

MINUTES OF DIRECTORS MEETING

LANE TRANSIT DISTRICT

SPECIAL MEETING

Wednesday, August 11, 2004

Pursuant to notice given to *The Register-Guard* for publication on August 5, 2004, and distributed to persons on the mailing list of the District, the Board of Directors of the Lane Transit District held a special meeting on Wednesday, August 11, 2004, beginning at 5:30 p.m., in the LTD Board Room at 3500 East 17<sup>th</sup> Avenue, Eugene.

Present: Gerry Gaydos, President, presiding  
Susan Ban, Vice President  
David Gant, Secretary  
Pat Hocken  
Dave Kleger, Treasurer  
Ken Hamm, General Manager  
Jo Sullivan, Clerk of the Board  
Lynn Taylor, Minutes Recorder

Absent: Virginia Lauritsen  
Hillary Wylie

**CALL TO ORDER** – Mr. Gaydos called the meeting to order at 5:38 p.m.

**ROLL CALL** - General Manager Ken Hamm called the roll.

**PRELIMINARY REMARKS BY BOARD PRESIDENT** – There were no remarks by the Board president.

**ANNOUNCEMENTS AND ADDITIONS TO AGENDA** – There were none.

**BOARD CALENDARS** – There were no changes or additions to the calendars.

**WORK SESSION**

MOTION

**A. Executive Session** – Mr. Kleger 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. Mr. Gant provided the second.

VOTE

The motion was approved as follows:

AYES: Ban, Gant, Gaydos, Hocken, Kleger (5)

NAYS: None

ABSENTIONS: None

EXCUSED: Wylie, Lauritsen

Members of the LTD negotiating team Jackie Dam, Mary Neidig, Diane Hellekson, and Mark Johnson were present for this discussion with the Board.

**Return to Regular Session** – Upon a motion by Mr. Kleger and seconding by Mr. Gant, the Board returned to open session at 6:34 p.m. Mr. Gaydos then called a five-minute break.

**EmX Vehicle Cost** – This item was moved to item D under *Items for Board Action At This Meeting*.

**EMPLOYEES OF THE MONTH** – Transit Operations Manager Mark Johnson introduced Bus Operator Tye Johnson, the August 2004 Employee of the Month, and Bus Operator Troy Emerson, the September 2004 Employee of the Month. Both were nominated by guests because they regularly did good deeds and “things above and beyond” for their guests. Both Ms. Johnson and Mr. Emerson expressed their gratitude to LTD for sticking by them during difficult times in their personal lives. Ms. Johnson thanked LTD for providing her the opportunity to reach her goals and for the District’s service to the disabled community. Mr. Emerson thanked LTD for the support, encouragement, and assistance it had provided to him and his family. He donated his monetary award to the son of an LTD employee who was in need of surgery not covered by medical insurance.

**AUDIENCE PARTICIPATION** – There was no one wishing to speak.

#### ITEMS FOR ACTION AT THIS MEETING

#### MOTION

**A. Consent Calendar** – Ms. Ban moved adoption of LTD Board Resolution No. 2004-027: “It is hereby resolved that the Consent Calendar for August 11, 2004, is approved as presented.” Mr. Kleger provided the second. The Consent Calendar consisted of the minutes of the June 14, 2004, Board work session; the June 16, 2004, regular Board meeting; the July 12, 2004, canceled special Board meeting; the July 12, 2004, joint meeting of LTD Board and Springfield City Council; and the July 21, 2004, canceled regular Board meeting.

#### VOTE

The Consent Calendar was approved as follows:

AYES: Ban, Gant, Gaydos, Hocken, Kleger (5)

NAYS: None

ABSENTIONS: None

EXCUSED: Wylie, Lauritsen

**B. Pioneer Parkway EmX Corridor–Martin Luther King Jr. Parkway Construction** – Director of Development Services Stefano Viggiano reported that approval had been received from the Lane County Board of Commissioners and Springfield City Council for ten additional feet of right-of-way along a narrow section of MLK Jr. Parkway to allow for construction of exclusive right-of-way for bus rapid transit (BRT) vehicles. He said the question before the Board was whether to build the EmX lanes at the same time as the rest of the road was constructed, or build the lanes at a later time. He said that it was estimated to be 30 to 40 percent less expensive to build at the time of road construction, as well as making more sense from the community’s perspective.

According to Mr. Viggiano, the disadvantage to building the lanes concurrent with road construction was that LTD would not have completed the Environmental Impact Statement and therefore construction costs might not be eligible for federal reimbursement. He said that staff

were in the process of determining whether reimbursement was possible. If they were local funds, they would have to be used for the construction. He said the cost was estimated at \$300,000, including contingency funds, and the design had been somewhat modified.

Project Engineer Graham Carey explained the revised design for the queue-jump lanes. The traffic roundabout required merging of the three southbound approach lanes into two lanes. He illustrated features of the revised lane design and station placement on conceptual drawings. The northbound queue-jump lane was moved to the curbside and shared with right-turn traffic.

Board members expressed concern that the queue-jump lane design represented a less exclusive right-of-way than originally anticipated and that it ultimately could compromise service by forcing BRT vehicles to merge with traffic. Mr. Carey responded that traffic studies conducted by PeaceHealth indicated that traffic flow at the intersection was not likely to impede transit vehicles.

In response to a question from Mr. Kleger, Mr. Carey said that the current T-intersection at RiverBend and MLK Parkway eventually could be developed by PeaceHealth into a four-way intersection. Mr. Hamm noted that, even if developed, the street would not be a thoroughfare to another destination and would not generate the type of traffic likely to create problems for transit. Mr. Kleger cautioned staff to anticipate development that could generate significant traffic, such as a large apartment complex.

Ms. Hocken asked how EmX vehicles stopping in the right-turn lane for the station would impact traffic behind the vehicles and whether the median could be eliminated to provide additional space for a BRT lane. Mr. Carey said that traffic would have to wait behind the EmX vehicles, similar to current operations on Oak Street, and Springfield traffic engineers wanted to median to remain for safety reasons.

Ms. Hocken observed that most of the advantage of an exclusive right-of-way was lost with the proposed design and Mr. Gant noted that merging with traffic at the approach to the roundabout could be difficult if the lane was backed up. Mr. Carey said that under most scenarios the roundabout traffic should be moving constantly and allow for merging.

Mr. Gaydos asked if LTD was responsible for paying any of the costs of the right-turn lane and what effect the design had on adjoining property owners. Mr. Carey said that in discussions with the City, LTD would pay for the extension of the right-turn pocket and the design would retain the 86-foot width throughout the "chute" section. Mr. Hamm added that current conversations with PeaceHealth indicated that PeaceHealth would donate the right-of-way on RiverBend Drive to LTD by leasing it to LTD at no cost under a 20-year agreement. He said that the right-of-way commitment could be used as part of the 20 percent match required from local entities for the federal grant.

Ms. Ban asked if the \$300,000 in construction funds also could be considered local match. Mr. Viggiano replied that staff were evaluating that possibility and pursuing different options for federal funding, one of which was to declare the parkway a separate project. He commented that the roundabout, which restricted design options, was the City's choice and not LTD's. He pointed out that even without BRT, MLK Jr. Parkway was still the primary route to RiverBend, which would be an important connection for LTD's service. He said that Springfield was requesting a decision from LTD so the City could move forward with the design of the project.

MOTION Mr. Kleger moved adoption of LTD Resolution No. 2004-028: Resolved, that the LTD Board of Directors approves \$300,000 in local funds for the construction of BRT lanes on MLK Jr. Parkway. Ms. Ban provided the second.

Ms. Hocken said she would support the motion but was unhappy about the lack of exclusive lanes and concerned about what LTD had sacrificed at the intersection.

Ms. Ban commented that at least there was an 86-foot right-of-way throughout the critical section.

Mr. Kleger expressed displeasure over the negotiations with Springfield on the design, which was not favorable to BRT. He said he would be opposed to any BRT activity in the area if there was no queue-jump lane as there was no advantage to BRT unless the vehicles were out of the stream of traffic. He said he would reluctantly support what was a less than ideal, but better than nothing option.

Mr. Gaydos questioned how many times LTD could compromise on BRT right-of-way and lane design without significantly affecting services.

Ms. Hocken asked if any change in the design was likely if the Board waited until September to make a decision. Mr. Viggiano responded that a change was not likely and while the proposed design did not appear as efficient as the original design, he felt it would work better than the back-to-back queue-jump lanes, and the northbound priority would be faster than with the median design.

Ms. Ban commented that she was less concerned with the intersection than she was with the roundabout feature.

VOTE The resolution was approved as follows:  
AYES: Ban, Gaydos, Hocken, Kleger (4)  
NAYS: Gant (1)  
ABSENCES: None  
EXCUSED: Wylie, Lauritsen

**C. Resolution Appointing Trustees for LTD Amalgamated Transit Union (ATU) Pension Trust and LTD Salaried Employees' Retirement Plan** - Director of Human Resources and Risk Management Mary Neidig explained that both plans designated the Board as the appointing authority for trustees and neither plan indicated who the trustees were or which positions would be appointed. She said that the election of Mr. Gaydos as the new Board president necessitated action and staff had taken advantage of the opportunity to update the plans and streamline language to specify trustees as the Board president and general manager for the ATU plan and the Board president, the general manager, and the assistant general manager for the salaried employees' plan. She said that designating positions rather than specific individuals would simplify the process of replacing trustees. She said the other recommended language change would allow a trustee whose term had expired to continue to serve until a replacement was appointed.

MOTION Ms. Hocken moved approval of LTD Resolution No. 2004-026: "A Resolution Appointing Trustees for the LTD ATU Pension Trust and the LTD Salaried Employees' Retirement Plan." Mr. Kleger provided the second.

Speaking to the motion, Mr. Gant expressed concern with the trustee assignments, which represented an atypical arrangement. He said he was not comfortable making service as a trustee a condition of employment for the general manager and assistant general manager. He said that trustees, because of the fiduciary responsibility involved, assumed great personal liability and he did not feel it was appropriate to require that of employees. He said he had discussed his concerns with Everett Moreland, an attorney who specialized in pension law and was the legal consultant to both trusts, and he had suggested options that would place the responsibility with the Board. He said he could not support the resolution as presented and suggested postponing action pending a meeting with Mr. Moreland to explore other options. Ms. Neidig responded that both plans had provisions that allowed a trustee who had been appointed to resign at any time for any reason and gave LTD the authority to remove a trustee at any point.

Mr. Gant commented that the fiduciary responsibility required a specific set of skills and while all three individuals currently had those skills, it should not be assumed that this automatically would be the case in the future. He felt it was more appropriate for the Board to search for qualified individuals to appoint as trustees. Ms. Neidig observed that Mr. Gant was suggesting changes to the plan to shift fiduciary responsibility to the Board, and that no action on the motion would leave a trustee position unfilled for each plan. She suggested that the Board could take action only to appoint Mr. Gaydos to fill the trustee positions for the present and then examine other options at a later date.

Ms. Hocken stated it was important that a Board member serve as trustee, with the individual appointed given the option of accepting or declining the appointment. She said that having the general manager and assistant general manager serve as trustees provided continuity and historical perspective that were critical to decision-making for the plans and that insurance coverage provided protection against personal liability.

Mr. Gant reiterated the need to meet with Mr. Moreland and explore the issues in greater detail.

Mr. Kleger encouraged the Board to take action to fill the current vacancy, but agreed with the need to talk to Mr. Moreland before making any procedural changes.

#### MOTION WITHDRAWN

Ms. Hocken withdrew her motion and Mr. Kleger withdrew his second.

Carol Allred stated she was a trustee of the ATU Pension Plan and expressed concern with any proposed changes to the trustee arrangement that did not involve ATU in the discussion.

Ms. Hocken commented that with respect to the specialized skills required of trustees, trustees historically had hired advisors who had expertise in specific areas, such as investment advisors, auditors, actuaries, and legal counsel, to provide the necessary perspective and knowledge.

**MOTION** Ms. Hocken moved to appoint LTD Board President Gerry Gaydos as trustee of the LTD ATU Pension Trust and trustee of the LTD Salaried Employees' Retirement Plan, effective immediately. Ms. Ban provided the second.

Mr. Gaydos accepted the appointment.

**VOTE** The motion was passed as follows:  
 AYES: Ban, Gant, Gaydos, Hocken, Kleger (5)  
 NAYS: None  
 ABSENTIONS: None  
 EXCUSED: Wylie, Lauritsen

**D. EmX Vehicle Cost** – Assistant General Manager Mark Pangborn explained that the vehicle pricing information in the agenda packet was provided in response to a request from Ms. Hocken. He explained that the figures had been verified by the consulting firm of Parsons Brinckerhoff and audited as part of either New Flyer's books or comparable purchases. He said that the figures had been accepted by Cleveland as well as LTD and the process was standard for a single-bid contract.

Mr. Kleger asked, for the record, if the other manufactures had declined to bid. Mr. Pangborn said that was correct and in each case either the manufacturer did not make the type of vehicle required or could not meet the production and delivery schedule because of other contractual commitments.

Mr. Hamm announced that LTD had agreed to a schedule with New Flyer and was ready to sign documents.

## ITEMS FOR INFORMATION AT THIS MEETING

### A. Current Activities

**Board Member Reports** – There were no questions or comments.

**Metropolitan Policy Committee** – July 8, 2004, meeting.

**MPO Summit** – July 23, 2004, meeting.

**MPC Subcommittee on Public Involvement** – August 3, 2004, meeting.

**Eugene Chamber Local Government Affairs Committee** – August 6, 2004, meeting.

**BRT Steering Committee** – There was no meeting.

**Region 2050 Policy Advisory Committee** – There was no meeting.

**Springfield Station Design Review Committee** – There was no meeting.

**Statewide Livability Forum** – There was no meeting.

**General Manager's Report** – Mr. Hamm reported that one of the hybrid electric buses currently was being examined in California by E-Bus to determine if the problem could be corrected and LTD had discussed the possibility of being released from the federal share of responsibility for the vehicles if a remedy was not found so the vehicles could be disposed of appropriately.

Mr. Hamm provided Ms. Hocken with a letter of appreciation from Terry Connolly of the Eugene Chamber of Commerce for her comments at a recent Eugene City Council meeting. He also distributed a letter from Bob Pirrie, Oregon Department of Transportation, regarding the West Eugene Parkway.

Mr. Gaydos thanked Board members and staff who had participated in the Eugene Chamber's Local Government Affairs Committee. He noted that LTD should not count on construction jobs to provide long-term support for the local economy.

**Health Care Data Follow-up** – There were no questions.

**TriMet Payroll Tax Increase** – There were no questions.

**Monthly Financial Report** – Director of Finance & Information Technology Diane Hellekson noted that the June 2004 financial report would be provided when the audit, which would begin in September, was completed. She said that preliminary data on the payroll tax was consistent with what was anticipated in the current budget and the payroll tax case appeal was estimated to take 14 to 18 months to resolve.

**EmX Bus Rapid Transit Update** – There were no questions.

**Correspondence** – There were no questions.

**B. Monthly Department Reports** – There were no questions.

**C. Monthly Performance Reports** – There were no questions.

**D. News Articles about BRT throughout the Nation** – There were questions.

**E. Other** – Ms. Hocken related a complaint she had received about the impact of secondhand cigarette smoke on those waiting for the Cottage Grove bus at the Eugene downtown station. She acknowledged that LTD could not control the behavior of people on the public sidewalks or public open spaces. Mark Johnson noted that other bays on the perimeter of the facility next to sidewalks also were vulnerable to the same problem.

Mr. Gant said that it was his understanding that smoking could be prohibited in the open spaces in the plaza area and urged LTD to do so. He said the individual who lodged the complaint had consulted with the American Civil Liberties Union (ACLU) and they had declined to take the case.

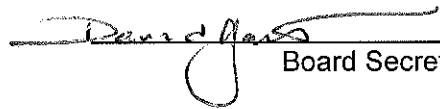
Mr. Johnson said the Board could make the decision to ban smoking in the plaza area but that would not address the problem of smoke drifting into the bus bays from sidewalks. Mr. Hamm suggested that there should be further investigation of the extent of the problem before the Board took any action.

Mr. Gaydos said the issue would be placed on a future agenda and asked staff to provide the Board with information and options.

Mr. Gaydos thanked Government Relations Manager Linda Lynch for providing information on the payroll tax and transit benefits to the community in a recent article in the Eugene Chamber's "Open for Business" magazine.

**ADJOURNMENT**

The meeting adjourned at 8:05 p.m.

  
Board Secretary

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