

Updated: October 5, 2022

## INTRODUCTION

The table below lists each of the statements from the Recall Petition that Ward 7 City Councilor, Claire Syrett, has claimed is “False” in her lawsuit by which Syrett intends to block a vote by her constituents.

For each statement in the petition, direct excerpts from the **MovingAhead** project’s “[ALTERNATIVES ANALYSIS REPORT – SEPTEMBER 2018](#)” are provided to substantiate the basis for the respective petition statement. This document was the basis for Council Resolution No. 5352, adopted (6-1) on March 14, 2022. (See attached excerpts in EXHIBIT A and data in EXHIBIT B.)

The attached pages from MovingAhead’s “Multimodal Transit Corridor Concept Plans – July 2017” (EXHIBIT C) provide drawings related to the excerpts from the “Alternatives Analysis Report” cited below. Each drawing depicts travel lanes and a “*Proposed* Construction Footprint” (emphasis added).

The table, below lists each corresponding explanation from Syrett’s lawsuit whereby she asserts that a statement is false.

Each claim is evaluated for its legal merit with respect to ORS 260.352(1) and (5), which are the legal basis for the lawsuit. The operative elements in these to statutory sections are:

ORS 260.352(1): “No person shall cause to be ... published ... with knowledge or with reckless disregard that the ... publication ... contains a false statement of material fact relating to any candidate ....”

ORS 260.352(5): “... the plaintiff must show by clear and convincing evidence that the defendant violated subsection (1) of this section.”

Thus, as the plaintiff, Claire Syrett must provide “*convincing evidence*” that:

- a) Statement(s) on the petition application were *false* – not just uncertain.
- b) The petitioners *knew* that the statements were false or acted *with reckless disregard* (for example, by not even basing the petition statements on credible evidence.

## SUMMARY

As the detailed analysis of the petition statement, the evidence on which the statements were based, and Syrett’s arguments in her lawsuit make clear, the lawsuit fails to meet either of the necessary criteria in ORS 260.352(1) and (5). The statements are not false, and the petitioners were diligent in basing their statements on documentation published by Lane Transit District (LTD) and the MovingAhead project team.

## PREFACE

As reported in *The Register-Guard* (August 19, 2022):

“‘It is might, not will,’ [LTD] transit district spokesperson Pat Walsh said in an email.”

This is the explicit expression of the basis upon which all of Syrett’s claims are made, *i.e.*, that the petition statements are based only on a record of outcomes (e.g., removal of two car lanes on River Road) that “might” happen. The lawsuit boils down to this: A claim that something will happen is false if there is any uncertainty at all.

That argument is baseless. First off, Claire Syrett voted to approve plans for the specific “EmX Alternative” for River Road that was described in detail in MovingAhead’s “Alternatives Analysis Report.” All relevant statements in the report used the word “would,” not “might.” For example, “The number of general-purpose lanes **would** be reduced ...” (emphasis added) on page 5-10 of the report. Had the report consistently used the word “might,” the case would be different – but that’s not what the report used, and for good reason. Each of the alternatives considered by Councilor Syrett and the other councilors was in substance a *proposal*, and the City Council’s job was to choose for each of the different routes assessed in the report between a “No-Build” alternative, which meant no project was approved, and approval of either an “Enhanced Corridor” project or an “EmX” project. When Syrett voted for the “EmX Alternative” for the River Road corridor, she voted to approve the project that was described in the report. The report’s detailed description of the outcomes of that choice was a reliable basis for the petition statements.

The consistent use of “would” in *all* of the alternatives for all corridors was precisely the proper grammatical choice. “Would” in this instance is the subjunctive form to be used when what is stated as “would” occur is *conditional*. Every future action or impact was expressed in this subjunctive form for the obvious reason that *the described events were conditional on an alternative being selected to become a project*. In simple terms, the selected projects’ stated outcomes will occur if the project is implemented; whereas a rejected projects’ stated outcomes will not occur.

The lack of merit in Syrett’s claims are not just because of her implicit misrepresentation that all future actions “might” rather than “would” occur. Simply looking at the substance of the “EmX Alternative” on River Road confirms that, with the Council’s approval of this project, a statement that the project “will remove two lanes for cars on River Road” is the only reasonable conclusion from reading the text and examining the diagrams that are in the report. Dedicated “BRT” lanes are a defining, inherent, and inseparable element of “EmX” on River Road; and there is no reasonably imaginable way that EmX on River Road can be accomplished without removing two travel lanes. The same is true for the reports statements about taking of private property, tree and parking removal, and the increase in congestion. While some details of the EmX design on River Road might be tweaked prior to implementation, *e.g.*, a few trees spared, the material substance of the petition statements is true.

Of course, if EmX were never constructed on River Road, then none of the impacts in the petition statements will happen. But the whole petition statement is clear from the beginning that *it is the project that will create the impacts* (*e.g.*, “Claire Syrett voted to advance the multimillion dollar MovingAhead **project** that will remove two lanes for cars on River Road ...” Emphasis added.) There is no claim or insinuation that Syrett somehow voted unconditionally “to remove two lanes for cars on River Road.”

In summary, nothing in Syrett’s explanation even begins to prove that any of the petition statements is *false*. The extent of Syrett’s argument is limited to this: Because there can’t be 100.00% certainty that if EmX is implemented on River Road, the impacts described in the petition statements will occur, the statements cannot be considered “true” and is therefore not just uncertain, but “false.” Such an extreme standard for what is a knowingly “false” statement would make a great deal of campaign discourse in violation of ORS 260.352(1) .

Furthermore, and the final nail-in-the-coffin of Syrett’s lawsuit is that the standard in ORS 260.352(5) is: “To prevail in such an action, the plaintiff must show by clear and convincing evidence that the defendant violated subsection (1) of this section.” And, subsection (1) prohibits a statement that “contains a false statement of material fact.” Syrett’s lawsuit goes no further than to claim that several petition statements *may not be “true” regarding some marginal design elements that may be revised in the final implementation*.

### Further comments on the statutory standard

The lawsuit asserts that the challenged statements are “material fact[s] relating to any candidate” ORS 260.532(1) with this claim: “material because they already have or could significantly influence the hearer’s decision-making process.”

In response to the claims of “false statements” hinge on the argument that (e.g.) “will remove two vehicle lanes” is false, whereas “may remove two vehicle lanes” is true:

1. The MovingAhead documents relied upon by petitioners used the term “would”, not “will.”
2. The question then is: Does “will remove two vehicle lanes” expressed in the full context of the petition, the MovingAhead “would” statements, and the voters in Ward 7 that have an interest in the future of River Road, meet the threshold of “could significantly influence the hearer’s decision-making process”?
3. Although “would” is not semantically the same as “will” because “would” is conditional, a reasonable person reading “would remove two vehicle lanes” in the context of MovingAhead documents would comprehend that statement as an action that *will* happen if the EmX project is implemented (as explained in the analysis, above). No reasonable person, reading the MovingAhead descriptions of the “EmX” alternative could believe that the implementation of “EmX” on River Road “may” or “would” be implemented by *leaving both vehicle lanes* in each direction.
4. Therefore, a reasonable person reading the MovingAhead plans would not have been “significantly influenced” by the petition statements because of the use of “will” instead of “would” in this case – the impact on the voter would be immaterially different.

### Note regarding the lawsuits two claims

ORS 260.532 is the basis of the “false statement” complaint

ORS 28.010 is the basis for nullifying the election.

ORS 260.532(10) states: "The remedy provided by this section is the **exclusive remedy** for a violation of this section."

- Nothing in ORS 260.532 references ORS 28.010 as part of the “remedy” or in any other way.
- It's not clear to me how ORS 28.010 allows the additional relief sought in the lawsuit.

### **ADDENDUM**

Further investigation of LTD and MovingAhead documents revealed additional evidence supporting the petition statement. These are provided in EXHIBITS C through G.

Statements in the Recall Petition, Which Are Challenged by Clair Syrett	Statements in MovingAhead's "ALTERNATIVES ANALYSIS REPORT" SEPTEMBER 2018	Claire Syrett's Claims of "False" Statements in Her Lawsuit	Evaluation of Claire Syrett's Claims
<p><b>A.</b></p> <p>"Claire Syrett voted to advance the multimillion dollar MovingAhead project that will remove two lanes for cars on River Road and replace them with dedicated EmX bus lanes."</p>	<p>EmX Alternatives are characterized by exclusive guideways (BAT or bus-only lanes) 1-19</p> <p>A business access and transit (BAT) lane is reserved for buses and turning vehicles only. ... BAT lanes are restricted to transit vehicles except where vehicles enter or exit adjacent property or where they need to make a right turn at an intersection. ... EmX Alternatives would use BAT lanes. 1-29</p> <p>The number of general-purpose lanes would be reduced to construct BAT lanes, <b>which would reduce vehicular capacity</b> and allow buses and right-turning vehicles only on River Road from Northwest Expressway to approximately Kourt Drive. (Emphasis Added) 5-10</p> <p>Figure 5-2: <b>River Road Corridor EmX Alternative</b></p> <p>See diagram 2 "Business Access &amp; Transit Lanes" cross-section showing only two lanes for cars. 5-12</p>	<p>"MovingAhead is still in the planning/proposal stage. It does not approve or implement any specific project. The actual configuration of EmX on River Road has not been determined."</p>	<p>Syrett voted on the <i>selection</i> of a "preferred alternative" for implementation on the River Road corridor, based on a highly detailed specification of that alternative, including its essential characteristics and its impacts.</p> <p>Contrary to Syrett's claim, this decision happened <i>after</i> the planning and analysis was substantially complete. The proposals were fully developed when the City Council selected among them.</p> <p>Removing two lanes for cars is an inherent, essential, and inseparable aspect of the "EmX Alternative" on River Road. The actual configuration regarding this aspect <i>has been determined</i>. If the EmX Alternative for River Road is implemented, it is unequivocally <i>true</i> that two lanes for cars will be removed.</p> <p>The petition statement is TRUE. This claim by Syrett is meritless.</p>



<p><b>B.</b></p> <p>"This will leave only one lane for cars in each direction and take substantial private property from businesses and residences, including removal of parking and trees."</p>	<p><b>Figure 5-2: River Road Corridor EmX Alternative</b></p> <p>See diagram 2 "Business Access &amp; Transit Lanes" cross-section showing only two lanes for cars. 5-12</p> <p>The EmX Alternative would <b>require</b> 37 partial and 3 full property acquisitions from commercial and industrial, public and institutional, and residential parcels, comprising an estimated 2.2 acres. Both River Road Corridor build alternatives have the potential to displace businesses. (Emphasis added) 5-18</p> <p>Property acquisition <b>would</b> impact <b>off-street parking</b> for 1 parcel under the Enhanced Corridor Alternative and <b>for 7 parcels under the EmX Alternative</b>. In addition, <b>drive-through circulation</b> would be impacted at 4 commercial properties under the Enhanced Corridor Alternative and <b>6 commercial properties under the EmX Alternative</b>. These impacts would potentially result in the full acquisition of 2 commercial properties and displacement of up to 4 businesses under the Enhanced Corridor Alternative and <b>3 full acquisitions and 6 business displacements under the EmX Alternative</b>. (Emphasis added) 5-18</p> <p>a total of 2.2 acres [of land would potentially be acquired] from 40 parcels for the EmX Alternative ... up to 118 medium and large street trees would be removed under the EmX Alternative. 5-21</p> <p>the EmX Alternative would result in removal of 31 off-street parking stalls at 7 properties. 5-23</p> <p>Under the EmX Alternative up to 118 medium to large street trees and 7 to 9 medium to large landscape trees outside of the Charter Tree boundary and 14 trees within the Charter Tree boundary would be potentially removed. 5-40</p> <p>Both build alternatives would result in removal of off-street parking stalls [31 for EmX alternative], as listed in Table 5-22. Further, both the Enhanced Corridor and EmX Alternatives would require changes to on-site circulation that would result in displacement of up to 4 or 6 businesses with drive-throughs, respectively. 5-43</p>	<p>"The passage of the MovingAhead Resolution has not authorized any changes to the transportation infrastructure, including taking of private property or tree removal; only an actual authorized project could do that. The extent to which any private property, if any, may be impacted should a transportation project be implemented on River Road is not known at this time."</p>	<p>As described above, the inherent, essential, and inseparable aspects of the "EmX Alternative" on River Road require: Two BAT lanes, one lane in each direction for cars, a center "refuge lane" (so that the two travel lanes for cars are not impeded by left-turning vehicles), and a bike lane in each direction.</p> <p>The fundamental design of this EmX Alternative can be accommodated <i>only</i> by acquiring additional, land outside the current right-of-way for construction.</p> <p>As documented in the MovingAhead report, It is unequivocally <i>true</i> that this requirement will result in taking substantial private property from businesses and residences, including removal of parking and trees.</p> <p>The petition statement is TRUE. This claim by Syrett is meritless.</p>
--	--	--	---

<p><b>C.</b></p> <p>"Traffic congestion will increase."</p>	<p>River Road is currently a heavily traveled roadway owned and managed by the City of Eugene (City) with an average daily traffic (ADT) volume of more than 32,000 vehicles near its intersection with the Randy Papé Beltline Highway. 5-4</p> <p>The number of general-purpose lanes would be reduced to construct BAT lanes, <b>which would reduce vehicular capacity</b> and allow buses and right-turning vehicles only on River Road from Northwest Expressway to approximately Kourt Drive. (Emphasis Added) 5-10</p> <p>Volume-to-capacity (v/c) ratio is used as a principal measure of congestion. The "V" represents the volume or the number of vehicles that are using the roadway at any particular period. The "C" represents the capacity of a roadway at its adopted LOS. 9-13</p> <p><u>Summary from data in Table 9-5: P.M. Peak Hour Study Intersection Performance</u> at 9-15 and 16.</p> <p>All 7 intersections on River Road north of Northwest Expressway show increases in v/c ratios from current levels to levels under the EmX alternative.</p> <ul style="list-style-type: none"> <li>• Irving Road/ Hunsaker Lane: 53%</li> <li>• Ruby Avenue/ Division Avenue: 14%</li> <li>• Randy Papé Beltline westbound on-ramp: 4%</li> <li>• Randy Papé Beltline eastbound on-ramp: 20%</li> <li>• Silver Lane/ River Avenue: 8%</li> <li>• Maxwell Road/E. Rosewood Avenue: 49%</li> <li>• Horn Lane/ Arbor Drive: 37%</li> </ul> <p>Average: 26%</p>	<p>"The purpose of the MovingAhead planning project is to consider proposals that will reduce traffic congestion."</p>	<p>Stating a "Purpose" has no bearing at all on whether or not the planned configuration and operation of the EmX Alternative on River Road would impact congestion.</p> <p>MovingAhead's report shows that the "EmX Alternative" increases the projected "principle measure" of congestion(v/c) at every River Road intersection.</p> <p>The petition statement is TRUE. This claim by Syrett is meritless.</p>
---	---	--	--

<p><b>D.</b></p> <p>"Syrett supports MovingAhead's EmX plan despite the fact that taxes will need to increase to support operations and maintenance for a system which cannot be re-routed to accommodate changes in ridership."</p>	<p>Payroll taxes make up the largest portion of LTD's general fund revenues, and while long-term growth is highly likely for this revenue source, short-term fluctuations created by changes to the local economy are more difficult to anticipate. Because the <b>payroll tax represents such a significant portion of the general fund</b>, a small change in its projected growth rate can significantly affect downstream revenues. Without adjusting for inflation, <b>LTD estimates payroll tax revenues to grow 3% annually.</b> (Emphasis added) 10-9</p> <p>As described earlier, LTD's primary source of operating revenue is the payroll tax. ... The implications of this are that service levels on opening day may be lower than assumed in current forecasts. 10-11</p>	<p>"This statement is false because, while the WorkingAhead [<i>sic</i>] project's mandate includes identifying funding sources from existing state resources and federal matching programs, not from local taxes. Whether LTD transit tax, which funds transit operations, will need to be increased to support MovingAhead proposals is not known at this time."</p>	<p>There is no debate that the EmX Alternative on River Road is a very large investment in infrastructure that is essentially permanent.</p> <p>The MovingAhead report itself projects that "payroll tax revenues to grow 3% annually."</p> <p>Because the MovingAhead plans are not integrated with mixed use development plans, there is no assurance that EmX on River Road won't fall as far below ridership projections and fare revenues as the West Eugene EmX Extension (WEEE) has done.</p> <p>As with the millions sunk into WEEE and the substantial ongoing subsidy of WEEE required to maintain the minimum "Bus Rapid Transit" frequency of service, there would be only the following choices for EmX on River Road:</p> <ul style="list-style-type: none"> <li>• Abandon the service,</li> <li>• Reduce the service to below the level that would produce the claimed benefits, or</li> <li>• Increase subsidies from the payroll tax.</li> </ul> <p>The petition statement is not false. It is a reasonable opinion, based on substantial evidence.</p> <p>This claim by Syrett is meritless.</p>
--	--	--	--

## EXHIBIT A. Use of “will” and “would” in reference to future impacts of “Alternatives” in the MovingAhead September 2018 Report

Table C-1: Summary of Highway 99 Corridor Potential Benefits and Impacts by Alternative	
ACQUISITIONS AND DISPLACEMENTS	
Enhanced Corridor Alternative	EmX Alternative
<ul style="list-style-type: none"> <li>No significant adverse impacts; however, property acquisitions and parking impacts <b>will</b> occur, including up to:               <ul style="list-style-type: none"> <li>44 partial property acquisitions (1.3 acres): all are relatively minor strips from tax lot frontages.</li> <li>50 off-street parking spaces eliminated at 6 properties.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>No significant adverse impacts; however, property acquisitions and parking impacts <b>will</b> occur, including up to:               <ul style="list-style-type: none"> <li>38 partial property acquisitions (1.6 acres): all are relatively minor strips from tax lot frontages.</li> <li>53 off-street parking spaces eliminated at 6 properties.</li> </ul> </li> </ul>
ENERGY, SUSTAINABILITY AND GHG	
<ul style="list-style-type: none"> <li>Cement used for bus stops <b>would</b> require less maintenance than asphalt over time.</li> </ul>	<ul style="list-style-type: none"> <li>Cement used for bus/BRT vehicle lanes and stations <b>would</b> require less maintenance than asphalt over time.</li> </ul>

Table C-2: Summary of River Road Corridor Potential Benefits and Impacts by Alternative	
ACQUISITIONS AND DISPLACEMENTS	
Enhanced Corridor Alternative	EmX Alternative
<ul style="list-style-type: none"> <li>No significant adverse impacts; however, property acquisitions and parking impacts <b>will</b> occur, including up to:               <ul style="list-style-type: none"> <li>3 partial property acquisitions (0.2 acre): all are relatively minor strips from tax lot frontages.</li> <li>2 full property acquisitions (1.1 acres) (commercial properties).</li> <li>2 off-street parking spaces would be eliminated at 1 property.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>No significant adverse impacts; however, property acquisitions and parking impacts <b>will</b> occur, including up to:               <ul style="list-style-type: none"> <li>37 partial property acquisitions (0.6 acre): all are relatively minor strips from tax lot frontages.</li> <li>3 full property acquisitions (1.6 acres) (commercial properties).</li> <li>31 off-street parking spaces would be eliminated at 7 properties.</li> </ul> </li> </ul>
ENERGY, SUSTAINABILITY AND GHG	
<ul style="list-style-type: none"> <li>Cement used for bus stops <b>would</b> require less maintenance than asphalt over time.</li> </ul>	<ul style="list-style-type: none"> <li>Cement used for bus/BRT vehicle lanes and stations <b>would</b> require less maintenance than asphalt over time.</li> </ul>

Table C-3: Summary of 30th Avenue to LCC Corridor Potential Benefits and Impacts by Alternative	
ACQUISITIONS AND DISPLACEMENTS	
Enhanced Corridor Alternative	EmX Alternative
<ul style="list-style-type: none"> <li>No significant adverse impacts; however, property acquisitions and parking impacts <b>will</b> occur, including up to:               <ul style="list-style-type: none"> <li>13 partial property acquisitions (0.4 acre): all are relatively minor strips from tax lot frontages.</li> <li>No impacts to off-street parking.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>No significant adverse impacts; however, property acquisitions and parking impacts <b>will</b> occur, including up to:               <ul style="list-style-type: none"> <li>20 partial property acquisitions (0.6 acre): all are relatively minor strips from tax lot frontages.</li> <li>16 off-street parking spaces eliminated at 2 properties.</li> </ul> </li> </ul>
ENERGY, SUSTAINABILITY AND GHG	
<ul style="list-style-type: none"> <li>Cement used for bus stops <b>would</b> require less maintenance than asphalt over time.</li> </ul>	<ul style="list-style-type: none"> <li>Cement used for bus/BRT vehicle lanes and stations <b>would</b> require less maintenance than asphalt over time.</li> </ul>

Table C-4: Summary of Coburg Road Corridor Potential Benefits and Impacts by Alternative	
ACQUISITIONS AND DISPLACEMENTS	
Enhanced Corridor Alternative	EmX Alternative
<ul style="list-style-type: none"> <li>No significant adverse impacts; however, property acquisitions and parking impacts <b>will</b> occur, including up to:               <ul style="list-style-type: none"> <li>47 partial property acquisitions (1.0 acre): all are relatively minor strips from tax lot frontages.</li> <li>67 off-street parking spaces would be eliminated at 5 property.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>No significant adverse impacts; however, property acquisitions and parking impacts <b>will</b> occur, including up to:               <ul style="list-style-type: none"> <li>71 partial property acquisitions (1.5 acres): most are relatively minor strips from tax lot frontages.</li> <li>2 full property acquisitions from commercial properties (2.5 acres).</li> <li>128 off-street parking spaces would be eliminated at 15 properties.</li> </ul> </li> </ul>
ENERGY, SUSTAINABILITY AND GHG	
The cement used for bus stops <b>will</b> require less maintenance than asphalt over time.	The cement used for bus/BRT vehicle lanes and stations <b>will</b> require less maintenance than asphalt over time.

Table C-5: Summary of MLK, Jr. Boulevard Corridor Potential Benefits and Impacts by Alternative	
ACQUISITIONS AND DISPLACEMENTS	
Enhanced Corridor Alternative	
<ul style="list-style-type: none"> <li>No significant adverse impacts; however, property acquisitions and parking impacts <b>will</b> occur, including up to:             <ul style="list-style-type: none"> <li>6 partial property acquisitions (&lt;0.1 acre): all are relatively minor strips from tax lot frontages.</li> </ul> </li> </ul>	
ENERGY, SUSTAINABILITY AND GHG	
Cement used for bus stops <b>would</b> require less maintenance than asphalt over time.	

In addition to the eleven instances where “will occur” is used in regard to “acquisitions and displacements” impacts, the report uses *both* “will” and “would” in what are otherwise identical statements under “Energy, Sustainability, and GHG” impacts:

- The cement used for bus stops **will** require less maintenance than asphalt over time. Table C-4
- Cement used for bus stops **would** require less maintenance than asphalt over time. Tables C-1, C-2, C-3, and C-5

It is quite clear that the report uses “will” and “would” interchangeably, or at least without clear distinction for impacts *are* going to occur if the respective alternative is implemented.

The cited examples of using “will” relate to acquisition of private properties, removal of parking, and use of concrete for BRT lanes, which explicitly refutes the lawsuit claims “A” and “B,” above. The report’s practice of intermixing the use of “would” and “will” more generally confirms the report’s statements relied upon in the petition were a reasonable basis for the use of “will,” despite the challenge in the lawsuit’s claims “C” and “D.” The use of “will” was consistent with the report’s use and is in no way “false” or misleading.

**EXHIBIT B. Supporting data for the congestion values included in the table, above.**

<b>Intersection</b>	<b>Current v/c</b>	<b>EmX v/c</b>	<b>% Increase v/c</b>
<b>River Road/Irving Road/ Hunsaker Lane</b>	0.72	1.00	53%
<b>River Road/Ruby Avenue/ Division Avenue</b>	0.71	0.81	14%
<b>River Road/Randy Papé Beltline westbound on-ramp</b>	0.57	0.59	4%
<b>River Road/Randy Papé Beltline eastbound on-ramp</b>	0.64	0.77	20%
<b>River Road/Silver Lane/ River Avenue</b>	0.64	0.69	8%
<b>River Road/Maxwell Road/E. Rosewood Avenue</b>	0.57	0.85	49%
<b>River Road/Horn Lane/ Arbor Drive</b>	0.46	0.63	37%
<b>Average v/c</b>			26%





**Legend: Enhanced Corridor Alternative**

Proposed Exclusive Bus Lane

Proposed Business Access and Transit Lane

Proposed Protected Bike Lane

Proposed Bike Crossing

Proposed Crosswalk

Proposed Median

Proposed Sidewalk

X

Proposed ADA Ramp Improvement

Proposed On-Street Parking

Proposed Concrete Bus Pad

Proposed Pedestrian Bridge

Proposed Stop

Existing Stop Utilized by Route

Existing EmX Station

Existing Property Line

Proposed Construction Footprint

Proposed Curb

Proposed New Full Signal

Proposed Reconstructed Signal

Proposed Reconfigured Signal

Proposed New Pedestrian Signal

Proposed Bus Path of Travel in Exclusive or Business Access and Transit Lane

Proposed Bus Path of Travel in Mixed Traffic

Proposed Lane Lines

Proposed Striped Bike Lane or Buffered Bike Lane

Proposed Bicycle Storage

Proposed New Modified Vehicle Turn Lane

Proposed New Bike Lane Marking

Proposed New Bus Only Lane Marking

Construction By Others

MovingAhead Concept Plans

Eugene

LTD

MovingAhead

Multimodal Transit Corridor

LANE TRANSIT DISTRICT  
EUGENE, OREGON

RIVER ROAD CORRIDOR  
ENHANCED CORRIDOR ALTERNATIVE

R.E.09

DATE: 07/2017





<b>Legend: Enhanced Corridor Alternative</b>	
Proposed Exclusive Bus Lane	Proposed Sidewalk
Proposed Business Access and Transit Lane	Proposed ADA Ramp Improvement
Proposed Protected Bike Lane	Proposed On-Street Parking
Proposed Bike Crossing	Proposed Concrete Bus Pad
Proposed Crosswalk	Proposed Pedestrian Bridge
Proposed Median	
Proposed Stop	Existing Property Line
Existing Stop Utilized by Route	Proposed Construction Footprint
Existing EmX Station	Proposed Curb
Proposed New Full Signal	Proposed Reconfigured Signal
Proposed Reconstructed Signal	Proposed New Pedestrian Signal
Proposed Bus Path of Travel in Exclusive or Business Access and Transit Lane	Proposed Bus Path of Travel in Mixed Traffic
Proposed Bus Path of Travel in Mixed Traffic	Proposed Striped Bike Lane or Buffered Bike Lane
Proposed Lane Lines	Proposed Bicycle Storage
Proposed New Modified Vehicle Turn Lane	Construction By Others
Proposed New Bike Lane Marking	
Proposed New Bus Only Lane Marking	

MovingAhead Concept Plans

**Multimodal Transit Corridor**

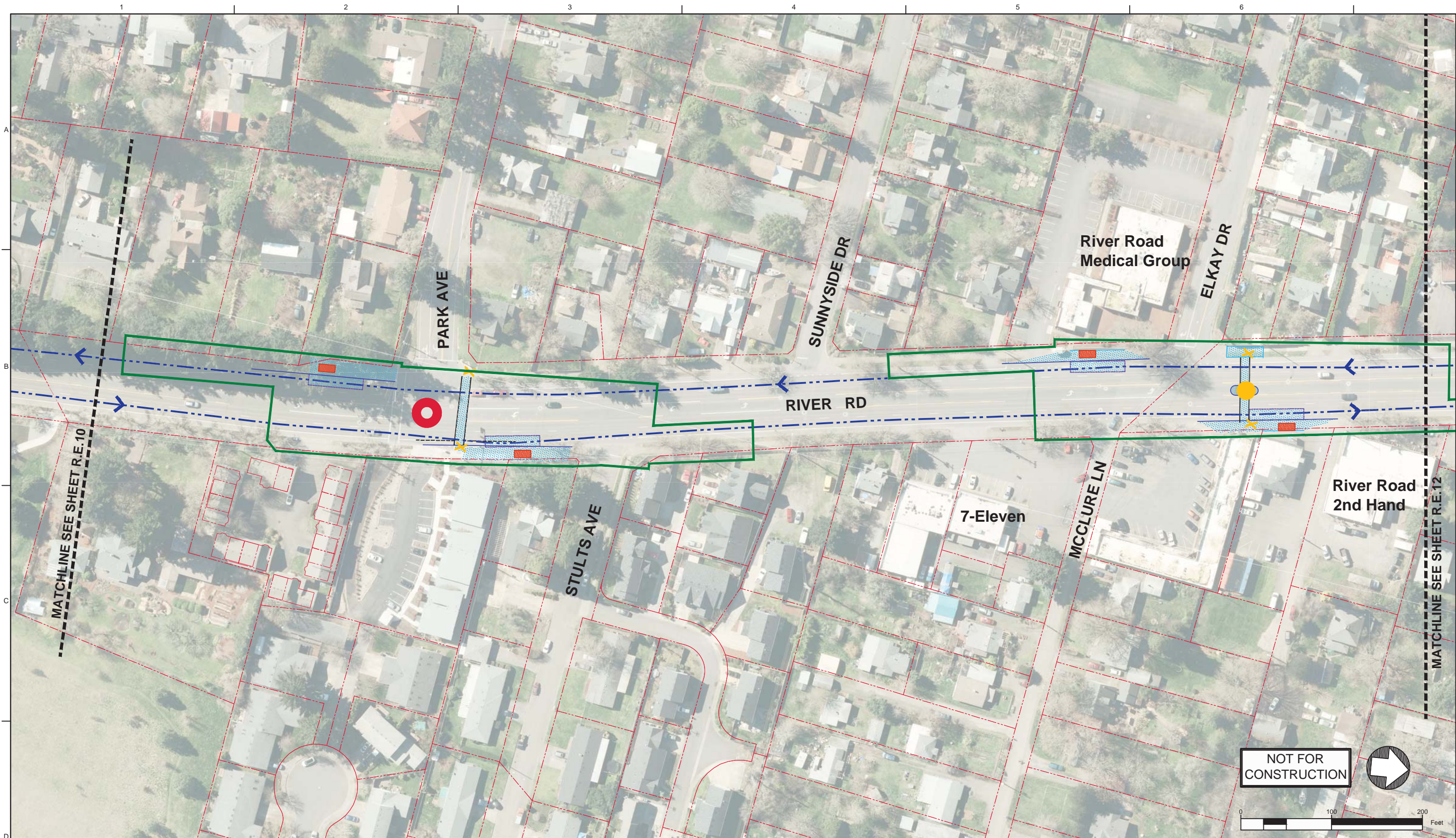
LANE TRANSIT DISTRICT  
EUGENE, OREGON

**RIVER ROAD CORRIDOR  
ENHANCED CORRIDOR ALTERNATIVE**

DATE: 07/2017

**R.E.10**





<b>Legend: Enhanced Corridor Alternative</b>		<b>Proposed Stop</b>		<b>Proposed New Full Signal</b>		<b>Proposed Bus Path of Travel in Exclusive or Business Access and Transit Lane</b>		<b>Proposed New Modified Vehicle Turn Lane</b>	
	Proposed Exclusive Bus Lane		Proposed Stop		Proposed New Full Signal		Proposed Bus Path of Travel in Exclusive or Business Access and Transit Lane		Proposed New Modified Vehicle Turn Lane
	Proposed Business Access and Transit Lane		Existing Stop Utilized by Route		Proposed Reconstructed Signal		Proposed Bus Path of Travel in Mixed Traffic		Proposed New Bike Lane Marking
	Proposed Protected Bike Lane		Existing EmX Station		Proposed Reconfigured Signal		Proposed Lane Lines		Proposed New Bus Only Lane Marking
	Proposed Bike Crossing		Existing Property Line		Proposed New Pedestrian Signal		Proposed Striped Bike Lane or Buffered Bike Lane		Construction By Others
	Proposed Crosswalk		Proposed Construction Footprint				Proposed Bicycle Storage		
	Proposed Median		Proposed Curb						
	Proposed Sidewalk								
	Proposed ADA Ramp Improvement								
	Proposed On-Street Parking								
	Proposed Concrete Bus Pad								
	Proposed Pedestrian Bridge								

MovingAhead Concept Plans

**Multimodal Transit Corridor**

LANE TRANSIT DISTRICT  
EUGENE, OREGON

**RIVER ROAD CORRIDOR  
ENHANCED CORRIDOR ALTERNATIVE**

DATE: 07/2017

**R.E.11**





<b>Legend: Enhanced Corridor Alternative</b>	
Proposed Exclusive Bus Lane	Proposed Sidewalk
Proposed Business Access and Transit Lane	Proposed ADA Ramp Improvement
Proposed Protected Bike Lane	Proposed On-Street Parking
Proposed Bike Crossing	Proposed Concrete Bus Pad
Proposed Crosswalk	Proposed Pedestrian Bridge
Proposed Median	
Proposed Stop	Existing Stop Utilized by Route
Existing EmX Station	Existing Property Line
Proposed Construction Footprint	Proposed Curb
Proposed New Full Signal	Proposed Reconstructed Signal
Proposed Reconfigured Signal	Proposed New Pedestrian Signal
Proposed Bus Path of Travel in Exclusive or Business Access and Transit Lane	Proposed Bus Path of Travel in Mixed Traffic
Proposed Lane Lines	Proposed Striped Bike Lane or Buffered Bike Lane
Proposed Bicycle Storage	
Proposed New Modified Vehicle Turn Lane	Proposed New Bike Lane Marking
Proposed New Bus Only Lane Marking	Construction By Others

MovingAhead Concept Plans

**Multimodal Transit Corridor**

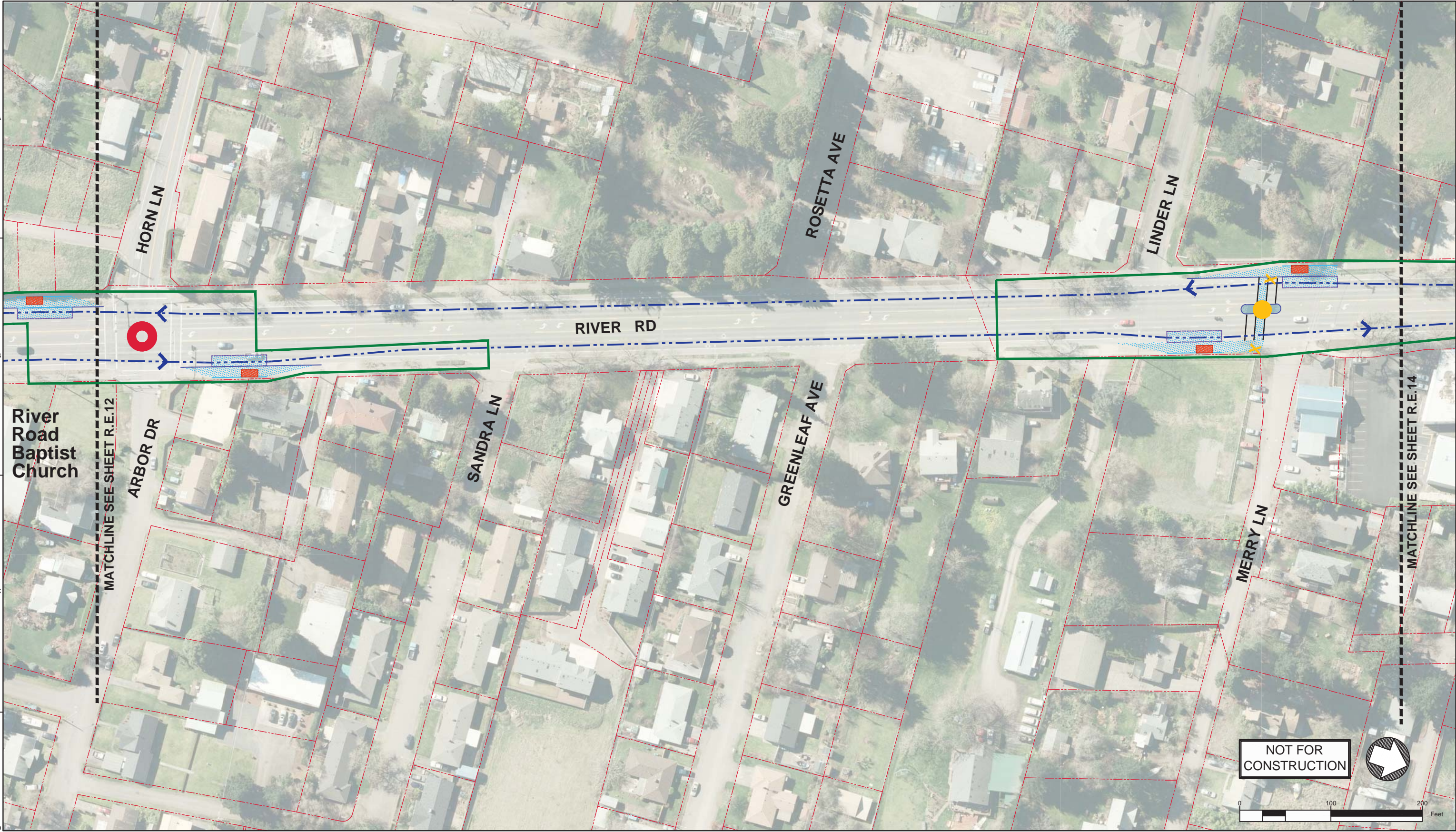
LANE TRANSIT DISTRICT  
EUGENE, OREGON

**RIVER ROAD CORRIDOR  
ENHANCED CORRIDOR ALTERNATIVE**

DATE: 07/2017

**R.E.12**





<b>Legend: Enhanced Corridor Alternative</b>	
Proposed Exclusive Bus Lane	Proposed Sidewalk
Proposed Business Access and Transit Lane	Proposed ADA Ramp Improvement
Proposed Protected Bike Lane	Proposed On-Street Parking
Proposed Bike Crossing	Proposed Concrete Bus Pad
Proposed Crosswalk	Proposed Pedestrian Bridge
Proposed Median	
Proposed Stop	Existing Stop Utilized by Route
Existing EmX Station	Existing Property Line
Proposed Construction Footprint	Proposed Curb
Proposed New Full Signal	Proposed Reconstructed Signal
Proposed Reconfigured Signal	Proposed Reconfigured Signal
Proposed New Pedestrian Signal	Proposed Bus Path of Travel in Exclusive or Business Access and Transit Lane
	Proposed Bus Path of Travel in Mixed Traffic
	Proposed Lane Lines
	Proposed Striped Bike Lane or Buffered Bike Lane
	Proposed Bicycle Storage
	Proposed New Modified Vehicle Turn Lane
	Proposed New Bike Lane Marking
	Proposed New Bus Only Lane Marking
	Construction By Others

MovingAhead Concept Plans

**Multimodal Transit Corridor**

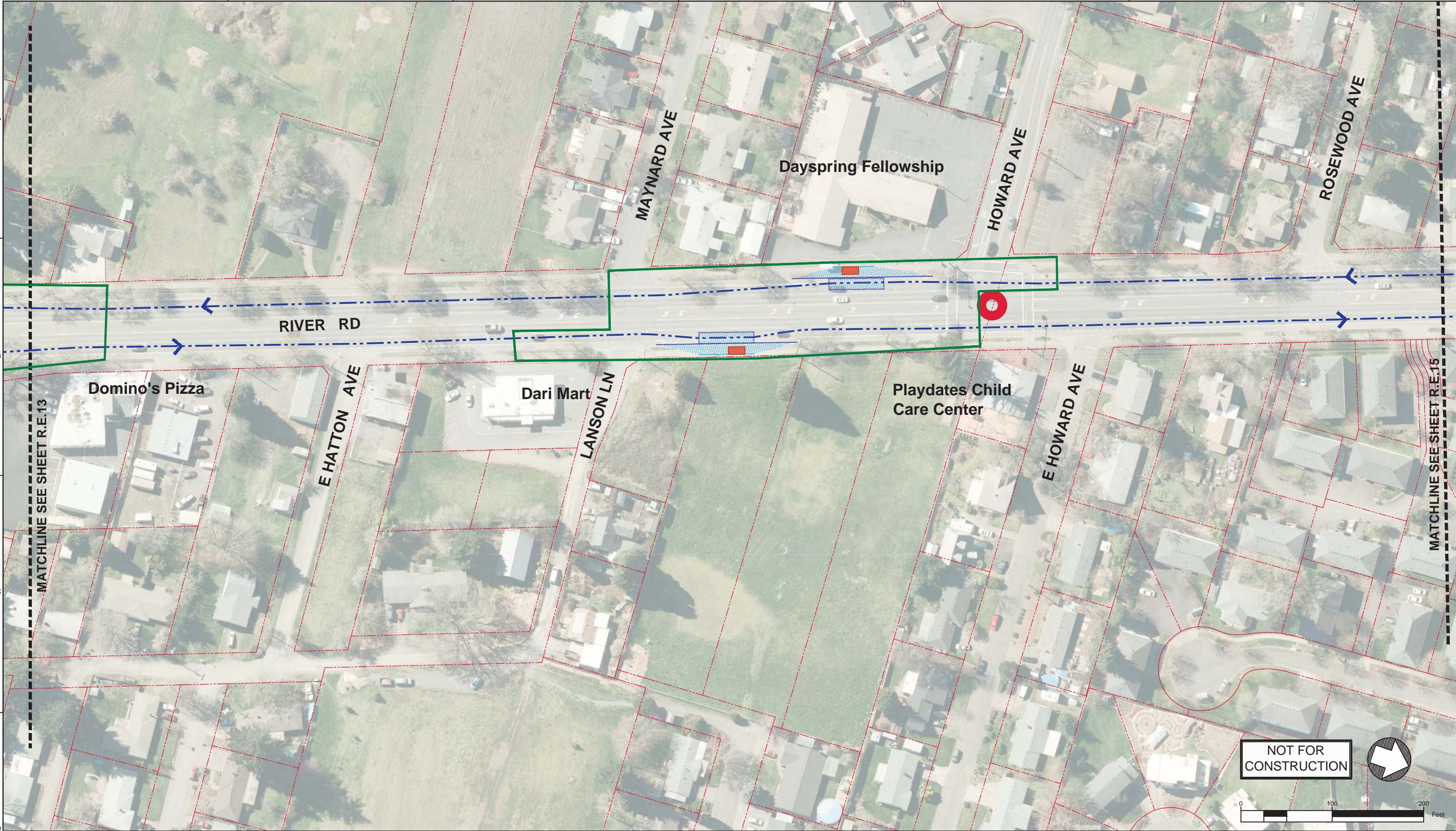
LANE TRANSIT DISTRICT  
EUGENE, OREGON

**RIVER ROAD CORRIDOR  
ENHANCED CORRIDOR ALTERNATIVE**

DATE: 07/2017

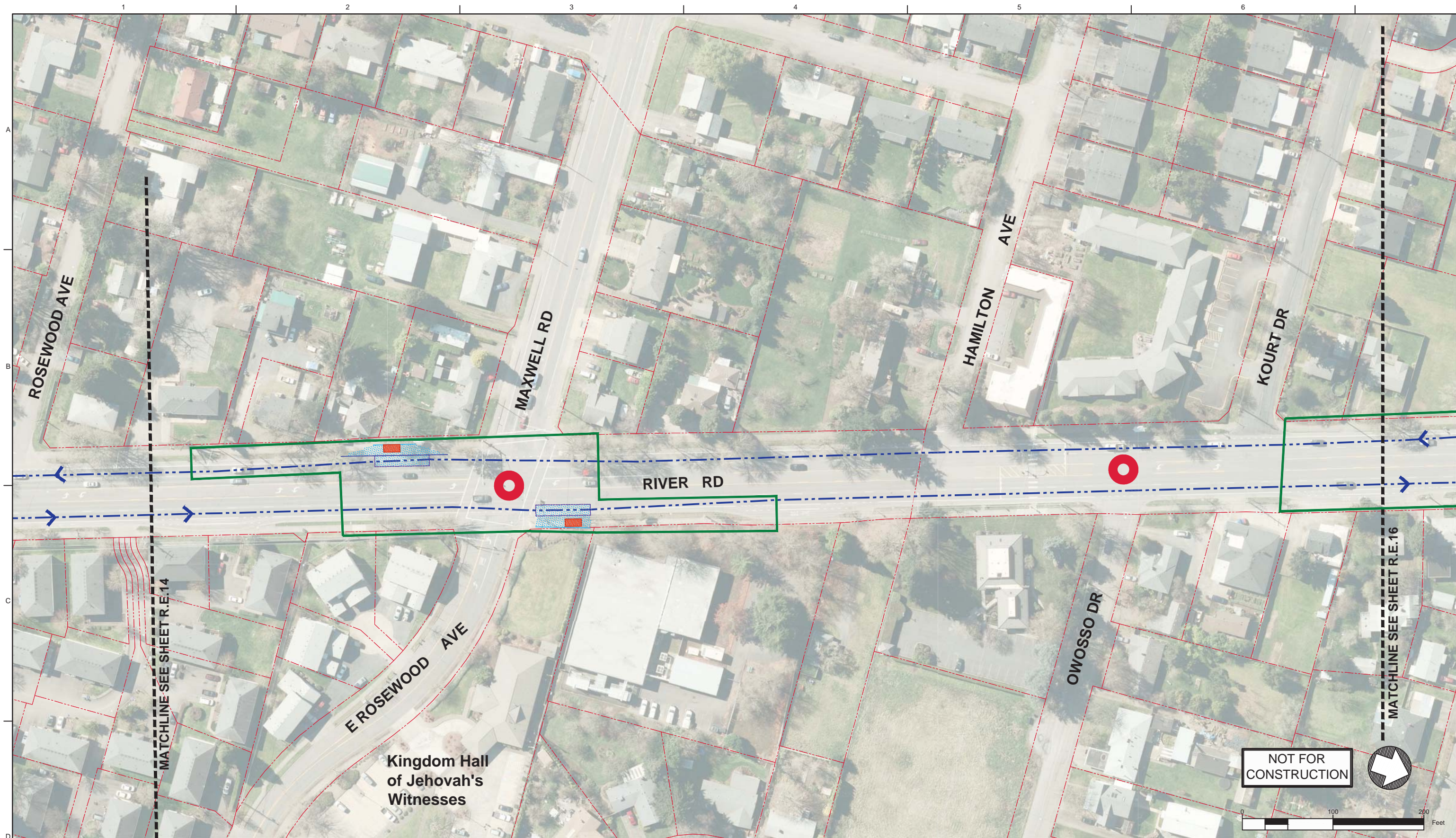
**R.E.13**







































<b>Legend: Enhanced Corridor Alternative</b>										<b>MovingAhead Concept Plans</b>		<b>RIVER ROAD CORRIDOR ENHANCED CORRIDOR ALTERNATIVE</b>	
	Proposed Exclusive Bus Lane		Proposed Sidewalk		Proposed Stop		Proposed New Full Signal		Proposed Bus Path of Travel in Exclusive or Business Access and Transit Lane		Proposed New Modified Vehicle Turn Lane	 <b>Multimodal Transit Corridor</b> LANE TRANSIT DISTRICT EUGENE, OREGON	DATE: 07/2017
	Proposed Business Access and Transit Lane		Proposed ADA Ramp Improvement		Existing Stop Utilized by Route		Proposed Reconstructed Signal		Proposed Bus Path of Travel in Mixed Traffic		Proposed New Bike Lane Marking		
	Proposed Protected Bike Lane		Proposed On-Street Parking		Existing EmX Station		Proposed Reconfigured Signal		Proposed Lane Lines		Proposed New Bus Only Lane Marking		<b>R.E.14</b>
	Proposed Bike Crossing		Proposed Concrete Bus Pad		Existing Property Line		Proposed New Pedestrian Signal		Proposed Striped Bike Lane or Buffered Bike Lane		Construction By Others		
	Proposed Crosswalk		Proposed Pedestrian Bridge		Proposed Construction Footprint				Proposed Bicycle Storage				
	Proposed Median				Proposed Curb								





Legend: Enhanced Corridor Alternative										MovingAhead Concept Plans	
	Proposed Exclusive Bus Lane		Proposed Sidewalk		Proposed Stop		Proposed New Full Signal		Proposed Bus Path of Travel in Exclusive or Business Access and Transit Lane		Proposed New Modified Vehicle Turn Lane
	Proposed Business Access and Transit Lane		Proposed ADA Ramp Improvement		Existing Stop Utilized by Route		Proposed Reconstructed Signal		Proposed Bus Path of Travel in Mixed Traffic		Proposed New Bike Lane Marking
	Proposed Protected Bike Lane		Proposed On-Street Parking		Existing EmX Station		Proposed Reconfigured Signal		Proposed Lane Lines		Proposed New Bus Only Lane Marking
	Proposed Bike Crossing		Proposed Concrete Bus Pad		Existing Property Line		Proposed New Pedestrian Signal		Proposed Striped Bike Lane or Buffered Bike Lane		Construction By Others
	Proposed Crosswalk		Proposed Pedestrian Bridge		Proposed Construction Footprint				Proposed Bicycle Storage		
	Proposed Median				Proposed Curb						

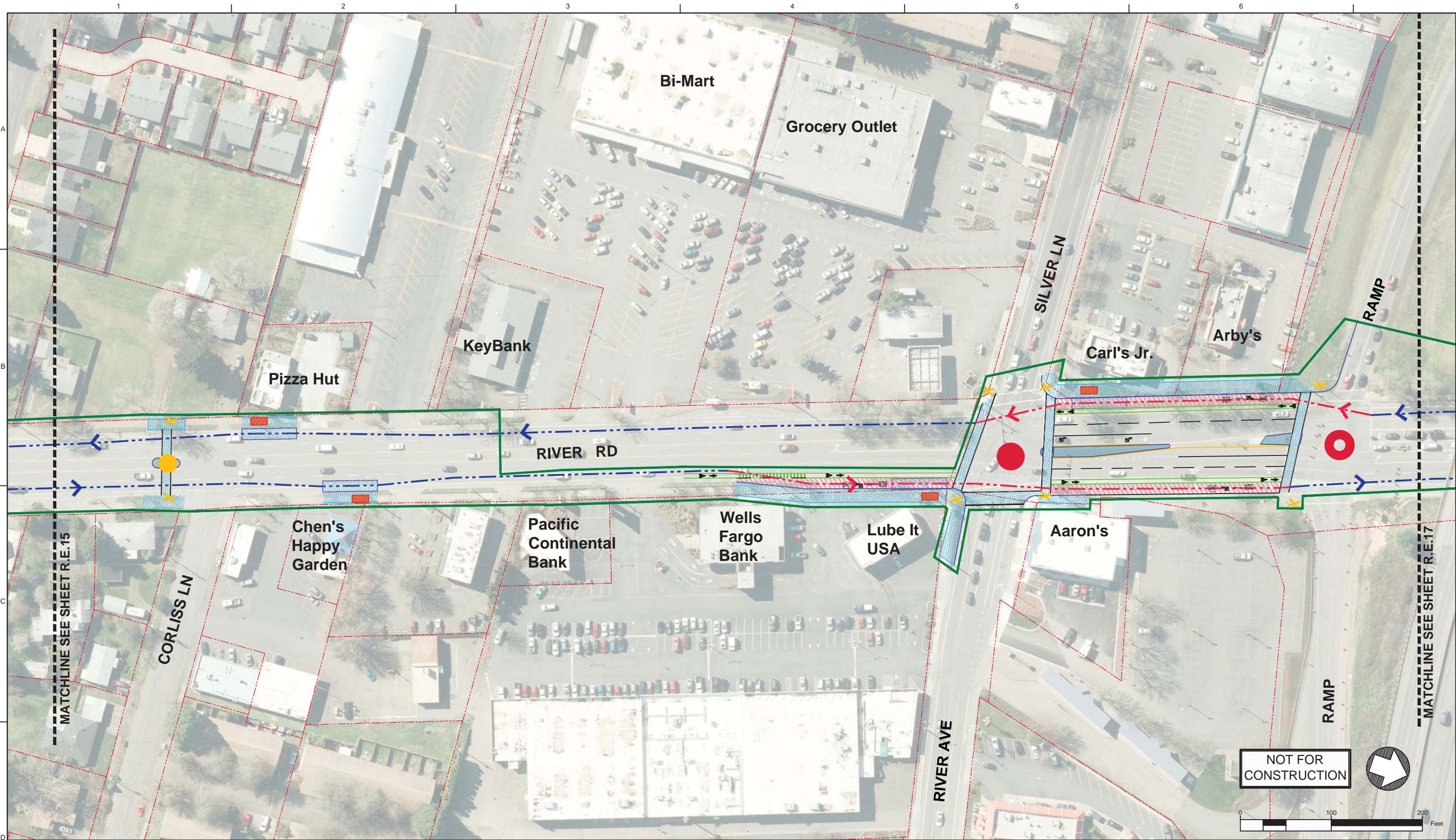
**Multimodal Transit Corridor**  
 LANE TRANSIT DISTRICT  
 EUGENE, OREGON

**RIVER ROAD CORRIDOR  
ENHANCED CORRIDOR ALTERNATIVE**

DATE: 07/2017

**R.E.15**





<b>Legend: Enhanced Corridor Alternative</b>		<b>Proposed Stop</b>		<b>Proposed New Full Signal</b>		<b>Proposed Bus Path of Travel in Exclusive or Business Access and Transit Lane</b>		<b>Proposed New Modified Vehicle Turn Lane</b>	
	Proposed Exclusive Bus Lane		Proposed Stop		Proposed New Full Signal		Proposed Bus Path of Travel in Exclusive or Business Access and Transit Lane		Proposed New Modified Vehicle Turn Lane
	Proposed Business Access and Transit Lane		Existing Stop Utilized by Route		Proposed Reconstructed Signal		Proposed Bus Path of Travel in Mixed Traffic		Proposed New Bike Lane Marking
	Proposed Protected Bike Lane		Existing EmX Station		Proposed Reconfigured Signal		Proposed Lane Lines		Proposed New Bus Only Lane Marking
	Proposed Bike Crossing		Existing Property Line		Proposed New Pedestrian Signal		Proposed Striped Bike Lane or Buffered Bike Lane		Construction By Others
	Proposed Crosswalk		Proposed Construction Footprint				Proposed Bicycle Storage		
	Proposed Median		Proposed Curb						
	Proposed Sidewalk								
	Proposed ADA Ramp Improvement								
	Proposed On-Street Parking								
	Proposed Concrete Bus Pad								
	Proposed Pedestrian Bridge								

MovingAhead Concept Plans

**Multimodal Transit Corridor**

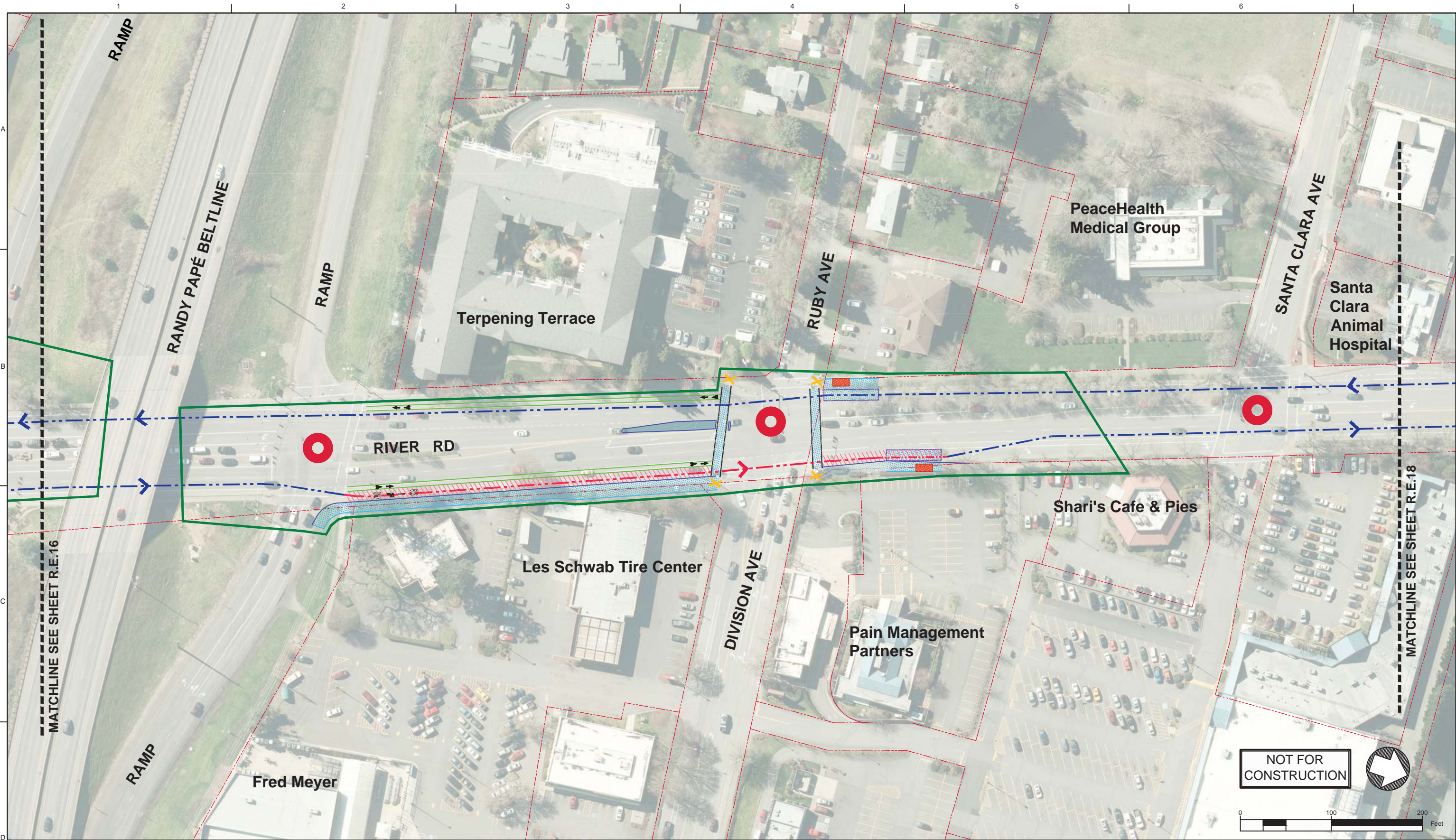
LANE TRANSIT DISTRICT  
EUGENE, OREGON

**RIVER ROAD CORRIDOR  
ENHANCED CORRIDOR ALTERNATIVE**

DATE: 07/2017

**R.E.16**





<b>Legend: Enhanced Corridor Alternative</b>		<b>Proposed Stop</b>		<b>Proposed New Full Signal</b>		<b>Proposed Bus Path of Travel in Exclusive or Business Access and Transit Lane</b>		<b>Proposed New Modified Vehicle Turn Lane</b>	
	Proposed Exclusive Bus Lane		Proposed Stop		Proposed New Full Signal		Proposed Bus Path of Travel in Exclusive or Business Access and Transit Lane		Proposed New Modified Vehicle Turn Lane
	Proposed Business Access and Transit Lane		Existing Stop Utilized by Route		Proposed Reconstructed Signal		Proposed Bus Path of Travel in Mixed Traffic		Proposed New Bike Lane Marking
	Proposed Protected Bike Lane		Existing EmX Station		Proposed Reconfigured Signal		Proposed Lane Lines		Proposed New Bus Only Lane Marking
	Proposed Bike Crossing		Existing Property Line		Proposed New Pedestrian Signal		Proposed Striped Bike Lane or Buffered Bike Lane		Construction By Others
	Proposed Crosswalk		Proposed Construction Footprint				Proposed Bicycle Storage		
	Proposed Median		Proposed Curb						

MovingAhead Concept Plans

**Multimodal Transit Corridor**

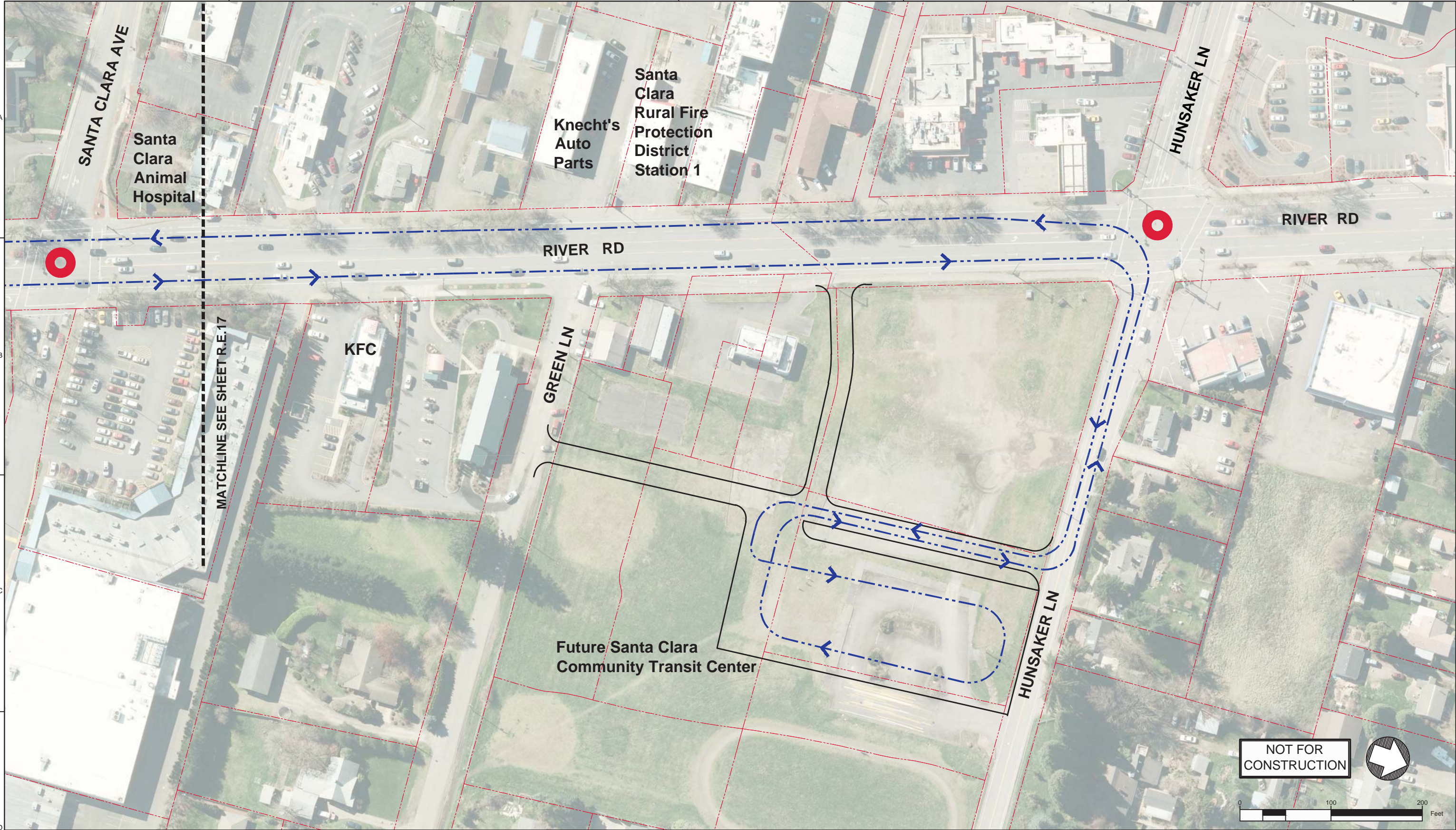
LANE TRANSIT DISTRICT  
EUGENE, OREGON

**RIVER ROAD CORRIDOR  
ENHANCED CORRIDOR ALTERNATIVE**

DATE: 07/2017

**R.E.17**





<b>Legend: Enhanced Corridor Alternative</b>		<b>Proposed Stop</b>		<b>Proposed New Full Signal</b>		<b>Proposed Bus Path of Travel in Exclusive or Business Access and Transit Lane</b>		<b>Proposed New Modified Vehicle Turn Lane</b>	
	Proposed Exclusive Bus Lane		Proposed Stop		Proposed New Full Signal		Proposed Bus Path of Travel in Exclusive or Business Access and Transit Lane		Proposed New Modified Vehicle Turn Lane
	Proposed Business Access and Transit Lane		Existing Stop Utilized by Route		Proposed Reconstructed Signal		Proposed Bus Path of Travel in Mixed Traffic		Proposed New Bike Lane Marking
	Proposed Protected Bike Lane		Existing EmX Station		Proposed Reconfigured Signal		Proposed Lane Lines		Proposed New Bus Only Lane Marking
	Proposed Bike Crossing		Existing Property Line		Proposed New Pedestrian Signal		Proposed Striped Bike Lane or Buffered Bike Lane		Construction By Others
	Proposed Crosswalk		Proposed Construction Footprint				Proposed Bicycle Storage		
	Proposed Median		Proposed Curb						
	Proposed Sidewalk								
	Proposed ADA Ramp Improvement								
	Proposed On-Street Parking								
	Proposed Concrete Bus Pad								
	Proposed Pedestrian Bridge								

MovingAhead Concept Plans

**Multimodal Transit Corridor**

LANE TRANSIT DISTRICT  
EUGENE, OREGON

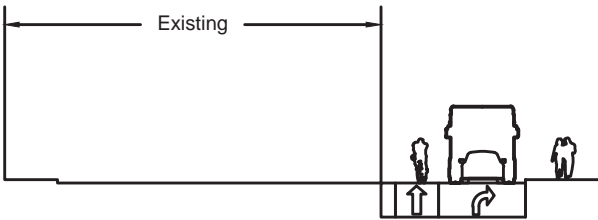
**RIVER ROAD CORRIDOR  
ENHANCED CORRIDOR ALTERNATIVE**

DATE: 07/2017

**R.E.18**



RIVER ROAD CORRIDOR: ENHANCED CORRIDOR ALTERNATIVE REPRESENTATIVE CROSS SECTIONS



Business Access and Transit Lane with Intersection Queue Jump -  
River Road and Silver Lane Avenue Intersection Facing North  
River Road and Division Avenue Intersection Facing North



Business Access and Transit Lane -  
River Road From Silver Lane to Randy Papé Beltline Interchange Facing North  
River Road From Randy Papé Beltline Interchange to Division Avenue Facing North

- NOTES:
- 1. CROSS SECTIONS ARE ONLY SHOWN FOR AREAS WHERE CIVIL CONSTRUCTION IMPROVEMENTS ARE PROPOSED FOR THIS ALTERNATIVE.
  - 2. CROSS SECTIONS ARE REPRESENTATIVE AND INTENDED TO ACCOMPANY THE CONCEPTUAL DESIGN PLANS INCLUDED IN THIS SET.

NOT FOR  
CONSTRUCTION

NOT TO SCALE

MovingAhead Concept Plans



Multimodal Transit Corridor

LANE TRANSIT DISTRICT  
EUGENE, OREGON

SECTIONS  
RIVER ROAD CORRIDOR  
ENHANCED CORRIDOR ALTERNATIVE

DATE: 07/2017

R.E.19

EXHIBIT D. Excerpts from the MovingAhead "Executive Summary" (Attachment B to the City Council February 28, 2022 Work Session) adds further evidence:

**"EmX Alternative"**

"Key Features: Bus-only lane in key locations." Page 7

"Evaluation Criteria" Page 9

The alternatives within each of the five corridors were evaluated using various performance measures. The following criteria were determined to be most useful in differentiating between the alternatives

**Property & Development Impacts**

**Tree Impacts** \_ *This criterion is based on the number of medium and large trees which may need to be removed.*

**Number/Acreage of Acquisitions** \_ *This criterion is based on the number and total acreage of properties that would potentially need to be purchased.*

**Potential Property Displacements** \_ *This measure indicates the number of residences or businesses that may be displaced as a result of constructing the project*

**Parking Impacts** \_ *This criterion considers the amount of on-street and on -street parking that may need to be removed.*

"[T]he EmX Alternative offers the greatest benefit to bicycle and pedestrian connectivity and safety, as well as the most improved transit service frequency because of repurposed travel lanes to Business Access and Transit (BAT) lanes.

[Note: Here is an explicit statement that *existing* "travel lanes" will be "repurposed" by eliminating their open use by vehicles and limiting vehicle by prohibiting "through" traffic and only permitting vehicles to use to short stretches just prior to a right turn.]

**River Road Corridor: Comparison of Alternatives**

**→ Property & Development Impacts**

Support Development and Redevelopment (1-5 rating)	★	★★★	★★★★★
Number of Medium and Large Trees Impacted	0	13	132
Number/Acreage of Acquisitions	0/0	5/1.3	40/2.2
Potential Property Displacements'	0	4	6
Parking Impacts: On-Street/Off-Street (number of spaces)	0/0	0/2	0/31

Page 15

Also, See Map and transect on page 17

**EXHIBIT E. MovingAhead FAQ confirms the impacts of EmX alternatives, including the “EmX on River Road Alternative.”**

From “Frequently Asked Questions” at

<http://www.movingahead.org/project-overview/faq/>

**What’s the difference between Enhanced Corridor and EmX?**

EmX will feature more BAT lanes and dedicated transit lanes; ....

...

EmX-level investment brings more benefits for the community, such as lower travel time, increased safety, and more ridership. It [EmX] likely also means **more property acquired, more trees removed, and higher capital costs**.

**How will investments be funded?**

Funding will likely include federal, state, and local money. ...

...

The Federal Transit Administration requires a 50 percent match for Bus Rapid Transit (BRT, which we call EmX in Eugene) projects, so **the community may need a fairly large match that combines local and state funding** for any corridors with EmX.

**EXHIBIT F. Some additional related references****Table 1-3: MovingAhead Project General Phases and Time Periods**

<b>Selection of Preferred Investment Package</b>	Community engagement and decision-making process for creating, evaluating, and selecting a preferred investment package of multimodal improvements	Fall 2018 – Spring 2019
<b>NEPA</b>	Prepare FTA NEPA documentation (Varies by alternative advanced as part of the preferred investment package)	Begins Fall 2019
<b>Project Development</b>	Design, engineering, permitting (Varies by alternative advanced as part of the preferred investment package)	Begins Fall 2019
<b>Construction</b>	Construct and testing (Varies by alternative advanced as part of the preferred investment package)	Could begin as early as Summer 2020
<b>Operations</b>	Begin operations (Varies by alternative advanced as part of the preferred investment package)	Could begin as early as Winter – Spring 2021

[Note: The tasks don't show substantial public engagement to impact key design elements of the preferred alternatives.]

## EXHIBIT G. Recent statements by BEST and MovingAhead staff

### September 13, 2022, email from BEST

[BEST welcomes Dutch Cycling Embassy, reads about MovingAhead, encourages safety around trains](#)

"As a 501(c)(3) nonprofit, BEST has been careful to avoid taking a position on the effort to recall Eugene City Councilor Ward Syrett. But as the leading community voice in support of MovingAhead, we have been dismayed to see those behind the recall effort spreading lies. Here we are pleased to share a story by UO journalism graduate student Claire Shanley."

### [Left Behind by MovingAhead](#)

Why a transportation plan is dividing a community

BY CLAIRE SHANLEY

September 10, 2022

- 
- 
- 

[PTC: Here the reporter states what she believes to be "true."]

"To accomplish the plans for EmX, **the city will need to repurpose two of River Road's four lanes for bus-only travel and vehicle turns.** Maxwell and her supporters say this will be catastrophic for congestion. Local transportation experts disagree."

[PTC: Here there is a blend of quotes and reporter's understanding that Zako is specifically addressing that two lanes will be repurposed.]

" 'What the recall people see [[this refers to the repurposing two lanes](#)] as a bug, I see as a feature,' said Rob Zako, Executive Director of Better Eugene Springfield Transit. He has been following the project for years but is not a part of the MovingAhead team. 'River Road is too wide, too fast and too dangerous,' he said. **By reducing lanes,** traffic will flow at a safer pace, **which he believes** will benefit everyone on the road."

[PTC: Here there is a direct statement by Rob Inerfeld that uses "will ... when it is one lane each way."]

"Rob Inerfeld, a Transportation Planning Manager for the City of Eugene and **project lead for MovingAhead,** said a lane reduction project on South Willamette had little effect on travel time through the corridor. Further, he said the team has conducted modeling on River Road that 'shows traffic **will** still flow efficiently **when it is one lane each way.**' "