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Memorandum Date: June 7, 2010  
Meeting Date: June 23, 2010

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**TO:** Board of County Commissioners  
**DEPARTMENT:** Public Works  
**PRESENTED BY:** Rob Zako, Consultant  
Celia Barry, Transportation Planning & Traffic  
**AGENDA ITEM TITLE:** PUBLIC HEARING, DISCUSSION AND ORDER/In the matter of proposing bylaws for an area commission on transportation (ACT) for Lane County

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I. **MOTION**

Move approval of staff recommendation.

II. **AGENDA ITEM SUMMARY**

Staff is providing alternatives and seeking Board direction on proposing bylaws for an Area Commission on Transportation (ACT) for Lane County.

III. **BACKGROUND/IMPLICATIONS OF ACTION**

A. **Board Action and Other History**

The 2009 Oregon Legislative session enacted Senate Bill 944, requiring Lane County, in consultation with other elected local officials and with transportation stakeholders in Lane County, to develop, not later than September 30, 2010, a proposed charter for the formation of an ACT.

Since July 15, 2009, ODOT and Lane County staff held meetings on the topic with various stakeholders and made related reports to the Board of Commissioners.

On October 20, 2009, the Board hired a consultant, Rob Zako, to assist in developing the charter and forming an ACT.

On December 15, 2009, the Board adopted Board Order No. 09-12-15-16 establishing the Forum on an Area Commission on Transportation (FACT-LC) "to provide a forum for jurisdictions in (and around) Lane County and other stakeholders in Lane County's transportation system to discuss and reach broad agreement on the formation of an Area Commission on Transportation (ACT) for Lane County."

Specifically, Board Order No. 09-12-15-16 provides that "[n]ot later than April 30, 2010, the [FACT-LC] shall submit a Final Report to the Board. The Final Report shall include: (a) a proposed charter for an ACT for Lane County, (b) a description of the level of support for the

proposed charter, and (c) any minority opinions or alternative options.”

On January 6, 2010, the Board appointed Commissioner Handy, with Commissioner Stewart as an alternate, to represent the Board on the FACT-LC.

The FACT-LC met on January 13, February 10, March 10 and April 14, 2010, and reached consensus on proposed bylaws for an ACT for Lane County.

On April 27, 2010, the Board discussed a Preliminary Report from the FACT-LC. The Board also granted a request to extend the deadline for the Final Report to May 31, 2010, in order to allow time for other local jurisdictions to review the FACT-LC’s proposed bylaws for an ACT for Lane County.

On May 31, 2010, the FACT-LC completed its Final Report, successfully completing its charge from the Board.

For this meeting, staff is recommending the Board accept the FACT-LC’s proposed bylaws for an ACT and direct staff to submit these proposed bylaws to the Oregon Transportation Commission (OTC) for their final approval.

In order to assist the Board in reaching a decision, this meeting is organized into three parts: 1) take public comments, 2) hold a roundtable discussion with members of the OTC and the FACT-LC, and 3) deliberate and decide.

**B. Policy Issues**

SB 944 requires Lane County, in consultation with other elected local officials and with transportation stakeholders in Lane County, to develop, not later than September 30, 2010, a proposed charter for the formation of an ACT. Both the Board and the OTC have indicated a desire for Lane County to review transportation projects with a regional perspective and to speak with “one voice” on regional priorities.

**C. Board Goals**

The following two goals from the Strategic Plan, page 13, are relevant:

- *Provide opportunities for citizen participation in decisionmaking, voting, volunteerism and civic and community involvement.*

The Lane County Board of Commissioners met in March and again in July of 2008 to discuss the County’s priorities and set goals to guide the organization for the coming one to two years. Goals for 2008 to 2010 include:

- *Build public trust through intensive communication and engagement.*

**D. Financial and/or Resource Considerations**

The Board would not be making any financial commitment by acting on this matter, other than staff resources already committed to the ACT formation effort.

**E. Analysis**

SB 944 gives the Board the sole authority to develop a proposed charter, in compliance with the *Policy on Formation and Operation of Area Commissions on Transportation*, and to submit the charter to the OTC for approval.

But the OTC's *Policy on Formation and Operation of Area Commissions on Transportation*, provides:

**"In establishing an ACT, local elected officials and staff work together with the ODOT Region Manager and the OTC member representing the Area to develop a proposal for the formation of an Area Commission on Transportation (ACT). ... The proposal is circulated among local jurisdictions for comment, revision and eventually expressions of support."** (Emphasis added.)

Thus the OTC will expect the proposed charter to enjoy "expressions of support" from local jurisdictions. Moreover, for the ACT to be successful, its eventual members will need to "buy in" to the charter as approved.

The FACT-LC reached consensus on proposed bylaws for an ACT for Lane County. Subsequently, most of the relevant jurisdictions in Lane County have taken formal action to endorse the bylaws as proposed.

Oregon Department of Transportation (ODOT) staff has indicated that the proposed bylaws generally satisfy the OTC's *Policy on Formation and Operation of Area Commissions on Transportation*. ODOT staff has also indicated it is acceptable to refer to the fundamental operating agreements of ACTs as charters, bylaws, operating agreements, etc.

#### **F. Alternatives/Options**

1. Accept the FACT-LC's proposed bylaws for an ACT and direct staff to submit these proposed bylaws to the OTC for their final approval.
2. Direct staff to submit a different set of proposed bylaws to the OTC for their final approval.
3. Continue discussions with the OTC, other elected local officials, and transportation stakeholders in Lane County around forming an ACT.

#### **IV. TIMING/IMPLEMENTATION**

It is important to make continued, timely progress in this matter in order to meet the timelines spelled out in SB 944. September 30, 2010, is the required deadline to develop a proposed charter for the formation of an ACT. Moreover, establishing an ACT as soon as practical would facilitate broader input on transportation issues affecting Lane County, for example, on ConnectOregon III and the 2012-2015 Statewide Transportation Improvement Program (STIP).

SB 944 also provides:

**"Not later than October 31, 2010, the governing body of Lane County shall report to the appropriate interim committees of the Legislative Assembly on: (a) The steps taken toward the formation of an area commission on transportation for Lane County; and (b) The initial membership of the area commission on transportation, if the charter has been approved by the Oregon Transportation Commission, or a plan, including remaining steps and a timeline, for obtaining approval of the area commission on transportation for Lane County."**

As the FACT-LC's Final Report indicates, action by the Board in June could enable the ACT to be up and running with a full complement of members by October, in time to report success to

the Legislative Assembly.

**V. RECOMMENDATION**

Option 1.

**VI. FOLLOW-UP**

Please see Section IV above.

**VII. ATTACHMENTS**

1. Board Order and Exhibit A, proposed Bylaws
2. Letter from some members of the FACT-LC responding to Board concerns
3. Final Report from the FACT-LC

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY  
STATE OF OREGON

ORDER NO. 10-6-23-\_\_

) In The Matter Of Proposing Bylaws For An Area  
)  
) Commission On Transportation (ACT) For Lane  
)  
) County

**WHEREAS**, Senate Bill (SB) 944, enacted by the State of Oregon as Oregon Laws 2009, chapter 509, directs Lane County to develop a proposed charter or bylaws for formation of an area commission on transportation on or before September 30, 2010; and

**WHEREAS**, the Lane County Board of Commissioners hired a consultant in order to comply with SB 944; and

**WHEREAS**, on December 15, 2009 the consultant formed a task force to be called the Forum on an Area Commission on Transportation for Lane County (FACT-LC); and

**WHEREAS**, the FACT-LC was charged with and completed its task of developing the proposed bylaws for the formation of an ACT, in compliance with SB 944; and

**WHEREAS**, the Board of Commissioners has taken testimony on the proposal at a public hearing on June 23, 2010, and has considered the proposed bylaws, and supports the proposal, now, therefore, it is hereby

**ORDERED** that the proposed bylaws, attached hereto as Exhibit A, are hereby adopted and approved for submittal to the Oregon Transportation Commission (OTC) for OTC's approval and charter of the Lane County ACT.

Effective date: \_\_\_\_ day of 2010.

\_\_\_\_\_  
William A. Fleenor, Chair  
Lane County Board of Commissioners

APPROVED AS TO FORM

Date 6-14-10 Lane County

\_\_\_\_\_  
OFFICE OF LEGAL COUNSEL

# Lane Area Commission on Transportation (LACT) Proposed Bylaws

~~FACT-LC Consensus Candidate Final Draft, 4/16/5/18/2010~~

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Recognizing the importance of transportation to the long-term livability of the area and the desirability of speaking with one voice on major transportation issues, and in fulfillment of the requirements of Senate Bill 944 (Section 1, Chapter 509, Oregon Laws 2009), the Board of County Commissioners of Lane County is submitting to the Oregon Transportation Commission (OTC) this proposal for the formation of an area commission on transportation (ACT) for Lane County.

## **I. PURPOSE**

The Lane Area Commission on Transportation (LACT) is an advisory body established to provide a forum for stakeholders to collaborate on transportation issues affecting Oregon Department of Transportation Region 2, Area 5 ("Area") and to strengthen state/local partnerships in transportation.

## **II. MISSION**

The mission of LACT is to:

1. Provide a local forum for sharing information, understanding, coordinating, and gaining consensus around transportation plans, policies, projects and funding;
2. Engage key stakeholders and the general public with a process consistent with state and federal laws, regulations and policies;
3. As applicable, consider all modes and aspects of the transportation system, including air, marine, rail (freight and passenger), road, transit, bicycle, pedestrian, and pipelines;
4. Review and monitor the condition of the Area's transportation system, using appropriate benchmarks;
5. Recommend short- and long-term transportation investment priorities based on state and local plans and addressing identified needs of the Area's transportation system while balancing local, regional and statewide perspectives; and
6. Communicate and coordinate regional recommendations, priorities and activities, and collaborate with other organizations and interests, including as applicable the Central Lane Metropolitan Planning Organization (CLMPO), other ACTs, the OTC, ODOT advisory committees, the Governor's Economic Revitalization Team (ERT), regional partnerships and investment boards, state legislators, Oregon's congressional delegation, and other agencies and stakeholders.

## **III. AUTHORITY**

LACT is an advisory body chartered under authority of the OTC. ORS 184.610 to 184.666 gives the OTC the authority to establish policies for the operation of ODOT and for the administration of programs related to transportation. The OTC may charter an ACT when it demonstrates, and as long as it maintains, a structure consistent with the requirements of the *Policy on Formation and Operations of ACTs*. The OTC retains oversight and final decision-making authority to assure efficient management of the state transportation system. ACTs provide valuable input and recommendations to that process.

LACT is a voluntary association of government and non-government transportation stakeholders and has no legal regulatory, policy or administrative authority. LACT processes and resulting recommendations shall comply with relevant laws, regulations and policies. As an advisory body to the OTC with authority to make recommendations on policy or administration, LACT meets the definition of a “Governing Body” and falls under the requirements of the Public Meetings Law, ORS 192.610 to 192.690. LACT members shall comply with the requirements of Oregon Government Standards and Practices laws concerning conflict of interest.

#### IV. ORGANIZATION

##### A. Voting Members

LACT is comprised of up to 27 voting members, determined as follows:

1. **Counties and Cities:** The governing bodies of Lane County and the incorporated cities within the Area (Coburg, Cottage Grove, Creswell, Dunes City, Eugene, Florence, Junction City, Lowell, Oakridge, Springfield, Veneta and Westfir) are each invited to designate a primary representative and an alternate representative to LACT. A primary representative shall be an *elected official* but an alternate need not be. In order to facilitate better coordination between LACT and CLMPO, each city that is part of CLMPO is encouraged to appoint a primary representative that is also a member of the CLMPO policy board. (13 members)
2. **Tribes, Ports and Transit Districts:** The governing bodies of the Confederated Tribes of the Coos, Lower Umpqua & Siuslaw Indians (“Tribes”); the Port of Siuslaw (“Port”); and Lane Transit District (LTD) are each invited to designate a primary representative and an alternate representative to LACT. A primary representative shall be an *appointed or elected official* but an alternate need not be. (3 members)
3. **MPOs:** CLMPO is invited to designate a primary representative and an alternate representative to LACT. Such representatives need not be *elected officials*, but should be well versed in federal MPO requirements. (1 member)
4. **Transportation Advisory Committees:** The Lane County Roads Advisory Committee (LCRAC) and the CLMPO Citizen Advisory Committee (CAC), with the approval of the CLMPO, are each invited to designate a primary representative and an alternate representative to LACT. (2 members)
5. **Highway 126 East:** The Lane County commissioners shall appoint a primary representative and an alternate representative for the Highway 126 corridor east of Springfield. (1 member)
6. **Citizens (Private Sector):** Following public advertisement, LACT shall appoint up to six (6) citizens as members of LACT. The citizens should be selected to represent a diversity of interests, which may include airports, rail (passenger & freight), trucking, public transit (bus & rail) riders, bicyclists and pedestrians, business, freight, tourism, public safety, public health, schools, neighborhoods, senior citizens, special transportation needs, minorities, environment, land use, parts of Lane County not otherwise well represented on LACT, and other interests. Citizen (Private Sector) members shall reside in the Area or represent a business or organization that operates in the Area. (up to 6 members)
7. **ODOT:** The ODOT Lane County Area Manager is a voting member of LACT and shall designate an alternate. (1 member)



**Alternates:** In order to ensure good representation, when a primary member is unable to attend a meeting, he/she should contact his/her alternate to serve in his/her place. An alternate member may attend and participate in any meeting, but may vote only when the primary member is absent. In rare cases when both primary and alternate members are unable to attend a meeting, someone else may vote by written authority from the member jurisdiction/entity. Citizen (Private Sector) representatives shall not have alternates.

**Multiple Representation Balance:** The seven categories of voting members are designed as a whole to provide an extensive diversity of interests and representation. Thus, there should be no overlap of membership between each of these categories such that any entity or interest is able to exercise an undue voice in relation to others. In particular, a Highway 126 East or Citizen (Private Sector) member may not be someone who could be a voting member representing one of the other jurisdictions/entities, i.e., a county, a tribe, a port, a transit district, a MPO, the LCRAC, the CAC or ODOT. Moreover, the Highway 126 East and Citizen (Private Sector) members shall be appointed to balance out other members of LACT and provide a greater diversity of interests and geographic areas.

**Terms:** Highway 126 East and Citizen (Private Sector) members will serve two-year terms and may be reappointed. All other voting members may be designated or replaced at any time by their represented jurisdictions/entities.

**Repeated Absences:** All voting members of LACT are expected to participate in all meetings, or to send an alternate if applicable. If a voting member fails to participate in three (3) consecutive meetings, or to send an alternate, his/her position shall be deemed eliminated for the purposes of a quorum and decision-making, until such time as the position is filled and someone in that position participates (again) in a meeting. The responsible jurisdiction/entity may replace its own repeatedly absent voting member, even if his/her term has not yet expired. The LACT may replace a repeatedly absent Citizen (Private Sector) member.

## **B. Non-Voting Members**

The following officials are invited to be non-voting, *ex officio* members of LACT or participate in any LACT meetings:

- ODOT Area Managers for Areas adjacent to Lane County.
- Oregon Transportation Commissioners.
- The member of the Governor's Economic Revitalization Team responsible for Lane County.
- State legislators representing parts of Lane County.
- Members of Congress representing parts of Lane County.

Space and time permitting, staff to jurisdictions or entities that are members of LACT are invited to participate in discussions as non-voting members.

LACT may invite other non-voting members to represent relevant areas of interest or expertise and to participate in discussions, on either an *ad hoc* or ongoing basis.

## **C. Staffing and Financial Support**

ODOT will arrange staff support for LACT, with funding provided by ODOT. Specific responsibilities shall be determined by mutual agreement between LACT and ODOT.

*Ed. Note: ODOT will arrange for initial staffing support in advance of the first meeting of LACT.*

## V. OPERATION

### A. Decision-Making

**Quorum:** All voting members of LACT are expected to participate in all meetings, or to send an alternate if applicable. A quorum for decision-making purposes will be two-thirds (2/3) of the voting membership. A quorum may include teleconferencing of members, if feasible. LACT may consider purely informational items with less than a quorum present.

*Ed. Note: For example, if the total number of voting members were 27, then a quorum of 18 would be needed to make decisions.*

**Consensus:** LACT will use a consensus decision-making process and will foster mutual respect and a collaborative approach to problem solving. Members will seek to advance broad interests and look for win-win solutions. Consensus means that *all* voting members present can live with the decision. Members are encouraged to voice and have recorded all views. Once a consensus decision has been reached, all members agree to support that decision.

**Supermajority Vote:** In rare cases where consensus cannot be reached, decisions will be made by a 80% supermajority of the voting members present. A simple majority of voting members present may call for the end of discussion and a supermajority vote.

*Ed. Note: For example, if the number of voting members present was 18, then those 18 voting members could make a decision by consensus. Alternatively, a supermajority of 15 or more voting members could make a decision.*

**Basis for Making Decisions:** ~~LACT shall develop criteria for making recommendations based on local, state, and federal adopted transportation plans, policies and procedures.~~ LACT shall function as an advisory body to the OTC, which has final decision authority. LACT deliberation processes and resulting recommendations shall comply with relevant laws, regulations and policies. Recommendations shall be based on local, state, and federal adopted transportation plans, policies and procedures including, but not limited to:

- Oregon Transportation Plan and supporting mode plans (e.g., Oregon Highway Plan and Oregon Public Transportation Plan)
- Oregon Public Meetings Law, ORS 192.610 to 192.690 (See State of Oregon, Department of Justice, Attorney General's Public Records and Meetings Manual)
- State corridor and facility plans
- Transportation Planning Rule, OAR 660-012
- Transportation system plans
- MPO regional transportation plans
- Federal transportation planning regulations
- Local government plans, regulations, and ordinances
- Project selection criteria and prioritization factors approved by the OTC, including Oregon Transportation Management System data
- State Agency Coordination Program, OAR 731-15
- Additional criteria established by the OTC

- Oregon Government Standards and Practices, ORS Chapter 244 (See *Oregon Government Standards and Practices Laws, a Guide for Public Officials*, by the Oregon Government Standards and Practices Commission)

LACT may use additional criteria to select and rank projects provided the criteria do not conflict with any criteria established by the OTC. If LACT chooses to use additional criteria, they must inform those developing project proposals about the criteria. LACT shall apply regional and statewide perspectives to their considerations, refining recommendations after consultation with any affected MPO.

Recommendations to the OTC shall be documented and forwarded to the OTC with the factors used to develop the recommendation, including any additional criteria used by LACT in forming its recommendation. Documentation developed by a member whose recommendations were not incorporated into the final LACT recommendations will be forwarded to the OTC with other materials documenting LACT recommendations. Recommendations to the OTC will be made in accordance with the approved STIP Development Timeline.

## **B. Officers**

**Chair and Vice-Chair:** A Chair and Vice-Chair shall be elected by the voting members. The Chair shall preside at all meetings attended, sign documents and correspondence, orient new members, approve agendas, represent LACT in other venues and serve as LACT's official spokesperson. The Vice-Chair shall serve as the Chair's primary alternate and shall preside at LACT meetings in the Chair's absence and assist the Chair in new member orientations as needed.

**Ambassador(s):** Optionally, LACT may elect one or more Ambassadors to represent it, in place of the Chair or Vice-Chair, when coordinating with the OTC, other ACTs and other entities.

**~~Elections~~ Terms:** Officers shall serve one-year terms starting at the first meeting of the calendar year. Officers may be elected to more than one term of office. ~~Decision-making Elections~~ shall be decided as described in Section V.A, Decision Making.

## **C. Committees**

LACT may establish a Steering Committee. The Steering Committee shall consist of the Chair, Vice-Chair, the ODOT Area 5 Manager and up to five (5) other primary voting members of LACT elected by the voting members of LACT. Duties of the Steering Committee include development of meeting agendas, development and monitoring of a Work Plan, and mentoring of new members.

LACT may form other standing or *ad hoc* committees as needed, for example, a Technical Advisory Committee. Committees may develop options and make recommendations, but policy decisions must be made by the voting members of LACT.

## **D. Work Plan & Report**

LACT shall develop and adopt a Work Plan. The Work Plan can be amended at any time.

Accomplishments, based on the Work Plan and other achievements, shall be reviewed at least once every two years and a Report prepared. The Report shall review how well LACT is functioning, including staffing, public participation, and coordination with other entities. The Report shall be provided to the OTC.

### **E. Meetings**

LACT will hold monthly meetings at a regularly scheduled time, unless it determines there is no need to meet.

All meetings will be held within the geographic boundaries of LACT. Meetings can sometimes be held at different locations in the Area in order to experience transportation issues first hand. Meeting field trips may be made a part of the regular meeting to allow greater community input on local issues and priorities.

When urgent business must be conducted, the Steering Committee may call a special meeting with 10 days advance notice.

### **F. Public Involvement**

LACT will develop a Public Participation Plan. At least once every two years as part of its regular Report, LACT shall review the effectiveness of its public participation efforts.

In order to fulfill its advisory role in prioritizing transportation problems and solutions and recommending projects, the LACT will involve the public and stakeholders in its decision making process, as prescribed in its Public Involvement Plan. As LACT considers local, regional and statewide transportation issues, it will provide public information and involves the public in its deliberations. To comply with federal environmental justice requirements, the public involvement process will include a strategy for engaging minority and low-income populations in transportation decision-making.

LACT will look for opportunities to engage representatives of key interests as voting members, non-voting members, or invited guests, as appropriate.

## **VI. COORDINATION**

LACT will communicate and coordinate with others that may have transportation related knowledge or interest in the Area. Working with a broad representation of stakeholder groups will help provide a balance between local/regional priorities and statewide priorities.

LACT will jointly develop Coordination Protocols with CLMPO.

LACT will provide regular notice to nearby ACTs, and look for opportunities to coordinate. LACT supports a joint annual meeting of all ACTs within ODOT Region 2.

As part of its regular Report, LACT shall review how it coordinates with other bodies and interests.

## **VII. AMENDMENTS**

LACT defines its manner of conducting business through agreed upon Bylaws.

Recommendations to repeal, amend, add to or replace these Bylaws may be made by consensus—or by an 80% supermajority—of all voting members. Such changes shall be presented at one LACT meeting, and acted upon at the subsequent meeting, and effective the following meeting. All amendments shall be reported to the OTC. Administrative amendments shall take effect immediately; other amendments shall take effect upon approval by the OTC.

## **VIII. GLOSSARY**

# **FACT-LC**

## **Forum for an Area Commission on Transportation for Lane County**

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May 17, 2010

**To:** Lane County Board of Commissioners

**From:** Members of the Forum for an Area Commission on Transportation

First, we want to thank you for the opportunity to participate in the decision-making process regarding the formation of an Area Commission on Transportation in Lane County. We understand that the use of the FACT-LC was not required under SB 944, and we appreciate your invitation to become involved. With the assistance of your consultant, Rob Zako, and the staff team, we have held four very productive meetings. As you are aware, by design, we are a group that is diverse in our interests; and yet, our deliberations have been both civil and candid. “Getting to Yes” has required a lot of work, but it has been a satisfying experience.

The draft Bylaws of a future Lane ACT, along with our request for a deadline extension to allow for jurisdictional review, came before you on April 27. We appreciate the extension to May 31. Rob has shared with us some of the issues and concerns that you raised and, indeed, they were ones that the FACT-LC wrestled with as well. As compared to the existing ACTs in Oregon, ours will be unique in a number of respects. We have listened to and tried to draw upon the experience of the other organizations in the state, but we understand that a single-county ACT will be different.

We also understand the uniqueness of the 80 percent-of-members-present threshold for decisions under the “Super Majority” section of the proposed Bylaws. We believe that this provision will be seldom used; but, having high expectations for both attendance and cooperation, we are willing to give it a try. We want to be competitive with other ACTs in the region and state-wide in order to obtain transportation funding. For this and other provisions in the proposed Bylaws, we are willing to revisit the Lane ACT’s operation after the first year and propose

adjustments as appropriate. In that regard, we would formally suggest that the OTC remain open to such a review.

All of us “around the table” understood the proportionality issue. We noted that in other ACTs the one-entity-one-vote standard has worked well. Again, we concluded that it was worth an honest try to see if it results in fairness to the larger cities. Of course, no project can be imposed upon a city by the ACT, since projects are the product of local governance decision-making; and in the metro area they will have received MPC approval as well. It remains to be seen if this approach has an impact on project ranking. But we believe that our goal should be to take a regional approach in the best interests of the whole county.

The proposed Bylaws that we have crafted are based upon the presumption of full participation on an even playing field. No entity would have veto power, nor any more power or authority than any other entity. We are clear that the new ACT will be an advisory body, not a decision-making body.

The members of the FACT-LC expressed strong support for the Lane ACT choosing its citizen members. We will be committed to exercising that responsibility with an eye toward diverse representation.

We believe that the Bylaws that we have proposed should remain intact as presented. They were painstakingly developed through a cooperative and collaborative process. That is important because the FACT-LC’s process demonstrated the stakeholders’ ability and willingness to work together to find common ground and to design a structure that will serve the interests of this region.

Finally, the members of the FACT-LC greatly appreciated the active participation of Commissioner Handy. His insights and counsel were invaluable to our work. As each of our entities review the proposal, we look forward to your work session on May 19. Thank you, again, for the opportunity to participate in this process.

MPO CAC	Dave Jacobson		City of Florence	Phil Brubaker
City of Veneta	Sharon Hobart-Hardin		City of Springfield	Hillary Wylie
LTD	Mike Eyster		Central Lane MPO	Andrea Riner
City of Eugene	Kitty Piercy		City of Westfir	Neil Friedman
City of Oakridge	Don Hampton		City of Cottage Grove	Gary Williams
City of Junction City	Dwight Coon		City of Coburg	Judy Volta
City of Lowell	Warren Weathers		City of Creswell	Bob Hooker

## Forum on an Area Commission on Transportation for Lane County (FACT-LC)

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May 31, 2010

Lane County Board of Commissioners  
Lane County Public Services Building  
125 East 8<sup>th</sup> Avenue  
Eugene, OR 97401

**Re: Forum on an Area Commission on Transportation for Lane County (FACT-LC)  
Final Report**

Dear County Commissioners, and other officials and transportation stakeholders:

I am pleased to present a *final* report on behalf of the Forum on an Area Commission on Transportation for Lane County (FACT-LC).

### Process

In a nutshell, the process to form an ACT consists of three phases:

<b>PHASE 1: SET UP</b>	<b>(October–December 2009)</b>
⇒ <b>Project Team</b> interviews stakeholders and recommends FACT-LC to Board of County Commissioners (BCC)	
⇒ <b>BCC</b> creates FACT-LC to draft proposed bylaws	
<b>PHASE 2: DEVELOP PROPOSED BYLAWS</b>	<b>(January–June 2010)</b>
⇒ <b>FACT-LC</b> , with assistance from Project Team, drafts proposed bylaws	
⇒ <b>BCC</b> finalizes proposed bylaws and submits to Oregon Transportation Commission (OTC)	
<b>PHASE 3: FORM ACT</b>	<b>(Target schedule July–October 2010)</b>
⇒ <b>OTC</b> charters ACT	
⇒ <b>ACT</b> convenes and ratifies its own bylaws	

On December 15, 2009, the BCC approved Order No. 09-12-15-16 to establish the FACT-LC.

The charge to the FACT-LC was to submit a final report, not later than May 31, 2010, including (a) proposed bylaws for an ACT for Lane County, (b) a description of the level of support for the proposed bylaws, and (c) any minority opinions or alternative options.

The FACT-LC consists of 21 members representing Lane County, the 12 incorporated cities in Lane County (Coburg, Cottage Grove, Creswell, Dunes City, Eugene, Florence, Junction City, Lowell, Oakridge, Springfield, Veneta, and Westfir), the Confederated Tribes of the Coos, Lower Umpqua & Siuslaw Indians (“Tribes”), Lane Transit District (LTD), the Port of Siuslaw (“Port”), the Central Lane Metropolitan Planning Organization (CLMPO), the Lane County Roads Advisory Committee (LCRAC), the Central Lane Metropolitan Policy Organization

Citizen Advisory Committee (CAC), the Oregon Department of Transportation (ODOT), and the Governor's Economic Revitalization Team (ERT).

The FACT-LC met on January 13, February 10, March 10, and April 14. In addition, an *ad hoc* subcommittee of the FACT-LC met on January 26, February 16, and March 18 to propose and refine language.

At its last scheduled meeting on April 14, the FACT-LC reached consensus on proposed bylaws for an ACT (with Dunes City, Junction City, Oakridge and Westfir absent, and with Veneta having to leave the meeting early).

## Proposed Bylaws

The proposed bylaws are attached. The version developed by the FACT-LC is dated April 16, 2010. Subsequently, I suggested administrative amendments in response to minor technical concerns, and these are dated May 18, 2010, and highlighted using legislative formatting.

The following notes are intended to explain key parts of the bylaws.

- **Preamble:** Sets the stage for the ACT, referring to “the importance of transportation to the long-term livability of the area and the desirability of speaking with one voice on major transportation issues.”
- **Purpose:** Summarizes the ACT as “an advisory body established to provide a forum for stakeholders to collaborate on transportation issues affecting” the area.
- **Mission:** Outlines the mission of the ACT as falling into six broad areas: 1) to provide a local forum for discussing transportation plans, policies, projects and funding, 2) to engage key stakeholders, 3) to consider all modes of transportation, 4) to review the condition of the area's transportation system, 5) to recommend investment priorities, and 6) to coordinate with the Oregon Transportation Commission (OTC), other ACTs, and other organizations and interests.
- **Authority:** Makes clear that the ACT is a voluntary association of government and non-government transportation stakeholders chartered by the OTC with no legal, regulatory, policy, or administrative authority.
- **Members:** The ACT shall consist of up to 27 *voting* members representing Lane County, the 12 incorporated cities in Lane County, the Tribes, LTD, the Port, CLMPO, LCRAC, CAC, ODOT, the unincorporated communities along Highway 126 east of Springfield, and up to 6 citizens representing other interests. The membership is designed as a whole to provide an extensive diversity of interests and representation. Note that the proposed membership of the ACT builds on the membership of the FACT-LC, dropping ERT, adding a representative for Highway 126 East, and adding citizen representatives. In addition, the ACT shall invite others to participate as *non-voting* members: adjacent ACTs, OTC members, ERT, state legislators, and members of Congress.
- **Staffing:** ODOT will provide staff support for the ACT. ODOT is looking to contract with the Lane Council of Governments (LCOG) to provide some of that staff support.
- **Decision Making:** Recognizing the benefits of speaking with one voice on transportation issues, the desire is for the ACT to enjoy full participation and for members to reach consensus whenever possible. With a consensus approach to decision making, there is less emphasis on “voting” and more emphasis on hearing all points of view and developing ways to address all interests. But recognizing that there might not always be time to reach consensus, the ACT can also make decisions by an 80%



supermajority of those present. (Other ACTs report that they have needed to take a vote only a couple times in their long history.)

- **Basis for Making Decisions:** LACT deliberation processes and resulting recommendations shall comply with relevant laws, regulations and policies, and shall be based on local, state, and federal adopted transportation plans, policies and procedures.
- **Work Plan & Report:** A work plan and report are intended to provide structure to the operations of the ACT, and to allow for the ACT and others to periodically review how well it is working.
- **Public Involvement:** As required by the OTC, the ACT will have a vigorous public involvement process, will look for opportunities to engage stakeholders, and will develop a Public Participation Plan.
- **Coordination:** The ACT will coordinate with CLMPO, nearby ACTs, the OTC and others.
- **Amendments:** If problems arise or needs change, the ACT bylaws can be amended by an 80% supermajority of all voting members. All amendments shall be reported to the OTC. Administrative amendments shall take effect immediately; other amendments shall take effect upon approval by the OTC.

The FACT-LC appreciates that the BCC raised concerns with the proposed bylaws at a meeting on April 27, 2010. A letter dated May 17, 2010, and signed by some members of the FACT-LC (attached) aims to address these concerns. In addition, the suggested administrative amendment concerning the “balance” of the membership was crafted to address some of the concerns the BCC raised.

Each ACT is different; there is no one best way to organize an ACT. The FACT-LC received advice from the OTC, ODOT and other ACTs about what makes for a good ACT: think regionally, look at the whole transportation system, and strive to reach broad agreement. The FACT-LC also adapted its proposed bylaws from language used by other ACTs.

The proposed bylaws have been developed to comply with the requirements of Senate Bill 944 and the OTC’s *Policy on Formation and Operation of ACTs*. Depending on how they are embodied, the proposed bylaws could support an effective ACT.

## Level of Support

As summarized in the table below, most local jurisdictions support the proposed bylaws, dated April 16, 2010—in most cases unanimously. Moreover, the suggested administrative amendments have been circulated for review and have prompted no objections.

Jurisdiction	Date of Support
City of Coburg	bylaws 5/11/10
City of Cottage Grove	bylaws 5/10/10
City of Creswell	bylaws 5/10/10; amendments
City of Dunes City	
City of Eugene	bylaws 4/26/10; amendments 5/24/10
City of Florence	bylaws 5/3/10
City of Junction City	bylaws 5/11/10

Jurisdiction	Date of Support
City of Lowell	bylaws 4/20/10 amendments 6/1/10
City of Oakridge	bylaws 5/6/10; amendments 5/20/10
City of Springfield	bylaws 5/3/10; amendments
City of Veneta	bylaws 5/10/10
City of Westfir	bylaws 5/10/10
Port of Siuslaw	bylaws 5/26/10
Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians	bylaws 5/17/10
Lane Transit District	
Central Lane MPO	
Central Lane MPO Citizen's Advisory Committee (CAC)	amendments
Lane County Roads Advisory Committee (LCRAC)	bylaws 4/28/10

## Next Steps

The FACT-LC recommends the BCC and ultimately the OTC approve the proposed bylaws, including the suggested administrative amendments.

Although the FACT-LC did not have time to discuss in detail what might happen after that, the proposed bylaws themselves call for several actions:

- **Staffing:** ODOT will arrange staff support for LACT, with funding provided by ODOT. Specific responsibilities shall be determined by mutual agreement between LACT and ODOT. Note that ODOT is in discussions with LCOG to provide staffing assistance.
- **Highway 126 East:** The Lane County commissioners shall appoint a primary representative and an alternate representative for the Highway 126 corridor east of Springfield.
- **Citizens (Private Sector):** Following public advertisement, LACT shall appoint up to six (6) citizens as members of LACT.
- **Chair and Vice-Chair:** The voting members of LACT shall elect a Chair and Vice-Chair.
- **Steering Committee:** LACT may establish a Steering Committee. The Steering Committee shall consist of the Chair, the Vice-Chair, the ODOT Area 5 Manager and up to five (5) other primary voting members of LACT elected by the voting members of LACT.
- **Work Plan:** LACT shall develop and adopt a Work Plan.
- **Public Involvement Plan:** LACT shall develop a Public Participation Plan.

Perhaps as early as July 14, but after the BCC approves the proposed bylaws, I suggest LACT hold an initial organizational meeting to discuss how to appoint citizen members. I urge LACT to establish a citizen member recruitment committee, co-chaired by two citizen members of LACT (presumably Kent Fleming and Dave Jacobson), to review candidates and make recommendations to the full ACT.

By September, LACT should be chartered by the OTC and staffed. I suggest LACT appoint its citizen members. LACT should also begin developing a work plan.

**By October**, LACT should have close to its full allotment of members. I suggest LACT ratify its own bylaws, elect a chair and vice-chair, perhaps establish a steering committee, and adopt a work plan.

**Not later than October 31, 2010**, and pursuant to Senate Bill 944, the BCC “shall report to the appropriate interim committees of the Legislative Assembly on (a) the steps taken toward the formation of an area commission on transportation for Lane County; and (b) the initial membership of the area commission on transportation, if the charter has been approved by the Oregon Transportation Commission, or a plan, including remaining steps and a timeline, for obtaining approval of the area commission on transportation for Lane County.”

On behalf of the FACT-LC,

*Rob Zako*

Rob Zako  
Project Manager  
Lane County Process to Form an ACT

cc: other elected officials and transportation stakeholders



Senate Bill 944, the OTC's *Policy on Formation and Operation of ACTs*, summaries of FACT-LC meetings, and other supporting documents are available online:  
[www.lanecounty.org/Departments/PW/TransPlanning/Pages/LaneCountyACT.aspx](http://www.lanecounty.org/Departments/PW/TransPlanning/Pages/LaneCountyACT.aspx)