

MINUTES OF DIRECTORS MEETING

LANE TRANSIT DISTRICT

REGULAR BOARD MEETING

Wednesday, April 19, 2000

Pursuant to notice given to *The Register-Guard* for publication on April 13, 2000, and distributed to persons on the mailing list of the District, the Board of Directors of the Lane Transit District held its regular monthly meeting on Wednesday, April 19, 2000, at 5:30 p.m. in the LTD Board Room at 3500 East 17th Avenue, Eugene.

Present: Rob Bennett, Vice President, Presiding
Dave Kleger, Treasurer
Dean Kortge, Secretary
Gerry Gaydos
Pat Hocken
Virginia Lauritsen
Ken Hamm, General Manager
Susan Hekimoglu, Recording Secretary

Absent: Hillary Wylie, President

CALL TO ORDER: Board Vice President Rob Bennett called the meeting to order at 5:35 p.m. Mr. Gaydos was not yet present, but arrived at 5:40 p.m.

PRELIMINARY REMARKS BY BOARD VICE PRESIDENT: Mr. Bennett asked for comments from the members of the Board. Mr. Kleger said that during the past few days, he had received one high compliment each day from a customer who had used transit for many years in many cities across the United States. The customer had complimented the courtesy of the employees, the efficiency of the system, the timekeeping practices of the operators, and the cleanliness of the buses.

ANNOUNCEMENTS AND ADDITIONS TO AGENDA: There were no announcements or additions to the agenda.

WORK SESSION – Executive Session: Ms. Lauritsen moved that the Board meet in Executive Session pursuant to ORS 192.660(1)(d), to conduct deliberations with persons designated by the governing body to carry on labor negotiations; 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; and pursuant to ORS 40.225, lawyer-client privilege, to hear an opinion of counsel. Mr. Kortge seconded the motion, which passed by unanimous vote, with Kleger, Kortge, Lauritsen, Bennett, Gaydos, and Hocken voting in favor, and none opposed. The Executive Session began at 5:40 p.m.

MOTION

VOTE

**MOTION
VOTE**

Following the Executive Session, Mr. Kortge moved that the Board return to Regular Session. Mr. Gaydos seconded the motion, which passed by unanimous vote, with Kleger, Kortge, Lauritsen, Bennett, Gaydos, and Hocken voting in favor, and none opposed. The Board returned to Regular Session at 6:25 p.m.

WORK SESSION – Development of New RideSource Operations/Maintenance Facility: This item was moved later in the agenda.

EMPLOYEE OF THE MONTH – May 2000: Mr. Bennett asked Operations Manager Mark Johnson to present the May 2000 Employee of the Month. Mr. Johnson introduced Bus Operator Carl Faddis as the May 2000 Employee of the Month. Mr. Faddis was hired on August 31, 1998, and had earned an award for one year of safe driving and one year correct schedule operation (CSO). Mr. Faddis was active in the fall 1999 United Way campaign and received many positive comments for his innovative ideas and boundless enthusiasm.

Mr. Faddis was nominated for this award by many customers, including one five-year-old who said, "My favorite bus driver is Carl. He was so nice to me when I got on the bus with my peanut butter sandwich. He told me what a good boy I was when I got off the bus. He makes me laugh, and he even asked my mom if I could have a piece of candy." One customer nominated Mr. Faddis because of his excellence in providing accessible bus service to customers with disabilities.

When asked what made Mr. Faddis a good employee, Field Supervisor Gary Taylor said that Mr. Faddis received more compliments and nominations for Employee of the Month than any other operator Mr. Taylor was aware of. Mr. Taylor said that Mr. Faddis was a wonderful person to work with and that it was always a pleasure to interact with him. Mr. Faddis had a great attitude and always showed that he liked and enjoyed his job.

Mr. Bennett presented Mr. Faddis with a letter of commendation, a certificate of achievement, and a monetary award.

Mr. Faddis said that he was humbled and very grateful for the recognition. He thought that the Employee of the Month (EOM) program was one of the most seriously taken programs at LTD. It was important to recognize the people who performed outstanding work on a daily basis. He appreciated that the District cared about his wellbeing.

Mr. Faddis said that it was his sense that LTD was on the cusp of the most extraordinary times that the District may ever have seen. LTD had a long tradition of people who were committed to serving the public and seeing to it that employees also were taken care of, and it was very obvious that many difficult decisions had been made throughout the years.

Mr. Faddis said that up until this evening, he knew that the Board members existed, but had not known what any of the members looked like, with the exception of Mr. Kleger, who was a regular bus rider. Mr. Faddis asked the Board members to make themselves more visibly known to the employees, who were impacted by the decisions that the Board members made.

Mr. Faddis said that from the moment he began his work with LTD, he had been impressed with the direction of the Board. It was clear that the Board by its accomplishments had set a good example for all employees. During the next few months, LTD would face some tremendously important decisions that would affect not only the employees, but also the customers, and he urged the Board to keep the employees and the customers in mind as they made those important decisions.

AUDIENCE PARTICIPATION: Mr. Paul Blalock of Eugene said that he liked the idea of the day pass being available on the buses instead of transfer slips, but he said that there ought to be a recycling container on the buses for the used transfers and passes.

Mr. Blalock also suggested that the District bring back the #53 Hunsaker route as there was a new manufactured home neighborhood near Beaver Drive.

CONSENT CALENDAR: Ms. Hocken moved approval of the Consent Calendar for April 19, 2000. Mr. Gaydos seconded the motion, which carried unanimously, with Kleger, Kortge, Lauritsen, Bennett, Gaydos, and Hocken voting in favor, and none opposed. The Consent Calendar consisted of the minutes of the March 13, 2000, Board work session; the minutes of the March 15, 2000, regular Board meeting; and the Project Ranking List for the CT/OTN Fund.

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AMENDED ORDINANCE NO. 36, GOVERNING CONDUCT ON DISTRICT PROPERTY:
Staff Presentation: Transit Operations Manager Mark Johnson said that several months ago, LTD had been approached by the American Civil Liberties Union (ACLU), which was representing an individual who had been asked by LTD to refrain from collecting signatures at the Eugene Station because it was in violation of Ordinance 36. The ACLU's position was that gathering signatures was a free speech activity protected by the Oregon Constitution and therefore was allowable in public places and should be allowed at the Eugene Station.

Mr. Johnson said that LTD's position was that there were legitimate safety and operational concerns related to allowing signature gathering and other types of solicitation at the Eugene Station, which was not designed to be a public forum. The station had been designed to be a transportation facility where passengers easily and safely could navigate the corridors that facilitated movement without delay from one area of the station to the next.

The ACLU had indicated that if LTD did not amend Ordinance 36, it might file suit against LTD to allow signature gathering on the platform. Three options were proposed by the ACLU or LTD staff to address the issue, and District counsel believed that all three of the options were permissible under both the state and federal constitutions.

The first option was to open the entire station to signature gathering, either during specified times that were reasonable or based on activity levels. This option would avoid any legal challenges asserted by signature gatherers. Staff believed that this option created unworkable enforcement issues for LTD. It would be at staff discretion to allow activities to happen and then to quickly respond when those activities appeared to create an unsafe situation. If an accident were to occur, the liability would rest with LTD. Additionally, activity levels at the

station changed quickly, and some were impossible to predict, so choosing specific blocks of time for those activities was difficult. Mr. Johnson added that an additional problem with this option was that once a public forum was created at the station, it would be very difficult to legally take it away. This would allow other activities, such as solicitation, speech giving, street musicians, etc., to take place at any location within the station. It would create an ongoing safety hazard.

The second option would allow signature gathering at specific areas of the station that LTD determined to be safe areas for this activity. Mr. Johnson said that there were specific areas at the station that were out of the way of the main flow of customers and were away from the boarding platform. Staff were recommending this option. It would provide more access than Ordinance 36 currently allowed, and it protected the safety of LTD customers. However, adoption of this alternative could result in a legal challenge asserting that the revised ordinance unreasonably restrained speech and petition gathering activities.

The third option would adopt a customers-only policy. This option would state that only customers were allowed at the Eugene Station, rather than prohibit specific activities at the station. If a person were at the station to catch a bus or transfer, then he or she would have the right to be there, and while waiting for a bus, could participate in free speech activities, such as signature gathering, but would be required to catch the next bus out of the station. This option would limit the time that someone could be on the platform engaging in free speech activities. It was difficult to predict how many people would attempt to use the platform for non-passenger type of activities under this option, but an assumption could be made that additional persons would be on the platform, potentially creating a safety hazard. This third option was not a preferred option of either LTD or the ACLU.

Public Hearing: 1) Ed Gerdes stated that he was an attorney representing Steve Lepponen on behalf of the ACLU. Mr. Lepponen was the gentleman who had been asked to refrain from using the station for signature gathering. The ACLU had been working with staff for several months and was unable to come to mutually agreeable terms. Therefore, the issue was now before the Board for direction.

Mr. Gerdes said that he wanted to begin with a recognition that staff, staff's attorneys, the ACLU, and the ACLU attorneys all agreed that the current ordinance as written, particularly section 36, subsection 23b, was unconstitutional. Mr. Gerdes provided two examples of how it was unconstitutional. One example was that there was specific language in the ordinance that prohibited signature gathering on petitions. It did not prohibit signature gathering on cereal boxes or autographs, or any other kind of signature gathering, but just for initiative petitions that were politically motivated. That violated the constitution. The second example was that Ordinance 36 prohibited signature gathering, not just at the Eugene Station, but all the stations, all the Park & Ride stations, all the bus stops, and within five feet of any bus doorway. He asked the Board to think about what that meant. If a bus were moving down a street, and a person were standing on a sidewalk collecting initiative petitions, for the two seconds that the bus passed by, that person would be in violation of the ordinance.

Mr. Gerdes stated that the ordinance was unconstitutional as it stood. The question then became what to do about it. The ACLU wanted the Board to revoke the subsection 23b provision.

Safety concerns were covered in subsection 23a. Subsection 23a stated that "no person shall impede or block the free movement of passengers, or otherwise disrupt the function of the District in any District station or in any District vehicle."

Mr. Gerdes said that the ordinance further limited people's constitutional rights unnecessarily under subsection 23b, and if the Board were to adopt the staff recommendation, option 2, the Board would be unnecessarily limiting the constitutional rights.

Mr. Gerdes then reviewed the specific options. The ACLU was referring to two constitutional provisions under the Oregon Constitution that were implicated. One was the initiative petition power. In Oregon, the legislative branch of government's power was split into a legislature and some of it was reserved for the people. That was the initiative process, and as part of that, it was the referendum from the legislature referring ballot measures to the people, so the people had legislative power. It was one of the three branches of government, and the court held that power to a higher standard, and not just free speech or free expression, which was the second constitutional provision that was implicated. The Oregon court had never prohibited initiative signature gathering on any public property.

So, when the agenda item summary stated, on page 2, that there was no legal precedent directly on point, what that really meant was that there was no court decision that ever prohibited signature gatherers on public property anywhere in the state of Oregon. All the cases dealing with signature gatherers had dealt with the issue of opening up private property, such as shopping malls, for signature gatherers. What the staff wanted the Board to do was to adopt a new standard, which was to prohibit signature gathering on public property. It had not been done yet, and the Board would be setting new precedent, if that was the course it wanted to pursue. The court, in considering opening up private property for signature gathering, was comparing the constitutional rights embodied in private-property ownership with the initiative power of the people to pass legislation. The court was attempting to weigh those two constitutional interests when dealing with private property. When dealing with public property, the weighing of two constitutional interests was not a factor. The staff was concentrating on safety concerns, which had never been used by the Oregon courts to prohibit an initiative petition gatherer on public property. That was not to say that the courts would not consider safety at some point. Staff had not presented to the Board, and certainly not to the ACLU during discussions, any situation where initiative signature gathering created an unsafe environment at the Eugene Station, any Park & Rides, or at any bus stops.

Mr. Gerdes said that another factor for the Board to consider was that before the downtown Eugene Station was built, all the buses extracted passengers onto the public streets of Eugene. There was no ordinance prohibiting initiative petition gathering on the public streets, and there has never been, nor can there be. Those public streets were much narrower than the downtown station platforms or sidewalks within the station grounds. This was an ironic situation where LTD moved from depositing customers onto the public streets to moving to a larger bus

station with wider sidewalks and then limiting what activity could be conducted on those sidewalks. Historically, solicitation of signatures of bus passengers had never been prohibited.

Mr. Bennett noted that he had neglected to mention that audience members were asked to keep testimony to a three-minute limit, both so that the Board could adhere to its schedule and so that everyone could have an opportunity to speak. He had not mentioned it for this public hearing because it was an important issue, but he did request that the speakers keep their testimony to a reasonable limit.

Mr. Gerdes continued by saying that there were three options for consideration. Option 3 was an option that neither the staff nor the ACLU supported. After having listened to Mr. Faddis, the Employee of the Month, and his emphasis on the desire of LTD to be a service-oriented entity, what would it say to the community if the station were closed down to all but those with bus fares. He thought there were people who went to the station to sit and read during their lunch hour. He did not think option 3 was the direction the District should take.

Mr. Gerdes stated his opinion that option 1 was the option that clearly was constitutional. Option 1 would eliminate subsection 23b of the ordinance, and LTD could rely on subsection 23a to enforce safety situations. There would be no challenge to option 1.

Option 2 would limit signature gathering to specific times and areas of the station. LTD also would need to do that to all the Park & Ride stations, the Springfield station, etc. Staff had proposed increasing the proximity radius from 5 feet around a bus door to 8 feet around a bus door. If the Board directed staff to pursue option 2, Mr. Gerdes said that the ACLU, in its meeting on Friday, officially passed a resolution to file a lawsuit to challenge it. He said that he wanted the Board to understand the ramifications of any decision it might make. The ACLU and LTD would be in court if option 2 were passed.

Mr. Faddis also had talked about decisions to be made during the next few months with regard to contract negotiations, and Mr. Gerdes asked the Board to do the right thing for the citizens or the community and their constitutional rights and not unnecessarily limit those constitutional rights by prohibiting signature gatherers at any of the Park & Rides or the Springfield or Eugene stations.

2) Steven Lepponen of Eugene said that he was the person who originally challenged the ordinance a few years ago. At that time, he had talked about the referendum initiative being a part of the unique Oregon history. He thanked the Board for not reconsidering its decision at that time because that gave him the impetus to spend \$20 for a membership in the ACLU. When he joined the ACLU, they asked him what his concerns were, and he mentioned the tax-funded, tax-built megastructure that was paid for by the people, but that LTD would not allow the people to carry on democracy. Mr. Lepponen said that once again, he was in front of the Board to remind the Board that democracy was not a spectator sport.

With regard to the staff report, Mr. Lepponen said that LTD believed there were legitimate safety concerns with allowing signature gathering on the platforms. If LTD went to court with the ACLU, it would have to convince a jury of peers that there were legitimate safety conditions

that were inherent in passing a petition. When a petition was being passed, it usually occurred one-on-one between two people. It was no different than two people greeting each other, except if one person had a petition board in his or her hand, according to LTD, that person was providing legitimate security concerns. Mr. Lepponen could not see what those legitimate concerns were. LTD should look at the videos from the station security cameras at all hours at the station to see where one person with a clipboard could pose a legitimate concern.

With regard to option 2, staff indicated that this option could result in a legal challenge, but Mr. Lepponen said that the downside of that option was that LTD would be violating the constitutional rights of the people of Eugene. Being sued by the ACLU should be the least of LTD's concerns.

3) Tom Lester of Eugene said that he had a great deal of experience as a petitioner, and he agreed with the previous two speakers. He did not think it was as big an issue as LTD thought it might be, and, instead, he thought that a planning process could be done to identify areas within the station that would be appropriate from the position of a petitioner. The map showed areas to be considered that were not under cover. LTD could take a friendlier approach and identify areas that were not high traffic areas that were under cover and out of the way. LTD could designate those areas and provide tables and chairs and even add overhead heaters. By providing a welcoming approach, Mr. Lester thought people would be civilized about petitioning.

Board Discussion: Mr. Kleger remembered how it was when the station was located along 10th Avenue. Sometimes the sidewalk was blocked by petitioners and others who were exercising their free speech rights. There was a 25-foot platform along 10th Avenue. Mr. Kleger said he was pretty good at getting through a crowd when he wanted to and yet he missed connecting buses due to blockage of the walkway. In the station, most places were no wider than the previous location, and there were some high traffic junctions, where LTD would not want to allow blockages if the purpose of the place was to foster people's trips from one part of town to another, which was what he thought was the purpose when he voted to spend the money to build the station.

Mr. Kleger said that the previous afternoon, he watched a woman with a baby carriage very nearly overturn the baby carriage off the side of a curb as she was attempting to get around three people who were standing on the platform. Already there were instances of people stepping off the curb to get around what they perceived were blockages of movement. These situations developed on extremely short notice with little or no time to respond. During high traffic periods, it was amazing what people did to get around minor blockages.

Mr. Kleger said that he was concerned that if LTD officially permitted an activity that resulted in someone's taking a safety risk and getting hurt, it would not be the responsibility of the person who created the blockage, but it would be the District that would pay the damage award, which would take service away from customers.

There were a few places on the platform that currently were fairly empty, and since Mr. Kleger had participated in the task of cutting the platform furniture list to meet budget, he

knew what would happen once the funds were available – bike racks and benches would be installed.

Mr. Kleger said that he truly was quite concerned about the issue. All it would take was two full buses emptying out at opposite ends of the station, which happened quite frequently, to create the need for unimpeded high-volume foot traffic. He said he was inclined to support option 2, which would regulate where and possibly when petition gathering could take place that would not interfere with the function of the station and would not threaten the safety of LTD's customers.

Mr. Kortge agreed with Mr. Kleger and favored option 2. He thought the idea of interference was an important one, and LTD had to protect people as well as balance the use of the station.

Ms. Hocken said that she had been a member of the station design committee. The committee reviewed very carefully the issue of moving from a public sidewalk to LTD's own property. She thought that the Board adopted Ordinance 36 at the point when that move was made. The station and the ordinance had been in effect for several years, and there might be some fine-tuning that could be done on the ordinance. She continued to be very committed to safety on the platforms; however, she would support amending the ordinance to designate space for people who were participating in the democratic process.

Mr. Gaydos said that he also supported option 2, and he appreciated Mr. Gerdes' bringing up specific parts of the ordinance, such as the 5-foot abatement around the bus doorways. He thought that one of the important issues in moving off the street was to create a safer, more efficient operation. LTD had the public trust to consider on both sides, and it was up to the Board to weigh the issues to accomplish the goals of the District.

Mr. Kleger added that in regard to the 5-foot abatement around the bus doors, the issue came up about the length of a wheelchair. The average wheelchair lift extended 6 feet from the side of the bus, and the average wheelchair was 4 feet long. That was why staff were considering the additional distance of 3 feet. The simple fact was that one person refusing to move out of the way could prevent a person with a disability accessing, as was his or her legal right, public transportation services. He also mentioned that he had seen many petition gatherers in recent years who were carrying multiple boards and carrying on conversations with several people at once. It often was more than two people and often it created a clogging.

Ms. Lauritsen said that she favored option 2. She thought that LTD was obligated to provide a safe and efficient operation, and the station was in close proximity to four public sidewalks that LTD customers had to pass in and out of, so it did not seem to be an unreasonable restriction to keep the platform areas clear of non-passengers.

Ms. Hocken added that one of the reasons she liked option 2 was that it removed a great deal of judgment from those who operated the station. Designating areas would be fairly clear and easier to enforce.

Mr. Bennett said that the Board was not to make any decision at this meeting, but was to direct staff and provide input so the process could go forward. The Board was in general agreement to direct staff to further pursue option 2, which would allow for signature gathering at specific areas of the station that LTD had determined to be safe areas for this activity.

SECOND READING AND ADOPTION OF NINTH AMENDED ORDINANCE NO. 35, SETTING FARES FOR USE OF DISTRICT SERVICES: Finance Manager Diane Hellekson said that she had no further information to add from the previous Board meeting. This was a required second reading of the ordinance prior to its adoption.

**MOTION
VOTE**

There being no further discussion, Mr. Kortge moved that Ninth Amended Ordinance No. 35 be read by title only. Ms. Hocken seconded the motion, which carried by unanimous vote, with Kleger, Kortge, Lauritsen, Bennett, Gaydos, and Hocken voting in favor, and none opposed.

Mr. Bennett then read the ordinance by title only: "Ninth Amended Ordinance No. 35, An Ordinance Setting Fares for Use of District Services."

**MOTION
VOTE**

Ms. Hocken moved that the Board adopt the following resolution: "It is hereby resolved that the Board of Directors adopts Ninth Amended ordinance No. 35, An Ordinance Setting Fares for Use of District Services, effective 30 days after adoption." Mr. Kortge seconded the motion, which passed by unanimous vote, with Kleger, Kortge, Lauritsen, Bennett, Gaydos, and Hocken voting in favor, and none opposed.

Mr. Kortge said he was interested in the letter that had been received about bus operators having to determine the 18-year-old age cut-off for youth. Service Planning and Marketing Manager Andy Vobora responded that wherever a distinction was drawn in age identification, there always would be those conflicts, and LTD always had them. There were fare distinctions between ages 4 and 5, 11 and 12, 17 and 18, and 61 and 62. There always would be the age breaks, but this fare change eliminated the 11 to 12 age break.

AMENDED GENERAL FUND RESERVE POLICY: Ms. Hellekson said that the Board previously had discussed this issue, and the revised policy was to be approved at this meeting. The amendment to the General Fund Reserve Policy established a new formula for General Fund reserve balances that fixed reserves at levels no higher than might be required under prudent assumptions of likely economic and financial scenarios; divided the reserve balance between insurance/risk, contingency, and working capital; and directed that excess unappropriated General Fund cash be transferred to the Capital Fund reserve for use in financing the bus rapid transit (BRT) project and other future capital needs.

**MOTION
VOTE**

There was no further discussion, and Mr. Gaydos moved the following resolution: "It is hereby resolved that the revised Budgetary Reserve Policy and Financial Policy for Unreserved Fund Balances is approved as presented." Ms. Hocken seconded the motion, which carried unanimously, with Kleger, Kortge, Lauritsen, Bennett, Gaydos, and Hocken voting in favor, and none opposed.

COMPREHENSIVE SERVICE REDESIGN (CSR): Mr. Vobora said that he would provide additional information that the Board had requested at the March 2000 Board meeting CSR presentation.

With regard to the impact that changing neighborhood service would have on RideSource riders, Mr. Vobora said that if fixed-route neighborhood service were deleted from a neighborhood, the RideSource boundary, which was set at three-fourths of a mile from existing service, might need to be adjusted inward, which would affect those riders who would then reside outside of the RideSource boundary. Reduced-fare riders who traveled to or from neighborhoods where service was deleted and who currently used the fixed-route service could begin to use the RideSource service if they were traveling within the three-quarter-mile boundary.

Mr. Vobora displayed maps that showed where RideSource and reduced-fare riders lived and worked. He said that the proposed reduction of service to the Bailey Hill area would affect a large number of those riders. He noted that there also were some riders in the River Road area that would be affected by service reductions being considered for the CSR.

Ms. Hocken asked if the boundaries of the District would be contracted if coverage routes were eliminated. Mr. Vobora said that the Board could decide to leave the boundary alone in order to not impact riders.

With regard to flex routes, which were discussed as an alternative in low-ridership neighborhoods, Mr. Vobora said that flex routes typically were low-productivity routes by nature. The cost of operating flex routes was equal to or greater than the cost of fixed-route service. In addition, flex routes were more complex to operate than fixed routes, and the customers who typically used flex routes primarily were seniors and those with disabilities. Staff were not encouraged by flex-route service.

Mr. Vobora said that the Board had agreed on a 5 percent discretionary reserve in service hours. Staff had reviewed ways in which the proposed service could be modified to establish the reserve. Currently, the rural hours were included in the overall service package, but could be considered separately as required service, which was supported by the rural tax collections. This would free up the remaining metro services allocations. Board members were in general agreement to this approach. Mr. Vobora said that 5 percent of service was equal to 45 hours of daily service. In order to establish the 5 percent reserve allocation, staff could work within the current service levels or increase the overall service package. In addition, Mr. Vobora suggested that an adjustment to the reserve allocation percentage might be in order as 5 percent amounted to quite a bit of service.

Mr. Bennett said that he did not know if 5 percent was the correct number. The intent was to be able to make arbitrary decisions that were not related to productivity benchmarks. Mr. Kleger and Ms. Hocken agreed. Mr. Vobora said that in order to create a 5 percent allocation, staff would need to cut about 15 percent of the coverage service that was allocated in the service proposal. Mr. Bennett said that he wanted to put together a plan that could be adjusted on an individual basis. Mr. Kortge said that his concept of the 5 percent allocation was

that of the 100 percent service plan, 95 percent of it would be dedicated to productivity service, while the other 5 percent would be used to address coverage and lifeline services. Ms. Hocken said that was her understanding as well. She did not think that by setting up the 5 percent reserve, LTD thereby increased or decreased overall service hours.

Mr. Vobora said that he was comfortable with 5 percent with the understanding that when staff presented service proposals to the Board, there would be discussion about how that 5 percent would be allocated to address coverage and lifeline issues. Board members agreed to this approach.

Senior Transit Planner Paul Zvonkovic asked if the Board envisioned staff reevaluating the 5 percent discretionary allocation on a yearly basis. Mr. Kleger said that the Board's earlier discussion about service allocations had not included reevaluating the allocation, but he thought an annual review was reasonable. Mr. Vobora added that the Board might want to consider a process by which service that was allocated within the 5 percent discretionary designation but that was performing poorly could be reviewed on a regular basis.

Mr. Vobora said that if service hours were increased by 6.7 percent, as proposed, 76 percent would be allocated as productivity, 19 percent as coverage, and 5 percent would remain as discretionary unallocated service. Ms. Hocken asked why staff were proposing a 6.7 percent increase. She noted that, typically, service was increased by 3 percent per year. Mr. Vobora said that the CSR typically resulted in larger increases. The previous CSR resulted in nearly a 12 percent service increase. Mr. Bennett asked if staff had identified an immediate need where the 6.7 percent increase could be used. Mr. Vobora said that the increase was mostly in coverage in routes that were not very low productivity routes, but ones that did not meet the productivity standard minimum. Those routes, however, fed the more productive segments. If those feeder routes were eliminated, ridership would decline on the more productive segments. Mr. Zvonkovic said that the productive segments on the major corridors decreased in ridership by some factor that depended on the level of decrease in the feeder routes. Mr. Kortge said that, conversely, increasing coverage on the feeder routes would not necessarily increase productivity on the corridor segments.

Mr. Bennett asked how the Board felt about the overall increase in service. Mr. Vobora said that he did not think staff needed specific numbers, but if staff had some room to increase the overall service package, then some neighborhood services would be reconsidered.

Mr. Kortge said he did not believe the overall service package should be increased only to achieve the full 5 percent discretionary allocation. Less than 5 percent would be acceptable.

Mr. Bennett said that if there were no discretion at all, he did not think the CSR had a chance of working or being accepted in the community. He asked staff to bring two alternatives back to the Board for consideration. One was to increase the overall service to achieve the 5 percent discretionary allocation, and the other was to show the allocation percentages with no increase at all.

Mr. Vobora said that the neighborhood coverage service allocation criteria included the effect on customers with disabilities, the existing ridership productivity, and predicted ridership productivity. Staff used a 'like segment' analysis to predict ridership productivity.

Ms. Hocken previously had asked if LTD were missing opportunities to provide service. Mr. Vobora said that as part of the CSR, staff conducted future density analyses, which included factors such as development density, identification of nodes, and whether the design could be modified.

With regard to the public outreach process for the CSR, Mr. Vobora said that the primary audience was the current riders. The secondary audience was potential riders. Typically, public hearings for service changes were held in February and March of each year. Open houses would be held in late May 2000 and in July 2000 to gather input primarily from students before school was dismissed for the summer. Board updates and discussions would continue to occur monthly. Other opportunities included community events, such as the Lane County Fair. Public hearings would be held during the November and December Board meetings. The LTD Web site would be made very interactive and comprehensive about the CSR, articles would be provided to neighborhood newsletters, and targeted information would be mailed. The group pass participants and the jurisdictional partners, which were good resources, also would be included in outreach efforts. Staff hoped the Board members would be able to participate in all of the public outreach activities.

Ms. Hocken asked about the meetings by sector that previously had been planned. Mr. Vobora said that staff had discovered that holding monthly sector meetings would drain too much staff time and District resources. In addition, staff believed the primary audience or current bus riders could be involved and informed in other, better ways.

Mr. Gaydos said that he appreciated staff mentioning the issue of Board involvement. It was a concern of his and one that he wanted to discuss more over time. He thought it was very important, especially with the proposed BRT project, that the Board become more visible both in the community and with employees. Those opportunities that staff were providing with the CSR were a good idea, and he believed that the Board needed to change its sense of being historically well insulated and to step up its leadership role.

Mr. Bennett said that it was important to him that within the public outreach process, a clear message be made about how LTD got to where it was today, why there was need for change, what would happen in terms of the funding sources, and where LTD wanted to go with its initiatives.

BUDGET COMMITTEE NOMINATION: As a result of Mr. Gaydos' appointment to the LTD Board, he nominated Betsy Boyd to fill his unexpired term on the Budget Committee. Mr. Gaydos said that Ms. Boyd had been involved in budgeting through her work in student government as a university student and through her community service, including the Relief Nursery Board and the Lane County Commission on Children and Families. Ms. Boyd resided in Eugene and was employed as Director of the District Offices for Congressman Peter DeFazio. Ms. Lauritsen moved the following resolution: "It is hereby resolved that Betsy Boyd is

MOTION appointed to the LTD Budget Committee to fill an unexpired three-year term beginning immediately and ending January 1, 2001." Mr. Kortge seconded the nomination, which passed unanimously, with Kleger, Kortge, Lauritsen, Bennett, Gaydos, and Hocken voting in favor, and none opposed.

VOTE

BOARD MEMBER REPORTS: a) Metropolitan Policy Committee (MPC): Ms. Hocken reported that MPC had adopted a local transportation improvement program and a plan to address problems with a sound wall along I-105. b) Statewide Livability Forum: Ms. Hocken said that no meeting had been held. c) BRT Steering Committee / Public Design Workshops / Walkabout Input: Mr. Bennett said there had been no recent meeting, and he had nothing to add to what was written in the agenda item. d) Springfield Station Steering Committee: Mr. Kleger said that the Committee was waiting for a reply from the Federal Transit Administration (FTA) regarding a proposal to apply or amend the environmental assessment to the property ½-block west of what previously had been assessed. BRT Engineer Graham Carey said that the staff and BRT consultants met with FTA staff. The FTA would not provide a timeline, but were supportive and helpful. Staff continued to gather information just in case the FTA did not accept the environmental assessment proposal. e) Board Finance Committee: Ms. Hocken said that the Finance Committee had not met since the March Board meeting. f) Human Resources Committee: The Committee met in Executive Session on April 10, 2000, to discuss labor negotiations.

COMMUTER SOLUTIONS UPDATE AND PRESENTATION: Commuter Resources Coordinator Connie Williams presented a new business presentation that had been created for employers. The presentation would be shown to the Transportation Planning Committee, Lane County Planning Commission, elected officials, transportation and planning staff from local jurisdictions, and key organizations and civic groups. The presentation included the elements of commuter solutions and the benefits to the employer, the employee, and the community. Ms. Williams noted that when staff were talking with employers, even if the employer did not sign up for the group pass program, typically, they were supportive and pleased to see a return on their payroll tax investment.

Mr. Bennett asked what was the strength of the program. Ms. Williams said it was seen as an effective way to address the growing transportation problems in the community.

DEVELOPMENT OF NEW RIDESOURCE OPERATIONS/MAINTENANCE FACILITY: Assistant General Manager Mark Pangborn said that the current, leased RideSource facility was much too small for the size of the RideSource program. A unique opportunity arose that staff believed could address the need for a new facility, and in order to take advantage of this opportunity, LTD needed to respond fairly rapidly.

The Oregon State Motor Pool had acquired undeveloped property on Franklin Boulevard just west of Brooks Auto Parts to build a new motor pool facility. The State was building the facility so that it could service more than just State vehicles and was interested in contracting for the servicing of the Special Mobility Services (SMS)/RideSource vehicles, as well as providing a shared compressed natural gas fueling station and a bus wash facility. The Oregon Department of Motor Vehicles, which had intended to build a new facility on the site immediately

west of the Motor Pool property, had withdrawn from the project, leaving a parcel of land available for another use. Staff believed the opportunity to build a RideSource facility that would not require the expensive infrastructure that came with a vehicle maintenance and fueling facility should be examined thoroughly. The Franklin property also presented two other opportunities. The site was one that was being considered for a BRT station as well as for a Park & Ride facility.

Mr. Kleger asked if staff had discussed propane fueling with the State. Mr. Pangborn said that all RideSource vehicles were fueled with propane fuel. Staff had discussed the issue with the State, and the State had planned to move to compressed natural gas because propane no longer was being used for commercial vehicles. New commercial vehicles were not being sold with propane fuel capabilities. The existing vehicles would continue to be fueled with the existing propane facilities, but the plan eventually was to move to diesel, gas, or compressed natural gas.

Ms. Hocken asked what the charges would be for the shared facility. Mr. Pangborn said that it was not known at this time what the State might charge for the shared facilities, but staff were in discussions with the State. Mr. Kortge asked why LTD could not service the vehicles at LTD. Mr. Pangborn said that was a possibility, but it would be more expensive for LTD to provide the services. A cost analysis would be conducted.

Mr. Pangborn said that LTD had money in its budget because the project had been anticipated. Staff also had anticipated seeking additional state and federal funding. With regard to acquiring the property, the State already was in negotiations, but it was not known at this time where those negotiations stood.

Mr. Kleger said that he would like to see the opportunity explored as far as possible. He was a member of the Special Transportation Fund Advisory Committee, which supported the further research of this property. Ms. Lauritsen said that she thought it was a wonderful opportunity.

Mr. Gaydos asked how much it would cost to further explore the opportunity. Mr. Pangborn said it would take staff time and possibly one or two architectural consultants. A grant of \$50,000 had been approved to perform the research.

Ms. Hocken asked how this issue was related to the approval of the project ranking list for CT/OTN funds that was included in the Consent Calendar. Mr. Pangborn said the facility project was second on the list, but the chances of statewide funding for the full request were slim. The State had indicated that it wanted to fund direct services, so the first priority on the project ranking list was for new buses.

TRANSPLAN UPDATE: Mr. Pangborn said that at the March Board meeting, the Board voted to extend the TransPlan public comment period to June 30, 2000. LTD and the Eugene City Council had extended the comment period, but the Springfield City Council had decided against the extension. The Lane County Commissioners expressed interest in extending the comment period, but had not taken formal action to do so. In order to address the variations in

the public comment period for the TransPlan adopting agencies, staff recommended that the Board close the public record on April 30, 2000, rather than the previously set closing date of June 30, 2000. This action would minimize the disparity in the comment period between the adopting agencies, yet still allow those who had intended to provide additional comments to the LTD Board the opportunity to do so.

The Board would hold its next work session on TransPlan on Monday, May 15, 2000.

Mr. Bennett asked if the Eugene City Council would amend its earlier action to change the closing date. Mr. Pangborn said that he believed the Council would leave the date at June 30. Legal counsel had suggested closing the comment period earlier. Ms. Lauritsen said that Springfield counsel had indicated that Springfield had no authority to extend the comment period.

Ms. Hocken said that the four jurisdictions that had the ability to leave the comment period open were to have voted on it. It appeared that the motion failed because all jurisdictions had not passed the motion. She did not know what responsibility LTD had as an individual body to respond to the public testimony. If all jurisdictions had left the comment period open, the Lane Council of Governments (LCOG) staff would have prepared responses. Mr. Pangborn said that it would become LTD's responsibility to respond.

Mr. Kleger said that he had mixed feelings about changing the previous decision of the Board. If the City of Eugene continued to receive comments with regard to LTD issues, the City would forward those comments to LTD. A comment received by one jurisdiction should be received by all four jurisdictions. He was not comfortable with backing off from the earlier promise that the Board had made to listen to public comment through June 30.

Mr. Gaydos noted that no proposed action was advertised on this issue, and if the Board was to take action, the issue should be advertised so the public would have an opportunity to comment to the Board about the issue.

The Board agreed not to take action at this time and leave the public comment period open until June 30. Mr. Bennett said that he respected the decisions made by the other jurisdictions, and he hoped LTD's decision would be respected as well.

MONTHLY FINANCIAL STATEMENTS: Mr. Bennett asked about the State In-lieu tax payments that were late. Finance Manager Diane Hellekson said that they were expected to be deposited in the Local Government Investment Pool (LGIP) within the next few days. The District had lost about \$650 in interest earnings due to the late payment.

BRT UPDATE: Mr. Kleger noted that there was an indication that BRT would be moved to the 6th and 7th Avenue corridors and asked how BRT was expected to serve the Fairgrounds. Mr. Carey said that in the neighborhood meetings, the favored alignment was along 6th and 7th Avenues, and staff currently were working on that alignment to determine how it would work to accomplish the goals of the BRT project.

MONTHLY STAFF REPORTS: Government Relations Manager Linda Lynch said that she was very encouraged about the funding at the federal level, but that grant funding at the state level for a RideSource facility was doubtful.

Ms. Hocken asked about the siting of the proposed Wal-Mart in Springfield and if the Board could be of any assistance in persuading Wal-Mart to locate the store along a bus route. Mr. Vobora responded that staff had been discussing the issue with City of Springfield staff and had been encouraged by those discussions.

Mr. Bennett thought that the scheduling system was an opportunity to provide valuable information to the public and boost LTD's image in the community. He thought it was important for LTD to inform the public that the operational savings from the new scheduling system would be redirected to capital projects. He thought people would remember that LTD was making every effort to improve systems, and to him, this was as important as putting out bus schedules.

Mr. Hamm announced that the Convention and Visitors Bureau of Lane County (CVALCO) was holding its 20th Anniversary dinner on May 10 at Valley River Inn, and Board members were invited.

ADJOURNMENT: There being no further discussion, Mr. Bennett adjourned the meeting at 9:25 p.m.



Board Secretary