

MINUTES OF DIRECTORS MEETING
LANE TRANSIT DISTRICT
SPECIAL BOARD MEETING/WORK SESSION

Wednesday, February 15, 2017

Pursuant to notice given to *The Register-Guard* for publication on February 9, 2017, and distributed to persons on the mailing list of the District, the Board of Directors of the Lane Transit District held a special board meeting/work session on Wednesday, February 15, 2017, beginning at 3:30 p.m., at the LTD Board Room, 3500 E. 17th Avenue, Eugene, Oregon.

Present: Gary Wildish, President
Gary Gillespie, Vice President
Ed Necker, Secretary
Don Nordin, Treasurer
A.J. Jackson, General Manager
Dwight Purdy, General Counsel
Camille Straub, Clerk of the Board
Lynn Taylor, Minutes Recorder

Absent: Angelynn Pierce
Kate Reid
Carl Yeh

CALL TO ORDER/ROLL CALL: Mr. Wildish convened the meeting at 3:34 p.m. and called the roll.

PRELIMINARY REMARKS BY BOARD PRESIDENT: Mr. Wildish expressed appreciation for those who were able to attend the work session.

ANNOUNCEMENTS: There were no announcements

WORK SESSION:

Rural Services – Strategic Framework and Options: Director of Planning and Development Tom Schwetz and Accessible and Customer Services Manager Cosette Rees discussed rural service issues and opportunities.

Mr. Schwetz said that the discussion would focus on available options and the associated trade-offs and opportunities. He said that rural service represented eight percent of the District's costs and three percent of boardings, which had perhaps driven previous decisions about service in outlying areas. Growth and changes in population densities and access needs in the past 15 years compelled a different approach.

Ms. Rees said that LTD provided rural service both within and outside of its service boundaries. Examples of service outside of the boundaries included the Medicaid brokerage, the Diamond Express serving Oakridge and the Rhody Express providing a circulator service in Florence. Additionally, there were discussions about how to fill the Yachats-Florence

service gap and provide Florence-Eugene service. She said that the current discussion would focus on service within District boundaries.

Mr. Necker asked if the amount that outlying communities paid would increase as ridership increased. Mr. Schwetz replied that cost would stay the same. Ms. Rees added that what could increase would be fares, although fare revenue on those routes was negligible.

Mr. Schwetz summarized the strategic elements to be considered in the discussion of rural service: mode/service type, vehicle type, owner/operator, focus of operations, funding sources and schedule/span. He said that rural service was largely commuter oriented, with most trips occurring during weekdays, and with hours of operation constrained to the commute period. The discussion would look at how changes in strategic elements would affect the level and cost of rural transit service with a view towards finding operational efficiencies that could make more service possible.

Mr. Schwetz reviewed a compilation of data from the 2015 origination/destination survey that better illustrated the patterns of rural ridership; it showed that trips were dispersed throughout the metropolitan area and had many purposes; including jobs, education and health services. He used graphics to demonstrate the relationship between factors such as gas prices, unemployment and college enrollment on rural ridership over a 10-year period. Another aspect to explore was how current rural routing related to the design of the overall network and moving from a hub-and-spoke model to cross-town connectivity strategies. He used a map to illustrate the current and overall proposed system and how rural routes coincided with points on the frequent transit network (FTN), which presented opportunities from a service planning perspective of achieving efficiencies and adding services.

Mr. Gillespie asked if truncating rural routes and connecting them to points on the FTN instead of the Downtown Station would have an impact on operator hours. Assistant General Manager Service Delivery Mark Johnson said that would be difficult to determine until a service package was developed; although rarely was one driver doing the back and forth on one route.

Mr. Schwetz pointed out that the route to Cottage Grove provided the most extensive routing within any of the outlying communities being served. He said that the cost of contracting with another entity, such as South Lane Wheels, to operate that circulator service and the revenue to support the service, were factors to consider.

Mr. Necker asked if instituting a trunk line would allow for an increase in the frequency of connector service, and how much of the trip was associated with the trunk line. In response Mr. Schwetz said that the Cottage Grove trunk line represented about 85 percent of the cost of servicing that community, although that ratio was different on routes with shorter trunk lines. He explained that payroll tax revenue came with constraints and LTD was not necessarily free to contract out that service.

Ms. Jackson said that another important factor to consider was the number of passengers on the circulator and trunk line portions of the trip. Mr. Schwetz explained that the circulator route had six passengers per hour and the truck line, exclusive of the circulator, had about 40 passengers per hour.

Ms. Jackson said that there were a number of questions associated with rider impacts and needs that should be addressed when deciding to make changes to the current Cottage

Grove service configuration. The goal being to provide better service to the majority of riders and reasonable solutions for the minority of riders who would be impacted.

Mr. Necker suggested a community survey to gain insight about needs. Mr. Schwetz said it was important to determine how to frame the Strategic Planning Committee (SPC) and Board's conversation with Cottage Grove and what type of partnership might emerge.

In response to a question from Mr. Nordin, Ms. Jackson said that LTD counts boarding's as opposed to passengers at the end of a route. Per hour ridership statistics reflected the number of boarding during an hour, not the total number of people on the bus at one time. Mr. Schwetz added that LTD could provide information about the number of boarding's and departures at points along the route, including Creswell.

Mr. Nordin said that the population of Creswell had grown and asked if the District's boundaries could be expanded to include Creswell and thereby give residents greater access to transit. Mr. Schwetz replied that the District's boundaries were drawn around the Creswell urban growth boundary (UGB); most of the development in the Creswell area was residential and those residents would not be paying the payroll tax.

Mr. Wildish asked if there were opportunities for park and ride facilities at the end of rural routes to facilitate access. He noted that the Cottage Grove circulator represented 15 percent of the route's cost, but only generated six rides.

Mr. Nordin said that he was engaged in discussions with Cottage Grove about purchasing a property that could serve as a bicycle and transit hub in the city center. He said that type of facility in conjunction with more frequent service could produce a sharp rise in boarding's, and a model that could be used in other outlying communities.

Mr. Schwetz said that the trunk line service was most efficiently operated by LTD buses, whereas the connector service is most efficient using small vehicles. He said that Salem-Keizer Transit operated a connector service that was very effective and LTD would explore trunk line operational models as opportunities arose.

Mr. Necker asked if it would be possible to extend the Cottage Grove route to the property Mr. Nordin referenced, rather than terminating at Walmart. Mr. Schwetz said it was a feasible option to pursue along with other options to connect to LTD's network. He said a comprehensive operations analysis that was currently out for bid would provide valuable information as those types of issues were considered. He suggested that the SPC could be consulted for advice on rural service options.

Mr. Nordin asked if a study that Lane Council of Governments (LCOG) had been asked to conduct by the Oregon Department of Transportation (ODOT) would include the possibility of extending LTD's service boundaries to include Florence. Mr. Schwetz replied that was outside the scope of the study; ODOT was interested in options for connections. Ms. Jackson added that LTD was looking at rural services because of the interest generated in the topic during the legislature's Joint Committee on Transportation's tour around the state. She referred to the map that illustrated the current and proposed FTN and emphasized that the FTN was not limited to the urban area; it was a system approach. Decisions made in one community impacted others across the network. She said that improving transit corridors was a significant benefit to rural areas. She said that accessibility was a major discussion point

during the Joint Committee's tour and the FTN was a piece of that discussion, of which LTD played a critical role, even for those outside of its boundaries. Any discussion of expanding the District's boundaries would need to include the potential impact on services throughout the region. Expanding the boundaries to include Florence would mean that resources would have to be redeployed to provide services within the area of expansion. She said that was a topic the Board could decide to pursue.

Mr. Necker asked if including Florence in the District's boundaries would obligate LTD to providing paratransit service, which was costly. Mr. Schwetz said that LTD was constrained by the Federal Transit Administration (FTA) regarding reaching beyond a commute level of transit; greater frequency at peak times could trigger the Americans with Disabilities Act (ADA) paratransit requirements.

Mr. Nordin observed that the outlying communities all had UGB's, and as they grew out to those boundaries would become more transit-oriented requiring more frequent service, which could trigger ADA requirements. He said that he felt that the residents of those communities should be able to fully participate. Mr. Schwetz said that he agreed that the District should not be afraid to look at what that would entail and any options for service.

2017 Legislative Agenda: Director of Public Affairs Edward McGlone explained that the agenda packet included a list of bills, a summary and review of the ten bills of particular interest to LTD, and a copy of a draft bill. He said that a transportation package was a priority for the legislature and the Governor's Office. A legislative Joint Committee on Transportation toured the state last year to hear from communities about their transportation needs and transit was identified as a necessary component of the transit system in every community. The Joint Committee has continued to meet and created four subcommittees to address major topics before a transportation package was proposed:

- Highway, road preservation, maintenance, and seismic upgrade
- Traffic congestion and freight mobility
- Public transportation and public safety
- Multi-modal freight, aviation, ports, marine, and rail

Mr. McGlone said that the subcommittee dealing with transit indicated the need for finding a transit funding option for the entire state, not just Portland and Eugene. There appeared to be support for an employee payroll tax; currently LTD collects a payroll tax assessed on employers and the new tax would be taken from employee's paychecks. He said that the proposal had the potential to generate a large amount of money at a fairly low rate of .1 or .2 percent. He said there was likely to be opposition to the tax from both sides of the aisle and advocates for both businesses and employees. He said that the subcommittee was scheduled to make a recommendation to the full committee in mid-March. He stated that ODOT had estimated the annual cost to maintain roads, without expansion, was \$1.3 billion in addition to current revenue. That did not include the city and county funds necessary for maintenance.

Mr. McGlone briefly reviewed the following bills, which the Board would be asked to take action on during its regular meeting:

HB 2215 - Oregon Right to Rest Act: Proposed by advocates for the homeless to make it possible for the unhoused to find places to legally rest without disturbance.

This could open the possibility that bus stops and bus stations could become free shelters, and park and ride facilities could be used for car camping. This raised concern about LTD's ability to enforce Ordinance 36, the code of conduct for LTD premises, and impede access to transit. Staff recommended working with bill sponsors to remove public transit or oppose the bill if it is not removed.

HB 2288 - Lottery bonds for ConnectOregon. LTD had received ConnectOregon funds for a number of non-highway projects in the past and this or a similar bill should be supported.

HB 2455 - Public records retention schedules and retention of electronic communications. Reasonable fees for providing the records could be collected. The minimum retention period for all records was three years, which was triple the current requirement for certain records and would create some administration burden.

In response to a question from Board members regarding HB 2455, Mr. McGlone explained that the law would not apply retroactively, only from its effective date going forward. He said that records that now had a longer retention period would not be affected; the bill only changed the minimum retention period, not the maximum.

Continuing, Mr. McGlone said the bill would also require retention of electronic communications (email, social media, and texts) created on equipment owned or operated by a public body for a minimum of 30 days, which would present a challenge to LTD because it did not currently retain text messages. He said that would include Board members' personnel devices used for communication regarding District business. He said that LTD would need to develop the capacity to store those messages. The bill also would require the public agency to produce all public records requests within three weeks of the request in order to charge the permissible fees for compilation of records; this timeline would present a problem for an agency when the request was for a large volume of information and incentivize people to submit complex and in depth request because the District would be unable to recover the costs of producing the material. Staff proposed monitoring the bill's progress and advocating changes.

HB 2693 - Establish a Department of Education grant program to award school districts funding for student transportation. The bill was the result of interim work to restore the student pass programs. The bill would not limit the funds to use for transit as many communities were not served by public transportation. Staff recommended support for the bill.

HB 2704 - Create a \$250,000 rebate per vehicle for the purchase of new electric transit buses. The rebate also could qualify as local match for federal grants, making LTD's applications very competitive. Staff recommended support for the bill.

HB 2717 - Penalties for assault of employees of mass transit districts. The bill would increase penalties associated with assaulting an employee when the employee was acting within the scope of their employment. The bill was proposed jointly by TriMet and ATU. Staff recommended support for the bill.

SB 357 - Changes definitions in the statute regarding interfering with public transportation. There are four types of interference: fare evasion, blocking the

operation of a system, assaulting a transit employee, or other action that meddled with operations. Currently, LTD fare evaders were given an exclusion from the system until it was removed by the public safety manager; evaders who repeated the offense while still excluded could be subject to arrest and the worst offenders could be charged under a higher level of criminal prosecution under the statute. The higher level of prosecution was a useful tool, although rarely used by LTD. Arrests must be made by sworn police officers. In the Portland area arrest and prosecution for fare evasion had been used to the extent that it was perceived as an abuse of power, which prompted introduction of the bill. Staff recommended opposition to the bill.

LC 1934 - The draft bill was proposed by ATU and Organizing People/Activating Leaders (OPAL) Environmental Justice Oregon because of concerns about appointed, rather than elected, transit boards; in particular the TriMet board's lack of responsiveness to environmental justice communities affected by access to transportation and to the union's issues. While the bill's advocates felt that LTD was voluntarily doing a good job in those areas, the intent was to create more representative boards that would be more responsive to their concerns. The proposal would modify board structure through the following changes:

- LTD's Board is currently composed of seven members appointed by the Governor representing subdistricts that were geographically apportioned. The legislation would require the Governor's Office to consult with the Metropolitan Planning Organization (MPO); Lane Council of Governments (LCOG) would be a mandatory consult before an appointment was made. That was currently an informal process and the legislation would formalize it.
- Four new at-large positions representing four new constituencies would be added to the Board:
 - A person under the age of 30 who was a regular transit user (regular defined as using the bus 20 times per month or more), with the ability to represent the interests of students and young people who rode transit
 - An active member of the labor organization representing District employees, which would be ATU as there were no other unions representing LTD's employees
 - A person with a disability who was a regular transit user and had the ability to represent the interests of persons with disabilities who used transit
 - A regular transit user who had the ability to promote the interests of low-income and minority communities within the District
- Providing definitions for categories of transit users: frequent user, regular user, and occasional user; and using those definitions as criteria for board member participation.

Mr. McGlone explained the intent of the new positions. He said that while the bill would permit boards to adopt rules to prohibit the union representative from voting on contract issues, there were other areas of conflict such as the general manager's performance review, and expectations of contract enforcement, pension trusts or other employment-related issues that came before a board. The definitions of minority and low-income populations were currently unclear.

Mr. McGlone said the proposal also had been presented to the SPC and discussed by staff with leadership among partner agencies at the city and county level. He said the SPC did not take a formal position, but asked him to share their thoughts with the Board:

- Concern with the size of the board with an addition of four positions
- Concern with potential conflicts of interest with the addition of a union representative position
- Liked the goals of diversification, but concern with recruiting enough eligible applicants to fill board positions, given current challenges of fill seven seats
- Concerns with 30-year age limit regarding whether a person would be forced to resign if he/she turned 30 before the term of appointment expired; ability of a student to regularly attend meetings, many students were over the age of 30

Mr. McGlone said that some community partners felt the proposal was a solution in search of a problem as they were pleased with the LTD Board's performance.

Mr. Necker said that he understood the 30-year age requirement was for a position representing young people as well as students.

Mr. Wildish commented that people under the age of 30 were less likely to remain in the same community for four years, resulting in more frequent vacancies in that position. He added that another consideration about the proposed changes was the impact on staff to support an 11 member Board.

Mr. Gillespie pointed out that a larger board would mean five members could attend an event without concerns about a quorum, although a Board meeting would require six members for a quorum and subcommittees would be larger. He noted that his own appointment to the Board resulted from a compromise when ATU was proposing legislation to require an elected board; the union agreed to the appointment of someone with a union background. He said that he felt that an elected board would have the unintended consequence of only attracting candidates who could afford to run for election. He suggested a nine-member board would be a more manageable size.

Mr. McGlone said that staff had discussed the proposal and would support whatever direction the Board chose. He said that an 11-member board would change how some key positions functioned within the organization, particularly the general manager, by requiring more time to work with the Board and allowing less time for direct community outreach.

ADJOURNMENT: Mr. Wildish adjourned the meeting at 5:05 p.m.

LANE TRANSIT DISTRICT:

ATTEST:

Ed Necker
Board Secretary

Camille Straub
Clerk of the Board

Date Approved: _____

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