

MINUTES OF DIRECTORS MEETING

LANE TRANSIT DISTRICT

REGULAR MEETING

Wednesday, August 16, 1995

Pursuant to notice given to *The Register-Guard* for publication on August 10, 1995, 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, August 16, 1995, at 7:30 p.m. in the LTD Board Room at 3500 E. 17th Avenue, Eugene.

Present: Kirk Bailey, Vice President
Patricia Hocken, President, presiding
Dave Kleger, Treasurer
Thomas Montgomery, Secretary
Roger Saydack
Phyllis Loobey, General Manager
Jo Sullivan, Recording Secretary

Absent: Rob Bennett
(one vacancy)

CALL TO ORDER: The meeting was called to order at 7:35 p.m. by Board President Pat Hocken.

AUDIENCE PARTICIPATION: There was no one in the audience who wished to speak to the Board.

EMPLOYEE OF THE MONTH: The August Employee of the Month, Bus Operator Don Herbison, was not able to attend the meeting. He will be introduced to the Board at the September meeting.

MOTION **EXECUTIVE SESSION PURSUANT TO ORS 192.660(1)(h):** Mr. Bailey moved that the Board move into Executive Session pursuant to ORS 192.660(1)(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. Mr. Montgomery seconded the motion, which then carried by VOTE unanimous vote. District Counsel Robert Fraser was present for this discussion with the Board.

RETURN TO REGULAR SESSION: The Board voted unanimously to return to regular session at 8:00 p.m., following a motion by Mr. Montgomery and seconding by Mr. Bailey.

MOTION **CONSENT CALENDAR:** Mr. Montgomery moved that the Consent Calendar for August 16, 1995, be approved as presented. Mr. Kleger seconded the motion. The Consent Calendar consisted of the minutes of the June 21, 1995, regular Board meeting; the June 29,

VOTE 1995, special Board meeting; the July 19, 1995, special Board meeting/work session; and the July 19, 1995, regular Board meeting. There was no discussion, and the Consent Calendar was approved by unanimous vote.

PETROLEUM ANTITRUST SETTLEMENT GRANT PROGRAM The Board was being asked to approve LTD's participation as a co-sponsor of a grant application for the continued funding of the Mount Rainier train and Thruway Buses operating between Portland and Eugene into 1996. Ms. Loobey explained that this was a pro forma request, and would not obligate LTD in any way. Rather, it was an opportunity to express support for a Willamette Valley transportation project. She believed that Eugene, Springfield, and Lane County also would be asked to support the application. The total funding from the settlement available for Oregon was \$8 million. The Oregon Department of Transportation (ODOT) was asking for \$1 million to continue high speed rail into 1996.

MOTION Mr. Kleger moved that LTD co-sponsor the Oregon Department of Transportation grant application for funding from the Petroleum Antitrust Settlement Grant Program to continue funding for the Mount Rainier train and Thruway Buses. Mr. Bailey seconded the motion. In response to a question from Mr. Montgomery, Ms. Loobey explained that the Oregon Department of Justice was administering the funds, and that other agencies, including the schools, were submitting grant requests. Oakridge planned to submit a grant application for funding for a demonstration project to contract with LTD for service.

Ms. Loobey said that the Oregon Attorney General had publicly stated his support for at least \$1 million for this project. Since LTD had been involved since the beginning of the efforts for high-speed rail in the Willamette Valley, and since Eugene was the terminus for the route, staff were recommending that the District support this application.

VOTE There was no further discussion, and the motion carried by unanimous vote.

EUGENE STATION SITE PLAN APPROVAL: Planning Administrator Stefano Viggiano explained that the architectural contract required that the design team develop alternatives to the original circular site plan. Two alternatives had been developed. Mr. Viggiano showed the Board the original plan, labeled A-1, and two alternatives, A-2 and A-3. He explained the advantages and disadvantages of each. Although A-3 did not have the clear visibility to the entire boarding platform found in A-1, it did have several other advantages that caused it to be selected by a majority of the public Design Review Committee, the employee technical committee, and the Board Eugene Station Committee. Those advantages were that it allowed independent pull-out by all 20 buses, so that no bus had to wait for a late or disabled bus to pull out; placement of the Customer Service Center (CSC) at the corner of 11th Avenue and Willamette Street, allowing for a public "storefront"; good visibility from the CSC along the central, highest-use boarding platform; and a more externally-focused urban design, to fit in with the downtown area and invite people to use the station.

Mr. Viggiano explained that the design was still very conceptual. Colonnade treatments had been added to the driveways to try to define the station on all sides, and some of the crosswalks within the station would be eliminated.

Mr. Viggiano briefly discussed the use of commercial land on the premises, and whether that would be allowed by the Federal Transit Administration (FTA). Mr. Saydack suggested that the entire station would be needed for transit use in the future, so the District might be able to lease the land to commercial tenants in the present and convert it in the future. Mr. Viggiano said that staff also were looking at other transit uses, such as bicycle parking, additional CSC functions, and employee restrooms. Staff also planned to talk with a commercial developer to see what might be viable in the areas marked "commercial" on the conceptual site plans.

Mr. Saydack asked about the useful life of the site. Mr. Viggiano replied that the site was being planned for twenty years, including a doubling of service that could include a tripling of ridership. He said he believed that the site could work well even farther into the future, since when service operates very frequently, it will not be necessary to have all buses at the station for a timed meet. Rather, buses will stop long enough for customers to board or disembark, and customers will not have to wait long for the next transfer bus.

Mr. Saydack wondered about the number of people who would drop people off at the CSC, and whether that would cause traffic problems, especially on 11th Avenue. Mr. Viggiano agreed that a customer drop-off point, often called a "kiss and ride," would be difficult on 11th Avenue. However, this might be accomplished along Willamette or Olive, where spaces have been labeled on the street for shuttle service. He emphasized that the McDonald Theatre site was a very tight site for 20 buses, and that it would be very difficult to cut into the station to provide a drop-off area. Mr. Kleger said that there currently was not very much drop-off traffic; most people arrived either by bus or by foot from a downtown location, or transferred from one bus to another.

Mr. Montgomery wondered about the District's liability if delivery trucks were allowed to drive through the station to reach the loading area at the south end of the McDonald building. Mr. Viggiano said that access for large trucks might be difficult, but possibly could be done through the access point at Willamette Street. Mr. Kleger noted that most of the deliveries during the years he had observed the area had been made by vans rather than by large trucks.

Mr. Bailey asked Mr. Viggiano to comment on noise mitigation and possible automobile traffic through the station from 11th Avenue to Olive Street. Mr. Viggiano explained that staff believed A-3 to be better in terms of exhaust and noise for the Olive Plaza than the original site design was, since fewer buses would have the rear of the bus toward Olive Plaza. Mr. Viggiano had asked an acoustical engineer's opinion on which site, A-1 or A-3, would be better for Olive Plaza. He had not yet received a written response, but in a telephone conversation, the engineer had stated that A-3 was substantially better.

Mr. Viggiano told the Board that the District would have to request an amendment to the Conditional Use Permit (CUP) for the project, because the current CUP required mitigation measures based on the A-1 design. However, if Olive Plaza agreed to the design changes, it should not be difficult to obtain an amendment. The Olive Plaza representatives on the Design Review Committee liked the changes, and Mr. Viggiano thought they would agree that it was a better design for them.

Regarding cars possibly cutting through the station from 11th Avenue to Olive Street, Mr. Viggiano said that the District could place signs at the entrances and enforce the restriction by giving people tickets. Also, an arch over the entryway might designate the driveway as belonging to a special property rather than a city street. Mr. Kleger mentioned also changing the elevation of the crosswalks in the station, which would keep automobile traffic from rushing through the station.

Mr. Saydack wondered if lowering the grade of the station six feet would catch some of the noise traveling to Olive Plaza. Mr. Viggiano said he could discuss that with the acoustical engineer, but guessed that because the Olive Plaza was a tall building, with residences from the second floor up, sound would travel up to the higher floors. Ms. Hocken thought that lowering the station might remove some of the sense of security people would feel from being at street level, and Mr. Kleger said there might be accessibility issues associated with using a grade that did not really need to be used. Mr. Viggiano mentioned that the visibility barriers between two feet and eight feet above ground would be reduced, by planting low shrubs and trimming trees to at least that height, for reasons of visibility and security. Mr. Kleger commented that although buses would block visibility to some of the areas of the station, the most negative things that happened at the current station happened between pulses, when buses and crowds were not there.

Mr. Bailey asked how long the CUP amendment process might delay the station project. Mr. Viggiano replied that the project would go ahead as if the amendment would be received. Input from the citizen review committee to the hearings official about their agreement with the changes should eliminate problems in achieving an amendment. A CUP hearing on the parking amendment was scheduled for Wednesday, August 23, since the City had changed its plan to add parking at the OverPark, proposing to build replacement parking at 10th and Pearl, instead. Lane Community College had agreed to the change, and the LCC Board of Directors had taken action to approve the change.

Mr. Saydack asked what the Board was being asked to approve that evening, since there were significant areas for consideration. Mr. Viggiano stated that staff and the Board Eugene Station Committee were asking for approval for further development of site design A-3. He explained that further schematic design work would be done, and the Committee would come back to the Board in September with more detailed design work and cost estimates. Board approval was requested at this time because of the significant change from design A-1.

Ms. Loobey discussed the potential for development of the corner at 11th Avenue and Olive Street and a fountain or similar feature at 10th and Olive. Those features may not be required for the purposes of transit services, but would be part of the urban design features of making the station more an inviting part of downtown Eugene. Including such features, however, would mean that LTD would have less control over the site than at an internally-focused, transit-only station. She thought A-3 was a far-improved design because it was city-friendly and area-friendly, but it no longer provided the urban oasis that A-1 provided. As part of the cost of operations, the District might determine that it wanted a stronger law enforcement presence at the stations. Ms. Loobey explained that Officer Patrick of the Eugene Police Department, whose beat was the downtown mall, currently was housed at the CSC, and LTD might want to continue that, or increase it, at the new station.

Mr. Kleger mentioned an idea expressed during committee meetings that a satellite sales counter be established somewhere at the north end of the station, partly to establish that end as LTD territory, and partly to provide supervision.

Mr. Saydack said he thought it would be important to retain some flexibility over the commercial or more public areas of the station, and not necessarily commit to keep certain features there if they would need to be changed in the future. Mr. Viggiano stated that this might be a good reason to purchase the property.

In response to a question from Mr. Bailey regarding the need for an amendment to the Environmental Impact Statement (EIS), Mr. Viggiano said he did not believe the District would need an amendment. He had discussed this with the FTA, and they had asked for something in writing regarding the changes. The acoustical engineer was preparing some materials to submit to the FTA.

Ms. Hocken asked if the District would have information from the commercial developer before the end of the design phase. Mr. Viggiano said that this information should be available soon.

Mr. Kleger moved that the Board approve Eugene Station site plan A-3 for further development. After the motion was seconded, Mr. Montgomery said he would like to make sure that the Board would have final say past this point. Mr. Saydack said he understood that the Board was giving preliminary approval on development and issues for further consideration, and Ms. Hocken stated that the Board would receive the cost estimates and design at the September meeting.

There was no further discussion, and the motion to approve site plan A-3 for further development carried by unanimous vote.

ITEMS FOR INFORMATION AT THIS MEETING:

Board Reports: MPC - Ms. Hocken reported that the August MPC meeting had been canceled. V-PACT - Ms. Hocken said the committee members had received the final draft of the phase 1 report. Suggestions that had been made regarding changing some language regarding higher densities had been incorporated in the final document. Ms. Hocken read the language, and said that it basically meant that LTD would not have to run inefficient service to outlying areas. TDP Process Update - Mr. Kleger informed the Board that the Urban Rail Feasibility Study had been released, and some people were less than pleased about the results. Some untrue statements had been made to the media, and he had a lengthy discussion about the issues with KMTR television the previous Saturday. He stated that he was disturbed that one person had accused the committee of not looking at low-cost construction options, because the committee definitely had. He said he had not supported the low-cost option because it would not be reliable enough to meet urban transit requirements. He said there was still plenty of time to plan and study urban rail service. Ferry Street Bridge North Bank Committee - Mr. Viggiano reported that the committee would begin meeting again in September to develop a longer-range plan for river crossing(s). Mr. Bennett was still an active member of the committee. High-Speed Rail Siting Committee - Mr. Bailey said the

report was still being put together, and he probably would have some new information for the Board at the September meeting.

LTD Compliance with Eugene Sign Code: Ms. Loobey explained that the City of Eugene had received some complaints about the Bustacular advertising signs, and there had been a difference of opinion between LTD and City staff about whether the signs were in compliance. Attorneys for LTD and the City discussed the issue and the City determined that the Bustaculars were in compliance with the City Code. City staff had been relying on a section of the Code that dealt with framed signs, but Bustaculars were not framed signs. Rather, they were more like the paintings on local vehicles, such as Echo Spring Dairy trucks. The opinion from the City attorney was that the signs were in compliance, so there was no need for the District to seek a variance or waiver.

Ms. Loobey commented that the signs were selling very well. She said that the Board had begun this contract fairly conservatively, with the opportunity to sell Bustaculars for 30 buses. Because of the positive community response and sales, staff would return to the Board with amendments to the contract to include more than 30 buses and wrapping the signs around the back of the bus. She said she had toured the plant to see how the signs were made; most of the work was computerized, but some was done by hand. The signs had to be rented for a year, but she was not sure what the cost was to the advertisers.

Ms. Hocken mentioned that Spokane had painted some of their buses to look like trolleys, and wondered if LTD could achieve similar results with the Bustacular materials. Ms. Loobey noted that Mr. Bennett had asked if the District might be able to purchase some small buses that didn't look like buses, so staff had begun researching this question. The District's advertising agency had suggested that the District's logo and colors were outdated, so Ms. Loobey had asked Obie Media, the company handling the Bustacular program, to play a little with the way the current design might work differently on white buses, using vinyl materials. The Capital Improvements Plan included funds for the purchase of eight small buses in January 1996, so staff would be taking some design features to the Board before the buses were ordered. Ms. Hocken thought the small buses should still look like buses, but they could be "cute."

Alcohol and Drug Testing Policy: Human Resources Administrator Ed Rutledge introduced the District's draft drug testing policy, which he said was the result of the need to comply with the federal omnibus employee testing act. No action was requested that evening, but the Board would need to adopt the policy in September. Mr. Rutledge said the District would have to meet its obligation to bargain the implementation of the policy, but not the policy itself, with the union. He explained that following notice of the intent to adopt the policy, there would be a 90-day period after which the policy could be implemented, which would meet the required January 1, 1996, implementation date. Between the August and September meetings, the Human Resources staff planned to collect and review input from employees, the Board, and the union. Mr. Rutledge invited the Board members to call him with input or questions, so that he could refer to the substantial set of regulations when responding, if necessary.

Mr. Saydack asked Mr. Ruttledge to describe how the policy was created. Mr. Ruttledge replied that much of the policy was written before he came, by Human Resources Specialist Joyce Ziemiak, who attended a two-day seminar in March to learn about the regulations and draft policies. Recently, Mr. Ruttledge and his staff had determined which positions at LTD were safety-sensitive. He explained that the Inside Cleaners at LTD occasionally drove buses on the site, so their position was considered to be safety-sensitive, although it might not be at another transit property. LTD also had added a few procedures that were not required by the federal regulations, such as requiring the concurrence of the determination of reasonable suspicion of drug use or alcohol misuse. Mr. Ruttledge explained that this procedure was added in response to concerns of the local union officers based on their lack of trust in any one supervisor making this decision alone.

Mr. Saydack asked if concurrence would be required in all cases of reasonable suspicion, and if the employee suspected of drug or alcohol use would be allowed to drive while waiting for concurrence. Mr. Ruttledge replied that concurrence would be required in all cases. He explained that a supervisor would be authorized to pull an employee from the safety-sensitive position, such as driving, but then the Human Resources staff person or designee would be called for concurrence, and then the employee would be tested for drugs or alcohol. Mr. Ruttledge described this process as a built-in check system to increase the trust level among employees and help avoid litigation for individual decisions.

Mr. Bailey asked Mr. Ruttledge to describe the legal review the policy had undergone or would undergo. Mr. Ruttledge replied that there had been no legal review to date. He said he would ask District Counsel if they wanted to review the policy or have the District contact someone more familiar with the regulations, possibly the counsel of another transit property, such as Tri-Met in Portland. Mr. Bailey mentioned Oregon law regarding self-incrimination rights of those who may refuse to submit to testing, and said he would appreciate some advice on how Oregon law would affect this policy.

Mr. Saydack asked if substance abuse had been a problem at LTD in the past. Ms. Loobey replied that this was a good question, and more would be known after random testing was done. However, she said she could not remember a time when there was an accident when the driver had been impaired. She explained that the District currently required tests when there were incidents, and some employees had gone through the Serenity Lane program. However, she did not know with any validity whether there was a substance abuse problem, partly because the District had not before had the legal authority to perform random testing.

Mr. Ruttledge thanked the Board for their input.

Set Date for Fall Board Strategic Planning Retreat: The Board members present looked at calendars for October and November to determine the best weekend for the annual Board retreat. The retreat was tentatively scheduled for October 7 and 8, pending confirmation that Mr. Bennett also could attend.

June Financial Statements: Ms. Loobey explained that this was a preliminary report for the close of the 1994-95 fiscal year. A more detailed analysis was scheduled to be

presented to the Board at the October Board meeting. Also, during the September meeting the Board would hear a staff presentation on performance measures for 1994-95.

Cottage Grove/Creswell Service: Ms. Loobey asked to make a comment about possible service to Cottage Grove and Creswell. On Monday, August 14, she had attended the Cottage Grove City Council meeting with LTD Planner Micki Kaplan and LTD Marketing Representative Angie Sifuentez. Staff planned to return to a future council meeting to hear what steps they planned to take. Ms. Loobey said that there was still strong support from the Cottage Grove Chamber of Commerce for service.

At the meeting, the potential for a demonstration project had been mentioned. Ms. Loobey said that this discussion had involved a serial levy that would be voted on in September 1996. If that were the time line, it would be more than a year before the District would be providing service to that area. The Friends of LTD, the grassroots support group, were not happy with that time line. A town hall meeting to discuss transit service further was to be scheduled.

Ms. Loobey said she understood that Creswell was fairly lukewarm about the issue; it boiled down to the fact that Creswell business people did not want to pay the payroll tax and self-employment tax, and vocal opponents had attended the Council meeting. Those in attendance had a lot of misinformation and questions. Ms. Loobey suggested that for the town hall meeting, LTD staff prepare responses to the most-asked questions. She added that the Cottage Grove City Council had the authority to ask LTD to provide the service.

Mr. Kleger asked if the District conceivably could provide service to Cottage Grove and not Creswell. Ms. Loobey replied that it could. The boundaries could be drawn down the I-5 corridor so that they by-passed Creswell. She said that the last time there had been an informal conversation with people from Creswell about bus service, the poultry business representatives had said that they would not like paying the payroll tax, but they would if they had to. She thought that most of the opposition would be from some of the emerging businesses because the tax would be more of a struggle for them. Since there would always be those kinds of new businesses, it would always be a bad time for small businesses. The hospital had expressed support for transit service, and doctors who would be paying the self-employment tax also expressed support. Ms. Loobey said that the Council needed to find out the level of support for service, which she thought would be a combination of support in the community itself and the level of support among taxpayers. The Cottage Grove Chamber of Commerce planned to survey its members, so that would provide some of that information.

Springfield Filbert Festival: Ms. Loobey stated that as part of the Board's strategic vision the Board members and LTD had been taking a higher profile in the community. Staff were asking for Board input on whether they thought an LTD presence at the Filbert Festival on August 26 and 27 would be beneficial, either at an LTD booth or by volunteering to work at the information booth. Mr. Montgomery, Mr. Kleger, Mr. Saydack, and Ms. Hocken all said that they thought it would be good to have an LTD presence there, but they would be out of town or otherwise committed on that weekend. Mr. Bailey volunteered to help at the Festival, and Ms. Hocken said she might be available later in the day on Sunday. Ms. Loobey

recommended that LTD have its own booth there, since approximately 40 percent of LTD's service and 43 percent of ridership were in Springfield.

Service to Air Show: Mr. Saydack stated that he found the service to the recent air show to be very convenient, and asked how the service went. Mr. Viggiano replied that the District transported about 1,800 riders per day, even with lower attendance at the air show. Ms. Loobey discussed some of the problems LTD had experienced in providing the service because of the late request for LTD's involvement. Staff had asked that in the future LTD be invited into the process when the committee begins organizing the next show.

ADJOURNMENT: There was no further discussion, and the meeting was adjourned at 9:50 p.m.


Board Secretary