

MINUTES OF DIRECTORS MEETING

LANE TRANSIT DISTRICT

SPECIAL BOARD MEETING

Thursday, December 19, 1996

Pursuant to notice given to *The Register-Guard* for publication on December 17, 1996, and distributed to persons on the mailing list of the District, the special meeting of the Board of Directors of the Lane Transit District was held on Friday, December 19, 1996, at 12:00 p.m. in the LTD Board Room at 3500 East 17<sup>th</sup> Avenue, Eugene.

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

Absent: Thomas Montgomery, Secretary  
Mary Murphy

**CALL TO ORDER:** The meeting was called to order at 12:20 p.m. by Board President Pat Hocken.

**DISCUSSION OF TRANSIT ISSUES WITH LOCAL AREA STATE REPRESENTATIVE:**

Ms. Hocken welcomed Oregon State Representative Kitty Piercy and introduced the Board and staff members present.

**BUS RAPID TRANSIT:** Ms. Hocken then introduced LTD Planning and Development Manager Stefano Viggiano, who presented the Bus Rapid Transit (BRT) proposal. Mr. Viggiano discussed where LTD was today and how it came to the BRT idea. He pointed out LTD's various innovative transit programs, such as Group Pass and Commuter Solutions, Accessible Services, and Bikes on Buses. He also mentioned the University of North Carolina at Charlotte (UNCC) Study in which LTD had been rated in the top 20 percent of all transit systems surveyed, as well as in the top 25 percent of its peer group.

He then pointed out the need for the expanded transit role. Traffic congestion and Vehicle Miles Traveled (MVTs) were increasing and would eventually cause air quality problems. At the federal level, the Clean Air Act and the Intermodal Surface Transportation Efficiency Act (ISTEA) were mandating expanded roles of public transit

agencies. At the state level, there were land use planning goals and the Transportation Planning Rule (Goal 12). At the local level, the TransPlan called for bigger roles for alternative modes including transit, and the Eugene City Council had for several years a fairly aggressive alternative mode goal as one of its priorities.

Representative Piercy mentioned that there was a new Senate subcommittee on livability that would address environmental issues, including air quality. She asked if LTD thought that the priority goal of alternative modes would change with the new City Council. Mr. Bennett replied that he really did not think it would change at all, and maybe it would be formulated on a more organized basis. Mr. Viggiano added that the TransPlan update was in the stage where the draft plan was about to be prepared, and leading into the draft plan were many decisions about which direction it should take. This would be a good opportunity for the community as a whole to determine how it wanted its transportation future to look.

Mr. Viggiano noted that there had been surveys that indicated that people wanted more transit service, and they wanted transit to play a bigger role. The Oregon Department of Transportation (ODOT) had conducted a statewide survey in which they asked if the respondent was in charge of ODOT, what would be their priority. More people said improve public transportation than said anything about roads. A local survey was conducted in conjunction with the initial *TransPlan* effort. What that survey showed was that people did want more transit service and that should be a priority for our community.

Representative Piercy asked if the survey results changed in different localities in town. Mr. Viggiano responded that he did not think that had been looked at when the results were analyzed. However, he noted that at the political level, there were different results. Representative Piercy stated that Bethel was in her district, and she thought it was very important for the people of that area to share this vision, and she wondered if there were parts of the community that were for it and parts that were against it, and if there was work to be done around the issue. Mr. Viggiano noted that it was not known at this time.

Mr. Bennett stated that he thought that there was a lot of work to be done. LTD was carrying somewhere between 2 and 3 percent of the total trips in the community, and automobile use was expanding by 10 percent a year, or 4 percent faster than the rate of population growth. People talked about transit and BRT, but whether or not they would actually change their way of traveling to accommodate an expanded role for transit was another question.

Mr. Viggiano then discussed the barriers to transit use. He noted that while there was spoken support for an expanded role of public transportation, the census data on journey to work showed an increase in single-occupant vehicle use and VMTs. He pointed out what were identified as the top five reasons that people were not using transit. The most important reason was travel time on the bus being longer than travel time by car. He noted a good example of that was LTD's service to the UO football

games, where transit actually out-performed the auto in travel time, due to the express transit-only lanes in and out of Autzen stadium. Once the express lanes were implemented, ridership to the games had greatly increased. It was a good example of where LTD offered a travel-time incentive and people responded.

Other factors included frequency of service, direct connections, passenger amenities at bus stops and stations as well as on the bus, and the image of transit. Even if you could get there fast, the service would need to be offered frequently so that it would be convenient as well. Direct connections were important as people did not want to have to transfer or to have to go out of their direction to make that transfer. Passenger amenities were identified as important so that riders would feel safe and comfortable. The last barrier identified was the image of public transportation. Many people looked upon transit as a second-class option when compared with the automobile.

When all of those issues were considered, the solution that LTD developed was Bus Rapid Transit (BRT). BRT for the Eugene and Springfield area would bring together a variety of proven, low-cost technologies to reduce travel time and allow buses to move efficiently through and around traffic congestion. In other words, LTD proposed to use the bus system to emulate many of the desirable characteristics of a rail system. Mr. Viggiano noted that the Lane Council of Governments (LCOG) conducted a study on urban rail, and determined that this community was not big enough to support a rail system. LTD viewed BRT as the next step in the progression of transit service in our community.

The elements of a BRT system would include high-frequency corridor routes with neighborhood connectors, exclusive bus rights-of-way, transit signal priority, new vehicles, a prepaid fare system, new stops and stations, and marketing and imaging.

Mr. Bailey noted that the exclusive bus lanes were a crucial element of the BRT concept. He noted that a good example of how that would work was the football service to UO games in that the express lane and service that was provided really did make a difference in the travel time.

Representative Piercy asked if LTD was considering BRT service during certain times of the day using existing roadway, or whether construction of another lane was necessary. Mr. Viggiano responded that exclusive bus lanes could be established in a number of ways. One way was that LTD could buy exclusive right-of-way and build a new lane. Another way was to fit it within the existing right-of-way, for example, by removing a parking lane or a travel lane. There were different options, and BRT would probably utilize a combination of all those things. The idea was for the bus lane to be available at all times, especially during peak travel times. Mr. Kleger noted that the travel time difference was the critical part.

Mr. Bennett stated that the exclusive lane would not be easily accepted by the community, but that it would give LTD an opportunity to compete with the automobile at

a different level. He noted that the one thing that LTD was working very hard to make a case for and could use the most influence and support for was with respect to the local *TransPlan* update. Mr. Bailey added that an important assumption underlying the exclusive right-of-way was that the community eventually would grow into a need for a light rail system of some kind. He thought that it was important to keep in mind that the right-of-way would not be a wasted investment. It would be used not only for BRT, but also would be available for light rail or some other similar development when the community became large enough to support that.

Representative Piercy asked what response LTD had received from the city on this proposal. Mr. Bennett replied that Tom Schwetz of LCOG had given a presentation on the *TransPlan* update to the Board at its special meeting on December 18. He noted that BRT was included in the update, but that the right-of-way issue was not given clear support. While BRT could be phased in over the next 20 years, it was imperative that it be included in the Plan update now. He believed that if LTD began phasing in BRT, using some of its own capital, it would have a great chance of succeeding.

Representative Piercy said that the concept of BRT brought to her mind the street cars of New Orleans. They were very convenient to use and quick to get to the downtown area, and they were attractive.

Mr. Viggiano continued his presentation to say that as proposed, the BRT system would, over a 20-year period, consist of four lines operating on major corridors from one end of the community to the other. For example, one line would be from West 11<sup>th</sup> in Eugene to Main Street in Springfield. There also would be a circumferential (or beltline) route to provide for fast travel for trips that skirt the center of the community. Neighborhood connectors would provide feeder service to the BRT line, and also provide for neighborhood connections to nearby activity centers. He noted that currently, the use of priority lighting at traffic signals was restricted to emergency vehicles, and a bill has been proposed in the legislature to change this. Ms. Loobey noted that it would be in the form of a Department of Transportation (DOT) technical corrections bill.

Mr. Viggiano further demonstrated that there were many benefits of a BRT system. It would allow transit to compete more favorably with the private automobile by reducing bus travel time, increasing service frequency, and improving passenger amenities. A BRT system could be implemented incrementally, with each step based on the experience gained during the previous step. Since it was a bus-based system that operated on roads, it would have a much higher level of flexibility than a rail system. It was expected that BRT would cost about 1/20<sup>th</sup> as much as a comparable rail system. Exclusive bus lanes of a BRT system could eventually be converted to rail if and when that became a feasible transit alternative in this community.

Currently, LTD was working on the implementation of a pilot corridor. The corridor under consideration was the east/west corridor along 11<sup>th</sup>, Franklin, and Main

Streets. A technical advisory committee had been formed and included representatives from both cities, the County, ODOT, and LCOG. LTD also had started a concerted community outreach program. This program included meetings with various groups, contacts with people along the proposed corridor, and other efforts aimed at the entire community. Mr. Viggiano noted that the tentative implementation of the pilot corridor was the fall of 1999.

Representative Piercy asked if the Board would hold hearings early on in the process. Ms. Loobey responded that LTD would be required to hold hearings. Mr. Bennett mentioned that there would be several opportunities for LTD to present the BRT proposal in an attempt to include the language needed in the *TransPlan*. He asked for Representative Piercy's assistance by coming to at least one of the hearings and indicating conceptual support. He acknowledged that the Representative would need to hear all possible opposition. He asked that if after she heard all the arguments surrounding the issue, she could still support the proposal, it would be extremely helpful. Representative Piercy responded that it would be easy, unless she developed negative feelings about the proposal after hearing all arguments, for her to support the plan. Representative Piercy believed that there should be some type of consensus among the local agencies about how the whole community, not just LTD, would address livability as a whole.

OREGON TRANSPORTATION INITIATIVE: Ms. Hocken discussed the Governor's initiative in regard to funding for transportation. Ms. Hocken had the opportunity to serve on two of the committees as part of the Governor's initiative process; the base system committee, which was to define the base system of roads and highways and transit services in the state, and a funding committee that was to propose possible funding solutions. The transit piece of Governor Kitzhaber's plan was that the state would assume responsibility for elderly and handicapped transportation throughout the state. This would include LTD's paratransit system and many small systems around the state that are basic life lines for seniors and people with disabilities.

Ms. Hocken stated that this was very important to LTD in terms of funding. Currently, LTD received about \$400,000 each year from the state for this type of transportation through the tax on tobacco products. The paratransit service, which is the door-to-door service for people who are unable to use the fixed-route service, costs approximately \$800,000 each year to operate. Based on the numbers that were put together for the various committees, it was estimated that the marginal costs for the elderly and handicapped portion of LTD's fixed-route system, including lifts, training programs, etc., was another \$800,000, which meant that the state was contributing approximately only one-quarter of the total cost to provide these services. Small systems around the state held fund raisers and used volunteer drivers in order to keep running at all, so there was a great need for this initiative all around the state.

The strategy that was put together to raise the additional funding was to create two different funds for straight transportation projects. One was to focus on operation, maintenance, and preservation, which took existing road revenues and possibly added

a studded tire fee, and dedicated those funds to operation, maintenance, and preservation. Another fund would be created with new sources of revenue that would be called the livability and economical opportunity fund (LEO) that would feature some funding for transit. It was Ms. Hocken's understanding that the Governor had focused on what was called a transportation system access fee. The idea there was that homeowners with homes on a street would have access to the whole transportation system there, and should be charged an access fee. It would be collected through a utility tax on various homes.

The committee had actually proposed using an increased vehicle registration fee, but the Governor did not want to contend with a constitutional amendment in addition to trying to get the legislature to approve the use of the money.

Representative Piercy noted that she had read about it in the paper, and that she thought it was so new that the other delegates had not had a chance to think about it. However, she stated that Senator Adams seemed pretty open to talk about it.

Mr. Kleger stated his support for the Governor's plan. The disabled population was increasing very rapidly, not just because of more illnesses and injuries, but because the infirmities of age produced the same type of transportation impairments. That population could not be ignored economically, socially, nor politically. Representative Piercy concurred and thought that the Governor's plan backers should align themselves with the senior and disabled community to support this issue.

Ms. Hocken stated that LTD was fortunate to have other resources that could be committed to this type of service. However, if those resources were freed up, they could be used for other parts of LTD's mission, such as BRT. There were other Districts around the state that had no supplemental resources that would have to shut down without the money. Ms. Hocken asked if there were other ways to get additional information to Representative Piercy to assist her with this subject. Representative Piercy thought she would have plenty of information about it, but that she would ask for LTD's assistance, if the need arose. She encouraged the Board to continue to try to meet with other delegates. She was very curious to know what objections people might have to this issue.

Ms. Hocken assumed that the "no new tax" concept would be a barrier. She wondered if there was a way to get around that. Representative Piercy replied that transportation was very important to people, and she thought that mobilizing the growing senior constituency was a good way to rally support. She felt sure that the Governor's plan would pass, but also mentioned that groups such as the AARP could be quite persuasive when they needed to be. In a sense, the senior population was much more able to be influential than the disabled community would be. Having those constituencies talk to their legislators in their districts would be very beneficial. She also noted that the sooner the legislators heard from their constituents, the better.

Mr. Bennett stated that he had heard that there would be a major initiative in regard to a gas tax. Representative Piercy recently had attended a leadership meeting, and the Governor's feeling was that his transportation plan was much more doable than was originally thought. Ms. Hocken agreed in regard to the transit piece, but she thought there was an intention to go for a gas tax increase for the road piece, or the operations, maintenance, and preservation portion of the plan.

Representative Piercy stated that she thought the Governor was looking for other ways to finance that portion of it as he thought that the reception to the increased gas tax was not good. Ms. Hocken noted that she had heard of a studded tire fee. Mr. Bennett wondered if these new vinyl studs would get in the way of the rationale for that fee. Mr. Kleger stated that those new studs would wear on the roads, but not as severely as the steel ones did. Representative Piercy noted that the Governor was very practical and creative in finding solutions.

CONDEMNATION: Mr. Bailey brought up the issue of land condemnation. In the course of putting together a plan and acquiring the property for the new downtown Eugene Station, LTD discovered that the condemnation statutes would not authorize the District to build a facility that might have extra space that could be utilized for some other commercial purposes to serve as passenger amenities, such as a coffee stand or shop. What LTD was bringing forth was an amendment to those statutes that would allow transit districts to develop public or other ancillary commercial facilities within a station, so that other vendors could operate those kinds of services. The LTD attorneys reviewed the statutes and drafted the language based on a court case from 1958 involving a port district in Portland. That court case basically said that ancillary commercial facilities would fit into the purposes of the port and transit stations.

Representative Piercy wondered what opposition LTD foresaw to this issue. Mr. Bailey responded that no opposition was anticipated. Ms. Hocken stated that one of the issues was whether or not LTD should be in competition with other private, commercial entities. However, LTD's intention in doing this was to have the extra space available for future growth, but to lease it to a vendor in the interim. Mr. Kleger noted that one of the two buildings that were being built on the site was only one story. However, to build it taller, the extra space would have needed to be leased out until LTD needed it. As long as the land was being condemned, LTD had to use it for a transit purpose. It meant that there would be a building in downtown Eugene that was not developed the way it ought to be for a compact urban growth situation.

Mr. Bennett noted that if it were perceived that LTD was going to operate those business in-house, and perhaps at a loss, then it would be very controversial. However, from his experience, it should not be a difficult issue for LTD. Many of the parking garages downtown had retail on the first floor.

Representative Piercy stated that it made sense to her. Ms. Loobey noted that it could impact the new Springfield Station in many ways. There was an infrastructure investment bank that was a piece of federal legislation that was operated through

ODOT. LTD could borrow money through that, then pay back the indebtedness through leases to such vendors as flower shops, cafes, or whatever within the Springfield Station. However, current language prevented LTD from doing that. The federal government was willing to waive the common rule that says that if you have a federal investment, and if you make proceeds from that, you return their share of that investment.

REGULATION OF PRIVATE SECURITY PROVIDERS: Ms. Hocken noted that there was a bill introduced during the special session that set new regulations for private security guards. The statute was to take effect on January 1, 1997. LTD inadvertently fell under that statute. She introduced Transit Projects Administrator Rick Bailor to discuss this issue.

Mr. Bailor pointed out that the statute defined security officers by the job they performed and the responsibilities that they had. Transit Districts were not included in the list of exclusions or exemptions, under the applicability section of ORS 181.871. It was broadly written and did include some of the contracted security services. Mr. Bailor pointed out that it was the exclusion of LTD staff that was of concern.

Mr. Bailor described some of the duties that the LTD field supervisors perform that made them subject to this statute. They performed the majority of their job out on the road. They looked after LTD's customers and its property. They observed and reported unlawful activity on the bus system. Prevention of theft, fare evasion, protection of property and persons, and vandalism, were dealt with on a daily basis. The road supervisors did contact authorities, and LTD followed such cases through the legal system. They were allowed under the law to make a citizen's arrest, but it was up to the police officer to make the criminal arrest.

Representative Piercy stated that she thought there was some concern in general about security officers. Anyone could be one, and there was concern about the lack of standards in general for security people. Ms. Hocken said that the current exemption was fairly broad and covered any officer or employee of the State of Oregon or the United States hired for this type of service. LTD would like to see an extension of the exemptions to include all municipal employees or specifically to transit districts. She noted that people who worked for LTD did not get to this position until they had worked for LTD for three to five years, and a background check was made on each person who was hired at the District. This included a criminal background check.

Mr. Kleger noted that the bus operators do perform observation and reporting of unlawful activities, though that was not their primary duty. Representative Piercy thought there may be discussion about what general standards LTD provided or met.

Representative Piercy asked if LTD needed her assistance in getting those issues before the legislature. Ms. Loobey replied that sponsorship was needed. Representative Piercy stated that she would be glad to do that.



**FIREARMS:** Ms. Hocken mentioned the LTD ordinance that regulated behavior on the buses and in transit stations. With the exception of police officers, LTD did not want riders bringing firearms onto the buses. One of the state statutes relating to the regulation of firearms apparently prohibited LTD from having an ordinance banning firearms. She stated that LTD would like clarification on that issue.

Mr. Bailor noted that he was working with District counsel about whether or not this statute applied to LTD. They were under the impression that it did essentially void LTD's ordinance. Mr. Bennett wondered if LTD could suggest a solution and send it to Representative Piercy.

Ms. Loobey noted that LTD could not prosecute without an ordinance. She stated that LTD would like to prepare a draft bill for her sponsorship.

**CLOSING:** The Board thanked Representative Piercy for coming to hear about the issues of concern to the Board. Representative Piercy stated that she thought all of the issues were very reasonable, some of which she thought she ought to hear the other side, and she would be glad to help wherever she could. Ms. Loobey stated that there were a number of issues that would have an impact on other transit operators, and there would be an Oregon Transit Association (OTA) presence in Salem around several of the key transit issues.

Mr. Kleger also noted that Senator Dwyer had stated his intent to push for the elected Board again as well. He noted the Board's continued opposition to that issue, as there was no indication of the implementation of a broad income tax base that would justify a change in the Board status. Representative Piercy noted that she had not heard anything about this issue yet this year, but she thought it would appear. She thought that unless someone had a good reason to believe that the Board was conducting itself inappropriately, she did not see why it should be changed. Ms. Hocken noted that Senator Dwyer had voted for the reappointment of herself and Ms. Murphy. She further stated that Senator Kintigh had voted against the reappointments. Senator Kintigh had planned to attend this meeting, but had canceled. Ms. Hocken stated the Board's desire to meet with the Senator to talk about the elected Board issue. Representative Piercy suggested that the Board talk with Representative Jim Welsh about encouraging Senator Kintigh to meet with the Board. Ms. Hocken thought that was a good suggestion.

Ms. Hocken again thanked Representative Piercy for meeting with the Board, and Representative Piercy again thanked the Board for their time. She understood that the Board members put in a lot of time working to meet the transportation needs of the community.

**ADJOURNMENT:** The meeting was adjourned at 1:45 p.m.

  
Board Secretary