Attachment D
Glossary of Terms

**Area**—When capitalized, describes the geographic area of the Area Commission on Transportation.

**Region**—When capitalized, describes the Oregon Department of Transportation geographic regions.

**Regional**—When capitalized, includes considerations of other communities, regional movements and patterns of transportation.

**Transportation System**—When capitalized, includes the following modes and aspects:
- Air, marine, rail (freight and passenger)
- Highway (trucks, buses, cars)
- Transit
- Bicycle/Pedestrian

To consider all modes and aspects of the Transportation System in formulating recommendations, ACTs would take into account the provision of elements and connections between air, marine, rail, highway, trucking, transit, bike and pedestrian facilities.

**Verbs:**

**Obligation**—This category of terms shows the ACTs' responsibility to ensure the outcome to the OTC. The terms that fall within this category include:
- Must
- Shall
- Will

**Encouraged**—This category of terms provides the ACTs some flexibility with their responsibilities to the OTC. The terms that fall within this category include:
- Should

**Permitted**—This is the most flexible category of terms. It allows the ACTs to decide whether or not to engage in evaluation of the particular situation. Terms that fall within this category include:
- May
EXHIBIT “A”
Forum on an Area Commission on Transportation for Lane County

(1) Creation: There is created a Forum on an Area Commission on Transportation for Lane County (Forum or FACT-LC).

(2) Purpose: The purpose of the Forum is 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.

(3) Task: The Forum shall develop a proposed charter for an ACT and seek comment, revision and eventually expressions of support from jurisdictions and other stakeholders. The Forum shall strive for consensus on the proposed charter.

(4) Issues to Address: The Forum shall develop a proposed charter for an ACT that meets the needs of jurisdictions and other stakeholders in Lane County. In so doing, the Forum shall address issues identified in Senate Bill 944 and in the Oregon Transportation Commission’s Policy on Formation and Operation of ACTs. The Forum should also consider the options identified in Chapter 5: Options for Consideration of the Oregon’s ACTs, Cross-Jurisdictional Collaboration and Improved Transportation Planning research study.

(5) Final Report: Not later than April 30, 2010, the Forum shall submit a Final Report to the Board of County Commissioners of Lane County. 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.

(6) Jurisdictions: Representatives of jurisdictions to the Forum shall be determined as follows:

(a) Lane County: Lane County shall designate one (1) representative to the Forum, for example, a county commissioner.

(b) Cities: Each of the twelve (12) incorporated cities in Lane County (Coburg, Cottage Grove, Creswell, Dunes City, Eugene, Florence, Junction City, Lowell, Oakridge, Springfield, Veneta and Westfir) is invited to designate a representative to the Forum, for example, a mayor or city councilor. In order to facilitate better coordination between the eventual ACT and the Central Lane MPO, each city that is part of the MPO (Coburg, Eugene and Springfield) is encouraged to designate a representative to the Forum who also serves as a member of the Metropolitan Policy Committee (MPC).

(c) Tribes: The Confederated Tribes of Coos, Lower Umpqua & Siuslaw Indians is invited to designate one (1) representative to the Forum.
(d) **Public Transit**: Lane Transit District (LTD) is invited to designate one (1) representative to the Forum, for example, the president or other member of the Board of Directors.

(e) **Ports**: The Port of Siuslaw is invited to designate one (1) representative to the Forum.

(f) **ODOT**: The Oregon Department of Transportation shall designate one (1) representative to the Forum, for example, the ODOT Area 5 Manager.

(g) **MPO**: In order to facilitate better coordination between the eventual ACT and the Central Lane MPO, the Central Lane MPO is invited to designate one (1) representative to the Forum. A staff person well versed in the federal transportation requirements that apply to MPOs is recommended. This representative shall be in addition to any representatives of jurisdictions that are part of the Central Lane MPO.

(h) **RAC**: In order to facilitate better coordination between the eventual ACT and the Lane County Roads Advisory Committee (RAC), the RAC is invited to designate one (1) representative to the Forum.

(i) **CAC**: In order to facilitate coordination between public involvement conducted by the eventual ACT and public involvement conducted by the Central Lane MPO, the Central Lane MPO Citizen Advisory Committee (CAC) is invited to designate one (1) representative to the Forum.

(j) **ERT**: In order to facilitate better coordination between the eventual ACT and other agencies, the Oregon Economic Revitalization Team (ERT) is invited to designate one (1) representative to the Forum, for example, the Regional Coordinator for the Willamette Valley/Mid-Coast region.

(7) **Other Stakeholders**: The Forum is encouraged to invite representatives of other stakeholders to participate in the discussion. Other stakeholders may include:

- airports
- rail (passenger & freight)
- trucking
- public transit (bus & rail) riders
- bicyclists and pedestrians
- business
- freight
- tourism
- public safety and health
- schools
- neighborhoods
- senior citizens
- people with disabilities
- minorities
- environment
- land use
- unincorporated areas of Lane County
- other
(8) **Alternates:** Alternate representatives to the Forum may participate in lieu of designated representatives.

(9) **Public Involvement:** All regular meetings of the Forum shall follow at least the minimum standard for public involvement detailed in Attachment A: Public Involvement of the Oregon Transportation Commission's *Policy on Formation and Operation of ACTs*, including standards for notice and public comment.

(10) **Subcommittees:** The Forum may create subcommittees to explore options and develop proposals. Subcommittee meetings are not subject to the public involvement requirements for regular meetings.

(11) **Decision Making:** The Forum is encouraged to make decisions by consensus, but may make procedural or provisional decisions by simple majority. The Forum shall strive to approve its Final Report by consensus, if possible.

(12) **Project Team:** A Project Team, consisting of the independent consultant hired by the Board of County Commissioners and Lane County and ODOT staff, shall support the work of the Forum. The independent consultant shall facilitate Forum meetings. Lane County and ODOT shall provide other resources needed by the Forum, for example, meeting space and materials. The support provided by ODOT shall be consistent with ODOT policy.
September 2, 2010

Chair Gail Achterman
and Members of the Oregon Transportation Commission
Oregon Department of Transportation
Transportation Bldg., Room 135
355 Capital Street NE
Salem, OR 97301-3871

RE: LANE COUNTY AREA COMMISSION ON TRANSPORTATION

Chair Achterman and Members of the Oregon Transportation Committee:

On behalf of the majority of stakeholders of the Forum on the Area Commission on Transportation for Lane County (FACT-LC), we respectfully submit the attached Bylaws for the OTC's consideration.

As you know, the FACT-LC was established by Lane County as a collaborative effort to develop Bylaws for the Lane County Area Commission on Transportation (ACT). The charge of the FACT-LC was to develop proposed Bylaws for an ACT for Lane County and to submit a description of the level of support for the proposed Bylaws as well as any minority opinions or alternative options.

The FACT-LC is made up of 21 members which includes: 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, Lane Transit District (LTD), the Port of Siuslaw, the Central Lane Metropolitan Planning Organization, the Lane County Roads Advisory Committee, the Central Lane Metropolitan Policy Organization Citizen Advisory Committee, the Oregon Department of Transportation, and the Governor's Economic Revitalization Team (ERT). The FACT-LC met throughout the year 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 for the Bylaws. At its April 18 meeting, the FACT-LC reached consensus on the attached proposed Bylaws for an ACT.
With the exception of the Central Lane MPO, and the ERT (and Lane County), all of the FACT-LC stakeholders took official action to show their support of the Bylaws that came out of this collaborative process - in most cases unanimously. Unfortunately, last month, the Lane County Board of Commissioners (BCC) voted 4 to 1 to change the recommended Bylaws that came out of the FACT-LC in two major ways: first, the BCC changed the number of private sector members from 6 to 10, which actually totals 13 if the Highway 126 East member, the Lane County Roads Advisory Committee (RAC) member and the Central Lane MPO Citizen Advisory Committee (CAC) member are counted. But most disconcerting is the new provision that directs that the BCC appoint all 10 of the private sector members for a total of 13 members being appointed by the BCC.

As the attached Bylaws indicate, the FACT-LC proposal provides that the Lane County ACT is to have up to six (6) private sector members, plus an additional Highway 126 East member, plus representatives from the Lane County Roads Advisory Committee (RAC) and the Central Lane MPO Citizen Advisory Committee (CAC). This actually totals nine (9) citizen members, which is at the high end of what other ACTs do, exceeded only by South Central Oregon ACT. The FACT-LC's proposed Bylaws also provide that these private sector members be appointed by the ACT members - by all of the ACT members.

As stated above, the BCC's proposed Bylaws provide that the BCC appoint all 13 of the private sector members. This appointment provision is far from being a collaborative approach and we simply cannot support this type of provision where only one member of the ACT appoints almost all of its non-elected members.

The FACT-LC engaged in a very collaborative process to develop our recommended Bylaws and we are proud of that historic partnership process. We spent months of hard work developing the Bylaws following the OTC's guidelines and heard no objections to the FACT-LC's proposed Bylaws during our meetings. We believe that the Bylaws we are recommending will provide the best framework for a well-functioning ACT in Lane County giving all a voice and no one power. We strongly stand by our Bylaws and respectfully ask for your consideration as you look to forming an ACT in Lane County:

Thank you for your consideration and we look forward to working with you.

Sincerely,

Bob Hooker, Mayor
City of Creswell

Encl Lane Area Commission on Transportation (LACT) Proposed Bylaws FACT---LC Consensus Draft, 4/16/2010
Lane Area Commission on Transportation (LACT) Proposed Bylaws
FACT-LC Consensus Draft, 4/16/2010

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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 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: 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.

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.

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 unofficial 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: Decision-making shall be as described in Section V.A, Decision Making. Officers may be elected to more than one term of office.

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
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, acted upon at the subsequent meeting, and effective the following meeting.

VIII. GLOSSARY
FACT-LC
Forum for an Area Commission on Transportation for Lane County

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 Pierce  |  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
July 2, 2010

Lane County
Attn: Board Chair Fleemor
125 East 8th Ave.
Eugene, OR 97401

Subject: Lane Area Commission on Transportation (LACT) Proposed Bylaws (Board Order #10-6-23)

Dear Chair Fleemor,

I have been asked by my fellow mayors to provide you with this cover letter, to which attached you will find a letter that has been signed by 10 of the mayors of Lane County cities. We would like this letter to be included as part of the record regarding the ongoing discussions related to Board Order #10-6-23.

If you need any further information, you may contact the Creswell City Administrator, Mark Shives, at (541) 895-2531 or via email at ms@cityofcreswell.org.

Thank you for your assistance.

Bob Hooker
Mayor
City of Creswell

Cc: Lane County Board of Commissioners
Lane County Mayors/ City Managers
FACT-LC Members
Rob Zako (FACT-LC Project Manager)
Senator Floyd Prozanski
Representative Paul Holvey
Gail Achteman (Oregon Transportation Commission)
ODOT (Sonny Chickering)
July 2, 2010

Lane County Commissioners
125 East 8th Ave.
Eugene, OR 97401

Subject: Lane Area Commission on Transportation (LACT) Proposed Bylaws

Dear County Commissioners,

We, the undersigned mayors, hereby express our grave concerns regarding the meeting held on June 23, 2010. We expected adoption of Board Order # 10-6-23 (the proposed ACT bylaws and submittal to the Oregon Transportation Commission (OTC)) as presented and recommended by your staff. We attended in order to honor the success of a collaborative process in which we or our representatives invested many hours of time. We actually expected to be thanked. We were disappointed.

We think it is very important for you to honor the work that your staff and the task force (FACT-LC) have done to bring the formation of the ACT to its conclusion. We participated at your request and saw this as an opportunity for more cooperative regional planning. We were pleased to hear the words of the OTC Chair, who stated the OTC would definitely approve the bylaws as proposed and would have no issues.

We ask you to honor our work and all the expressions of support received by the cities as well as other stakeholders involved in the process, including a unanimous vote by the Eugene City Council to support the bylaws as presented. We all know that our area was directed by Senate Bill 944 to form an ACT and to become partners in the process and we have done our utmost to be helpful and collaborative in this process. We heard no objections from the BCC to the proposed bylaws that we have spent months developing, using the guidelines of the OTC and state law.

We want to be clear this is important to us. We want to form the ACT and we want to work with you. We have demonstrated this through many meetings, all with public hearings. It feels to us that the BCC supposes we are up to no good and have some partisan or ideological purpose. We assure you we know we don't all think the same.

Now we have given you our best work and we have all come together in cautious mutual trust, with the knowledge that they may be changed as we learn. We have done our best and we think the bylaws are both good and fair to rural smaller communities, big cities and our county as a whole. The key is that we are all around the table working together to plan for our region. These bylaws seek to give all a voice and no one power. This agreement is given with the full knowledge of our population differences. This agreement is given with knowledge of both our individual and mutual interests. We all want our people to do well, to protect our natural resources and to have a strong economy. We are committed to diverse citizen involvement to ensure that our planning is well informed by the people who live here.
We see no point to further meetings with you regarding this subject. We trust that you will see the wisdom of the hard work we have done together. We request your approval of the ACT bylaws as presented, moving them forward to the OTC as soon as possible.

Kitty Piercy
Mayor
City of Eugene

Sidney W. Leiken
Mayor
City of Springfield

Bob Hooker
Mayor
City of Creswell

Judy Volta
Mayor
City of Coburg

Gary Williams
Mayor
City of Cottage Grove

Phil Brubaker
Mayor
City of Florence

Dwight Coon
Mayor
City of Junction City

Warren Weathers
Mayor
City of Lowell

Don Hampton
Mayor
City of Oakridge

Sharon Hobart-Hardin
Mayor
City of Veneta

Senator Floyd Prozanski
Representative Paul Holvey
Gail Achtermann (Oregon Transportation Commission)
We see no point to further meetings with you regarding this subject. We trust that you will see
the wisdom of the hard work we have done together. We request your approval of the ACT
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Representative Paul Hooley
Gail Achleman (Oregon Transportation Commission)
Relating to Lane County Area Commission on Transportation.

Be it enacted by the People of the State of Oregon:

SECTION 1. (1) The governing body of Lane County, in consultation with other elected local officials and with transportation stakeholders in Lane County, shall develop, not later than September 30, 2010, a proposed charter for the formation of an area commission on transportation for Lane County.

(2) The proposed charter must comply with the policy guidelines established in the Policy on Formation and Operation of Area Commissions on Transportation as approved by the Oregon Transportation Commission on June 18, 2003, and must include:

(a) A description of the criteria that the area commission on transportation will use in prioritizing project selection and a statement of expectations regarding feedback from the Oregon Transportation Commission to the area commission on transportation when the Oregon Transportation Commission receives the area commission's priorities.

(b) A description of the conflict resolution process the area commission will use to produce equitable outcomes, including the prioritization of spending on urban and rural projects, and a process for tracking and maintaining records of resolutions and outcomes.

(c) A plan for regular and consistent communication and coordination among the adjacent area commissions and with metropolitan planning organizations.

(d) A plan for public involvement with the area commission.

(3) The Department of Transportation, acting through one or more representatives selected by the Director of Transportation, shall provide staff support to the governing body of Lane County for developing and submitting the proposed charter in a manner consistent with this section and the guidelines established in the Policy on Formation and Operation of Area Commissions on Transportation.

(4) The governing body of Lane County shall submit the proposed charter to the Oregon Transportation Commission for deliberation and action. If the proposed charter establishes a process for establishing membership, terms of office and voting procedures that are all consistent with the policy guidelines established in the Policy on Formation and Operation of Area Commissions on Transportation as approved by the Oregon Transportation Commission, the Oregon Transportation Commission may not reject the proposed charter based on the composition of its membership.

(5) Not later than October 31, 2010, the Oregon Transportation Commission shall schedule a meeting with the governing body of Lane County, other elected local officials and transportation stakeholders to discuss the proposed charter.
(6) 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.

Passed by Senate May 4, 2009

Repassed by Senate June 11, 2009

Secretary of Senate

President of Senate

Passed by House June 2, 2009

Received by Governor:

Approved:

Governor

Filed In Office of Secretary of State:

Secretary of State
INTRODUCTION

The Oregon Transportation Commission (OTC) established the Area Commissions on Transportation (ACTs) to improve communication and interaction between the OTC and local stakeholders who share a transportation focused community of interest. That dialogue will include the OTC, local officials, legislators, the business community and appropriate stakeholders and the Oregon Department of Transportation (ODOT).

By increasing stakeholder commitment and understanding of transportation programs, funding and issues, the OTC expects to:

- Broaden opportunities for advising the OTC on policy issues
- Improve project recommendations and coordination at the local level
- Broaden the Regional transportation perspective
- Increase stakeholder support for and commitment to projects
- Control project costs
- Support timely completion of projects
- Meet expectations for quality projects
- Facilitate private sector capital investments
- Maximize ODOT's capacity to deliver projects
- Improve Oregon's economy by addressing transportation challenges

The OTC adopted Policy on Formation and Operation of Area Commissions on Transportation\(^1\) to provide answers to common questions about the purpose, formation and function of ACTs and to encourage a reasonable degree of consistency statewide in their role and operation.\(^2\) The document is intended to provide statewide consistency for the ACTs while balancing local needs for flexibility and uniqueness. Each ACT will adopt Operating Agreements to further define its operating procedures. Topics addressed include the following:

I. Mission
II. Roles and Responsibilities
III. Authority
IV. ACT Structure and Membership
V. Operations of the ACT
VI. Basis for Decision Making
VII. Coordination

As the need arises, the OTC may review this document and update as appropriate.

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\(^1\) This statement assumes future adoption of this document by the OTC
\(^2\) See Attachment B.
The OTC will give significant weight to recommendations from the ACTs that follow the procedures described in this document. The ACT, however, is an advisory body to the OTC, and the OTC is the final decision-maker. Geographic areas that do not have an ACT or MPO must adhere to the same standards of accountability as ACTs and demonstrate to the OTC that recommendations were developed in accordance with ACT obligations. Prior to starting the process to prioritize project recommendations, the appropriate ODOT Region and the non-ACT geographic area will reach consensus on the process for determining compliance with this policy. This process could utilize previously adopted documents as appropriate.

In order to clarify the document, a glossary was prepared which defines the terms Region, Regional, Area, Transportation System and a series of verbs used throughout the document. The verbs convey varying levels of action or responsibility and include the following: must, shall, will, should, and may. See Attachment D, Glossary of Terms, for further definition and usage examples.
POLICY ON
FORMATION AND OPERATION OF
AREA COMMISSIONS ON TRANSPORTATION (ACTs)

I. MISSION

The mission of the ACTs is to provide a forum for the discussion and coordination of current and future transportation issues and to make recommendations to the OTC. An ACT plays a key advisory role in the development of the Statewide Transportation Improvement Program (STIP). The ACTs shall recommend priorities for state transportation infrastructure and capital investments based on state and local transportation plans related to the geographic boundary of the ACT.

II. ROLES AND RESPONSIBILITIES

ACTs have a primary role of making recommendations to the OTC regarding project selection for projects of local or Regional significance. ACTs may also be requested to provide input to the OTC on projects of statewide importance and on statewide policy issues.

A. Primary Role of the ACTs

At a minimum, ACTs shall perform the following:

- Provide a forum to advance the public's awareness and understanding among transportation stakeholders of transportation issues.
- Establish a public process that is consistent with state and federal laws, regulations and policies.
- Provide recommendations to the OTC regarding program funding allocations for the STIP, balancing local, Regional and statewide perspectives.
- Prioritize Area Modernization project recommendations for the Development STIP and Construction STIP based on state and local transportation plans related to the Area.
- Make recommendations to ODOT regarding special funding opportunities and programs.
- Communicate and coordinate Regional priorities with other organizations, including the following:
  - Other ODOT Regions and ACTs
  - Metropolitan Planning Organizations (MPOs)
  - Community Solutions Team (CST)
  - Regional Partnerships and Regional Investment Boards
  - ODOT advisory committees

Techniques ACTs may use to achieve statewide perspective include: interacting with other ACTs, hosting forums on statewide issues such as access management and highway segment designations, and having the ODOT Director or OTC liaison attend and participate in ACT meetings. By using criteria established by the OTC and adherence to those standards, ACTs achieve a statewide vantage point.
As applicable, consider all modes and aspects of the Transportation System in formulating recommendations, taking into account the provision of elements and connections between air, marine, rail, highway, trucking, transit, bicycle and pedestrian facilities.

The Transportation System includes the following modes and aspects:

- Air, marine, rail (freight and passenger)
- Highway (trucks, buses, cars)
- Transit
- Bicycle/Pedestrian

Provide documentation to the OTC of the public process and resulting recommendations forwarded by the ACT including alternatives for solutions and outcomes of decisions.

Provide a report to the Oregon Transportation Commission at least once every two years.

B. Optional Activities of the ACTs

In addition to the above, ACTs may choose to provide advice on activities such as:

- ODOT corridor plans or local transportation system plans (TSPs) that contain projects of Regional significance (for example, a new highway bypass).
- Review projects and policies for other STIP funding programs and categories that have advisory committees or processes in place and advise ODOT on any special circumstances or opportunities that apply. These programs include Preservation, Safety, Bridge, Operations, Public Transportation, Freight, Rail, Bicycle/Pedestrian, Transportation Enhancement, Scenic Byways, Federal Lands Highways, and Fish Culverts.
- Advise the OTC on state and Regional policies affecting the Area’s Transportation System, including proposed ODOT policies & their implementation.
- Input into prioritization of long-range planning projects (especially refinement plans) in the ODOT Region planning work programs.
- Establishment and monitoring of benchmarks for Regional transportation improvements.
- Other transportation related policy or funding issues relevant to a particular ACT that would benefit from the coordinated committee discussion afforded by the ACT structure.

See Attachment C for a flowchart showing ACT involvement in the typical process elements for the STIP.

C. Role of OTC

Success of the ACT is linked to communication with the OTC. The OTC role includes:

- Designating one OTC member as the liaison to the ACT.
- Encouraging the OTC liaison to attend ACT meetings.
- Providing financial support in an amount sufficient to meet OTC expectations.
- Facilitating communication between the OTC and the ODOT representative to the ACT.
- Describing expectations and providing adequate lead time when requesting input from the ACT.
• Providing training opportunities for the ACTs to enhance understanding of statewide programs and issues.
• Giving significant weight to recommendations from ACTs that follow procedures and requirements described in this document.
• Providing feedback to the ACTs regarding decisions that were made based on the ACT recommendations.
• Conducting a biennial review of the ACT Charter and Operating Agreements.

D. Role of ODOT Staff

ODOT staff provides a key role in the successful operation of the ACT. ODOT shall assign a senior manager with good communication skills as its voting representative to the ACT. The ODOT representative shall:

• Serve as a communication liaison between the ACT, ODOT Region, and ODOT Director’s Office.
• Bring a statewide perspective to discussions of local transportation issues.
• Coordinate timely preparation of agenda items for action by the ACT.
• Provide technical and policy information in a timely manner to assist the ACT in carrying out its roles and responsibilities.
• Provide information on project status.
• Coordinate presentations and education regarding state and federal programs and priorities.
• Advise the ACT of ODOT views during program and project discussions.
• Provide staff support as agreed upon (Section V. B.).
• Advise on technical or policy issues relating to transportation safety, bicycle and pedestrian facilities, passenger rail and freight, trucking, public transportation, scenic byways, motor carriers and state/local government relationships.

III. AUTHORITY

ORS 184.610 to 184.666 gives the Oregon Transportation Commission the authority to establish the policies for the operation of the Oregon Department of Transportation and for the administration of programs related to transportation. The Area Commissions on Transportation are advisory bodies chartered under authority of the Oregon Transportation Commission. The OTC may charter an ACT when it demonstrates, and as long as it maintains, a structure consistent with the requirements contained in this document. 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.

An ACT is a voluntary association of government and non-government transportation stakeholders and has no legal regulatory, policy or administrative authority. The ACT process 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, ACTs meet the definition of a “Governing Body” and fall under the requirements of the Public Meetings Law. ORS 192.610 to 192.690. An ACT’s members shall comply with the requirements of Oregon Government Standards and Practices laws concerning conflict of interest.
ACTs should apply a statewide perspective to address the Transportation System with primary focus on the state Transportation System (Glossary, Attachment D). ACTs may also consider Regional and local transportation issues. Multi-ACT collaboration may be requested to facilitate consideration of issues that have a broader geographic scope than any one ACT. The needs of urban and rural areas may be different and discussions may include ACT representatives from more than one ODOT Region to help focus discussions on corridor or system needs.

IV. ACT STRUCTURE AND MEMBERSHIP

A. Geographic Coverage
Because the ACTs (and, where applicable, the MPOs) are primary advisors to the OTC with regard to transportation policies and programs which effect them, the OTC strongly encourages coverage of the State with respect to ACT or MPO representation.

The OTC recognizes that there is strength in member familiarity with Regional issues, and thus, expects that an ACT will encompass an area that geographically represents all its interests. The rationale for ACT boundaries should be consistent with a “geographical community of interest” regarding the state Transportation System and coordinated with existing Regional inter-governmental relationships. Shared interest might include a similarity of population, economy, land use, infrastructure needs, contiguous boundaries, commute shed, political and programmatic interests, and collaborative opportunities. The geographic boundaries of an ACT or MPO may change over time and if this occurs, an amendment to the boundaries will be negotiated and agreed upon by the affected parties, and a formal request for change will be submitted in writing to the OTC for approval. Each ACT will develop an Operating Agreement (Section V. A.) and this agreement will articulate the rationale for its specific boundaries.

B. Membership
When establishing the voting membership, an ACT needs to consider all modes and aspects of the Transportation System. An ACT will have a voting membership which is reflective of its population and interest groups and will be broadly representative of those impacted by ACT recommendations. At a minimum, ACT representation will include at least 50% elected officials from the Area. Representation shall include City, County, and MPO officials within the ACT boundaries. Tribal Governments, Port officials, and Transit officials shall also be invited to participate as voting members and will count toward the requirement of at least 50% elected officials. The remainder of the representation should be from interested stakeholders which may represent, but are not limited to: freight, trucking, bicycle, pedestrian, public transportation system, public interest advocacy groups, environmental, land use, local citizens, business, education, public safety providers, non-profit organizations, etc. ODOT will be a voting member on each ACT. Members should be carefully selected so that transportation recommendations are coordinated with other local and Regional community development activities, creating consensus within the Area on transportation issues and priorities. The ACT will determine the total number and selection of ACT members.

4 Voting may be by consensus or majority, as defined in the Individual ACT Operating Agreement (Section V. A.).
5 In some geographic areas, Port and Transit officials are appointed, not elected.
In addition to the official membership, each ACT should include appropriate ex officio members and give full consideration to their comments and recommendations. Ex officio members may include:

- Oregon Transportation Commissioners, state legislators, and local congressional aides
- Community Solutions Team
- State and federal agencies such as US Forest Service, BLM, Fish and Wildlife, Department of Environmental Quality, Department of Land Conservation and Development, Department of Aviation
- City and county road district or department
- Regional groups that have an interest in transportation issues such as housing advocates, Regional Partnerships and Regional Investment Boards, law enforcement agencies, etc.

The ACT should encourage participation of adjacent ACTs and consider inviting representatives as ex officio members. Adjoining ACTs should be included on all mailing lists and be invited to attend all ACT meetings.

As an ACT experiences membership turnover, it should review representation to ensure continued balance of all groups the committee represents. When providing reports to the OTC, ACTs will be asked to describe how they have met the membership guidance. If circumstances within the ACT (e.g., small population and large geographic area) prevent the ACT from meeting the minimum membership requirements, the ACT may develop an alternate proposal for approval by the OTC during its biennial review.

C. Technical Advisory Committee
Although not required, the ACT may establish a technical advisory committee to assist during project or policy discussions. The TAC may be a standing committee to the ACT or formed on an ad-hoc basis as needed. The ACT will determine membership of the TAC and its role will be defined in the Operating Agreement.

V. OPERATIONS OF THE ACT

A. ACT Operating Agreements
ACT operating agreements must clarify the roles and processes between members, agencies, ODOT and the OTC. They are intended to specify how members will be selected and define membership beyond that required in this document, including the total number and the voting status of each member. Operating agreements shall provide for a wide solicitation for non-elected membership, and specify the solicitation process used. In addition, Operating Agreements shall specify when, where and how meetings will be conducted, officers and terms of office, whether or not alternates will be allowed, the public involvement processes which the ACT will use, number of members required to constitute a quorum, decision making process (for example, consensus or majority vote), and whether technical advisory committees will be used and how they will be constituted.

Some ACTs may choose to have an executive/steering committee and if so, the Operating Agreement will describe the committee's authority and how it meets the requirements of this document, particularly in regard to membership and public involvement. The Operating
Agreement will articulate how the executive/steering committee will communicate with the full ACT.

The Operating Agreements shall clarify that ACTs are advisory bodies that make recommendations to the Oregon Transportation Commission.

B. Staffing and Financial Support
An ACT must be staffed either by ODOT or an organization with which ODOT could contract administrative services. The ACT and ODOT will jointly agree on how the ACT will be staffed. ODOT will provide planning staff assistance to the ACT and financial support for administration of the ACT in an amount sufficient to meet OTC expectations. Where it makes financial and logistical sense, the management and technical support services of an MPO and an ACT may be combined to increase consistency, cost-efficiency, and coordination.

C. Public Involvement
As an advisory body that has authority to make recommendations to the OTC on policy or administration, an ACT must comply with the requirements of Oregon’s Public Meetings Law found at ORS 192.610 to 192.690. The policy underlying the law is to ensure an open governmental decision making process and so facilitate the public’s awareness “of the deliberations and decisions of governing bodies and the information upon which such decisions were made.” (ORS 192.620.)

The Public Involvement section gives more detail than other portions of this document. Attachment A provides the minimum and preferred public involvement requirements for different types of ACT meetings. The ACT may use Attachment A as a template to incorporate into its bylaws. The goal is to achieve statewide consistency through an open, understandable process that meets state and federal public involvement policies, while continuing to recognize Regional differences in issues and priorities. In its biennial report to the OTC, the ACT will describe how it meets the minimum requirements. The ACTs must follow all relevant federal laws, regulations and policies for public involvement, including Title VI and Environmental Justice requirements, and all applicable ODOT policies.

For ACTs to fulfill their advisory role in prioritizing transportation problems and solutions and recommending projects, the ACTs must involve the public and stakeholders in their decision making processes. As the ACTs consider local, Regional and statewide transportation issues, it is important that they use the appropriate level of public involvement and/or public information. To comply with federal Environmental Justice requirements, the public involvement process needs to identify a strategy for engaging minority and low income populations in transportation decision making. Meeting materials and facilities shall be accessible to those with disabilities pursuant to ADA standards.

The responsibility for developing agendas, distributing materials, taking minutes, website maintenance and other duties related to ACT public involvement shall be covered in the joint agreement identified in Section V. B, Staffing and Financial Support.
VI. BASIS FOR DECISION MAKING

The ACT shall function as an advisory body to the OTC, which has final decision authority. The ACT process and resulting recommendations shall comply with relevant laws, regulations and policies. When ACTs are considering recommendations relative to the STIP, their recommendations must comply with the policies and standards adopted by the OTC. When ACTs are providing recommendations on policy, they have greater latitude in formulating their response.

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

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

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 the ACT in forming its recommendation. Documentation developed by a member whose recommendations were not incorporated into the final ACT recommendations will be forwarded to the OTC with other materials documenting ACT recommendations. Recommendations to the OTC will be made in accordance with the approved STIP Development Timeline (on the Web at: http://www.odot.state.or.us/stip/)

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See footnote 3.

Approved June 18, 2003
Oregon Transportation Commission
ODOT has established special committees and processes to apply Oregon Transportation Management System information for the identification, prioritization and development of bridge replacement/rehabilitation and pavement preservation projects. If the ACT reviews Bridge or Preservation projects based on OTC approved criteria, the role of the ACT shall be to review the recommended lists of projects and to provide information to ODOT regarding any special circumstances within the Area that may apply to the prioritized list. Due to the highly technical nature of the bridge project selection, prioritization is primarily the responsibility of the technical staff utilizing the Bridge Management System. For preservation projects, the list from the Pavement Management System is enhanced by ACT knowledge/information that helps meet state and local objectives (e.g., leverage funding sources, bundle with other projects, coordinate with local projects).

Federal regulations require MPOs to select transportation projects within the MPO boundaries from a limited pool of projects identified in the MPO’s financially constrained regional plan. Selection of other projects within the MPO boundary requires coordination with the MPO and amendment of the MPO plan and TIP prior to adding them to the STIP. Outside MPO boundaries, ACTs may draw from a larger pool of projects found in local transportation system plans, which are not necessarily financially constrained.

VII. COORDINATION

Because of the fundamental importance placed on recommendations by the ACTs, coordination shall be a primary obligation and ACTs are expected to meet a high standard in this area. To ensure that recommendations have been reviewed for local, Regional and statewide issues and perspectives, ACTs should communicate with others that may have knowledge or interest in the Area. Working with a broad representation of stakeholder groups should also help provide a balance between local/Regional priorities and statewide priorities. ACT coordination should include, but not be limited to the following groups:

- Oregon Transportation Commission
- Other ACTs within and across ODOT Regions
- ODOT Advisory Committees
- Community Solutions Team
- Regional Partnerships and Regional Investment Boards
- Tribal Governments
- MPOs
- Local Governments, Transit and Port Districts
- Stakeholder groups (e.g., environmental, business, state and federal agencies with land holdings within the ACT boundary)

It is recommended that the ACT develop a diagram or flowchart showing the numerous relationships within the ACT. The diagram should be available at each meeting of the ACT.

A. Oregon Transportation Commission

ACTs will provide a report to the OTC at least once every two years. The report will provide an opportunity for the Commission to review the ACT charter, operating agreements and proposed work program. If modifications are required to comply with new or updated OTC direction (e.g.,
revising processes to conform to the revised “Policy on Formation and Operation of Area Commissions on Transportation (ACT)”), changes will be incorporated at that time. An ACT or the OTC may initiate additional communication on an as-needed basis.

ACTs will forward their recommendations and supporting information to the OTC for consideration. The OTC will provide feedback to the ACTs regarding actions taken.

B. ACTs Within and Across ODOT Regions
ACTs will coordinate with other ACTs, as needed for recommendations to the OTC that may have a Regional impact (e.g., priorities along a specific highway corridor). To facilitate regular communications, adjacent ACTs should be included on the ACT mailing lists and invited to all ACT meetings. Meeting agendas and minutes should be provided to adjacent ACTs. The ACT should consider adjacent ACT representatives for inclusion as ex officio members.

C. ODOT Advisory Committees
ACTs are encouraged to keep ODOT’s specialized standing committees (e.g., Local Officials Advisory Committee, Rail, Freight, Public Transportation, Bicycle/Pedestrian, Transportation Enhancement, Scenic Byways and the Tri-Agency Committee for the Forest Highway Program) informed and to seek their comment on major policies and programs under consideration. Representatives should be included on the ACT mailing lists and invited to all ACT meetings. The committees have a mutual obligation to provide information to the ACTs regarding processes, technical data, and recommendations specific to the program.

D. Community Solutions Team
Since 1995, five state agency directors, serving as the Governor’s Community Solutions Team (CST), have been actively engaged in developing an integrated and collaborative approach to community development. ACTs are encouraged to use the multi agency resources of the Regional Community Solutions Teams (RCST) early in the project review process to raise and resolve issues as appropriate. RCST may also help identify opportunities to leverage funds. The standing agencies of the CST include:

- Oregon Department of Transportation (ODOT)
- Oregon Housing and Community Services (OHCS)
- Oregon Economic and Community Development Department (OECDD)
- Department of Land Conservation and Development (DLCD)
- Department of Environmental Quality (DEQ).

Representatives of the RCST should be included on the ACT mailing lists and invited to all ACT meetings.

E. Regional Partnerships and Regional Investment Boards
Regional Partnerships and Regional Investment Boards are composed of local partners in two or more counties and the cities, ports, and tribes within those counties who agree to work together to provide a forum for coordination of economic and community development planning and investments so that strategies and processes for economic and community development are leveraged to the greatest extent possible to meet agreed upon priority issues, challenges and goals.

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Representatives of Regional Partnerships or Regional Investment Boards should be included on the ACT mailing lists and invited to all ACT meetings. ACTs are encouraged to either be one and the same with a Regional Partnership or be organized to work effectively with and contribute to the work of a Regional Partnership.

F. Tribal Governments

OTC recognizes that Tribal Governments represent sovereign nations. ACT recommendations will consider the needs of the Tribal Governments, as well as coordination with the tribal Transportation Improvement Program (TIP) and other projects being developed by the Tribal Governments. To provide this coordination and understanding, a tribal representative shall be invited as a voting member of the ACT, as applicable.

G. MPOs

While the ACTs provide valuable advice on project priorities and other policy issues, the MPO is responsible for carrying out the metropolitan transportation planning process within urbanized areas in cooperation with the State and transit operators (23 CFR 450.312). MPOs develop a Transportation Improvement Program (TIP) that approves all projects that are regionally significant or that include federal funds, by year and by phase within the MPO planning areas. Before FHWA and FTA can approve Federal transportation funding for projects or activities within urbanized areas, they must be consistent with the MPO’s regional transportation plan (RTP) and TIP.

The MPO must have a continuing, cooperative and comprehensive transportation planning process that results in plans and programs that consider all transportation modes and supports metropolitan community development and social goals. These plans and programs shall lead to the development and operation of an integrated intermodal transportation system that facilitates the efficient, economic movement of people and goods. (23 CFR 450.312).

ACTs and MPOs should coordinate their efforts to assure a better decision making process which results in better coordination of projects. The form of coordination should be different depending upon where MPO and ACT boundaries fall. When ACT and MPO boundaries overlap, a higher level of clearly defined coordination is needed and it is important that ACT activities fully coordinate with the MPO planning process. The MPO and ACT should jointly agree on a process for maintaining consistency between ACT recommendations and the MPO Plan and TIP, where this occurs. An MPO representative shall be included as a voting member on the ACT if within the same geographic area as an ACT.

For ACTs that are near or adjacent to an MPO, a sufficient level of coordination can be achieved by simply communicating the priorities of each group. This might be done through ex officio membership on committees or some other mutually agreeable, less formal method.

H. Local Governments, Transit and Port Districts

Transportation recommendations will be coordinated with other local and Regional community development activities. ACT representation shall include port and transit officials from the Area. ACT representatives of these groups are responsible for providing regular updates to their respective organizations on actions and recommendations being considered by the ACTs.
I. Stakeholder Groups

While it may be impractical to include representatives from every stakeholder group on the ACT, the ACT needs to make a concerted effort to hear the concerns and recommendations of stakeholders prior to making decisions regarding recommendations to the OTC. The ACT will provide easy access to technical materials and supporting documentation considered by the ACT during its decision making process and shall consider and respond to public input received during the planning and program development process. (Section V. C. and Attachment A).
ACT meetings will comply with the requirements of the Oregon Public Meetings Law, ORS 192.610 to 192.690. “Meeting” means the convening of a governing body of a public body for which a quorum is required to make a decision or deliberate toward a decision on any matter.” ORS 192.610(5). Meetings include information-gathering sessions, working lunches and electronic meetings. All ACT meetings will be open to public attendance and any member of the public may attend any meeting of the ACT.

A. MINIMUM REQUIREMENTS FOR REGULARLY SCHEDULED MEETINGS

The ACT will conduct all meetings in accordance with the following minimum requirements and will strive to meet the preferred standards. The regular meeting requirements will be supplemented with the methods found in Table 1 if the meeting falls into the following additional categories:

- Developing project priorities for Draft STIP using approved criteria.
- Draft STIP public hearing.
- Special meetings.
- Electronic meetings.

Meeting Notice

- Advance notice to interested persons and stakeholder groups on ACT mailing list and to news media which have requested notice.
- Notices must include time, place, agenda (principal subjects) and name of person and telephone number (including TTY number) at the public body to contact to make a request for an interpreter for the hearing impaired or for other communication aids.
- A good faith effort must be made to provide an interpreter for hearing-impaired persons on receipt of proper notice. ORS 192.630(5).

Meeting Materials

- For decision items, distribute information to everyone in attendance at the meeting.
- Provide time on the agenda for general public comment.

Meeting Schedule

- If regularly scheduled meetings are not possible, the minimum standard is to provide extra public notification by following the Preferred method of meeting notification.

Meeting Location

- Meets accessibility requirements of the Americans with Disabilities Act (ADA).
- No meeting may be held in buildings where discrimination (race, sex, age, national origin, color, creed, disability) is practiced. ORS 192.630(3).
- Generally held within the geographic boundaries of the ACT’s jurisdiction. Training sessions may be held anywhere.
- Contains adequate seating and facilities to encourage attendance by the general public.

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Meeting Minutes—Minutes shall be prepared for all ACT meetings. Minutes must include at least:

- Members present.
- All motions, proposals and resolutions proposed, and their disposition.
- Results of all votes/decisions. Secret ballots prohibited.
- Substance of all discussion.
- Reference to all documents discussed (confidentiality of records exempt from disclosure may be protected).
- After each ACT meeting the ACT shall prepare and distribute the minutes prior to the next ACT meeting.
- As appropriate to the Area, meeting minutes should be provided in languages other than English.\(^7\)
- Minutes must be preserved for a reasonable time.

B. PREFERRED STANDARD FOR REGULAR MEETINGS

In addition to the minimum requirements, the preferred standard for regular meetings includes:

Meeting Notice
- One week advance notice.
- Notices posted at local public institutions (city hall, library, community center, etc.).
- Notice posted on ACT website, along with links to meeting agendas, past meeting minutes, technical materials and documentation.

Meeting Materials
- Provide an advance agenda one week prior to the meeting, either on the ACT website or through the mail.
- For decision items, provide technical materials and supporting documentation one week prior to the ACT meeting. Materials can be distributed through the ACT website and/or through the mail.
- Provide copies of all correspondence received prior to the meeting to ACT members and the public attending the meeting.

Meeting Schedule
- Regular schedule (e.g., meetings at 1:00 p.m. on the last Thursday of each month).

Meeting Location
- Easily accessible by public transportation.

Meeting Minutes—
- Post minutes from the meeting on the ACT website.

\(^7\) A Governor's task force is currently working on methodology for meeting the federal requirements for Limited English Proficiency. Public involvement at the ACTs will need to comply with the guidance developed.
C. EXECUTIVE SESSIONS
The responsibilities of the ACT do not include work permitted in an executive session (ORS 192.660).

D. CONTROL OF MEETINGS
- The presiding officer has inherent authority to keep order at meetings—can “reasonably” regulate the use of cameras and tape recorders.
- No smoking is permitted at any meeting of the ACT.

E. ROLES AND RESPONSIBILITIES
Roles and responsibilities of parties engaged in public involvement activities on behalf of ACT will be designated in the joint agreement identified in Section V.B, Staffing and Financial support.

F. PUBLIC COMMENT
The public shall be provided opportunities to speak to the merits of proposals before the ACT and to forward their own proposals. Public comment may be taken at any time during the ACT meeting. Copies of all correspondence received prior to the meeting should be available for ACT members and the public at the meeting. The ACT public involvement process shall demonstrate explicit consideration and response to public input during the planning and program development process.
<table>
<thead>
<tr>
<th>Type of Meeting</th>
<th>Meeting Notice Minimum</th>
<th>Meeting Notice Preferred</th>
<th>Meeting Materials Minimum</th>
<th>Meeting Materials Preferred</th>
<th>Meeting Schedule Minimum</th>
<th>Meeting Schedule Preferred</th>
<th>Meeting Location Minimum</th>
<th>Meeting Location Preferred</th>
</tr>
</thead>
<tbody>
<tr>
<td>Developing Project Priorities for Draft STIP Using Approved Criteria</td>
<td>-Same as Regular Meetings</td>
<td>-Same as Regular Meetings Plus -Paid Advertising</td>
<td>-Same as Regular Meetings</td>
<td>-Same as Regular Meetings</td>
<td>-Same as Regular Meetings</td>
<td>-Same as Regular Meetings</td>
<td>-Same as Regular Meetings</td>
<td>-Same as Developing Project Priorities for Draft STIP Using Approved Criteria</td>
</tr>
<tr>
<td>Draft STIP Public Hearing</td>
<td>-Same as Regular Meetings plus -Paid Advertising</td>
<td>-Same as Regular Meetings</td>
<td>-Same as Regular Meetings</td>
<td>-Same as Regular Meetings</td>
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<td>-Same as Regular Meetings</td>
<td>-Same as Regular Meetings</td>
<td>-Same as Draft STIP Public Hearing</td>
</tr>
<tr>
<td>Special Meetings</td>
<td>-Same as Regular Meetings plus -Minimum 24 hours Notice</td>
<td>-Same as Regular Meetings</td>
<td>-Same as Regular Meetings</td>
<td>-Same as Regular Meetings</td>
<td>-Same as Regular Meetings</td>
<td>-Same as Regular Meetings</td>
<td>-Same as Regular Meetings</td>
<td>-Same as Special Meetings</td>
</tr>
<tr>
<td>Electronic Requirements</td>
<td>-Same as Minimum for meeting type listed above. All procedural and formal requirements apply (minutes, notices, etc.). ORS 192.670.</td>
<td>- Same as Preferred for appropriate meeting type listed above</td>
<td>-Same as Regular Meetings</td>
<td>-Same as Regular Meetings</td>
<td>-Same as Regular Meetings</td>
<td>-Same as Regular Meetings</td>
<td>-Same as Regular Meetings</td>
<td>-Same as Electronic Requirements</td>
</tr>
</tbody>
</table>

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Attachment A Table 1
Attachment B

How An Act Is Established and Biennial Report Structure

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 should address the key questions listed below. The proposal is circulated among local jurisdictions for comment, revision and eventually expressions of support. The State Community Solutions Team reviews the proposal for coordination with the Regional Partnership Initiative. The Oregon Transportation Commission reviews the proposal. Once the Commission accepts the proposal, it adopts a resolution providing a provisional charter for the Area Commission on Transportation. The ACT selects its members and begins to function as an official advisory body to the Oregon Transportation Commission.

The Biennial Report should follow a similar process in addressing the questions below and should be reviewed by the ACT membership before submitting to the OTC.

Key Questions to be addressed in an ACT Proposal

The Oregon Transportation Commission expects that for an ACT to be effective it will represent the political environment of the Area. Therefore, each ACT may look and function somewhat differently than another. However, each proposal or biennial report for an ACT should address at least the following questions:

1. What is the rationale for the geographic boundaries of the proposed ACT? If the boundaries are being modified, why?

2. What are the proposed voting and ex officio membership categories and how do they ensure coordination with existing Regional public agencies?

3. Is the membership broadly representative of local elected officials and inclusive of other key stakeholders and interests (see Section IV, Subsection B, Membership)? If key representation is not included, explain the justification.

4. How would/does the ACT coordinate with adjacent ACTs and/or MPOs and involve state legislators?

5. What is the proposed work program of the ACT?

6. How will/does the ACT meet the minimum public involvement standards as shown in Attachment A of this document?

7. Who would/does help guide the work program and agendas of the ACT? Indicate the general operational structure.

8. How would/does the ACT secure technical assistance on transportation issues?
9. What key work efforts will have been addressed by the ACT?

10. Who would/does provide support staff to the ACT?

11. What will be/is the decision making process used by the ACT?
**ATTACHMENT C: ACT PARTICIPATION**

**TYPICAL PROCESS ELEMENTS**

**STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM**

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**PLANNING CONSIDERATIONS**

**NEEDS ANALYSIS & PRIORITIZATION**

- ODOT Priorities
  - Program Service Levels
  - Preservation Safety
  - Mobility
  - Adopted Plans
  - ODOT Strategic Direction
- Improve Safety
- More People & Goods Efficiently
- Improve Oregon's Livability & Economic Prosperity
- Management Systems
- Public Transportation
- Bridge
- Freight
- Safety
- Congestion
- Intermodal
- Coordination
- Local Governments/MPOs
- Modal
- Other State Agencies

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**PLANNING**

- Oregon Transportation Plan
- Mode & Topic Plans*
- Corridor Plans
- Local & Regional Transportation System Plans
- Retirement Plans
- Other Long-Range Planning Considerations
  - (e.g., Freight Moves the Oregon Economy)
  - State Implementation Plan (Air Quality)

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**STAKEHOLDER INVOLVEMENT**

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**STIP DOCUMENT**

**DRAFT STIP**

- Program Levels
- Regional Balance
- Regional & Department Priorities
- Federal & State Regulations
- System Performance Goals
- Special Programs

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**FINAL STIP**

- Financial Constraint
- Air Quality Conformity
- MPO Transportation Improvement Programs**
- OTC Approval
- FHWA/FTA Approval

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**SOLUTION DELIVERY/PROJECT DEVELOPMENT**

- Right of Way Acquisition
- Project Design
- Project Construction

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**ONGOING MAINTENANCE OPERATIONS & SYSTEM MANAGEMENT**

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* Bold Text = Primary Role for ACTs
  * Italicized Text = Optional Role for ACTs
  * Black Text = Not covered for Formation and Operation of ACTs document

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* Bicycle/Pedestrian, Highway, Public Transportation, Rail Freight, Rail Passenger, Transportation Safety Action, Aviation

** MPO TIPS must be included in ODOT's STIP without modification. To ensure state priorities are considered, ODOT must be involved in the local planning project selection process.

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Page 1
Attachment D
Glossary of Terms

Area—When capitalized, describes the geographic area of the Area Commission on Transportation.

Region—When capitalized, describes the Oregon Department of Transportation geographic regions.

Regional—When capitalized, includes considerations of other communities, regional movements and patterns of transportation.

Transportation System—When capitalized, includes the following modes and aspects:
  • Air, marine, rail (freight and passenger)
  • Highway (trucks, buses, cars)
  • Transit
  • Bicycle/Pedestrian

To consider all modes and aspects of the Transportation System in formulating recommendations, ACTs would take into account the provision of elements and connections between air, marine, rail, highway, trucking, transit, bike and pedestrian facilities.

Verbs:

Obligation—This category of terms shows the ACTs' responsibility to ensure the outcome to the OTC. The terms that fall within this category include:
  • Must
  • Shall
  • Will

Encouraged—This category of terms provides the ACTs some flexibility with their responsibilities to the OTC. The terms that fall within this category include:
  • Should

Permitted—This is the most flexible category of terms. It allows the ACTs to decide whether or not to engage in evaluation of the particular situation. Terms that fall within this category include:
  • May
EXHIBIT "A"
Forum on an Area Commission on Transportation for Lane County

(1) **Creation:** There is created a Forum on an Area Commission on Transportation for Lane County (Forum or FACT-LC).

(2) **Purpose:** The purpose of the Forum is 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.

(3) **Task:** The Forum shall develop a proposed charter for an ACT and seek comment, revision and eventually expressions of support from jurisdictions and other stakeholders. The Forum shall strive for consensus on the proposed charter.

(4) **Issues to Address:** The Forum shall develop a proposed charter for an ACT that meets the needs of jurisdictions and other stakeholders in Lane County. In so doing, the Forum shall address issues identified in Senate Bill 944 and in the Oregon Transportation Commission's *Policy on Formation and Operation of ACTs*. The Forum should also consider the options identified in Chapter 3: Options for Consideration of the Oregon's ACTs, Cross-Jurisdictional Collaboration and Improved Transportation Planning research study.

(5) **Final Report:** Not later than April 30, 2010, the Forum shall submit a Final Report to the Board of County Commissioners of Lane County. 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.

(6) **Jurisdictions:** Representatives of jurisdictions to the Forum shall be determined as follows:
   (a) **Lane County:** Lane County shall designate one (1) representative to the Forum, for example, a county commissioner.
   
   (b) **Cities:** Each of the twelve (12) incorporated cities in Lane County (Coburg, Cottage Grove, Creswell, Dunes City, Eugene, Florence, Junction City, Lowell, Oakridge, Springfield, Veneta and Westfir) is invited to designate a representative to the Forum, for example, a mayor or city councilor. In order to facilitate better coordination between the eventual ACT and the Central Lane MPO, each city that is part of the MPO (Coburg, Eugene and Springfield) is encouraged to designate a representative to the Forum who also serves as a member of the Metropolitan Policy Committee (MPC).

   (c) **Tribes:** The Confederated Tribes of Coos, Lower Umpqua & Siuslaw Indians is invited to designate one (1) representative to the Forum.
(d) **Public Transit**: Lane Transit District (LTD) is invited to designate one (1) representative to the Forum, for example, the president or other member of the Board of Directors.

(e) **Ports**: The Port of Siuslaw is invited to designate one (1) representative to the Forum.

(f) **ODOT**: The Oregon Department of Transportation shall designate one (1) representative to the Forum, for example, the ODOT Area 5 Manager.

(g) **MPO**: In order to facilitate better coordination between the eventual ACT and the Central Lane MPO, the Central Lane MPO is invited to designate one (1) representative to the Forum. A staff person well versed in the federal transportation requirements that apply to MPOs is recommended. This representative shall be in addition to any representatives of jurisdictions that are part of the Central Lane MPO.

(h) **RAC**: In order to facilitate better coordination between the eventual ACT and the Lane County Roads Advisory Committee (RAC), the RAC is invited to designate one (1) representative to the Forum.

(i) **CAC**: In order to facilitate coordination between public involvement conducted by the eventual ACT and public involvement conducted by the Central Lane MPO, the Central Lane MPO Citizen Advisory Committee (CAC) is invited to designate one (1) representative to the Forum.

(j) **ERT**: In order to facilitate better coordination between the eventual ACT and other agencies, the Oregon Economic Revitalization Team (ERT) is invited to designate one (1) representative to the Forum, for example, the Regional Coordinator for the Willamette Valley/Mid-Coast region.

(7) **Other Stakeholders**: The Forum is encouraged to invite representatives of other stakeholders to participate in the discussion. Other stakeholders may include:

- airports
- rail (passenger & freight)
- trucking
- public transit (bus & rail) riders
- bicyclists and pedestrians
- business
- freight
- tourism
- public safety and health
- schools
- neighborhoods
- senior citizens
- people with disabilities
- minorities
- environment
- land use
- unincorporated areas of Lane County
- other
(8) **Alternates:** Alternate representatives to the Forum may participate in lieu of designated representatives.

(9) **Public Involvement:** All regular meetings of the Forum shall follow at least the minimum standard for public involvement detailed in Attachment A: Public Involvement of the Oregon Transportation Commission’s *Policy on Formation and Operation of ACTs*, including standards for notice and public comment.

(10) **Subcommittees:** The Forum may create subcommittees to explore options and develop proposals. Subcommittee meetings are not subject to the public involvement requirements for regular meetings.

(11) **Decision Making:** The Forum is encouraged to make decisions by consensus, but may make procedural or provisional decisions by simple majority. The Forum shall strive to approve its Final Report by consensus, if possible.

(12) **Project Team:** A Project Team, consisting of the independent consultant hired by the Board of County Commissioners and Lane County and ODOT staff, shall support the work of the Forum. The independent consultant shall facilitate Forum meetings. Lane County and ODOT shall provide other resources needed by the Forum, for example, meeting space and materials. The support provided by ODOT shall be consistent with ODOT policy.