

MINUTES OF DIRECTORS MEETING

LANE TRANSIT DISTRICT

REGULAR MEETING

Wednesday, November 18, 1992

Pursuant to notice given to The Register-Guard for publication on November 13, 1992, and distributed to persons on the mailing list of the District, the regular monthly meeting of the Board of Directors of Lane Transit District was held on Wednesday, November 18, 1992, at 7:30 p.m. in the LTD Board Room at 3500 E. 17th Avenue, Eugene.

Present: Jack Billings
Janet Calvert
Tammy Fitch, Vice President
Patricia Hocken
Thomas Montgomery, Secretary
Keith Parks, President, presiding
Phyllis Loobey, General Manager
Christina Cowger, Minutes Recorder

Absent: Peter Brandt, Treasurer

CALL TO ORDER: The meeting was called to order at 7:30 p.m.

EMPLOYEE OF THE MONTH: Mr. Parks announced that the November Employee of the Month was part-time bus operator Jim Coffman. Mr. Coffman was hired on December 30, 1991, and had received an award for exceptional attendance. In addition to his duties as a part-time Bus Operator, Mr. Coffman had worked as a Distribution Coordinator in the Marketing division since March 1992. He was nominated by a customer on a University of Oregon route, who said that Mr. Coffman was a very good driver and was friendly and nice. Mr. Parks presented Mr. Coffman with a letter of appreciation and an award.

Mr. Coffman said that he appreciated the award, and that LTD made him feel at home. He thanked the Board and staff.

MOTION **APPROVAL OF MINUTES:** Mr. Billings moved for approval of the minutes of the October 21, 1992, regular Board meeting. The motion was seconded by Ms. Calvert, and the minutes
VOTE were approved by unanimous vote.

FIRST READING, ORDINANCE NO. 36: Ms. Loobey explained that the ordinance codified practices that LTD has had in place for many years. She explained that the ordinance required two readings. The first reading, by title only, would initiate consideration of the ordinance by the Board, and the second reading and adoption would be scheduled for the December 1992 Board meeting.

Rick Bailor, Field Supervisor, explained that his duties included accident investigation, correct bus operations, and customer relations. He said that the District had policies for handling most incidents within its jurisdiction; however, due to legal constraints, LTD was unable to control all areas directly associated with daily bus operation. An example was the Eugene Station, which

was located on public sidewalks and rights-of-way and did not fall under the District's legal jurisdiction. Because of peoples' right to be on public property, the District was not able to demand that they vacate a bus shelter. It was not uncommon for persons to occupy the shelters at the Eugene Station for hours in order to carry on conversations, preventing the District's customers from using the shelters. Customers did not feel safe to inquire whether they might also use the shelters.

The System Exclusion Ordinance would formalize the District's procedures for removing and excluding such individuals. Staff anticipated that it would take two or three months to develop the procedures to make the ordinance operational. The ordinance, with its provision for due process hearings for excluded individuals, would give the District's staff, local law enforcement agencies, and the Eugene Mall Guides the authority to exclude troublesome individuals from use of the District's system, and help promote a safe environment for those who ride or await buses.

Mr. Montgomery said that usually such documents allow activities as long as they are legal under Oregon State Statutes. As an example, he said, the ordinance did not state that a weapon could be carried on a bus or in station property as long as it was legally permissible to do so.

District Counsel Randall Bryson replied that the District may pass its own laws that are more stringent than those of the State with respect to its own buses and property. Carrying weapons might be otherwise permitted, but it would not be reasonable to allow them on a crowded bus. As another example, it would not be permissible for the State to prohibit swearing anywhere, but the District could prohibit indecent language on buses or in transit stations because persons waiting there constitute a captive audience.

Mark Pangborn, Director of Administrative Services, said that after an incident in Portland in which a person with a permit to carry a concealed weapon fired shots on board a bus, Tri-Met established a rule that no one other than a uniformed police officer may carry a weapon aboard its buses. The requirement has held up in court.

Mr. Billings suggested including a provision about appeal of exclusions to the effect that the burden of proof that an exclusion should be rescinded rests with the excluded individual. He said that would facilitate decision-making by the administrator responsible for hearing appeals. Mr. Bryson agreed that it would be appropriate to add such a provision.

Ms. Hocken said that the ordinance defined a District station as including passenger shelters, bus stops, and enclosed or adjoining benches. She asked what the dividing line was between a public sidewalk and District property for purposes of enforcing the ordinance. Mr. Pangborn replied that Tri-Met, which developed the rule originally, defined the area under any covered structure funded by Tri-Met as a facility under its control. The municipalities where Tri-Met operates have agreed to Tri-Met's control over the public right-of-way located under a Tri-Met roof, and the definition had held up in court. It did not apply to non-covered bus stops.

Mr. Bryson said that he would agree to such a definition of the District's control, and added that most of the problems occurred at the downtown shelters.

Ms. Hocken said that guide animals are used by some persons in wheelchairs, as well as by sight- or hearing-impaired persons. She suggested that animals employed in the former manner also be allowed on buses.

Mr. Billings expressed appreciation for Mr. Bailor's presentation to the Board, noting it was a credit to the organization and a benefit to the Board to hear from staff in the line of duty.

Mr. Bryson said that he would incorporate the Board's concerns in a new draft of the ordinance, and requested that other input be conveyed to him and District staff.

APPLICATION FOR FEDERAL SECTION 3 CAPITAL FUNDS:

Staff Presentation: Mr. Pangborn explained that the Board was being asked to approve the first of what would probably be two federal grant applications for funds to build a new Eugene Transit Station. The funds sought were from Section 3 of the Intermodal Surface Transportation Efficiency Act (ISTEA). The District's request for \$10,500,000 in federal funds, which required a 20-percent match (\$2,625,000), brought the potential total funding to \$13,125,000. The federal government chose to approve the money in three allocations, one each in 1992, 1993, and 1994. For 1992, \$3.5 million was allocated, and in October 1992, an additional \$3.35 million was appropriated. Adding the local match gave a total of \$8,562,500. The remainder projected to be needed was \$4,562,500, to be allocated in October 1993. The final grant application would be submitted after the Board approved the costs for the station.

In summary, the District would submit two grant applications. The first would be for \$6,850,000 in federal funds. If the final cost estimates on the facility totalled more than \$8,562,500, a second application would be submitted for the balance.

The second part of the decision pertained to spending the funds. Mr. Pangborn said that approval of the grants was expected by April 1, 1993. In May 1993, the Board would select the top site, and could begin to use the funds to pay for the conditional use permit process. A final site selection should be made by June 16, 1993, and the Board would then begin the authorization process for property acquisition and the hiring of an architect.

Beginning in August or September of 1993, the Board would begin to decide on size, amenities, and other design issues. By spring or summer of 1994, a final budget estimate and approval would be obtained. At that point, it would be apparent whether a second grant application would be necessary.

PUBLIC HEARING ON APPLICATION FOR FEDERAL SECTION 3 CAPITAL FUNDS:

Mr. Parks opened the public hearing on the grant application for Federal Section 3 funds. There was no testimony, and Mr. Parks closed the public hearing.

MOTION

BOARD DELIBERATION AND DECISION: Ms. Calvert moved that the General Manager be authorized to submit a Section 3 grant application to the Federal Transit Administration in the amount of \$8,562,500 to fund the siting and construction of a new Eugene Transit Station. Mr. Montgomery seconded the motion.

Ms. Hocken recalled Mr. Brandt's concern at the strategic planning meeting that the Board so far had only approved that \$8.4 million be spent on the station. She stated that submitting the

grant application did not change that position, even though the total expenses may be more. The current application was based on what the Board reasonably expected to spend; she did not feel that the Board was raising the limit.

Ms. Loobey responded that the second application would be subject to further Board consultation and decision. The line item in the budget called "Property Acquisition" also covered expenses such as mitigation, and the mitigation measures would not be known until the Environmental Assessment (EA) was completed. For example, it was not clear whether the mitigation measures at the McDonald site would cost more than those at the I-HOP site. Ms. Loobey added that some preconstruction expenses could be funded with Section 3 grant funds. The other potential revenue source was Section 9, but it would be preferable to use Section 3 funds since Section 9 was a fixed amount and an annual appropriation, and little of it could be used for capital.

VOTE The motion carried by unanimous vote.

MOTION **SALE OF 8TH & GARFIELD FACILITY:** Mr. Billings moved approval of the sale of the LTD property at 8th and Garfield to the Eugene 4J School District for the amount of \$254,000, with the stipulation that the purchaser assume full responsibility for any existing and future environmental cleanup costs on the property, and that the Board authorize the General Manager to complete the sale and sign any necessary legal documents. Ms. Fitch seconded, and the motion carried by unanimous vote.

VOTE

MOTION **EXECUTIVE SESSION PURSUANT TO ORS 192.660(1)(e):** Ms. Fitch moved that the Board move into Executive Session pursuant to ORS 192.660(1)(e), to conduct deliberations with persons designated by the governing body to negotiate real property transactions. Mr. Montgomery seconded, and the motion carried by unanimous vote.

VOTE

RETURN TO REGULAR SESSION. The Board returned to regular session.

MOTION Mr. Montgomery moved to instruct staff to present to the City of Eugene a counterproposal for the site option for the downtown station. The counterproposal would give LTD the option to buy property at the northwest corner of 11th & Willamette and the southeast corner of 10th & Olive. The cost for this option would be \$20,000 per year. (The District would be reimbursed if it exercises the option or if it is unable to go forward due to factors beyond its control.) The counterproposal language would be very clear that LTD's money is not being contributed. Additionally, LTD would agree to replace 176 parking spaces. The motion was seconded by Ms. Fitch, and carried by unanimous vote.

VOTE

ITEMS FOR INFORMATION AT THIS MEETING

Eugene Station Update: Mr. Viggiano encouraged the Board to attend a public scoping meeting at 7:00 p.m. on December 8 at Harris Hall, at which the public would have another opportunity to express concerns about the siting of the station. He said that since the Environmental Assessment (EA) is beginning later, it will take longer; the Board will probably see a preliminary copy of it in late February or early March. At that point, such elements as land-use approvals could be initiated without a commitment to a particular site.

Shuttle Study Update: Mr. Viggiano said that staff had contacted about 30 other communities with shuttles, to learn from their experiences. About a dozen communities operated shuttles similar to the one suggested for Eugene. An attractive shuttle route had been developed to serve three major activity centers: the Eugene Downtown and Mall, the University of Oregon (13th and Kincaid), and the Fifth Street Market area, as well as several other activity centers. Staff suggested that the route be used for evaluation purposes and to develop cost estimates.

The proposed route would be fairly short, which would make it less costly to provide an acceptable level of frequency. In addition, the route would not cross railroad tracks and would be fairly direct. The route would have a stop about every two blocks, or about 20 stops in all. The entire loop would take about 20 minutes; with two buses, a 10-minute frequency would be possible. One problem was that it would be difficult to schedule drivers to circle the loop all day, because a 20-minute loop would allow little recovery time.

Mr. Viggiano compared the shuttle route to existing bus service. Since all the connections made by the shuttle were already made fairly frequently by the existing system, the market for the shuttle would not be great among current bus riders. Potential users would be surveyed, and a Park-and-Ride concept would be investigated; at peak hours, people could be brought in from Autzen Stadium or the Fairgrounds. The Park-and-Ride shuttle was of interest to the Eugene City Council, who would be receiving an update about it on November 23. The council also would be discussing options for a parking structure. One issue was whether the Park-and-Ride shuttle would make the construction of additional downtown parking unnecessary. Mr. Viggiano stated that it appeared that it would not, because if downtown Eugene continued to grow, surface parking lots will continue to be developed, making further structured parking necessary. He said the shuttle study should be completed in February 1993.

Ms. Calvert stated that LTD should be involved in the transportation planning process for the Lane County Fairgrounds.

Americans with Disabilities (ADA) Plan Update: Ms. Loobey explained that the federal Americans With Disabilities Act (ADA) required the District to develop an ADA Paratransit Plan and submit annual Plan updates to the Federal Transit Administration (FTA) by January 27 of each year.

Painted Bus Advertising Agreement: Ms. Loobey reported that LTD staff were continuing to research painted bus advertising programs; she circulated examples of such advertising. Ms. Fitch recalled that at the last meeting the Board expressed a desire not to have painted bus advertising. Ms. Hocken and Mr. Billings agreed.

MOTION Mr. Montgomery moved to table indefinitely the investigation of painted bus advertising. Mr. Billings seconded the motion.

Ms. Loobey agreed that the Board had expressed dislike for some versions of painted bus advertising. However, she said, about eight years ago there was investigation of changing the Eugene sign code to allow such advertising. There had been no complaints since that time about signs on buses. The current contract for the signs yields \$116,000 to the District, and it was anticipated that revenues of about three times that much might be generated from painted bus advertising.

Mr. Parks objected that buses would be differently colored depending on the advertiser.

MOTION Mr. Montgomery amended his motion to state that buses would not be painted by parties other than the District for advertising purposes. Mr. Billings seconded, and the motion carried by unanimous vote.

VOTE

Target Stores Promotion--"Holiday Party": Ms. Loobey stated that promotion of the "Holiday Party" was progressing well.

Payroll Tax Collection Policy Within Service Area: Ms. Loobey told the Board that any firm that does work within the service area, regardless of the location of its headquarters, is subject to the payroll tax. Consulting firms are subject to the tax during any period of time in which their employees work in the service area.

Holiday Joy Ride: Ms. Loobey stated that Board members wishing to participate in the Holiday Joy Ride should contact Tonja Bohrer by noon on December 4 to make reservations. She added that because of the loss of one of the sponsors, The Register-Guard, 3,000 tickets would be sold this year instead of 5,000.

Special Services Report: Ms. Loobey reported that no special services were requested in September or October of 1992.

Board Member Reports: (1) Metropolitan Policy Committee (MPC): Mr. Billings reported that at the MPC meeting last week, the main transportation item was a presentation by Terry Smith of Eugene Public Works about the Oregon Transportation Plan and the Oregon Roads Finance Study. He suggested that copies of the charts from the presentation, which illustrated strategies for funding future road costs, be made for Board members. If current funding levels continue, \$23 billion in revenues will be available for the next 20 years, while nearly \$43 billion are needed for roads during that period.

Mr. Pangborn suggested making a presentation on the two documents at the December Board meeting.

(2) Central Area Transportation Study (CATS): Ms. Fitch stated that City of Eugene staff were continuing to work on the study.

Ms. Loobey noted that the Board had requested that Board Member Reports be moved to earlier on the meeting agenda.

Monthly Financial Report: There was no discussion of this item.

Operations Report: There was no discussion of this item.

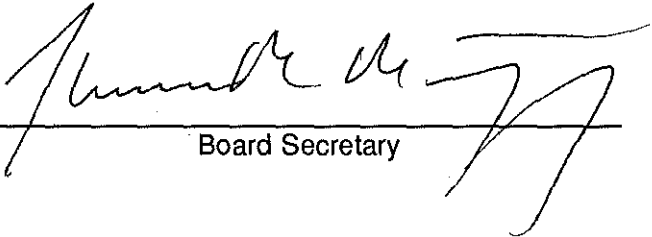
ITEMS FOR ACTION/INFORMATION AT A FUTURE MEETING

In answer to Mr. Parks' question, Ms. Loobey stated that staff did not plan to propose a change in the policy on bus replacement. The agenda item "Discussion of Bus Replacement Policy/Plan" would include an explanation of the replacement cycle and the federal requirements regarding the spares ratio and other issues. Mr. Pangborn explained that the item would address

the question of how many buses the District had, how much service expansion those buses would support, and whether the number would be sufficient to fulfill the requirements of Goal 12.

Ms. Calvert and other members commented that the Board's retreat was very useful and informative.

ADJOURNMENT: Mr. Parks adjourned the meeting at 8:47 p.m.


Board Secretary