



## LANE TRANSIT DISTRICT BOARD OF DIRECTORS WORK SESSION

Wednesday, September 20, 2023  
5:30 – 7:00 p.m.

### IN-PERSON & VIRTUAL MEETING

**LTD Board Room**  
3500 E. 17<sup>th</sup> Avenue, Eugene  
(Directions below)

**Zoom:** Link to watch live provided on the web calendar at [www.LTD.org](http://www.LTD.org).

**Broadcasting:** Watch live on channel 21 or via link: <https://metrotv.ompnetwork.org/>

## AGENDA

	ITEM	Time	Pag
I.	CALL TO ORDER	5:30 p.m.	
II.	ROLL CALL		
	<input type="checkbox"/> Gino Grimaldi (President) <input type="checkbox"/> Susan Cox (Vice President) <input type="checkbox"/> Pete Knox (Secretary) <input type="checkbox"/> Kelly Sutherland <input type="checkbox"/> Lawrence Green (Treasurer) <input type="checkbox"/> Michelle Webber <input type="checkbox"/> Heather Murphy		
III.	COMMENTS FROM BOARD PRESIDENT		
	<i>This agenda item provides an opportunity for the Board president to formally communicate with the Board on any current topics or items that may need consideration.</i>		
IV.	COMMENTS FROM THE GENERAL MANAGER		
	<i>This agenda item provides an opportunity for the general manager to formally communicate with the Board on any current topics or items that may need consideration.</i>		
V.	ANNOUNCEMENTS AND ADDITIONS TO AGENDA		
	<i>This agenda item provides a formal opportunity for the Board president to announce additions to the agenda, and also for Board members to make announcements.</i>		
VI.	AUDIENCE PARTICIPATION	5 minutes	
	<u>Public Comment Note:</u> The Board sets aside time at the beginning of the meeting for members of the public to provide public comment. We appreciate hearing from the public and encourage use of this opportunity. Comments are directed to the Board. If a Board member has a clarifying question, it will be directed to staff when the person testifying has completed his/her comments. Public testimony is limited to three (3) minutes per community member. Testimony may be provided via e-mail at <a href="mailto:clerk@ltd.org">clerk@ltd.org</a> .		
A.	2023 DIVERSITY, EQUITY & INCLUSION UPDATE: Camille Gandolfi, Chief of Staff	10 minutes	3
	<b>Action Needed:</b> None. Information Only		
B.	GOVERNMENT RELATIONS UPDATE: Pat Walsh, Chief Marketing Officer	30 minutes	8
	<b>Action Needed:</b> None. Information Only		
C.	VACANT PROPERTIES: Joe McCormack, Chief Development Officer	10 minutes	33
	<b>Action Needed:</b> Information and Discussion		

<u>Time</u>	<u>Page</u>
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VII. ADJOURNMENT

*The facility used for this meeting is wheelchair accessible. To request a reasonable accommodation or interpreter, including alternative formats of printed materials, please contact LTD's Administration office no later than 48 hours prior to the meeting at 541-682-5555 (voice) or 7-1-1 (TTY through Oregon Relay).*

**LTD Administrative Office:** The office is located at 3500 East 17th Avenue (off Glenwood Blvd. in Glenwood). Click [here](#) for a map.

**Bus:**

From Eugene Station: Take the EmX bus from the LTD Downtown Station and get off at the outbound Glenwood EmX stop (in front of Planned Parenthood). From there walk west to the corner of Franklin Blvd. and Glenwood Blvd. and turn left. Continue walking south on Glenwood Blvd to 17<sup>th</sup> Avenue and turn left. The building entrance faces 17<sup>th</sup> Avenue.

From Springfield Station: Take the EmX bus from the Springfield Station and get off at the outbound Glenwood EmX stop (across Franklin Blvd. from Lane Forest Products). From there walk east to the crosswalk to cross Franklin Blvd., proceed south on Glenwood Blvd. Continue walking south on Glenwood Blvd to 17<sup>th</sup> Avenue and turn left. The building entrance faces 17<sup>th</sup> Avenue.

**Bicycles:** There are covered bicycle racks located by the front entrance.

**Parking:** Parking is available for free in the parking lot at the front of the building on 17<sup>th</sup> Avenue.



## AGENDA ITEM SUMMARY

**DATE OF MEETING:** September 20, 2023

**ITEM TITLE:** 2023 DIVERSITY, EQUITY & INCLUSION UPDATE

**PRESENTER:** Camille Gandolfi, Chief of Staff

**CHIEF OFFICER:** Jameson Auten, General Manager/Chief Executive Officer

**ACTION REQUESTED:** None. Information Only

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**PURPOSE:** To provide the Board with an update on the Diversity, Equity & Inclusion (DEI) Taskforce focus and review the workplan for the coming year.

**DESCRIPTION:** The DEI Taskforce, formerly called the Diversity Council, has served as an executive directed body of staff in some form for nearly 20 years. The intent of the Taskforce is to serve the District as advisors in providing an equity lens to policy, procedure, and programming, thereby furthering the Districts mission to embody equity.

**HISTORY:** In 2004 a group of eight (8) employees from the Districts Operations and Administration divisions, led by Human Resources, came together to form a Diversity Committee.

At its November 12, 2007, the Board, via resolution no 2007-038 adopted Diversity Policy, stating the Districts commitment to diversity and a respectful environment.

At its September 16, 2020, meeting, the Board, via resolution no. 2020-09-16-057, adopted an updated Diversity, Equity & Inclusion Policy committing the District to:

- Demonstrate its commitment to diversity, equity and inclusion principles within both internal (staff focused) and external (community focused) activities of the District.
- Develop a Diversity, Equity and Inclusion (DEI) Plan that will outline specific and measurable goals to ensure continuous improvement in addressing diversity, equity and inclusion principles and outcomes. Goals will focus on both internal and external activities of the District

At its April 21, 2021, meeting, the Board, via resolution no. 2021-04-21-019, adopted a Commitment to Racial Equity and reaffirmed the 2007 Diversity Policy. Thereby, committing the District to:

- a. Ensure that all LTD services, programs, and activities are sensitive to and responsive to cultural differences; demonstrating a commitment to workplace diversity through recruitment, hiring, and promotions; and maintaining a respectful environment free from all forms of harassment, hostility, and violence.
- b. Keep racial equity and mobility justice as a top priority in the budget development process.
- c. Prioritize anti-racism in the evaluation of new policies and programs, as well as the sustained and comprehensive transformation of existing services.
- d. Offer the necessary training, technical support and resources to employees to develop practices, policies and programs that support racial and mobility justice and equity.
- e. Measure, recognize and annually report the District's progress on racial equity and mobility justice.

At this meeting the Board also provided direction to, "move forward with conducting a workplace climate survey on the perceived employee and stakeholder experience of existing policies, practices, and procedures from the perspective of equity and inclusion."

Following the adoption of the Commitment to Racial Equity, LTD initiated District-wide consultation and training led by community experts. The intent was to increase awareness of issues related to institutionalized racism and discrimination, and culminated with all-staff completing a "Dynamic Dialogues" workshop, focused on diversity, equity, and inclusion within LTD and the transit profession.

## **2023 PROGRESS:**

At its January 18, 2022, meeting, the Board received an annual update from the Diversity Council and committed to the following next steps for the coming year.

1. Continued participation in the pilot program for APTA's Commitment and Recognition Program on Racial Equity.
2. Conduct a workplace climate survey on the perceived employee and stakeholder experience of existing policies, practices, and procedures from the perspective of equity and inclusion;
3. Utilize findings from climate survey to develop the District's Equity Action Plan.

### **Progress**

- Participation in APTA's Commitment and Recognition Program on Racial Equity Program has been maintained.
- A workplace climate survey has not yet been performed
- A District Equity Action Plan has not yet been developed

## **Additional Areas of Focus:**

### **Policy and Procedure**

In 2023, LTD started to assess policy and procedure updates that may have significant long-term impacts on recruitment and retention. Specifically, LTD completed a pay equity analysis and updated the guiding pay philosophy. Over the next year LTD is bringing everyone together on a shared performance management process that emphasizes fair compensation and performance.

### **Community Engagement**

The DEI Taskforce has been busy in the community. One critical component of community engagement for Taskforce, is engagement with each other. Since adopting the 2021 Commitment to Racial Equity, the core Taskforce has deliberated monthly and covered broad ranging topics from emotional communication to discrimination in the workplace.

### **External**

LTD has continued participation as an APTA Racial Equity Signatory alongside 80+ Transit Companies around the United States. This program acknowledges "the systemic racism and long-standing racial inequities that are deeply ingrained in our society," and "that the transit industry can play an important role in supporting communities of color."

In 2022, LTD joined the [Equity and Community Consortium](#) alongside 13 other community partners, with a focus on Diversity, Equity, and Inclusion in Lane County.

The DEI Taskforce has also prioritized community engagement through participation at local community events centering cultural awareness and celebration. In the last year, the Taskforce has participated in Eugene Pride, Juneteenth, Disability Pride, the Neurodiversity Festival, and Noche Cultural.

### **Internal**

At its April 21, 2021, meeting, the Board, via resolution no. 2021-04-21-019, adopted a Commitment to Racial Equity and reaffirmed the 2007 Diversity Policy. The metrics outlined in this report are representative of the equity lens being applied to workforce diversity.

This report, helps to establish demographic baselines for the workforce and define Taskforce advisory priorities focused on recruitment, retention, and community engagement. In summary, the work ahead for DEI Taskforce is to maintain organizational accountability and authentic alignment with our core value of Equity.

### ***Workforce Diversity Metrics***

The results presented in this report establish baseline race, gender, and generation demographics for District workforce. Results also explore average duration of employment at LTD based on race and gender.

In addition to understanding who the people of LTD are, it is important to consider perceptions of inclusion. Inclusion metrics allow an organization to obtain a holistic view of how workers perceive their experience in the workplace, specifically with regard to feeling included. These metrics can serve as leading indicators for potential gaps in policy,

procedure, and practice that may impact long-term retention. Examples of inclusion metrics defined by the Gartner Inclusion Index include perceptions of fair treatment, integrating differences, decision-making, psychological safety, trust, belonging, and diversity. Ideally these perceptions can be compared across intersections such as race, gender, disability, veteran status, and generation. The results presented in this report establish an overall inclusion baseline for LTD.

#### Data Collection and Methodology

Demographic data was sampled from LTD's Human Resource Management System (HRMS) representing 1375 employees hired between May 1969 – May 2023. At the time of sampling, LTD had 320 active employees, which were included in demographic overviews reflecting gender, race, generation and roles at LTD.

Inclusion data was taken from results of LTD's annual Employee Engagement Survey, conducted by Cascade Employers Association in the spring of 2022 and 2023. Respondents were asked a total of 62 questions designed to assess a range of perceptions. All questions were scored using a 5-point Likert scale, with 5 representing strong agreement and 1 representing no agreement with any given statement. For the purposes of this report 5 questions were included to establish an inclusion baseline for LTD. Please note, the 2022 and 2023 surveys did not assess gender or race demographics, and therefore no intersectional comparisons are available.

#### **Employee Engagement Survey**

##### *2022 Results: Inclusion*

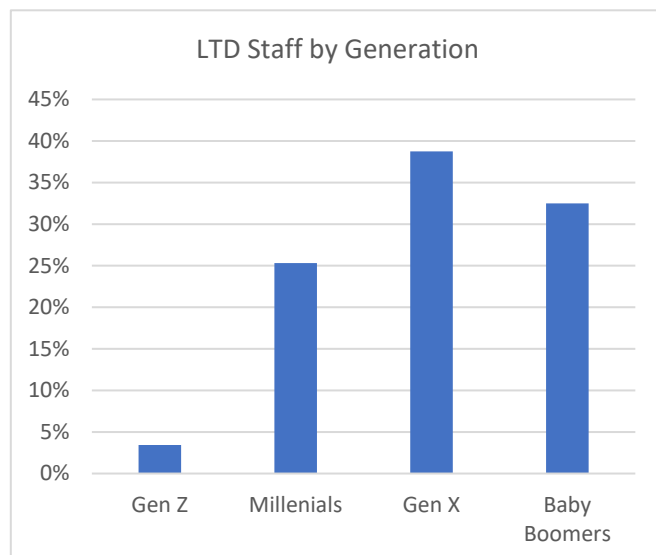
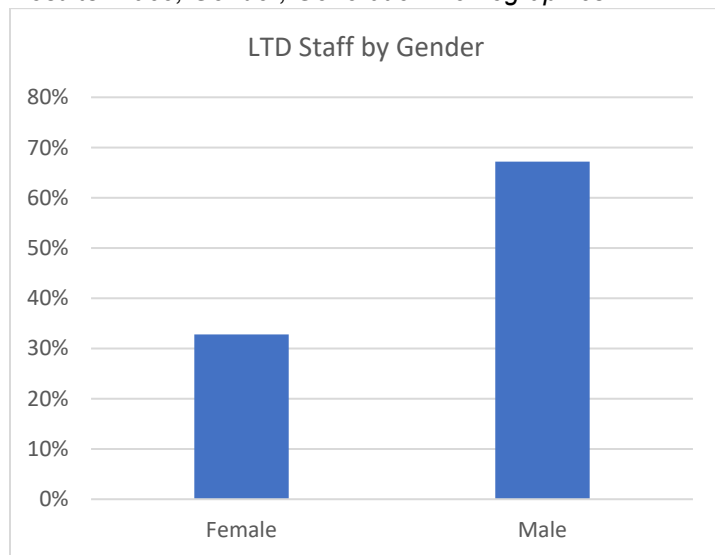
Question	Score
Executive leadership is open to new ideas and ways of doing things.	2.69
Our organization does not tolerate any type of harassment or discrimination	3.49
Policies and guidelines are applied consistently.	2.9
Our organization values differences in people.	3.49
There is someone here I feel comfortable going to with questions or problems.	3.77

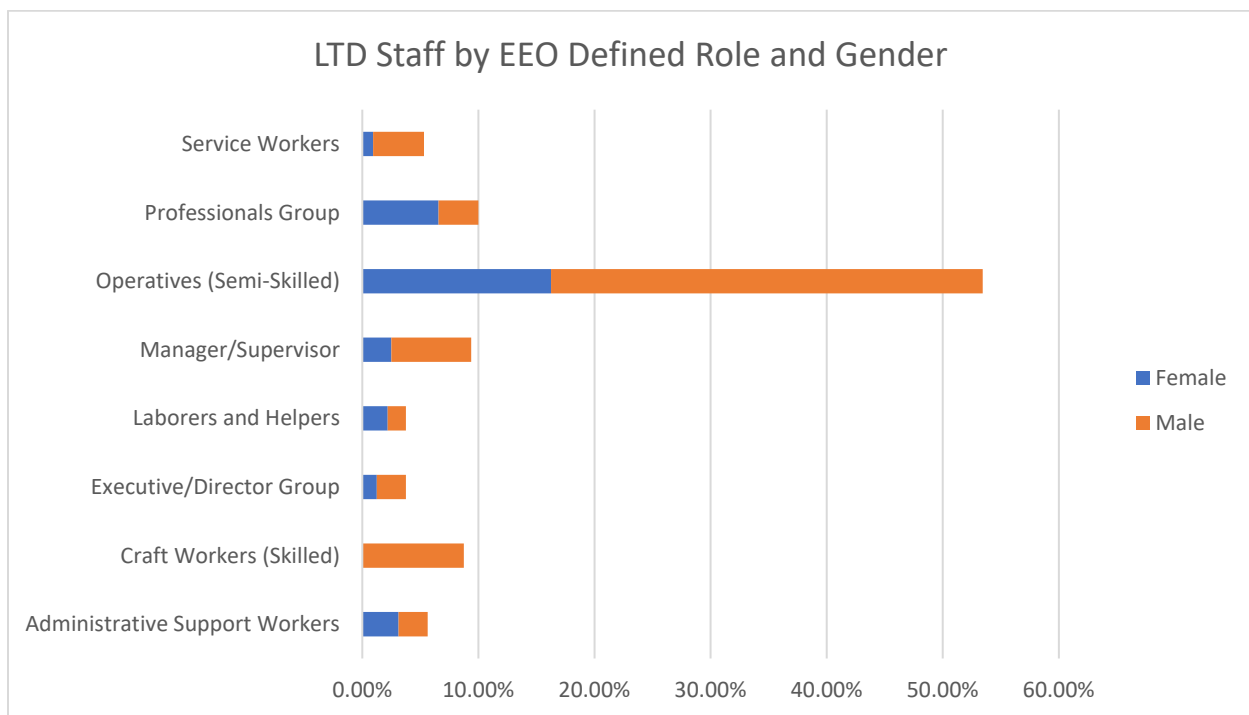
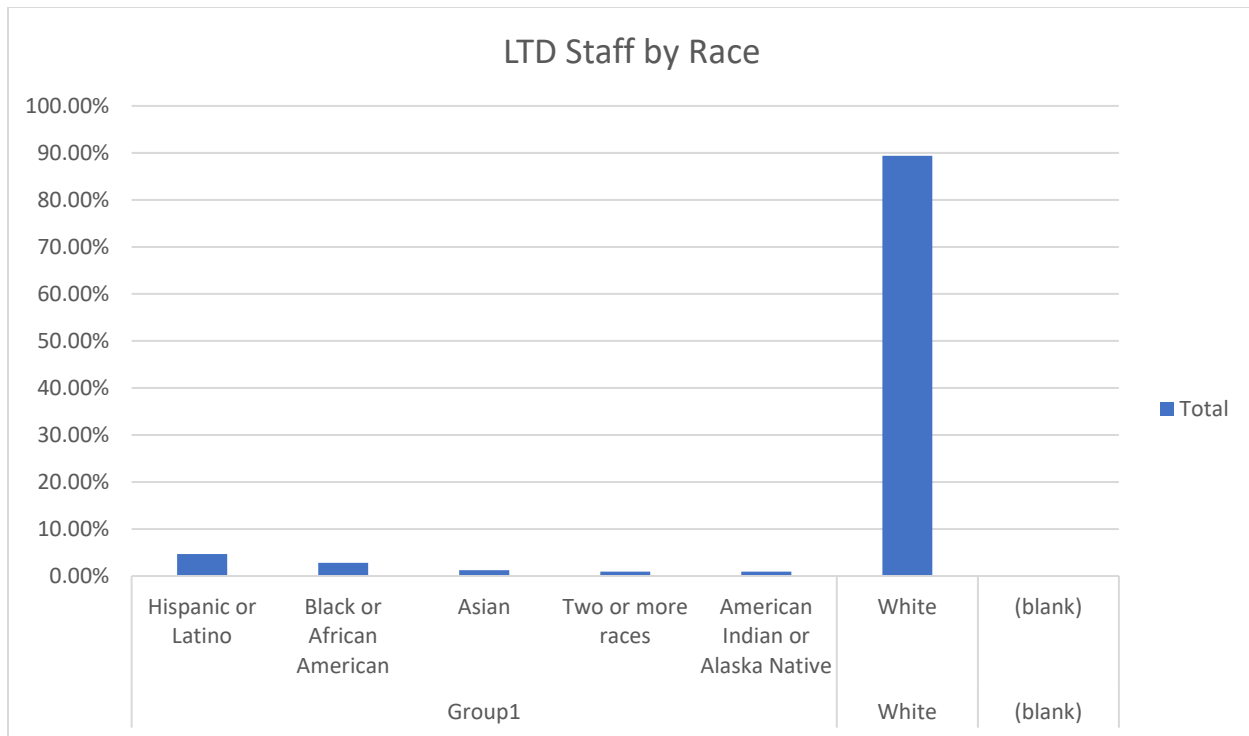
##### *2023 Results: Inclusion*

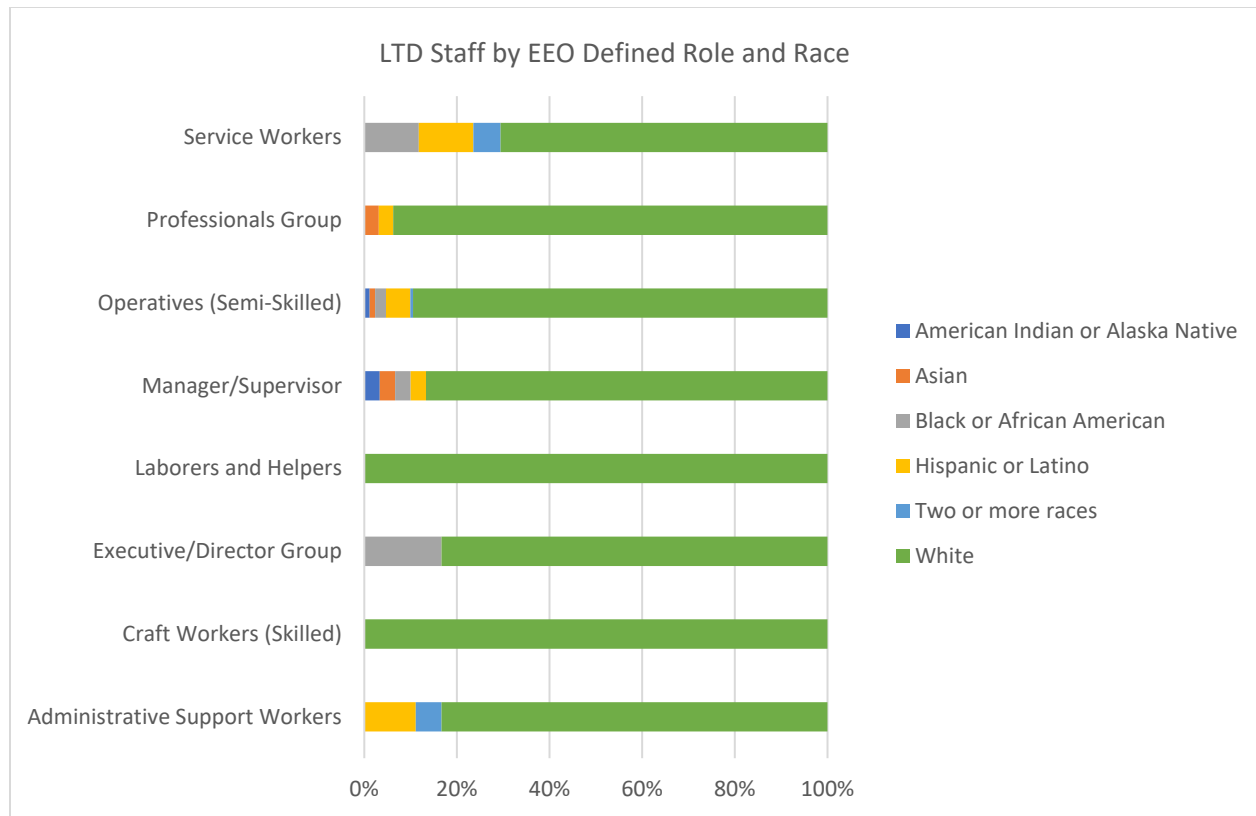
Question	Score
Executive leadership is open to new ideas and ways of doing things.	3.15
Our organization does not tolerate any type of harassment or discrimination	3.58
Policies and guidelines are applied consistently.	2.91
Our organization values differences in people.	3.61
There is someone here I feel comfortable going to with questions or problems.	3.95

#### **Demographic Data**

##### *Results: Race, Gender, Generation Demographics*







### Results Summary

As the results indicate, women and people who identify as races other than white, are underrepresented at LTD. Inclusion results establish a neutral baseline, with almost half of respondents reporting a perception of not feeling included at LTD. It is unknown if there is variation across important intersections such as gender and race, in perceptions of inclusion. Gaining this insight in the next survey and then on-going will be critical to truly understand and act on inclusion gaps. Average duration results indicate non-white employees are far more likely to leave LTD after a shorter employment duration than white counterparts. This result, in combination with the inclusion findings warrant further investigation into specific disparities relating to inclusion among the BIPOC community of LTD.

### Future Plans and Commitments

The focus of the DEI Taskforce going forward is to operationalize diversity, equity & inclusion throughout the District. Listed below are the areas of focus for the upcoming year:

#### Ongoing

- Engage with transportation counterparts and local community partners to collaborate on best practices, strategies, and key areas of focus in the industry and the community
- Review hiring and recruitment practices and make recommendations on areas of opportunity for improved application of diversity, equity & inclusion
- Review the Disadvantaged Business Enterprise process and make recommendations on areas of opportunity for improved application of diversity, equity & inclusion

#### Quarter Four

- Enlist a DEI specialized consultant to assist in performing the workplace climate survey and the development of the Diversity, Equity Action plan



## AGENDA ITEM SUMMARY

**DATE OF MEETING:** September 20, 2023

**ITEM TITLE:** GOVERNMENT RELATIONS UPDATE

**PRESENTER:** Pat Walsh, Chief Marketing Officer

**CHIEF OFFICER:** Jameson Auten, General Manager/Chief Executive Officer

**ACTION REQUESTED:** None. Information Only

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### **BACKGROUND:**

Lane Transit District engages the services of two government relations firms to support the District's advocacy with state and federal legislators as well as with key departments, such as the Oregon Department of Transportation and U.S. Department of Transportation and their respective agencies.

The collaboration and expert guidance that Oxley & Associates provides LTD at the Oregon State Capitol, and that Smith Dawson & Andrews (SDA) delivers to the District in our Nation's Capitol, is vital to the ongoing success LTD experiences in providing service and engaging in sustainable business practices that connects our community in alignment with LTD's and the community's values.

Jordan Bice, Vice President, with Oxley & Associates will give an overview of the Oregon State Legislative Session that concluded in June. Also, he will talk about what to expect in the upcoming 35-day "short" session that will convene in early 2024.

Brett Garson is SDA's CEO. He, along with Kierstin Stradford, a Vice President with SDA, will offer a brief review of the firm's work on behalf of LTD in Washington, D.C. and discuss the upcoming United Front visit to the Districts Congressional Delegation.

### **SUPPORTING DOCUMENTATION:**

- 1) Oxley LTD Presentation 2023
- 2) Special District Associates – LTD September 2023
- 3) 2023 LTD End of Session Report





# THE 2023 OREGON LEGISLATIVE SESSION

Jordan Bice  
Vice President  
Oxley & Associates

# Setting the Scene

- Long session
- Democratic majorities (but no longer supermajorities)
- New Leadership – Governor, Speaker, Senate President
- Construction and in-person session
- Scandals by the Secretary of State and OLCC
- Budget!
  - *Anticipated low returns for the state*
  - *Big spending priorities (housing and semiconductors)*
- Walkout politics

# But what *did* they accomplish?

- Housing and homelessness (HB 2001)
- Semiconductor incentives (SB 4)
- Business tax incentives (HB 2009)
- Comprehensive Data Privacy (SB 619)
- Public defense reform (SB 337)
- Ban on "ghost" guns (HB 2005)
- Rent control (SB 611)
- Customer-choice gasoline (HB 2426)
- Record school spending (\$10.2B toward state school fund)





## What *didn't* get done?

- 3,600 bills introduced
- Certain parts of HB 2002
  - *Parental consent before 15 years old*
- Gun control
  - *Age of sale from 18-21 years old*
- Campaign finance reform
- City ability for unilaterally expand urban growth boundaries

# Transit Priorities

- Hiring and retention bonuses (HB 3205), SUPPORT- Died in Senate
- Strike prohibition repeal (SB 187), OPPOSE – Died in Senate committee
- Binding arbitration for public employees (SB 845), OPPOSE – Died in Senate committee
- Increased penalties for transit worker assault (SB 787), SUPPORT - Died in House committee
- Peer counseling (HB 3171), SUPPORT – Signed into law

# Other issues

- Oregon Transportation Commission reform (HB 2619) – Died in Joint Transportation Committee
- Lane splitting (SB 422) – Died in Joint Transportation Committee
- Petroleum diesel ban (SB 803) – Died in Joint Ways and Means Committee
- Indirect sources clean air program (HB 2396) – Died in House committee
- Diesel and tire tax (HB 3158) – Died in House committee
- Age discrimination (HB 2800) – Died in House committee
- Paycheck transparency (HB 2556) – Died in House committee
- Job application pay range requirement (SB 925) – Died in Senate committee





# Now what?

- 2024 elections
  - *State senators (if they can)*
  - *Secretary of State*
  - *Treasurer*
- 2024 short session (if there is one)
  - *Retention bonuses*
  - *ATU bills*
  - *Other transportation*
- 2025 transportation package

**OXLEY**

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**& ASSOCIATES**





**SMITH DAWSON & ANDREWS**  
A G O V E R N M E N T A F F A I R S C O M P A N Y

# Presentation to Lane Transit District Board of Directors

September 20, 2023

[WWW.SDA-INC.COM](http://WWW.SDA-INC.COM)



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# Our Background

Since 1981, Smith Dawson & Andrews (SDA) has offered clients a record of success in a variety of practice areas. SDA began with a focus on transportation and has broadened its expertise and array of services to become an efficient and effective full-service public affairs firm.

Our expertise, combined with our creativity, strong relationships with policy makers, hard work and reputation for integrity, has earned us the trust of longstanding clients.

Clients think of us as an integral part of their organization's success, capable of delivering the services they need when they need them.

SDA's team of solution-oriented professionals have firsthand experience in the private sector and all levels of government. Our more than four decades of experience working with both sides of the aisle, combined with our personal approach, political savvy, and broad array of accomplishments for our diverse set of clients makes SDA a prominent force in the federal government affairs arena.

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# SDA-LTD Team

Brett has developed a comprehensive knowledge of federal statutes and discretionary programs that give our clients a distinct advantage in infrastructure, the budget and appropriations process, energy and sustainability policy issues, economic and workforce development, the federal grant process, and tax policy.



**Brett Garson**  
*Chief Executive Officers*



**Catherine Beal**  
*Vice President of Client Services*

Catherine manages a number of client portfolios on issues including appropriations and member directed spending, transportation and infrastructure, natural resources, international trade and investments, education, health and human services, workforce and economic development, and federal grants and foundation funding.



**Kierstin Stradford**  
*Vice President*

Kierstin takes an active role in all phases of strategy development including, policy research and analysis, issue monitoring, and facilitating legislative advocacy and outreach. Her areas of focus include transportation and infrastructure, international trade, health and human services, and issues related to local governments.

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## Recent SDA-LTD Success

### **Fiscal Year 2023**

- \$800,000 Congressionally Directed Spending (CDS) award for Fleet Fall Protection & Crane Project
- \$2,130,000 FEMA Transit Security Grant Program (TSGP) for security measure enhancement

### **Fiscal Year 2022**

- \$600,000 CDS award for Mobile Wallet / Trip Planner
- \$950,000 CDS award for electric vehicle replacement

### **Fiscal Year 2021**

- \$3,950,000 for Bus and Bus Facilities Grant (5 electric buses)

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# State of Play in D.C.

## **Fiscal Year 2024 Appropriations**

- Debt Limit deal
  - House GOP seeking more spending cuts
  - Senate adding more funding
- Federal public transportation funding cut in FY24 House Transportation-Housing & Urban Development (THUD) legislation
- FY24 THUD Senate funding remains steady for public transportation funding

## **Federal Aviation Administration (FAA) Reauthorization**

- Up for consideration every 5 years

## **National Defense Authorization Act (NDAA)**

- Annual process to authorize Department of Defense activities



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## Future Federal Advocacy Efforts

- Outreach to Congress and U.S. Department of Transportation.
- Monitor legislative activity and Executive branch actions.
- SDA trip to Lane County region in fall to meet with partners and discuss United Front agenda and priorities.
- Finalize United Front Agenda and plan 2024 Washington, D.C. fly-in.

## 2023 End of Session Report

### YOUR LOBBY TEAM

**Gary Oxley**  
FOUNDER & CEO

**Evyan Jarvis Andries**  
PRESIDENT

**Jordan Bice**  
VICE PRESIDENT

**Sam Siegner Opie**  
SENIOR ASSOCIATE

**Mark Hass**  
STRATEGIC ADVISOR

**Barbara Haney**  
MANAGER OF FINANCIAL  
SERVICES

**Amanda Lujan**  
OPERATIONS MANAGER

**Gretchen Jacobs**  
LEGISLATIVE INTERN

**Kegan Rascoe**  
LEGISLATIVE INTERN

### AFFILIATE OFFICES

**Alaska**  
**California**  
**Washington**

New Senate leadership and significant turnover in both chambers. An increasingly fragmented state of Oregon disenfranchised by Portland-based problems. The longest walkout in the Oregon legislature's history. For a number of reasons, the 2023 160-day Oregon legislative session may be considered one of the strangest and most unique sessions in recent history.

Newly elected Governor Tina Kotek prioritized significant investments in housing and semiconductor manufacturing. All eyes were on the special Joint Committee on Semiconductors, which was tasked with developing a package in the first 60-90 days of session to attract the semiconductor industry and draw down federal dollars from the CHIPS Act. The committee's final work product, SB 4, included over \$200 million to support semiconductor-related capital project investments, investments in education to build a workforce pipeline, expanded childcare infrastructure, and tax credits for research and development and other programs among other provisions. Most controversial of the new policies is the broad authority given to the Governor to by-pass Oregon's existing land-use laws to designate rural lands for industrial development. Despite this provision, the package received strong bipartisan support from both chambers and was signed by the Governor on April 13, 2023.

The Governor's \$200 million housing package passed early in session, following her declaration of emergency shortly after taking office. Comprised of HB 2001 and HB 5019, the package seeks to address homelessness, increase shelter capacity, reduce barriers for construction of housing and orders state agencies to prioritize reducing homelessness across the state. This package works to support Governor Kotek's stated goal of increasing housing production across the state from 22,000 homes built annually to 36,000.

Despite these two bipartisan achievements, the legislature debated its fair share of partisan policies, which was one of the many reasons for the Senate Republican walkout that overshadowed the session.

Oregon voters overwhelmingly passed Ballot Measure 113 in the November election, attempting to prohibit legislators from running for reelection if they had accrued more than 10 unexcused absences. Despite this deterrent, on May 3, Senate Republicans began to indicate their willingness to test the legality of the ballot measure, denying a quorum on the Senate floor in response to two bills related to abortion and gender affirming care and guns. This marked the start of a 43-day walkout, the longest in Oregon's legislative history. While the two parties ultimately reached agreement to end the walkout on June 15, a mere ten days before Constitutional Sine Die, there is no doubt there will be litigation in response to the ballot measure. While the Republicans will call into question the legality of the ballot measure writ large, some attorneys interpret language in the measure as allowing some of the Senators next up for reelection to serve until 2029. If that is the case, it only further disincentivizes Republican participation in Oregon's 2024 short session unless there is agreement between the parties before session begins.

Oregon's economic outlook remained positive despite economists' pessimistic predictions as recently as February. At May's revenue forecast, economists found that projected revenues were up \$1.87 billion from figures projected in February. The current biennium's balance is expected to be roughly \$7.02 billion, which will effectively trigger Oregon's infamous "kicker," which will send surplus money back to Oregonians. Despite the positive forecast, competition for funding remained incredibly fierce, particularly in a post-COVID era where legislators continued to pursue hundreds of billions worth of funding asks.

Even with the successful conclusion of the session, the partisan bickering left a sour taste in the mouths of many legislators, which could impact the future of the legislature. The Republican walkout has called into question the functionality of a 2024 short session and created the leverage that the minority party may need to help influence the agenda. □

# Major Bills of the Session

## INTERSTATE 5 BRIDGE REPLACEMENT

The Interstate-5 Bridge connecting Portland and Vancouver is over 100 years old and presents significant safety and traffic problems. The corridor that includes both the bridge and the Rose Quarter freeway exchange is one of the worst bottlenecks in the country, and legislators acknowledge that the time has come to replace the bridge.

The last attempt to reach agreement on a bridge replacement fizzled in 2013. This time around, the passage of the federal infrastructure law in 2021 applied pressure to the Oregon and Washington legislatures to make progress and agree to replacing the bridge. In order to apply for federal funds, each state must pass legislation to outline a funding plan for how they will finance their \$1 billion shares of the cost of the project. If both states accomplish this and the U.S. Department of Transportation accepts their application, then the remainder of the costs of the project could be covered by the federal government as well as tolls on the bridge itself. With the total cost projected to be at least \$6 billion, this federal component is key.

The Joint Interstate-5 Bridge Committee, which includes Washington and Oregon legislators, met in the 2022 interim, and in 2023, both states' transportation committees worked to get a package across the finish line. Washington passed their plan before their session concluded in March, but Oregon's road to success was bumpier.

Oregon's Joint Transportation Committee Co-Chair Susan McLain led the charge on the I-5 Bridge bill, **HB 2098**. She convened transportation stakeholders and agency officials to craft a bill that would have stated Oregon's \$1B commitment to the bridge and provided the funding in four \$250 million tranches between 2023 and 2031. It also would provide the "intent" language, and though much of the intent language was non-binding, there were disagreements on the language. One section of the proposal included language that promoted open competition in the contracting process in order to ensure non-union contractors would have the opportunity to bid on and be considered for the project. Unions opposed this language and supported an amendment that would have it removed. Additionally, a contingent of advocates led by the "No More Freeways" coalition supported neither proposal and instead wanted the size and scope of the project to be severely limited.

When the final day came for the bill to be passed out of committee, there were not enough votes

for any one of the proposals to pass the House of Representatives. HB 2098 died that night.

However, a new strategy was identified to keep the bridge plan alive. At the end of session, when the Senate Republicans returned, the two most essential components of the bill were included in the budget and program change bills, which were passed through both chambers in the final days of session. This strengthens Oregon's application to the US DOT and will improve Oregon's chances of securing federal funds.

## COMPREHENSIVE DATA PRIVACY

In 2019, Attorney General Rosenblum formed the Oregon Consumer Privacy Task Force to answer the growing call for legislation that would give consumers more control over their online privacy and require businesses to adhere to certain standards when handling personal information. Though the task force went on hiatus during the pandemic, the effort renewed in the 2022 interim, and the AG's office convened a broad group of technology organization and privacy advocates to craft a comprehensive privacy bill for the 2023 session.

What came out of the process was **SB 619**, which would give consumers the right to know what data is being collected, give consumers the right to correct inaccurate data, the right to opt-out of data collection, heighten opt-in requirements for sensitive information and provide special protections for children.

When the bill was first introduced, it contained most of what was agreed upon, but a few major issues remained. The most contentious component was the private right of action. The business community strongly opposed any privacy bill that included a private right of action, as it could open the door for countless lawsuits. After a concerted coalition effort, the private right of action was amended out of the bill, and the enforcement mechanism was given to the Attorney General. Once this was accomplished and a few smaller technical issues were fixed, the vast majority of stakeholders became neutral or supportive of the bill.

SB 619 passed out of the Joint Ways and Means Committee and passed through the legislature before the end of session.

## SEMICONDUCTOR INCENTIVES

After Congress passed the CHIPS Act in 2022 to support the domestic production of semiconductors, Oregon legislators were determined to pass a package that would



incentivize semiconductor manufacturers to build a fabrication plant in the state. Semiconductor manufacturing is Oregon's largest manufacturing sector in employment, exports, and contribution to state GDP.

The legislature established a Joint Semiconductor Committee to discuss the importance of using this opportunity to pass a bill that would give Oregon a leg up in attracting businesses to develop in the state. What emerged was **SB 4**, which includes \$190 million in direct grants and loans for semiconductor companies seeking federal funding to expand in Oregon, as well as \$10 million for research at universities and \$10 million to help with land development costs.

It would also let Governor Kotek designate some land outside urban growth boundaries as industrial land that can be annexed for semiconductor plants or other advanced manufacturing. This piece of the bill was one of the most controversial provisions, as many agriculture and land use advocates do not want to lose any high-value farmland to industry.

SB 4 passed both chambers with bipartisan support and was signed into law. Semiconductor manufacturing companies can now apply for available state and federal dollars.

### **BUSINESS TAX INCENTIVES**

The passage of the semiconductor package was a success, but in order to be competitive with other states in attracting business, the legislature also needed to pass and extend other tax incentives.

Despite being a state with an extremely high business tax burden compared to other states, Oregon does have a few programs to incentivize business. One of those is the enterprise zone program. Oregon's Enterprise Zones primarily incentivize new business investments by abating all local property tax for a certain number of years. Sponsored by city, port, county, or tribal governments, an enterprise zone typically serves as a focal point for local development efforts. There are currently 76 enterprise zones, including 58 in rural areas, creating better opportunities for business and employment across Oregon. Local governments are responsible for creating, amending, managing, and renewing most of these zones.

The program is scheduled to sunset in June 2025, so efforts began this year to extend it. Several bills were introduced that would have extended the program at least through 2029 with some that would have extended it through 2035. Local governments, business advocates, technology companies, economic development groups, and

other advocates strongly pushed for an extension of the program.

While the majority of legislators understood the need for a clean extension, a progressive contingent within the House Democratic caucus, including the House Revenue Committee Chair, wanted to scale back the program in an extension bill. Throughout the session, the enterprise zone coalition pushed back various efforts to limit the program based on industry, location, or size of the company.

**HB 2009** became the primary vehicle for business tax incentives late in session. This package would create a research and development tax credit, add ports to the Strategic Investment Program, which offers a 15-year property tax exemption on a portion of certain large capital investments, and extend the enterprise zone program through 2032 with some adjustments.

Those enterprise zone adjustments include:

- Eliminating “fulfillment centers” such as distribution centers for Amazon, from eligibility
- Adding transparency provisions such as providing public notice of an impending agreement 21 days prior to its effective date.
- Requiring that participants in the program pay a fee to their local school district

The last change regarding a fee to local school districts was the most concerning to Enterprise Zone advocates, particularly because the formula for the fee is prescribed by the State and not able to be negotiated between the local government and business.

After the Joint Tax Expenditures Committee amended and passed HB 2009 with these adjustments, the bill passed through both chambers and is expected to be signed by the Governor.

### **HOUSING AND HOMELESSNESS**

Governor Kotek's number one priority and campaign promise was passing a housing and homelessness package. Shortly after assuming office, and signed three executive orders that:

- Established a statewide housing production goal of 36,000 new housing units per year and created a “housing production advisory council” to develop a budget and recommend specific policies that would help the private

sector work with local and state government agencies to meet the goal.

- Declared a homelessness state of emergency in parts of Oregon that have seen an increase in unsheltered homelessness of 50% or more from 2017 to 2022. This gives the state government flexibility in how it uses taxpayer money and how regulatory agencies enforce land-use laws.
- Ordered state agencies to prioritize reducing homelessness in all areas of the state.

With the goals established early, the pressure was then on for the legislature to pass a package to help achieve these objectives and fund the Governor's executive order. **HB 2001** was the policy bill and **SB 5019** was the funding portion. Together, the \$200M package will:

- Appropriate \$54.4 million to provide housing for roughly 1,200 people currently without homes
- Appropriate \$33.6 million for rent assistance and eviction prevention
- Appropriate \$23.8 million for 600 additional shelter beds within one year's time
- Require cities with more than 10,000 people to set building targets for specific income levels and require them to build the number of affordable housing units they deem necessary
- Streamline the process of bringing land into the urban growth boundaries for affordable housing
- Appropriate \$27 million for rural communities to achieve their goals
- Appropriate \$25 million to address youth homelessness
- Appropriate \$20 million to help build modular housing
- Appropriate \$3 million to help developers build affordable homes
- Appropriate \$5 million to help farmers improve living conditions for their employees

Unlike most policies, particularly ones of this size, the housing package received swift and strong bipartisan support. The bills were signed into law in late March. This is seen as a huge success and step forward that will hopefully make a difference in our housing shortage and homelessness crisis.

## **HIRING AND RETENTION BONUSES**

In 2017, Oregon passed a landmark pay equity law that ensures that every worker must get equal pay for equal work regardless of your gender, race, age, or other protected characteristics. This includes wages, benefits, bonuses and more. However, in 2021, when the hiring markets shifted and workforce shortages began to affect nearly every industry, state lawmakers temporarily amended Oregon's Equal Pay Act and exempted hiring and retention bonuses from pay equity considerations in response to the COVID-19 pandemic. Those changes, however, expired on Sept. 28, 2022. Since that has lapsed, Oregon is now the only state in the country that includes bonuses in its equal pay calculations.

As a result, an enormous coalition of public, private, and non-profit employers pushed to pass **HB 3205** which would have permanently exempted hiring and retention bonuses from pay equity considerations. Despite the strong coalition of support, in the bill's first public hearing one labor group and one advocacy non-profit claimed that it would create a loophole in the pay equity law that could allow for both unconscious bias and overt acts of pay discrimination. In response to the opposition, the coalition worked with legislators and opponents to amend the bill, to clarify that retention bonuses could be offered after the first thirty days as long as they were not done in any discriminatory manner. The amended bill flew out of committee and passed the House floor unanimously.

However, once it reached the Senate Labor and Business Committee, Chair Taylor (D-SE Portland) worked to kill the bill. This was somewhat surprising, considering that she had written the amendments agreed to on the House side. After multiple public hearings in which she expressed skepticism of the veracity of the proponents' testimony, she amended the bill to simply direct the Bureau of Labor and Industries to conduct a study. The gutted bill passed out of committee and was sent to the Ways and Means Committee to die.

While this was a significant disappointment for the employer community, the coalition intends to double down on efforts in the 2024 short session.

## **RIGHT TO REFUSE**

A bill that many in the business community worried about early in session was **SB 907**, also referred to as "right to refuse." The bill aimed to provide employees with the right to refuse to perform tasks assigned by their employer under certain circumstances. The bill, pushed by PCUN, the farm workers union, also would have allowed for employees to use sick leave to cover periods

when the employee was not working due to their exercising of this right.

Federal and state law already allows employees to refuse work when they believe it will put them in imminent danger under specified circumstances. Additionally, Oregon already has some of the strongest workplace protections in the country, and Oregon OSHA has taken significant steps over the last several years to protect workers from occupational risks ranging from Covid-19 to excessive heat.

SB 907, as introduced, would have made that protection ambiguous by removing the clear requirements already found in Oregon law and adopting a standard based on whether an employee has “reasonable apprehension” for their safety in the workplace.

Business and agriculture groups laid out strong arguments in committee and with legislators about the confusion this bill would have created for employers. The work paid off, and the committee amended the bill to replace the introduced language with language that aligned with federal law that makes it unlawful to discharge or discriminate against an employee who refused to expose themselves to hazardous conditions at work.

With all sides agreeing to the amended bill, SB 907 quickly passed through both chambers and was signed into law by the end of May.

### **PUBLIC DEFENSE REFORM**

In 2022, legislative leadership, the Governor, and the Chief Justice of the Oregon Supreme Court announced the launch of a “Tri-branch workgroup” to identify short and long-term solutions for addressing the public defense crisis. The workgroup, comprised of legislators, public safety stakeholders, public defense providers and the Sixth Amendment Center, met monthly during the interim to understand Oregon’s public defense system, its deficiencies, and opportunities for modernization.

These discussions occurred in tandem with public controversy surrounding leadership at the agency and commission charged with overseeing Oregon’s public defense system. In an historic move, the Chief Justice dismantled the Public Defense Services Commission (PDSC), reappointing certain members to vote on firing the Office of Public Defense Services’s (OPDS) Executive Director Stephen Singer. Singer was fired, and a new agency director, Jessica Kampfe, was hired to fill his role and lead an otherwise unstable agency during a time of extreme crisis.

Co-chairs Sen. Floyd Prozanski (D-Eugene) and Rep. Paul Evans (D-Monmouth) led the Tri-

branch workgroup discussions, proposing three main policy provisions:

- Transitioning public defense services from the Judicial Branch to the Executive Branch of government for increased oversight
- Reconstitution of the PDSC to include more diverse representation on the commission and through the appointment process
- Establishment of a state-level trial division, with the goal of ensuring that 30% of public defense providers are public employees by 2030

However, when the -1 gut-and-stuff amendment was posted to **SB 337** days before the first chamber work session deadline, it took some stakeholders by surprise. Among the most controversial policy provisions within the amendment was the effective dismantlement of the consortia delivery model. Currently, private bar attorneys (most of whom are organized under a consortia) provide 60% of public defense services across the state. Despite public opposition, the bill moved out of the Senate Judiciary committee and was eventually referred to Senate Rules, as additional amendments were needed.

Governor Tina Kotek voiced concerns about SB 337. Namely, the transition to the Executive Branch did not provide the Governor with the appropriate authority to oversee the agency and its executive director, as would be expected under any Executive Branch agency. The Senate Rules committee voted to adopt the -A8 amendments, which addressed the Governor’s concerns and also delayed the timeline for dismantling the consortia delivery model by two years to July 1, 2027. However, a “commensurate pay” provision, which was widely supported by the public defense community, was stripped from the bill in this amendment as a cost-saving measure. SB 337 was moved to Ways and Means on a party line vote and debated alongside the agency’s budget bill, **SB 5532**.

Interestingly, the legislature tied the policy bill, SB 337, and the budget bill together in this process, allocating funding through both and framing them as the larger public defense package. While the funding found within both bills represents a substantial investment and an increase from previous biennia, there was little surety in the language that increased investments would be required to be passed along to public defense providers. Several legislators clarified on the record that they intend for some of the additional dollars, like inflation adjustments for the trial division, to be passed along directly to providers.

The bills were passed out of the Joint Committee on Ways and Means on a mostly partisan vote

and passed off the floors in the House and Senate.  
They will now go to the Governor for signature.




## **WHAT TO EXPECT NEXT**

### **Elections and Appointments**

With Secretary of State Shemia Fagan stepping down this year due to inappropriate and potentially illegal activity while in office, a new Secretary of State must be appointed by the Governor. The primary question surrounding the appointment was whether the person chosen would be a placeholder until the next election or if they would be someone with greater political aspirations. Governor Kotek shrewdly appointed LaVonne Griffin-Valade on June 28. Griffin-Valade served as a government auditor for nearly two decades, serving first as the Senior Management Auditor at the Multnomah County Auditor's Office and more recently as the elected Portland City Auditor. Griffin-Valade will serve the remaining 18 months of Fagan's term, overseeing a 2024 presidential election that could prove a major test to the nation's political system.

### **Ballot Measures and Lawsuits**

When Oregon voters passed Measure 113 in 2022, they believed that it would keep legislators from walking out and denying a quorum. The measure adds language to the Oregon Constitution preventing any lawmaker from running for reelection if they have ten or more unexcused absences in a single legislative session. It also prevents such lawmakers from winning office in the other legislative chamber. With the walkouts of the 2023 session, a legal case is mounting to challenge the ballot measure. Conservative lawmakers have hired a prominent attorney to argue that the wording of Ballot Measure 113 does not do what voters thought it did. The attorney sent acting Secretary of State Cheryl Myers a letter asking for a formal determination on a question Republicans have posed for weeks: whether Measure 113 actually grants lawmakers an entire extra term before penalties kick in. We may not see litigation until after the next election, but in the meantime, it is clear that Republicans are willing to test the limits of the current law.

Measure 110 was passed in 2020, in an effort to provide more services for the addicted with fewer criminal ramifications. The measure reduced penalties for drug possession, making Oregon the first state to decriminalize the personal possession of illegal drugs. The initiative established the Drug Treatment and Recovery Services Fund that would receive funds from the Oregon Marijuana Account and state savings from reductions in arrests, incarceration, and official supervision. However, after an extreme increase in addiction, crime, and homelessness since its passage, many Oregonians are having buyer's remorse. In an audit released in January, Oregon Secretary of State said a lack of planning and a complex grant-making process delayed the allocation of \$300 million in new funding from Measure 110 for treatment and services. This spring, even the Portland Mayor suggested during a town hall that the program should be scrapped if it doesn't provide addiction treatment to the people who need it. The Clackamas County Board of Commissioners decided to ask voters in the spring of 2024 whether the law should be repealed. Though mostly symbolic, this is yet another indication that Oregonians are looking for different solutions to the drug crisis facing our cities. It is yet to be determined whether an actual repeal measure will be offered for the 2024 cycle. 





## Lane Transit District Legislative Summary

Of the more than 3600 bills introduced for the 2023 session, we tracked 125 for Lane Transit District. In addition to the major bills of session mentioned above, a summary of some of the other important issues we engaged in is below.

### **STRIKE PROHIBITION REPEAL**

In Oregon, mass transit district employees are currently “strike-prohibited.” This designation has been in place since 2007 with the passage of a bill that the Amalgamated Transit Union lobbied for and championed. According to public testimony, ATU supported strike prohibition because (1) their long-held practice was to resolve contract negotiations through interest arbitration, (2) strikes are a “no-win” situation, and (3) “strike-prohibited” status requires mass transit districts and their employees to use a Last-Best-Offer system that generates concessions from both sides.

Nevertheless, this year, at the request of ATU, Sen Gorsek (D-Troutdale), who co-chairs the Joint Transportation Committee, introduced **SB 187**, which would have repealed the Oregon statute that prohibits transit workers from striking.

Transit agencies were strongly concerned about this bill. Even more so, it was perplexing that the unions pursued this, considering that the unions supported the original strike prohibition law.

The union did not push the bill very hard, and it died in committee without so much as a public hearing.

### **BINDING ARBITRATION FOR PUBLIC EMPLOYEES**

In union negotiations, mass transit district employees are currently subject to “Final Offer” arbitration. When the employee union and employer cannot agree on a new contract, the parties are required to participate in binding arbitration wherein an arbitrator selects one of the parties’ Final Offers in its entirety.

This statute has been in place since 2007 and was supported by ATU at the time of passage.

Despite that previous support, Sen. Gorsek introduced **SB 845** at the request of ATU. This would have modified the procedures required for binding arbitration. Specifically, it would have:

- replaced “Final Offer” arbitration with “Issue-By-Issue” arbitration
- replaced an individual arbitrator mutually agreed to by the parties through a striking process with a three person arbitration panel that includes one arbitrator chosen by each party along with one independent arbitrator chosen through a striking process
- required that at least three of the seven arbitrator candidates for the independent arbitrator provided to the parties be diverse arbitrators “who are representative of minorities, women, persons with disabilities and persons of differing sexual orientations and gender identities
- added a variety of additional criteria under which the arbitration panel must base its findings and opinions

All of the transit unions expressed their strong opposition to the bill in the Senate Labor and Business Committee. Not only do the agencies feel that the legislation was not necessary for ensuring impartiality in the process, but it could risk complicating the process to a point that could lead to litigation.

The public hearing was contentious, and Chair Kathleen Taylor (D-Portland) repeatedly probed witnesses on both sides what changes to the binding arbitration should happen to achieve better outcomes. She decided to not move the bill forward, but she implored agencies and the union to work in the interim to find solutions to their differences.

### **ASSAULT ON TRANSIT OPERATORS**

Assaults on transit operators at an all-time high. This violence is exacerbating high rates of turnover by drivers and fewer riders feeling safe on transit. Often, these assaults happen when the operator has stepped off the bus to assist riders or conduct other needed duties. However, it is only considered a third-degree assault if the assault happens while the driver is operating the

vehicle. This session, transit agencies supported the transit union bill, **SB 787**, which would have expanded the crime of assault in the third degree to include assaulting public transit vehicle operators acting in the course of their official duty.

In a year when legislators have taken more direction to stop and increase penalties for crime, the bill began with strong, bipartisan support. LTD testified in the Senate Judiciary, where it passed easily. It then passed out of the Senate 27-2.

However, by the time it reached the House Judiciary Committee, politics clouded the conversation. LTD and TriMet testified in support of the bill and lobbied committee members to gain the necessary support. Unfortunately, some Republicans opposed it because a different Republican bill to expand protections for nurses who are assaulted did not pass. Rep. Rick Lewis (R-Silverton), who is a former police officer, opposed the bill, in part because he believed this higher level of protection (which is given to police officers) should not be expanded for non-driving duties. Without the majority of the committee in support, the bill died.

### **PEER COUNSELING**

The converging crises of behavioral health, addiction, and homelessness that we are seeing across Oregon are also manifesting themselves on our state's transit systems. This has led to transit drivers and other frontline transit workers increasingly being harassed, assaulted, and subjected to other traumatic incidents in the course of their work.

Transit agencies offer peer support counseling to their employees to help them process these traumatic experiences, the same kind of peer support counseling that employers offer to first responders like firefighters and police. While peer support counseling for first responders is protected by confidentiality, peer support counseling for transit workers is not.

LTD joined the other transit agencies in supporting ATU's bill, **HB 3171**, which would simply add "mass transit district personnel" to the categories of employees whose peer support counseling sessions are confidential.

HB 3171 passed through the process easily with strong bipartisan support and will be signed into law.

### **LANE SPLITTING**

For years, motorcyclists have advocated for legislation that would allow for "lane splitting" or

"lane filtering," which allows for motorcyclists to ride between vehicles at speeds under ten miles per hour if surrounding traffic is moving slower than 10 miles per hour. Legislation passed the House and Senate in 2021, but it was vetoed by then-Governor Kate Brown.

With a new Governor, **SB 422**, an identical bill to the one in 2021, was expected to have a better chance of passage. It moved out of the Senate Judiciary Committee and passed off the floor 27-2. However, the bill referred to the Joint Transportation Committee. The makeup of this committee was such that it did not have the votes to pass. After one public hearing in the joint committee, it died upon adjournment.

### **OREGON TRANSPORTATION COMMISSION**

A younger, more progressive wing of the Democratic party has made some noise in the transportation policy world by calling for revisions to some of the state's environmental and transportation regulatory systems to support climate action and increased diversity. Led by Rep. Khan Pham (D-Portland), **HB 2619** would have modified the composition of the Oregon Transportation Committee (OTC) by requiring the OTC to include a member under 25 years old, a member whose primary method of travel is not a car, a member with disabilities, and a member who represents an Oregon tribe. The bill would have also made other changes to the requirements of OTC meetings and appointments.

The bill did not have the support of the majority of the Joint Transportation Committee, and it died upon adjournment.

### **HUMAN RESOURCES ISSUES**

AARP came out of the gate ready for a fight by introducing **HB 2800**, which sought to eliminate age-based employment discrimination. More than 35 legislators sponsored the bill, which would have made it an unlawful employment practice for an employer to seek the age of applicant prior to completing an initial interview or making a conditional offer of employment. Further, any language that could have suggested a preference for an age range, such as asking for certain types and levels of experience or advanced degrees, could be subject to liability, and litigation could be brought under the bill's private right-of-action.

Especially with the difficult workforce shortage employers continue to experience, adding higher risk and more difficulty to the hiring process was completely unworkable as the bill was written. In addition to the risk for businesses, the bill could also have put older and younger workers at risk

of discrimination by not allowing for questions of experience on applications.

One public hearing was held in the Senate Labor and Business Committee, but because of the outpouring of opposition and the infeasibility of the policy, the bill died at the first chamber deadline.

In 2022, the St. Charles Health System, which operates the largest medical center in Oregon east of the Cascades, requested repayment after their payroll system overpaid employees over \$2 million. Two nurses unions petitioned against the demand for reimbursement. Other unions aligned themselves with the effort, including the grocery workers union, who cited a similar incident with Kroger in another state.

This coalition brought **HB 2556**, which would have disallowed employers from recouping overpayments six months after the overpayment. It would have also added a requirement that an explanation, “stated in plain language,” be provided for every deduction on an employee’s pay stub. With no guidance from the state or clear definition of “plain language,” the bill’s ambiguity would have put employers at risk of liability for any perceived lack of clarity on a paystub. It is possible that even adding too much description of the deductions could have been an infraction. Additionally, the employee would have the option under the bill to choose not to agree to reimbursing for the overpayment.

A business coalition presented these concerns to the House Business and Labor Committee at length, asking for a yearlong window for notice of overpayment, an example of an acceptable pay stub explanation, and clarification for recourse if an employee refuses to sign the agreement. Though these requests were not all met, the “plain language” requirement was amended out of the bill. The bill passed out of the committee and off the floor, largely along party lines. However, when it reached the Senate, once it became evident that this would have impacts on government workers, the committee decided not to move the bill forward. There has been no indication that this policy will be revived next session, but pay stub transparency as an issue may come back in the future.

**SB 925** was introduced this year by a handful of Democrats with the intention of creating more transparency in job applications. The bill would have made it an unlawful practice to advertise a job, promotion, or transfer opportunity without disclosing the pay range and employment benefits. The business community immediately put this on a list of priorities to stop, given the glaring free speech issues and high risk of litigation with a private right-of-action. One public hearing was held, but the bill died upon the first chamber deadline.

## **LOWER CARBON TRANSPORTATION**

Renewable diesel, produced from biofuels such as vegetable oil, biomass, and other feedstocks, is a burgeoning technology in the transportation sector. Unlike biodiesel, which is made through a different production process, renewable diesel has demonstrated better performance in a variety of conditions while still producing far fewer carbon and sulfur emissions than conventional diesel. Unfortunately, the market for renewable diesel remains lacking in many states, including Oregon.

In December 2022, the City of Portland passed an ordinance to phase out the ability to sell conventional diesel in the city over time. **SB 803** was introduced in the 2023 Oregon legislative session that expanded on this concept to ultimately prohibit conventional diesel sales across the state. As introduced, it would have begun in the Portland metropolitan area in 2026, expanded to Western Oregon in 2028, and applied statewide in 2030. Exceptions would have been made if the Oregon Department of Agriculture determined that the price of renewable diesel was ten percent higher than conventional diesel for 14 consecutive days, or if the supply of renewable diesel was determined to be insufficient to meet demand.

This bill was extremely similar to a bill that failed to pass in 2022. And just as before, a coalition of fuel distributors, producers, and users, including the trucking, agriculture, construction, and recreation industries, mounted a strong opposition to the bill as drafted. This effort led to an amendment to turn the bill into a study by the Department of Environmental Quality on the phasing out of fossil diesel fuels with high carbon intensity value as transportation fuels in Oregon. This amended bill then moved to the Ways and Means Committee, where it died without funding.

Two other clean transportation bills from past sessions were resurrected in 2023. Rep. Maxine Dexter (D-Portland) introduced **HB 2396**, which would have created a new indirect source review program at the Department of Environmental Quality. The proposed program would apply broadly to indirect sources of carbon emissions throughout the state, including retail stores, offices, government buildings, schools, hospitals, ports, and development projects, among others. When a similar bill was introduced in the 2021 session, there were more than a dozen DEQ programs focused on reducing mobile sources of air emissions. Two years later, at least a half dozen more new regulatory programs have been adopted that will reduce air emissions such as the Climate Protection Program, Clean Fuels Expansion, Clean Trucks rule, Clean Cars rule and Portland’s Renewable

Fuel Standard. Additionally, Oregon has long regulated indirect sources and DEQ has evaluated more than 400 sources under its indirect source program. None has ever been found to cause a violation of air quality standards.

A large coalition that included the Oregon Trucking Association, the Associated General Contractors, Oregon Business & Industry, and others expressed strong opposition to the bill. A public hearing was held in mid-February, but the only amendment introduced would only have made the program more prescriptive and onerous for businesses and DEQ. The bill died in committee without further consideration.

Rep. Nosse introduced **HB 3158**, which would have imposed several new taxes, including:

- an excise tax on the retail sale of tires
- a privilege tax on nonroad diesel equipment
- a tax on the use in Oregon of nonroad diesel equipment purchased out of state
- a heavy equipment rental tax on rentals of nonroad diesel equipment
- a privilege tax on heavy-duty vehicles
- a license tax on dyed diesel for transfer to the Clean Diesel Engine Fund.

These new taxes would have required the bill to pass with three-fifths majority in both chambers.

Environmental advocates argued that the money from the taxes could have helped trucking operations transition to lower carbon alternatives, but the arguments did not land, and the bill died in committee after one hearing.

On the positive side of the clean transportation issue, one policy moved forward at the very end of session that could help move the needle on helping transition to cleaner trucking operations. Similar to how the state already incentivizes zero emission passenger vehicles, the legislature, as part of **HB 3409**, created a rebate program at the Department of Environmental Quality for the purchase or lease of zero-emission medium and heavy-duty trucks. DEQ will determine the rebate amounts and establish different rates for different vehicles based on their emissions. Rebate recipients must maintain records of miles driven or hours of use and provide an annual report to DEQ showing that more than 50 percent of vehicle use occurred in Oregon. Only \$3 million was appropriated for the program with disbursements beginning in the 2025-2027 biennium. While this is not a significant amount for an industry as expensive as trucking, hopefully, the establishment of the program may provide a carrot for the transition to lower emitting transportation options. □

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## AGENDA ITEM SUMMARY

**DATE OF MEETING:** September 20, 2023

**ITEM TITLE:** VACANT PROPERTY

**PRESENTER:** Joe McCormack, Chief Development Officer

**CHIEF OFFICER:** Jameson Auten, General Manager/Chief Executive Officer

**ACTION REQUESTED:** Information and Discussion

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**PURPOSE:** To provide information and seek Board guidance on current vacant District owned properties.

**DESCRIPTION:** Lane Transit District (LTD) owns three properties which are remnants from previous projects. These properties are not currently used to provide transit. As we study ways to make positive impacts on desired community outcomes with the services we provide; we also need to examine how LTD's assets can be leveraged. We'll discuss potential courses of action for each property including retaining ownership for future transit needs, partnering opportunities for transit-oriented development, and selling.

**SUPPORTING DOCUMENTATION:**

- 1) Presentation

**PROPOSED MOTION:** None. Information only.

# Vacant Properties

9/20/2023 – Work Session





# AGENDA



Vacant Properties



Staff Recommendations



Discuss Goals



Next Steps

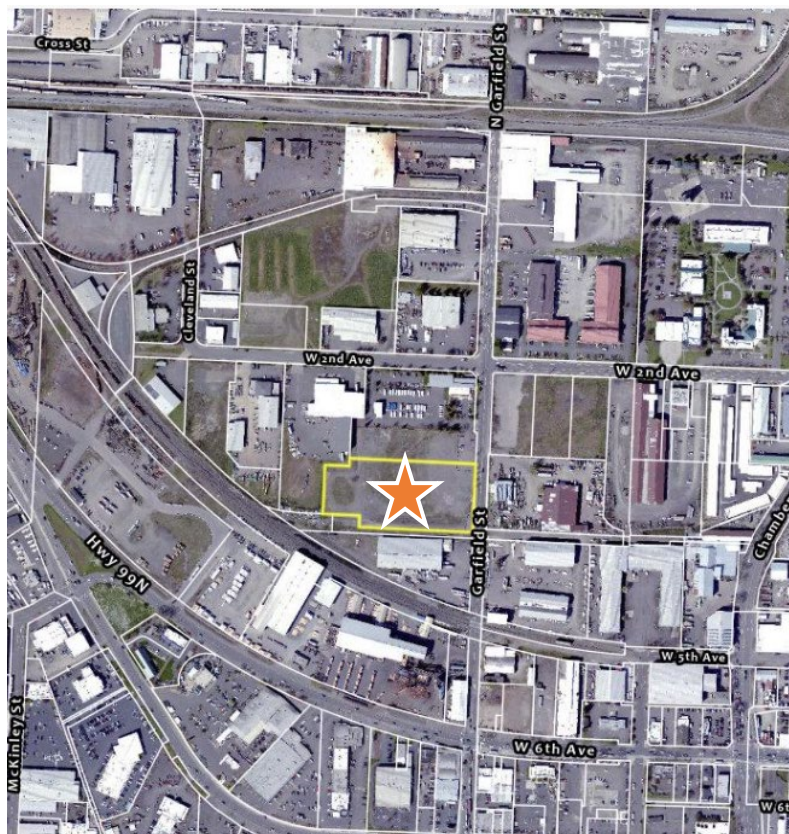




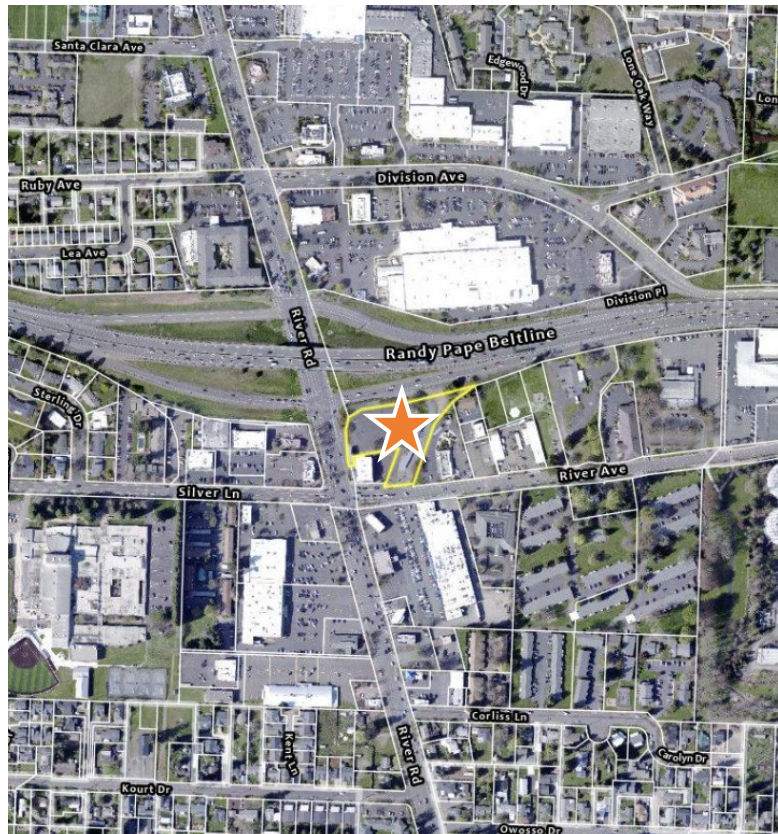




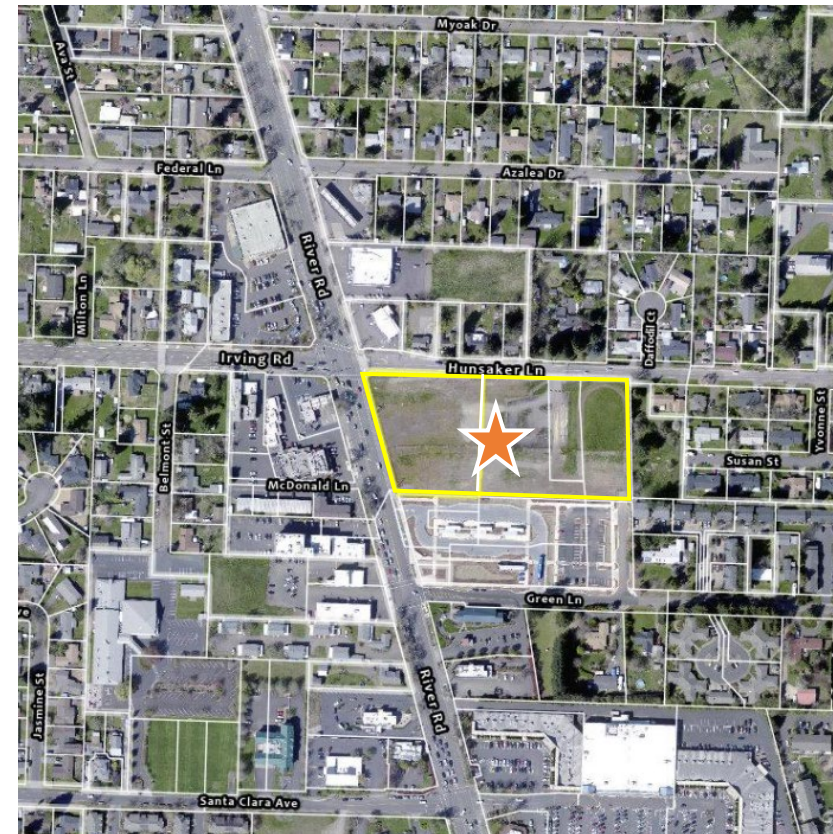
310 Garfield



11 River Avenue



Hunsaker







# 310 Garfield

- Size: 3.57 acres
- Value: \$1.3M (2022)
- Zoned: Heavy Industrial
- Acquired in 2004
- Remnant of RideSource Facility project
- Includes a railroad spur
- Original structures have been razed
- Currently used as a Safe Sleep Site





# 11 River Avenue

- Size 1.8 acres
- Value: \$2M (2020)
- Zoned: Community Commercial
- River Road Station 1982 to 2021
- Leased from Lane County until 2008
- County retained corner parcel for land lease
- Bus stop on River Road to remain







# Hunsaker

- Size: 4.82 acres
- Value: \$2.8M (2020)
- Zoned: Community Commercial
- Acquired in 2015
- Previous site of Santa Clara Elementary School
- Remnant of Santa Clara Station project
- PUD and local street connector requirements







## 310 Garfield

Recommend retain ownership:

- Support unhoused need
- Plan for future operations site
- Low inquiries for purchase

## 11 River Avenue

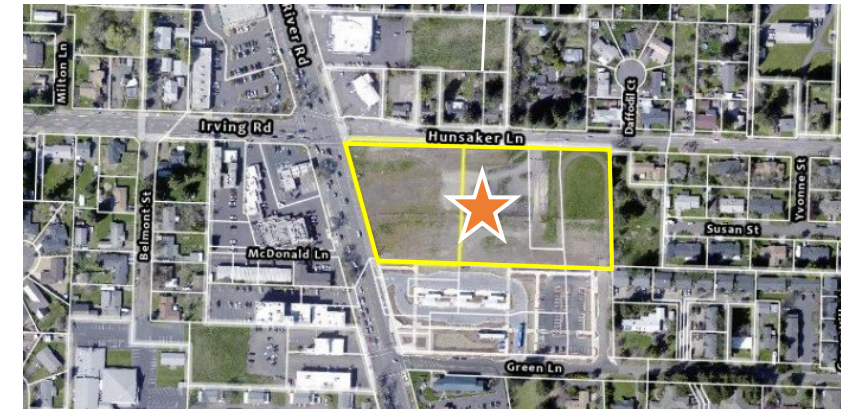
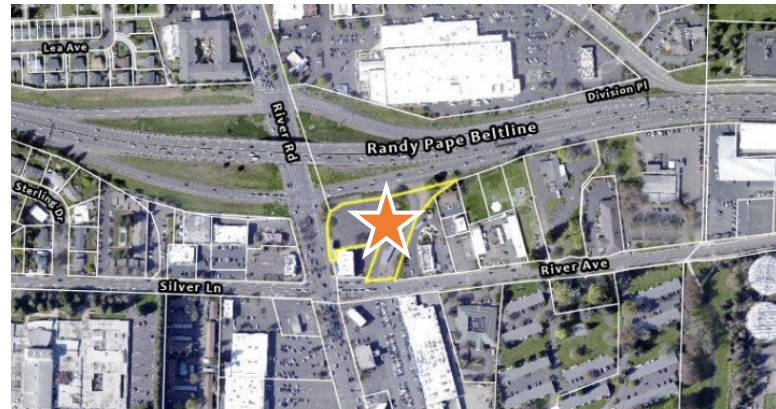
Recommend sell:

- Not needed for transit
- Commercial interest
- Reinvest federal funds

## Hunsaker

Recommend pursue TOD:

- Neighborhood interest
- Partnering opportunity
- Leverage adjacent station



# Potential Goals & Strategies



- Fill vacant space with **positive effect**
  - Strengthen relationship with **neighborhood**
  - Strengthen **relationship** with city
  - Leverage / compliments **transit (TOD)**
  - Efficient / **walkable** neighborhood
  - Move **quickly**
  - Reduce liabilities / ongoing **costs**
  - Long term **revenue** stream
  - Recoup original financial **investment**
- Pursuing Partnerships (Private or Public)
  - Sell all or part of property
  - Retain



# Next Steps

## Decision Points:

- **January 2024** – Preferred outcomes and scenarios to pursue
- **Spring** – Surplus
- **Spring** – Authorize GM to negotiate with buyer/partner
- **Summer** – Approve sale and/or agreements



# Questions?

