

ASHLAND TRANSPORTATION COMMISSION

MINUTES

July 28, 2016

CALL TO ORDER

Graf called the meeting to order at 6:01pm

Commissioners Present: Joe Graf, David Young, Corinne Viéville, and Sue Newberry Alan Bender and Danielle Amarotico

Commissioners Absent: Dominic Barth

Council Liaison Present: Stef Seffinger

SOU Liaison Absent: Janelle Wilson

Staff Present: Scott Fleury and Kyndra Irigoyen

Staff Absent: Mike Faught

ANNOUNCEMENTS

None.

APPROVAL OF MINUTES

Approval of June 23, 2016 minutes

The minutes were approved as amended.

ADJUSTMENTS TO THE AGENDA

None.

PUBLIC FORUM

Martin Eldridge 1331 Ashland Mine Rd

He is pleased by the response he has received from ODOT and the Transportation Commission about his questions. Coming down Ashland Mine Road, off Fox Street at N. Main. St., to make a right into Ashland is easy, but to make a left towards Talent is not easy because you have to dodge traffic, the speed limit picks up to 45 MPH. He is wondering about the median there and if there is a space for some landing, to make it a two-step process to go across the street. He has noticed people make their own space there, go across, wait, and make it a two-step process, but when they do this, the people coming to make the left hand turn on N. Main., he has seen honking and it is not a safe thing. Dan Dorrell from ODOT said they could do it, but the City has some landscaping there.

Fleury said there is a design to remove the first light and the median to allow a left-hand merge pocket. ODOT has already approved it. The City did the design in-house and got approval from ODOT. At the time, we did not have it in the budget because the approval came after the budget was put together. The director does want to do this project; we just need to have the appropriate funds to do this. Eldridge said it seemed to him from the emails from Dorrell, that ODOT was going to pay for it. Fleury said he would welcome their offer if they want to do it.

Andrew Kubik 1251 Munson Dr

He is asking for some updates about the East Nevada Street Bridge Project. First question, at this point and time, what design alternatives are seriously being considered. He is not clear in what direction this is going. Will it be for all vehicles, bicycle and pedestrians, or what would the case be. Second question pertains to the ODOT fund exchange program. Is the City intending to apply for it?

Fleury said all the design alternatives are still being considered. We will be having a meeting in the future with the neighborhood to discuss the design options. Three design options were previously shown and discussed. Another option we will bring for discussion is a bicycle, pedestrian, emergency vehicle bridge. As far as the future grant funding packages, we have not determined what will be going forward in the next grant cycle. We have already been awarded the \$1.5 million in the last cycle.

Kubik asked if they require specificity on the design before they do final awards on these. Fleury said no, it is a

general scope of construction and engineering on the project.

NEW BUSINESS

Commission Training

Fleury said the city attorney is here to go over operating rules, procedures, and answer any questions the commission has. He will also cover ethics of committees, quorums, and meetings to provide an overview.

City Attorney Dave Lohman addressed the commission. He said he made a presentation about a year and half ago, but since then, there are about four people who have not heard this. Lohman said he will refer to the handout he gave to the commissioners. He said the Council has the ultimate authority to make decision on transportation matters, except for things that are required by state or federal law. The Transportation Commission is subject to our uniform boards and commissions rules, which is covered under the topic of *conduct of meetings*. He said the Transportation Commission has some special provisions that were put into the ordinance for particular reasons. One is that the Public Works director can impose "traffic implementation regulations" and "official traffic safety and functional activities". He said it is clarified in section 2.13.040 which says that the Transportation Commission will review and forward all traffic implementation regulations to the Public Works director for final approval and implementation of official safety and functional activities. While the Transportation Commission advises the Council directly on other issues on traffic implementation regulations the Commission is to forward its recommendations to the director of Public Works. In some cases, he is the final approver. Exactly what that means is not clear, clearly he has to comply with state and federal law and presumably this is why that was included in the ordinance in the first place so the that Council is not acknowledging that they can change state and federal laws, the director's job is to make sure those laws are complied with. This is not to say, that the Commission and the director of Public Works might disagree on something, in affect what it says is that the Transportation Commission has an obligation, with respect to traffic safety and functional activities and implementation of traffic regulations. The Commission may want to talk to Council directly, but first you have to talk to the director of Public Works.

Newberry said she assumes we are talking about things such as the manual and uniform traffic devices and AASHTO design and standards, state of Oregon, and City standards. She said she would not think this would necessarily be the same as when we are talking about the transportation system plan or other activities we might look at. Lohman said that is correct and shown by the discussion in the ordinance talks specifically about the Transportation Commission's role in planning and reviewing long-range transportation plans, which is section 2.13.030. Newberry asked if we might disagree on something with the director it would still go to the City Council, the director could not veto it. Lohman said right, the director cannot veto it, but you always have the avenue of going to City Council. He said in terms of the flow of recommendations, if the Commission has a recommendation on traffic regulation it should go to the director first.

Young asked if in general, the ambit of this is really about staying in conformity with the state and federal regulations so that if we recommend something or if the director imposes traffic regulations, this is there for the director of Public Works to keep whatever we decide aligned with or not in violation of state and federal regulations. Lohman said that states it accurately. He said another way to say it is, if the Transportation Commission were to come to the Council with a recommendation on a traffic regulation, without consulting with Public Works director first, and if the Council were to ask him, 'can we hear this' he said he would say no. To follow this, you have to consult with the Public Works director first. It does not mean you cannot come to Council, but you must first have the initial consultation.

Newberry said for clarification, an example would be a citizen who asks for a stop sign and it does not meet the warrants. That is a political thing that the Commission might want to do, but it would need to go forward, and meet the warrants. Lohman said this is a good example. Newberry said it is not uncommon in a small community for citizens to come to political leaders and ask for something like this, so the politicians make it embroiled in the idea that they should have a stop sign, but there are nationally recognized standards that must be abided by. The intent of this is we would not just tell our neighbor they could get the stop sign, we would know enough to say we would have to make sure it meets the warrants. Bender said if something comes to the Public Works Department, are they obligated to bring it to the Commission before making a unilateral decision. Lohman said no, not by ordinance, by common sense it is.

Lohman said under 'conduct of meetings' you obligated to take into account the rules of procedure we have in 2.04.040 which are a simplified version of Robert's Rules of Orders. Members are required to attend 75% of the noticed meeting. The chair nor the vice chair is allowed to serve as an officer for more than three consecutive annual terms. Members of city advisory bodies shall not state the position of the City or of a City advisory body at a meeting or in correspondence with federal, state, regional, local or community organization or elected bodies unless specifically authorized to do so by the City Council and by the advisory body at duly advertised meetings. This is not to say you cannot go and speak at an advisory body or Council to express your personal views, as long as you make it clear you are not speaking as a member of the Transportation Commission.

At least four members have to vote in favor of a particular item. Public meetings must be noticed at least 36 hours in advance.

Currently, this is in litigation before the Supreme Court right now; the law right now is that you have to be careful about serial meetings. If four of you end up in conversations, not all together, but one on one, back and forth, that is a quorum, which is a public meeting that should have been noticed. This is true for both email and phone conversations. If you see an article you want to send out, you can send it out, but you cannot get involved in a conversation about it, that becomes a public meeting. All of your email correspondence, it is public record. Newberry said it should go through the Public Works administrative assistant, Kyndra Irigoyen. Lohman said yes, that is correct, and is safer so it is preserved as a public record.

Young said so if we end up doing a back and forth, three people in an email, is that legal? Lohman said yes it is legal under public meeting laws, but it is risky. Graf said it is still part of the public record, even if it is not a quorum. Lohman said yes anything that is about the Transportation Commission is public record.

Seffinger said if you are voting on something with a quorum and one person votes no, is the vote not carried through. Graf said the ordinance reads at least a majority of the quorum is necessary. So if the quorum is four, three could pass the motion. Bender said this is inconsistent with Robert's Rules. Lohman said it is inconsistent with Robert's Rules, but not with our rules.

Newberry asked about item 14 pertaining to serial emails and if someone could vote in by email if a quorum is needed. Lohman said yes, you can have electronic attendance, but it must be set up ahead of time, not at the last minute. The Council does not allow electronic attendance for their meetings. The ordinance expresses a preference to let the chair know if you will not be able to make it to a meeting, 48 hours in advance. Social gatherings are permissible, but you have to be careful.

Lohman addressed item 24. Officially appointed committees and subcommittees are public bodies themselves and subject to these rules, giving public notice, having a quorum to conduct a meeting, etc. You may appoint a committee of three to look at something, but they have to provide public notice and have a quorum. People can work around an item and bring it back to the commission, but as a Commission, you have to be careful about appointing certain people to work on something outside of the Commission.

The State and City have ethics rules; in general, the State says you cannot use your public position to obtain anything of value for yourself, relatives, or clients not otherwise available for your position.

At the State level, the definition of gifts that is something of economic value given to you or household members or relatives, quite a ways out, including the spouse's in-laws. Given without cost or as forgiven debt. A benefit not extended to the general public, exceeds \$50 in aggregate in the course of a calendar year, or given by a source with an economic interest.

Viéville asked if we form a subcommittee does there have to be a staff assigned to it or can we have it on our own. Lohman said minutes have to be taken. Newberry asked if they could take the minutes on their own. Lohman said yes, you could take the minutes. She said staff would still have to notice it.

Lohman said the City's definition of gifts is consistent with the State's. He said the other ethics issue to be thinking

about is conflict of interest in decision-making. He said you have to take some action, by recusing yourself or making a disclosure if the Commission action might be to the financial benefit or detriment to yourself, relatives, businesses you are associated with, and the Commission is about to take an official action on.

Young said if he lives on a street and there is a proposal to put in a sidewalk or put a bike lane there. Given that we are about our mission, so that if we live on a street that is in our TSP proposal to have a sidewalk, and we are voting to put the sidewalk on our street, is that considered a conflict of interest. Lohman said yes. Young said even as a personal conflict of interest. Lohman said yes and the Attorney General has a manual on this for meetings and ethics. An example is given in the manual that is similar. A street improvement in front of three houses and your house is one of them, and they say that is clearly a case of conflict of interest and the outcome would benefit you. They also say if it is for a large section of town that is benefiting a large group of people then you do not have to recuse yourself. The question that would go before the ethics committee would be, "What is large?" There is no clear definition of that. The safe thing to do is overcompensate. If it looks like it is going to improve the value of your house, the smart thing is to not participate in the discussion. Newberry said so it has to be a financial gain. If the sidewalk on Siskiyou is to be improved, it is a personal gain to me because it improves my walking, but not a financial gain to me because my house does not face the sidewalk. Lohman said that is right and the same is true if you are a board member of an entity that might benefit and you are a volunteer board member, same is true, it is not a conflict of interest. Young said that contradicts what he said in his example. The sidewalk is in front of his house, but the entire length of the street with a 100 houses on it, there is no financial gain. It meets the goals and objectives of connectivity and it happens to be on my street, is that financial? Lohman said it could be brought to the ethics commission, that this person voted and the value of house went up and did not disclose he would benefit from it, he should have recused himself. The commission would ask how many benefited from it.

Graf said if there is an issue that one or two commissioners feel very strongly about and want to work on, they are free to go off and do that and then come back and request to be put on the agenda. Lohman said yes. Graf said however, if the Commission says we want to work on this and two commissioners say we would like to work on it, and we say ok, then they are a subcommittee. Lohman said that is right. Graf said as long as they go off and do it without us knowing, it is ok. Lohman said that is right.

Fleury said the Transportation Commission has a specifically defined traffic subcommittee in the ordinance. The Traffic Sub-Committee is established and consists of three regular members of the Transportation Commission who shall sit concurrently on the full Commission. Sub-committee members shall be appointed by the Transportation Commission Chair on a rotating basis until all members have served. Terms are for six-month intervals and members may only sit for two consecutive terms at any one time. The Public Works director shall determine what matters warrant subcommittee involvement and meetings shall be convened on an as needed basis. The Public Works director or designee will serve as staff liaison and recorder for these meetings. He said if Graf does not appoint a subcommittee, then the two people working together then applies independently.

Graf said we are trying to figure out when you have seven commissioners where most of these things are done as a whole, if we do the traffic subcommittee all that means is three people are going to have to meet more times and staff is going to have to be involved to cover the kinds of things we tend to cover in the Commission meeting.

Lohman said the ordinance implies, but does not say there shall be a traffic subcommittee, it is in the purview of the Commission whether you want to have one or not. Newberry said it says the Public Works director shall determine what matters and warrant subcommittee involvement. She said if something came up that was too tedious to discuss, that we would then meet outside of that with the director's discretion, with someone taking notes. Assuming when that particular issue was done, it would not die back; it would sit here for the director to easily enable a subcommittee when needed.

Colin Swales 143 8th St.

Regarding the electronic attendance at the meetings, many of the decisions that are made are political and people who could not attend a meeting wondered if they could phone in. He asked for clarification if it was a Council rule or a Commission rule, if there is an agenda item that a certain member feels very strong about and wants to have a vote on, but is unable to attend the meeting, can they request that the agenda item to be postponed until a later meeting

that they can attend. Regarding ethics, many of the members of the Downtown Committee are stakeholders, and many of the discussions are about whether there will be any financial detriment by various decisions being made, he would like clarification on what the position is of stakeholders in these public meetings.

Graf said the City Council appointed the Downtown Committee, it has downtown business owners. If for example they recommend fixing a sidewalk in front of a downtown business, the person would in theory have to recuse themselves. Lohman said recuse themselves or it depends on the nature of the matter. Young said the committee was appointed by the Mayor, it could be interpreted that they have a conflict of interest. Lohman said they should be making disclosures and does not think they have to recuse because it is not just three properties that are being benefited by a decision. If it is affecting the whole downtown the ethics committee would say that is benefiting everybody, but he will check it.

Bender asked if electronic attendance was allowed via Skype. Lohman said he is not aware of any commission that allows electronic attendance, but it does not mean you cannot do it. He said responding to Swales' question about postponing a meeting; he said that member can make that request and the commission can decide to postpone or not, it is not a matter of right to have it postponed.

Downtown Super Sharrows Proposal

Young said the Downtown Committee has been considering a preliminary design for a bike lane in the downtown by converting from a three lane two lane and deal with truck parking. This change has not been universally embraced by members of the community and there has been a lot of strong feelings towards it. He said he is proposing to abandon the consideration of that and recommend to the Downtown Committee and Council that they abandon any consideration of that, and propose to do nothing to change the parking, signalization, and any of the right of way. On N. Main where one lane turns to two lanes and the bike lane ends approaching downtown, to have an approximately six foot wide lane within the traffic lane that is a solid painted blue or green, that continues through the downtown corridor until Siskiyou Blvd. where the bike lane begins. All vehicles can use this but it confers clearly that bicycles are welcome here. He displayed pictures of the super sharrows used in other cities.

Young said the basis behind this is that it is immediately an improvement where bicyclists have guidance in terms of where they should be and motorists understand with clarity that bikes are allowed to be here. He said he has floated this to several people who opposed to the three lane to two lane, including the president of the chamber, the owner of Music Coop, some other business owners, and other members who are involved in this, and he has received support from them. He thinks it could be implemented quickly and it has been used in Portland and Eugene.

Young said the Downtown Committee is not meeting in September and may be dissolved because there is a Council study session on August 1st to talk about the future. He said they may not exist as a Downtown Committee and move into the urban design phase which may take a number of years and involve a new committee. This represents implementing a huge improvement that meets our mission for connectivity for safety, modal equity, with very little cost, and no changes in the parking.

Newberry said she did some research on this and there is positive feedback. Research done by The Center for Transportation Research – The University of Texas at Austin, regarding motorist behavior, motorists were more likely to change lanes when passing. Less likely to pass and less likely to encroach on the adjacent lane when passing, all of which indicate safer motorist behavior. Other things said that both the markings significantly reduced the number of sidewalk riders, the bike and chevron by 35% and the bike in a house by 25%.

Amarotico said this looks exciting and wants to know how Young plans to deal with the trucks in the interim. Young recommends that trucks load and unload from the middle lane. Viéville said she likes this idea because she has a hard time knowing when the bus is coming if there is a truck parked in the right lane and she has been left because the bus does not see her. Graf said ODOT has to approve it, a traffic engineer has to design it and look at the pros and cons.

Newberry moves that we recommend that the City pursue installation of sharrows with a painted strip through downtown Ashland until such time as bike lanes become feasible.

Newberry said since it involves an MUTCD standard, it should be a recommendation to the Public Works director. Lohman said he would think so. It goes directly to the Council and if they ask if it complies with the ordinance about the Transportation Commission he would say no, it has not been recommended to the Public Works director and has not had a chance to review it and work with ODOT.

Fleury said his thought to make this simple, you all want to see this on Main St. as an interim solution until such time. In order to get to that stage we have to do an analysis, engineering work, find out ODOT's thoughts, and get other approvals. There is a lot that needs to occur before you can bring an implementable plan back to make a recommendation to Council to adopt that. He said he would expect that the Commission would want to see the implementable plan that is derived from the behind the scenes work. He recommends making a recommendation to the Public Works director to do the legwork to bring back and then recommend it to the City Council.

Young moves that we recommend to Council and the Downtown Committee that staff undertakes the design for a super sharrow, a solid painted lane within the right traffic lane, with adequate markings for bicycles to continue downtown from the end of the bike lane on N. Main to Siskiyou Blvd. This would be in lieu of the current three to two lane proposal and is for immediate implementation until a dedicated bike lane in downtown Ashland is feasible.

Lohman said the public should be able to give their input before a motion is made.

Colin Swales 143 8th St

He endorses this idea. The role of the Transportation Commission is to advise the City Council on transportation related issues specifically as they relate to safety, planning, funding, and advocacy for bicycles, transit, parking, pedestrian, and other modes of transportation. He agrees with Lohman that the Public Works director has to look at these things with his staff in detail as well as ODOT because it is a state highway. He thinks the role is to advise the City Council and he hopes it goes to them. He thinks it is absurd that we have one lane in a successful road diet with a bicycle lane coming into downtown, opens up into three lanes, there is certainly room for bicycle lane through downtown and is highly needed. He said he would change 'feasible' in the motion to 'until a bike lane is implemented'. He said he spoke to the Downtown Commission at the last meeting and pointed out that the vehicular traffic through our downtown has fallen since 2003 by about 30%. He encourages everyone to vote on this and to get Council to agree.

Michael Dawkins, 646 E. Main St

He likes Newberry's first motion. He thinks this should come to Downtown Committee to make sure it happens. He thinks that Young came back from where his position has been and it was not only his idea, it has been floated out there. He recommends that this is directed to the Downtown Committee so they can vet it, whether it goes to City Council or Publics Works, it is very important that it gets to the Downtown Committee to put pressure on Public Works to make sure it happens.

Andrew Kubik 1251 Munson Dr

He supports this design concept. He does not feel he is qualified to take a position on who it should go to first as a body. The Downtown Ad-hoc Committee is still in existence, he sees logic in presenting this to the committee and if they decline to deal with it, they can easily pass it on to Public Works and the Council.

Young m/s Viéville Until such time as a bike lane through downtown is feasible the Transportation Commission recommends that the Public Works director bring to Council and the Downtown Committee, the Commission's strong support for the urgent implementation of a super sharrow through downtown.

All in favor and Alan Bender abstained.

OLD BUSINESS

Vegetation Maintenance Program

Fleury said Newberry has volunteered to assist and Faught is scheduling a meeting with her. She has already provided a lot of useful information and hopefully we can combine all of it and bring it back to develop a program for

public outreach and implementation.

Grandview Shared Road

Fleury said this is going back to the Council on Tuesday night for discussion. The Council did a site tour about two weeks ago and walked the site with Public Works staff. Young asked staff to produce the records of the two cars that went over the side. Fleury said he has them and thinks there has been three accidents at this site.

FOLLOW UP ITEMS

Downtown Parking and Multi Modal Circulation Study Update-Improvement Projects

None.

North Main Crosswalk Analysis/Post Road Diet Analysis

Fleury said that Kim Parducci from ODOT has started analyzing the Hersey and N. Main intersection to make sure it meets warrants. She has already started the process that begins with a 12-hour count completed last Thursday. We will have a write up from her on the ability of the intersection to meet the warrants. We will bring this information back to the group to have a more formal discussion about the potential to signalize this intersection and for crosswalks.

Graf asked if there is any confidence that it will meet warrants. Fleury said not all the warrants have to be met in an engineering study. There can be a discussion on the positive benefits for the roadway based on the study and discuss it with ODOT. It is better overall for the roadway to have a signal at that location, safer for pedestrians, safer for vehicles, and safer for the corridor. Graf said one of things we have to look at, is it better to have a light at Hersey and Wimer then to have one or two un-signalized crosswalks. Newberry asked if we have any information on where people are coming and going and what is the most convenient crossing point. Fleury said at Van Ness Ave., Parducci has seen many people cross here because there is a path that cuts down to that location, which is in proximity to Skidmore and the market right there. Young said there are over a 1,000 people who live on the north side of Main. The problem with N. Main is if you want to get a walk sign, you have to go way out of your way to get to the hospital, as a pedestrian it does not meet the connectivity. Hersey would be the perfect location because it is in the middle of two signalized intersections.

Colin Swales 143 8th St

He said when Dan Burden came to talk to about the road diet. His plan has since been lost about putting a roundabout in. Jim Olsen said a roundabout would not work there unless there was a single lane road diet there. The road diet does work. He does not think a signal is the right answer in this location. The trucks turning down Hersey have to line up in the middle to implement the left turn. He has seen them hit the curb because there is not enough turning radius. If there was a roundabout they would be in the far right lane to make the turn safer. He would like to see roundabouts implemented along the N. Main stretch.

Young said pedestrian crossings have been shown to be challenging in roundabouts. Newberry said she respectfully disagrees about pedestrian safety in roundabouts. Single lane roundabouts are generally safer, offer pedestrians to cross one lane at a time, which is a short exposure. She said when she looked at the topography on Google Earth; it will require long crossings for pedestrians to get across there. It would be wise to compare the 20-year cost of a traffic signal to the cost of a roundabout. Often when you look at the 20-year cost, it costs about \$3,000 a year to maintain a traffic signal, when you start amortizing out what it is going to cost over a long period of time, it makes looking at roundabout feasible. Roundabouts initial installation is more expensive than a signal, but in a town like ours that talks about how important it is to not contribute to climate change, you are much better off with a roundabout. It slows traffic without stopping it, less pollution, and having a traffic signal is going to back traffic up. Viéville said roundabouts are difficult without lights because traffic does not stop, so when do you decide to go. She said she would not try crossing at a roundabout.

INFORMATIONAL ITEMS

Action Summary

Fleury said this is for the Commission and for staff, so when things disappear for a while, they are maintained in perpetuity until they are complete on the action item list.

**Accident Report
Making and Impact Newsletter (July)**

COMMISSION OPEN DISCUSSION FUTURE AGENDA TOPICS

TSP update process

ADJOURNMENT

Meeting was adjourned at 8:08 p.m.

*Respectfully submitted,
Kyndra Irigoyen
Public Works Administrative Assistant*