

MINUTES OF DIRECTORS MEETING

LANE TRANSIT DISTRICT

REGULAR MEETING

Wednesday, February 19, 2003

Pursuant to notice given to *The Register-Guard* for publication on February 13, 2003, 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, February 19, 2002, beginning at 5:30 p.m., in the LTD Board Room at 3500 E. 17th Avenue, Eugene.

Present: David Gant
Gerry Gaydos, Vice President
Patricia Hocken, Secretary
Dave Kleger
Virginia Lauritsen, Treasurer
Hillary Wylie, President, presiding
Ken Hamm, General Manager
Jo Sullivan, Recording Secretary

Absent: Susan Ban

CALL TO ORDER: The meeting was called to order at 5:35 p.m. by Board President Hillary Wylie. Mr. Kleger was not yet present.

WORK SESSION

Ordinance No. 36: Director of Operations Mark Johnson handed out copies of a November 18, 2002, letter from C. Edward Gerdes, Jr., to the Board, submitted as public comments for the November 20, 2002, Board meeting. Mr. Gaydos had requested the copies. The Board had discussed revisions to Ordinance No. 36, Regulations Governing Conduct on District Property, at several previous meetings and had postponed making a decision on the final ordinance. Mr. Johnson called attention to the color map of the station that was specific to Ordinance 36 and defined the different areas. He said that the site map submitted with the Conditional Use Permit, which was referred to at another meeting during audience participation, had no designations of space use because it was only a site map. He explained that the District had designed a public area around the tree, and the rest of the station was designed to be for service and not as a public square. He added that he was working with District counsel on some wording changes suggested by Mr. Gant. Those would be ready for the next meeting.

Mr. Johnson said that as the ordinance read now, it created a restricted access area. Staff and the attorneys had looked at different ways to open the station, but there was no middle ground. They believed that if the entire station were opened, the station would go back to the way it was on 10th Avenue. Restricted access still was the staff choice because of the issues of the safety, convenience, and comfort of the District's guests. He stated that District Counsel Rohn Roberts was present to respond to Board questions and address some of the issues the Board had raised.

Mr. Gant said that he understood the intent of the ordinance, which he thought was good. The idea was not to get rid of signature gatherers, but he still questioned whether the ordinance would be constitutional. His concern was that although the revision probably was content neutral, it would be up to LTD to demonstrate that this was a reasonable restriction. He was not sure the District could make that case the safety issues where what LTD said they were. Mr. Gant said that staff and the Board needed to understand that it was not what LTD wanted, but what the courts would permit. He also said that it was important to listen to legal counsel, but he thought the attorneys would say that in cases like this, LTD also needed to take a very close look at what it was doing. When it came to affecting fundamental rights, he said, the District needed to own those decisions itself. He hoped that the Board would take the time to be educated about all of the constitutional issues that arose with that kind of a regulation, and then if the Board decided to approve this revision to Ordinance 36, the Board needed to have a good faith belief in the ordinance and should be able to respond to questions.

Mr. Roberts said that there were legal issues and policy issues. He was not there to advise the Board about the policy issues, and unfortunately could not tell the Board whether or not a particular ordinance would be upheld. What was in front of the Board was a Court of Appeals decision that said because the ordinance that had been stricken down targeted protected speech, they did not consider it to be content neutral. They then had to look to find an historical exception that would support LTD being able to support those protected targeted activities, and could not find such an exception. The court did not deal specifically with petition signature gathering and did not address the issue that the ACLU had raised, that public lawmaking or signature gathering was entitled to an elevated status and a greater degree of protection than other forms of expressive activity. He said that what had been re-proposed under the revision truly was content neutral. The question would be whether it was overbroad or sufficiently narrowly tailored to serve the legitimate public interest or the interest to be served by the ordinance. He did not think that LTD would have any difficulty selling the legitimacy of the interest that it was trying to protect. Unfortunately, whether it was overbroad was in the eye of the beholder.

Mr. Gaydos stated that part of what LTD told the business community was that the station would be different and safer than it had been on 10th Avenue, and that, conceptually, safety probably had been the biggest part of why LTD built an off-street station. From a policy standpoint, he said, the Board had been fairly strong in direction as to what was important from that standpoint. He said that they needed to blend the policy decision with what the Board members as lay people and directors felt was constitutional. The Board had heard input from people who thought that the ordinance was unconstitutional for a variety of reasons and had taken that input seriously. He said that the standard had to be that the Board had to do what was appropriate for the District, and sometimes that was different than what someone who was not as concerned about the District perceived to be not as important. The question to him was whether LTD could make sure it had a safe place. He said he felt driven to try to get a safe place, and that the Board was trying to work with counsel and the courts to try to make that safe place.

Mr. Kleger arrived at the meeting at 5:55 p.m.

Ms. Hocken said that this was a very complicated issue for a lay person. The issue for LTD was about space owned by a government, and there were examples of places owned by a public entity where it would not be appropriate to block people, such as in the stacks at the public library or between a person and the bus entry on the bus platform, even if it was a space owned by a government. She did not think that if the Board supported the ordinance it was deliberately setting

out to do something that was unconstitutional; she thought the issue of constitutionality was still an open question. Rather, it was the wish of the Board when the station moved off 10th Avenue, because safety was a big issue. She thought the District had succeeded to a great extent in creating a safer place because of public feedback since the station moved off-street.

Ms. Lauritsen thought the way it was worded seemed to be the safety issue, which is why the station moved off 10th Avenue. The Board did not worry about petition signature gatherers, but there were people who wanted to turn the station into a place to hang out, where there could be drug problems, alcohol problems, etc. She thought that people should be able to walk onto the bus in a safe area without being accosted. She said she was not worried about free speech, because this was not a free speech provision for her. She said she was in favor of the ordinance.

Mr. Gant said he thought the ordinance in itself was well drafted; he was just worried that the District had not set the factual evidentiary basis to make the case about the safety issue. He thought that would be the challenge in court. He said that there still would be people who walked through the wide-open facility, and LTD would have to explain how they were allowing that to happen.

Mr. Kleger said that he was a heavy user of the service before he was on the Board and before the station moved off 10th Avenue. When the station was on 10th Avenue, he said, he was pushing hard for a new station because of increasingly bad problems such as open drug dealing, panhandling, and petitioners blocking the sidewalks, so that it was difficult to get between buses in a limited time. He gave several recent examples of safety issues when guests stepped off the platforms in front of buses when trying to avoid obstructions caused by people on the platform. He said that these obstructions occurred naturally when people got off buses or stopped to visit, etc. He said there also were increased problems with panhandling on the platform as a result of recent budget and program cuts in the community, and there were more people going to the station for the express purpose of getting at LTD's customers and never intended to take a bus. He said that some people were involved in illegal commerce and setting up on the platform to sell things. There also were problems when people drove cars through the station; they did not go slowly, and some even made U-turns.

Mr. Kleger said that LTD had excellent drivers, but "accidents happen," and his agenda was to cut down as far as possible the number of possibilities of customers stepping off the platform into the path of a bus. There were surges of congestion at different times of the day and on different days, with no way to predict when it would happen. For example, most evenings there would be no noticeable congestion, but all of sudden it would happen. He said that he was more concerned than he could put into words. When people were afraid they were going to miss the bus, they did not look where they were going. He liked the language with an emphasis on no blockage or impedance, and thought that was the critical issue.

Mr. Roberts explained that the ACLU's position was that LTD already had a provision that talked about blockage and impedance, so nothing more was needed. He said that under the federal courts, including the United States Supreme Court's analysis, using what was called the public forum approach to analyzing these types of situations, this was not in counsel's view a public forum just because it was public property. It was not a city park and had never been held out to be a public forum in that respect, where people had been invited to conduct expressive activities. Under that analysis, he said, the court would look for a rational basis for what LTD had done. He said that he was fairly confident that LTD could make the argument that there was, but not so

confident that under the State Court's analysis, they would say that this was the least restrictive alternative available.

Mr. Johnson said that blockage was one type of safety issue, and protection from pedophiles, criminals, drug dealers, etc., were others. There were problems with people, sometimes criminals, hanging out, and trespassing law required LTD to tell them to leave every day before the police could be called. If the station were a restricted access area, the police could be called right away.

Ms. Hocken said that going with the blocking and impeding traffic might be one way to go, but she thought LTD would be subject of more criticism for more selective enforcement on that, because there might be situations where people would be accused of blocking and asked to leave and some when they would not. She thought that the revised ordinance was much clearer and that there was less judgment involved in determining whether someone was in violation or not.

Mr. Hamm said that the Board had talked about its concern for employees over time, and when he heard from employees and security people, they said that security was a growing problem and were asking the Board to do everything it could to help control the environment at the station. Employees heard about the rising problems from their guests, as well. He said it came down to a tough decision and thought there was a risk either way the Board decided, including being liable for a serious accident. Operationally, when people were just hanging out, it did cause people to step out into the roadway. He believed that the ordinance was a substantial improvement for LTD. There might be legal implications, but he believed that there also would be legal implications if the Board did not do anything, and that was the Board's challenge. After much discussion, this was what staff believed was appropriate and necessary, but it really came down to what the Board thought was the right place for the District, policy-wise and legal-wise.

Ms. Wylie did not think anyone disagreed that the safety of LTD's guests was the number one concern. She wondered, however, if the Board wanted to spend thousands of dollars fighting a constitutional challenge in the courts, or for lawsuits for injuries. She thought the Board should be extremely careful in how it went forward with the ordinance and fully explore whether this was the only option available.

Mr. Gaydos said he understood Mr. Gant's concerns and said the Board was trying to draw a very tight line. One thing he kept thinking about was the exclusion ordinance, which was a level below a limited access area. He said that when he heard Mr. Kleger's testimony as a witness, he heard that the real safety issues were in the operational components. Limited access had been made significantly broader than just the operational areas (the platform, etc.), and that troubled him a bit. He understood the customer service area and the concerns about employees, people's comfort, and those kinds of things, but while he believed Mr. Kleger, he did not have the evidence to support what Mr. Kleger had talked about. He said he heard about the pulse, the danger, and the operational components, which seemed like a far stronger case than when talking about customer service and administrative areas. This was somewhat troubling to him, and he thought this was the kind of place where the public was invited in a different way than on the bus platforms. He said he could see that the courts might make those kinds of distinctions. It would be easy to change the first part of the sentence to say that LTD was not just concerned about the safety of customers, but also about the safety of the employees, to broaden it. However, he said, he was still unsure about how that should be crafted.

Mr. Kleger clarified that the ordinance as drafted was not restricting activities in the plaza areas. He talked about experiencing congestion that was pushed toward the bus doors and into the central platform by people circulating petitions during more active times. He thought that someone actually could get more business by setting up a table in the plaza area, and attracting people who had the time, than by trying to get between two buses. He commented that many people left the station by the most direct route and would go around the station rather than fighting the crowd on the platform during a major pulse. He said this was how the station was supposed to work, and that as ridership increased over time, there would not be enough room for anything else. He said that the station was not near capacity, and that he did not want to design a plan and a policy that were incapable of coping with growth.

Ms. Hocken said she was very interested in what Mr. Gaydos had said about, if safety from motor vehicles was really one of the threats, and if there were other safety issues not related to motor vehicles, there might be a set of rules for the platform (restricted to passengers) and for the Guest Services Center (GSC) dealing with inappropriate behaviors rather than just being there if not a passenger. She said she could see that at the administrative facility they did not want people wandering around where the buses were being repaired, but that would be different than someone being inappropriate in the lobby. She wondered if it would become overly complicated if there were two different sets of rules. Mr. Johnson said LTD could look at that. However, the issue was that if the station were not a restricted area, people would hang out there, which could create another level of enforcement and security. Ms. Hocken thought that Mr. Kleger had given eloquent testimony on platform issues, and wondered if there were other non-platform safety issues that the Board had not discussed.

Mr. Johnson introduced Station Manager Rick Bailor, who said that one issue not discussed was a "quality of life" issue—whether LTD wanted guest services that served those who did not ride the bus. He said that staff had to wake up intoxicated transients on the benches every day, and that downtown youth knew they could use the restrooms and gather at the GSC to buy and sell drugs, fight, etc. To him, the station was a place for people to move from bus to bus, and he said he could not control that if LTD was going to invite the whole community to the platforms.

Mr. Gant said that the question was not whether there was a problem, but whether LTD could narrowly tailor an ordinance that achieved the safety goals and was drafted in a way that could win at the Court of Appeals. He was concerned mostly whether LTD had created a factual basis and was prepared enough to go to court and prove that it had made reasonable restrictions with a factual framework. He said that LTD could not just give opinions, but had to prove them. He said that if LTD had a problem, he wanted the Board to do everything it could to be successful, and successful in court. LTD should make sure the ordinance was narrowly tailored to achieve the goals and be prepared to win the case on the factual basis.

Mr. Gaydos said that there was a difference between a public space and a public square, and at some point LTD would have to get that line drawn and any public entity would take some risk in that. He wondered if there was a way to emphasize that point and get the factual basis. He was not saying that it had to be made differential, but the Board should think about if was a differential position, there should be a different factual basis in public policy direction with regard to different spaces. He did not know if that would be successful, but thought it was worth trying.

Ms. Hocken said that she had raised the issue of differential things, but maybe the same tool worked for both safety and security. By the next meeting, if there were no changes in the

recommendation, she would like the staff to provide some facts about incidents that had occurred on a daily basis, arrests, people asked to leave the station, etc. Mr. Roberts said that the ordinance would be brought to another meeting for a first reading. That would give an opportunity to establish some legislative history for that type of factual presentation.

Ms. Wylie thought that in some ways this was like the front of the airport, when people could not see friends and families off at the gate because of security. She said that if people were being knocked off the platform, arrested, etc., that was a security issue, and if there were people with histories of violence or criminal behavior who were intent on harming LTD's guests, that also was a security issue.

Mr. Gant said it would be helpful to him if staff and counsel could make a miniature version of the factual case LTD would make in the Circuit Court, as well as the legal arguments that would have to be made in front of the Court of Appeals. He thought that would be helpful to the Board in understanding what it would face in terms of a challenge to the ordinance.

Ms. Wylie called a ten-minute break, from 6:35 to 6:45 p.m.

EMPLOYEE OF THE MONTH: Mr. Johnson introduced Bus Operator Carol Kaminsky, who had been selected the March 2003 Employee of the Month. He said that she always had a smile and was always having fun; she knew her job and did it well every day. Ms. Wylie presented Ms. Kaminsky with her pin and awards and thanked her for her excellent service. Ms. Kaminsky thanked the Board and said that one thing she appreciated about being part of LTD was that it was a place where she could be herself and made it easy for her to do her job. She said that her co-workers had been tremendously supportive and there was a camaraderie she had not experienced at other places. She asked where else she could go to be able to go around in circles all day with a captive audience and get paid for it.

AUDIENCE PARTICIPATION: (1) One speaker who lived on City View in Eugene thanked the Board for his service and for not planning to cut it. (2) A second speaker said he appreciated the bus route that came across from his house, and thanked the Board very much.

MOTION

CONSENT CALENDAR: Mr. Kleger moved adoption of LTD Resolution No. 2003-004: "It is hereby resolved that the Consent Calendar for February 19, 2003, is approved as presented." Mr. Gaydos seconded. Ms. Hocken made one correction in the minutes of the January 15, 2003, Board meeting. The BRT Naming item referred to Ms. Hocken as an original member of the BRT Naming Committee, but she said that Mr. Gaydos was the original member, with Ms. Ban and

VOTE

Ms. Hocken added later. The Consent Calendar, including the corrected minutes, was then approved by unanimous vote, 6 to 0, with Gant, Gaydos, Hocken, Kleger, Lauritsen, and Wylie voting in favor and none opposed. The Consent Calendar consisted of the minutes of the January 15, 2003, Board meeting; nominations of P. Maureen Sicotte and Darrel Williams to the LTD Budget Committee; and the Fiscal Year 2002-03 Disadvantaged Business Enterprise (DBE) Policy and Program.

SPRINGFIELD STATION PUBLIC ART: Planning Technician Joe McCormack provided background on the request for proposals and artist selection process, which was similar to that done for BRT Phase I and presented to the Board in January 2003. The artists were asked to focus on three areas of the Springfield Station: the public plaza next to the commercial tenant area; the bioswale (now being called the platform garden); and the wall along the northwest corner of the site.

Six proposals were received: five for free-standing art objects, some with multiple objects around the station; and one proposal for mosaic tile. The art selection committee selected three finalists for presentation and interviews and selected Mary Beth Llorens' proposal. The Springfield Station Design Review Committee met in January and agreed with the committee and decided to forward this proposal to the Board.

Ms. Hocken asked if the committee discussed how durable the tiles would be if a lot of people picked at them. Mr. McCormack said that they did. If people gouged at the pieces that stuck out from the wall, those possibly could come out; however, Facilities Maintenance Manager Charlie Simmons had said that those would be easy to repair. Mr. Gant wondered about the effect of spray paint. Mr. McCormack explained that Mr. Simmons' crew would treat the tiles the same way they treated vertical surfaces at the Eugene Station. Ms. Wylie added that the tile would wash clean pretty easily and the grout could be replaced easily.

MOTION Ms. Hocken moved LTD Resolution No. 2003-006: "Resolved, that the LTD Board of Directors approves the artwork proposal presented by artist Mary Beth Llorens, as recommended by the Springfield Station Design Review Committee." Mr. Gaydos seconded, and the resolution passed by unanimous vote, 6 to 0, with Gant, Gaydos, Hocken, Kleger, Lauritsen, and Wylie voting in favor and none opposed.

TRANSPORTATION MANAGEMENT AREA GRANT RECIPIENT DESIGNATION: Director of Planning & Development Stefano Viggiano provided a brief background and noted copies of a letter to Governor Kulongoski from Federal Transit Administration Region X Administrator Richard Krochalis regarding the designation of the Eugene, Oregon, metropolitan area as a Transportation Management Area as a result of the most recent census. Ms. Wylie asked how much additional money LTD would receive as a result of this designation. Director of Finance Diane Hellekson said that it could be in the \$1 million to \$1.5 million range, but the amount was not yet known. The proposed resolution concurred with the designation of LTD as the direct grant recipient for FTA Urbanized Area Formula Program Funds, as required.

MOTION Ms. Hocken moved the following resolution: "It is hereby resolved that the LTD Board of Directors adopts LTD Resolution No. 2003-007 dated February 19, 2003." Mr. Kleger seconded, and the resolution carried by unanimous vote, 6 to 0, with Gant, Gaydos, Hocken, Kleger, Lauritsen, and Wylie voting in favor and none opposed.

RIDESOURCE FACILITY SITE SELECTION: Senior Strategic Planner Lisa Gardner provided background on the site selection process. More than 162 possible sites had been reviewed and a preferred site at Second Avenue and Garfield Street in West Eugene was being recommended to the Board. The site included eight acres and an existing building and was large enough to accommodate both the RideSource facility and a future satellite facility for LTD. The facility program and budget were explained in the agenda materials. The Finance Committee had discussed a staff recommendation. After that, staff had discussed leaving the existing building as a lease opportunity and building a new RideSource facility on the eight acres.

Ms. Hellekson said that the two options before the Board would give LTD the same RideSource facility. The question was whether the Board wanted to buy real estate that would gain in value over the years and would be in the right place on the west side of town for a satellite facility in the future. She explained that this would be an outright purchase, and LTD could borrow against

it if short-term cash were needed. In the future, the District could partition the land and sell the excess property if it needed to.

Ms. Hocken asked about multiple tenants, a long-term lease, and approximate rental income. Ms. Parker said that she did not know if there would be long-term leases, since the businesses there now were small businesses and not high-end leasers. There currently was not a lot of return on the existing building. Ms. Hocken asked if staff were looking at appreciation being a source of income. Ms. Hellekson said that was correct; this would be more than a landlord situation, but there was a 10,000 square foot building on the property that would not work well for RideSource, which LTD could use for other purposes.

Mr. Gaydos noted that the Finance Committee did not have this recommendation for discussion. He said that it was his belief that the local area was in a recession and property prices probably were lower than they would be for awhile, so it was a good time to purchase. The property probably would increase in value and give LTD more flexibility in the future. He did not believe there would be a good rental income, but he was supportive of this concept.

Mr. Kleger said that given the property market and interest rate, he did not see how LTD could get hurt. He thought that the likelihood of needing a satellite facility somewhere down the road was high. He thought that LTD should buy the entire parcel. Ms. Lauritsen said she was in favor of this, also.

Ms. Gardner said that staff did not need formal action, just direction from the Board. Land value information was available, but after the NEPA process, staff would return to the Board with a request to approve the purchase, and would have better property value information at that time, which would be in approximately six months. Mr. Gant asked what was on the property before. Ms. Gardner replied that it was a millpond, with relatively low risk for contamination.

Ms. Wylie asked if there was consensus that LTD should purchase the larger property. The Board members agreed that there was.

HUMAN RESOURCES COMMITTEE RECOMMENDATION: Mr. Gaydos stated that the committee had met on February 13. They were working with Mr. Hamm and District counsel to develop an employment contract to replace the letter of agreement signed when Mr. Hamm was hired. He said that as part of the evaluation process the year before, the committee wanted to set some goals and objectives for the general manager. Mr. Hamm had assisted the committee in developing those, and the recommended goals and objectives were included in the agenda materials for Board approval. Mr. Gaydos also noted that the previous year the Board had moved Mr. Hamm to a July-June evaluation cycle to coincide with the budget year. The committee wanted to hold a short evaluation now to get on that schedule, and then hold annual evaluations in the fall to go forward to the budget. Mr. Hamm had appreciated the input he received last year, and the committee thought it would be valuable to provide feedback again on some of the questions in the evaluation tool in the next month. They were suggesting the inclusion of some community members and the same staff who participated the previous year, in addition to Board member participation.

MOTION

Mr. Kleger moved approval of LTD Resolution No. 2003-008: "It is hereby resolved that the LTD Board of Directors accepts the proposal of the Board HR Committee for the recommended general manager evaluation and compensation process for the current fiscal year and adopts the

General Manager Goals and Objectives for 2003-04 as discussed at the February 19, 2003, Board meeting." Ms. Hocken seconded the motion.

Mr. Hamm noted that there were some potential conflicts in the goals, and asked the Board to remember that the District was working in a fluid environment. He was thinking of some of the difficult decisions that had to be made during the last year and a half, as well as the many external influences. He stated that he was excited about having the goals and objectives as a tool for the following year.

VOTE There was no further discussion, and the resolution passed by unanimous vote, 6 to 0, with Gant, Gaydos, Hocken, Kleger, Lauritsen, and Wylie voting in favor and none opposed.

ITEMS FOR INFORMATION AT THIS MEETING

Board Member Reports: Mr. Gaydos added to the report in the agenda packet by noting that the Metropolitan Policy Committee subcommittee working on ACT was going well. There would be a public involvement process, and MPC would become the metropolitan planning organization (MPO), which would involve new job duties. The City of Coburg was at the table now as part of the MPO.

2003-04 Annual Route Review/Service Presentation: Service Planning and Marketing Manager Andy Vobora referred to materials beginning on page 46 of the agenda packet. He discussed the assumptions for the Annual Route Review, including that it would result in a net-zero budget, that it would improve efficiency, and that there would be limited changes. He explained in more detail some of the proposed changes listed on page 46-A.

Ms. Hocken asked about the timeline for articulated buses. Mr. Vobora explained that LTD was unable to tag onto another transit system's existing order so had to prepare its own request for proposals (RFP). Ms. Hellekson added that the RFP was "on the street," but had to be amended to allow for an alternate propulsion system and doors on both sides. She expected that it would be 18 months before LTD would receive these buses.

Mr. Vobora said that typically the Board would hold a number of public hearings on proposed service changes. However, with this proposal for limited changes, only one public hearing was planned. Mr. Kleger relayed a suggestion from a rider on the #40 Echo Hollow regarding three stops in the area of 5th and Blair. The suggestion was to drop the stop at 5th and Blair inbound and still have one a block away at the Red Apple store, or possibly drop the one that was one block east of the Red Apple. However, he said, he knew the buses picked up a lot of people in that area.

Fiscal Year 2003-04 Pricing Plan Proposal: Mr. Vobora discussed the materials beginning on page 47 of the agenda packet. The recommendation was to leave fares mostly as they were for LTD and RideSource. Projected fare revenue resulting from this proposal was shown on page 56. He then discussed revised estimates and fare elasticity from price changes and the effect of service cuts. Overall, the fare increases had achieved more revenue for the system. A comparison study using LTD's peer agencies from previous University of North Carolina at Charlotte (UNCC) studies showed that LTD had been aggressive in setting fares and was at the top of its peer group. Mr. Vobora discussed a fare media discount structure and what happened when prices were raised incrementally. Discounts seemed more positive if cash fares were raised in different years than tokens and passes, so riders could move to different fare instruments to realize a discount.

A Breeze fare analysis showed that most people already had paid full fare before they boarded Breeze buses, so staff recommended leaving the Breeze fare at 25 cents to continue to promote the service. Staff also recommended offering a slightly-discounted youth pass for the summer.

Mr. Hamm commented that staff had a sense that with a number of the payment modes, LTD had reached a place where it would be a matter of losing revenue or participants. Others in the community were facing economic problems and had to make decisions about riding, and bus operators were expressing concern about raising the fares. Mr. Vobora added that taking a break next year would give LTD an opportunity to think about where it was going in the future with its fare system and technology.

Ms. Hocken asked if staff were still comfortable with a 3.65 percent increase for group passes. Mr. Vobora said he was sure that group pass participants would like no increase next year, after higher increases in past years. He thought LTD probably would not lose too many participants, but some of the larger groups were starting to waiver. Ms. Hocken suggested that LTD needed a promotion for people who worked at the library, especially if parking was difficult.

Ms. Wylie stated that Eugene/Springfield was a recessed area with a poor economy. Public agencies were losing funds and low-income individuals were affected even more, and LTD needed to be sensitive to that.

Mr. Kleger recalled that the District had made rather large increases, and one expectation was that the fares would be left alone for a couple of years. He said that LTD had two major missions: to provide service for those who did not have other transportation, and to encourage people to leave their cars at home, as well as to be fiscally responsible. He said he would not be worried if LTD had to back off a bit in the group pass price.

Mr. Vobora said he would provide additional information the following month. If all standard fares remained the same, the Board would not have to revise the ordinance. The group pass was not handled by ordinance. He said that staff had finished negotiating with the Associated Students of the University of Oregon (ASUO) regarding the group pass. Their contract would increase the next year, and staff would continue to work with them to move them toward the policy rate that others paid.

Ms. Hocken noted that there would be an increase of approximately \$33,000 if group pass rates were increased 3.65 percent. Ms. Hellekson said that more than half of that was from the ASUO group pass, so revenues would increase approximately \$15,000 if group pass prices were not increased for inflation. Mr. Vobora asked if the Board members were comfortable with not increasing the group pass rates, and there was agreement that they were.

Financial Statements: Ms. Hellekson provided a brief update on the process to appeal the payroll tax refund granted to a local taxpayer for taxes paid in the previous three years.

Mr. Gaydos commented about administrative costs being funded by capital funds. He wondered if that was good policy over time. Ms. Hellekson said she would be against it if the District did not have a capital agenda going over 20 years. She said that the District would have to review this in the future, especially with project-specific positions that had been added during the past couple of years.

Ms. Hocken said that at the next meeting she would like to see what line items had incurred legal expenses.

Committee Structure: Mr. Hamm referred the Board to pages 16 and 17 of the agenda packet. Staff were asking that the inactive Boundary Committee become a Service Committee. The Service Committee could discuss difficult decisions about allocating the resources of the District, review some of the alternatives, and make recommendations to the full Board, and also provide staff with policy and strategic guidance on service issues. Additionally, he said, there were ongoing labor relations issues and the District would be facing key issues in the near future and was less than a year out from beginning contract negotiations with the union. Originally staff were proposing an ad hoc committee to oversee labor relations for a short time, but it might be appropriate to have the Board Human Resources Committee assume this as part of its responsibilities. Ms. Wylie said that she and Mr. Hamm had discussed this earlier in the day. She changed the Boundary Committee (Pat Hocken, David Gant, and Dave Kleger) to a Board Service Committee, and appointed Mr. Kleger as chair. She also asked the Board HR Committee to assume the responsibilities of labor relations as part of its ongoing charge.


General Manager's Report: ♦Mr. Hamm stated that he, Assistant General Manager Mark Pangborn, and Director of Maintenance Ron Berkshire recently had looked at a hybrid articulated bus in Seattle. Seattle had been running the test bus fully loaded with water barrels, testing it on the road to see the stress points, and was very pleased with it. ♦He also noted that in a January-to-January comparison, LTD bus operator absenteeism had been reduced from 8 percent to 5 percent, and mark-offs for special assignments, events, proofreading schedules, etc., had been reduced from more than 1,000 hours to around 700 hours. He mentioned this to show that reducing costs was not just about cutting positions and materials and services, but also about staff reviewing everything they did. ♦He stated that Mr. Berkshire currently was in Hayward, California, inspecting the first of the Gillig low-floor buses coming off the line. Mr. Berkshire also expected that the lifts to make the AVS buses better comply with Americans with Disabilities Act (ADA) standards would arrive the first or second week in March. Mr. Kleger noted that the reliability of the AVS buses seemed to be improving. Mr. Hamm stated that AVS was making many improvements to the buses, almost always at its own cost.

Ms. Hocken wondered if the Board BRT Committee should meet about vehicle issues. Mr. Pangborn explained that BRT vehicles had been added as an agenda item for the February 26 work session, for discussion with the full Board.

Government Relations: Ms. Wylie asked Government Relations Manager Linda Lynch for an update. Ms. Lynch said that the final appropriations bill in the House included only \$2 million for LTD, which was a big disappointment. She and Mr. Hamm had reviewed the earmarks for the entire country and determined that LTD did about as well as most systems; 80 percent of them received less than \$2 million. She was hoping that LTD would be able to work out the problem of finding the balance of funding for the Springfield Station while in Washington, D.C., in early March. She noted that the Board had received the Federal Priorities book that would be used by all local government participants in the "united front" visit to the area's congressional delegation. Ms. Lauritsen asked about the cost of the book. Ms. Lynch explained that the cost of the book was divided among the five jurisdictions, and LTD staff put it together. The other jurisdictions delivered enough copies of their color pages to insert in all the books, so LTD was not paying for that expense.

Performance Reports: Ms. Hocken asked why there were so many accidents the previous summer. Director of Transit Operations Mark Johnson said that it was an anomaly, because summer usually had the lowest numbers and September was higher. He said that staff had been reviewing the types of accidents to try to see why June and July were the worst LTD had seen, and so far had not been able to determine the cause. Ms. Hocken also asked about the lack of places of buses to park on Olive Street. Mr. Vobora said that staff had not been aware of the final street design around the library until two weeks before the design was implemented, so did not have an opportunity to have a good discussion about the changes. Mr. Hamm said he had talked to Eugene Acting City Manager Jim Carlson and Director of Public Works Kurt Corey regarding LTD's lack of involvement early on in the process. Ms. Hocken stated that one of the reasons the City was given a group pass rate as a non-taxpayer was that the City was supposed to help LTD with street issues.

ADJOURNMENT: There was no further discussion, and the meeting was adjourned at 8:40 p.m.



Board Secretary

Q:\Reference\Board Packet\2003\04\Regular Mtg\BDMIN 02-19-03.DOC