------------------------|-------------|----------------|-----------------|-------------|---------------------|-------------------|-------------|
| RideSource Ridership | 13,631 | 12,293 | 10.9% | 113,650 | 103,446 | 9.9% | 151,134 | 138,319 | 9.3% |
| RideSource(All Modes) | 10,829 | 9,503 | 14.0% | 89,730 | 78,015 | 15.0% | 119,037 | 104,128 | 14.3% |
| Shopper | 508 | 562 | -9.6% | 4,416 | 4,890 | -9.7% | 6,012 | 6,538 | -8.0% |
| Escort Volunteers-Metro | 839 | 720 | 16.5% | 7,074 | 6,780 | 4.3% | 9,175 | 9,061 | 1.3% |
| Escort Volunteers-Rural | 1,455 | 1,508 | -3.5% | 12,430 | 13,761 | -9.7% | 16,910 | 18,592 | -9.0% |
| RideSource Cost per Ride | \$ 19.99 | \$ 18.76 | 6.6% | \$ 20.52 | \$ 18.38 | 11.6% | \$ 20.21 | \$ 18.14 | 11.4% |
| RideSource(All Modes) | \$ 24.67 | \$ 23.55 | 4.8% | \$ 25.39 | \$ 23.62 | 7.5% | \$ 25.05 | \$ 23.34 | 7.3% |
| RideSource Shopper | \$ 11.15 | \$ 9.43 | 18.2% | \$ 11.15 | \$ 9.43 | 18.2% | \$ 11.15 | \$ 9.43 | 18.2% |
| RideSource Escort | \$ 2.33 | \$ 3.06 | -23.8% | \$ 2.71 | \$ 2.83 | -4.3% | \$ 2.81 | \$ 2.84 | -1.1% |
| Ride Reservations | 11,915 | 10,486 | 13.6% | 98,851 | 87,750 | 12.7% | 130,828 | 116,672 | 12.1% |
| Cancelled Number | 1,150 | 890 | 29.2% | 9,991 | 8,594 | 16.3% | 12,817 | 11,091 | 15.6% |
| Cancelled % of Total | 9.65% | 8.49% | | 10.11% | 9.79% | | 9.80% | 9.51% | |
| No-Show Number | 157 | 102 | 53.9% | 1,188 | 1,088 | 9.2% | 1,522 | 1,368 | 11.3% |
| No-Show % of Total | 1.32% | 0.97% | | 1.20% | 1.24% | | 1.16% | 1.17% | |
| Ride Refusals Number | 0 | 2 | -100.0% | 3 | 39 | -92.3% | 9 | 57 | -84.2% |
| Ride Refusals % of Total | 0.00% | 0.02% | | 0.00% | 0.04% | | 0.01% | 0.05% | |
| Service Hours | 5,937 | 4,971 | 19.4% | 48,286 | 41,016 | 17.7% | 63,551 | 54,269 | 17.1% |
| Agency Staff | 5,662 | 4,713 | 20.1% | 46,173 | 38,839 | 18.9% | 60,683 | 51,086 | 18.8% |
| Agency SMS Volunteer | 275 | 258 | 6.6% | 2,113 | 2,177 | -2.9% | 2,868 | 3,183 | -9.9% |
| Avg. Trips/Service Hr. | 1.91 | 2.02 | -5.4% | 1.95 | 2.02 | -3.5% | 1.97 | 2.04 | -3.4% |
| RideSource System Miles | 81,692 | 71,197 | 14.7% | 671,449 | 598,357 | 12.2% | 888,806 | 794,607 | 11.9% |
| Avg. Miles/Trip | 7.21 | 7.07 | 1.9% | 7.13 | 7.22 | -1.2% | 7.11 | 7.18 | -1.0% |
| Miles/Vehicle Hour | 13.76 | 14.32 | -3.9% | 13.91 | 14.59 | -4.7% | 13.99 | 14.64 | -4.5% |

Special Mobility Services: RideSource Activity and Productivity Information

| March-08 | Current Month | Prior Year's Month | % Change | Current YTD | Previous YTD | % Change | Current 12 Month | Prior 12 Month | % Change |
|------------------------------|------------------|--------------------------|-------------|----------------|-----------------|-------------|---------------------|-------------------|-------------|
| On-Time Performance % | 88.4% | 92.6% | -4.6% | 90.0% | 92.1% | -2.3% | 90.8% | 92.0% | -1.3% |
| Sample | 9,640 | 8,792 | | 80,511 | 70,783 | | 107,155 | 93,618 | |
| On-Time | 8,522 | 8,145 | | 72,451 | 65,193 | | 97,262 | 86,092 | |

- RideSource (All Modes) includes rides done by taxi and SMS volunteers.
- Escort Volunteers-Metro includes in-district volunteer rides and SMS volunteer escort rides.
- Escort Volunteers-Rural is out of district volunteer rides.

- RideSource cost per Ride (All Modes) does not include volunteer mileage reimbursement.
- Shopper cost per ride is from the most recent quarterly cost model.
- Escort cost per ride is mileage reimbursement to all volunteers.

- RideSource System Miles includes miles by volunteers in agency vehicles.

- On-Time Performance reflects a 100% sample of all rides with scheduled pickup times, plus will-call rides. The standard is +/- 10 minutes for scheduled pickups and within 30 minutes of will-call request.

AGENDA ITEM SUMMARY

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DATE OF MEETING: May 21, 2008

ITEM TITLE: APRIL FINANCIAL STATEMENTS

PREPARED BY: Diane Hellekson, Director of Finance & Information Technology

ACTION REQUESTED: None

BACKGROUND: Financial results for the first ten months of FY 2007-08 are summarized in the attached reports.

Passenger fares, including group pass receipts, were up 10.6 percent for the first ten months of the current fiscal year over the same period last year, and are up \$453,000 versus budget. Passenger boardings for the rolling twelve-month period, which ended April 30, increased 13.2 percent over the previous period, up from 12.7 percent reported last month.

Payroll tax revenues are up 10.3 percent over last year but are still down slightly versus the current-year budget. Receipts, including the rate increase that went into effect on January 1, 2008, will be disbursed to LTD in May. May receipts will be an important financial indicator of the health of the local economy.

Self-employment receipts coincide with State tax payment deadlines. The filing deadline for the 2007 tax year was April 15, 2008. Receipts are down versus last year because of the special collection effort by the Oregon Department of Revenue that occurred in the last fiscal year. The majority of self-employment receipts are received in May.

Interest rates of return continue to fall. The Local Government Investment Pool rate of return on April 30 was 3.2 percent, down from 3.6 percent on March 31. Returns are down versus the same period a year ago for this reason and because LTD has had less cash to invest. Returns year to date are slightly above what was anticipated by the current-year budget because the declining availability of funds for investment was anticipated. A rate of return below 5 percent was not anticipated, however, and the positive budget variance continues to decline each month. There will be no positive variance by fiscal year end.

Total personnel services expenditures, the largest category of operating expense, show 6.9 percent growth over the previous year, down from

7.4 percent reported last month. Total personnel services are expected to be within annual budget for the fiscal year.

Materials and services year-to-date results are generally as anticipated by the budget with the exception of fuel. The year-to-date average price per gallon of fuel is \$2.7060, up from \$2.6376 reported last month. The highest per gallon price that LTD ever paid for biodiesel was \$3.7576 on April 18, 2008. The current-year budget assumes an average price of \$2.35 per gallon. A supplemental budget is planned for June 2008 to address the anticipated budget shortfall for this line item.

Transfers to the Accessible Services Fund continue to be a concern. Through April, transfers are 14.5 percent above the same period in the last fiscal year. It is hoped that the full roll out of call center services will help control the growth of service expenses, although it must be noted that accessible services are dependent on fuel, and fuel costs are escalating just as fixed-route services fuel costs are rising significantly and rapidly.

With the exception of fuel expenditures and transfers to the Accessible Services Fund, General Fund activity year to date is generally as expected through the first half of the current fiscal year.

Commuter Solutions Fund activities are also generally as expected through the first ten months of the current fiscal year.

Future EmX corridor planning was part of the Capital Projects Fund activity in April. Planning continues for the Pioneer Parkway EmX Corridor, and analysis is underway for a possible West Eugene extension of the EmX service. Year to date, replacement buses continue to represent the majority of capital expenditures. Spending on the new RideSource Call Center continued in April as operations began for rural areas and plans for rolling out the new services to all service areas progressed.

As previously reported, Lane Transit District is subject to a Triennial Review by the Federal Transit Administration every three years. This review is a comprehensive audit of all components of service that are federally regulated and includes a desk audit of requested materials followed by an on-site audit. LTD completed the desk audit materials in March to meet an April 1 submission deadline. The on-site component of the Triennial Review has been scheduled for May 21-23, 2008. More information about this important event will be provided in future reports.

ATTACHMENTS: Attached are the following financial reports for April for Board review:

1. Operating Financial Report - comparison to prior year
2. Comparative Balance Sheets
 - a. General Fund
 - b. Commuter Solutions Fund
 - c. Accessible Services Fund
 - d. Capital Projects Fund
3. Income Statements
 - a. General Fund
 - b. Commuter Solutions Fund
 - c. Accessible Services Fund
 - d. Capital Projects Fund

PROPOSED MOTION: None

Lane Transit District Drug & Alcohol Program

Effective Date: 09/20/1995

Revised Date: 02/16/2000

Revised Date: 10/20/2004

Revised Date: 03/19/2008

[Revised Date: 05/00/2008](#)

OBJECTIVE

Lane Transit District is committed to providing and maintaining a safe and healthy work environment for its employees and a safe and dependable transportation system for the public. It is the intent of this policy to provide and maintain a drug- and alcohol-free workplace, in the interest of the health and safety of the District's employees and the public, and to maintain compliance with applicable federal and state laws and regulations.

APPLICATION

This policy applies to all District employees and employees of the District's contractors who perform a safety-sensitive function for the District. All District positions and the functions performed by individual employees have been reviewed to determine the performance of a safety-sensitive function as defined in Appendix A. District positions that require that all employees in the position perform a safety-sensitive function are listed in Appendix B. In addition, individual employees who perform a safety-sensitive function even though others in their position do not, are also listed in Appendix B.

Under FTA authority, all employees who perform a safety-sensitive function are subject to pre-employment drug testing and reasonable suspicion, post-accident, random, return-to-duty, and follow up drug and alcohol testing.

Under District authority all other [safety-sensitive](#) employees are subject to pre-employment drug testing and reasonable suspicion, post-accident, return-to-duty, and follow-up drug and alcohol testing. [Non-safety-sensitive employees are subject to reasonable suspicion, post-accident, return-to-duty, and follow-up drug and alcohol testing.](#)

Compliance with this policy is a condition of employment. Under District authority, any violation of this policy may subject the employee to discipline, up to and including suspension and/or discharge.

POLICY

Prohibited Conduct

The District expects and requires all employees to report to work in an appropriate mental and physical condition to work safely and effectively. No employee shall report to work or engage in work while having the presence of alcohol, illegal drugs, or any other disabling or controlled substance in their system. Prohibited drugs include all forms of narcotics, hallucinogens, depressants, stimulants, and other drugs whose use, possession, or transfer is restricted or prohibited by law ("controlled substance"). A breath alcohol concentration level of 0.02 or greater or any detectible level of a controlled substance on a drug test will be considered to be evidence of the presence of alcohol or a prohibited drug in the employee's system.

In accordance with the Drug-Free Workplace Act of 1988, the District prohibits all employees from engaging in the possession, sale, transporting, distribution, manufacture or use of alcohol, illegal drugs or any other disabling or controlled substance at any time while on duty and/or on District premises, which include buses or other LTD owned or operated vehicle(s), or facilities. An employee who is off duty and is a passenger on a District owned mass transit vehicle may possess alcohol in sealed containers to the extent that is allowed by law. Employees may possess or exchange alcohol in sealed containers within the employee parking lot of the Glenwood Facility for legitimate personal use off duty and off premises.

In accordance with Federal Transit Administration (FTA) regulation 49 CFR part 655, employees are prohibited from performing a safety-sensitive function with a breath alcohol concentration level of 0.02 or greater. In addition, employees must not consume alcohol while performing a safety-sensitive function and must not consume alcohol four hours prior to performing a safety-sensitive function and up to eight hours following an accident or until the employee undergoes a post-accident drug and/or alcohol test, whichever occurs first.

In accordance with FTA regulation 49 CFR part 655, the use and ingestion of prohibited drugs (marijuana, cocaine, opiates, amphetamines, or phencyclidine) by employees who perform a safety-sensitive function, is prohibited at all times.

FTA regulations require the District to test all District employees who perform a safety-sensitive function for prohibited drug use and alcohol misuse. In accordance with FTA regulations, participation in the District's drug and alcohol testing program is a condition of employment for all employees who perform a safety-sensitive function. An employee who performs a safety-sensitive function who refuses to submit to a drug or alcohol test will be in violation of this policy and under District authority may be subject to discipline, up to and including suspension and/or discharge.

Employee Assistance Program

All employees are encouraged to voluntarily seek assistance in dealing with emotional, physical, or mental health problems, including drug use and/or alcohol misuse, which may adversely affect their job performance. Confidential professional assistance, treatment planning, and rehabilitation services are available by directly contacting the District's employee assistance program (EAP) provider, Reliant Behavioral Health Employee Assistance Program (344-6929 or 1-866-750-1327).

An employee who requests assistance from the District for a drug and/or alcohol problem, before the problem affects job performance, will not jeopardize their employment solely by requesting and/or receiving assistance to deal with a drug and/or alcohol problem. If an employee does not seek treatment for a drug and/or alcohol problem, and it is found that their performance is being affected, under District authority, the employee may be subject to discipline, up to and including suspension and/or discharge.

Prescription/Over-the Counter Drug Use

District employees may possess and use medically authorized prescription or over-the-counter drugs at work as long as the prescription or over-the-counter drugs do not have disabling effects or otherwise affect the covered employee's fitness for duty or job performance. Employees must report the use of prescription or over-the-counter drugs that could have a disabling effect or otherwise adversely affect the employee's fitness for duty or job performance, or which may cause a risk of danger to the employee or others, to their immediate supervisor. It is the employee's responsibility to determine from the physician, pharmacist, or other health care professional whether or not the prescribed or over-the-counter drugs could adversely affect the employee's fitness for duty or job performance. The District may require employees to provide written medical authorization to work from a physician, upon the reporting of the use of prescription or over-the-counter drugs. Under District authority, an employee's failure to report the use of prescription or over-the-counter drugs which have disabling effects or otherwise affect the employee's fitness for duty while at work or failure to provide proper evidence of medical authorization to work may result in discipline, up to and including suspension and/or discharge.

Employee Responsibility

The District expects and requires the support of all employees in meeting its commitment to providing a drug- and alcohol-free work environment. An employee who observes or has knowledge of another employee in a condition which impairs their ability to perform their job duties or who poses a serious hazard to the safety and welfare of others, must report the information to their immediate supervisor, the employee's supervisor, the Director of Human Resources and Risk Management or the Drug and Alcohol Program Administrator.

Workplace Drug Related Convictions

In accordance with the Drug Free Workplace Act of 1988, the District requires all District employees to report, in writing, to the District, any criminal conviction for a violation of a criminal drug statute occurring in the workplace no later than five days after the conviction. Within ten (10) calendar days of receiving notification of the conviction the District will provide written notification to its federal contracting agencies

Under its own authority, the District may subject employees convicted of workplace drug-related crimes to disciplinary action up to and including suspension and/or discharge. Any disciplinary action will be imposed within 30 days of the District being notified of the conviction.

Employees convicted of workplace drug-related crimes may be required by the District to participate satisfactorily in a drug abuse assistance or rehabilitation program.

Right to Inspection

When the District has reasonable suspicion to believe an employee is in possession of prohibited controlled substances and/or alcohol on District property, the employee may be requested to permit an inspection of their person, personal property, clothing, or personal vehicle. Employees shall have no reasonable expectation of privacy under these circumstances. The District will have at least one witness present when conducting an inspection of an employee or the employee's personal property, clothing, or personal vehicle. Under its own authority, the District may subject employees who refuse to submit to such an inspection to disciplinary action, up to and including suspension and/or discharge. The District reserves the right to search District property (i.e. desks, file cabinets, lockers) at any time, and employees shall have no reasonable expectation of privacy with respect to District property.

Training

In accordance with FTA regulations, all employees who perform a safety-sensitive function will be required to attend a minimum of one hour of training regarding the effects and consequences of prohibited drug use on personal health, safety, and the work environment, and the manifestations and behavioral cues that may indicate prohibited drug use. In addition, the District will require all employees who perform a safety-sensitive function to attend training regarding the District's Drug and Alcohol Policy and its testing program.

In accordance with FTA regulations, all supervisors who are responsible for determining when it is appropriate to administer reasonable suspicion drug and/or alcohol tests will be required to attend a minimum of two hours of training regarding the physical, behavioral, and performance indicators of probable drug use and alcohol misuse.

Under its own authority, the District may require or permit all employees to attend training or educational programs regarding drug and/or alcohol abuse.

Testing

As mandated by Federal regulations and authorized by the FTA, applicants for employment in a safety-sensitive position, employees requesting transfer into a safety-sensitive position, and employees in a position that requires the performance of a safety-sensitive function are required to submit to drug and alcohol testing (pre-employment, reasonable suspicion, post-accident, random, return to duty, and follow-up testing) as a condition of employment with the District. The Department of Transportation (DOT) regulation 49 CFR part 40, "Procedures for Transportation Workplace Drug and Alcohol Testing Programs," prescribes the testing methods that will be used, and such testing shall also be consistent with applicable State law.

Under District authority, all other [safety-sensitive](#) employees may be required to submit to drug and alcohol testing (pre-employment, reasonable suspicion, post-accident, and return to duty testing) as a condition of employment with the District. [Non-safety-sensitive employees are subject to reasonable suspicion, post-accident, return-to-duty, and follow-up drug and alcohol testing.](#) Testing methods comparable to the testing methods prescribed in the Department of Transportation (DOT) regulation 49 CFR part 40, "Procedures for Transportation Workplace Drug and Alcohol Testing Programs," will be used, and such testing shall also be consistent with applicable State law.

All drug and alcohol testing will be conducted in a manner which assures a high degree of accuracy and reliability by using the techniques, chain of custody procedures, and equipment and laboratory facilities which have been approved by the U.S. Department of Health and Human Services (DHHS), the DOT, and State law. All drug and alcohol testing that is conducted under District authority will also be conducted in a manner which assures a high degree of accuracy and reliability by using techniques, chain of custody procedures, and equipment and laboratory facilities which are the same as or comparable to those approved by the U.S. Department of Health and Human Services (DHHS), the DOT, and State law.

All drug and alcohol testing will be conducted in an environment that affords the maximum privacy practicable for the employee being tested. The District will strictly adhere to all standards of confidentiality, maintaining the confidentiality of the employee throughout the drug and/or alcohol testing process.

Except as otherwise stated by this policy, the District will be responsible for all costs directly associated with the drug and alcohol tests specified in this policy.

Any safety-sensitive applicant/employee with a dilute negative test result (creatinine level \geq 5 mg/dL) will be directed by the Drug and Alcohol Program Manager to undergo an immediate second unobserved test.

Types of Testing

Pre-employment:

As authorized by the FTA, all applicants who have been selected for employment in a safety-sensitive position must submit to a urine drug test and have a verified negative test result prior to being assigned to a safety-sensitive position. In addition, current employees who are being transferred or promoted into a safety-sensitive position from a non-safety-sensitive position must submit to a urine drug test and have a verified negative test result prior to being assigned to a safety-sensitive function. If the pre-employment drug test is cancelled, the applicant or employee will be required to submit to another urine drug test.

Under District authority, all applicants who have been conditionally selected for employment in a safety-sensitive position pending the outcome of a drug test and employees who have been selected to be promoted into a safety-sensitive position must submit to a urine drug test and have a verified negative test result prior to being hired or assigned to the position. If the pre-employment drug test is cancelled, the applicant or employee will be required to submit to another urine drug test.

Under District authority, failure to obtain a verified negative test result on a pre-employment drug test will disqualify an applicant for employment in or transfer to a safety-sensitive position.

An applicant who has failed a pre-employment drug test will be advised of resources available to evaluate and resolve problems associated with drug abuse, including the names addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs. Unless otherwise provided by law, an applicant who has failed a pre-employment drug test will be ineligible to submit another application for employment with the District for a period of 6 months.

Under FTA authority, applicants who have previously refused or tested non-negative for a DOT-required drug and/or alcohol test need to submit documentation supporting their completion of an Substance Abuse Professional (SAP)-approved treatment and return-to-duty/follow-up program.

An existing safety-sensitive employee who has not performed a safety-sensitive function for 90 consecutive calendar days is required by FTA regulations to submit to a pre-employment urine drug test and obtain a negative result prior to the reassignment of safety-sensitive duties.

Reasonable Suspicion:

As authorized by the FTA, employees who perform a safety-sensitive function will be required to submit to urine testing for drugs and/or alcohol breath testing when there is a reasonable suspicion to believe that the employee is under the influence of a prohibited controlled substance or alcohol. This testing must take place just before the employee is to perform safety-sensitive functions; while the employee is performing safety-sensitive functions; or just after the employee has ceased performing safety-sensitive functions.

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Under District authority, all other District employees will be required to submit to urine testing for controlled substances and/or alcohol breath testing when there is a reasonable suspicion to believe that the employee is under the influence of a controlled substance or alcohol.

The determination to require a reasonable suspicion drug and/or alcohol test will be made by a supervisor or manager trained to identify the signs and symptoms of drug use and alcohol misuse. The determination will be based on the supervisor's or manager's specific observations including, but not limited to, the employee's appearance, behavior, speech, body odor of the employee, bizarre behavior in the workplace, a substantial reduction in productivity, repeated tardiness or absences, or behavior which causes an on-the-job injury or causes substantial damage to property.

Whenever possible, the determination to require a reasonable suspicion drug and/or alcohol test should be made by the employee's supervisor or manager. If the employee's supervisor or manager is not immediately available, the determination to require a reasonable suspicion drug and/or alcohol test may be made by another supervisor or manager within the employee's department, a supervisor or manager in another department, or by the Drug and Alcohol Program Administrator.

When an employee has been notified that he/she will be required to submit to reasonable suspicion drug and/or alcohol testing, he/she must report immediately to the collection site designated by the District. The employee will be transported to and from the collection site by the District. The employee will not be permitted to use rest room facilities, consume beverages, or smoke until specimen collection is completed.

Post-accident:

As authorized by the FTA, drug and alcohol testing is required of all employees who perform a safety sensitive function who are involved in an accident, as defined by FTA regulations, where there is a loss of life. In other nonfatal accidents, drug and alcohol testing is required of employees who perform a safety sensitive function unless the employees' performance can be completely discounted as a causative or contributing factor.

FTA regulations define an accident as an occurrence associated with the operation of a vehicle in which:

- An individual dies, or
- An individual suffers a bodily injury and immediately receives medical treatment away from the scene of an accident, or
- One or more of the vehicles involved incurs disabling damage as a result of the occurrence and is transported away from the scene by a tow truck or other vehicle

An occurrence associated with the operation of a vehicle means that the accident is directly related to the manner in which the driver applied the brake, accelerated, turned the steering wheel, or operated its lift. Disabling damage means damage that precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated, but would have been further damaged if so operated.

Following a fatal accident, each surviving safety-sensitive employee on duty in the mass transit vehicle at the time of the accident will be subject to drug and alcohol testing. All safety-sensitive employees not on the vehicle whose performance could have contributed to the accident, as determined by the District using the best information available at the time of the accident, also will be tested.

Following a nonfatal accident, each safety-sensitive employee on duty in the mass transit vehicle at the time of the accident will be subject to drug and/or alcohol testing unless the District determines, using the best available information at the time of the decision, that the employee's performance can be completely discounted as a contributing factor to the accident. Employees not on the vehicle, whose performance could have contributed to the accident, as determined by the District using the best information available at the time of the accident, will be subject to drug and alcohol testing unless their behavior can be completely discounted as a contributing factor to the accident.

Post-accident drug and alcohol tests will be performed as soon as possible following an accident. Drug tests will be performed within 32 hours following the accident. Alcohol tests should be performed within two hours following the accident and will be performed within eight hours following the accident. If the employee to be tested was injured in the accident, the requirement to test for drugs and/or alcohol should not delay necessary medical attention, and testing may be administered simultaneously with the employee receiving necessary medical attention.

Any safety-sensitive employee involved in an accident must remain readily available for drug and/or alcohol testing for up to eight hours after the accident. The employee is responsible for notifying the District of his or her location if he or she leaves the scene of the accident prior to submitting to testing. Failure by the employee to remain readily available may be determined to be a refusal to submit to testing.

When an employee has been notified that they will be required to submit to post-accident drug and/or alcohol testing, they must report immediately to the collection site designated by the District. The employee will be transported to and from the collection site by the District. The employee will not be permitted to use restroom facilities, consume beverages, or smoke until specimen collection is completed.

Post-accident drug and alcohol tests required by this policy are in addition to and/or separate from any tests conducted for law enforcement purposes. If the District is unable to perform the required FTA tests (i.e., the employee is unconscious, or detained by a law enforcement agency), the District may use the results of a blood or urine test for the use of prohibited drugs and/or the

results of a blood or breath test for the misuse of alcohol, conducted by Federal, State, or local officials having independent authority for the test, to meet the testing requirements of the Federal regulations and this policy, provided such tests conform to the applicable Federal, State, or local testing requirements, and that the results of the tests are obtained by the District.

Random:

As authorized by the FTA and State law, all employees who perform a safety sensitive function will be subject to random and unannounced drug and/or alcohol testing.

The District will comply with the random selection rate established by the FTA for safety sensitive employees as outlined in 49 CFR Part 655. All employees subject to random selection will have an equal chance of being selected for testing and will remain in the random selection pool even after being tested. The selection method shall be made by scientifically valid methodology and shall be spread reasonably throughout the time safety-sensitive functions are performed.

Deleted: Under District authority, employees in the following positions will also be subject to random and unannounced drug and/or alcohol testing: general manager, assistant general manager, director of human resources and risk management, and senior human resources analyst (drug and alcohol program administrator).

Deleted: The selection pool for random drug and/or alcohol testing of employees who perform a safety-sensitive function will be separate from the selection pool for non-safety-sensitive employees subject to random drug and/or alcohol testing under District authority.

Employees who are subject to random testing will remain subject to random testing throughout their work shift. If an employee is initially notified that they have been selected for random testing prior to the end of their work shift, the test(s) must be completed, even when such completion has the incidental effect of causing the employee to stay overtime. When an employee has been notified that they have been selected for testing, they must report immediately to the collection site designated by the District. Transportation to and from the collection site will be provided by the District. The employee will not be permitted to use rest room facilities, consume beverages, or smoke until specimen collection is completed. This testing must take place just before the employee is to perform safety-sensitive functions; while the employee is performing safety-sensitive functions; or just after the employee has ceased performing safety-sensitive functions.

Return to Duty:

As authorized by the FTA and State law, all employees who perform a safety-sensitive function and who have previously had a verified positive drug test, an alcohol test result of 0.04 or greater, a refusal to test, or engaged in any activity that violates the FTA regulations, must submit to and receive a verified negative test result on a return-to-duty drug test and/or submit to a breath alcohol test with a result showing an alcohol concentration level of less than 0.02 prior to resuming performance of safety-sensitive duties. Return-to-duty testing will not be conducted until after the SAP determines that the employee has completed all education and treatment recommended by the SAP.

The District, under its own authority, may require employees returning to work from a positive drug and/or alcohol test to undergo a physical evaluation, by a physician of the District's choice and to pass a return to duty drug test and/or submit to a breath alcohol test with a result showing an alcohol concentration level of less than 0.02, prior to returning to work.

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Deleted: leave of absence, illness, or layoff of a duration of more than 180 days, or from a voluntary drug and /or alcohol treatment program to

Follow-up:

In accordance with FTA regulations, a safety-sensitive employee who has been permitted to return to duty, following a verified positive drug test, an alcohol test result of 0.04 or greater, or a refusal to submit to a test will be subject to unannounced follow-up drug and/or alcohol testing for a least 12 but not more than 60 months. The frequency and duration of the follow-up testing will be determined by the SAP, with a minimum of six tests during the first 12 months after the covered employee has returned to duty.

Under District authority, an employee who has been permitted to return to duty, following voluntary treatment for a drug and/or alcohol problem may be required to submit to follow-up drug and/or alcohol testing.

When an employee is notified to submit to a follow-up test, they must report immediately to the collection site designated by the District. Transportation to and from the collection site will be provided by the District. The employee will not be permitted to use rest room facilities, consume beverages, or smoke until specimen collection is completed.

Follow-up testing is separate from and in addition to all other testing that is conducted as part of the drug and alcohol testing program. If a follow-up test is cancelled, the employee is required to submit to an additional test.

Pre-duty Alcohol Use:

In accordance with FTA regulations, all safety sensitive employees are prohibited from using alcohol within 4 hours of performing a safety-sensitive function. A safety-sensitive employee who is requested to report for duty less than four hours prior to the requested report time must inform the District if they have consumed alcohol within four hours of the requested report time.

If an on-call safety-sensitive employee informs the District of their use of alcohol and claims they have the ability to safely perform their safety-sensitive function, the employee will be allowed to submit to a breath alcohol test. If the employee's breath alcohol concentration level measures less than 0.02, the employee will be allowed to perform his/her safety-sensitive function.

Blind Performance Testing:

In accordance with FTA regulations, the District will ensure that ongoing blind sample proficiency testing is conducted, using blind quality control specimens that are not distinguishable from covered employee specimens, as a quality assurance measure of the testing laboratory.

Drug Testing Procedures

In accordance with FTA regulations and State law, drug and alcohol testing procedures for specimen collection, chain of custody of specimens, laboratory analysis procedures, and quality control requirements will be in accordance with the United States Department of Health and Human Services, Mandatory Guidelines for Federal Workplace Drug Testing Programs, Final Guidelines, and the provisions set forth in 49 CFR Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs, Final Rule, and Oregon State law.... A copy of 49 CFR Part 40 is available in the Human Resources and Risk Management Department.

Urine Drug testing will be conducted for:

- Marijuana
- Cocaine
- Opiates
- Phencyclidine
- Amphetamines

Observed Collections:

In accordance with FTA regulations, with regards to a drug test conducted for a safety-sensitive employee, in the following circumstances, collection site personnel must observe a second urine collection immediately after the first collection:

- The employee has presented a urine sample that falls outside the normal temperature range (90.0 to 100.0),
- The collector observes conduct or materials that clearly indicate an attempt to substitute or adulterate the sample.

In the following circumstances, the MRO will direct the District to require the employee to be subject to an immediate retest under direct observation:

- The laboratory was reported that the specimen was invalid and the MRO has determined that there was not an adequate medical explanation for the result,
- If a specimen has a creatine level of greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL,
- The MRO had to cancel a test when the primary specimen was verified as positive, adulterated, or substituted because the split was unavailable for testing.

If an employee has previously been determined to have used a controlled substance without medical authorization and the particular test is being conducted under the FTA regulation as a return-to-duty or follow-up test, the District may authorize an observed collection.

In accordance with Federal regulations, the direct observation of specimen collection must be by a collection site person of the same gender as the employee being tested.

Return to Duty after Specimen Collection

Under District authority, a safety-sensitive employee who is required to submit to random or follow-up drug testing may be returned to duty immediately following specimen collection. If the employee is also subject to random or follow-up alcohol testing, the employee's return to duty will be dependent upon the outcome of the breath alcohol testing.

Under District authority, a safety-sensitive employee who is required to submit to a reasonable suspicion or post-accident drug test will not be permitted to return to duty and will be placed on a paid leave pending the receipt by the District of a verified negative test result.

Under District authority, a non-safety-sensitive employee who is required to submit to a reasonable suspicion drug test will not be permitted to return to duty and will be placed on a paid leave pending the receipt by the District of a verified test result.

The Role of the Medical Review Officer (MRO)

For safety-sensitive employee testing, an MRO is required to verify positive test results and facilitate the split sample process. An MRO is defined by the FTA as a licensed physician responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders. The MRO shall communicate all verified positive test results to the employee and to the District.

Drug Test Results

All drug test results will be reported by the testing laboratory to a qualified MRO designated by the District. The MRO will be responsible for verifying and validating drug test results. The MRO will review and interpret the employee's confirmed positive drug test result by reviewing the individual's medical history and affording the employee an opportunity to offer any clarifying information that would explain a positive test result. The MRO will report each verified test result to the District and will notify each employee who has a verified positive test result. The MRO may verify a test as positive without having communicated directly with the employee if: the employee expressly declines the opportunity to discuss the test; neither the MRO nor the District has been able to contact the employee within 14 days of the date on which the MRO receives the confirmed positive test result from the laboratory; or the District has contacted the employee and directed the employee to contact the MRO and more than five days have passed since the date the employee was contacted by the District.

Positive Drug Test Results

An employee who has a verified positive drug test result will be immediately removed from their safety-sensitive position, advised of resources available to evaluate and resolve problems associated with drug abuse, and be evaluated by a SAP. Under District authority the employee will be placed on an unpaid leave of absence pending the results of the evaluation by the SAP and may be subject to discipline, up to and including suspension and/or discharge. A "verified positive drug test" means an initial positive result which has been validated by a second confirmatory positive drug test.

An employee who has a verified positive drug test result will have 72 hours, including holidays and weekends, from the time of notification by the MRO or the District, whichever occurs first, in which to request that the split specimen be analyzed at a different DHHS-approved laboratory. The employee will not be responsible for paying the cost of the split sample testing prior to the test being conducted. However, the District reserves the right to seek reimbursement from the employee. The request by an employee for an analysis of the split specimen will not delay the removal of the employee from their safety-sensitive position. If the result of the test of the split specimen fails to confirm the presence of the drug(s) or drug metabolite(s) found in the primary specimen, the employee will be returned to duty and will be compensated for time or benefits lost as a result of being placed on an unpaid leave of absence.

Breath Alcohol Testing Procedures

All breath specimen collection must be collected through the use of an evidential breath testing device (EBT) approved by the National Highway Traffic Safety Administration (NHTSA). The breath alcohol tests will be conducted by a trained breath alcohol technician (BAT) at a site that provides visual and aural privacy to the covered employee being tested to the greatest extent practicable. Prior to specimen collection, the employee and the BAT must complete, date, and

sign a breath alcohol testing form indicating that the employee is present and providing a breath specimen.

The BAT will conduct an initial screening test, requiring the employee to blow forcefully into a disposable mouthpiece, attached to the EBT, for at least six seconds or until an adequate amount of breath has been obtained. Following the initial screening test, the BAT will show the employee the result displayed on the EBT or the printed result.

If the result of the initial screening test is an alcohol concentration of 0.02 or greater, a confirmation test will be conducted. The confirmation test will be conducted at least 15 minutes, but not more than 20 minutes, after the completion of the initial screening test. The employee must remain in the presence of the BAT during the waiting period. The confirmation test will be conducted using the same procedures as the initial screening test. A new mouthpiece will be used. Before the confirmation test is administered, the BAT will conduct an air blank test on the EBT. If a BAT other than the one who conducted the screening test is to conduct the confirmation test, the new BAT and the employee will be required to sign and date a new breath alcohol testing form.

If the results of the initial screening test and the confirmation test are not identical, the confirmation test result will be deemed to be the final result.

Following the completion of a breath alcohol test, the BAT and the employee will be required to sign and date the breath alcohol testing form certifying that the results shown belong to the employee being tested. The BAT will be responsible for transmitting all test results to the District in a confidential manner.

If an employee attempts and fails to provide an adequate amount of breath, the BAT will note this on the alcohol testing form and notify the District. The employee will be required to submit to a medical evaluation, by a physician of the District's choice, concerning the employee's medical ability to provide an adequate amount of breath. If no valid medical reason is determined, then the employee's inability to provide an adequate amount of breath will be considered to be a refusal to submit to a test.

Breath Alcohol Test Results

If the results of the breath alcohol test are below 0.02, the employee may be returned to work immediately.

Under District authority a confirmed alcohol concentration of 0.02 or greater will be considered a positive breath alcohol test result and a violation of this policy.

As required by the FTA, if the results of the breath alcohol test are 0.02 or greater, but less than 0.04, the employee will not be permitted to return to duty until the start of his/her next regularly

scheduled shift and not less than eight hours following the test. Under District authority, the employee may be subject to discipline, up to and including suspension and/or discharge.

As required by the FTA, if the results of the breath alcohol test are 0.04 or greater, the employee will be immediately removed from his/her safety-sensitive position, advised of the resources available to evaluate and resolve problems associated with alcohol misuse, and be evaluated by an SAP. Under District authority, the employee will be placed on an unpaid leave of absence pending the results of the evaluation by the SAP and may be subject to discipline, up to and including suspension and/or discharge.

An employee with a breath alcohol concentration level of 0.02 or greater will be provided transportation to his/her residence. If the employee insists on driving, law enforcement will be notified.

Refusal to Submit to a Test

In accordance with FTA regulations and State law an employee who is determined to have a test refusal will be immediately removed from their safety-sensitive position, advised of resources available to evaluate and resolve problems associated with drug abuse, and be evaluated by a SAP. Under District authority, the employee will be placed on an unpaid leave of absence pending the results of the evaluation by the SAP and may be subject to discipline, up to and including suspension and/or discharge.

A determination of an employee's test refusal includes the following:

- Refusal to take the test
- Inability to provide sufficient quantities of breath or urine to be tested without a valid medical explanation
- Failure to undergo a medical examination or evaluation as directed by the MRO.
- The MRO reports a verified adulterated or substituted test result.
- Not reporting to the collection site in the time allotted
- Failure to remain at the collection site until the collection process has been completed. An applicant or employee who leaves the collection site prior to the commencement of the collection process will not be deemed to have a test refusal.
- Failure to permit direct observation or monitoring of the provision of a specimen for a drug test, when a direct observation or monitoring is required.
- Failure or decline to take a second test when directed by the collector or the District.
- Not cooperating with the collection process (e.g. refuse to empty pockets when so directed or behaving in a confrontational manner that disrupts the collection process).
- Refusal to sign the certification at Step 2 of the Alcohol Testing Form.
- Leaving the scene of an accident without authorization before the tests have been conducted

Discipline

Compliance with the District's Drug and Alcohol Policy is a condition of employment for all employees. For employees who are represented by ATU 757, a violation of any part of the District's Drug and Alcohol Policy will result in discipline as provided in Article 24 of the labor Agreement. For all other employees, a violation of any part of the District's Drug and Alcohol Policy will result in discipline, up to and including suspension and/or discharge. Factors which the District may consider regarding the severity of disciplinary action include, but are not necessarily limited to, the covered employee's conduct which prompted the application of this policy, the covered employee's work record, the degree of impairment, the potential for

consequences arising from the covered employee's actions, and the drug and/or alcohol test results.

Employees who are discharged as a result of violating this Drug and Alcohol policy will be provided with a list of the resources available in evaluating and resolving problems associated with the use of illicit drugs and/or misuse of alcohol and will have access to the District's current EAP. Access to the EAP program will be limited to treatment directly related to the drug and/or alcohol problem, and is available for a time period not to exceed sixty days.

The Role of the Substance Abuse Professional (SAP)

A SAP is a professional who can determine what assistance, if any, an individual needs in resolving problems associated with prohibited drug use and/or alcohol misuse. The evaluation will consist of a clinical assessment, treatment recommendations, and referrals, as appropriate. The SAP will inform the District, in writing, of the clinical-assessment-based treatment recommendations, which must be complied with. In addition, the SAP will specify the duration and frequency of follow-up drug and/or alcohol tests. The SAP's evaluations, assessment, treatment recommendations, referrals and follow-up testing recommendations will be in accordance with 49 CFR Part 40.

Required Treatment

If the SAP determines that an employee has successfully demonstrated compliance with the education and treatment required by the SAP but not completed the full regimen of education and treatment (e.g. ongoing out-patient treatment) the employee may be eligible to return-to duty.

Work absences for the continued education and treatment required by the SAP may qualify for available sick leave benefits and/or personal medical leave, provided the employee is following the prescribed treatment program. If sick leave and personal medical leave have been exhausted, the employee may be placed on a medical leave of absence without pay.

If the District is notified by the SAP that the employee is not complying with the on-going education and treatment requirements, the employee will be immediately removed from his/her safety-sensitive position. Under District authority, the employee will be placed on an unpaid leave of absence and may be subject to discipline, up to and including suspension and/or discharge.

Working Conditions

The presence or treatment of a substance abuse problem does not excuse an employee from meeting performance, safety, or attendance standards or following other District instructions. In no circumstances may an employee invoke protection under this policy as a means to avoid disciplinary actions resulting from poor work performance or misconduct at work. A voluntary request for assistance will not shield an employee from disciplinary action resulting from on-the-job conduct or work performance. Employees remain responsible for their on-the-job conduct and work performance.

Return to Work Agreement

Under District authority, employees who have a verified positive drug test, have a confirmed breath alcohol concentration level of 0.04 or greater, or who are referred to drug and/or alcohol treatment which requires them to be away from work, will be required to sign a return to work agreement prior to being permitted to return to duty. The agreement may include, but is not limited to the following requirements:

- A release to work statement from an approved treatment specialist
- A negative test for drugs and/or alcohol
- An agreement to follow-up testing
- A statement of expected work-related behaviors
- An agreement to follow specified aftercare requirements
- An expressed understanding that violation of the return to work agreement may result in discipline, up to and including suspension and/or discharge

The return to work agreement is not a guarantee of continued employment. Employees working under a return to work agreement must also follow all other District policies and procedures.

Confidentiality

The District will maintain all records regarding the drug and/or alcohol testing of employees in a secure manner so that the disclosure of information to unauthorized

persons does not occur. In Accordance with FTA regulations, drug and/or alcohol test results will be released only under the following circumstances:

- Upon written request, employees will be provided access and/or copies of any records relating to his/her test(s).
- Upon specific, written request of an employee, information and/or copies of records regarding an employee's test results will be released to a third party.
- When requested information related to a test result may be disclosed to a decision maker in a lawsuit, grievance, or other proceeding, initiated by or on behalf of the employee tested.
- Upon receipt of an order of a court of competent jurisdiction for criminal or civil action resulting from an employee's performance of safety-sensitive duties, test results will be released to the decision maker in the proceeding with the binding stipulation that the decision maker will make it available only to parties to the proceeding.
- Upon request of DOT agency representatives all drug and alcohol program records that are required by 49CFR Part 40 and DOT agency regulations will be provided to the agency representatives.

Program Administration

The District's Drug and Alcohol Testing Policy and program are administered by the designated Drug and Alcohol Program Administrator, listed in the appendix Additional information regarding this policy or the program is available by contacting the Drug and Alcohol Program Administrator, in the Human Resources Department at (541) 682-6182. All records will be maintained in accordance with 49 CFR Parts 40 and 655.

MAINTENANCE

The Director of Human Resources and Risk Management is responsible for monitoring the application and revision of this policy.

Adopted by the Board of Directors, September 20, 1995.

Revised: February 16, 2000

Revised: October 20, 2004

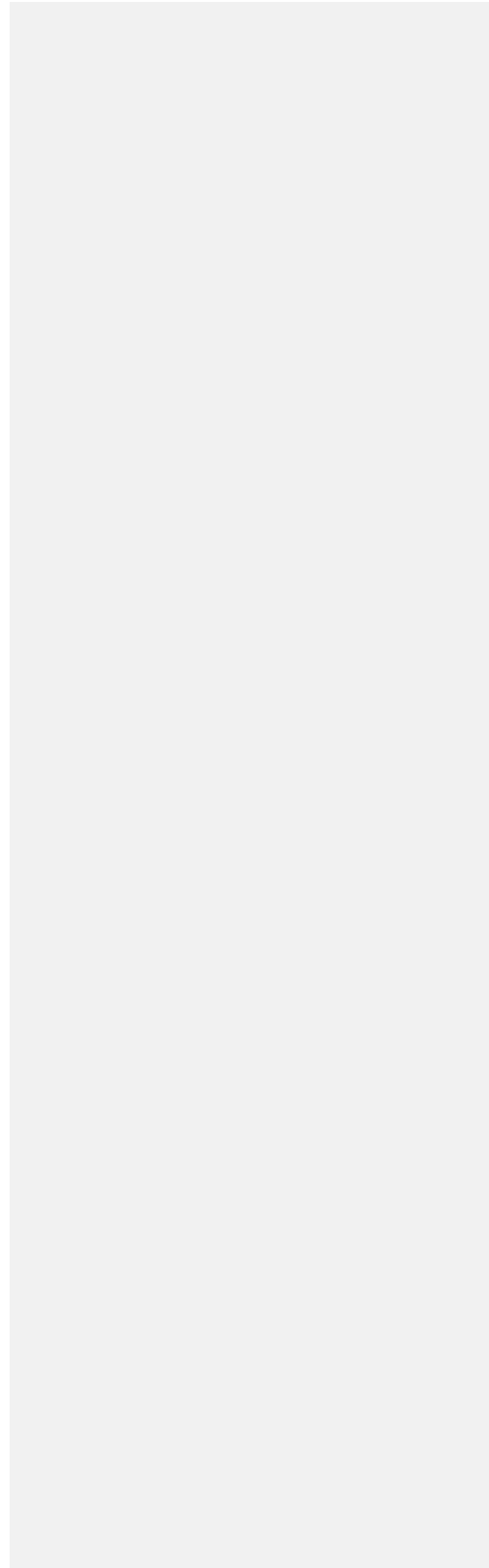
Revised: March 19, 2008

Revised: May 00, 2008

APPENDIXES

Appendix A. Terms and definitions

Appendix B. Safety sensitive positions



APPENDIX A

Terms and Definitions

Alcohol As defined by the FTA, the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl or isopropyl alcohol.

As agreed upon by the District and the Amalgamated Transit Union, Local 757, alcohol means any alcoholic beverage containing more than one half of one percent alcohol by volume, and every liquid or solid, patented or not, containing alcohol, and capable of being consumed by a human being.

Alcohol Use The consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.

Blind Sample A urine specimen submitted to a laboratory for quality control testing purposes, with a fictitious identifier, so that the laboratory cannot distinguish it from covered employee specimens, and which is spiked with known quantities of specific drugs or which is blank, containing no drugs.

Breath Alcohol Technician (BAT) An individual who instructs and assists individuals in the alcohol testing process and operates an EBT.

Chain of Custody Procedures to account for the integrity of each urine specimen by tracking its handling and storage from point of specimen collection to final disposition. These procedures require that an appropriate drug testing custody form be used at the time of collection to receipt by the laboratory and that upon receipt by the laboratory (an) appropriate chain of custody form(s) account(s) for the sample within the laboratory.

Controlled Substance As agreed upon by the District and the Amalgamated Transit Union, Local 757, controlled substance means any drug or its immediate precursor classified in Schedules I through V under the Federal Controlled Substances Act, 21 USC Sections 811 to 812, as modified under ORS 475.035. The use of the term "precursor" in this subsection does not control and is not controlled by the use of the term "precursor" in ORS 475.940, 475.950, and 475.955. In addition, manufactured drugs recognized by health and law enforcement agencies that are not included in Schedules I through V under the Federal Controlled Substances Act, 21 USC Sections 811 to 812, as modified under ORS 475.035 are considered to be controlled substances.

Medical Review Officer A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test results together with his/her medical history and any other relevant biomedical information.

Over-The-Counter-Drugs/Medications Those drugs/medications which are legally available without a prescription.

Performing a Safety-Sensitive Function An employee is considered to be performing a safety-sensitive function and includes any period in which he or she is actually performing, ready to perform, or immediately available to perform such functions.

Prescription Drugs/Medications Those drugs/medications which are used in the course of medical treatment and have been prescribed and authorized for use by a licensed practitioner/physician or dentist.

Safety-Sensitive Function Any of the following duties:

- Operating a revenue service vehicle, including when not in revenue service
- Operating a non-revenue service vehicle, when required to be operated by a holder of a Commercial Driver's License
- Controlling dispatch or movement of a revenue service vehicle
- Maintaining (including repairs, overhaul, and rebuilding) a revenue service vehicle or equipment used in revenue service
- Carrying a firearm for security purposes

Safety-sensitive Position A position or job category that requires the performance of a safety-sensitive function. A list of safety-sensitive positions at Lane Transit District, as defined by the Federal regulations, is attached to this policy.

Substance Abuse Professional A licensed physician (medical doctor or doctor of osteopathy); or a licensed or certified psychologist, social worker, employee assistance professional; or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission or by the International Certification Reciprocity Consortium/Alcohol & Other Drug Abuse); with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders.

APPENDIX B

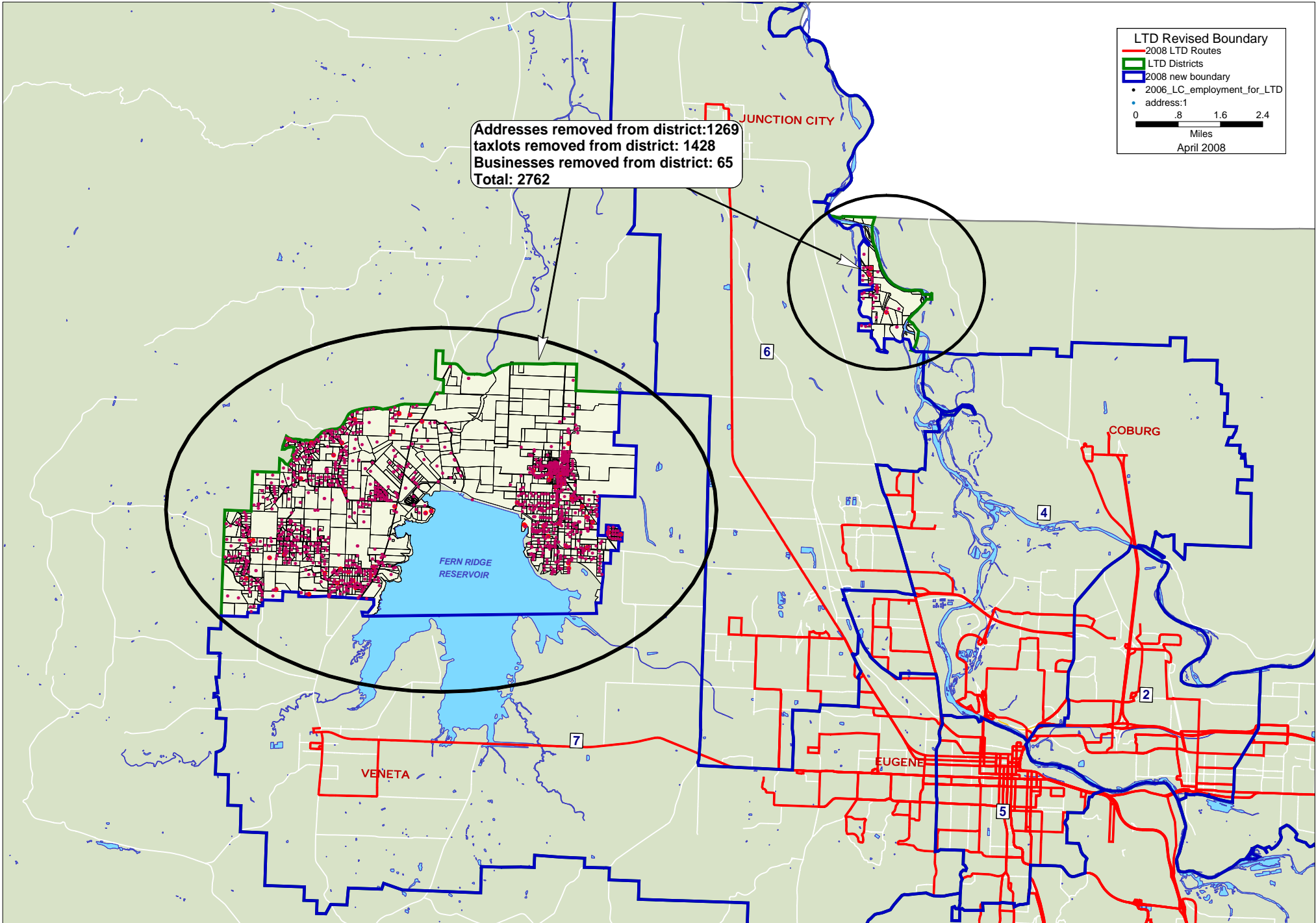
Safety-Sensitive Positions

Employees in the following positions are required to perform safety-sensitive functions as defined in the Federal Drug and Alcohol regulations:

- Bus Operator
- Director of Maintenance
- Director of Transit Operations
- Equipment Detail Technician
- Eugene Station/Security Manager
- [Facilities Maintenance Generalist](#)
- [Facilities Maintenance Laborer](#)
- [Facilities Maintenance Specialist](#)
- [Facilities Maintenance Supervisor](#) Fleet Services Supervisor
- General Service Worker
- Journeyman Mechanic
- Journeyman Tire Specialist
- Scheduling Specialist
- Transit Operations Supervisor
- Transit Services Manager

Other employees who hold a valid CDL and drive a revenue service vehicle off company premises.

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AGENDA ITEM SUMMARY

DATE OF MEETING: May 21, 2008

ITEM TITLE: ANNOUNCEMENTS AND ADDITIONS TO AGENDA

PREPARED BY: Jo Sullivan, Administrative Services Manager/Clerk of the Board

ACTION REQUESTED: None

BACKGROUND: This agenda item provides a formal opportunity for Board members to make announcements or to suggest topics for current or future Board meetings.

ATTACHMENT: None

PROPOSED MOTION: None

AGENDA ITEM SUMMARY

DATE OF MEETING: May 21, 2008

ITEM TITLE: BOARD MEMBER REPORTS

PREPARED BY: Jo Sullivan, Administrative Services Manager/Clerk of the Board

ACTION REQUESTED: None

BACKGROUND: Board members have been appointed to Board Committees and to the Metropolitan Policy Committee (MPC), the Lane Council of Governments (LCOG) Board of Directors, and, on occasion, to other local or regional committees. Board members also present testimony at public hearings on specific issues as the need arises. After meetings, public hearings, or other activities attended by individual Board members on behalf of LTD, time will be scheduled on the next Board meeting agenda for an oral report by the Board member. The following activities have occurred since the last Board meeting:

MEETINGS HELD

Board members can take this opportunity to report briefly on any one-on-one meetings they have held with local officials or other meetings they have attended on behalf of LTD.

1. **LCOG Board of Directors:** LTD Board Member Mike Dubick represents LTD on the Lane Council of Governments (LCOG) Board of Directors as a non-voting member. The LCOG Board met on April 24 in Cottage Grove. Agenda items included adoption of the Area Plan on Aging and Disability Services; organizational changes relating to hiring a transportation program manager; and an update on LCOG's relocation to the new Park Place building, which is expected to occur around Labor Day 2008. The next meeting will be held in Florence on June 26.
2. **APTA Authorization Committee:** The American Public Transportation Administration (APTA) Authorization Task Force is developing transit requests for a new surface transportation bill. SAFETEA-LU, the current surface transportation bill, expires on September 30, 2009. Board member Greg Evans has been appointed to the APTA Authorization Task Force. The committee met during the APTA Bus and Paratransit Conference in Austin, Texas, on May 3. The Committee agreed on a set of "Funding Principles" and on a Statement of Purpose. The next meeting is scheduled to be held in San Francisco on June 3, 2008.

3. **Metropolitan Policy Committee (MPC):** MPC meetings generally are held on the second Thursday of each month. Board members Gerry Gaydos and Greg Evans are LTD's MPC representatives, with Mike Dubick serving as an alternate. The MPC last met on May 8. Action was not taken on any items at this meeting as the committee lacked a quorum. Items discussed included information on the integration of the regional and local transportation plans, ODOT's draft policy on federal earmark requests, and the 2010 Campaign for Active Transportation. Board Member Greg Evans asked that an item be included on an upcoming MPC agenda to discuss LTD's budget issues and service cuts. The next meeting is scheduled to be held on June 12 in Eugene.
4. **West Eugene EmX Extension (WEEE) Corridor Committee:** This committee is a subcommittee of the EmX Steering Committee and is composed of Board members Greg Evans, Dean Kortge, and Gerry Gaydos, along with members of local government and community representatives. The meeting was held on May 15. Agenda items for the meeting included an update on project activities and a briefing on sketch-level engineering.

OTHER ACTIVITIES

1. **Oregon Transportation Commissioner Alan Brown Briefing:** On May 5 Board Members Gerry Gaydos and Mike Eyster and other local officials attended a lunch meeting to discuss transportation issues with new Oregon Transportation Commissioner Alan Brown.
2. **Springfield City Council:** On May 5 Board Member Mike Eyster attended the Springfield City Council meeting and offered public comment regarding Pioneer Parkway EmX. The Council adopted a resolution at that meeting supporting the project.

NO MEETINGS HELD

1. **EmX Steering Committee:** Board President Gerry Gaydos and Board members Debbie Davis and Greg Evans are members of LTD's EmX Steering Committee, along with members of local units of government and community representatives. The next meeting is scheduled to be held on June 3.
2. **Board HR Committee:** The Board HR Committee is composed of Mike Dubick, Mike Eyster, and Chair Gerry Gaydos. The committee last met on April 8. The next meeting is tentatively scheduled to be held on June 10.

3. **Pioneer Parkway Corridor Committee:** This committee also is a subcommittee of the EmX Steering Committee and is composed of Board members Debbie Davis, Mike Dubick, and Mike Eyster, and local government and community representatives. The committee last met on January 17, 2008. The next meeting has not yet been scheduled.
4. **Board Finance Committee:** The Board Finance Committee is composed of Dean Kortge (chair), Mike Dubick, and Debbie Davis. The next meeting of the Board Finance Committee has not been scheduled.
5. **Board Service Committee:** The Board Service Committee members are Greg Evans, Mike Dubick, and Chair Mike Eyster. New Board Member Ed Necker will be replacing Mike Dubick on the committee at its next meeting. The committee last met on February 20. The next meeting is not yet scheduled.

AGENDA ITEM SUMMARY

DATE OF MEETING: May 21, 2008

ITEM TITLE: PIONEER PARKWAY EMX CONTRACTING METHOD

PREPARED BY: Jeanette Bailor, Purchasing Manager

- ACTION REQUESTED:**
- (1) Conduct a public hearing on the proposal to allow the District to initiate a competitive request for proposals (RFP) for a construction manager/general contractor (CM/GC) for the Pioneer Parkway EmX project.
 - (2) As the LTD Contract Review Board, approve the resolution allowing the District to initiate a competitive request for proposals (RFP) for a construction manager/general contractor (CM/GC) for the Pioneer Parkway EmX (BRT) project.
 - (3) Delegate authority to the General Manager to sign a contract with the selected CM/GC contractor after the selection process has been concluded.

BACKGROUND: Historically, all construction for the District has been procured using a low-bid method of contracting--with one exception: In 2002, LTD entered into a CM/GC contract with Wildish Building Company for the Franklin EmX Corridor. The use of the CM/GC contract allowed valuable contractor input during final design in the form of constructability review and second-party cost estimates. There were only three change orders on this contract, and the final contract amount was less than the original negotiated amount.

In preparation for the Pioneer Parkway EmX project, staff have researched various contracting methods to determine the method most appropriate for use in this construction project. The purpose of this research was:

- To determine the key criteria in the selection of a construction contracting method, including factors listed in the ORS 279C.330.
- To evaluate those criteria against various contracting methods.

The Pioneer Parkway EmX project has been broken into three separate construction contracts: Gateway Station, International Way, and the remainder of the project, including Pioneer Parkway and all the stations.

Staff recommend that the first two contracts, Gateway Station and International Way, be let using a bidding process (in fact, Gateway Station was bid last month with a contract expected to be signed this month). However, staff believe that the construction manager/general contractor method of contracting is most appropriate for the Pioneer Parkway/Stations contract. Draft findings supporting this conclusion are attached.

The LTD Board, acting as the LTD Contract Review Board, can exempt certain contracts from low-bid selection if contractual requirements and evaluation criteria are clearly stated in the solicitation document. ORS 279C.330 authorizes such exemptions if certain findings are made, including the following:

- (a) It is unlikely that such exemption will encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts, and
- (b) Using the RFP approach will result in significant cost savings.
- (c) This project presents a new type of construction with technical complexities that are best addressed by a team approach.

The District desires to use an RFP process for the bus rapid transit project construction contract. Price will be an important factor in the selection. However, staff recommend the consideration of additional selection criteria for the following reasons:

- (a) Timely completion is critical to the success of the bus rapid transit system. The RFP process allows the District to consider the contractor's prior schedule performance history as a factor in the selection.
- (b) The construction of a guided busway is a complex and specialized undertaking. Through the use of an RFP process, the District can ensure that the contractor is qualified for this type of work.
- (c) Inclusion of a CM/GC in the design process will promote efficient design, minimize coordination problems, encourage value engineering, and help avoid costly changes. The RFP process allows the District to base selection in part on the contractor's skill and past success in design coordination and value engineering.

Findings have been developed to demonstrate the basis for selecting non-low-bid procurement methods for this contract. In summary, the findings state:

- (a) Through marketing efforts to notify all known potential respondents, and through the use of an unbiased evaluation committee, the RFP

process will not encourage favoritism or diminish competition. Further, the District's openness to contractor-developed work plans and requirement for good faith efforts in outreach for subcontracting opportunities will encourage increased competition.

- (b) By selecting the most qualified contractor, the District minimizes the risk of delays and changes, resulting in a time and cost savings. Well-defined criteria, clearly stated in the RFP, will form the basis for determining the most qualified contractor.

RESULTS OF RECOMMENDED ACTION:

Approval of this resolution allows the District to initiate a competitive request for proposals for a construction manager/general contractor for the bus rapid transit project.

ATTACHMENT:

Draft Findings in Support of Low Bid Exemption

MOTION:

I move the following resolution:

LTD Resolution No. 2008-018: It is hereby resolved that the LTD Board of Directors, acting as the LTD Contract Review Board, approves the use of a competitive request for proposals process for a construction manager/general contractor for the Pioneer Parkway EmX construction project. We further move to delegate authority to the General Manager to sign a contract with the selected CM/GC contractor after the selection process has been concluded.

AGENDA ITEM SUMMARY

DATE OF MEETING: May 21, 2008

ITEM TITLE: CORRESPONDENCE

PREPARED BY: Mark Pangborn, General Manager

ACTION REQUESTED: None

ATTACHMENTS: The attached correspondence is included for the Board's information:

1. May 6, 2008, notice from the Ethics Reform Review Team in Salem regarding public hearings to be held beginning in June on the new Oregon government ethics reforms, and a request for comments.

PROPOSED MOTION: None

MINUTES OF DIRECTORS MEETING

LANE TRANSIT DISTRICT

REGULAR BOARD MEETING

Wednesday, March 19, 2008

Pursuant to notice given to *The Register-Guard* for publication on March 13, 2008, and distributed to persons on the mailing list of the District, the Board of Directors of the Lane Transit District held its regular monthly meeting on Wednesday, March 19, 2008, beginning at 5:30 p.m., in the LTD Board Room at 3500 East 17th Avenue, Eugene.

Present: Gerry Gaydos, President, presiding
Dean Kortge, Vice President
Debbie Davis, Treasurer
Mike Eyster, Vice President
Greg Evans
Ed Necker
Mark Pangborn, General Manager
Jo Sullivan, Clerk of the Board
Kim Young, Minutes Recorder

Absent: Mike Dubick

CALL TO ORDER/ROLL CALL – Mr. Gaydos called the meeting of the Lane Transit District (LTD) Board of Directors to order and noted the absence of Board member Mike Dubick.

PRELIMINARY REMARKS BY BOARD PRESIDENT – Mr. Gaydos thanked those present for attending. He reported on a recent trip some local officials, including Mr. Gaydos, had taken to Washington, D.C., saying that LTD had a good relationship with the Federal Transit Administration (FTA) and FTA was excited about LTD's success with its EmX system. He recalled LTD's interest in having guidance systems on the EmX vehicles to mimic the operation of light rail and allow for precision docking at stations. He reported that LTD hoped to become a demonstration project for such a guidance system, and as a part of a larger consortium had submitted a proposal to the FTA that had been selected by that agency. Mr. Viggiano noted LTD's partners in the consortium, which included Partners for Advanced Transit Highways and Cal Trans. Partners for Advanced Transit Highways had developed the technology involved. He said the grant from the FTA was \$1.9 million; CalTrans was contributing \$500,000 more, so AC Transit of Oakland, California, would also be included in the demonstration project. Because that agency's system was not yet operational, LTD would test the guidance system first.

Mr. Gaydos believed the grant could be attributed both to staff and the effectiveness of the United Front effort.

ANNOUNCEMENTS AND ADDITIONS TO THE AGENDA – There were none.

BOARD CALENDARS – Mr. Pangborn reviewed the calendar.

WORK SESSION

Accessible Services Update – Accessible Services Manager Terry Parker provided a PowerPoint presentation updating the Board on Accessible Services. She identified key challenges facing the service in the form of ridership increases, an increase in will-call trips (return trips for medical appointments), an increase in miles traveled, and an increase in fuel costs. She noted that the Special Transportation Fund and other funding resources remained static. As a result, LTD's General Fund contribution has had to increase in order to cover the cost of RideSource services. She shared data on ridership and the increase in the General Fund contribution.

Ms. Parker discussed opportunities facing the system, which included the promotion of fixed-route service to seniors and people with disabilities; travel training and transit host service; mobility management through eligibility assessments; and the integration of Medicaid medical with RideSource and cost sharing. Members asked questions clarifying the information presented.

Ms. Parker then provided an update on the RideSource call center and noted that persons for eligible Medicaid in Oakridge, Florence, and South Lane were now using the Call Center to get transportation. Eugene-Springfield was scheduled to begin use of the Call Center in May. She said few problems had been experienced to date. The facility remodel was complete and driver training began on March 20. She noted that more in-depth training had been added to the national training course on sensitivity to people with disabilities. She also provided an update on the automated scheduling system and IT development, emphasizing the great results from the automated scheduling system. She commended Information Technology Manager Steve Parrot and his team for their work on the system.

Ms. Parker identified key challenges for the call center, which included establishing Medicaid ride rates within a coordinated mix of transportation services; equitable distribution of rides among providers; the general complexity of the work involved in coordination and grouping of rides for greater efficiency; and the general lack of experience data. She commended Senior and Disabled Services for the information it had provided.

Responding to a question from Mr. Kortge, Ms. Parker said that infrequent use was difficult for both clients and the Call Center, and the Call Center was intended to manage that use.

Mr. Necker asked if RideSource had sufficient vehicles to handle the increase in medical trips. Ms. Parker said there were sufficient vehicles because RideSource would not be adding significant numbers of new trips, but rather would be providing a different mix of trips, depending on shared ride opportunities. Mr. Necker asked if the schedule took into account medical trips. Ms. Parker said no, it considered destination, time, and location and attempted to group trips appropriately, by time and place, not by purpose. The Call Center would determine which provider could provide those trips for the best price; it could be RideSource, or it could be other private and non-profit providers. She noted a potential limitation created by the fact only a few providers could handle wheelchair trips.

Ms. Parker recognized the contributions of LTD staff Rand Stamm and Susan Hekimoglu to the Accessible Services Program.

Mr. Evans noted his participation on the American Public Transportation Association's ADA Committee and discussion of manipulating the standards for paratransit so costs could be reduced. He asked if at some time LTD would be forced to manipulate or change the standards for eligibility to minimize paratransit trips versus getting more people into the fixed-route system.

Ms. Parker said that, generally, providers throughout the country chose not to take a stringent stance on eligibility and had served some riders who could be riders of the fixed-route system. LTD did not have to take such a rollback position because early on it had taken the position that those who could ride the bus should do so.

West Eugene EmX Extension Project – Director of Planning and Development Tom Schwetz joined the Board for the item. He asked the Board to approve the revised Purpose and Need Statement, approve a Range of Alternatives report, and approve the list of environmental disciplines to be considered ruling the drafting of the Environmental Impact Statement (EIS).

Mr. Schwetz provided a PowerPoint presentation on the project. He reviewed the project schedule and noted key dates. Mr. Schwetz reviewed the revised Purpose and Need Statement, noting the background material included in the meeting packet. Referring to the Range of Alternatives Report, Mr. Schwetz noted that it had also been provided to the board and summarized the larger Findings Report; that report documented in detail the assessment of various alternatives suggested by the Board, the staff, or the public. He said the Findings Report reviewed the results of the Tier I and Tier II evaluative screenings of those alternatives.

Mr. Schwetz reviewed the modes proposed for the Tier I screening process, noting the modes that did and did not meet the intent of the system Purpose and Need Statement. He reviewed the route alternatives proposed for the Tier I screening process. He reviewed the alternatives that were forwarded to the Tier II evaluative screening process and those subsequently forwarded to the EIS process.

Mr. Schwetz reviewed the segment alternatives removed from further consideration.

Mr. Eyster asked about the timing of the decision to remove from further consideration a segment of West 11th Avenue. Mr. Schwetz noted considerable discussion on the part of both the EmX Steering Committee and West Eugene EmX Extension Corridor Committee in regard to retention of that segment that resulted in the segment being added back into the alternatives screened in Tier II. The EmX Steering Committee thought it was important to add it back in due to the potential of it being paired with West 13th Avenue as part of the route, similar to what had been discussed in regard to 6th and 7th avenues. Staff had not changed their recommendation to drop the alternative and continued to recommend that it be dropped. Mr. Schultz said that LTD wanted to clarify how the Transportation System Management (TSM) alternative would play into the alternatives, as well as the ability to "mix and match" alternatives between TSM and a built environment. The TSM approach allowed LTD to balance the resource and risk management issues related to the process.

Responding to a question from Mr. Necker about the reason TSM might be employed in certain elements of the route, Mr. Schwetz said that LTD might encounter impacts of "build alternatives" that were too expensive to mitigate and would consider a TSM approach on streets such as 6th Avenue. He thought LTD would look into a range of possibilities that included a mix of approaches, adding that with concurrence from FTA, the Board would make the final decision on the best combination of approaches that met the purpose and need for the project.

Mr. Schwetz indicated that LTD could return to segments previously removed if a selected alternative proved unworkable. He emphasized that the alternatives were not ranked, nor was LTD attempting to select a preferred alternative at this time; it was identifying alternatives to move into the next phase of study.

Mr. Eyster asked if LTD's decision to study TSM alternatives implied less of a commitment to dedicated lanes. Mr. Schwetz said no and noted that the FTA requires that TSM alternatives be considered. He anticipated that LTD would look at many alternatives, but one of the screening criteria included dedicated lanes.

Due to a lack of time, Mr. Gaydos deferred completion of Mr. Schwetz's presentation until later in the meeting.

EMPLOYEE OF THE MONTH – The Board recognized Bus Operator Stacy Hunter as Employee of the Month. Director of Transit Operations Mark Johnson introduced Mr. Hunter, noting that Mr. Hunter had been an employee for less than two years but had made a big impact during his time with the District, as evidenced by his nomination. Mr. Hunter recently became an instructor and entered the Temporary Supervisor Program.

Mr. Gaydos thanked Mr. Hunter for his service to LTD and presented him with a certificate of appreciation, a check, and pin commemorating the award.

Mr. Hunter thanked the Board and LTD's customers. He commended the LTD organization and said its employees were a well-rounded group of people. He said that from top to bottom, LTD was a top-notch place to work.

AUDIENCE PARTICIPATION

Mr. Gaydos noted that there were no hearings for the pricing plan or service proposal, since those had been held at two special meetings in February and March.

Anand Keathley, 393 North Polk, Eugene, reviewed and submitted written testimony in support of his argument that EmX not go down West 11th Avenue. He thanked the Board and offered them his assistance.

David Hinkley of Eugene was opposed to seeing EmX go down West 11th Avenue in his neighborhood. He questioned why the route was being proposed as he had not seen that explained in the Purpose and Needs Statement. He asked who would ride the system if it was not to go out to West 11th or to Veneta, eliminating use by commuters, and there were no other residential areas on West 11th Avenue. Residential users would be served by a route that went down West 11th Avenue or Highway 99. Mr. Hinkley said three of the four routes under consideration would not help shoppers, including those seeking to visit their medical providers at all, nor would the reduction in the number of stations. The transit dependent would have the same problem. Lastly, Mr. Hinkley questioned where LTD would locate the 22 feet the route needed and the 32 feet the station needed on West 11th Avenue. He said he intended to contact Representative Peter DeFazio to get the funding for the project killed now before more tax money was spent on it.

Josef Siekiel-Zdzienicki, 125 Taylor Street, Eugene, first spoke to Segment A. He said West 11th Avenue between Chambers Street and downtown Eugene was a residential street. West 13th Avenue between Olive and Garfield had many more residential (181) than commercial addresses (23). He acknowledged the space taken by the church, Marine Corps Reserve, and fairgrounds, but thought it still a very residential street. He said if the route went down West 11th Avenue it would be the first residential neighborhood in the United States with a bus rapid transit route through it.

Speaking to Segment B, Mr. Siekiel-Zdzienicki said he opposed the West 11th segment from Garfield Street to Bailey Hill Road because of the narrow street and the lack of room for a dedicated lane. He suggested that the cost to move EWEB poles from both sides of the street would be very expensive, and potentially a large percentage of the project. In the meantime, the businesses along the route would experience financial difficulty, and he believed LTD needed to compensate those businesses for their losses as it would not be their fault, but the fault of the "powers that be."

Iлона Koleszar, 871 West 11th Avenue, Eugene, a 3RT member and member of the West Eugene EmX Extension Corridor Committee, opposed the inclusion of West 11th as a TSM segment and suggested it would be a "foot in the door" that would prove not to be fast enough as congestion increased. When fuel doubled in price in the foreseeable future, LTD would want a real EmX lane on West 11th and would point to its investment and want to use West 13th Avenue as a BRT Route on a road that it should never have belonged on to begin with. She believed that LTD was being short-sighted and should be focusing on right-of-way acquisition where light rail could be accommodated later when Eugene grew large enough. She said that West 11th Avenue was not compatible for TSM, BRT, or future system expansion. She was grateful to hear that TSM flexibility and mix and matches would be considered as part of a 6th/7th couplet. She urged the Board to avoid wasting federal tax dollars entrusted to it for an alternative that would not transport the community into the future. She called selection of a TSM short-sighted and urged the Board to reject those alternatives before more money that could be spent on other alternatives was spent on them.

Sandra Bishop, 591 West 10th Avenue, Eugene, spoke of her love for living downtown and for alternative modes of travel. She expressed appreciation for what the Board was attempting to accomplish, but did not think it could be accomplished by going through her neighborhood. She thought that would ghettoize a close-in neighborhood in downtown Eugene and asked the Board to take West 11th Avenue off the table for further consideration. She believed climate change was pushing density and that must be respected. If downtown neighborhoods were not respected, people would leave and the downtown would be left with transportation corridors.

Tim Bennett of Eugene agreed with those who wished to keep BRT off West 11th Avenue. He believed that once established, BRT could only be expanded or removed at taxpayer expense. He asked the Board to consider long-range planning and not just what needed to be accomplished in the short-term.

Marsala Monroe, Whiteaker Community Council (WCC) Board of Directors member, submitted a letter on behalf of the WCC in opposition to locating BRT on West 11th Avenue and supporting it on West 6th and 7th avenues. She noted that the letter had been sent to the Board as well as to the Eugene City Council. The WCC also advocated for an electric light rail system because "we are standing on the threshold of a new century" and they did not believe the use of fossil fuels

would be cost-effective in the future. The WCC wanted to ensure that the transit system was available to everyone and would not be priced beyond the means of citizens. She reviewed the segments the WCC supported.

Mr. Gaydos thanked those for testifying and encouraged them to continue to follow the project. He said the Board continually thought of the long range.

Fred Simmons, 312 South 55th Place, Springfield, spoke of the importance of intermodal modes and regretted the loss of local rail connections. He suggested there was an opportunity to connect rail to Veneta and farther west. He believed the community needed to plan for the future farther in advance. He said the Board needed to balance its budget but not on the back of those who needed LTD to help serve the economy. He recommended that the Board look beyond the horizon and consider related topics to ensure that the community had a sustainable society. He urged the Board to think beyond the corridors.

ITEMS FOR ACTION AT THIS MEETING

MOTION **Consent Calendar** – Ms. Davis moved adoption of LTD Resolution 2008-007: It is hereby resolved that the Consent Calendar for March 19, 2008, is approved as presented. Mr. Kortge provided the second. The Consent Calendar consisted of the minutes of the February 11, 2008, Special Board Meeting/Public Hearing; minutes of the February 20, 2008, Regular Board meeting; the *Lane Transit District Drug & Alcohol Program*, and an Intergovernmental Agreement--Oregon Department of Transportation/Metropolitan Policy Organization/Transit Operator Agreement.

VOTE The Consent Calendar was approved as follows:
 AYES: Davis, Evans, Eyster, Gaydos, Kortge, Necker (6)
 NAYS: None
 ABSTENTIONS: None
 EXCUSED: Dubick

FY 2008-09 Pricing Plan and First Reading of Amended Fare Ordinance – Mr. Vobora noted the public hearings that occurred in regard to the proposed fare and pass changes and the comments the Board had received. He invited Board questions, reporting that the staff recommendation regarding fares and group passes had not changed. He said that LTD had received comments on its RideSource fares, and noted that the Accessible Transportation Committee had been consulted and had supported the changes.

MOTION Mr. Eyster moved that the Amended Ordinance 35 be read by title only. Mr. Kortge provided the second.

VOTE The motion was approved as follows:
 AYES: Davis, Evans, Eyster, Gaydos, Kortge, Necker (6)
 NAYS: None
 ABSTENTIONS: None
 EXCUSED: Dubick

Mr. Eyster then read the ordinance by title: "Lane Transit District Fifteenth Amended Ordinance No. 35, An Ordinance Setting Fares for Use of District Services." Mr. Vobora anticipated the second reading and ordinance adoption in April

FY 2008-09 Service Proposal – Mr. Vobora recalled the Board's request for additional analysis of Route 93 and reported that staff were unable to find alternatives. He said that either LTD should leave the service as it was, which meant not adding two trips to Veneta, or make the change and increased service to Veneta. In regard to Route 95, Mr. Vobora noted suggestions for a couplet, and said that staff had investigated that policy but found it did not work because there were two, rather than one, commuting patterns involved. He thought the Highway 99 routing the best in the long run because of the anticipated construction of the prison and state hospital as well as continuing development in the vicinity of the airport. He called attention to a summary of the changes on page 50 and noted a change in the staff recommendation to route 78 to accommodate commuter patterns.

MOTION Ms. Davis moved approval of LTD Resolution No. 2008-008. It is hereby resolved that the LTD Board of Directors approve the FY 2008-09 Service Recommendations, resulting in a net reduction in service hours of 0.24 percent, as presented on March 19, 2008, and as shown on the 2008-09 Annual Route Review Service Change Summary. Mr. Eyster provided the second.

VOTE The resolution was approved as follows:
 AYES: Davis, Evans, Eyster, Gaydos, Kortge, Necker (6)
 NAYS: None
 ABSTENTIONS: None
 EXCUSED: Dubick

West Eugene EmX Extension Project – Mr. Schwetz continued his earlier presentation, identifying next steps in the project and the environmental disciplines that would be studied. He asked the Board to adopt the revised Purpose and Need and Statement, the range of alternatives, and the range of disciplines, as well as to direct staff to develop a clear description of the process to develop the TSM alternative and how alternatives would be mixed and matched during the alternatives analysis phase. He also asked the Board to direct staff to schedule a check-in during the alternatives analysis phase to verify the viability of the alternatives the Board was being asked to move to the next phase.

Mr. Schwetz invited questions and comments on the actions requested by staff.

Mr. Evans wanted to "tease out" what the TSM alternative "really means" in light of the testimony the Board heard earlier. He thought area residents feared that LTD would establish a foothold on the residential part of the road as an alternative for EmX. He wanted to know where LTD "fell out on that." He viewed TSM as LTD looking at how it used the current bus system that it had and reconfiguring it to fall into an EmX system that made sense in terms of how that management worked. Mr. Schwetz said that TSM was an alternative required by the FTA. He said the preferred alternative would be to implement bus rapid transit (BRT) along the entire length of a given corridor; LTD would turn to TSM as an alternative in those places where it could not implement a full BRT treatment. Mr. Schwetz explained that TSM could be a range of things. The FTA required TSM because it was seeking a way to address the purpose and need with as little of that agency's money as possible. He did not think that LTD would be looking at existing service alone, but a service much like EmX without the exclusive right-of-way. It would have

stations, queue jumping, and signal prioritization. Mr. Evans asked if part of the TSM could include service that did not originate in downtown. Mr. Schwetz said staff would look at the disposition of existing services with EmX "in the mix."

Mr. Evans suggested that the place of origin for EmX might be different than downtown, with a station at Big Y and connections down 6th and 7th avenues. He believed that when LTD discussed TSM it needed to be clear about how it communicated it because of the image that people had of EmX from their experience with it on Franklin. Mr. Schwetz said that LTD had tools such as visual simulation to explain how the system would look and work.

Mr. Kortge asked if board support of the motion could result in a study that showed "something" running from the Eugene Station down West 11th Avenue. Mr. Schwetz said no. He said that it was not staff's intent that a vote for the motion would result in a build alternative down the residential portion of West 11th Avenue.

Mr. Gaydos noted staff's mention of stations and said he understood that did not necessarily mean EmX stations. He asked if any capital investment would be necessary for the TSM alternative outside of money for queue jumping. Mr. Schwetz believed at least one station was needed between Jefferson and Garfield streets similar to those on Franklin Boulevard in Glenwood.

Mr. Viggiano pointed out that LTD had considered and selected TSM options on route segments in the Pioneer Parkway route. He said it was important that the corridor still be an EmX corridor, which was why he thought that raised platform stations were needed.

Mr. Kortge saw no purpose in studying West 11th Avenue further given the neighborhood opposition the Board heard. Mr. Pangborn pointed out that there were two segments on West 11th Avenue involved. Mr. Kortge did not support further study of a route without dedicated right-of-way and said the West 11th residential segment did not make sense. Mr. Gaydos recalled that the staff recommended against the segment but the advisory committee recommended its retention at this time.

Mr. Eyster and Mr. Evans shared Mr. Kortge's concerns. Mr. Kortge recalled discussion at an EmX Steering Committee meeting that indicated to him the inclusion of the segment did not make sense. He was prepared to offer a motion to delete it from consideration.

Mr. Schwetz explained that the FTA would have to concur with the Board, and with respect to TSM, the FTA would look very carefully at the proposal for a TSM alternative to ensure that LTD had the most effective and efficient TSM option possible. He suggested that the agency would question the deletion of such a direct route. Mr. Evans said that the Board had to consider adverse impacts to the neighborhood, so he thought there were mitigating circumstances for not taking a straight line down West 11th Avenue. He hoped that the FTA took into account the Board deliberations and public process.

Mr. Kortge said that if the FTA directed LTD to reconsider the alternative, it could.

Mr. Eyster did not think that LTD could secure dedicated lanes on the residential portion of West 11th Avenue, which did not meet FTA's goals related to increasing time of travel and efficiency.

Mr. Schwetz clarified that the Board was talking about the TSM alternative, which did include dedicated lanes.

MOTION Mr. Evans moved approval of LTD Resolution No. 2008-09, adopting actions related to the West Eugene EmX Extension Project as outlined in the resolution and deleting the staff recommendation as to the TSM alternative on West 11th Avenue. Mr. Kortge provided the second.

Mr. Pangborn concurred with a statement by Mr. Evans that LTD had a good working relationship with the FTA and could explain its rationale to the agency. Mr. Pangborn said that if the FTA did not accept LTD's rationale, staff could return to the Board.

VOTE The resolution was approved as follows:
 AYES: Davis, Evans, Eyster, Gaydos, Kortge, Necker (6)
 NAYS: None
 ABSTENTIONS: None
 EXCUSED: Dubick

Public Hearing and Approval – FY 2007-08 Supplemental Budget – Accounting Manager Carol James introduced the supplemental budget, noting the legal requirement for a public hearing if the budget changed by a set percentage. She said that LTD proposed changing the appropriation in the Accessible Services Fund by adding \$1,340,000 for the Call Center. She also asked the Board to recognize a \$2.5 million increase in appropriations for the capital projects fund for acquisition of land for the River Road Station, and a \$5.15 million increase in appropriations for the authority to write a contract for the purchase of the BRT vehicles for the Pioneer Parkway route.

Public Hearing on Supplemental Budget: Mr. Gaydos opened the public hearing. There being no one present who requested to speak, Mr. Gaydos closed the public hearing.

MOTION Mr. Kortge moved approval of LTD Resolution No. 2008-010, which amends the LTD Fiscal Year 2007-2008 budget as represented in the resolution. Ms. Davis provided the second.

VOTE The resolution was approved as follows:
 AYES: Davis, Dubick, Evans, Eyster, Gaydos, Kortge (6)
 NAYS: None
 ABSTENTIONS: None
 EXCUSED: None

Revised Capital Improvements Program – Finance and Information Technology Director Diane Hellekson introduced the item. She noted past Board discussion of the projects in question. She briefly reviewed the expenditures being proposed, and drew the Board's attention to the proposal to acquire all hybrid technology vehicles in the future. She said that would require \$36 million in debt financing, and the Board Finance Committee had forwarded the proposal in that manner with the understanding that it could be changed later.

Mr. Kortge raised the subject of electric buses and said it was his understanding that 40 percent of local electricity came from coal-fired plants in Wyoming. He suggested Lane County was lucky not to have to suffer coal fumes and asked for discussion on the tradeoffs between

electricity and gas. Mr. Gaydos noted the Board's commitment to being as green as possible so he thought it worthwhile to keep the vehicles in the plan. Mr. Pangborn said that LTD continually evaluated such things, and he anticipated a "sea change" in how energy was managed and priced in the future. Mr. Kortge thought LTD was being responsible in its approach.

Mr. Evans asked if LTD could bond for buses. Ms. Hellekson said that LTD could issue bonds but would have to jump through some major hoops, including an election, to issue general obligation bonds. She suggested it made more sense to borrow at this time because LTD had no debt and a high credit rating. If LTD could partner with another agency, such as the City of Eugene, it would make the process easier. Mr. Evans thought that Eugene was prepared to consider such transportation-related expenditures.

MOTION Ms. Davis moved approval of LTD Resolution No. 2008-011—it is hereby resolved that the Revised Capital Improvements Program is approved as presented. Mr. Kortge provided the second.

VOTE The resolution was approved as follows:
 AYES: Davis, Evans, Eyster, Gaydos, Kortge, Necker (6)
 NAYS: None
 ABSTENTIONS: None
 EXCUSED: Dubick

Revised Long-Range Financial Plan – Ms. Hellekson referred the Board to the plan in the meeting packet. She said staff were proposing a status quo plan in the first year but would be taking a hard look at where service reductions might occur in the fixed-route system. When the status of the payroll tax was known, staff would be in a better position to recommend whether service reductions were in order and at what magnitude.

Mr. Eyster asked how LTD was doing in identifying those who were not paying the payroll tax. Ms. Hellekson said that LTD lacked a dedicated staff to do that work but recognized it was a high priority. LTD had hired a temporary person to visit construction sites and record the names of subcontractors, but it was challenging to reach some of the job sites.

Ms. Hellekson indicated that Board action would merely direct staff to complete the proposed budget, which would be reviewed by the Board as part of the Budget Committee. She invited questions.

Mr. Gaydos recalled the support expressed by former Eugene City Councilor David Kelly for Eugene's involvement in solving some of LTD's issues, and when it appeared LTD could not provide student rides Eugene Mayor Kitty Piercy had expressed concern. He thought that not enough was being done at the local level and suggested that the Board "start politicking" on the local side. He thought that LTD needed to be more collaborative and local government was beginning to understand the fossil fuel issue and the dramatic impact transit should have. He thought that local general purpose government should be helping LTD financially.

MOTION Mr. Kortge moved approval of LTD Resolution No. 2008-012; it is hereby resolved that the Long Range Financial Plan is approved as presented. Mr. Eyster provided the second.

Mr. Evans asked if LTD could seek fuel from out of the country in a place such as China, for example. Ms. Hellekson said that LTD did what it could in the market but was too small for a country such as China to help out.

VOTE

The resolution was approved as follows:

AYES: Davis, Evans, Eyster, Gaydos, Kortge, Necker (6)

NAYS: None

ABSTENTIONS: None

EXCUSED: Dubick

ITEMS FOR INFORMATION AT THIS MEETING

Ethic Reporting Forms – Mr. Kortge noted that the Board needed to submit new ethics reporting forms on or before the date of the next Board meeting.

APTA Legislative Committee – Mr. Evans provided a brief report on the recent American Public Transportation Association (APTA) Legislative Committee meeting, saying that the committee narrowed its focus on about 19 items for the next federal transit bill authorization, including paratransit and fuel. Responding to a question from Mr. Kortge about whether the bill was on track, Mr. Pangborn anticipated it would be about one year late, depending on the approach Congress took.

Mr. Evans noted that he had been appointed to the Authorization Committee of APTA and had suggested to the national organization that LTD would like to host the 2010 Transit Board Members Conference in Eugene. He thought that it important that LTD host the conference to position it in the transit community for recognition of its innovative approaches and to help maximize its visibility with the federal government. He thought Lane County had a variety of amenities for conference goers to enjoy, as the conference occurred in mid-July.

Metropolitan Policy Committee – Mr. Evans said that the Metropolitan Policy Committee was discussing whether to broadcast its meetings on television, as “a lot of people” were concerned that meetings occurred during the day, limiting citizen access.

Board Finance Committee – There was no report.

Diversity Plan – Senior HR Analyst David Collier reviewed changes made to the *Diversity Plan* made at the direction of the Board. He indicated that the plan had been approved by the Leadership Council.

Mr. Kortge noted the desired outcome in the plan stating that the LTD workforce at all levels would represent the cultural composition of the community, and suggested that the general manager was one of the “all levels” involved. He asked if it was really LTD’s goal to represent the cultural composition of the community or to be different than that.

Monthly Financial Reports – Ms. Hellekson briefly reviewed the report. There were no questions.

Monthly Department Reports – There were no questions.

Board Correspondence – There were no questions.

Monthly Performance Reports – There were no questions.

ADJOURNMENT

Mr. Gaydos adjourned the meeting at 7:45 p.m.



Board Secretary

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AGENDA ITEM SUMMARY

DATE OF MEETING: May 21, 2008

ITEM TITLE: REVISION OF ORDINANCE 24 GOVERNING DISTRICT BOUNDARIES

PREPARED BY: Andy Vobora, Director of Service Planning, Accessibility, and Marketing

ACTION REQUESTED: Complete first reading of revised Ordinance 24

BACKGROUND: Ordinance 24 describes the territorial boundaries of Lane Transit District. When there are no changes to the boundary, the Board affirms the boundaries each year in June. This action is done by resolution and does not require a reading of the ordinance. A revision to the ordinance is required only if there is a change to the District boundaries.

Two changes to the boundaries have been discussed by the Board and included in the revised ordinance: the first involves changes to specific sections of the existing boundary that include reducing the boundary along areas of River Road, north of Santa Clara; and the second involves changes around Fern Ridge Reservoir and along Territorial Road, north of Veneta.

The ordinance has been revised to reflect appropriate dates and to provide reference to two pieces of information that will define the boundaries: the first is a District boundary map, and the second is a list of all addresses contained within the defined area. These documents are produced by Lane Council of Governments (LCOG) staff using a geographical information system. While the large reference map does not show a great amount of detail, individual address questions can be answered by the address listing. LTD staff have direct access to the computerized address database maintained by LCOG. This gives the District the most up-to-date address information available. Should additional information be needed, LCOG staff can provide detailed tax lot maps upon request. The boundary map will be available at the Board meeting and will be attached to the original ordinance.

RESULTS OF RECOMMENDED ACTION:

Following the second reading and adoption, the ordinance will take effect on January 1, 2009.

- ATTACHMENTS:**
- (1) LTD Ordinance 24, 2008 Revision
 - (2) Boundary map illustrating affected areas

PROPOSED MOTION: I move that Lane Transit District Ordinance 24, an ordinance describing the territorial boundaries of the District, be read by title only.

Following an affirmative vote, the title should be read:

“Lane Transit District Ordinance 24 (2008 Revision), Describing the Territorial Boundaries of Lane Transit District.”

RESOLUTION NO. 2008-017

A Resolution Authorizing the Lane Transit District to
Acquire by Purchase or by the Exercise of the Power of Eminent Domain
Certain Real Property Necessary for the Bus Rapid Transit Project

WHEREAS, ORS 267.200(2) and ORS 267.225(2) authorize and empower Lane Transit District (“LTD”) to acquire by condemnation, purchase, lease, devise, gift, or voluntary grant real and personal property or any interest therein located inside the boundaries of its transit district.

WHEREAS, LTD is in the process of working with local, state, and federal agencies in the planning and construction of the Bus Rapid Transit (“BRT”) Project, which will result in a bus rapid transit system designed to help accommodate the transportation needs of Eugene and Springfield. One phase of the BRT Project is referred to as the Pioneer Parkway EmX-Bus Rapid Transit Project (the “Project”), and will include the construction of bus guideways, bus stations, transit signals, landscaping, bicycle and pedestrian enhancements, and other corridor improvements.

WHEREAS, the Project is planned and will be located in a manner that is most compatible with the greatest public good and the least private injury.

WHEREAS, the Project is in compliance with and in furtherance of adopted LTD plans and policies, including, but not limited to, increasing transit ridership, improving neighborhood livability and environment, overall enhancing the public transit services for the District, and is for the benefit and general welfare of the public.

WHEREAS, ORS 35.235 requires the Board, first, to declare by resolution the necessity of the acquisition of real property and the purpose for which it is required, and then to attempt to agree with the owner with respect to the compensation to be paid, therefore, and the damages, if any, for the taking thereof.

WHEREAS, for the accomplishment of the Project, it may be necessary that LTD have the ability to obtain the immediate right of possession to certain parcels of real property described in this Resolution.

NOW, THEREFORE, based upon the above findings, which are incorporated herein by reference and hereby adopted, LTD does find, declare, and adopt:

1. That for the accomplishment of the Project, there is needed and required certain interests in or fee simple title to certain parcels of real property more particularly described on Exhibit A attached hereto and incorporated herein by this reference (collectively, the “Real Property”).

2. That the Project is necessary for the public interest and has been planned, designed, located, and will be constructed in a manner that will be most compatible with the greatest public good and the least private injury and is authorized under the rules and ordinances of LTD, the laws of the state of Oregon, and all applicable federal laws.

3. That in the event immediate possession of the Real Property is deemed necessary, LTD's General Manager or his designee(s) shall have the authority to undertake any and all lawful steps that may be required in order to take such possession.

4. That LTD staff and/or its designees are authorized and directed, with the cooperation and assistance of Lane County, to obtain all necessary appraisals and to make further attempts to agree with the owners of the Real Property and any other persons in interest as to the just compensation to be paid for the Real Property and damages, if any, for the taking thereof, and LTD's General Manager or his designee is authorized to make a binding agreement providing such just compensation.

5. That the LTD Board hereby ratifies all offers to purchase all rights, title, and interest in the Real Property that have been previously made in connection with the Project.

6. That in the event no satisfactory agreement is reached between the Real Property owners and LTD, LTD, through its legal counsel, is authorized to commence and prosecute to final determination such legal proceedings, including proceedings in eminent domain, as may be necessary to obtain immediate possession of and to acquire the Real Property.

7. That there is hereby authorized the creation of a fund in the amount estimated to be the just compensation for the Real Property, which, if necessary, shall be deposited with the clerk of the court in which the eminent domain action is commenced.

8. That the LTD Board declares that the Real Property described in Section 1 above shall be used by LTD for public purposes at the earliest possible date and, in any event, no later than ten (10) years from the date this Resolution is adopted by LTD.

9. That the General Manager or his designee(s) is authorized to execute any and all necessary documents and to take such other steps on behalf of LTD as necessary to carry out the intent of this Resolution.

Adopted by the Lane Transit District Board of Directors on the ____ the day of May, 2008.

May ____, 2008

Board Secretary

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AGENDA ITEM SUMMARY

DATE OF MEETING: May 21, 2008

ITEM TITLE: BOARD CALENDARS

PREPARED BY: Jo Sullivan, Administrative Services Manager/Clerk of the Board

ACTION REQUESTED: Discussion of Board member participation at LTD and community events and activities

BACKGROUND: Board members are asked to coordinate the Board Activity Calendars with their personal calendars for discussion at each Board meeting. Updated Board Activity Calendars are included with this packet for Board members.

Please contact Jo Sullivan with any changes in your availability for LTD-related meetings and events, or to provide your spring and summer vacation dates.

ATTACHMENT: Board activity calendars are included separately for Board members.

PROPOSED MOTION: None

AGENDA ITEM SUMMARY

- DATE OF MEETING:** May 21, 2008
- ITEM TITLE:** CONSENT CALENDAR
- PREPARED BY:** Jo Sullivan, Administrative Services Manager/Clerk of the Board
- ACTION REQUESTED:** Approval of Consent Calendar Items
- BACKGROUND:** Issues that can be explained clearly in the written materials for each meeting, and that are not expected to draw public testimony or controversy, are included in the Consent Calendar for approval as a group. Board members can remove any items from the Consent Calendar for discussion before the Consent Calendar is approved each month.
- The Consent Calendar for May 21, 2008:
1. Approval of the minutes of the March 19, 2008, Regular Board Meeting
 2. Approval of revised *LTD Drug & Alcohol Program*
- ATTACHMENTS:**
1. Minutes of the March 19, 2008, Regular Board Meeting
 2. Staff background report
 3. *Lane Transit District Drug & Alcohol Program (included as an Addendum to the Board Packet)*
- PROPOSED MOTION:** I move that the Board adopt the following resolution:
- LTD Resolution No. 2008-016: It is hereby resolved that the Consent Calendar for May 21, 2008, is approved as presented.

AGENDA ITEM SUMMARY

DATE OF MEETING: May 21, 2008

ITEM TITLE: CHARTER RULE UPDATE

PREPARED BY: Andy Vobora, Director of Service Planning, Accessibility, and Marketing

ACTION REQUESTED: Information only.

BACKGROUND: New federal charter regulations became effective on April 30, 2008. Over the past couple of months, Lane Transit District staff have participated in Federal Transit Administration (FTA) training and have had the opportunity to work through the new processes set forth by the FTA. The following information provides an outline of LTD's experiences since the change in regulations, a status report on a number of upcoming events, and what may be expected in the months and years ahead.

The Board may recall from previous correspondence that the primary changes to the charter regulations center on the notification process and the scope of who qualifies as a private provider. Under the new regulations for the notification process, LTD is required to provide information to each registered private provider any time the District is interested in providing charter service. Private providers register through an FTA website, and they may register to provide service anywhere in the United States.

LTD has sent out five event descriptions since the new regulations took effect. For four of the five events, private providers expressed interest in providing the service. The only non-response pertained to University of Oregon (UO) football service, which means that LTD is free to move forward with the UO to provide service for the coming season. In the case of the Eugene Marathon, the private provider expressed interest in providing only a portion of the service. FTA ruled that providing only partial service is being non-responsive. Because LTD had been working with the provider to share the service, the District continued to work with the provider to provide the service jointly. However, several days before the event the private provider determined that it would be unable to provide the service and withdrew its offer. Ultimately LTD provided all of the shuttle service to this event.

In a number of narrowly defined situations, the District may petition the FTA for an exemption. In the case of the Olympic Trials, LTD was successful in making a case that the event has regional significance, and given the years of planning that had occurred, LTD should be allowed to provide the service. This petition was granted, and LTD continues to

work with the Olympic Trials organizing committee on the final details of the service package.

The Butte to Butte Race shuttles will be operated by LTD. One private provider chose not to bid, and the second provider could not put together the necessary number of buses. This allowed LTD to re-enter the process.

The provider of the Oregon Country Fair (OCF) service remains undetermined at this point. Two private providers expressed interest in this event, and at this time, one provider has chosen not to bid. The second provider is still in discussions with OCF staff. LTD is prepared to deliver the OCF service if the remaining private provider is unable to deliver the service or chooses not to bid.

The Lane County Fair is not purchasing shuttle service; therefore, the charter rules do not apply. The Lane County Fair will buy out regular bus service, which provides an opportunity for everyone to ride free.

What lies ahead is unknown at this time. If the charter regulations remain unchanged, LTD will continue to notify private providers of event service requests for their review. If the private providers see these services as viable, they will become more organized; and it is likely that they will begin to provide bids for local event services. On the other hand, it also is possible that private providers will continue to find it difficult to organize the vehicles and operators needed for these events, and they ultimately may find that trying to serve these events is not viable.

Beginning this fall, the District plans to distribute event notification one time per year in October or November. This timing will allow LTD to plan for the impacts of an event in time for the bus operator vacation planning in January, and it also will enable LTD to know early on which private providers may have an interest in providing the service.

ATTACHMENT: None

RESULTS OF RECOMMENDED ACTION: None

PROPOSED MOTION: None

EXHIBIT A

DRAFT FINDINGS IN SUPPORT OF LOW BID EXEMPTION

Pioneer Parkway EmX Construction May 21, 2008

A. Competitive Bid Exemption under Oregon Statute

Oregon law requires all public improvement projects to be procured by competitive bid, unless an exemption is granted by the State or the public contracts review board of a public agency other than the State. ORS 279C.300 requires that public agencies shall make every effort to construct public improvements at the least cost to the public agency. ORS 279C.335(2) requires the public agency to develop findings that the alternative procurement process is unlikely to encourage favoritism or substantially diminish competition, and that the project will result in benefits to the public agency.

For public improvement projects, agency findings must address certain additional factors, defined by ORS 279.330. These include, but are not limited to, the following:

1. Operational, budget, and financial data
2. Public benefits
3. Value engineering
4. Specialized expertise required
5. Public safety
6. Market conditions
7. Technical complexity
8. Funding sources

B. Process

LTD has developed a checklist that identifies key criteria in the selection of a design and construction contracting method. It includes the factors listed in the Oregon statute. The checklist creates an analytical framework within which criteria are evaluated as to relative importance for a particular project element. The completed checklist assists LTD in the determination as to whether there is justification for exploring a contracting method other than the traditional competitive low bid.

The checklist is applied as follows:

- Each criterion is assumed to be important for a traditional low-bid project.
- For a particular project or major project element, the listed criteria are evaluated.
- Criteria should be evaluated as “Very Important” or “Extremely Important,” in lieu of “Important,” when judged to require a greater level of attention or certainty of performance than that obtained in a typical low-bid project.
- The completed checklist may weigh in favor of a contracting method other than traditional low bid.

C. Summary Description of EmX

EmX is a new type of bus service that combines the speed, convenience, and regularity of light rail train service with the flexibility and low cost of rubber-tired bus service. The end result is a much faster and more convenient bus service at a fraction of the cost of light rail service. The first EmX corridor, the Franklin EmX, connects downtown Eugene and downtown Springfield and started operating in January 2007. Ridership on the corridor has exceeded the 20-year projections in the first year of operation. This project, the Pioneer Parkway EmX, is an extension of the Franklin EmX from the Springfield Station to the north.

The Pioneer Parkway EmX project requires the construction of bus travel lanes, intersection improvements, stations, and traffic signal system changes. The work is within the road right-of-way. On some parts of the corridor, EmX service will travel in mixed traffic on existing streets. The project includes the construction of 14 new bus stations in the right-of-way. The construction of these stations will present special challenges on staging and traffic control. An important part of this project is the upgrading of all traffic signals along the corridor so that the signals will give special priority to the buses as they travel along the corridor. There will be some utility relocation along the corridor.

D. Critical Factors

BRT is still a very new mode with limited applications in the United States. Design of the system, including busways, stations, and signals, requires special considerations and expertise. Having a contractor involved in the design work and able to review the design for constructability is critical. Contractor involvement prior to construction also allows for better planning of construction timing and phasing, and provides additional expertise in cost estimating.

During construction, it is critical that public impacts to vehicular, bus, and pedestrian traffic be minimized. This corridor will impact areas of significant traffic congestion and economic value in the community. It will be imperative to maintain adequate access and traffic flow to the businesses. Staging of construction and traffic management will be critical to its success.

E. Findings

The attached checklist identifies the relative importance of key criteria for this segment. The findings are summarized below:

1. Operational, Budget, and Financial Data

The overall capital EmX budget is fixed and has limited contingency. A low initial bid is not the final construction price of a project. Historically, low-bid projects result in numerous change orders and often in substantial claims. LTD must minimize risks of design changes, construction delays, and claims in order to control the project budget. When the construction manager/general contractor (CM/GC) participates in the design process, fewer change orders occur during construction that affect the Guaranteed Maximum Price (GMP), because there is a better understanding of the owner's needs and the engineer's design intent. Involving the construction contractor during design is a proven approach for

containing costs through more constructable designs and helps to reduce the technical complexity risks. Early selection of the CM/GC creates more-informed and better-quality decisions by the construction team. Cost options for materials, construction sequences, and bid timing can be viewed with greater certainty and knowledge. This allows the owner to obtain real-time market pricing that assists in decision making. For this segment, all of these factors are important. Additionally, LTD operational costs are related to the quality and timely performance of the EmX interconnection work. Delays in the performance of this work could lead to increased operational costs.

Finding. A negotiated procurement that involves the construction contractor during the design phase will allow LTD to better control costs because of timely, real-market pricing and input from the contractor who will build the project. Low bid does not provide this opportunity. For this segment, CM/GC is the best choice.

2. Public Benefits

A realistic, cost-effective construction approach that meets the critical need to accommodate the continuance of traffic during construction is necessary. LTD, working with Springfield and private owners, must develop the plan. Contractor input during design facilitates the development of realistic construction options in terms of schedule, cost, traffic flow, noise, and safety considerations. Disruptions to businesses must be minimized. Access to properties must be maintained during construction. The contractor will be challenged further to minimize noise and vibration impacts, and utility disruptions. The community, LTD, and Springfield will benefit by selection of a construction contractor who is familiar with this design and has the capacity to focus on this work and get it done quickly and safely.

Finding. The CM/GC negotiated procurement is the best method to identify a contractor who can work with LTD and maximize public benefits.

3. Value Engineering

LTD's experience is that value engineering is best achieved during the design phase when the construction contractor's experience is considered along with the designer's concepts. Although low bid allows for value engineering during construction, it often is more difficult to implement because of the construction schedule pressures, or the additional design effort and required public process.

Finding. Construction contractor input during final design enhances the value engineering process that begins during preliminary design. Individual components can be reviewed to assure that the project incorporates the best lifecycle options, resulting in long-term savings. Initial savings also can be realized by comments of the CM/GC during his review that can be considered while the design is being finalized and without issuance of a change order during construction. The CM/GC procurement method allows the construction contractor to work with the design team and to incorporate value engineering ideas in the most timely manner to maximize savings.

4. Specialized Expertise Required

The EmX corridor, as designed in this project, is still a very new concept with limited applications. The Franklin EmX has provided some experience that can be used in this second corridor. However, there are some new issues for Pioneer Parkway that were not encountered in the Franklin EmX Corridor.

The phasing of construction and traffic management will require special expertise. Because of the critical nature of access to major destinations along this corridor, special expertise will be needed to plan and execute this work.

Finding. CM/GC is the best method for LTD to identify a contractor with the required special expertise and the most-qualified firm. Low bid does not ensure that the needed most-qualified firm that provides the special expertise will be procured.

5. Public Safety

This project requires the utmost attention to public safety. The corridor serves the largest medical facility in the community. In order to minimize impacts to this facility and to avoid disruption to the general traveling public, the construction work must be completed quickly and safely. A portion of EmX is on an Oregon state highway; consequently, public safety risks and traffic impacts must be properly controlled at all times.

Finding. The contractor's actual safety performance and traffic control effectiveness on similar projects is very important and should be evaluated as part of the procurement. CM/GC affords LTD the best opportunity to do this.

6. Market Conditions

Current market conditions are volatile. Construction prices have increased rapidly in the last couple of years, fueled by significant increases in the prices for steel and concrete. Construction activity in the community is ramping up again with some major projects, such as the University of Oregon basketball arena, a new facility for the Eugene Water and Electric Board, and the Interstate 5 bridge replacement.

Finding. CM/GC is the best method to reduce risk in escalating market conditions that may limit the number of subcontractors bidding with the CM/GC. It also allows the CM/GC to request a change based on market conditions instead of bidding for unknown risk in a hard bid.

7. Technical Complexity

Construction on major city streets while under traffic, as in this segment of EmX, is complex and specialized. It requires attention to detail and an understanding of the many systems that must be maintained during construction. These include city infrastructure systems such as traffic signals, streetlights, electrical power, communications, telephone, cable, water, sewer, and gas. The technical

complexity must be understood in order to properly plan and execute work of this nature.

Finding. The technical complexity involved in this segment requires a contractor who is familiar with civil projects who has a record of construction to rigorous tolerances. A low-bid procurement does not evaluate a bidder's technical qualifications. Failure to perform the work in this segment in accordance with public expectations would result in adverse media and cost impacts to LTD. The negotiated procurement allows LTD to evaluate a contractor's technical experience in similar work.

8. Funding Sources

Financing for EmX is limited. Moreover, complex intergovernmental agreements are in place regarding design, construction, and operations of EmX. It is imperative that the project be constructed at the lowest cost with consideration of the special needs of the partner agencies.

Finding. A negotiated procurement is a better method than low bid for LTD to achieve the necessary cost control and meet the individual requirements of the partner agencies.

9. Unlikely to Encourage Favoritism or Diminish Competition

The steps taken to ensure maximum competition and fair opportunity for this project will include advertisement in *The Daily Journal of Commerce* and *The Register-Guard*. Further steps include scheduling a pre-bid conference and site visit, and appointment of an unbiased evaluation committee.

LTD will require a good faith effort in the outreach of subcontracting opportunities to minority, women-owned, and emerging small businesses.

Finding. By marketing this opportunity and attempting to notify all known potential respondents, LTD will implement a process that does not encourage favoritism nor diminish competition in this market.

By allowing contractors to discuss their proposed work plan and to submit value engineering proposals, the negotiated procurement process will encourage more contractors to compete for this project than may otherwise occur in a low-bid process.

A negotiated procurement also will allow LTD to identify a prime contractor prior to award of any construction subcontracts so that LTD is able to work with the contractor to maximize opportunities for participation by minority and women-owned businesses. Competition among subcontractors will be increased.

10. Cost Savings

LTD must minimize risks of design changes, construction delays, and claims in order to control the project budget. When the CM/GC participates in the design process, fewer change orders occur during construction that affect the Guaranteed

Maximum Price (GMP), because there is a better understanding of the owner's needs and the engineer's design intent. Involving the construction contractor during design is a proven approach for containing costs through more constructable designs and helps to reduce the technical complexity risks. Early selection of the CM/GC creates more informed and better-quality decisions by the construction team, and prevents costly redesign during construction. Cost options for materials, construction sequences, and bid timing can be viewed with greater certainty and knowledge.

Finding. LTD's experience is that low-bid contracting for work of this nature is likely to result in numerous change orders and increased costs through claims. The negotiated procurement process will allow LTD to select a contractor based upon performance competition as well as price competition. It allows selection of a contractor whose proven experience matches the nature of the required work. By selecting the most qualified contractor, LTD minimizes the risk of serious and costly disruption of public transportation and commerce within the city and on impacts to daily traffic.

Finally, by involving the contractor during design, LTD has the capacity to obtain real-time market pricing information. This pricing will facilitate more accurate assessment of design options and maximize opportunities for value engineering.

F. Conclusion: Preferred Contracting Method - CM/GC

CM/GC is the option that best allows for consideration of the critical factors during design and construction. With a general contractor as part of the owner and design team, the likelihood of successful construction implementation is enhanced.

CRITERIA FOR SELECTION OF CONSTRUCTION CONTRACTING METHOD
BUS RAPID TRANSIT

| KEY CRITERIA | Extremely Important | Very Important | Important | Legal Finding Required |
|---|---------------------|----------------|-----------|------------------------|
| • COST SAVINGS/CONTROL | X | | | YES |
| Lowest Bid | | | x | |
| <i>Technical Complexity Risks</i> | x | | | YES |
| Funding Source Impact on Cost | | x | | YES |
| Scope Certainty/Scope Clearly Defined | | | x | |
| Must Meet Tight Budget | x | | | |
| No Follow-on Delay/Impacts | | x | | |
| Shortest Duration to Avoid Market Increases | | | x | YES |
| <i>Maximum VE Savings</i> | x | | | YES |
| • SPECIAL EXPERTISE REQUIRED | X | | | YES |
| <i>Hazardous Materials/Environmental Impacts</i> | | | x | |
| <i>Utility Conflicts/Relocation</i> | | x | | |
| <i>Permit/Jurisdictional Relationships/Req'ts</i> | x | | | |
| <i>Access/Site/ROW Constraints</i> | x | | | |
| <i>Engineering/Technology Knowledge</i> | | | x | |
| • QUALITY ASSURANCE | X | | | |
| Third-Party/Public Approval | x | | | |
| Minimal Defective Work | x | | | |
| Effective Contractor QC/Minimal Owner QA | | | x | |
| Owner Final Design Control | x | | | |
| Need for Checks and Balances | | | x | |
| Existing System Compatibility | x | | | |
| • SCHEDULE | | | | |
| Contractor Proven Performance | x | | | |
| Contractor Work Plan Vital | x | | | |
| Duration/Milestone Certainty/Meet Critical Path | x | | | |
| Shortest Design-Construct Duration | | | x | |
| • SAFETY | X | | | |
| Top Notch Program | x | | | |
| <i>Attention to Public Safety</i> | x | | | YES |
| • COMMUNITY/PUBLIC BENEFITS | X | | | YES |
| Utilize DBE | | | x | |
| Minimal Disruption to Businesses/Residences | x | | | |
| Maintain Access to Properties | x | | | |
| Minimal Traffic Flow Impact | x | | | |
| Minimal Noise/Vibration | x | | | |
| Minimal Utility Disruption | x | | | |
| Early Completion | | | x | |

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ADDENDUM TO MAY 21, 2008
LTD BOARD AGENDA PACKET

LTD DRUG & ALCOHOL PROGRAM

(showing recommended revisions)



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MONTHLY DEPARTMENT REPORTS

May 21, 2008

PLANNING AND DEVELOPMENT

Tom Schwetz, Director of Planning and Development

PROJECT DEVELOPMENT

West Eugene EmX: A detailed update of this project is provided in the West Eugene EmX information item summary.

COMMUTER SOLUTIONS

Connie B. Williams, Program Manager

Program Management:

- Staff have attended the first three sessions of the new Regional Travel Options Training Course presented by Westside Transportation Alliance and Portland Community College. Courses continue through June.
- Commuter Solutions will sponsor the Sustainability Village at the 2008 Eugene Celebration.
- Connie represents Commuter Solutions on the Campaign for Active Transportation and the City of Eugene's Transportation Options Program.
- Connie met with Ed Necker as part of his new Board member orientation.

Group Pass/Employee Transportation Coordinators (ETC) Programs: LTD hosted the quarterly ETC Luncheon, which was held at the University of Oregon's Carson Hall. The event attracted 21 attendees, representing 17 organizations.

CarPool/VanPool/Emergency Ride Home Program (ERH):

- REI (representing 60 employees) has enrolled in the Emergency Ride Home Program (ERH).
- Twenty-one commuters signed up for the ERH and 15 commuters registered for carpool matching.

- Staff met with the University of Oregon parking and transportation manager about instituting a campus-wide ERH for faculty and staff.
- Tracy Smith attended a Valley VanPool meeting in Salem regarding the formation of two vanpools from Corvallis to Salem.
- Tracy Smith and Mary Green attended the Trapeze User Conference in Arizona. Trapeze is the vendor for the RidePro3 rideshare-matching database used by Commuter Solutions.

Smart Ways to School: Roosevelt and Monroe Middle Schools have kicked off spring campaigns to encourage more students to walk or bike to school as part of their education and to promote activities identified in the schools' Safe Routes to School grant requirements. Roosevelt staff and volunteer parents are preparing a Safe Routes to School grant application that, if approved, would expand the Roosevelt Middle School program coordinator's role to a Eugene 4J District-level position.

Lisa VanWinkle staffed a Smart Ways to School table at an event for Cascade Middle School families in the Bethel School District.

Student Transit Pass Program: The mayor of Portland, the superintendent of Portland Public Schools, and leaders of TriMet are discussing the possibility of creating a transit pass program for Portland area students, based on the successful Student Transit Pass Program in LTD's service area. Lisa VanWinkle has been discussing details of program implementation and administration to help Portland evaluate the concept.

Education and Outreach:

- Marcia Maffei presented at Eugene's Earth Day John Baldwin Lecture Series on *Simple Steps to Take to Fight Climate Change: Transportation*
- Marcia Attended the Cascades Program for Emerging Leaders
- Commuter Solutions staffed an information booth at the International Society for Technology in Education and also staffed the Transportation Options booth at the City of Springfield in observance of Earth Day.

Park & Ride: Commuter Solutions received notification that the Oregon Department of Transportation finalized the sale of the old DMV site to the University of Oregon Foundation and that the property could no longer be used as an LTD Park & Ride lot. LTD staff are discussing the possibility of securing parking spots on the former Romania used car lot, located just south of the DMV site.

Commuter Solutions submitted a proposal to the City of Junction City to use one of their city parking lots as a Park & Ride.

CAPITAL PROJECTS

Charlie Simmons, Facilities Services Manager

Pioneer Parkway EmX: At its regular meeting on May 5, the Springfield City Council approved the 30 percent design. An updated construction cost estimate is expected to be completed soon. Work continues by staff and the design team on the next level of details to be submitted to City of Springfield review staff on May 22.

Gateway Station: Bids for construction were opened on April 29. A total of four bids were received, all from well-known local general contractors. The lowest bid of \$2,000,080 was submitted by Brown Contracting Inc. The bids were within 6 percent of each other, which demonstrates that the costs are realistic and representative of the current market. The estimate for the work was approximately \$1.8 million.

| |
|---|
| SERVICE PLANNING, ACCESSIBILITY, AND MARKETING |
|---|

Andy Vobora, Director of Service Planning, Accessibility, and Marketing

Service: Service Planning Assistant Heather Lindsay recently had a baby girl and is currently on maternity leave. The remaining service planning staff have completed summer bid work and the focus is now on fall bid. Proofreading of materials is underway.

Analysis of service cut options has begun. Former service planning manager and now consultant, Paul Zvonkovic, has begun gathering data about route performance. Paul also will be researching how other districts are approaching similar scenarios and will be working with staff on an analysis of restructuring the LTD routes to fit a corridor-based model.

Event Planning: Angie Sifuentez and Will Mueller are spending a lot of time and effort completing the preparations for the Olympic Trials shuttle service. LTD was gratified to receive the FTA administrator's exemption allowing the District to provide the service.

Angie, OPS staff, Maintenance staff, and LTD bus operators saved the day for the Eugene Marathon. The District attempted to work in tandem with OC&W Coachways; however, OC&W pulled out a few days prior to the event. The service LTD provided went very well.

Butte to Butte planning continues. As the race will run during the Olympic Trials this year, the District will double the number of vehicles and operate from two locations in anticipation of more participants.

As yet there has been no resolution concerning service for the Oregon Country Fair. Fair organizers are still communicating with a private operator.

UO football planning will proceed as usual because no private operators responded to the service inquiry.

Bus Advertising: At the June 18 meeting, the Board will be provided with a proposal for ads to be displayed on the inside of EmX vehicles.

Media: LTD received very favorable media coverage this past month. Stories included coverage of the charter issues and receipt of the exemption for the Trials service, rising fuel prices and the impact on ridership, Springfield security, and LTD budget issues. In addition, LTD received national coverage from Forbes.com, which ranks Eugene “No. 2” among small cities in relation to the ease of commuting. Lastly, Board member Greg Evans represented LTD at the Carbon Challenge press conference sponsored by Sequential Biofuels.

New television commercials were produced using a testimonial format. These commercials debuted as part of the Earth Day media buy and have been well received. They will be used again to promote how LTD changes lives of everyday commuters in our area. They will be tagged to promote specific events taking place throughout the year. These commercials may be viewed on LTD’s Website at ltd.org.

Earth Day: Cold weather, snow, rain, and a little sunshine greeted staff who worked at this year’s Earth Day events. LTD sponsored free system-wide rides and provided a shuttle linking the Eugene Station to the Saturday Market and on to EWEB, where the Earth Day festivities took place. The event was well attended and participants were provided with the opportunity to win some fun prizes at the LTD booth and tour an EmX bus. A live radio remote encouraged attendees to stop by EWEB or the 18th Avenue Bi-Mart to visit with LTD staff. In addition to Bi-Mart, LTD partnered with Capalla Market, Down to Earth, and Dari Mart stores.

ACCESSIBLE SERVICES

Terry Parker, Accessible Services Manager

The Lane Team for Easter Seals ProjectACTION Mobility Planning Services attended the 2008 Institute in Washington, D.C. Teams were selected based on their potential for developing a collaborative plan that engages both public transit and people with disabilities in improving accessibility. Team members are: Kay Metzger, director, Senior & Disabled Services, a division of Lane Council of Governments; Richard Whitwer, Self-Sufficiency Program manager, Department of Human Services; Walter Rosenthal, clinical services supervisor, Lane County Mental Health; Liz Fox and Scott Whetham, Alternative Work Concepts; and Terry Parker, LTD. Each team makes a one-year commitment to implement its plan and problem-solve issues. Participation affords LTD with the opportunity to continue to provide leadership and promote accessibility by working closely with representatives of these agencies and their respective clientele.

TRANSIT OPERATIONS

Mark Johnson, Director of Transit Operations

Eugene Marathon Service: The service that LTD provided to the Eugene Marathon went well. Operations and planning staff are improving the operation of special services for community events such as this, and they worked closely with organizers to deliver this excellent service.

International Bus Rodeo: Director of Transit Operations Mark Johnson and Transit Services Manager Sue Quick accompanied LTD Bus Operator Armando Reyes, who competed in the International Bus Rodeo in Austin on May 4. Although Armando did not place as high as he would have liked in the event, he represented the District well. He also took advantage of some special opportunities for bus operators at the Bus and Paratransit Conference, which was held in conjunction with the Rodeo.

Eugene '08 Olympic Trials: Operations staff have been working closely with the regional emergency management group to prepare for the Olympic Trials. LTD has a training session set up for members of the bomb squad to teach them how to operate a bus. Staff also are working closely with law enforcement agencies to ensure that procedures are in place to deal effectively with security situations at Park & Rides and other locations where shuttles will operate. Staff have participated in emergency planning and drills and more are planned prior to the Trials.

MAINTENANCE

George Trauger, Director of Maintenance

Pioneer Parkway EmX Bus Purchase: Staff are thoroughly reviewing the Master Resolution List changes and prices. The pre-production meeting between LTD and New Flyer held on April 21-22 went very smoothly and without any outstanding issues or problems.

VANSCO Board Training: Training was held for instructors and journeyman mechanics on the VANSCO board on May 12-14. This board is a tool used to test the electrical systems of the New Flyer buses and has been on site since December 2007; however, due to unforeseen delays, training was postponed for three months. This electrical multiplexing system will increase LTD's ability to troubleshoot the electrical systems on the current New Flyer articulated buses and any buses purchased in the future.

At present the department is looking into future vendor training through Thermo King and Gillig.

Fuel Tanks: The first of eight loads containing the algae treatment Soltron was delivered on May 2. The department is hopeful that this will correct the ongoing algae problem. Tyree representatives will retest the tanks for algae after the last load.

Bio Fuel: Pending the outcome of the algae problem, the department is compiling a cost comparison survey based on the use of ultra-low sulfur fuel versus a bio blend. These numbers will be presented at the June Board meeting in order to determine which fuel to use throughout the fleet.

Improved Interaction between Lead Mechanics and Supervisors: Beginning in April as part of the ongoing need to improve communication between lead mechanics and supervisors, lead mechanics will meet monthly with the director and supervisors to discuss floor issues and to seek mutual solutions.

FINANCE AND INFORMATION TECHNOLOGY

Diane Hellekson, Director of Finance and Information Technology

FINANCE

Carol James, Accounting Manager

- Three hundred twenty (320) vendor paper and electronic checks totaling \$2,391,508 were processed during the month of April 2008, including a total of \$402,974 to PB Americas, Inc., for design services related to the Pioneer Parkway EmX corridor and \$78,030 to OTAK, Inc., for preliminary scoping for the West Eugene Extension project.
- Seventy-four (74) payroll checks and 947 payroll direct deposits totaling \$835,031 were made in April 2008. These numbers reflect two pay dates in April.
- Thirteen (13) cash fare deposits totaling \$137,134 were processed in April 2008.

PURCHASING

Jeanette Bailor, Purchasing Manager

- Four bids were received for the Gateway Transit Station construction project. A contract is in process with Brown Contracting, Inc., the successful bidder.
- The Triennial Review is occurring on May 21-23.
- Staff visited New Flyer in Winnipeg to conduct a cost analysis and Buy America audit earlier this month and are evaluating results.

HUMAN RESOURCES AND RISK MANAGEMENT

Mary Adams, Director of Human Resources and Risk Management

Health Care: The Health for Life Committee met to plan the next set of health improvement activities. The Committee is reviewing programs that will help employees and family members deal with chronic diseases such as diabetes.

Selection and Hiring: Eight (8) new bus operators were hired in April and began their training on May 5. One Risk Manager position is currently open due to a restructure within the Human Resources Office.: This position closes on June 6th. There were no employee terminations during the past month.

David Collier attended Career Day at Springfield High School on April 23. It was well attended by local sophomore students.

Other: The System Security Program Plan is in final draft form and is being reviewed by the appropriate staff.

LTD Board of Directors: Strategic Planning Work Session
June 9, 2008 - 3:00 to 7:00 p.m.

Work Session Objectives

1. Establish a cost range for budget reductions for 2009-10
2. Provide direction on budget reduction options
3. Discuss options for new or additional revenue
4. Determine process and schedule for budget reductions, including public involvement

Agenda

1. Latest Budget Information (payroll tax receipts, fuel cost, etc.)
2. Planning Scenarios (Long-Range Financial Plan)
 - ◆ Optimistic
 - ◆ Pessimistic
3. Service Reduction Options
 - ◆ Productivity emphasis (maintain corridor service; service reductions in neighborhood, span of service, possibly Sunday service)
 - ◆ Coverage emphasis (maintain existing coverage; service reductions in frequency of corridor service and cross-town service)
 - ◆ Maintain current service emphasis (service reductions spread out among corridors, neighborhoods, and span of service)
4. Other Possible Cost Savings
 - ◆ Materials and Services
 - ◆ Personnel
 - ◆ Capital Projects
5. Revenue Options
 - ◆ Increase Fares
 - ◆ 2009 Legislative Requests (E&D Transportation, EmX matching funds)
 - ◆ Increase in payroll tax cap
 - ◆ Federal Surface Transportation Bill Reauthorization
 - ◆ New Funding
6. Board Discussion/Direction

Materials to be provided:

- ◆ Visioning results from Fall 2007 Strategic Work Session
- ◆ Updated Long-Range Financial Plans
- ◆ Generalized description of service reduction approaches
- ◆ Information on other possible reductions (material and services; personnel; capital)
- ◆ List of possible new sources of revenue
- ◆ Recommended process and schedule, including public involvement



Lane Transit District
P. O. Box 7070
Eugene, Oregon 97401

(541) 682-6100
Fax: (541) 682-6111

CONSENT CALENDAR ITEM

DRUG AND ALCOHOL PROGRAM

Prepared by David Collier, Senior Human Resources Analyst
May 21, 2008

On September 20, 1995, the LTD Board of Directors adopted Lane Transit District's *Drug and Alcohol Program*. Since that time, the Board has adopted four revisions to the *LTD Drug and Alcohol Program*, with the most recent being March 2008.

LTD's Board of Directors is being asked to approve the revised *Drug and Alcohol Program*.

Background: The Ninth Circuit Court of Appeals issued a decision limiting public employer drug testing. In *Lanier v. City of Woodburn*, the Ninth Circuit held that the City's policy requiring all job applicants to pass a pre-employment drug test as a condition of employment was unconstitutional as applied to an applicant for a library page position. However, the Ninth Circuit signaled that a pre-employment drug testing program would not be unconstitutionally applied where the employer could articulate a special need for testing without suspicion.

Public employers should re-evaluate their drug testing policies with regard to applicants/employees in positions that clearly are not safety sensitive. While this decision does not affect post-accident drug testing or other drug testing based on reasonable suspicion, pre-employment and other forms of suspicionless drug testing for employees (such as random testing) in non-safety sensitive positions are now considered unconstitutional.

Attachments: The *LTD Drug and Alcohol Program*, showing the revisions that are being recommended, is being distributed to the Board under separate cover. It can be reviewed upon request by any member of the public.

Staff Recommendation: Staff recommends that the Board adopt the attached *Lane Transit District Drug and Alcohol Program* as part of the Consent Calendar for May 21, 2008.

Consequences of Recommended Action: The revised *Drug and Alcohol Program* will make LTD current under state and federal law.

AGENDA ITEM SUMMARY

- DATE OF MEETING:** May 21, 2008
- ITEM TITLE:** PIONEER PARKWAY EmX PROPERTY ACQUISITION
- PREPARED BY:** Stefano Viggiano, Assistant General Manager
- ACTION REQUESTED:** Approval of purchase of property for Pioneer Parkway EmX
- BACKGROUND:** The Pioneer Parkway EmX has obtained all necessary local, state, and federal approvals. The project is in final design, with drawings due to be completed this fall and construction to start in early 2009. The Pioneer Parkway EmX will require a series of relatively small property acquisitions. All the acquisitions are strips of land along the right-of-way and do not displace any businesses or residences. All affected property owners have been contacted personally by LTD staff and informed of the approximate amount and location of their property that is to be acquired.
- The property will be purchased according to federal regulations that ensure fair and just compensation for the property owners. LTD has contracted with Lane County to manage the acquisitions.
- The attached resolution authorizes LTD to exercise eminent domain for these purchases. This authorization is standard for public agency purchases. It is staff's expectation that these purchases will be completed through negotiation. The Franklin EmX project required similar types of acquisitions, and all of those were completed through negotiations.
- Please note that the resolution indicates that up to 40 feet of property, measured from the edge of the right-of-way, could be acquired. In almost all cases, this is much more property than will actually be acquired. However, because the widths of the acquisitions vary and because the dimensions of the acquisitions could still change slightly, the resolution is designed to err on the side indicating a higher level of potential acquisition.
- RESULTS OF RECOMMENDED ACTION:** Staff will authorize the County to proceed with the acquisition process, which includes: survey and appraisal of the property, negotiations with the property owner, and final acquisition of the property.
- ATTACHMENTS:**
- 1) Resolution 2008-017
 - 2) Exhibit A: List of Properties Affected
- PROPOSED MOTION:** I move approval of Resolution No. 2008-017 authorizing the Lane Transit District to acquire by purchase or by the exercise of the Power of Eminent Domain certain Real Property necessary for the Pioneer Parkway EmX as represented in the Resolution.

AGENDA ITEM SUMMARY

DATE OF MEETING: May 21, 2008

ITEM TITLE: JUNE 2008 EMPLOYEE OF THE MONTH

PREPARED BY: Jo Sullivan, Administrative Services Manager/Clerk of the Board

BACKGROUND: June 2008 Employee of the Month: Lead Journeyman Mechanic Tom Shackelford was selected as the June 2008 Employee of the Month. Tom was hired as a general service worker in January 1975 and is an active member of the local ATU and the Health for Life Committee. In 2001 Tom received the Safe Worker award for 23 years without an industrial time loss accident, and also received the Excellent Attendance award.

Tom was nominated for this award by two LTD employees who recognized Tom for his effectiveness in promoting and demonstrating teamwork. The first employee, who also serves on the Health for Life Committee, points out that Tom “practices what he believes in and acts as a role model for health improvements.” The second employee works indirectly with Tom every day and remarks that “Tom is exceptional at what he does and I’m glad he is on the other end when I call.”

When asked to comment on Tom’s selection as Employee of the Month, Director of Maintenance George Trauger said:

Tom has worked in the LTD Maintenance Department for the past 33 years and I have worked with Tom over many of those years as a co-worker, supervisor, and now as the director of Maintenance. Tom was promoted to permanent lead mechanic in July 2005. He has handled this job function quite well since that time. He keeps a cool head with every new situation that arises. In addition to his duties as lead journeyman mechanic, Tom also performs the duties of back-up transmission rebuild and tire repair mechanic. I have always known Tom to be a very conscientious and helpful person. He has maintained an excellent attendance record, demonstrated sound work ethics, and displayed a good sense of humor.

Early in his employment, Tom was credited for discovering defected steering boxes recently bought to retrofit the lifts on the 500-series buses. The boxes had been involved in a warehouse fire, but were cleaned up and sold as new. Tom’s discovery saved the department the time and expense involved in trading out the boxes when they ultimately failed.

Tom has been a very active participant in the establishment of the Joint Maintenance Committee. This committee provides a conduit for the floor mechanics to bring issues and new ideas to the table for discussion. Tom also helped with the formation of the in-house

instructor training program and is an active member of the Health for Life Committee. Tom demonstrates concern for his fellow co-workers and encourages them to pursue a healthy life style.

This is the first time Tom has been awarded the LTD Employee of the Month and is very deserving of this award. Congratulations, Tom!

Congratulations to Tom on being selected as the June 2008 Employee of the Month!

AWARD:

Tom is out of town and will be unable to attend the May 21, 2008, meeting. He will be presented with his award when he returns.

Dexter Johnson, Legislative Counsel
Philip Schradle, Office of the Attorney General

Kelly Skye, Office of the Governor
Marjorie Taylor, Department of Administrative Services



Ethics Reform Review Team
900 Court St. NE, S-101 Salem, OR 97301
P: (503) 986-1243 F: (503) 373-1043

May 6, 2008

Dear Public Official or interested member of the public:

Committees of the Oregon Legislative Assembly will hold public hearings on the new Oregon government ethics reforms. The hearings will begin in June.

In preparation for those hearings, legislative leadership has appointed a fact-finding team to research, review and report to the legislature on concerns public officials have with the requirements and implementation of the new ethics laws.

As members of the fact-finding team, we write to you to invite your comment on these issues. The team will compile a record and summarize the information received in a final report to the legislative committees prior to their June hearings. You may submit written comments by May 20, 2008.

Written comments should be submitted by **May 20, 2008**, to:

Dexter Johnson
Legislative Counsel
S-101 State Capitol
900 Court St. NE
Salem, Oregon 97301
Email: ethics.review@state.or.us

Thank you for your assistance.

Dexter Johnson
Legislative Counsel

Philip Schradle
Office of the Attorney General

Marjorie Taylor
Department of Administrative Services

Kelly Skye
Office of the Governor

AGENDA ITEM SUMMARY

DATE OF MEETING: May 21, 2008

ITEM TITLE: EXECUTIVE (NON-PUBLIC) SESSION PURSUANT TO ORS 192.660(2)(e) and (h)

PREPARED BY: Mark Pangborn, General Manager

ACTION REQUESTED: That the Board meet in Executive Session pursuant to ORS 192.660(2)(e), to conduct deliberations with persons designated by the governing body to negotiate real property transactions, and pursuant to ORS 192.660(2)(h), to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed. District counsel will be present for this discussion.

ATTACHMENT: None

PROPOSED MOTION: I move that the Board meet in Executive Session pursuant to ORS 192.660(2)(e), to conduct deliberations with persons designated by the governing body to negotiate real property transactions, and pursuant to ORS 192.660(2)(h), to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

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AGENDA ITEM SUMMARY

DATE OF MEETING: May 21, 2008

ITEM TITLE: EXECUTIVE (NON-PUBLIC) SESSION PURSUANT TO
ORS 192.660(2)(e) and (h)

PREPARED BY: Mark Pangborn, General Manager

ACTION REQUESTED: That the Board meet in Executive Session pursuant to ORS 192.660(2)(e), to conduct deliberations with persons designated by the governing body to negotiate real property transactions, and pursuant to ORS 192.660(2)(h), to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed. District counsel will be present for this discussion.

ATTACHMENT: None

PROPOSED MOTION: I move that the Board meet in Executive Session pursuant to ORS 192.660(2)(e), to conduct deliberations with persons designated by the governing body to negotiate real property transactions, and pursuant to ORS 192.660(2)(h), to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

AGENDA ITEM SUMMARY

- DATE OF MEETING:** May 21, 2008
- ITEM TITLE:** ITEMS FOR ACTION/INFORMATION AT A FUTURE MEETING
- PREPARED BY:** Jo Sullivan, Administrative Services Manager/Clerk of the Board
- ACTION REQUESTED:** None at this time
- BACKGROUND:** The action or information items listed below will be included on the agenda for future Board meetings:
- A. **Strategic Planning Work Session:** At the Board's Fall 2007 strategic planning work session, the Board asked staff to schedule periodic half-day strategic planning sessions throughout the year. A four-hour session to discuss budget and service issues has been scheduled for 3:00 p.m. on Monday, June 9, in the LTD Board Room.
 - B. **LTD Boundaries:** State law requires that LTD annually determine the territory in the District in which the transit system will operate. In March, the Board approved service changes that will change the District's boundary. This change will require two readings and adoption of a revised ordinance describing the District's territorial boundaries. The first reading is scheduled for this meeting and the second reading and adoption are scheduled for June 18, 2008.
 - C. **FY 2007-08 Supplemental Budget:** The Board will be asked to approve a supplemental budget for the current fiscal year at the June 18, 2008, regular meeting.
 - D. **Fiscal Year 2008-09 Budget Adoption:** In April, the LTD Budget Committee approved the proposed Fiscal Year 2008-09 budget for adoption by the LTD Board of Directors at the June 18, 2008, regular Board meeting. The budget must be adopted before the end of the fiscal year on June 30.
 - E. **Emergency Fare Ordinance:** Based on current revenue estimates and the escalating price of fuel, the Board may be asked to consider a revision to the fare ordinance authorizing an increase in fares, a change in fare categories, and declaring an emergency. The ordinance would be placed on the June 18, 2008, Board agenda for reading and adoption. An opportunity for public input would be held before the meeting at a time and place yet to be determined.
 - F. **Public Hearing and Approval, Job Access Reverse Commute Funding:** In order to meet grant timelines, this funding application will be brought to the Board for approval at the June 18, 2008, regular meeting.

- G. **Revised Lane Coordinated Plan**: The 2008 update to the Lane Coordinated Public Transit – Human Services Transportation Plan (Lane Coordinated Plan) has been drafted and will undergo a public review process prior to being presented to the Board for approval at its June 18, 2008, meeting. This is the document that is used to identify transportation needs for seniors, people with disabilities, and people with low-incomes within Lane County. In order to apply for federal and state funding, LTD is required to have a valid, approved coordinated human services transportation plan in effect. The current Lane Coordinated Plan was approved by the Board in January 2007.
- H. **LTD Employee Committee Updates**: The Employee Rewards and Recognition Committee, which resulted from the Board's HR Plan, *Looking to the Future*, will be scheduled to provide an update on its work at the June 18 Board meeting.
- I. **Triennial Review Report**: The Federal Transit Administration will issue a report following the District's federal Triennial Review, being conducted on site on May 21-23, 2008. A draft report should be available for discussion with the Board at the June 18 meeting.
- J. **LTD Sustainability Plan**: The LTD Board has adopted a sustainability policy. At the June 18 meeting, the Board will review a plan outlining LTD's role in advancing the social, economic, and environmental sustainability of the Eugene-Springfield metropolitan area.
- K. **EmX Interior Ads**: A proposal for ads on the inside of EmX vehicles will be discussed with the Board at the June 18 regular meeting.
- L. **West Eugene EmX Extension Project**: An informational update on the WEEE project may be included on the agenda for the June 18 Board meeting.
- M. **Technology Update**: A staff presentation on technology being implemented at LTD will be scheduled for a future meeting--perhaps the June 18 Board meeting.
- N. **Pioneer Parkway EmX Design and Budget**: The Board will periodically review the Pioneer Parkway EmX design and budget as the project proceeds to construction.
- O. **Park & Ride Program**: Issues regarding LTD's Park & Ride facilities will be discussed with the Board's Service Committee and then brought to the full Board for discussion at a future meeting.
- P. **Student Transit Pass Program Update**: Staff will prepare documentation for submission to the Oregon Department of Energy, in accordance with its program requirements. A Student Transit Pass Program update will be provided to the Board at a future meeting.

AGENDA ITEM SUMMARY

DATE OF MEETING: May 21, 2008

ITEM TITLE: HEALTH FOR LIFE COMMITTEE REPORT

PREPARED BY: Mary Adams, Director of Human Resources and Risk Management

ACTION REQUESTED: None

BACKGROUND: One of the goals of LTD's *Looking to the Future Plan* is to, "Provide a rewarding, safe, healthy, and welcoming workplace for all." As part of this very comprehensive goal, health improvement was made a priority for the District.

In 2006 the Joint Insurance Committee created a Wellness Committee for the purposes of developing and implementing programs designed to improve employee health. This committee, later renamed the Health for Life Committee, has been actively working on health improvement for the past two years.

At the April 8, 2008, meeting of the Board's Human Resource Committee, staff gave an update on the progress of the *Looking to the Future Plan*. The Committee members requested that a presentation be made to the full Board regarding the work of the Committee.

Health for Life Committee Chair Dirk Beaulieu, bus operator, will make the presentation. Members of the Committee also will be present.

ATTACHMENTS: None

PROPOSED MOTION: None

**Lane Transit District
Pioneer Parkway EmX-Bus Rapid Transit Project
List of Properties Affected Up to a Maximum Depth of 40 Feet
Measured From the Edge of the Respective Existing Rights of Way of
International Way, Gateway Street, Harlow Road,
Pioneer Parkway East, and Pioneer Parkway West**

| Parcel Number | Tax Lot Information | Account Number | Name and Address |
|----------------------|----------------------------|-----------------------|--|
| 1427-01 | 17-03-15-32 TL #1100 | 1375458 | MOTEL 6 OPERATING L P #418 PO BOX 117508 CARROLTON, TX 75011- |
| 1427-02 | 17-03-15-32 TL #202 | 1758091 | CHAMBERS DEV CORP 2295 COBURG RD STE 200 EUGENE, OR 97401- |
| 1427-03 | 17-03-15-30 TL #201 | 1649977 | NORTHBANK PROPERTY LLC PO BOX 529 EUGENE, OR 97440- |
| 1427-04 | 17-03-15-30 TL #1100 | 1644242 | STATE INVESTMENTS LLC SMITH, CHRIS A. & CHRISTINE D. PO BOX 2099 SALEM, OR 97308- |
| 1427-05 | 17-03-15-30 TL #400 | 1518669 | MERRITT TRUAX INC PO BOX 2099 SALEM, OR 97308- |
| 1427-06 | 17-03-15-33 TL #800 | 1039252 | D & H STALICK LTD PTRSHP 3528 GILHAM RD EUGENE, OR 97408- |
| 1427-07 | 17-03-15-30 TL #700 | 1480217 | MCKENZIE-GATEWAY BUSINESS PARK, LLC 388 PEARL STREET EUGENE, OR 97401- |
| 1427-08 | 17-03-15-30 TL #600 | 1518727 | SYMANTEC CORPORATION 20300 STEVENS CREEK BLVD CUPERTINO, CA 95014- |
| 1427-09 | 17-03-15-40 TL #700 | 1542495 | SYMANTEC CORPORATION 20300 STEVENS CREEK BLVD CUPERTINO, CA 95014- |

**Lane Transit District
Pioneer Parkway EmX-Bus Rapid Transit Project
List of Properties Affected Up to a Maximum Depth of 40 Feet
Measured From the Edge of the Respective Existing Rights of Way of
International Way, Gateway Street, Harlow Road,
Pioneer Parkway East, and Pioneer Parkway West**

| Parcel Number | Tax Lot Information | Account Number | Name and Address |
|----------------------|----------------------------|-----------------------|--|
| 1427-10 | 17-03-15-40 TL #800 | 1518784 | PEACEHEALTH 123 INTERNATIONAL WAY SPRINGFIELD, OR 97477- |
| 1427-11 | 17-03-15-40 TL #900 | 1518826 | PEACEHEALTH 123 INTERNATIONAL WAY SPRINGFIELD, OR 97477- |
| 1427-12 | 17-03-15-40 TL #1100 | 1518917 | PEACEHEALTH 123 INTERNATIONAL WAY SPRINGFIELD, OR 97477- |
| 1427-13 | 17-03-15-40 TL #1101 | 1684065 | PEACEHEALTH 123 INTERNATIONAL WAY SPRINGFIELD, OR 97477- |
| 1427-14 | 17-03-15-40 TL #600 | 1518735 | SHOREWOOD PACKAGING CORP 500 INTERNATIONAL WAY SPRINGFIELD, OR 97477- |
| 1427-15 | 17-03-15-40 TL #500 | 1518776 | HAWES INVESTMENTS LLC 2892 CRESCENT AVE EUGENE, OR 97408- |
| 1427-16 | 17-03-15-40 TL #400 | 0150118 | WICKLUND, ERIC D., TE WICKLUND, DORCAS, L., TE 3951 MAPLE ISLAND FARM RD SPRINGFIELD, OR 97477- |
| 1427-17 | 17-03-15-40 TL #3300 | 1806569 | LANE MEMORIAL BLOOD BANK 2211 WILLAMETTE ST EUGENE, OR 97405- |
| 1427-18 | 17-03-15-40 TL #3500 | 1806585 | MCMAC LLC PO BOX 1318 EUGENE, OR 97401- |
| 1427-19 | 17-03-15-40 TL #3600 | 1806593 | MCMAC LLC PO BOX 1318 EUGENE, OR 97401- |

**Lane Transit District
Pioneer Parkway EmX-Bus Rapid Transit Project
List of Properties Affected Up to a Maximum Depth of 40 Feet
Measured From the Edge of the Respective Existing Rights of Way of
International Way, Gateway Street, Harlow Road,
Pioneer Parkway East, and Pioneer Parkway West**

| Parcel Number | Tax Lot Information | Account Number | Name and Address |
|----------------------|----------------------------|-----------------------|---|
| 1427-20 | 17-03-15-40 TL #100 | 1518909 | PACIFIC HOSPITAL ASSOCIATION PO BOX 7068 EUGENE, OR 97401- |
| 1427-21 | 17-03-14-00 TL #1004 | 1694668 | HOLT INTERNATIONAL CHILDREN'S SERVICES PO BOX 2880 EUGENE, OR 97402- |
| 1427-22 | 17-03-14-00 TL #1003 | 1646155 | GUDEMAN, JANICE C. HARI, HAROLD & LINDA 100 INTERNATIONAL WAY SPRINGFIELD, OR 97477- |
| 1427-23 | 17-03-14-00 TL #1400 | 0149961 | LEACH, ROBERT L. & CARLA J. 180 DEADMOND FERRY RD SPRINGFIELD, OR 97477- |
| 1427-24 | 17-03-14-00 TL #1500 | 0149979 | EILERS, KENNETH E. & DIANA D. PHIPPS, HAROLD S. & SANDRA M. 449 N 9TH SPRINGFIELD, OR 97477- |
| 1427-25 | 17-03-14-00 TL #1501 | 1029386 | SCHEIBE, JOSEPH E. 192 DEADMOND FERRY RD SPRINGFIELD, OR 97477- |
| 1427-26 | 17-03-22-20 TL #905 | 1419553 | PATEL, JOTINDLAL C. & REKHA 1291 HWY 99 N. EUGENE, OR 97402- |
| 1427-27 | 17-03-22-34 TL #2800 | 1474582 | SUN RETIREMENT CORPORATION 735 COMMERCIAL ST. SE SALEM, OR 97301 |
| 1427-28 | 17-03-26-34 TL #6200 | 0221034 | SPRINGFIELD SCHOOL DISTRICT 19 525 MILL ST SPRINGFIELD, OR 97477 |

**Lane Transit District
Pioneer Parkway EmX-Bus Rapid Transit Project
List of Properties Affected Up to a Maximum Depth of 40 Feet
Measured From the Edge of the Respective Existing Rights of Way of
International Way, Gateway Street, Harlow Road,
Pioneer Parkway East, and Pioneer Parkway West**

| Parcel Number | Tax Lot Information | Account Number | Name and Address |
|----------------------|----------------------------|-----------------------|--|
| 1427-29 | 17-03-27-12 TL #800 | 0981173 | COUNTRYSIDE PARTNERS SPRINGFIELD LLC 426 BROADWAY STE 308 CHICO, CA 95928 |
| 1427-30 | 17-03-35-32 TL #4600 | 0314631 | DUNN, JACK J., TE DUNN, IMOGENE L., TE 180 HILLVIEW LN #1 EUGENE, OR 97408 |
| 1427-31 | 17-03-22-20 TL #3200 | 1149747 | REGIONAL COUNSEL WESTERN U S POSTAL SERVICE ADDRESS UNKNOWN SAN BRUNO, CA 94066 |
| 1427-32 | 17-03-22-20 TL #3600 | 1054236 | KKMH PROPERTIES LLC PO BOX 2250 GRESHAM, OR 97030 |
| 1427-33 | 17-03-22-00 TL #3000 | 0227627 | SPRINGFIELD SCHOOL DISTRICT 19 525 MILL ST SPRINGFIELD, OR 97477 |
| 1427-34 | 17-03-26-31 TL #2200 | 0219566 | SPRINGFIELD SCHOOL DISTRICT 19 525 MILL ST SPRINGFIELD, OR 97477 |
| 1427-35 | 17-03-22-00 TL #2605 | 1547205 | BRE/ESA PROPERTIES LLC 100 DUNBAR ST SPARTANBURG, SC 29306 |
| 1427-36 | 17-03-35-32 TL #3100 | 0314490 | PROVIDENCE & KINSHIP LI LLC 2433 CITY VIEW ST EUGENE, OR 97405 |
| 1427-39 | 17-03-22-00 TL #2607 | 1665031 | DIENS, DAVID R. 974 SHERWOOD PL EUGENE, OR 97401 |
| 1427-40 | 17-03-22-20 TL #1900 | 1114261 | 3346 GATEWAY, LLC 840 BELTLINE RD STE 202 SPRINGFIELD, OR 97477 |

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| Parcel Number | Tax Lot Information | Account Number | Name and Address |
|----------------------|----------------------------|-----------------------|---|
| 1427-41 | 17-03-22-00 TL #2206 | 1052891 | CLOVERDALE, LLC 840 BELTLINE RD STE 202 SPRINGFIELD, OR 97477 |
| 1427-42 | 17-03-22-00 TL #1400 | 0187961 | PEACEHEALTH PO BOX 1479 EUGENE, OR 97440 |
| 1427-43 | 17-03-26-23 TL #1600 | 0218519 | EMERALD HOUSING LTD PTRSHP 6420 SW MACADAM AVE STE 100 PORTLAND, OR 97201 |
| 1427-44 | 17-03-26-23 TL #2301 | 1460185 | PK SALE, LLC 3333 NEW HYDE PARK RD #100 NEW HYDE PARK, NY 11042 |
| 1427-45 | 17-03-35-22 TL #4300 | 0309045 | JMR INVESTMENTS, LLC 2206 IRONWOOD ST EUGENE, OR 97401 |
| 1427-46 | 17-03-35-22 TL #4601 | 0309060 | WILLAMALANE PARK & REC DIST 250 S 32 ND ST SPRINGFIELD, OR 97478 |
| 1427-47 | 17-03-35-24 TL #6200 | 0311975 | POSEY, LANCE B & TANA L PO BOX 70539 EUGENE, OR 97401 |
| 1427-48 | 17-03-35-24 TL #6400 | 0311991 | MCKENZIE WILLAMETTE PROPERTIES, LLC PO BOX 3 SPRINGFIELD, OR 97477 |
| 1427-49 | 17-03-35-24 TL #10200 | 0312379 | IZARELLI, EUGENE L & MARY K 370 BARD LN VENTURA, CA 93001 |
| 1427-50 | 17-03-35-24 TL #10300 | 0312387 | SPINNER, CHARLES S 88590 FISHER RD EUGENE, OR 97402 |
| 1427-51 | 17-03-35-24 TL #13800 | 0312734 | KENDALL, MICHAEL W. 90904 LEASHORE DR VIDA, OR 97488 |
| 1427-52 | 17-03-35-31 TL #6500 | 0313492 | SMEED, MARY LOU, TE SMEED, RALPH, TE 176 W C ST SPRINGFIELD, OR 97477 |

**Lane Transit District
Pioneer Parkway EmX-Bus Rapid Transit Project
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| Parcel Number | Tax Lot Information | Account Number | Name and Address |
|----------------------|----------------------------|-----------------------|--|
| 1427-53 | 17-03-35-32 TL #4700 | 0314664 | DAVIS , JOAN K 734 SUMMIT BLVD SPRINGFIELD, OR 97477 |
| 1427-54 | 17-03-35-23 TL #100 | 0309938 | DEXTER PROPERTIES, LLC 243 F ST SPRINGFIELD, OR 97477 |
| 1427-55 | 17-03-35-23 TL #200 | 0309946 | PETERSEN, LYNN H & ANNE T 2512 N 27 TH ST SPRINGFIELD, OR 97477 |
| 1427-56 | 17-03-35-32 TL #2600 | 0314441 | MAJOR, DON H & CLEONE L 85221 PIONEER RD EUGENE, OR 97405 |

LANE TRANSIT DISTRICT

Ordinance 24

(2008 Revision)

Describing the Territorial Boundaries of Lane Transit District

The Board of Directors of Lane Transit District does hereby ordain and decree the following Ordinance:

1. On and after the effective date of this Ordinance, the territorial boundaries of the Lane Transit District shall be as shown on a map attached hereto as Exhibit A.
2. All addresses located within the territorial boundaries described on Exhibit A shall be identified in a computer file stored in the Lane County Regional Information System computer database, which is maintained and regularly updated by the Lane Council of Governments, and such database shall be available for public inspection at Lane County and at the offices of Lane Transit District.
3. The text of Ordinance 24 (1999 Revision), adopted October 27, 1999, is hereby deleted in its entirety and replaced by this Ordinance 24 (2008 Revision).
4. This Ordinance 24 shall take effect on January 1, 2009.

ADOPTED this _____ day of _____, 2008.

Board President

ATTEST:

Recording Secretary

Effective Date: January 1, 2009

AGENDA ITEM SUMMARY

- DATE OF MEETING:** May 21, 2008
- ITEM TITLE:** SELECTION OF PENSION TRUSTEE
- PREPARED BY:** Mark Pangborn, General Manager
- ACTION REQUESTED:** The Board is asked to approve a change in policy to allow any member of the LTD Board of Directors to serve as a trustee on both the LTD Salaried Employees Retirement Plan and the LTD/ATU Pension Trust.
- BACKGROUND:** Historically one of the two LTD trustee positions on the Lane Transit District/Amalgamated Transit Union Pension Trust and one of the three trustee positions for the LTD Salaried Employees Retirement Plan have been held by the LTD Board president. Neither the Retirement Plan nor the Pension Trust requires that the position be held by the Board president. Current President Gerry Gaydos has recommended that the Board consider a change to this policy to allow any member of the Board to serve as the trustee, for several reasons. First, the role of president has grown to include many more responsibilities in the last few years, and this change would allow a more equitable distribution of responsibilities. Second, there could be someone on the Board with an interest in this position and the time to invest in the special training and activities of the trustee. And third, Board officer elections are held every two years, which means that the president could change that often. It takes some time to learn the responsibilities and requirements for serving as a trustee, so allowing someone other than the Board president to hold this position would provide the opportunity for longer involvement with the trusts.
- At the meeting, the Board will be asked to approve two resolutions: one approving the selection of someone other than the Board president as pension trustee as a matter of policy, and one approving the selection of a Board member to serve as a trustee. Gerry Gaydos has expressed an interest in continuing in this position after his term as Board president ends.
- Mr. Gaydos will not be able to attend the meeting, but General Manager Mark Pangborn, who also is a trustee on both plans, will be able to explain the duties of the position and answer any questions the Board may have.
- ATTACHMENT:** None
- RESULTS OF RECOMMENDED ACTION:** Approval of these resolutions would allow Mr. Gaydos to continue to serve as trustee after his term as Board president ends, and would allow others

on the Board with a special interest in this function to serve in the future, whether or not they also serve as Board president.

PROPOSED MOTIONS:

- (1) I move approval of LTD Resolution No. 2008-019: The LTD Board of Directors hereby adopts a change in past policy/procedure to allow the Board to select any member of the Board of Directors to serve as trustee of the LTD/ATU Pension Plan and the LTD Salaried Employees Retirement Plan, rather than assigning this role to the Board president.
- (2) I move approval of LTD Resolution No. 2008-020: The LTD Board of Directors hereby approves the continuation of Board Member Gerry Gaydos as trustee of the LTD/ATU Pension Plan and the LTD Salaried Employees Retirement Plan until such time as he resigns as trustee or is no longer a member of the Board of Directors.

AGENDA ITEM SUMMARY

DATE OF MEETING: May 21, 2008

ITEM TITLE: MONTHLY PERFORMANCE REPORTS

PREPARED BY: Mark Pangborn, General Manager

ACTION REQUESTED: None

BACKGROUND: In response to a request by the Board for regular reporting on the District's performance in several areas, monthly performance reports are provided for the Board's information.

ATTACHMENTS: April 2008 Performance Report *(to be handout at Board meeting)*
March 2008 RideSource Activity and Productivity Report

PROPOSED MOTION: None

AGENDA ITEM SUMMARY

DATE OF MEETING: May 21, 2008

ITEM TITLE: PIONEER PARKWAY EmX PROJECT UPDATE

PREPARED BY: Charlie Simmons, Manager of Facilities Services

ACTION REQUESTED: None. Information Only.

BACKGROUND: The EmX Pioneer Parkway Corridor 30 percent design was approved by the Springfield City Councils at the May 5 meeting. At this point, the project moves to completion of final design, and then will transition into the construction phase in early 2009.

Staff will present a project update on of Pioneer Parkway Corridor: discuss design changes, remaining design issues, project budget, property acquisitions, CM/GC construction process, EmX vehicle procurement, and the Gateway Station.

ATTACHMENT: None

PROPOSED MOTION: None

AGENDA ITEM SUMMARY

DATE OF MEETING: May 21, 2008

ITEM TITLE: RIVER ROAD TRANSIT STATION ACQUISITION

PREPARED BY: Stefano Viggiano, Assistant General Manager

ACTION REQUESTED: None

BACKGROUND: On May 16, 2007, the LTD Board authorized the general manager to pursue the purchase of the River Road Transit Station from Lane County. On April 30, 2008, the Board of County Commissioners gave final approval for the conditions of the sale. The purchase is expected to be completed soon. Once completed, LTD will own approximately 80 percent of the station site, with the remaining 20 percent in the southwest corner retained by the County. The LTD property will accommodate approximately 110 parking spaces (the site has 145 spaces currently). This is expected to be enough capacity to handle current demand. The reconfigured site layout can operate "as is" with no immediate need for reconstruction of the LTD station or parking lot.

The purchase price is based on appraisals conducted by both the County and LTD. The final price is \$2,231,800 based on a value of \$27 per square foot. Federal Transit Administration formula capital funds will cover 80 percent of the purchase cost, with a 20 percent match provided by LTD.

It is expected that the County will lease its portion of the property for private development. Access to the County land is accommodated by an easement on LTD property since additional access from River Road or River Avenue is not possible. LTD has been working with a potential County tenant to coordinate site layout, parking, and circulation.

ATTACHMENTS: None

PROPOSED MOTION: None

AGENDA ITEM SUMMARY

DATE OF MEETING: May 21, 2008

ITEM TITLE: STRATEGIC PLANNING WORK SESSION AGENDA

PREPARED BY: Stefano Viggiano, Assistant General Manager

ACTION REQUESTED: None

BACKGROUND: A Board Strategic Planning Work Session has been scheduled for June 9, 2008, from 3:00 p.m. to 7:00 p.m. The primary purpose of the work session is to provide direction to staff for the development of the FY 2009-10 budget. More specifically, the work session is proposed to have four objectives:

1. Establish a cost range for budget reductions for 2009-10
2. Provide direction on budget reduction options
3. Discuss options for new or additional revenue
4. Determine the process and schedule for budget reductions, including public involvement

As discussed in the Budget Committee meeting held last month, the combination of skyrocketing fuel prices, increasing costs for RideSource service, and the uncertain local economy create a likely budget deficit in the coming years. While development of the 2009-10 budget would normally begin during the fall of 2008, a budget that may require significant reductions in service will require a higher level of planning and public involvement, and work on that should begin during the summer of 2009.

The Board is asked to provide feedback on the Strategic Planning Work Session objectives and the proposed agenda, and to indicate material that staff should prepare for the work session. Given that service reductions are very likely, staff also suggest that the Board have a preliminary discussion of possible service reduction approaches. In addition, the Board also will be asked to discuss possible additional fare increases. This direction by the Board will guide preparation of more specific material for the work session.

ATTACHMENT: Strategic Planning Work Session Draft Agenda

PROPOSED MOTION: None

AGENDA ITEM SUMMARY

DATE OF MEETING: May 21, 2008

ITEM TITLE: STATUS REPORT ON WEST EUGENE EmX EXTENSION PROJECT

PREPARED BY: Tom Schwetz, Planning and Development Director

ACTION REQUESTED: None

BACKGROUND: Staff met with the Federal Transit Administration (FTA) to review the WEEE project status and next steps. In accordance with FTA's request, LTD provided the Draft Analysis of Methods and Data Reports (AMDRs), which form the basis for analyzing the current alternatives carried forward in the Alternatives Analysis/Draft Environmental Impact Statement (AA/DEIS) phase. The AMDRs are currently under review by staff and, upon approval by FTA, the reports will be circulated to the Participating Agencies (public stakeholder agencies) as specified in the WEEE project Coordination Plan.

There are several upcoming communication and public outreach events for the WEEE project. The Coordination Plan, which is now available on the WEEE project website, highlights efforts to coordinate with affected agencies and the public. LTD is in the process of finalizing a WEEE project newsletter that will provide extensive information on the project for the stakeholders (mailed to 18,800 residents and businesses along the project corridor). Plans also are underway to set dates for three evening and one midday alternative-specific community design workshops in July. The WEEE Corridor Committee will meet on May 15, 2008, to review the communication efforts and the sketch-level design concepts. At the WEEE Corridor Committee meeting in May and at the community workshops in June and July, LTD staff plan to present sketch-level design concepts of: (1) W. 13th Avenue; (2) 6th/7th avenues; and if appropriate (3) West of Garfield alternatives. LTD staff also are planning to host a workshop and schedule multiple meetings with identified stakeholder Participating Agencies, including the City of Eugene, Lane Council of Governments, Oregon Department of Transportation, U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, Bureau of Land Management, Federal Highway Administration, Federal Emergency Management Administration, and others.

ATTACHMENT: None

PROPOSED MOTION: None