

MINUTES OF DIRECTORS MEETING  
LANE TRANSIT DISTRICT  
SPECIAL MEETING/WORK SESSION

Wednesday, December 8, 1993

Pursuant to notice given to *The Register-Guard* for publication on December 6, 1993, and distributed to persons on the mailing list of the District, a special work session of the Board of Directors of the Lane Transit District was held on Wednesday, December 8, 1993, at 7:30 p.m. in the LTD Board Room at 3500 E. 17th Avenue, Eugene.

Present: Kirk Bailey  
Janet Calvert  
Tammy Fitch, Vice President  
Patricia Hocken  
Thomas Montgomery, Secretary  
Keith Parks, President, presiding  
Phyllis Loobey, General Manager  
Jo Sullivan, Recording Secretary

Absent: Peter Brandt, Treasurer

**CALL TO ORDER:** Mr. Parks called the meeting to order at 7:30 p.m. He stated that this was an informational meeting only, and there would be no public testimony.

**EUGENE STATION DEIS AND SITE SELECTION PROCESS:** Mr. Viggiano stated that copies of all written comments received by 5:00 that evening had been handed out to the Board. He introduced Dave Mayfield of CH2M Hill, the consultant working on the Draft Environmental Impact Statement (DEIS), and land use attorney Al Johnson. He asked the Board to let staff know if, at the end of the work session, they did not feel comfortable enough to make a decision on site selection the following week. He added that the Board probably would not come to resolution on all the issues being discussed that evening.

**Summary of Public Comment:** Mr. Viggiano used overhead projections to summarize the public comment received regarding the DEIS. He said that many of the people who testified were not necessarily opposed to the project, but had concerns about specific issues, mainly parking replacement. He first addressed the non-parking issues.

LTD heard from Olive Plaza residents about air quality, with concerns about a strong diesel smell and the fear that this would affect Olive Plaza residents with respiratory problems. He discussed fleet particulate emissions, and explained that as new buses were purchased and older buses were retired, the grams per horsepower per hour were dropping. By the year 2000, emissions would be about one-eighth of what they were 15 years before, and air quality that could be attributed to buses would improve. However, a lot of other traffic passed by the Olive Plaza, and might not allow the air quality to improve overall. Ms. Hocken asked if he had

any information about the absolute number of grams of particulates. Director of Operations Tim Dallas said that the chart did not allow for increases in service. However, for the buses put into service in 1990, there was a small puff of smoke when they accelerated, and then all that was seen was a heat wave. With the new buses that would arrive in 1994, no emissions would be visible. Ms. Loobey explained that new federal mandates required LTD to use low-sulfur diesel fuel. Ms. Hocken asked if the average person could tell the difference in smell with low-sulfur fuel. Mr. Dallas said staff thought they could tell the difference, but they were used to the smell. Ms. Hocken stated that one complaint was actual and one was perceived, and that the smell may not be harmful. Ms. Calvert commented that if someone did not like the smell, it would still be offensive, even if it were in smaller amounts. Mr. Parks said that the question was, how did LTD's impact measure up to the gasoline vehicles going by the Olive Plaza? Everyone was focused on the buses and thinking that no one else caused the problems, when gasoline burners actually were more harmful than diesel. Mr. Kleger asked if there was any comparative information on the behavior of diesel exhaust versus gasoline exhaust--whether one rose higher or faster, etc., and whether that information was or should be included in the DEIS. He suspected that the farther up someone lived in the Olive Plaza building, the less the exhaust would be noticeable, and that things would improve as the technology improved. Mr. Dallas said he did not have that information but could get it for the Board. Mr. Montgomery thought staff would find that none of that information would make a difference; that people would say they smelled the buses even if they didn't.

Ms. Fitch asked about the number of cars traveling on West 11th during peak hour, and whether there was a way to work with the City to design traffic flow to help discourage car traffic and cut down on pollution. Mr. Viggiano said that LTD was only responsible for the buses and their impact. He suspected that if LTD talked to the City traffic department about reducing traffic on West 11th, the response would be that West 11th is a major arterial and diverting traffic might cause problems elsewhere.

Ms. Calvert asked whether LTD's role in the DEIS process was to decide which of the issues raised by testimony the District could or wanted to do something about, and whether the District had to have resolution to the issues raised in order to file the final report. Mr. Viggiano explained that the Board had heard people telling them what they believed to be wrong with the document, such as using incorrect assumptions about parking. He said that the District had to decide what it could do in response to these concerns, and that the final EIS was, in essence, a contract. Mr. Mayfield said that the Board would have the benefit of CH2M Hill's guidance and direction to assist LTD in responding to the testimony. He said that the Board had heard a lot of frustration about the testing conditions, not about the proposed changes. He said the consultants would try to separate the comments regarding existing conditions from those regarding station impact. Some comments had to do with the cumulative effects of downtown conditions, of which the Eugene Station project was only a part.

Mr. Viggiano discussed possible responses to the concerns. Two options for responding to Olive Plaza's concerns would be to say the findings were correct, or to meet with Olive Plaza representatives to discuss the issues further. Regarding noise issues, Mr. Viggiano said that a two-decibel change was at issue, but anything less than three was not really perceptible to the human ear. Ms. Hocken said she was not sure what was an adequate sample, and

suggested that the technical experts should revisit whether they had drawn enough technical data.

Mr. Kleger asked if enough information was available to help the District address the comments in the letter from Housing and Urban Development (HUD). He said it looked as if HUD was discussing a different set of standards or data. Mr. Mayfield said there would need to be some sort of translation between the standards in order to respond to the letter.

Ms. Calvert asked about the changes in decibels. Mr. Viggiano said the change was a comparison between the build and no-build options. Mr. Mayfield said there actually would be a reduction in the number of buses directly under the Olive Plaza's windows, with 17 fewer in the block between Willamette and Olive on 11th Avenue during peak hours. Ms. Fitch asked about noise in a twenty-year time frame. Mr. Mayfield said that the long-term effects were an issue, as well as the absolute level of noise. HUD was concerned with the total level, not the change, because the current level of noise in those rooms was fairly high.

Mr. Viggiano also discussed the issue of safety, which was primarily an issue of personal safety. He stated that one of the reasons staff wanted to build a new station was to have control over the property. Some Olive Plaza residents were concerned that people would begin to hang out in front of their building. He had no way to project that, and although he thought that didn't seem to be an attractive place for people to hang out, he couldn't guarantee it wouldn't happen.

The largest area of concern was parking loss. Mr. Parks asked if any of the methodology used in the study could be challenged. Mr. Mayfield said the methodology was based on Federal Transit Administration (FTA) guidelines, and in most cases was coordinated with the local government and approved by the City, especially in regard to parking. Air quality issues were coordinated with the Lane Regional Air Pollution Authority (LRAPA). Mr. Parks said that whatever resolution was recommended had to be able to withstand a politically-charged City Council. Mr. Mayfield said that the scoping process had been the time to hear concerns from the City and others. Mr. Johnson added that there was no such thing as a "bullet-proof" methodology for the EIS. What the Board heard from LCC was represented as being based on outdated information. However, the District's analysis of those numbers might be different, and there would be the question of persuasion in what the FTA and Environmental Protection Agency (EPA) would be willing to accept. He said the District needed to be sure that the final statement and the Conditional Use Permit (CUP) process were appropriate, and the evidence addressed the comments. Where the comments were correct, the District needed to respond and make changes, and where they were not correct, the District needed to explain why.

Mr. Bailey said he had heard comments about the District's responsiveness to some of these concerns, and wondered what had been done. Mr. Viggiano explained that the DEIS had been released on October 22, 1993, and the public hearing was held on December 1, with written comments accepted through December 6. The minimum requirement was 45 days between the release of the document and a decision on the preferred alternative. LTD exceeded that period. The public hearing had to be held a minimum of 30 days after the

release of the document, and the District had met that requirement, also. Only one public hearing was required, but more could be held if the Board wished.

Regarding Olive Plaza's comments, Mr. Viggiano said that staff had met with a couple of Olive Plaza's board members in September, and talked with the Olive Plaza manager. Staff also had made multiple offers to attend Olive Plaza board meetings, but had not been invited.

Mr. Bailey commented that the hearing had received poor press coverage, with only one television station attending. The District did not get its message out about some of the mitigating factors, and the press only covered one issue. Mr. Viggiano said that the press had plenty of notice, and he didn't know why they chose not to cover this issue. Mr. Parks said that, from his experience, if there is a controversy large enough to outweigh LTD's controversy, that would get coverage. Also, the press got tired of attending public meetings and hearings on the same issue. He added that one woman at the hearing who had said that LTD was not nice had actually interpreted a non-committal "I don't know" at a previous meeting to mean that LTD would not go to the Mc Donald Site.

Mr. Viggiano said that most concerns were expressed about the McDonald Site, partly as a result of the District's concentration on that site since the discovery of the historical status of houses on the IHOP Site would make it extremely difficult to use. Mr. Bailey asked why people were not at the December 1 hearing to oppose the IHOP site. Ms. Hocken explained that when the IHOP Site had been the preferred site at a previous public hearing, there were probably 250 people there who opposed that site. Mr. Kleger said he had received negative telephone calls at home, as a member of the citizen advisory committee. Mr. Montgomery said his understanding was that the federal government would not touch the houses on the IHOP Site, so that site was a dead issue. Mr. Viggiano explained that since the houses were deemed eligible for the historic register, LTD would have to file a 4F statement and prove that there was no prudent alternative, which would mean considering all the sites that had been discarded already, as well as the McDonald Site. He added that staff and the consultants were completely surprised when those houses were identified by the State Historic Preservation Office (SHPO) as possible historically significant.

Mr. Viggiano summarized the known factors, questions and issues, and possible responses for the parking displacement issue at the McDonald Site. Building on that site would eliminate as many as 176 spaces, plus up to six more on Willamette Street. Spaces could be added along 10th Avenue where the current station was, but the City was considering adding a bike lane. The sidewalk could be reduced to its original size, and both parking and a bike lane could be added. Using the McDonald Site also would require removing buildings and their current parking demand. The issue of parking replacement at the McDonald Site was not clear, because it was public parking and not code-required. If it were code-required parking, about 100 spaces would be required for those buildings, but this was in a parking-exempt zone. The buildings on the site now probably did not use 100 spaces, but did cause some demand.

A consultant had determined that the footings on the OverPark were adequate to add two additional floors. The District had agreed to give the City \$865,000 in Special Transportation Project (STP) funds, which were federal highway funds administered by the state. The

\$865,000 was LTD's share that had been saved up over the years. There were two potential problems with using those funds. First, the funds would have to be obligated by October 1994, which meant the project would have to be on-line by that date. Second, the District did not yet have formal approval to use the funds, because there was no definite project. If the STP funds could not be used in this way, LTD would still be obligated to pay the City the \$865,000. Ms. Hocken asked if the funds could be used to buy buses or something else. Mr. Viggiano replied that if the funds could be obligated in time, LTD or the community could use them. If they were used by another agency in the community, there could be an agreement that LTD would be paid back in the future.

Mr. Viggiano said that staff had checked the possibility of using other FTA funds for parking replacement. It was theoretically possible if it were shown in the CUP or DEIS that replacement was necessary, but the FTA was very reluctant to fund this sort of expenditure, especially if the District were asking for an additional allocation of funds. The District might be able to use FTA funds by providing that only the lowest-cost method of replacement were used, which probably would not mean a parking structure. In any event, staff had received indications that using federal funds would be difficult.

Mr. Viggiano said that the key issue was that the District did not know how the City would spend the \$1.4 million. He said it was the City's responsibility to provide parking in the downtown area, but it could choose not to.

Mr. Viggiano explained the CUP process. The application first would go before a hearings officer who would make the decision. If the decision were appealed, it would go before the Eugene Planning Board of Appeals. If it were further appealed, it would go before the State Land Use Commission, and then to court. The hearings official also could require additional mitigation measures.

Ms. Fitch noted that the next move was LTD's, because if the Board did not vote on the preferred site, the City Council would not have the parking issue to discuss on January 19. Mr. Viggiano agreed, saying that LTD could apply for the CUP in mid-December, and could submit additional information as it became available during the process. He added that Mr. Johnson would be handling the CUP process for the District.

Mr. Johnson stated that the CUP application would be decided by the hearings official based on current City Code. The official either would accept the District's proposal or some opponent's proposal, or come up with a combination. The hearings official may decide that, based upon language in the Code, the nature of the project, and the Central Area Transportation Study (CATS) policies for downtown Eugene, the net impact of the Eugene Station project proposal was positive, even on the parking issue, by looking at the net impact and incremental changes. Or, the hearings official could decide that there would be adverse impacts, and in order to bring the project into compliance, there would have to be some mitigation. If no mitigation were proposed, the CUP application might be turned down. However, the proposal did not have to be approved by the City.

The hearings official could look at proposals from LTD, Lane Community College (LCC), the City Planning Department, and others, and select one or pieces, and may or may not say

how the project was to be funded. Mr. Johnson said it would be important for the Board to decide whether it wanted to take a position to make everyone happy no matter what the cost, or do nothing, or something between those two options, and propose and advocate for its proposal. Whether or not the District thought it could afford the conclusions of the hearings official would result in whether or not the District selects the McDonald Site.

Mr. Montgomery wondered if the District would be able to go ahead with the project if the hearings official set conditions that were not totally within LTD's control. Mr. Johnson said the District could get a ruling from the official or the EPA or FTA that would say the District had to mitigate in a certain way, and many of the problems might not be solved by then. No one would be able to predict with certainty what would be required. He said he could give his interpretation of the code, and thought the District could make a good case that the overall effects of the transit station downtown were positive, but he wasn't sure if that case would be accepted. At the very most, he said, the hearings official would require a commitment of some kind. He thought LTD would be able to come to an understanding with the City about how to deal with the issues.

Mr. Viggiano further discussed the possible number of parking spaces for replacement. He said also that the City did not believe that the cost for the land should be credited to LTD for mitigation costs, but LTD staff believed that the entire amount should be credited. Possible responses to the parking issue included reiterating the DEIS finding that parking was not an issue of significant impact, and LTD was doing more than was called for. More technical work needed to be done to make sure the study's conclusions were correct. Mr. Parks said that the City could sell to a private developer and not have to replace any parking. However, Mr. Viggiano said that the City had stated that a private development would be paying taxes, which then could be used for parking. Mr. Parks commented that \$865,000 would be equal to a lot of tax payments. Ms. Hocken asked why the City was saying that the \$1.4 million was not enough. Mr. Viggiano replied that private development at the site could fund a \$2 million project. Mr. Johnson said that if a private development went in, it would generate tax increment development funds, but also would create more demand for parking for its employees. The transit station would depress parking demand overall, not create it.

Mr. Parks stated that LCC was allowed to build without parking and was supposed to expand to the OverPark. He said that was documented in the plans, and LCC was there by chance.

Mr. Viggiano said that the net loss of parking was not yet determined. From LTD's standpoint, the highest it could be was 158 spaces. As Mr. Johnson had said, the argument could be made that better transit service would reduce the demand for parking, and that replacing buildings on the site also reduced the demand for parking. Therefore, LTD could make the argument that providing \$1.4 million more than mitigated the loss of parking.

Mr. Viggiano said also that if the District were to pay for all 158 spaces, about \$100,000 more would be needed, depending on land costs and whether the City credited the payment for the land to this purpose. Mr. Pangborn said that the \$865,000 would sit in the City's federal reserve until the City had an acceptable project, and the City could choose how to

spend that money. The Urban Renewal funds and the City's general fund were separate funds, but the City controlled the spending of both.

Mr. Viggiano said that if the land costs were not credited to parking replacement, LTD could have to find an additional \$590,000 in order to replace 158 spaces. None of the businesses could say they needed the replacement parking to meet code requirements, since the site was in the parking-exempt zone, and the FTA land acquisition staff had never dealt with this kind of site before. Mr. Viggiano said that one option could be to hire an objective third party to sort out this issue.

Ms. Hocken said that just because the City needed more money didn't mean that LTD should pay more. Mr. Mayfield said the discussion was not about the direct impact of parking. The indirect effects were scattered through the whole discussion, including LCC's safety issues; the framing business whose customers had to carry large packages; etc. He said that the human issues and indirect impacts would affect the monetary negotiations about what would be fair.

Mr. Johnson said that the District did not know at that point what the City wanted, what the hearings official would say, or what the FTA and EPA would require. Ms. Fitch asked how many answers the Board could expect by the following Wednesday, when they were scheduled to make the site decision. Mr. Viggiano said they could not expect to know enough additional information on which to base a decision. Staff were hoping that the Board would feel comfortable enough to move ahead with the CUP process. He said that a key in obtaining information would be the meeting with the City Council on January 19. Ms. Fitch asked how long it would be before LTD had the updated traffic information the City said LTD should have used in the study. Mr. Mayfield hoped that information would be available by January 19. He needed to discuss with the City its methodology for obtaining the more recent numbers, and compare that with the earlier numbers. He explained that in LTD's study, CH2M Hill assumed that if a parking space was empty, it was available, but the City assumed that if someone had paid for a space, it was not available, even if it was empty.

Ms. Hocken said she thought the people who spoke to the Board at the hearing and sent letters would be able to make a strong enough case to convince an official that parking would need to be replaced, even in the absence of raw data. The data might show whether LTD might be responsible for more than \$1.4 million. She didn't think the official would disregard the emotional appeal, and even with a slight misperception, that would carry weight. However, Mr. Johnson said that the hearings official was very objective.

Ms. Calvert asked about the City's concerns about parking for articulated buses and contra-flow traffic. Mr. Viggiano showed the proposed site design for the McDonald site, and said that the City saw a problem with two-way traffic on 10th Avenue, and there was not a suggestion for actual contra-flow. He said that was not an issue for LTD at that point. The design included space for parking three articulated buses on the street. In further design work, LTD would try to accommodate those buses on the site. If one did have to stay around the perimeter, it could be put on the property, to allow a bike lane on the street. He thought the District could accommodate the City's concerns in these areas.

Ms. Calvert said that the perception of safety was important, and the OverPark was not a favored parking structure. If additional floors were to be added, she hoped that there would be other accommodation to make the OverPark friendlier and safer, or at least to feel that way. Since it would not be possible to build parking across the street from LCC, she thought the City would need to make the available parking safer. Mr. Viggiano said that some accommodation for that could be made, such as a sky bridge to LCC and exterior stairways and elevators. It would cost approximately \$150,000 to build a sky bridge, and \$200,000 to add an elevator.

Ms. Fitch asked about the old issue of an LCC group pass program. Mr. Viggiano said that he and Finance Administrator Tamara Weaver had met the previous day with LCC students interested in a group pass program for the main campus, but a group pass program for the downtown campus would be more difficult. The problem was that some people took only one class a year, and it would be difficult to identify those people and collect fees. Often, LCC students paid no official fees and had no identification. Ms. Hocken said that maybe those students should not be included in a program, just the regular students. Mr. Montgomery said that a group pass program would not assuage the people who testified, because they did not ride the bus for various reasons. Mr. Viggiano said that staff had discussed these issues with the downtown center, and they wanted both parking and a pass program.

Ms. Loobey said that staff would bring back the issue of approval of the McDonald site to the December 15 regular meeting, so the District could begin the CUP process, with the understanding that there were unresolved issues that still needed to be resolved.

Ms. Calvert said she would be late to the next meeting, and would try to arrive by 8:30 p.m.

**ADJOURNMENT:** There was no further discussion, and the meeting was unanimously adjourned at 9:05 p.m.

  
Board Secretary