

MINUTES OF DIRECTORS MEETING

LANE TRANSIT DISTRICT

REGULAR BOARD MEETING

Wednesday, July 16, 2014

Pursuant to notice given to *The Register-Guard* for publication on June 12, 2014, and distributed to persons on the mailing list of the District, the Board of Directors of the Lane Transit District held a regular Board meeting on Monday, July 16, 2014, beginning at 6:30 p.m., at the LTD Board Room, 3500 E. 17<sup>th</sup> Avenue, Eugene, Oregon.

Present: Gary Wildish, President  
Carl Yeh, Vice President  
Julie Grossman, Secretary  
Ed Necker, Treasurer  
Gary Gillespie  
Michael Dubick  
  
Ron Kilcoyne, General Manager  
Jeanne Schapper, Clerk of the Board  
Lynn Taylor, Minutes Recorder

Vacant: Position 1

**CALL TO ORDER/ROLL CALL:** Mr. Wildish convened the meeting and called the roll at 6:30 p.m.

**PRELIMINARY REMARKS BY BOARD PRESIDENT:** Mr. Wildish noted this was his first meeting as Board President and welcomed everyone in attendance.

**COMMENTS FROM THE GENERAL MANAGER:** Mr. Kilcoyne announced that the 9<sup>th</sup> District Court had granted the Federal Transit Administration (FTA) and LTD a motion of summary judgment with prejudice in the lawsuit filed by Our Money, Our Transit (OMOT). He said that meant the charges levied by the plaintiffs were without merit. He read excerpts from the ruling that confirmed that there had been a thorough, reasoned process with ample public participation options for the West Eugene EmX Extension project. He said that utility relocation activities on the project were moving forward and he anticipated receiving an executed Small Starts grant award in September, with construction to begin shortly thereafter.

Mr. Kilcoyne introduced Cheryl Munkus, LTD's internal auditor, and Ernie Turner, who would be replacing Director of Maintenance George Trauger upon Mr. Trauger's retirement at the end of July. Mr. Turner's title will be Fleet Maintenance Manager.

**ANNOUNCEMENTS AND ADDITIONS TO THE AGENDA:** There were no announcements or changes to the agenda.

Mr. Gillespie asked if the District Court's summary judgment was appealable. K.C. Huffman of LTD's legal firm, Thorp, Purdy, Jewett, Urness & Wilkinson, PC, replied that matter could go to the 9<sup>th</sup> Circuit Court, but that would take some time and the project would be well under construction.

Mr. Gillespie asked if the matter was potentially subject to a petition or charter amendment. Mr. Huffman said that changes could always occur through legislation; but at this point, the plaintiff was pursuing it judicially. Attempting to address it with legislation would be an onerous process.

**BOARD CALENDARS:** Mr. Kilcoyne reviewed the August, September, and October 2014 Board calendars and highlighted events. He noted that there would be no Board meetings or work sessions in August. He proposed holding the October regular Board meeting on October 22 to avoid a conflict with the annual American Public Transportation Association (APTA) Meeting and EXPO, which several Board members and staff would be attending. The Board agreed to move the October meeting from the 15<sup>th</sup> to the 22<sup>nd</sup>.

**EMPLOYEE OF THE MONTH - JULY 2014:** The Board recognized Bus Operator Frank Wikle as the August 2014 Employee of the Month.

Mr. Wildish thanked Mr. Wikle for his service and commitment to LTD's mission and presented him with a certificate of appreciation, check, and pin commemorating his award. Mr. Wikle thanked the Board for his award. He said that he enjoyed his job with LTD and expressed appreciation for his co-workers and customers.

**AUDIENCE PARTICIPATION:** Mr. Wildish explained the procedures for providing public testimony.

**Rob Zako**, Better Eugene-Springfield Transit (BEST), Eugene, congratulated LTD on the District Court's ruling on the West Eugene EmX Extension project and said it was a testament to LTD staff, consultants, and the FTA for their commitment to doing a thorough job assessing project impacts. He felt that the Main Street-McVay process was going well, and the stakeholder's group was working together to develop a purpose, objectives, and goals. He said that the stakeholder's group had wanted some language in objectives regarding equity related to age, disability, and economic status but did not have specific language to include. He said that the group was not suggesting changes to the document that the Board would be reviewing later in the meeting but wanted to highlight those populations, particularly the economically disadvantaged.

**ITEMS FOR ACTION AT THIS MEETING:**

MOTION **Consent Calendar:** Mr. Necker moved adoption of LTD Resolution No. 2014-022: It is hereby resolved that the Consent Calendar for July 16, 2014, is approved as presented. Ms. Grossman provided the second. The Consent Calendar consisted of the Minutes of the June 9, 2014, Special Board Meeting/Executive Session; Minutes of the June 18, 2014, Regular Board Meeting; and Minutes of the June 30, 2014, Special Board Meeting/Executive Session.

VOTE The motion was approved as follows:  
AYES: Dubick, Gillespie, Grossman, Necker, Yeh, Wildish (6)  
NAYS: None  
ABSTENTIONS: None  
EXCUSED: None

**ITEMS FOR INFORMATION AT THIS MEETING:**

**Board Member Reports:** Mr. Yeh mentioned that the Lane Council of Governments (LCOG) Board would be revisiting the issue of LTD's membership.

Mr. Necker reported that the Eugene Transportation Community Resource Group had met on June 30, 2014, primarily to review the past year's accomplishments.

Mr. Wildish reported that the Metropolitan Policy Committee (MPC) received a report on carbon monoxide at its July 3 meeting. In 1979 Eugene was determined to be a non-compliant area; but since that time, air quality had steadily improved, and by 2010, Eugene was determined to be at 15 percent of the allowable carbon monoxide level.

Mr. Dubick reported that the projects put forward by the LaneACT (Area Commission on Transportation) had done well in the State Transportation Improvement Program (STIP) funding prioritization process, although project funding had been pushed back a year because of uncertainty at the federal level.

**Main Street-McVay Transit Study Draft Purpose, Goals, and Objectives:** Senior Project Manager John Evans introduced David Reesor, transportation planner for the City of Springfield. Mr. Evans said that the Board would be asked to consider language approved by the Springfield City Council regarding the purpose, goals, and objectives for the Main Street Transit Study. He noted that background information and the draft language were included in the agenda packet.

Mr. Evans said that the Stakeholder Advisory Committee (SAC) began work in Spring 2014, had met three times, and would meet again at the end of July. At this point, the intent was to develop overriding principles for the study that also would be legally adequate for future National Environmental Policy Act (NEPA) studies and to determine the community's wishes for future transit options along the Main Street-McVay Highway corridor. He said that the draft language had been recommended by the SAC to the Governance Team, which then recommended it to the Springfield City Council and LTD Board. Mr. Evans said that the next phase would address the needs and evaluation criteria and be informed by analysis of data currently being collected.

Mr. Evans reviewed the draft purpose, goals, and objectives language. He noted that while the Springfield City Council had accepted the language as submitted, LTD was not obligated to do the same. If the Board did accept the language, it would become final for the project; however, it was the first phase of the project and could evolve and be refined during subsequent phases.

Mr. Evans commented that the project objectives were based in part on Title VI requirements for equitable service; and while there was no specific reference to economic status, that issue was addressed in LTD's Service Plan and other plans. He said that the Governance Team, including LTD representatives and the Springfield City Council, felt that the language was adequate.

In response to a question from Mr. Necker, Mr. Evans reiterated that the Governance Team had concurred that the provision of equitable service for low-income residents was sufficiently covered in LTD's Service Plan and Long-Range Transit Plan, and it was not necessary to modify the objectives language.

Mr. Gillespie asked how riders would be brought down Main Street to Springfield Station and then either out McVay Highway to downtown Eugene or the Gateway area. Mr. Evans said that the next phase of the project would assess the full range of design options; the first step would be an all-day work session with the SAC to identify the desired level of transit. He said that options would then be weighed against evaluation criteria and reduced to viable alternatives.

Mr. Gillespie asked if the No. 11 Thurston route would be part of the mix of options. Mr. Evans said it would be under consideration.

Mr. Reesor said that project information would be posted at Springfield City Hall following the SAC workshop. The public would be able to view the materials and post written comments and questions. He said that feedback would be provided to the Governance Team and SAC for further analysis of alternatives. He hoped that by February 2015, a reasonable number of alternatives could be presented to the City Council and the LTD Board to determine if they could be moved to the next phase. He commended the partnership between the City and LTD.

Mr. Wildish determined that there was Board consensus to accept the draft purpose, goals, and objectives language as presented.

**Safe Routes to School Program Report:** Point2point Schools Program Leader Ellen Currier said that Safe Routes to School (SRTS) was a regional program coordinated by Point2point, was supported by partner agencies, and had program coordinators in each of the three school districts. She said that the SRTS program provided a number of significant benefits to children, families, and the community, including:

- Promoted physical activities to address health concerns such as childhood obesity
- Helped establish lifelong habits of walking and biking
- Improved students' learning due to before-school physical activity
- Decreased traffic congestion around schools, resulting in better air quality and safer conditions for entering and exiting schools
- Increased sense of community through walking and biking
- Increased rates of walking and biking, lowering accident rates for all travel modes and increasing sense of personal safety
- Lowered transportation costs for families, school districts, and communities
- Increased accessibility for students and others in the community with safer roads

Ms. Currier described how the SRTS program supported and enabled students to walk or bike to school through five integrated strategies that included Encouragement, Education, Evaluation, Engineering, and Enforcement. She discussed the activities and achievements in each category. She said a sixth strategy—Equity—would be added. Future program objectives included:

- Obtain sustainable SRTS funding
- Complete walk-to-school maps for all 49 elementary and middle schools
- Complete SRTS action plans at three schools in each district
- Increase the number of students participating in bike and pedestrian safety education
- Increase participation in Connect2school
- Increase outreach to charter schools

In response to a question from Mr. Yeh regarding equity, Ms. Currier said that strategies to address equity could include better access to bikes and helmets and outreach to all schools, particularly those with lower participation rates in walking and biking programs.

Ms. Grossman asked if there appeared to be disparity in program participation with communities of color. Ms. Currier said that staff were aware that there was less access to resources in certain schools and would be researching that as part of implementing the equity strategy.

Ms. Grossman noted that another program benefit was the strengthened connection between families and schools when parents walked their children to school.

Mr. Wildish said that when parents walked their children to school, interaction with other families also strengthened a sense of community.

Mr. Yeh asked if the walking and biking maps could be made into an application. Ms. Currier said that staff were exploring the best ways to get information to children and families.

**Legislative and Regulatory Update:** Government Relations Manager Edward McGlone stated that the federal Highway Trust Fund (HTF) was rapidly running out of money, and most recent projections had this occurring before the end of 2014. He said that MAP-21, the federal transportation authorization, was expiring; and Congress was working on a new version, as well as bills to address the HTF. The House bill would provide \$11 billion to fund the HTF under existing operations through May 2015; the Senate bill would extend HTF operations through December 2014. He said that the House bill passed the House with a bipartisan majority and would likely pass the Senate as well, which would delay but not solve the transportation funding crisis. He said that LTD received between \$6.5 and \$7 million in federal formula funds and could face up to a 40 percent cut if an HTF solution was not found. He said that the gas tax had not been increased since 1993, although decreased gas tax revenue and increased construction costs meant that alternative funding mechanisms needed to be explored. He said that with the impending expiration of MAP-21 congress was developing some policy alternatives. Of interest to LTD was the new Small Starts program, which was likely to continue, and restoration of the Bus and Bus Facilities funding program.

Mr. Kilcoyne pointed out that funding for the West Eugene EmX project came from the General Fund, not the HTF. The potential 40 percent cut would impact operations. He said that LTD would be able to weather a short-term funding shortage because of its cash reserves.

Mr. Huffman presented an overview of the City of Eugene's draft ordinance requiring all employers to provide paid sick leave. He said that the ordinance was based on the City of Portland's ordinance and that Seattle and San Francisco had similar ordinances. He said that all employees—full-time and part-time—would be covered; it was not clear whether the ordinance would apply to temporary employees. He added that there was no minimum number of employees that would exempt an employer. Leave would be accrued at the rate of one hour per 30 hours worked within the City of Eugene to a maximum of 40 hours per year. Accrual of leave would commence upon employment but could not be used until after 90 days of employment. The effective date of the ordinance will be July 1, 2015.

Mr. Huffman said that concerns had been raised about how the ordinance would apply to multi-state employers and employers based in other communities but whose employees performed work part of the time in Eugene. Only hours worked in the City were eligible for the paid sick leave accrual, and the leave could only be used when the employee was scheduled to be in Eugene. He believed that tracking that would be an accounting nightmare. He hoped that the administrative rules implementing the ordinance would address and clarify those issues as well as potential unintended consequences. The City would contract with the Bureau of Labor and Industries to enforce the ordinance and resolve violations.

Mr. Huffman said that existing paid leave policies might be sufficient to comply with the ordinance if they met the required accrual rate. There was some question about how the ordinance would affect collective bargaining agreements and if agreements would need to be reopened if they contained a leave policy that was not compliant. He said that the Lane County Board of Commissioners intended to take preemptive action that would put the ability of the City of Eugene to enact its ordinance into question; the likely outcome was litigation over jurisdiction.

Mr. Gillespie said that he was a proponent of the ordinance. It was his understanding that generally collective bargaining agreement language trumped other language. Mr. Huffman said that it was common for legislation to include those exemptions; but if there were no exemptions, the legislation had authority to impose rules. He said that as the ordinance was currently written, LTD was not exempt; but if its policies and bargaining agreements were sufficient to comply with the ordinance, it would not be affected.

Director of Administrative Services Mary Adams said that LTD's accrual rate was more generous; but the Eugene ordinance required complete compliance, and LTD employees were not allowed to take sick leave in one-hour increments as operators could not leave a bus unattended for an hour. She said that collective bargain agreement language did not mirror the ordinance language. She hoped that LTD, which had always had a commitment to sick leave and benefits, would be exempted.

Mr. McGlone said that there were some aspects of both administrative staff policies and the collective bargain agreement that might not be in compliance, and LTD was working to achieve a definition of "employer" like the definition contained in the Portland ordinance, which exempted political subdivisions of the State. He said that the provisions of the ordinance would be difficult to implement when, for example, bus operators traveled in and out of the City of Eugene many times during the work day.

Mr. Gillespie asked if LTD employees could currently take leave in one-hour increments. Ms. Adams replied that in the recent bargaining process, the union had traded enhanced sick leave benefits for wages; although the contract did allow employees to take incremental amounts of sick leave under certain pre-approved circumstances for medical appointments.

Mr. Gillespie said that the assumption seemed to be that any employee not currently covered by a sick leave policy was probably not covered by a vacation policy. He said that it was a fundamental right of a worker to be healthy, work in a healthy environment, and provide healthy interaction with customers. He said that lack of a sick leave and vacation policy was unconscionable for an employer.

Mr. Huffman commented that vacation leave policies were still discretionary under the ordinance; although if the ordinance was imposed, voluntarily provided vacation could disappear. He noted that the ordinance did not require that banked sick leave be cashed out upon separation from employment.

Mr. Yeh asked if LTD employees could use sick leave in hourly increments. Ms. Adams explained that administrative staff could use leave in one-hour increments; represented employees could take less than a full day of sick leave if it was used for an approved medical reason. She said that this was a new provision in the labor agreement and reflected the efforts of labor and management to find an approach that would work in a transit environment.

Mr. Wildish observed that similar discussions were occurring throughout the city and county. He said that if LTD policies and agreement were not in compliance and the ordinance was imposed on transit operations, it would mean an increase in administrative costs to account for work within and outside Eugene.

Mr. Kilcoyne clarified that unless specified in the ordinance, a labor agreement was not the governing instrument.

**Board Committee Assignments:** Mr. Wildish stated that committee assignments were included in the agenda packet. He thanked Board members for responding to a survey as to their preferences and appreciated their willingness to serve. There were no changes to the assignments as listed in the agenda packet; therefore, Board Committee assignments were finalized.

**Monthly Financial Report - June 2014:** Mr. Kilcoyne said that the June financial report was not yet available as the fiscal year was still being closed out. He said that preliminary data was promising, with expenditures behind budget and revenues ahead of budget. He added that ridership had increased in June.

**Monthly Department Reports:** Mr. Gillespie asked if the 4<sup>th</sup> of July service was successful. Director of Customer Services and Planning Andy Vobora said that it went well, and people were pleased to have the service restored. He said that ridership in the Butte-to-Butte race shuttle was down from previous years, but ridership in the Country Fair shuttle was high.

**ADJOURNMENT:** Mr. Wildish adjourned the meeting at 8:12 p.m.

LANE TRANSIT DISTRICT:

ATTEST:

---

Julie Grossman  
Board Secretary

---

Jeanne Schapper  
Clerk of the Board

\\Q:\Reference\Board Packet\2014\9\Sept Reg Mtg\BD Minutes 07-16-2014.doc