

MINUTES OF DIRECTORS MEETING

LANE TRANSIT DISTRICT

ADJOURNED MEETING

Wednesday, April 28, 1993

Pursuant to notice given to *The Register-Guard* for publication on April 15 and April 22, 1993, and at the April 21, 1993, regular Board meeting, and distributed to persons on the mailing list of the District, the regular monthly meeting of the Board of Directors of the Lane Transit District was held on Wednesday, April 28, 1993, at 7:30 p.m. in the LTD Board Room at 3500 E. 17th Avenue, Eugene.

Present: Peter Brandt, Treasurer  
Tammy Fitch, Vice President  
Patricia Hocken  
Thomas Montgomery, Secretary  
Keith Parks, President, presiding  
Phyllis Loobey, General Manager  
Jo Sullivan, Recording Secretary

Absent: Jack Billings  
Janet Calvert

**CALL TO ORDER:** The meeting was called to order at 7:35 p.m.

**AUDIENCE PARTICIPATION:** (1) Dick Held of Blue River spoke in favor of LTD Ordinance No. 36, calling the Board's attention to two main problems on the McKenzie River route. First, a large number of backpacks were taking seat space, and in some cases, when the bus was full, people have stood for 25 miles. Luggage and backpacks also obstructed the aisles. One rider who was too intoxicated to walk straight hit Mr. Held's wife in the face with a backpack four times as he was walking past her seat. The second problem was that sometimes the odors on the bus were so strong that Mr. Held's wife would get off the bus and drive rather than be subjected to the odor for such a long trip. Mr. Held said that some people who rode alone on the bus had opted to drive the 50-mile round trip because they were not comfortable with the odors, the backpacks, and the language of some of the riders. When school is out, some groups of students are extremely loud. Mr. Held said that one of the bus operators kept good order on the bus, and some of the bus operators let whatever happens go on. He said that this made for some pretty unpleasant trips on the bus. He was not sure there was a solution, other than a little more vigilance on the part of some of the bus operators, and he did not know how a particular boundary on odors could be set. He said that a lot of the time, he wouldn't blame some of the women bus operators if they did not want to approach some of the groups who were riding, and one time he even rode to the end of the route and back so that a woman driver wouldn't be alone with a particular group on her bus.

Mr. Brandt arrived at 7:40 p.m.

(2) Ms. Loobey called the Board's attention to comments that had been received by telephone from Judy Young of Eugene. Ms. Young's comments were that she rode the bus often, usually the #23, #24, or #25. She had been on the bus on a number of occasions when people had used foul language and been loud and obnoxious, and she did not believe that they had the right to act this way on the bus. She had confronted a few of the people, and called a local school to complain about the behavior of some of its students. She also tried to avoid riding the bus at certain times of the day, to avoid this kind of behavior, but would prefer to ride the bus whenever possible, rather than drive her car. She said she did not think she, her child, the other riders, or the bus operators should be subjected to foul language. She is willing to confront people who are loud and obnoxious or who used foul language, but other riders are intimidated by this kind of behavior, and it frightens her son. For that reason, she would like to see Ordinance No. 36 adopted. She hoped the Board would adopt the Ordinance in spite of the concerns raised by the ACLU, because she was tired of feeling that "victims" had no rights, and would like to be able to ride the bus in comfort. She asked that her comments and desire to have the Ordinance adopted be made a part of the record of the April 28, 1993, Board meeting.

**EMPLOYEE OF THE MONTH:** Mr. Parks introduced the April Employee of the Month, Bus Operator Nat Brown. Mr. Brown was hired on November 7, 1977. At the February 1993 employee awards banquet, he received awards for exceptional attendance and 15 years' safe driving. He was nominated by a customer, who said that Mr. Brown was always pleasant, as well as a good driver, and seemed to enjoy his work. The customer said he liked the pleasant response he received from Mr. Brown as he boarded the bus. When asked what made Mr. Brown a good employee, Transportation Administrator Bob Hunt said that Mr. Brown had fine safe driving, correct schedule operation (CSO), and attendance records. Mr. Brown also set high standards for himself, and was an excellent role model. Customers and peers, alike, enjoyed being around Mr. Brown, because of his pride in his work and his positive approach to the job.

Mr. Parks presented Mr. Brown's certificate and check to him. Mr. Brown said that it was a great honor to be the Employee of the Month, and that being with LTD was joyful, especially since he liked working with people so well. Because he had knocked on LTD's door and they hired him, not the other way around, he tried to abide by the rules and do the best of his ability. He said there was a great family at LTD, and they all worked together, and that he was interested in the Board meeting because it was a chance to see the kinds of things that went into the "building" of LTD.

**CONSENT CALENDAR:** The Consent Calendar for the meeting included approval of the minutes of the March 17, 1993, special work session and the March 17, 1993, regular Board meeting, and the appointment of Wallace Earle to the STF Advisory Committee. Ms. Hocken moved approval of the Consent Calendar. Ms. Fitch seconded, and the motion carried by unanimous vote.

MOTION  
VOTE

**ORDINANCE NO. 36, AN ORDINANCE ESTABLISHING REGULATIONS FOR USE OF DISTRICT FACILITIES, AND PROVIDING REMEDIES FOR VIOLATIONS THEREOF:**

MOTION  
VOTE

Second Reading and Adoption: Ms. Fitch moved that Ordinance No. 36 be read by title only. Ms. Hocken seconded, and the motion passed by unanimous vote. Ms. Loobey read the title: "Lane Transit District Ordinance No. 36, An Ordinance Establishing Regulations for Use of District facilities, and Providing Remedies for Violations Thereof." Additional copies of the ordinance were available for members of the audience.

Ms. Fitch said she appreciated the work that had been done on the ordinance, and thought that common sense would play an important part in enforcement.

Mr. Montgomery said that nothing written would be absolutely perfect. He had talked with a number of lawyers, and thought that the ordinance still had some flaws, some which may or may not be brought to the legal arena. However, he said, the ordinance probably would affect the people who deserved it, and that it primarily would get to the people it was intended to get to, and clean up the things it was intended to clean up.

MOTION  
VOTE

Ms. Fitch moved that the Board adopt Lane Transit District Ordinance No. 36, An Ordinance Establishing Regulations for Use of District facilities, and Providing Remedies for Violations Thereof. Ms. Hocken seconded the motion, and the ordinance was adopted by unanimous vote.

Communications Plan: Ms. Loobey said that the Ordinance No. 36 communications plan and time line were included in the agenda packet, to give the Board some sense of the internal staff work that had been occurring, as well as some sense of the additional efforts in communicating about the ordinance to the public. There were no questions from the Board.

FIRST AMENDED ORDINANCE NO. 35, AN ORDINANCE SETTING FARES FOR USE OF DISTRICT SERVICES: Ms. Loobey explained that the adoption of the revisions to Ordinance No. 35 was a housekeeping measure. District Counsel had determined that LTD should set fares by ordinance. The Board adopted the FY 93-94 fare schedule at the February 1993 meeting, so those revenues could be calculated for budget purposes. Amended Ordinance No. 35 codified those changes to the fare schedule.

Mr. Parks called for a public hearing on First Amended Ordinance No. 35. There was no public testimony.

MOTION  
VOTE

Ms. Fitch moved that First Amended Ordinance No. 35 be read by title only. Ms. Hocken seconded the motion. Additional copies of the ordinance were available for anyone in the audience who wished to have one. There was no further discussion, and the motion passed by unanimous vote. Ms. Loobey then read the title: "First Amended Ordinance No. 35, An Ordinance Setting Fares for Use of District Services."

INSURANCE PROPOSAL: Safety and Risk Administrator Kim Kaiser stated that staff were seeking approval for several changes to the risk management program. She explained that the District currently carried a vehicle liability policy with a \$100,000 self-insured retention level (SIR), or deductible, and a \$1 million cap. The District also had a general liability policy that had first-dollar coverage and a \$1 million cap. Staff were recommending raising the self-

insured retention level on the vehicle policy to \$250,000, and adding excess insurance and earthquake and flood insurance.

Ms. Kaiser discussed the District's liability history, which showed that LTD had never had a year in which total claims settlements were over \$100,000 for vehicle liability claims. Because the District's policy included a \$100,000 self-insured retention, the insurer had never paid for a claim. Staff were proposing that LTD buy less expensive insurance by raising the self-insured level and putting the savings into reserves. If this were done, LTD would no longer have a stop loss, or an aggregate, which it currently carried. Currently, if total claims came to \$300,000 in any given year, the stop loss would take effect and provide coverage from there on; however, the stop loss had never been used. It would be possible to have a policy with a \$250,000 SIR and a stop loss, but the savings would be minimal; it would cost about \$40,000 for that type of policy, with a savings of a little over \$10,000.

Ms. Kaiser said that staff were also proposing adding \$4 million of excess insurance. Currently, both LTD liability policies had caps of \$1 million, and staff were proposing adding one excess policy that would apply to both. LTD was covered by the Oregon tort statute, which protected LTD with a \$200,000 maximum per individual, and a \$500,000 maximum for one accident, no matter how many people were involved. Ms. Loobey said that there was no similar tort protection for federal causes of action, which could include, for example, discrimination suits brought against LTD for noncompliance with the Americans with Disabilities Act (ADA). Ms. Fitch asked if transit districts across the nation were seeing those kinds of law suits, and in what amounts. Ms. Loobey said she had seen lawsuits where the claimant had asked for a million dollars; sometimes the jury had awarded more than that, and sometimes less than that. Ms. Fitch asked how the \$5 million excess policy had been determined. Ms. Kaiser said she had talked with other local agencies and the District's broker and attorney. A lot of public agencies had at least a \$250,000 SIR, if not higher. The feeling was that \$5 million was a reasonable level at a reasonable price, costing the District about \$13,000 per year and offering a lot of protection. The limit could be higher, but this seemed reasonable.

Ms. Hocken asked if the buses being purchased with federal money opened the ability to sue in federal court for general injuries. Ms. Loobey said that this was an interesting question, and she did not know the answer. In past experience, any injuries on the buses had come under Oregon tort law. Ron Cramer, of Cramer and Giles, LTD's insurance broker, said that question came up a lot, but no one could really answer it. He perceived that it was a gray area and it could happen, but he knew of no case where it had yet happened. Typically, federal cases were a result of federal audits where the federal government said money had been spent incorrectly and wanted it back. However, he said, it was a possibility that this kind of suit could get to federal court.

Ms. Kaiser discussed a couple of examples of how claims would be funded, in worst-case scenarios. In an extremely bad year, the District's liability could reach \$580,000, so she was proposing that the reserves be built up to \$650,000. Going with the higher SIR would save about \$50,000 a year. Staff were also proposing adding an earthquake and flood policy. Ms. Fitch asked if the earthquake insurance deductible would be 5 percent of the property value. Ms. Kaiser said it would be 2 to 3 percent, which would equal about \$240,000 for the Glenwood facility. Ms. Fitch asked if that amount was included in the reserves. Ms. Kaiser

said the reserves would definitely be used for this purpose if needed. Mr. Montgomery asked about current reserves. Ms. Kaiser said they were about \$500,000, which included \$200,000 for current-year expenses and \$300,000 additional dollars.

**MOTION** Ms. Fitch moved that the Board approve raising the auto liability SIR to \$250,000; adding excess coverage of \$4 million in order to expand coverage to \$5 million; and securing earthquake and flood insurance, effective July 1, 1993. Ms. Hocken seconded, and the motion carried by unanimous vote.

**VOTE**

**FEASIBILITY STUDY OF DOWNTOWN SHUTTLE:** Planning Administrator Stefano Viggiano called the Board's attention to the Executive Summary and the full study, which were both included in the agenda packet for that meeting. Staff were asking the Board to take action to approve the study. Once approved, it would be circulated to appropriate groups, including, where appropriate, staff presentations. The study had been initiated by the LTD Board the previous summer, as a result of conversations during the Central Area Transportation Study (CATS) meetings and interest expressed by some members of the Eugene City Council. The study looked at two issues: the feasibility of a downtown circulator shuttle in the greater downtown area, and a park and ride shuttle from a large, outlying park and ride location. The three sources of information used to research the issue were the experiences of other communities; a survey of people in the downtown area; and LTD's own experiences with shuttle service in downtown Eugene.

Mr. Viggiano said that the most difficult part of the study was to predict ridership, since this was a completely different market for the District. Therefore, staff had used a low to high range of ridership, and predicted ridership somewhat below ridership for the regular system. Because ridership was hard to predict, staff studied LTD's own track record and the experiences of other transit districts and found that the factors that contribute to the success of a shuttle could be grouped into two major categories: how service is offered (routing, fares, vehicles used), and the environment in which the shuttle operates (employment, tourist traffic, the density and configuration of downtown development). Staff believed the second category, the environment in which the shuttle operates, to be more important than the first.

One example of how these two categories could result in a successful shuttle was found in Chattanooga, Tennessee, which has a linear and highly-developed downtown and downtown activity that is tourist-driven, including an aquarium and the Chattanooga Choo-Choo station. That, plus the free fare, identifiable vehicles, and the frequency of service, resulted in ridership on the shuttle system of 100,000 people per month in the summer.

An intercept survey was done to survey people at the downtown mall in Eugene, the west University area along 13th Avenue, and the Market District area. Approximately 70 percent of those surveyed were not downtown residents or employees. Because this was higher than staff expected, Mr. Viggiano said this survey result probably should be verified through further research. It was determined that a significant number of people move around in different areas of downtown. According to the survey, 72 percent of those surveyed were willing to consider riding a circulating shuttle, and about 50 percent said they would consider riding a park and ride shuttle. Mr. Viggiano cautioned about placing too much emphasis on these percentages, because, typically, a much smaller percentage actually ride. Based on the

survey results, the most important factor in a person's decision to ride would be the frequency of service.

Mr. Viggiano discussed service design for a shuttle route. He said that a fairly direct route, not too long or circuitous, would be needed. If the route were too long, it would be difficult to keep down the costs and provide frequent service. A proposed route was shown. It would take people between the University, downtown Eugene, and the Market District fairly quickly. Staff suggested that a shuttle route not serve the area of 18th Avenue by Safeway and Hiron, because it would sacrifice main connections and time. The Riverfront Research Park area was not included on the route. However, if it develops as planned, it should be included on the shuttle route.

Mr. Montgomery asked if the shuttle would stop wherever people wanted it to stop, or at bus stops. Mr. Viggiano said that bus stops would be used. Existing stops could be designated as shuttle stops. Staff would want to make it as easy as possible for people who do not know the system to use the shuttle.

Ms. Fitch asked about the group pass programs at Sacred Heart Hospital, the University of Oregon (UO), and the City of Eugene, and how much it would cost shuttle users to pay for the shuttle system, if an additional fee were charged for that purpose. Mr. Viggiano said that all the major group pass programs were in the shuttle area. Staff estimated the cost at \$1.00 per person per month, based on downtown employment of 15,000. If UO students were added, it would double the population, so it might cost each person about 50 to 80 cents per month. This estimate included a lot of people who were not already in a group pass program. Ms. Fitch said she thought the District definitely would want to include the students. LTD had not yet had any conversations with anyone about increasing group pass membership and charging a fee to pay for a downtown shuttle.

Mr. Parks wondered if this is what the Citizen Advisory Committee had in mind when discussing CATS. Ms. Fitch said it was, that the shuttle they had in mind would run at least every 10 to 12 minutes. Mr. Viggiano said that 12-minute service could be accomplished by running two buses on the proposed route.

The park and ride shuttle service would be more difficult to provide. Lane County Fairgrounds parking lots were fairly full about 20 days each year, so a park and ride could not use the lots during those times. Autzen Stadium was the only viable lot, but it would be difficult to travel between Autzen and downtown Eugene, and from the Ferry Street Bridge area to Autzen. The way traffic has to loop around to reach these locations might affect ridership, since it would be simpler for some people to drive downtown than to Autzen.

Mr. Viggiano then discussed operating costs for a downtown circulator. Three options were outlined for the downtown circulator, and three for the combined downtown circulator and park and ride shuttle. The low-end option for the downtown circulator, providing service every 12 minutes during weekday and Saturday shopping times, would cost \$163,680 per year to operate. It would be easier to obtain federal capital funds to purchase equipment than it would be to obtain operating funds. The low-level service option would require a minimum of three vehicles (two on the route and one spare), and the high-level option would require five shuttle

vehicles (four on the route and one spare). Mr. Viggiano said it was unlikely that the District could find non-local funds to pay the operating expenses. If a federal demonstration grant were available, it would be for a limited duration. The report suggested some funding possibilities, but did not look at funding in detail.

After reviewing the study, staff concluded that a park and ride shuttle would not work well without better connections from Autzen Stadium, and that the downtown circulator probably would not compete well with other service requests. However, Mr. Viggiano said that because it was difficult to predict ridership, the only way to really know would be to operate the service. The staff recommendation was that LTD funds not be used to operate the downtown circulator, but that staff could work with the City of Eugene to find other funds, and LTD could commit to providing the shuttle vehicles. If the service were tested for a year or so, it would not make much sense to buy vehicles that could not be used for any other service, so LTD could lease shuttle vehicles, or paint current buses, and possibly make some interior modifications.

Mr. Montgomery asked if a big bus would meet some of the specifications expressed by the local City Councilors. Mr. Viggiano said it probably would not. The District would use a 35-foot bus, but that was still bigger than needed on the shuttle route. If a dedicated shuttle vehicle were used, the best size would be a 30-foot vehicle.

Ms. Hocken said that the survey classified students as visitors, and she had not been able to tell if that skewed the results. Mr. Viggiano said that when UO students want to go downtown, they are almost more like a shopper than an employee, which is a lot like other visitors to the downtown area. Ms. Hocken thought they were more like people who work downtown, but said the distinction was not that important. She asked how much of an increase in employment would be necessary before staff believed the shuttle would be viable, and wondered if the new Hult building and Central Bank would be enough. Mr. Viggiano said that if downtown employment doubled, shuttle ridership probably would at least double. That would mean a productivity of 40 to 60 people per hour. He thought that a 50 to 75 percent increase in employment would be needed.

Mr. Parks asked if this would make a difference in downtown parking. Mr. Viggiano said that without a park and ride, the downtown circulator probably would not have a significant impact. However, the more people who rode the buses into the downtown area, the greater the ridership on the shuttle would be. Mr. Parks asked if less parking was considered in the CATS document. Ms. Fitch said that a cap on the parking requirement was recommended. Mr. Viggiano said that this issue also appears in the Transportation Rule Implementation Plan (TRIP), a community-wide document. The downtown parking-exempt area would be expanded, so there would be no requirement for parking in that area. Mr. Parks said that the cost of parking would increase, and that would benefit transit. He likened the downtown circulator to a "chicken and egg" decision, whether to start the shuttle and hope the City would take the right actions, or to wait for funding and growth before attempting a downtown circulator.

**MOTION**

Mr. Brandt moved that the Board approve the study and discontinue any further efforts regarding the proposed downtown circulator and park and ride shuttle at this time. Ms. Hocken and Mr. Montgomery seconded the motion, for purposes of discussion. Ms. Hocken asked

Mr. Brandt to clarify his intention in making the motion. He said it was not worth spending any more time on the shuttle, even in working with the City to find funding; he would just turn over the shuttle results to the City. Ms. Hocken asked what he would suggest if the City came to LTD. Mr. Brandt said that if the City found funding for the shuttle, it would be worth discussing. He added that Mr. Viggiano had done a good job with the study, and that he thought the study proved conclusively that the District should stop activity on the shuttle issue right away. He said he did not want to hear more about it until circumstances changed.

**MOTION** Ms. Fitch moved to amend the motion to include the idea that as group pass programs  
**TO** come up for contract renewal, the District could ask if there would be interest on their part in  
**AMEND;** having this kind of service provided, and if they would be willing to share the cost with other  
**NO** group pass programs. There was no second to the motion to amend. Finance Administrator  
**SECOND** Tamara Weaver said that staff had been fairly aggressive in increasing the group pass  
 programs' costs already, and her feeling was that the price issue was rather fragile. Ms. Fitch  
 said she did not want to force the group pass programs to accept this cost. She wanted the  
 Board to accept the study, and although it did not look feasible at this time, group pass  
 participants could be asked if they were willing and interested in helping pay the shuttle costs.  
 If they were, the shuttle could be paid for without affecting the District's budget. Mr. Brandt  
 thought that it did not have to be part of the motion, and could be handled during negotiations  
 with group pass participants. He thought that LTD should send a clear message to the  
 community that LTD had done the study and that providing the shuttle service currently made  
 no economic sense. Mr. Montgomery suggested that if the City approached LTD to explore  
 sources of funding, the group pass participants could be asked at that time if they were willing,  
 but he thought it would confuse issues to put this in the motion.

Ms. Loobey asked if Mr. Brandt's motion meant that LTD would not talk to the community, because staff were asked a lot of questions by the media, the public, etc. Mr. Brandt said it did not, that staff should respond to questions, but he did not want staff to spend any more time and money on this issue. He said that the District had to do the study, and did do it, and it showed conclusively that it did not make sense to provide the shuttle service at that time.

**VOTE** There was no further discussion, and Mr. Brandt's motion passed by a vote of 4 to 1, with Ms. Fitch voting in opposition and all others in favor. Mr. Brandt said that if there were a point A, B, or C where there was a significant reason for people to travel around the downtown area, such as tourist attractions, the shuttle might be more likely to work, but the local community didn't have any of those.

#### **ITEMS FOR INFORMATION AT THIS MEETING:**

**Metropolitan Policy Committee Report:** Neither of the Board's representatives to the Metropolitan Policy Committee (MPC) was present. Ms. Loobey explained that at the April 8 MPC meeting there was a lot of discussion about resolving the differences between the cities of Eugene and Springfield about amendments to the metro plan. That discussion was carried over to a subsequent meeting, which Mr. Billings and Ms. Calvert were unable to attend. On April 8, there was some discussion regarding the size of buses, and Ms. Calvert had responded.

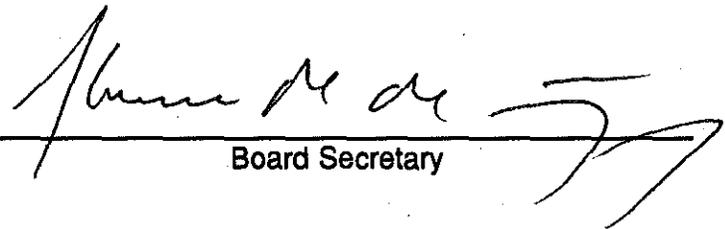
**Eugene Station Update:** Ms. Loobey told the Board that the public "scoping meeting," required by federal law for the Environmental Impact Statement process, had been held the previous evening. Three members of the public had attended, and two of them had spoken. The purpose of the scoping meeting was the same as for the scoping meeting held for the Environmental Assessment process--to hear concerns from the public about the environmental impact of the proposed location of the Eugene Station. There were some additional comments from this second meeting, but they probably would not have very much impact on the EIS. Ms. Loobey said that the EIS process was on track and moving forward. Ms. Fitch asked if the \$10,000 paid to the City would no longer apply to the purchase price of the McDonald site, because of the changes to the option that were required by the Federal Transit Administration (FTA). Mark Pangborn, Director of Administrative Services, said that the option on the McDonald site now provided that LTD would pay the City of Eugene \$10,000 every six month, and there would be no price reduction on the property, if purchased.

Mr. Montgomery asked if the new bank did not have to pay for the parking it would be removing at 8th and Willamette. Mr. Pangborn said he did not know, but thought the bank would be putting in some parking. Mr. Parks thought that the Parcade parking structure was supposed to take care of that building site.

**Labor Contract Negotiations:** Ms. Loobey said that the first contract negotiations for the contract that would expire on June 30, 1993, would take place on May 6. An Executive Session to discuss the negotiations would be scheduled for the May 19 Board meeting.

**Monthly Financial Report:** Mr. Parks asked if the District was still receiving more payroll tax revenue than anticipated. Ms. Weaver said it was.

**ADJOURNMENT:** It was moved and seconded that the meeting be adjourned. With no further discussion, the meeting was unanimously adjourned at 8:55 p.m.

  
Board Secretary