

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

May 31, 2010

Lane County Board of Commissioners
Lane County Public Services Building
125 East 8th 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:

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

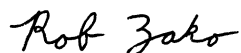
Perhaps as early as July 14, but after the BCC approves the proposed bylaws, I suggest LACT hold an initial organizational meeting to discuss how to appoint citizen members. I urge LACT to establish a citizen member recruitment committee, co-chaired by two citizen members of LACT (presumably Kent Fleming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