

MINUTES OF DIRECTORS MEETING

LANE TRANSIT DISTRICT

SPECIAL MEETING

Thursday, October 19, 1995

Pursuant to notice given to *The Register-Guard* for publication on October 17, 1995, and distributed to persons on the mailing list of the District, a special meeting of the Board of Directors of the Lane Transit District was held on Thursday, October 19, 1995, at 12:00 p.m. in the LTD Board Room at 3500 East 17th Avenue, Eugene.

Present: Patricia Hocken, President, presiding
Kirk Bailey, Vice President
Dave Kleger, Treasurer
Roger Saydack
Rob Bennett
Phyllis Loobey, General Manager
Jo Sullivan, Executive Secretary
Susan Hekimoglu, Recording Secretary

Absent: Thomas Montgomery, Secretary
(One vacancy, subdistrict #2)

CALL TO ORDER: The meeting was called to order at 12:06 p.m. by Board President Pat Hocken. There was a quorum of the Board. The Board held an informal discussion with State Senator Peter Sorenson, who was present to discuss local and regional transportation issues with the Board.

DISCUSSION OF TRANSIT ISSUES: Senator Sorenson was asked about the probability of other bills being introduced during the special session of the legislature to be held after the first of the year. He thought that anyone ought to be able to push for legislation that they felt they could navigate through. The legislature is not confined to one issue during a special session, and if the issue is relatively non-controversial, it could get through under short circumstances. However, he cautioned that if the bill delayed the completion of the special session, it would not be looked favorably upon. There is the issue of light rail in Portland, and the possibility that the courts may invalidate what the legislature did in July. There is a rule in the constitution that says that initiatives and legislative enactments must deal with one topic. The rule has always been applied very conservatively to legislative enactments and very liberally to initiatives. So the opponents of the light rail will argue in court that the legislature broke that rule when they tacked legislative amendments onto the light rail bill.

Mr. Sorenson asked if there was a possibility that LTD would get some of the money that was earmarked for Portland. Ms. Loobey responded that there is a Transportation Equity Account in place. It was her understanding that the money from that account would be divided between cities and counties on a 60 percent and 40 percent basis, respectively. The money could be used for buses as a capital acquisition, but the money would belong to the city and

county; so if they would plan to spend it for buses, then LTD would have to go to them to request the money. There is no stipulation that of the transportation funds that would be moved downstate, a percentage of it goes directly to transit agencies. Mr. Sorenson responded that when Senator Walden, the author of this bill, gave this inducement to the non-metro-Portland legislators to support this package, his idea was that this would be a single formula for the distribution of that money to the legislative districts outside the Portland metro area. One of his goals was simplicity in the way that money was sent out, distributed, and used. It was this simplicity in the bill that helped it pass.

Senator Sorenson asked how the LTD Board and staff felt about the outcome of the Transportation Equity fund budget. Ms. Hocken responded that it was not known if LTD would receive any of this money. She stated that, for LTD, it was not quite as critical as it could be for other transit districts that are in need of money just to operate their systems. Ms. Hocken went on to explain that LTD has some fairly ambitious ideas about what it should be doing in the Eugene, Springfield, and surrounding areas which could do very nicely with an infusion of capital. She introduced Board member Rob Bennett to talk a little bit more about those ideas.

Mr. Bennett gave an overview of his background and talked about his sense that LTD does things really well. He cited some recent events to back his observation, such as the Hyundai agreement, the UNCC study, and a favorable audit. He also mentioned the work that LTD does with local employers on commuter solutions. LTD exceeds most everyone's expectations in ADA compliance. The problem is that LTD currently carries only about 3 percent of the total trips in the community, and during the last 10 years, the single-occupancy vehicle miles have actually increased. If LTD focuses on the state mandate, and improves its position in terms of the transportation balance in the community, it will need to take some additional risk and be significantly more aggressive. One of the ways the Board wants to do that is through a Bus Rapid Transit (BRT) system where, for example, bus-only lanes or traffic-signal priority might be utilized. Major corridors are chosen in terms of an overall plan, then implemented on a phased basis. LTD's strategy would be to acquire right-of-way a little at a time, as long as the community is behind the plan as a whole.

Senator Sorenson asked whether the District has the authority to issue bonds, to which Mr. Bennett responded positively.

Mr. Bennett went on to say that LTD became interested in BRT most immediately because of the Ferry Street Bridge issue. LTD's stand was that this would be a good first phase of the BRT plan to get a bus-only lane during rush hours. However, it was finally decided that the moneys allocated to the Ferry Street Bridge project will be used solely for maintenance and improvements to existing roadways.

The BRT system that LTD proposes would include acquiring right-of-way over time while paying close attention to the park and ride system. It would be a system with short headways, where people could depend on it; and it would service corridors that are intensively used, both commercially and privately.

LTD is looking for support for the BRT program. There are a lot of other things that are being investigated such as transportation demand management and land use management. An important part of what the Board believes LTD has to do in order to be competitive with the private auto. LTD needs to have a much stronger competitive position than it has now. The

Board believes that if LTD continues as is, it will continue to do the good things that it does; however, there is a concern that LTD will not be able to get more than the percentage of the market it now has. Mr. Bennett went on to say that if you look across the country, LTD compares favorably to other transit districts, but if we wait too long to begin BRT, getting the right-of-way will be cost prohibitive. The Board members believe that now is the time, and they are out in the community trying to gain support. Mr. Bennett then asked Senator Sorenson for his support and for any suggestions he might have for LTD to better position itself.

Senator Sorenson made the observation that having the foresight and courage to recognize that although the 3 percent rate is a good thing nationally, there is a great deal of skepticism of that 3 percent rate. If our only goal was to provide transportation to those who are unable to afford their own transportation (individual occupancy vehicle), then there would be other ways to accomplish that. He noted that he agreed with LTD that now is the time to begin actively pursuing right-of-ways, etc., rather than waiting until major growth has occurred and suddenly trying to put in a subway system, for instance, the cost of which would be exorbitant and would not be favored in Congress now or in 20 years. The sooner that leaders buy in to the BRT process and commit capital to it, the better. He asked if there had been any thought expressed on the topic of buying agricultural land around cities on a voluntary basis to gain density. The problem that transit districts face is the density problem. One way to deal with that problem is to get into the business of buying surrounding farm land and forest land. Greenspace acquisition gets into the issue of where other large retail outfits locate. The community needs to determine where the outer limit of the Eugene/Springfield area is. The more the area grows in the less dense, car-oriented development, the more difficult it will be to ever achieve anything beyond the 3 percent total trips.

Senator Sorenson also believes that with the current political revolution of cutting government spending, whatever money is left in government will be used more efficiently. In his view, that comes into things such as the ADA. Some want the ADA repealed because its social cost was too high; however, while the cost might be high now, there are many examples of how mainstreaming that population is going to be to the benefit of all of us in the future. He believes that by acquiring real property now, LTD will remain more efficient in the future by working to control growth density now.

Mr. Bennett thanked the Senator for his ideas. He cited a transportation economist who said that if stations and park and ride facilities are properly located, then the density goes up rather dramatically. People can build maybe 30 to 35 units per acre as opposed to 12 to 15. He went on to say that the Board believes that the best chance LTD would have to get the BRT process off the ground would be to try to pick a corridor that already is fairly intensively used and to figure out a reasonable right-of-way scheme. If the community supports the current urban services boundary, and the community actually almost doubles in size (population and economic activity) within the current urban services boundary, then maybe this is a good time for LTD to ease into the BRT process. It so happened that the Ferry Street Bridge issue seemed to be a good place to start. He reiterated that this is not an operating issue as much as a capital one, and that LTD would appreciate any support the Senator might be able to give. He mentioned that LTD would be happy to send him any supporting information he deemed necessary.

Senator Sorenson suggested that LTD, as a last resort, use their condemnation authority to secure a highly-used corridor road which would set off a policy debate between the

county, state, and city over who really is the transit agency. He said that he would be on LTD's side in that, because LTD has a defined district within which it is mandated to provide transit services. He stated that he would not support a tax increase simply to build a new road or additional lanes on the freeway. He cited the section of the I-5 freeway in Salem that currently is under construction. The cost of that 9-mile stretch is about 20 times what has been spent so far on high-speed rail. The cost of the Sunnyside exit on I-205 was the full price of one year of operating the LTD system. If a tax increase were configured so that it addressed the needs of the rural area roads as well as the urban area transit, he would be more inclined to support it.

Ms. Hocken brought up the issue of Senator Dwyer's bill to have the LTD Board elected rather than appointed, which has been of concern to the Board of Directors. The Board met with Senator Dwyer during the past month, and he was adamant that this has to be an elected Board, and he stated that he is planning to introduce this bill again in the next legislature. Ms. Hocken stated that the Board, as a Special District, has a fairly narrow range of responsibilities; Board members do not have the broad range of responsibilities that a city councilor or state legislator might have. In many ways it is more of an administrative function to be on this Board to manage one service. She then asked what Senator Sorenson's position was on this issue.

Senator Sorenson stated that he had been asked to co-sponsor the bill, to which he declined, but that he did vote for the bill. He stated that he had some experience with both appointed boards and elected boards. The Senator stated that if it does come up in another session, to him that is a new issue to be looked at again. The bill did not get a hearing in the House, which he thought was a favorable sign for the LTD Board. He suggested that the Board purchase a book by Dr. John Carver called *Boards That Make a Difference*. One of the things that Dr. Carver has done is inventory every conceivable kind of board that there is. The method of selection to boards does affect the outcome, but many boards of the relatively small nature develop a collegial attitude. He stated that he would like to keep the communication open. He recommended that the LTD Board develop a constituency for its point of view.

Ms. Hocken thanked Senator Sorenson for his good advice. She stated that one of the other issues is that the general public does not pay LTD taxes that have been levied. LTD's taxpayers are the business community, and the organized business community in the form of the Eugene and Springfield Chambers of Commerce is very supportive of what LTD does. Both Chambers are on record opposing the elected board for LTD. Several of the District's largest taxpayers have contacted their legislators and spoken in support of the way LTD spends the money that they pay in taxes.

Senator Sorenson noted that maybe the current system of Governor appointments with legislative confirmations provides a degree of protection to the business owner who pays the tax.

Mr. Kleger pointed out that his biggest concern is the campaign finance issue. He could foresee an elected Board drifting into a pattern of rival interests bidding for control. Due to the narrow focus of what the LTD Board does, it is more vulnerable.

Senator Sorenson thought it would be good if there were some sort of symmetry in the way other transit districts were selected. LTD and Tri-Met boards are appointed, but Medford, Klamath Falls, and Salem boards are elected. Ms. Loobey noted that Klamath Falls and

Medford fall under the category of transportation districts, while LTD and Tri-Met are transit districts. She noted that the Salem board would have been appointed as well, but at the time Salem Transit broke away from the City and became a transit district rather than a city division, L.B. Day decided that the District would not have payroll tax authority, nor would they have an appointed board. Salem uses the property tax, as does Medford and Klamath Falls. That is why Salem and Medford are in deep financial trouble. Ms. Loobey further stated that if LTD had an elected board, there would be over 100,000 people here who would have representation without taxation.

Ms. Hocken brought up the related issue of the recent appointment of John Lively to the LTD Board, with confirmation to be made in mid-November. Senator Dwyer has said that he will vote against the appointment. The LTD Board would encourage Senator Sorenson to support the appointment. Senator Sorenson stated that he would support the appointment, unless something comes up at the hearing that he is not aware of. Mr. Kleger stated his discomfort with the fact that the LTD Board has been more than a year without representation from West Springfield.

Mr. Bennett asked the Senator if he thought the Board's arguments were sound, and how would he philosophically see this issue. Senator Sorenson responded that he thought that the LTD Board was on the right track by holding the meetings with local legislators, but he thought that it also needs to be educating the people who pay the taxes in regards to the current structure and why it is good. He felt that there are advantages to both types of boards; for instance, there is more support from the community with an elected board.

Mr. Kleger stated that the current statute provides that one LTD Board member must be a regular user of transit service. He wonders if that provision would remain if the Board were an elected one; and how it could it coincide when you have a member from each subdistrict. He felt that it was vitally important that at least one Board member be a regular user of LTD services.

Ms. Hocken spoke at this time about High Speed Rail. She asked the Senator what the prospects are for High Speed Rail, and what LTD can do to make it better. The Senator replied that he was very happy to announce that High Speed Rail received an infusion of funding and will continue until those funds run out. If it had been left to the legislature, it would have died. What would work best would be to get all people up and down the line, including business organizations, such as the Chambers of Commerce, behind it. Ms. Loobey noted that the Eugene Chamber is committed to High Speed Rail. The Senator stated that he spoke with Senator Adams prior to meeting with the LTD Board. Senator Adams did not have much good news. As it stands now, the money will eventually run out, and there is no money slated to go into it. To turn it around, Senator Sorenson suggested that the opposing legislators be approached by the Chambers and business leaders. Senator Sorenson suggested that the Chambers of Commerce hold a state-wide meeting in Salem to back the High Speed Rail issue. He said that he would be willing to be directly involved with those and other meetings. His view on High Speed Rail is that it is a crucial piece of transportation policy for the State of Oregon, and he has put hundreds of hours into this issue. He stated that he is a little discouraged right now, but he wants to keep trying. Mr. Kleger asked why there was such opposition. The Senator responded that there are several reasons, such as opposing legislators think it should be run by private industry, and it holds a low priority for available money. The legislature has plenty of things to say against it. Mr. Kleger then asked what Senator Sorenson thought the

attitude of the Portland delegation might be. Senator Sorenson responded that they were so eager to get their light rail through that any other transportation issue was subordinate to that goal. If they could have gotten a gas tax proposal, they would have probably supported that in order to get the light rail.

Ms. Loobey asked Senator Sorenson's support for getting clear direction in ORS.267 about whether or not the District can lease unused space for commercial uses within a transit station. The LTD Board has been considering a design option for the new Eugene Station. Rather than building a 20-foot acoustical wall across from Olive Plaza, which is required by the Conditional Use Permit, it might be better to put a two-story building there to house transit activities, although there some square footage would be left over. In ORS.267, under the purposes section, it is not clear whether or not the Board could lease the unused portion of that building for commercial businesses that could be useful for people who are using the bus station until or unless LTD needs that space. Mr. Kleger clarified that according to LTD's attorney, if LTD acquires the property outside of condemnation, the Board would have authority to lease unused space for commercial business. If it is acquired through condemnation, the LTD legal counsel could not recommend action either way. The language is very vague in that regard. The attorneys have said that they cannot advise the Board that they would not bear some risk by leasing that space in a publicly-financed building. That is a clarification that needs to be made in ORS.267. Mr. Kleger mentioned that he believes that LTD would not be the only transit authority affected by this. Senator Sorenson stated that although he cannot give legal advice, he would suggest that the Board just go ahead and do it. Politically, it seems like it is an intelligent protection of taxpayers' interest to lease the space out. Mr. Bennett stated that this was not something that the legal advisors to LTD would recommend, and not something that the Board would risk doing. Senator Sorenson suggested that LTD then get a bill together to change ORS.267. He stated that he would help with that. Mr. Bennett asked if there is a way to get a second opinion. The Senator suggested that LTD ask the Special District's Association to take a look at this issue, since it is an issue that could affect other districts. The Senator also suggested that LTD check with other districts such as Parks and Recreation, school districts, etc.

Mr. Saydack asked whether a change in ORS.267 could be accomplished in the special session in early 1996. Senator Sorenson responded that it could if it is limited and non-controversial. He suggested that LTD attorneys and the Special Districts Association get something in writing from the Attorney General, then get the bill written, then go to the local legislators and have the other districts go to their legislators, and then get an interim hearing. Ms. Loobey stated that LTD is checking with Tri-Met to see if they have faced this issue before. The Senator suggested that the Special Districts Association attorney contact the Tri-Met attorney. Mr. Kleger mentioned that this issue has never been tested in court.

Another issue discussed with the Senator was the LCC Group Pass dilemma. Senator Sorenson noted that he is a member of the LCC Board for a term of four years that began on July 1, 1994. He stated that he has been the person most interested in promoting better and more use of LTD by the Community College. Currently, he does not know where the issue stands. His impression is that there has been discussion that took place, and that the cost seen from the staff or student side was too high. The other thing that has slowed down the process is the fact that the primary use of transportation is no longer just home to work; that is now just one component of the total number of various trips people make.

Marketing Administrator Ed Bergeron was questioned about what currently is happening with the LCC Group Pass process. He stated that within the last few months, LTD has formed a partnership with the staff at LCC for the specific purpose of better understanding the transportation needs of that specific audience -- students, faculty, and staff. From that solid foundation, perhaps ideas of programs would be generated that could be proposed to policy makers. Ms. Loobey noted that there is a lot of free parking space provided for the students, faculty, staff, and other visitors of LCC. She suggested that LCC begin charging for parking, then people who travel to LCC can choose to ride LTD or choose to pay to park. The parking lot would be paid for through those funds, and the LTD Group Pass issue would be solved. Senator Sorenson suggested that the LTD and LCC Boards hold a joint meeting to discuss this issue, and the LTD Board contact Cindy Weeldreyer who is the Cottage Grove County Commissioner as well as the Chairperson of the LCC Board. He suggested that the "Access to Education" theme is not just about money, but also about the physical ability to access education.

Ms. Hocken thanked Senator Peter Sorenson for his time spent with the Lane Transit District Board, and for any support he would lend to the issues discussed here today. Senator Sorenson thanked the Board, and noted that he thinks LTD's reputation is very high in the community.

The Board Meeting was adjourned at 1:36 p.m.


Board Secretary