

MINUTES

Metropolitan Policy Committee
Lane Council of Governments—Buford Conference Room, 5th Floor
859 Willamette Street
Eugene, Oregon

December 3, 2009
11:30 a.m.

PRESENT: Pete Sorenson, Chair; Rob Handy (Lane County); Hillary Wylie, (City of Springfield); Kitty Piercy, Alan Zelenka (City of Eugene); John Thiel (City of Coburg); Mike Eyster, Greg Evans (Lane Transit District); David Warren (Oregon Department of Transportation), members; Gino Grimaldi (City of Springfield), Mark Pangborn (Lane Transit District), *ex officio* members.

George Kloeppe, Paul Thompson, Susan Payne, Byron Vanderpool, Andrea Riner (Lane Council of Governments); Len Goodwin, Tom Boyatt, Ron Bittler (City of Springfield); Matt McRae, Rob Inerfeld, Kurt Yeiter (City of Eugene); Tom Schwetz (Lane Transit District); Mark Bernard, Dan Hurley (Lane County); Connie Bloom Williams, Marcia Maffei (point2point Solutions); Dave Jacobson (Citizen Advisory Committee); Rob Zako Carlene Reilly, guests.

1. WELCOME & INTRODUCTIONS

Mr. Sorenson called the meeting to order at 11:31 a.m. and thanked the LCOG staff for their assistance in facilitating the Special MPC Meeting.

Mr. Sorenson asked those present to introduce themselves.

Mr. Sorenson, responding to a question from Mr. Handy, understood the MPC was permitted to meet even though there was no MPC representative currently present from the City of Springfield.

2. COMMENTS FROM THE AUDIENCE

No public comments were offered.

3. METROPOLITAN PLANNING ORGANIZATION ISSUES

a. Greenhouse Gas (GHG) Task Force

Ms. Riner introduced the MPO GHG Task Force item from the meeting agenda and noted that the Task Force draft report was being generated and revised concurrently with MPC efforts. She noted it had been very challenging to keep the MPC members sufficiently informed regarding issues relating to the Task Force. She stated that throughout the three-month effort that the summary materials provided to the Committee members had been generated very quickly.

Ms. Riner noted that LCOG staff had worked to determine ways in which the Task Force report directives could best be incorporated into the work of the Central Lane MPO and its member jurisdictions.

Mr. Zelenka reported that the fourth meeting of the GHG Task Force would take place on December 4, 2009. He further outlined the discussion topics from the previous three meetings for the benefit of the Committee and stated that through those meetings the Task Force had ultimately been called upon to generate a series of legislative concepts to apply to local GHG emission reduction planning.

Mr. Zelenka noted that in between the Task Force meetings report components had been developed within smaller workgroups in order to more effectively develop and discuss potential legislative concepts. He noted that Oregon Transportation Commission (OTC) Chair Gail Achterman had facilitated the workgroups and that a draft report from that process had been completed and distributed on December 22, 2009.

Mr. Zelenka directed the Committee members to the section of the draft legislative concepts report regarding the MPO Process for Adoption and Implementation of Plans for Reducing GHG and commented that the provisions of House Bill 2186 Section 10 called for each MPO to adopt a GHG reduction strategy by 2012. He further commented that HB 2001 required the Central Lane MPO to also incorporate scenario planning for two strategies by July of 2013 but did not require the ultimate adoption of either strategy. He noted that the other MPO's had not been required to perform scenario planning, possibly due to that fact that many of them did not have the necessary staff to undertake such work.

Mr. Zelenka noted that the Central Lane MPO included a GHG inventory and action plan within its own Unified Planning Work Program (UPWP) document.

Mr. Zelenka noted that the bulk of the workgroup discussions had focused on coordinating GHG reduction efforts between the various MPO's in order to "get everybody onto the same page."

Mr. Zelenka reviewed Section VII of the legislative concepts report information and noted that the information contained therein represented a synthesis of the Task Force's workgroup discussion meetings. He proceeded to describe each portion of the adoption and implementation process for the benefit of the Committee.

Mr. Zelenka briefly commented on how the reduction targets listed as part of the MPO adoption and implementation process would affect land use and transportation planning matters within each MPO. He hoped that the Task Force might be able to generate a framework that could inform the iterative process by which GHG reduction targets affected regional land use and transportation planning goals.

Mr. Zelenka noted that the Central Lane MPO's own contribution to greenhouse gases from the transportation sector amounted to approximately 1.25% of the total greenhouse gas emissions overall.

Ms. Riner directed the Committee members to their copies of the Breakdown of Greenhouse Gas Transportation Sector Emissions chart and noted that it had been provided by Brian Gregor from the ODOT Transportation Planning Analysis Unit.

Mr. Zelenka maintained that the GHG reduction targets would be highly informative for the scenario planning process required by HB 2186.

Mr. Zelenka briefly described the GHG reduction toolkit strategies from the legislative concepts and additionally discussed the manner in which various software modeling and best management practice strategies would be employed as part of the toolkit.

Mr. Zelenka commented that Mr. Gregor had been very helpful in developing a map which demonstrated the interconnected nature of the various causes of GHG emissions from local transportation sectors.

Mr. Zelenka reported from the Task Force workgroup discussions that while there had been some overlap, every MPO had a completely different set of strategies for GHG emission reductions.

Mr. Zelenka commented on the scenario planning process from the legislative concepts and noted that the document described a phased approach whereby the Portland Metro MPO would serve as the “guinea pig” from which the other MPO’s would learn and develop their own scenario planning processes. Mr. Zelenka proceeded to describe the three phases of the scenario planning process for the benefit of the Committee.

Ms. Riner, responding to a question from Mr. Zelenka, noted that the Portland Metro MPO was expected to complete its scenario planning efforts and adopt a preferred plan by early 2012.

Mr. Zelenka noted that more funding and resources would be required in order to accomplish the second and third phases of the scenario planning process.

Mr. Zelenka briefly discussed the public involvement process from the legislative concepts and noted it called for a comprehensive statewide approach for public outreach and education regarding GHG emissions and related issues.

Ms. Wylie commented that the public involvement process had been focused on educating the public first to be followed up with prescribed methods for reducing GHG emissions. She hoped that such a strategy would help lessen public resistance to effective GHG emission reduction practices.

Mr. Zelenka briefly discussed the schedule for the adoption and implementation plan from the legislative concepts. Additionally, Mr. Zelenka directed the Committee members to a chart from the draft legislative report regarding the schedule and planning processes for the adoption and implementation plan but expressed that the chart did not do a very good job of clearly demonstrating how things would proceed.

Mr. Zelenka briefly described the incentives, reporting and compliance practices from the legislative concepts and noted that it called for the State Legislature to direct State agencies, local governments and MPO’s to coordinate and develop the GHG emission reduction plans.

Mr. Zelenka reported from the Task Force discussions that there was a strong desire on the part of the team members to execute the plans being discussed for GHG emission reductions but noted it was recognized that finding the resources necessary to do so would be very difficult. He further noted his own comments from the discussion that it might be unwise to assume that the plans could be executed on a voluntarily basis.

Mr. Zelenka commented that his primary concerns regarding the draft legislative concepts report involved the funding and resources that would be necessary for successful adoption and implementation. He believed that any directives ultimately adopted by the State legislature would need to be contingent on adequate resources and funding being provided. Additionally, Mr. Zelenka noted that there was concern about how the State Legislature would exercise its authority over the federally-created MPO’s.

Mr. Zelenka stated that the first item for discussion at the next Task Force meeting would address the manner in which the federal and state plans for dealing with GHG emissions would be made consistent with each other. He further noted that ODOT and Oregon Department of Land Conservation and Development (DLCD) staff, in conjunction with representatives from Governor Kulongoski’s office, would be researching the legal parameters of the federal and state plans.

Mr. Grimaldi asked for further clarification as to how the recommendations made by the Task Force or the Central Lane MPO would impact local land use planning policies within the MPO’s. Mr. Zelenka

responded he had observed that some State legislators did not understand how MPO's other than the Portland Metro MPO actually worked, particularly with respect to the ways in which land use issues related to the transportation plans developed by the MPO's.

Mr. Thiel thanked Mr. Zelenka for his work as a member of the Task Force and asked how the Central Lane MPO might be able to contribute to the GHG reduction strategies in a manner that was proportionate to the State's overall amount of transportation sector GHG emissions that had been generated in the Eugene/Springfield area. Mr. Zelenka responded that there was no "silver bullet" to deal with global warming, but that the multitude of diverse strategies for dealing with GHG emissions might represent "silver buckshot" with which to address the problem.

Mr. Zelenka commented that, when considering the nature and the amount of transportation section GHG emissions throughout the State of Oregon, the nexus between transportation and land use policies was an extremely complicated matter to address.

Mr. Zelenka briefly discussed the manner in which the State of California had addressed GHG emissions and noted that the transportation section GHG emissions had also comprised a significant portion of the overall GHG amounts in both Oregon and California.

Ms. Piercy believed the Task Force and the MPO needed to be careful with how each group articulated its recommendations to the State legislature and hoped that they would do so in a manner that would make the benefits of those recommendations readily apparent.

Ms. Piercy maintained that the "wordsmithing" of the legislative concepts report might make it difficult for both the State legislature and the public at large to accept and felt that it would be easy to revise the tone and the language of the report and subsequent recommendations into something that would be easier to facilitate. Mr. Zelenka responded that the draft legislative concepts report was very new and that it was likely that the language of the report would be revised into something less direct in order to encourage a more positive response.

Mr. Sorenson averred that using the term "shall" in a legislative context generally indicated that something might be done and that using the term "should" sometimes indicated that a policy or strategy was unenforceable and therefore much less likely to be acted upon.

Mr. Zelenka asked for suggestions from Mr. Sorenson as to what verb choices might be used to elicit a more positive response to the draft legislative concepts report and other Task Force documents. Mr. Sorenson did not offer any suggestions but maintained that mandatory language might make those documents much less likely to be received in a positive way.

Mr. Sorenson referenced the discussion questions responded to by the Task Force as listed in Ms. Riner's memorandum and stated that MPO's should consider alternative scenarios to reduce GHG emissions in their pending RTP updates. He further stated that it would be necessary for MPO's to link land use and transportation planning strategies in order to develop effective GHG emission reduction strategies.

Mr. Sorenson stated his expectation that the MPO's should be able to address GHG emission reductions within the next 18 months.

Mr. Sorenson noted that the nexus between transportation and land use issues would need to be addressed in any process used for establishing GHG emission reduction targets. He hoped that such targets would be stated sooner rather than later and would incorporate specific numeric objectives for GHG reductions.

Mr. Zelenka commented that the Task Force in their recent meetings had not had a great deal of time with which to respond to the discussion questions. He further expressed that the draft legislative concepts report had exceeded his own expectations given the limited amount of time the Task Force had been given to address the discussion questions.

Mr. Handy thanked Lane County staff representative Daniel Hurley for his work regarding the GHG Task Force and asked for his perspective on the issues that had been discussed. Mr. Hurley indicated that he did not wish to respond for all of Lane County but maintained that, given the urgency of global warming, he did not see any bold, effective strategies coming out of the Task Force's draft legislative concepts report. He believed that the report represented several years of protracted planning that might or might not lead to an effective approach to global warming issues.

Mr. Zelenka agreed with Mr. Hurley's statement that the Task Force's draft legislative concepts was not bold but disagreed that, particularly when considered in relation to the lack of consideration in many other parts of the country, the Task Force's recommendations would not lead to effective GHG emission reduction strategies. Mr. Zelenka proceeded to describe for the benefit of the Committee the manner in which the Task Force workgroups had considered various studies, strategies and policy changes designed to reduce GHG emissions throughout the State.

Mr. Hurley noted that the studies concerning the nature and causes of global warming had been conducted for years and that to spend further time discussing and considering still more strategies to use in a GHG reduction toolkit or another area of the adoption and implementation plan would delay and complicate an already prolonged recommendation process. Mr. Zelenka restated that the Task Force had not had a significant amount of time to develop more detailed recommendations and had alternatively attempted to provide direction to the DLCDD and ODOT to generate more definitive GHG reduction strategies. Mr. Zelenka commented that the Task Force did not have the time, tools, or qualifications necessary to develop the more proactive GHG reduction strategies that Mr. Hurley had suggested.

Mr. Handy spoke with respect to the next Task Force meeting and stated it was very important that they clearly address the issue of the unfunded mandate. He expressed that the State MPO's would need adequate funding in order to satisfy the provisions of HB 2186.

Mr. Handy asked his colleagues and the support staff to carefully consider human nature of the problems under discussion in the hopes that such considerations would lead to a careful balance between incentives and compliance with respect to GHG emission reduction policies.

Mr. Handy referenced recent challenging discussions surrounding the Central Lane MPO's UPWP and noted that the GHG action plans contained therein had yielded positive and proactive results.

Mr. Handy recognized that conversations regarding GHG emission reduction policies had been difficult for local elected officials and their support staff.

Mr. Evans noted his concern that the draft legislative concepts report in its current form did not seem to address the Title VI provisions of the Civil Rights Act and hoped that the Task Force would address that omission in its discussions and deliberations. He briefly elaborated on his perceptions of how the Central Lane MPO and other MPO's throughout the state might incorporate strategies which would satisfy the Title VI provisions. Mr. Evans advocated for the inclusion of greater consideration for poorer communities with respect to the Task Force discussion so that those matters might be made more apparent to the State legislature and to the public at large. Mr. Zelenka answered that he did not know how to do that but further noted that he did not disagree with Mr. Evans' concerns.

Ms. Riner responded to Mr. Evans comment and noted that other recent greenhouse gas reduction studies had reviewed different strategies with consideration to equity issues. She stated that she believed that while it was not covered in the draft legislative concepts report that it would need to be addressed in some fashion through the implementation process at each MPO.

Mr. Evans averred that larger communities in cities such as New Orleans, Birmingham, and Houston contained “glaring disparities” with respect to how poorer communities were considered in relation to GHG emissions policies. He further noted that as the local population grew and shifted, such disparities might become apparent in areas of Lane County as well.

Mr. Zelenka restated that the Task Force had operated under severe time constraints that significantly limited the scope of what it could accomplish. He further noted that, on advice of State Representative E. Terry Beyer and other members of the Legislature, the Task Force would carry forward only consensus positions in its recommendations.

Mr. Zelenka stated that Task Force discussions regarding funding for transit systems in areas such as Salem had been significantly curtailed by the time limitations imposed on the Task Force.

Mr. Zelenka noted that directives from the Governor’s office had indicated that the Task Force might be asked to continue its work and discussions forward into 2010.

Mr. Eyster thanked Mr. Zelenka and Ms. Wylie for their work on the Task Force.

Mr. Eyster agreed with concerns that had been raised regarding funding.

Mr. Eyster recalled that LTD had been able to provide diverse transportation options for the public through its EmX service and that the public had been highly responsive to those options. He hoped that there might be further opportunities later on for the Task Force to intersect its discussions about GHG emissions with discussions regarding funding and planning for local transit systems.

Ms. Wylie noted she was opposed to losing the authority for local jurisdictions to address GHG emissions but recognized that some controls might have to be given up in order to engender support from the State Legislature on more comprehensive policy recommendations.

Ms. Riner recognized that staff and the MPC members had been frustrated with certain aspects of HB 2186 as it had been very broad in describing the scope of the Task Force, but very narrow in its focus on only those planning activities that are done by Oregon’s six MPO’s. She further recognized the need for clarity regarding local acceptance of a preferred scenario versus local adoption of new land use plans by local jurisdictions within each MPO.

Ms. Riner noted that while HB 2186 called for the Central Lane MPO to meet its legislative obligations using current resource levels, the MPO was already under the assumption that it would be receiving additional resources with which to perform the work dictated by HB 2001.

Ms. Riner strongly thanked Mr. Zelenka for his participation and diligence as a Task Force member and hoped that the Task Force process might lead to better coordination and greater representation of the various MPO’s at the State level.

Mr. Zelenka noted that the other MPO’s besides the Portland Metro MPO and the Central Lane MPO had been omitted from the scenario planning requirements from HB 2001 and further noted that the Task Force had wanted to address ways in which those other MPO’s might be brought “into the fold” with respect to

the scenario planning guidelines of the Bill.

Mr. Zelenka expressed that the Task Force had met his own goal of providing context to the various discussions regarding GHG emissions policies throughout the State. He also noted that the Task Force had met an additional goal of his that they recognize and discuss the various funding and planning impediments inherent in Statewide GHG emission reduction strategies.

Mr. Zelenka summarized that, in the draft legislative concepts report and future Task Force discussions, the MPC had desired that there be: 1) a clearer and more compelling context regarding the importance of GHG emission reductions; 2) a modification to the language and overall tone of the document in order to make it more palatable to the State Legislature without “watering it down;” 3) an increased focus on short term actions that might be taken with respect to GHG emission reductions; 4) an emphasis on the need for funding for planning and implementation practices; and 5) and increased recognition of the equity issues that were embedded into the best practices used to address GHG emissions.

Mr. Sorenson asked for closing comments from the Committee members.

Ms. Piercy thanked Mr. Zelenka again for his work on the Task Force and recognized that it had been difficult to get consensus on many of the issues that had been discussed.

Ms. Piercy reminded those in attendance that the success of the Portland Metro MPO’s efforts with respect to GHG emission reductions had been the result of various difficult long-term strategies and emphasized that the other MPO’s would need to engage in similar careful long-term planning efforts.

Ms. Piercy noted that the City of Eugene had recently begun work on a local Climate and Energy Action Plan initiative and briefly discussed how that program and various other local business and government initiatives might positively affect local GHG emission reduction goals.

Mr. Zelenka noted that representatives from Eugene’s Climate and Energy Action Plan had conducted a public outreach session on December 1 devoted to transportation and land use planning discussions. He noted that over one hundred people had attended that session.

Mr. Sorenson thanked Ms. Wiley for synthesizing several of the comments that had been made during the meeting and hoped that it would provide greater clarity on the transit funding issues surrounding GHG emission reduction policies.

Mr. Eyster recognized comments that had been made setting LTD as a good example of a strong public transit system but noted that even LTD might need to cut services in the future to deal with various budget problems.

Mr. Jacobson noted that the MPO CAC would continue its work to assist the MPC in informing the public regarding local transportation matters and policies. He suggested that local school districts might also be approached about assisting in those efforts.

Mr. Zelenka agreed with Mr. Jacobson’s suggestion and noted that it would be important to include groups and individuals beyond the “usual suspects” so that more diverse and productive discussions might be encouraged.

Mr. Sorenson adjourned the meeting at 1:04 p.m.

(Recorded by Wade Hicks)