

MINUTES OF DIRECTORS MEETING

LANE TRANSIT DISTRICT

REGULAR MEETING

Wednesday, January 15, 1997

Pursuant to notice given to *The Register-Guard* for publication on January 9, 1997, 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, January 15, 1997, at 7:00 p.m. in the LTD Board Room at 3500 East 17th Avenue, Eugene.

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

Absent: (one vacancy, Subdistrict 1)

CALL TO ORDER: The meeting was called to order at 7:00 p.m. by Board President Pat Hocken.

EMPLOYEE OF THE MONTH: Ms. Hocken introduced the February 1997 Employee of the Month, Bus Operator Marcie Pope. Ms. Hocken told the Board that Ms. Pope was hired as a coin counter on July 2, 1990, and reclassified to bus operator on July 7, 1992. Ms. Pope had achieved excellence in Correct Service Excellence for more than four years; previously was a temporary system supervisor; and was selected as the August 1993 Employee of the Month. She was nominated for this award by three customers who wanted to recognize her for excellence in service and job accomplishments. One customer described her as one of the most courteous and thoughtful bus operators she had ever seen. Another said that Ms. Pope had helped her by letting her know of an earlier bus so that the customer didn't have to wait 30 minutes, and had gotten off her bus to ask someone else if he needed help. The customer also described Ms. Pope as friendly and always having a smile. The third customer said that Ms. Pope had noticed her running for the bus and waited for her, and that being treated to this courtesy was a great way to start a long school day and a good way to encourage ridership. She thanked LTD for hiring such a great driver, and said that Ms. Pope did LTD and the city a great service.

When asked what made Ms. Pope a good employee, Transit Operations Manager Patricia Hansen had said, "Marcie is truly an inspiration when it comes to the ability to maintain a cheerful, positive attitude in the face of the most challenging situations. She has a heart of gold, and always looks for the good in people she encounters. Her bubbly personality and warm, caring demeanor are complemented by an exemplary level of professionalism and a very intuitive approach to handling any situation, from the routine to the extraordinary. Marcie is a real asset to our customers, our department, and the service we provide to the community."

Ms. Hocken presented Ms. Pope with her certificate and monetary award. Ms. Pope commented that to her, this was like receiving an Oscar. She said she truly loved her job, and the people of the community were who she worked for. She said she met hundreds of people a day, five to six days a week, and sometimes she felt between a combination of a bartender and a psychologist; people were lonely, having trouble in their personal lives, or just having a bad day because of something, and when they sat down across from her, she was going to listen to them, and sometimes it just came naturally for her to help change someone's attitude or day from a negative to a positive. Ms. Pope said that the company you work for is only as good as the people you work with, and that what she really wanted to mention was something very emotional for her. She said that a couple of months earlier she had a personal tragedy at work, and she wanted to take some time to thank the people who really helped her through it.

Ms. Pope said that LTD was such a close-knit family that it was actually an extension of the employees' personal families. They had joys and sorrows, and they comforted and celebrated with each other. She said it was not until something hit someone personally that they understood who their friends were and how close they were and how much they meant. She thanked her immediate supervisor, Rick Bailor, who helped her tremendously by making sure that everything was done right, calling her every day that she was off work to make sure that her well-being was okay, and keeping her informed of the situation. She said that her Union representative, Paul Headley, also gave her some advice and helped her deal with the guilt she was feeling about the situation. She said that supervisors called her and a couple went to her house; fellow employees called her; flowers were sent to her home; and the biggest help as far as healing was a talk with the general manager, Ms. Loobey. Ms. Pope said that Ms. Loobey talked to her for about an hour, and that really healed her, got her going through the emotions, took away a lot of the guilt Ms. Pope was feeling, and helped her understand that it was not her fault and that things were going to be okay. Ms. Pope wanted to thank Ms. Loobey, especially, because she was really her friend. She said that when she received an award like this, it touched her heart, because it proved that she was doing the best she could, and it was the District's way of saying thanks.

AUDIENCE PARTICIPATION: Ms. Hocken noted that six people had signed up to give some testimony to the Board; one regarding the Americans with Disabilities Act, which the Board would be addressing later in the meeting, and five who wished to address the Board regarding the West 11th Park & Ride. She asked those five to limit their comments so that the public comment period would last no more than 20 to 30 minutes.

(1) Gabriel Cole stated that it was his family from whom LTD was proposing to take the land for construction of the Park & Ride lot on West 11th. He said he had been very fortunate to have had the opportunity to develop an intimate understanding with two remarkable communities in the United States: he spent the first 18 years of his life in Eugene, and the subsequent 14 in Cambridge, Massachusetts. He said that both had many advantages and some disadvantages. He said that both communities were individually unique, but he compared them for the Board. He said that by virtue of when and how the U.S. was settled, the east had more history than the west, which meant that people there had seen more, and that was what he wanted to talk about. He said he thought that those in the east had learned many lessons that those in the west could benefit from, and possibly avoid at least a portion of the accompanying pain. He said that, not unlike Eugene, the city of Boston was currently undoing much of what urban renewal accomplished in the 1950s and '60s. The great buildings, including Boston City Hall, had proven

dysfunctional to the public and there was a broad-based movement to restore the fabric that those building supplanted. By fabric, he said, he meant rich streetscapes filled with poor and rich, with broken-down and less-broken-down buildings; streetscapes that seemed on paper dysfunctional and without value, but that in reality created the core of a community and gave a community its character. He said that the challenge that government was coming to understand in the east was that it must develop infrastructure without harming people and the businesses that defined a community's character. He said that character was what he was talking about, and that he was sitting before a group of destroyers, not builders. He said that the Coles' furniture store and construction businesses, as well as the businesses of their four tenants, might not be neat and shiny, but they worked and contributed to the fabric and character of the community. He said that the Coles were astounded by and even a little mad about the events that happened over the last few months. He said that the actions of the LTD Board and staff had robbed them of much of their time and a fair amount of their money. He stated that throughout most of the process, LTD had treated them with contempt; not necessarily outwardly, but through their actions. He said that LTD had consistently failed to provide them with an objective view of the process or the reasoning for selecting the Cole site, and had provided misleading information on multiple occasions, including LTD's publicist Ed Bergeron's statements of the last few days.

Mr. Cole said that there were a few issues that the Coles wanted to emphasize. First, he said, their property was not for sale and they were not posturing for a better price. Second, the current use of the property was legal, whereas LTD's proposed use was not. Third, the Coles had nothing to hide from, and the only reason they insisted that LTD not trespass or conduct testing was because LTD's previous actions had proven that they could not trust LTD's actions. Fourth, he said, Mr. Bergeron's careful manipulation of the KMTR camera to make it appear that the Coles posed an environmental hazard to the Amazon was a gross miss-characterization. He stated that they never willfully polluted the Amazon; they did store equipment on their property, and anytime you had an internal combustion engine, you would inevitably have some oil drips. However, he said, that was the most they had done. The surface water from West 11th, other streets, surrounding parking lots, which all drained into the Amazon unchecked, deposited far more pollutants into the Amazon than did the Coles. Mr. Cole said that a prime example of LTD's disdain for the laws and playing fair was the last meeting where the LTD staff, counsel, and Board participated in executive session discussions that were a flagrant violation of Oregon law. He said that the District had since agreed to review the minutes and provide the Coles with non-privileged portions, but not until the following day, which he said was a little too late, given that the Board planned to decide on the next step that evening.

But, he said, all of those were peripheral, and that what really was the issue was that their property was not right for Park & Ride. He said it would not allow for an efficient configuration for unloading and loading, and would make an area that was already currently congested and dangerous to both vehicular and pedestrian traffic worse. He said that it did not provide easy access to commuters coming in from the west, or other amenities such as grocery stores and pharmacies. He said it was a waste of valuable industrial and commercial property and a waste of taxpayers' money, and would destroy a part of his family's history and some of their hopes and dreams for the future. He said he had learned many of his values on that property and it pained him to think that he would not be able to share even a glimpse of those lessons with his children. He said that LTD was selfish; that there were many vacant pieces of property that would function better for less cost and less impact, but LTD refused to budge from what appeared to be a groundless path to taking their property. He said that LTD had refused to engage in an objective

discussion of the merits of their site, either privately or in public. He said they did not understand why LTD refused to share its reasons unless LTD feared they would not stand up to scrutiny or were not yet in place. He said that a public agency like LTD should be a builder, not a destroyer. He said that LTD had a right to take their property by the letter of the law, but could not ignore its moral obligation to respect the spirit of the law and let them be. He said that taking their property would be a gross and vile misuse of LTD's powers and would harm or destroy six businesses, and BRT would destroy more if LTD approached the challenge with the same disregard for small businesses that it was exercising that day. He said that the Coles were concerned not only for themselves, but for their community; they were simple, hardworking people who believed in the value of education and the importance of perseverance. He said that they would not be defeated by this, regardless of the outcome; however, the community ultimately would be the loser because LTD will have stripped neighborhoods and commercial districts of their fabric and character. In the end, he said, that was how LTD would be known and remembered, just as the builders of the new Boston were reviled both professionally and personally as destroyers of communities and culture. He urged all of the Board members to think carefully about these issues and to make the right decision to focus on another piece of property that would not destroy any aspect of Eugene. He asked if the Board would rather be respected as builders.

(2) Cate Lay of Eugene said she was a graduate of the University of Oregon's Community and Regional Planning program. In 1994, she said, she was a member of the community workshop conducting a study on a Lane Transit District Park & Ride system. She said that when she read in the newspaper recently about what was happening in West 11th, it gave her quite a setback because she started thinking about the study she participated in during her first term in graduate school and the conclusions that were drawn from that study; that it seemed that this particular location was an unlikely location considering some of the things that they had learned about the Park & Ride locations that they had studied. She said it seemed illogical to her to destroy viable businesses to put in a parking lot for a Park & Ride, even though she and the rest of the community knew that something had to be done to decrease traffic in the city. She said that it was federally mandated and they knew the time was coming when steps must be taken to lower the traffic congestion in the city, but she did not think that this was the method that needed to be taken to do so. She said that the study of the Park & Ride that she participated in showed that those Park & Rides that were the most successful were those that were attached to current parking lots. She said she was thinking of one off Centennial, the little Park & Ride attached to Papa's Pizza on Coburg Road. She said that those were highly successful, attached close to parking lots that had a lot of vacant spaces during the day. It seemed that those were the best utilized and the most convenient. She said that she had been a Park & Ride customer until she had an unfortunate experience with the downtown center that made her decide that she wasn't going to be a bus rider anymore. She said that she thought it was important that the community try to make Park & Rides, but they needed to be placed where they would not destroy viable, economically feasible businesses and put them in places where they would be more logical, and she thought there were other sources out in West 11th, as in the Fred Meyer parking lot or the Shopko area and the Bertelsen parking lot at Bertelson Road center. She thought that there was a site on Bertelsen that would be much better, especially in light of the fact that Hyundai was out there and there would be a lot of traffic in that area. She thought it would be nicer to think about putting the Park & Ride in a less harmful place.

(3) Mike Farthing said he represented George and Suzanne Cole and Gabe and Linda Cole and the Cole family. He said he was there with Al Couper, who wanted to talk a little about

the planning aspects of the District's proposed decision. He said that their primary goal was to try to persuade the Board and request them not to authorize the environmental assessment at that time of the Cole's property. He said that there were numerous reasons, both legal and actual or practical for not going forward at that time. He said he had submitted a letter on January 14 and he wanted it to be in the record because he had outlined in more detail what he was speaking about with regard to what he believed was the planning context in which the decision was being made. He said he emphasized planning because it was more planning than a legal context, although it was derived from state statutes and local codes and comprehensive plans. He said that the Coles had asked him to evaluate the District's selection process for a Park & Ride facility along the West 11th corridor. The conclusion from his analysis to date was that LTD must apply for a plan amendment to TransPlan, which was a refinement plan of the Eugene/Springfield metropolitan area plan adopted in 1986 and acknowledged by LCDC, and was a common, well-accepted process. In the present TransPlan, he said, a major transit station was identified at 11th and Beltline, called a general location in the plan. He said that nothing else, either minor or major, was shown on West 11th. He said that LTD was a major author of TransPlan.

Mr. Farthing said that his analysis started with the current TransPlan because it was in effect, acknowledged, and the relevant planning document for transportation facilities and systems in the Eugene/Springfield metro area. As an example, he said, earlier in the fall he worked on a project representing some people who were threatened with a road going through their house at 69th and Main Street in Springfield, who had lived there for forty years. He said it was very similar to this, except that it was a joint project with ODOT and the City of Springfield, extending 69th across to bring traffic down off the hill. They were going to signalize that and improve the intersection, and it was a needed project. He said that the main difference between that project and this one was that the other one was identified in TransPlan. He said he could not argue the planning decision, just where the road went; and fortunately the road was moved to the side and his clients' home was not taken. He said that the Board could imagine the emotion that occurred.

He said this was an example of the kind of improvement project that was done monthly in the area, pursuant to the TransPlan. He said that LTD was a special district described in ORS Chapter 267. He referred to ORS 195, entitled "Local Government Planning Coordination," which said that special districts shall exercise their planning duties and powers and take actions that are authorized by law with respect to programs affecting land use in accordance with statewide goals.

Mr. Farthing said he believed that LTD is authorized by law to develop Park & Ride lots; no one was questioning that. He said that this was a program that he believed affected land use and must be done in accordance with the goals. He said that meant that if LTD did it in accordance with the adopted plan that had been found to be in conformity with the goals, LTD could go ahead.

He said that if there was a red dot at that site, they would be arguing compensation at that time, not whether LTD should identify that site. He also referred to the other function, to exercise planning duties, powers, and responsibilities, which LTD did have by statute. He said that ORS 195.020 talked about the appropriate city and county within the urban growth boundary entering into cooperative agreements with each special district that provided an urban service within the urban growth boundary, and said that LTD was a special district that provided a special service inside the UGB. He said he just happened to have the current agreement that LTD had signed with Lane County and the City of Springfield that was adopted pursuant to that statute, which followed the five elements of a cooperative agreement. One of those was to establish the role and responsibilities of each party to the agreement with respect to city or county approval of new development, and it went into LTD's functions as a transit district.

Mr. Farthing said that at present LTD was also an active participant, not only in drafting the current TransPlan, but also the TransPlan amendments. He showed a document that he received on December 3 at a joint Planning Commission meeting, which was an update on the policymakers' decision package for draft plan direction. It was a summary of where TransPlan was and where it hoped to go. The way he read it, he said, LTD was a prime participant in that process. He also pointed out that one of the agenda items for that evening talked about recommended changes to TransPlan Decision Package strategies 5 and 14. He said that this was just indicative of where LTD was and to what level staff participated in this plan. Mr. Farthing said that Goal 12 was in part what was driving these TransPlan amendments, that all jurisdictions, including Lane County, Eugene, and Springfield had to comply with Goal 12 rules (OAR 660-12). He said that in December he described it as akin to the Internal Revenue Code or UCC or something. He said that one particular section described the basic function of transportation planning as applied to the local level (660-12-10): "As described in this division, transportation planning shall be divided into two phases: transportation system planning and transportation project development. Transportation system planning establishes land use controls and a network of facilities and services to meet overall transportation needs. Transportation project development implements the TSP (Transportation System Plan) by determining the precise location, alignment, and preliminary design of improvements included in the TSP." Mr. Farthing then went to another provision in the OARs, called the Goal 12 Rules, the elements of a transportation system plan. He said that this was what LTD, Eugene, and Springfield planners were addressing when they were putting together all these amendments. In subsection 2 of 660-12, it said that the TSP shall include the following elements. The third element under sub-C was the public transportation plan, which for areas with public transit, in Lane County/Eugene/Springfield, shall include a plan that identifies existing/planned transit routes, exclusive transit ways, terminals, major and minor transfer station, major transit stops, and Park & Ride stations, specifically called out. He said that meant that whatever LTD came up with, it had to identify Park & Ride stations in these amendments. He said he did not believe that TransPlan as currently adopted had that in it, but he thought it qualified, depending on the size, as a major or minor transit station as described there. He said that these were state-mandated requirements and what the staff was working on in the TransPlan amendments, and LTD had to do it, and was a necessary partner, along with ODOT, Eugene/Springfield, and Lane County.

Mr. Farthing said that LTD acknowledged this responsibility. He referred to LTD's brochure on BRT, which he said was very interesting. Under TransPlan, it said, "LTD is committed to preserving our community's quality of life and has joined with other organizations and agencies in the development of a new transportation plan for our metropolitan area. Through this joint venture, known as TransPlan, our community will make decisions regarding our local transportation systems and land use that will guide us for the next 20 years and beyond." Mr. Farthing said that considering this local, state framework, they strongly believed that LTD's expenditure of funds at that time for an environmental assessment for a site-specific property was very premature. He said there was all sorts of support that suggested that LTD should plan for that site; should compare that site with other sites in a public process, in a refinement plan process, of the TransPlan that was currently in effect. He said he thought LTD could do that two different ways: in the context of TransPlan, considering them all as amendments, or could do an amendment right now, identifying one or five sites along the West 11th corridor, especially if LTD wanted to treat that as its corridor project for BRT. He said LTD could do that, but there was a process for doing that, which started with filing an application, which could take six or nine months, inviting Eugene and Lane County to public hearings, get input from the Coles and anyone

who was interested, and it would be just like a refinement plan amendment. He said there was one going on at that time that the City of Eugene initiated for West Eugene wetlands, and it was very high profile because of Hyundai, but it also affected a lot of other properties. He said that was what he believed LTD should be doing; these were public requirements, statutory requirements that were applicable to LTD and other public agencies that had the responsibility and duty to adopt plans. He said that LTD had not even started that process, but he invited the Board or staff or anyone who might want to respond. He said this was the process that LTD must follow in order to identify a Park & Ride site, whether it was the Cole property, the Fred Meyer property, or any other property along there, except in the general location of 11th and Beltline, which had been adopted in the plan. He said that the Coles urged the Board to initiate the refinement plan amendment process. He said he thought the Board might even be able to adopt policies that described how the District located these, and that might get them by. He said that he did know that the State required LTD to identify Park & Ride sites in their new plan. He said that they believed that LTD and the public would be pleasantly surprised with the results of such a public process, and he believed that LTD would gain a lot of useful information. He said he had learned a lot of Park & Ride sites. To be consistent, he said, he wanted all of his comments, including his January 14 letter, to be applied to the Fred Meyer Park & Ride site, just so it was in that record also.

(4) Al Couper handed out a prepared summary of his comments. He said he was not a nationally-recognized expert on transit planning; his background was in land use planning, and he had been doing that for 30 years, as a land use attorney, also. He said his first year was spent in the traffic engineering section with ODOT, and over his career he worked on numerous transportation studies, at least one that was specific to transit. He said he wanted to present some information, although not as a definitive study since there had not been time for that. He said he had talked to four individuals who were nationally-recognized transit planners, who had helped him assemble an extensive bibliography. With his background, he said, he understood the concepts, particularly the linkage to land use planning. One of the things in the Board's materials was the intertwined concepts of the catchment area and the spatial location of Park & Ride along the corridor, with the typical diagram of a parabolic catchment area, which he drew on a board, with the destination in one direction and the Park & Ride at the easterly end, so people did not have to backtrack to get to the Park & Ride. Mr. Couper said that the bulk of the area in the catchment area that would relate to the Cole property was commercial and industrial property, not residential. He summarized the zoning map on a map that he showed to the Board and showed commercial and industrial zoning, which he said was basically the land use pattern. He said the Board's materials correctly identified southwest Eugene as residential, and he pointed out what he called a traffic destination area, not a traffic origination area, where people originated for home/work trips. He said they originated in the residential area, so he would expect a gravitational attraction north for people who lived in southwest Eugene and worked in that area, and a gravitational attraction east to destinations that were cited as destinations for this Park & Ride facility and this bus route. He said the primary artery for that movement was 18th street.

Mr. Couper said he did not have access to a lot of data. He had talked to LCOG and LTD staff about origin and destination data, which he said may exist but was not readily accessible. He said he would not say there was no home-to-work traffic on 11th street, but he did not think it was what the Board thought the documents they had purported it to be. He said he thought that if a person lived in an area (which he pointed out on a map) and was traveling to the downtown or the University, they would either get in their car, and if they went to West 11th by car, they would

drive the rest of the way, because it was only six minutes, so he did not think they would park there and take a six-minute bus ride, at least in any substantial numbers. The other thing they might do if they did not want to drive was to take a bus in that direction, because LTD had the area well-served with buses. He said he was able to get his hands on quite a bit of traffic count data for West 11th, and there was one telling parameter. He said that if this was a significant home-to-work corridor, feeding from the southwest area, there would be a pattern in terms of volume starting at the west, and you would expect that the traffic volumes would increase as the traffic went in town as people fed into it from the residential area. However, he said, that was not the pattern on 11th street; the traffic volumes were almost identical from Beltline all the way in, specifically, he said, he did an aggregate of the morning commute traffic and the evening commute, and at Bertelsen there was 3,500 cars per hour. At Arthur Street, 4,000, so it was virtually uniform. He said that this raised the question of where you would intercept that traffic. He said he rode route #93 a couple of times, which was an early route that deadheads to Veneta and comes back, and another that originates downtown, goes out there, and comes back. He said no one got on that bus east of Beltline; they were all where he suspected they would be: Alvadore, Fern Ridge area, Veneta, Elmira, and some of the real residential property, so in his mind, those were the people who were the significant Park & Ride customers. He said that if you deposited that information alongside what a lot of the experts talked about, both the ones he had talked with and the literature, the first thing they told him was that they never, or almost never, recommended locating a Park & Ride of this size (the middle-sized category was five to 25 parking spaces, and LTD was talking a minimum of 100) less than four miles from the destination. He said that was an interesting statistic. He referred to his map where he had drawn one-mile radius lines. The location shown on TransPlan for a major transit station was right on the four-mile line. He said that one of the District's more successful Park & Rides, at Beltline and River Road, was virtually on the four-mile line. He said that experts recommended that major Park & Rides be located at intersections at arterials, which was one of the reasons he thought River Road was successful. By comparison, he said, the Cole's site was just a little over two miles, so it was probably too far in to do what the District thought it was going to do.

Mr. Couper also discussed the visibility factor mentioned at the last meeting as being very important, and also at the meeting where the Board went out and looked at the sites, which came up in the comments staff had written down. He said that visibility, according to all the literature he had read and the experts he had talked to, was a factor, but was only one of many. For example, he said, one of the leading systems had a point system much like the District used, where the perfect site would total 190 points if all of the parameters were measured and each one got 10 points. The visibility factor was accorded 10 points. If you located right on the arterial street, you got 10 points. If your site was up to one-quarter of a mile away, you would still get eight points. He said there was an interesting study which he had cited in his hand-out, in Portland for the Tualatin Park & Ride, and it showed that many of the people who used that site learned about it because they saw it under construction, but in interviews they said that once they learned about it, visibility had nothing to do with their repeated use. He said that visibility was important to commercial users and for impulse buying, but was not the model for Park & Ride; those were repeat customers, and once they knew about the site they would get there, provided it was convenient, safe to drive to, and the buses ran frequently. He said that the Tualatin study pointed out that there were all kinds of ways to make that initial information--TV spots, newspaper ads, radio spots, signage, billboards, mail-out, working with employers. He said that another important factor mentioned with visibility was security, which meant that police could survey the site as they drove by during the day. He said that it was interesting, that the community planning workshop of

1994 interviewed all of the users in LTD's 20 or 22 sites, and security was way down on their list of important items. He said he thought we could be thankful that we lived in a community where that was the case, and that what was important to LTD's users was convenience factors, such as the frequency of the buses and easy access to the site.

Ms. Hocken asked Mr. Couper if he could move his testimony along, since the Board did have his written comments.

Mr. Couper said that all of the experts uniformly recommended that first consideration be given to vacant, paved property that was unused during the work week, which was why people preferred parking lots at shopping centers, which had excess parking during the work week. He said that the experts were surprised that LTD was looking at a property with structures. The next one, he said, was a design factor. He said he could not tell exactly what kind of facility this was supposed to be; it was almost close enough in to be called a peripheral, but those usually had a shuttle bus; this had a bus going through. In the morning, he said, LTD would have a pretty efficient movement of the bus pulling off and picking up passengers, but at 5:00, LTD would be letting people off on the north side of the street. He said that in visualizing any of the nine rainy months or the four dark months, someone who did not walk real fast trying to get across four lanes of 11th street, even with the traffic light, was not a good situation.

Mr. Couper said his last point was another planning concept, which concerned utility and efficiency of land use. He said that the Cole property, according to a couple of good real estate brokers and business people he had talked to, was a highly visible, valuable piece of business property. He said he did not have the statistics but he had anecdotal evidence that there wasn't a super-abundance of business property in Eugene. He said we were currently going through a master plan update that would provide data, but that was the word on the street, and he thought it was accurate. He concluded by saying that that was not the kind of property that you wanted to take off the inventory of business property, for whom visibility was important, and use to warehouse cars during the work week.

(5) Fred Hassan of Eugene said that he was moved by Ms. Pope's story, and said she deserved congratulations and their sympathy, and that her story reflected on every human being. He said she had both people happy, her supervisors, and the customers. He said that it was the job of every one of us, to be fair in whatever we do, and go home with a clear conscience that we did the best we could, to our people above us and to the common people whose lives are affected by our decisions and whatever we do. He said that George Cole was a friend of his, and that Mr. Cole came often to Mr. Hassan's business and commercial property on River Road. Mr. Hassan said that one day Mr. Cole said that someone was trying to deprive him of his property where he grew up and flourished; LTD was trying to impose on them and take it whether they liked it or not. Mr. Hassan said that he advised Mr. Cole to fight it bitterly, to the very end, and Mr. Cole said that was what he was doing. Mr. Hassan said he thought Mr. Cole's property was too close to the city; no one would just park there to save two or three minutes from that location to the city, so in his judgment, further out would be a little bit better. He said that this was just an average, individual opinion; he did not have maps or technicalities to go by. He said Mr. Cole came to his property a few times all disturbed and unhappy, and to him, since Mr. Cole's family had been there 89 years, he was an old growth, and an old growth, by government standards, should be permitted to stay. In his opinion, he said, he thought the people who made

the decision should act with a clear conscience and try to do their best for their job as well as for the other people, and when they went home to sleep say, "We did our best."

Ms. Hocken thanked everyone for their comments, and said they would be dealing with these matters later in the meeting.

ITEMS FOR ACTION AT THIS MEETING:

CONSENT CALENDAR: Ms. Hocken announced one change to the December 20, 1996, special meeting minutes, in which Congressman DeFazio had been referred to as Senator DeFazio. Mr. Saydack asked to correct the record by saying that he was present at the December 20, 1996, special meeting with U.S. Senator Wyden's staff and not at the December 19, 1996, special meeting with State Representative Piercy.

MOTION

Mr. Bailey moved that the Board adopt the following resolution: "It is hereby resolved that the Consent Calendar for January 15, 1997, is approved as amended." The motion

VOTE

was seconded and carried by unanimous vote, 6 to 0 (Bailey, Bennett, Hocken, Kieger, Murphy, and Saydack in favor; none opposed). The consent calendar consisted of minutes of the December 18, 1996, special Board meeting/work session; the December 18, 1996, regular Board meeting; the December 19, 1996, special Board meeting; the December 20, 1996, special Board meeting; and the nomination of Jeffrey A. Pearson to a three-year term on the LTD Budget Committee.

LTD AMERICANS WITH DISABILITIES ACT (ADA) PARATRANSIT PLAN 1996-97 UPDATE: Transit Planner Micki Kaplan stated that the ADA required that LTD file an ADA Plan update every year. In prior years, the District had filed very large plans that required a lot of staff time. The previous year was the first year that the District was required to file only a certification form, and a certification form for the current plan update was before the Board. The form certified that LTD was in full compliance with the paratransit requirements of the Americans with Disabilities Act. Ms. Kaplan said she had heard that next year, certification compliance may not be required of agencies in full compliance with the ADA, but she had not yet seen that in writing.

Ms. Kaplan emphasized that LTD had been in full compliance with the ADA since 1993, and the District was very proud of its accomplishments in providing fixed-route and paratransit service. She stated that LTD was among the first in the region to comply with the requirements of the ADA, which was an accomplishment that LTD was very proud of. She asked that the Board conduct a public hearing and then approve the certification and forward it to the Federal Transit Administration (FTA).

Public Hearing on ADA Plan Update:

(1) Ric Burger of Springfield said that he had not been able to get a copy of the Update before the meeting, and had signed up to speak in case there were comments he wanted to make about the Update. Having reviewed it, he said there was not much he wanted to say about it, so he wanted to take a moment to salute LTD on its ADA compliance and let the Board know about a trip he took to Philadelphia during the holidays, which made him very glad that he lived in the Eugene area. He said that the Southeast Pennsylvania Transportation Authority (SEPTA) was way behind on its accessibility, with only a limited number of rail stations and surface routes that

were accessible. He said they had an ongoing problem with drivers stating that lifts were not working when they were, and if people wanted to travel on the suburban routes, they had to call a day in advance to make a reservation for a lift-equipped bus. He said he gave Mr. Kleger a few materials that he brought back, so LTD could compare itself favorably and rest assured that it was way ahead of a major population center when it came to ADA compliance. As far as paratransit, he related a remark from a friend who was a disability rights advocate in Philadelphia, who referred to the paratransit situation in Philadelphia as "parastranded."

(2) James Poynor of Eugene stated that he had just returned from Miami, which supposedly had a fairly decent bus system, but he said LTD beat that system 100 percent. He said that he had waited two to three hours for getting back and forth with wheelchair transportation; most of the buses were supposed to be lift-equipped, but he estimated that a good 40 percent of them were not working at the time, mostly, he said, because the bus drivers did not want to operate the lifts. He said that Eugene needed to be really proud of the system because it was one of the best.

Closure of Public Hearing: There was no further testimony, and Ms. Hocken closed the public hearing.

Board Deliberation and Decision: Mr. Bailey asked why LTD might not be required to file certification forms in the future. Ms. Kaplan replied that she actually had heard through the grapevine that LTD would not be required to file the form this year, but until she saw it in writing, she thought the District should comply with what she had seen in writing. She thought such a new requirement might be a result of the paperwork reduction act. At first, agencies filed complete plans and updates, then agencies in compliance filed just the one-page certification. She guessed that the FTA might be thinking that those agencies already in compliance would not have to file a certification form in the future.

MOTION Mr. Kleger moved the following resolution: "It is hereby resolved that the LTD Board of Directors approves the LTD Americans with Disabilities Act Paratransit Plan 1996-97 Update and directs staff to forward the plan to the Federal Transit Administration."

VOTE Mr. Bailey seconded, and the motion carried by unanimous vote, 6 to 0 (Bailey, Bennett, Hocken, Kleger, Murphy, Saydack voting in favor; none opposed).

REALLOCATION OF SURFACE TRANSPORTATION PROGRAM (STP) FUNDS:

Ms. Hocken asked to take one more item, having to do with funding, before going into executive session. She distributed an agenda item summary on this topic. Planning & Development Manager Stefano Viggiano apologized for the last-minute addition to the agenda, but said that staff thought it was important information for the Board to have. He explained that the District was using Surface Transportation Program (STP) funds for the West 11th Park & Ride. These were federal funds allocated by the state. A portion of those funds were within the current State Transportation Improvement Program (STIP), which would expire on September 30, 1997. LTD's STIP funds needed to be transferred from the State of Oregon to the Federal Transit Administration by September 30, or else the funds would be reallocated elsewhere. As the Board was aware, meeting that deadline had been a concern, because the funds could not be transferred until all the environmental work had been completed. Staff were suggesting that those STP funds be reallocated to the Eugene Station Project.

Mr. Viggiano reminded the Board that the Board had added some money to the Eugene Station project in response to the higher-than-expected construction bids. The original plan was to use local capital funds for that extra \$450,000. Instead, staff were suggesting that the District transfer the State STP funds to the Eugene Station project. That would require obtaining the approval of the Metropolitan Policy Committee (MPC) to amend the local Transportation Improvement Program (TIP). That would then kick off an amendment to the STIP, and then LTD would file a grant application to add these funds to the Eugene Station project. That would address the timing issue and give the District quite a bit more flexibility in terms of decisions to be made regarding the West 11th Park & Ride. Mr. Viggiano said that this was an information item, and probably would come before the Board the following month as an action item in the form of grant approval. Staff wanted to let the Board know about it now because it may affect the Board's discussion and decisions that evening, and because staff wanted to know if the Board members were uncomfortable with this direction before they took the request to MPC. He did not think that action by the Board before going to MPC was required, but the District's two MPC representatives probably would want to know how the rest of the Board felt about this action.

Mr. Kleger asked whether this would increase or decrease LTD's obligations with regard to planning processes, environmental review processes, and things of that sort, with regard to the West 11th Park & Ride because of the different money source. Mr. Viggiano replied that it would not, unless the District was able to fully fund the project through local funds. By using the \$435,000 in STP funds for the Eugene Station, it could be assumed that the \$450,000 in local funds previously planned for the Eugene Station project would be available for the West 11th Park & Ride. However, as long as the District used even \$1 of federal funds for the West 11th project, all of the federal regulations would apply. He said that staff's assumption was still that the bulk of the project would be funded with STP funds, but STP funds that would be available after October 1, 1997. There would be no more or no fewer regulations, but it would allow more time to fulfill those requirements.

Mr. Saydack saw no reason to take action. Mr. Kleger said he saw no problem in doing this; as long as it made no substantive change in the things that had to be done and gave more room to move, he thought it was a good move. Mr. Bailey concurred with Mr. Kleger.

Ms. Murphy asked if the STP funds would be guaranteed for the project after October 1997. Mr. Viggiano said that the STIP was currently being updated, and staff had made a request to include funding for this project along with some other projects. The draft STIP was available and did include this project, so staff were confident of receiving the funding, but nothing would be assured until the plan was finally approved.

Ms. Hocken noted that she heard no objection to this strategy, so Mr. Bennett and she would support it at the February MPC meeting.

WEST 11TH PARK & RIDE: Ms. Hocken said that a lot of thought had been given to the way the agenda flowed and did want the Board to be aware of this issue before going into executive session. She said that the staff presentation for item C., 1., was related specifically to the environmental assessment, so the executive session on litigation would be held first. Since the environmental assessment was not directly related to litigation, the Board would deal with everything related to the environmental assessment after the executive session.

MOTION

Executive Session: Mr. Bailey moved that the Board meet in 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.

VOTE

Mr. Kleger seconded, and the motion carried by a vote of 5 to 0, with Mr. Bennett out of the room for a moment and Bailey, Hocken, Kleger, Murphy, and Saydack voting in favor, and none opposed. District counsel Greg Skillman and Allen Johnson were present for this discussion with the Board, which began at 8:05 p.m.

Return to Regular Session: Upon motion by Mr. Bailey and seconding by Mr. Saydack, the Board returned to regular session at 9:00 p.m.

Staff Presentation: After waiting for members of the public to re-enter the room, Ms. Kaplan introduced this item for the Board. She introduced Jeff Heilman with Parametrix, who was the consultant hired to perform the environmental assessment.

Ms. Kaplan noted that at the December meeting the Board directed staff to solicit proposals for an environmental assessment. She explained that an environmental assessment is the NEPA process, a federal requirement that essentially measures the impacts of the Park & Ride project on the site. This was not the Level II environmental site assessment (ESA), which was the tool to measure the contaminants on the site. Ms. Kaplan said that since the December meeting, staff had evaluated proposals and hired Jeff Heilman with Parametrix, who had given the District a cost proposal with a price of not to exceed \$50,000 to conduct the environmental assessment (EA) process.

Mr. Heilman discussed the basic steps in the EA process and a rough time line. He said that the length of time to complete an EA depended entirely on the project being evaluated. Approximately 19 elements would be evaluated, including air quality, traffic, noise, water quality, and water quantity, to determine if the proposal would cause any significant social, economic, and environmental impacts on the environment. He explained that the process usually began with a draft scope, from a NEPA perspective, of what alternatives and proposed actions were being evaluated, what kinds of impacts would be evaluated and what the approach to evaluating them would be, and what the public and agency involvement process would be. That would be worked out first with LTD staff, then there would be a meeting with FTA to confirm this, and then the public would be asked for input, including neighbors of the site, people on the site, transit users, and others, on the scope and proposed action, other alternatives that were looked at, and the way impacts would be evaluated. After receiving input, the scope would be finalized and the process would go forward with the field studies, data collection, and involvement of other agencies, such as those involved with permits or approvals for the project. From there, a first draft of the report would be created for internal review, and the process would continue with a number of reviews until the point where the document is released to the public for a public comment period. At that point, the preliminary conclusions are included in the draft EA, and the public is asked again to provide input regarding the findings; the apparent impacts, if any; the measures that LTD would propose to take to reduce or avoid those impacts; and the basic conclusion. The public comments would then be incorporated into the EA, and a final EA would be issued, with a recommendation for a finding of no significant impacts if none were found. If significant impacts were found and there was no way to mitigate them, that might take the District into an environmental impact statement process.

Mr. Kleger asked if there were any issues that Mr. Heilman heard earlier that evening that were not likely to be included in this environmental assessment. Mr. Heilman said that in an environmental assessment, you address every issue listed in the regulations, whether you think it is an issue or not or whether you think it is important or not. If there is no impact, you document why there is no impact. If there is a possibility of an impact, you do a little more thorough evaluation. Mr. Kleger asked if the kinds of issues the Coles and their supporters raised to the District and in the media would be included, such as traffic impacts, traffic control issues, business displacements, etc. Mr. Heilman said that was correct. In terms of looking at business displacements, the EA would look at businesses that would be displaced, whether there was replacement space available, and what the impact would be on those businesses.

Mr. Saydack asked if the sites that were considered in the process up to that point would be among the alternative sites to be evaluated in the EA, and also the sites that were mentioned that evening. For example, Mr. Couper had mentioned a site at Beltline and West 11th as a possibility. Mr. Heilman explained that usually in an EA there would be a proposed action which was typically a single site or a couple of development schemes on a single site that would be evaluated in detail. There also was a section of the EA in which there was a discussion of other alternatives that were looked at and why they were no longer being looked at in detail; why they were screened out. He said it did not mean they would not go back later and pick other sites; sometimes while doing an EA the proposed action changed. He said the EA would not evaluate the environmental impacts of the other alternatives in detail. Typically, he said, the EA would look at the criteria that were used and the decision-making process that was used to get to that proposed action, and that would be documented in the EA. Sometimes in the early scoping meeting with the public, another alternative may come up that the decision-making body may decide is the preferred action and change its mind on what is proposed, and therefore on what will have a detailed evaluation in the EA.

Attorney Allen Johnson told the Board that he and Mr. Farthing had worked together and on opposite sides of various kinds of land use controversies for a long time and that he had a great deal of respect for what Mr. Farthing had to say on land use issues. Mr. Johnson said that he wanted to respond to a great deal of what Mr. Farthing said that evening, to give the Board his sense of where he thought the District stood in relation to the question of whether it had a land use decision to make and what LTD's land use responsibilities were.

Mr. Johnson said that a lot of what Mr. Farthing had to say was based on a premise with which Mr. Johnson disagreed; if the Board accepted Mr. Farthing's premise, then everything he had to say was pretty sound. However, if the Board accepted Mr. Johnson's premise, it would go in a different direction. Mr. Johnson said that whether Mr. Farthing or Mr. Johnson was correct might require an appeal to a higher authority.

Mr. Johnson said that the basic point he believed Mr. Farthing was making was that TransPlan was the governing document with which the District must comply. He said that Mr. Farthing did not specify that there was a problem with code revisions, for example, or that something was not allowed in the zoning. Mr. Johnson said that he believed there was no question that this was not a problem under local zoning. However, he said, Mr. Farthing read the TransPlan map in a way that he did not think was justified by its purpose and content.

Mr. Johnson said that TransPlan was adopted in 1986 as the overall framework plan for transportation planning for the area, and LTD did take a part in that, as it was required to do. In the course of doing that plan, decisions were made about general locations for certain kinds of facilities. Other facilities also were mentioned. Among those mentioned but not given a general location were Park & Rides, which were one of four kinds of facilities mentioned in TransPlan. It also mentioned minor transit stations, which it sometimes also called minor transfer stations. It mentioned major transfer stations, and as a subclass of that, it mentioned the central downtown transfer station. He said that LTD had already been through the wringer with the central transfer station, and that the Board may recall that it was handled as a land use decision by the City of Eugene. LTD did not make a land use decision on that issue, but the City of Eugene did. In that case, he said, LTD was dealing with commercially-zoned land and a specific provision in the commercial zone that said that bus terminals are conditional uses. The conditional use criteria required showing conformance with the comprehensive plan. The next item down the list was the major transfer station, which was not the central transfer station, and had a definition in TransPlan: "A major transit station provides space for four to six buses for schedule adjustments and transfers." Mr. Johnson said that this meant that there would be buses there at the same time so people could get from one bus to the other, and also buses would sit there for a while to recalibrate the schedules. The TransPlan then specifically listed five new transit stations and said in the text where they would be and also showed their general locations on the transit plan. The next category down was called the minor transit station, which was specifically defined in the TransPlan, and there was a list of minor transit stations. The Plan said that "Minor transit stations are primarily large bus turn-outs near key intersections. They include passenger shelters, information displays, and space for two or three buses. They are generally located on the streets. Minor stations are intended primarily as transfer points between feeder and trunk routes, or as collection points for patrons who access the system by walking or bicycle." Mr. Johnson said that one of the key characteristics of a minor transit station was that it had room for several buses, not as many as a major station, and that there would be transfers going on between different routes. He said that as he understood the proposal for the Park & Ride, the District basically was talking about a bus stop for one bus, on the street, with a parking lot next to that and a shelter at the bus stop, and it was not being talked about as a transfer point.

Finally, Mr. Johnson said, were the Park & Ride sites, which were mentioned in the plan as part of that same discussion, in connection with the others. They were not specifically defined or shown on the system map, but they were functionally described in connection with trunk routes and the other kinds of stations. The language in TransPlan said, "Transfer stations will be located in close proximity to major arterials and provide access to residential areas, employment centers, and major commercial concentrations. Access to the trunk routes connecting the stations will be by feeder bus, bicycle, walking, and auto, and Park & Ride sites." Therefore, he said, Park & Ride sites were mentioned as auxiliary, something to be placed around town and used by people to get to downtown or to a transfer station, but they were a separate breed of animal that was not the same as the transfer station or the transit station. He said that if a Park & Ride site was basically just a parking lot and if it was contemplated by the 1986 Plan as something that would be provided in the same way that bus stops are provided, and other kinds of auxiliary facilities, then it was, in fact, contemplated by the Plan as something that LTD will be locating and setting up, and changing from time to time over the years. In fact, he said, that was what LTD had done; it had leased space on parking lots, such as Fred Meyer, and had other kinds of places that were done pretty much on an opportunistic basis, when the site and location looked good and space was available and one was needed in that location. Mr. Johnson stated that Park & Rides were

contemplated by the Plan, but the Plan did not say where they must be located, nor did it say what criteria had to be used in siting a Park & Ride. The Plan left that to the Board's and staff's expertise and the information developed at that time. If that was the case, he said, then LTD did not have the problem that this was something that TransPlan must show before the Board can locate a Park & Ride. And, if that was the case, then LTD did not need a Plan amendment. If it did not need a Plan amendment, then what Mr. Farthing had to say about the Transportation Rule, for example, did not apply, because the Transportation Rule, for example, required that certain kinds of impact studies and mitigation criteria be applied when a comprehensive plan or land use regulation was being amended.

Mr. Johnson said that Mr. Farthing had also mentioned, correctly, that the area was going through a major update of TransPlan, and had recommended that this Park & Ride be incorporated into that process. Mr. Johnson said that LTD's future Park & Ride planning may be more specific, or may have to be more specific, in the next round, because the Transportation Rule this time did seem to mention Park & Ride; it did not mention Park & Ride when the last TransPlan was adopted, which was now acknowledged as being in compliance with the goals. However, that Transportation Rule applied to the adoption of the new plan amendments, which would not be in effect if the District picked the new Park & Ride before the TransPlan was amended. There had to be an adopted TSP, but it was Mr. Johnson's understanding that there was not yet a TSP; the TransPlan Update was to be the adopted TSP. There currently was not a TSP that said that Park & Rides had to be located in a specific way. Mr. Johnson said that those were the reasons that he had not been able to find anything in any plan that he had been able to find or anything Mr. Farthing had been able to identify in the materials he had submitted so far that indicated to Mr. Johnson that there was a standard that LTD had to satisfy in order to locate this facility.

Mr. Johnson said this was the essence of the substantive issue as to whether or not LTD had to amend the Plan; he believed the answer was that LTD did not. However, he said, there was a determination to be made as to whether or not that was in fact the case. He said he was not at the place where he would say that the local planning documents were so crystal-clear that there was never an argument the other way, so it may be that the Coles and LTD would have to get that issue resolved by someone more authoritative. He said he thought that one orderly way to do that was as part of the environmental assessment process. A part of the EA process was a requirement in the federal regulations for coordination and referrals, and one thing that LTD would be doing would be asking the City of Eugene, as the responsible land use authority in the area, whether LTD had plan and code compliance. In connection with the EA, Mr. Farthing and LTD could make their comments and the City could make its determination about whether or not there was a plan problem. Depending on how that sorted out, LTD may want to stay with that site or go with a different site. Mr. Johnson said that his guess was that the District probably could get that issue resolved pretty quickly. Following a land use determination from the City of Eugene, Mr. Farthing could accept it if he wanted to, or could take it the Land Use Board of Appeals (LUBA) if he wanted to do that. Mr. Johnson said it was not a very difficult issue, and he thought there would be an answer back from LUBA by the time the EA process was finished. He reiterated that this was an orderly way of getting this one issue resolved. He stated that in his reading of the materials, there really was not anything that made this a land use decision except this consideration of whether or not LTD had a plan compliance problem, and that issue may be a land use decision, which Mr. Johnson thought was appropriately made by another body and would come out of the EA process.

Mr. Saydack said that in some of Mr. Johnson's remarks he had referred to picking the best site at some point in time. He said that as he understood it, in authorizing an environmental assessment, LTD was not making the determination that this was the final site selection. Mr. Johnson stated that what authorizing an EA meant was that this was the currently favored site, the site that looked best to the Board at the current time, and that the District would be learning more about this site. Mr. Saydack added that LTD would be gathering more information through that environmental assessment process that it needed in order to ultimately make the decision. Mr. Johnson agreed with that statement.

Mr. Saydack asked, assuming the District targeted another site during that process, if the District would then need a separate environmental assessment of that site. Mr. Johnson said that LTD would need to restart the assessment and repeat portions of the assessment time line that was laid out for the District, because there would be other people who would be affected who would not have been interested in showing up for the first round, for example, so it would depend on whether the site was right next door or down the street a little bit, and where LTD was in the process. The District probably would have to revisit any other kinds of compliance issues and regulations that were not addressed the first time. For instance, the District would not have to go back to the issue of whether a plan amendment was needed on Park & Rides in general, but it might have to go back and make sure the zoning was okay.

Mr. Saydack asked if the issues that were raised there that evening would be reviewed during the environmental assessment process, concerning the suitability of the site. Mr. Johnson said that the Board was free to consider the suitability of the site until it made a final decision, as part of any processes it wanted to use. If someone brought up something that had nothing to do with the environmental impact but was persuasive to the District, then it was persuasive, and that was part of their selection decision. He said that there were certain impacts that may not be strictly environmental impacts within the meaning of NEPA, for example. For instance, there was not a NEPA requirement that LTD pick the best alternative, or a state land use law requirement that LTD pick some best alternative according to some particular set of criteria, or that LTD even establish that these were the best criteria. What LTD had to show was that this conformed to the plan on the land use side and was zoned properly, and on the environmental side, had to show that it did not have significant impacts, or LTD would then have to go through the environmental impact statement process. Mr. Johnson said that the answer, basically, was that LTD was free to consider sound arguments and arguments of any kind, and he encouraged the Board to do that, but some of them would be relevant to the EA process and some would not.

Ms. Kaplan then summarized the issue for the Board. She said that the Board had heard a lot of information and it was a complex issue. The Board had heard earlier that evening from Mr. Viggiano that essentially the federal funding issue had been resolved, which took a lot of the time pressure off the Board. The environmental assessment process would be an investment of \$50,000 of the District's money, but was not committing the District to a specific site; rather it was a commitment to further investigation. She said that the staff had recommended proceeding with the EA as the next step, but if the Board members had additional questions or other issues they wanted to pursue, the Board could wait to make the decision about the EA, since the funding time issue had been resolved. She asked the Board if they had other questions or issues they wanted to investigate further.

Mr. Kleger said he had a number of questions that might not fit neatly into the environmental assessment, but could be done with it or parallel to it. He said he could take the time that evening to read them off, but the answers would not affect his decision to go ahead with the EA. He stated that he thought the Board should go ahead with the EA just because it was a formal process for gathering a lot of information.

Mr. Saydack said the Board had heard some comments about the desirability of a site farther out West 11th, and asked Ms. Kaplan if she believed the District had adequately analyzed that issue. Ms. Kaplan said she did; she felt confident that LTD had the preferred site and could respond to the issues that Mr. Farthing and Mr. Couper had made that evening. She offered to bring a staff response and to the Board in February.

Ms. Hocken said she would be happy to take action that evening but also would be willing to wait if all of the Board members were not willing to move ahead.

Mr. Bailey said he did not have any questions that would not be addressed during the course of the environmental assessment and further research to determine whether this was the final site rather than only the preferred site. He did have some other comments that he wanted to make, however, following the discussion.

Ms. Murphy said that she was considering all the parts, what was in the best interests of the community and also the Coles, input that she had received in the mail and at the meetings, and also was interested in Mr. Johnson's suggestion to proceed with the environmental assessment as a logical next step.

Mr. Bennett said that he appreciated the Coles' time, and that, like other Board members, he had received some correspondence and telephone calls that had helped in understanding the different points of view involved. He said that he had been in business in Eugene for 30 years, and his father for 30 years before him, so he had a sense of what it was to be a have a small business. For all those reasons, he said, this was not an easy situation, and were it not for what he felt strongly was his responsibility as an LTD Board member and the objectives for which LTD was in business, and the strategy and goals they were trying to achieve in trying to be an important part of the community's transportation plan, he would not get anywhere near this issue, but that was not how the cards were dealt. Mr. Bennett said that as long as the District had the best information available to it, he was prepared to go forward. He stated that there were times when in the interest of trying to gain all of the information possible a person would be inclined to wait, but his sense was that the Board had as much critical information as it would get. He did not think any new information would be received by waiting another month, but the Board might receive more information in the environmental assessment.

Mr. Bennett mentioned one last thing: he said a lot of the correspondence he received talked about the idea of private property issues, family history, and other things that go into what makes a meaningful piece of property. He stated that many other communities had gone through this same thing, such as urban renewal in Boston, as Mr. Cole had mentioned, and light rail in Portland, which affected a good deal of private property. The decision that had to be made in the community was whether the future of the transit district was important enough to affect someone's history and their property. His view was that the West 11th corridor was a critical part of the future of the transportation system for which the community would see as being important, and he said

he could not ignore that. He thought that this site, while the Board was not making any final decision and would obtain more information from the EA, met the essential criteria for the future.

Mr. Kleger said that there were a couple of terms that he wanted to understand: the difference between an ESA and an EA. Mr. Skillman explained that an ESA, or environmental site assessment, generally was used by environmental consultants to determine whether or not the property was contaminated, by checking the soil and groundwater. An EA, or environmental assessment, is part of the first stage of an EIS, if one becomes necessary, as part of the NEPA process. An EA is part of the federal law in considering alternatives before final decisions are made. An EA can occur without an ESA and vice versa. Mr. Johnson added that an EA is part of determining whether an EIS has to be done. Ms. Hocken added that an EA focused more on the impacts of the project on the surrounding area than on the actual pollution or environmental state of the site itself.

Mr. Saydack said he thought Mr. Bennett had stated very well the responsibility the Board had as Board members and representatives of the public. He said he viewed the EA as part of the decision-making process and not as an indication that the Board's decision had been made. He said that he would continue to be open, and knew that the other members of the Board would be, also. He said they were all mindful of the personal consequences of this on the Cole family, and echoed the fact that it was not an easy decision that the Board would have to make.

Mr. Kleger said he supported Mr. Saydack's comments. He had other questions that he wanted more data on before he could make a final decision. He said he would send a memo to Ms. Kaplan, and asked staff to make sure that copies would get to the Coles.

Mr. Bailey said that he appreciated the public input from everyone who had testified or sent the Board information. He said he appreciated Eugene and its citizens for their input and collaborative decision making regarding important public policy issues, such as transportation. He said he would not want to convey that this decision was final or intended to be a threat to the family or the family history or any of those legitimate concerns. However, he said, he would feel remiss if he did not say that as a Board member he was a volunteer and a fellow community member, and he did not take well to being called a destroyer and threatened or having pressure directed at him on a personal level. He commended Mr. Cole and Mr. Couper for their substantive comments about issues of visibility, catchment area, proximity of this or any site to major arterials, traffic congestion issues, and the substantive policy issues that would make an impact on whichever site the Board would chose, and encouraged them to continue with that kind of input.

MOTION

Mr. Kleger moved that the Board adopt the following resolution: "It is hereby resolved that the LTD Board of Directors directs staff to conduct an Environmental Assessment to determine the feasibility and measure the potential impacts of constructing a Park & Ride lot on Tax Lots 100 and 200, Map 17-04-35-42, also known as the Cole's Furniture and Saw

VOTE

Shop site. Ms. Murphy seconded, and the motion carried by unanimous vote, 6 to 0 (Bailey, Bennett, Hocken, Kleger, Murphy, Saydack voting in favor; none opposed).

FRED MEYER PARK & RIDE: Mr. Viggiano explained that the Fred Meyer site was one of the original 15 sites studied as West 11th Park & Ride sites. It had some very attractive features: it was near a major retail area, was adjacent to a bus stop, and was an undeveloped piece of

property that would be inexpensive to develop. It had, however, a fatal flaw as a primary Park & Ride along the corridor; it would accommodate fewer than 50 parking spaces, and the District was looking for a site for 100 parking spaces. However, because this was an attractive parcel and because a long-range goal was to have multiple Park & Ride lots along major corridors, staff were attracted to this site as a supplemental Park & Ride when they found out it was available to purchase. He said that staff recommended making a decision that evening because the owners had a development proposal that they would like to consider, and had been kind enough to let LTD know before they invested money on the site. Staff believed that it would be nice to secure that property, and saw using it in the future. As property developed in the area, there would be fewer options for LTD.

Mr. Viggiano said that if the Board approved this recommendation, several steps would happen. Staff would contact the owners and let them know of the Board's intentions. A Level 1 environmental site assessment, the paper search, would be conducted, and the appraisal process would begin. Staff's intention would be to use local funds, unless additional federal funds became available.

Mr. Saydack clarified that staff were asking for the authority to proceed with the acquisition process, but the actual acquisition would not occur until more information was available through the level 1 ESA, etc. Mr. Viggiano said that was correct; there was more information to obtain, but the District would declare at least informally its intent to purchase the property.

MOTION

Mr. Bailey moved that the Board approve the following resolution: "Whereas, there currently is a bus stop at a community shopping center for which Fred Meyer has allocated space to LTD; and In order to encourage use of the stop by commuters by providing parking near the bus stop; therefore, it is hereby resolved that the LTD Board of Directors directs staff to proceed with the site acquisition process for the Fred Meyer site." Ms. Murphy seconded the motion.

Mr. Bennett asked if LTD had a Park & Ride agreement with Fred Meyer at its current bus stop. Mr. Viggiano explained that LTD had an informal arrangement with Fred Meyer, and the store was uncomfortable with LTD advertising the site as a Park & Ride because it might take parking from customers. Fred Meyer had acknowledged that people already did park and ride, probably five to ten cars on a normal basis, although there had been 80 to 100 cars when Harry and David hired seasonal workers. Mr. Viggiano thought that Fred Meyer would be very supportive of this project.

Mr. Bennett asked if it could be the western terminus of bus rapid transit. Mr. Viggiano said it was up to LTD to decide. Staff were looking at feeder service from the south hills that would tie into Fred Meyer, so that would be a possibility. It was fairly convenient to get on and off the site, but there were some things that could be done to make it easier. The project could proceed fairly quickly if the District used local funds.

VOTE

Mr. Bailey called for the question. The resolution to proceed with the site acquisition process for the Fred Meyer site carried by unanimous vote, 6 to 0 (Bailey, Bennett, Hocken, Kleger, Murphy, Saydack voting in favor; none opposed).

TRANSPLAN DECISION PACKAGE: Mr. Viggiano introduced Peter Watt of LCOG, who was present to answer questions about the process and the content of the document.

Mr. Viggiano said that in December, after a presentation on TransPlan, the Board had decided that it would be important to take action in January so the County Commissioners and the Eugene and Springfield City Councils could consider the Board's input when taking action in February. Mr. Viggiano asked for feedback on recommended changes on page 65 of the agenda packet. He said that staff would prepare a cover letter for Ms. Hocken's signature with comments, and then attach the recommended rewording. There was some discussion about the recommended changes outlined in the agenda materials.

Mr. Bennett asked if BRT fit with the nodal development concept and could contribute to that. Mr. Viggiano replied that bus service was a critical factor in determining nodal development and that the direction from the stakeholders was that priority should be given to nodal developments located along transit corridors.

Mr. Saydack asked if the BRT concept was sufficiently defined in the plan documents so someone reading it in the future would understand it. Mr. Viggiano said it was not, in the document available so far, which just defined the direction that the plan should take. The plan itself would have more specificity, including maps of the proposed system, and the Board would be able to review that document before adoption. The Board's comments now would give direction to the staff preparing the plan, letting them know what the Board believed was important to include in the plan.

MOTION

Mr. Bennett moved that the Board approve the following resolution: "It is hereby resolved that the Board approves the TransPlan Decision Package, with amendments to strategies 5 and 14, as the guiding framework for the development of the draft TransPlan, and directs staff to forward the Board's comments to the Eugene and Springfield City Councils and the Lane County Board of Commissioners for their consideration." Mr. Bailey seconded the motion.

Mr. Saydack asked if there was an emphasis or support for the District's role in regional transportation. Mr. Viggiano replied that TransPlan was a plan for only the metro area. The connections with regional centers were mentioned more in regard to how they affected the metro areas. He explained that there was a county-wide transportation system plan and any incorporated communities, such as Cottage Grove and Creswell, would have their own TSPs and would address transportation issues. Those plans had not yet all been developed. When looking at the plans as a whole, he anticipated that there would be some goals for increased transit service in some of those communities. Ms. Hocken stated that there were other processes that LTD would need to get its concerns in, if it wanted to. There was no further discussion, and the motion carried unanimously, 6 to 0 (Bailey, Bennett, Hocken, Kleger, Murphy, Saydack voting in favor; none opposed).

VOTE

UNITED FRONT FUNDING PROPOSAL: Ms. Hocken explained that this topic dealt with the funding she and Ms. Loobey would be requesting when talking with the local area's U.S. congressional delegation in Washington, D.C., in February, as well as the reauthorization of the Intermodal Surface Transportation Efficiency Act (ISTEA). Ms. Loobey said that the summary on page 66 of the agenda packet mistakenly did not include \$2.2 million for an automated fare collection system that was a part of BRT, expansion of the bus parking lot, and other issues. This information would be included with the other request information that would be provided to all United Front participants for support in Washington, D.C. Ms. Murphy said she had heard a request for an informational discussion before the trip from one of the Springfield participants.

Ms. Hocken replied that there would be a training session in Washington, D.C., on the Sunday before the meetings began, so everyone would be prepared to work together on all the requests.

MOTION Mr. Saydack moved that the Board approve the following resolution: "It is hereby resolved that the Board of Directors approves the requests for inclusion in the documentation for the 1997 United Front metro area lobbying effort in Washington, D.C." Mr. Bennett seconded the motion,
VOTE which then carried by unanimous vote, 6 to 0 (Bailey, Bennett, Hocken, Kleger, Murphy, Saydack voting in favor; none opposed).

1997 LEGISLATIVE ISSUES: Ms. Loobey called attention to the agenda item summary on page 68 of the agenda packet. She said that the items in that summary were the things the Board talked about in December, but the Board had not taken action on them. Mr. Saydack asked if the Board had to take action specifically, or whether Ms. Loobey could take action that the Board had not approved. Ms. Loobey replied that this was up to the Board. She could have specific direction from the Board on issues, have a Board committee to meet on a regular basis, or keep the Board members informed and poll them on specific issues, or the Board could say that it trusted its general manager to take care of business and keep the District from harm. Mr. Saydack asked which would be most helpful for Ms. Loobey; she said her preference would be have the Board's trust and go forward in the District's best interests.

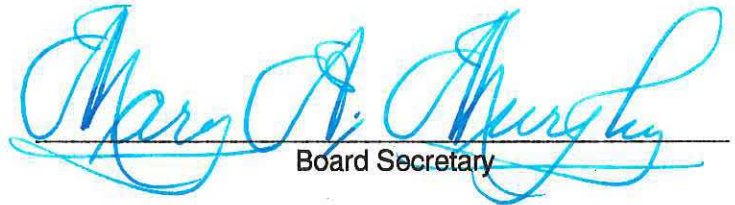
MOTION Mr. Saydack moved that the Board adopt the following resolution: "It is hereby resolved that the Board of Directors authorizes staff to seek sponsors for amendments to ORS 267 providing greater flexibility in the purposes section of ORS 267 as well as the yield authority for transit vehicles; directs staff to work with the Oregon Transit Association to obtain an exemption for transit agencies from the newly-established requirements for security personnel under ORS 181; directs staff to work cooperatively with the Governor's office, the Department of Transportation, and the Oregon Transit Association to secure funding for elderly and handicapped services; and directs staff to support such other legislative efforts as are in the interests of the District."
VOTE Mr. Bailey seconded, and the motion carried by unanimous vote, 6 to 0 (Bailey, Bennett, Hocken, Kleger, Murphy, Saydack voting in favor; none opposed).

BOARD MEETING SCHEDULE: Ms. Loobey pointed out that the list of items for information continued to grow because the Board never got to them at the end of the meetings. Some of them, she said, staff would like the Board to be thinking about for action at a future time. Ms. Hocken thought that the Board operated fairly efficiently with time constraints, but had too much to do in the allotted time. The Board members asked to have time limits placed on public testimony.

Mr. Saydack was in favor of splitting the work session off from the regular meeting, and said that it was difficult to begin the meetings at 5:00 p.m. or to meet at noon. Mr. Kleger said he also was interested in splitting off the work sessions rather than meeting five and a half hours at one time, and he preferred not to meet on another Wednesday evening. Ms. Murphy said she could not meet during the lunch hour, and usually did not leave work until 5:00 or 6:00 p.m. Mr. Saydack, Ms. Hocken, and Mr. Bennett liked the idea of beginning the work sessions at 5:30 p.m., and Mr. Bennett suggested holding the work sessions on Monday evenings, the same week as the regular Board meeting. Ms. Murphy was concerned about Monday holidays and suggested Tuesday evenings when Monday holidays occurred. It was agreed that the Board

would try these times as special meetings for a while before taking any final action on a regular work session time.

ADJOURNMENT: There was no further discussion, and the meeting was unanimously adjourned at 10:20 p.m.


Board Secretary

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