

Lane County Area Commission on Transportation (LCACT)

Proposed Bylaws Working Draft, 2/10/2010

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Other names are possible, if not necessarily compelling nor accurate:

- *Emerald Valley ACT*
- *Southern Willamette Valley ACT*
- *Coast-to-Cascades ACT*
- *Twin Rivers ACT*

Although the Oregon Transportation Commission (OTC) charters ACTs, an Area is not actually required to develop a “charter” per se, merely a “proposal” addressing certain questions and an “Operating Agreement” to further define the operation of the ACT (Policy on ACTs, Attachment B).

Senate Bill 944 calls for a “proposed charter for an area commission on transportation for Lane County.”

Other ACTs refer to their fundamental operating agreements as a “Charter” (LJDACT, SCOACT, SEACT), “Bylaws” (NWACT, CWACT, SWACT, RVACT), “Operating Bylaws” (NEACT), “Operating Guidelines” (COACT), or a “Proposal” (MWACT).

OTC: “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” (p. i)

Other ACTs include the following major sections:

- *Background (NWACT, LJDACT), Rationale for Establishment (MWACT), Representation (NEACT)*

- Purpose & Responsibilities (CWACT)
- Operating Philosophy (COACT)
- Rationale for Geographic Boundaries (SWACT), Geographic/Economic Factors (LJDACT)
- Board (NWACT), Membership (CWACT, SWACT, LJDACT)
- Officers & Staffing (CWACT), Steering Committee (SWACT), Officers (COACT, NEACT), Executive Committee (COACT), Executive Committee and Officers (SCOACT)
- Committees (CWACT), Subcommittee Formation (COACT, NEACT)
- Proposed Technical Assistance (SWACT), Technical Assistance (LJDACT), Technical Advisory Committee (SCOACT)
- Meeting Location & Staff Support (SWACT), Staff Support (LJDACT, NEACT), Staffing Support (COACT), Staff and Financial Support (SCOACT)
- Meetings (SCOACT)
- Organization Procedures (CWACT, NEACT), Operational Structure (LJDACT), Decision Making (COACT, NEACT), Meeting Conduct (COACT, NEACT)
- Quorum (COACT)
- Assurance of Regional Coordination (SWACT), Coordination with Adjacent Areas and State Legislators (SWACT), Relationship to Decision Making Bodies and Community Interest (RVACT)
- Work Plan (SWACT)
- Media Relations (COACT, NEACT)
- Public Involvement (NWACT, NEACT, SEACT), Public Involvement/Meeting Notice (LJDACT), Public Outreach Process (COACT)
- Amending Bylaws (NWACT), Amendments (SWACT)
- Glossary (NWACT), Glossary of Terms (SCOACT)

In fulfillment of the requirements of Senate Bill 944 (2009), the Board of County Commissioners of Lane County is submitting to the Oregon Transportation Commission this proposal for the formation of an area commission on transportation for Lane County.

NWACT, LJDACT, COACT, NEACT provide background/history on their being chartered. MWACT provides an introduction and a "Rationale for Establishment."

Once the OTC grants a charter, this introductory paragraph should be modified accordingly.

I. PURPOSE

The Lane County Area Commission on Transportation (LCACT) is an advisory body established to provide a forum for stakeholders to collaborate on transportation issues affecting the Lane County area and to strengthen state/local partnerships in transportation planning, programming and development.

The "Purpose" section briefly states the name of the ACT, what it is, and its geographical area.

OTC: "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." (p. 1)

The language regarding "strengthening state/local partnerships" is adapted from SWACT and RVACT.

CWACT: "The concerns of the Cascades West Area Commission on Transportation (CWACT) shall include issues that affect the regional transportation system and its links to areas beyond the region. The Commission recognizes that developing and improving the transportation system is a long-term process. Therefore, CWACT strives to build and sustain the consensus and support for project priorities, plans and policies that benefit the region's transportation system."

II. MISSION

The mission of LCACT is to:

1. Provide a local forum for sharing information about, discussing, understanding, coordinating, and gaining consensus around transportation plans, policies, projects, funding procedures and related issues affecting the long-term livability of the Area.
2. Engage key stakeholders and the general public with a process consistent with state and federal laws, regulations and policies.

OTC (Primary): "Provide a forum to advance the public's awareness and understanding among transportation stakeholders of transportation issues." (p. 1)

OTC (Optional): "Provide advice on ... 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." (p. 2)

SCOACT (Goal): "Increase stakeholder commitment and understanding of transportation projects, programs, funding, and issues."

OTC (Primary): "Establish a public process that is consistent with state and federal laws, regulations and policies." (p. 1)

SWACT: "To educate the public, neighboring regions, legislators, and other

3. As applicable, consider all modes and aspects of the transportation system, including air, marine and rail (freight and passenger); road (trucks, buses and cars); transit; bicycle; pedestrian; and pipelines.

interested organizations about South West area transportation issues.”

OTC (Primary): “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.” (p. 2)

4. Review and monitor the condition of the Area’s transportation system, using appropriate benchmarks.

OTC (Optional): “Provide advice on ... [the] establishment and monitoring of benchmarks for Regional transportation improvements.” (p. 2)

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.

OTC (Primary): “Provide recommendations to the OTC regarding program funding allocations for the STIP, balancing local, Regional and statewide perspectives.” (p. 1)

OTC (Primary): “Prioritize Area Modernization project recommendations for the Development STIP and Construction STIP based on state and local transportation plans related to the Area.” (p. 1)

OTC (Primary): “Make recommendations to ODOT regarding special funding opportunities and programs.” (p. 1)

OTC (Authority): “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.” (p. 4)

OTC (Optional): “[Provide] input into prioritization of long-range planning projects (especially refinement plans) in the ODOT Region planning work programs.” (p. 2)

6. Communicate and coordinate Regional recommendations, priorities and activities to and collaborate with other organizations and interests, including the Central Lane Metropolitan Planning Organization, other area commissions on transportation, the Oregon Transportation Commission,

OTC (Primary): “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.” (p. 1)

OTC (Primary): “Provide documentation to the OTC of the public process and resulting recommendations forwarded by the ACT including alternatives for

Oregon Department of Transportation advisory committees, the Governor's Economic Revitalization Team, regional partnerships and investment boards, state legislators, Oregon's congressional delegation, and other agencies and stakeholders.

solutions and outcomes of decisions.” (p. 2)

OTC (Primary): “Provide a report to the Oregon Transportation Commission at least once every two years.” (p. 2)

OTC (Optional): “Provide advice on ... ODOT corridor plans or local transportation system plans (TSPs) that contain projects of Regional significance (for example, a new highway bypass).” (p. 2)

OTC (Optional): “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.” (p. 2)

OTC (Optional): “Advise the OTC on state and Regional policies affecting the Area's Transportation System, including proposed ODOT policies & their implementation.” (p. 2)

OTC (Authority): “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.” (p. 4)

OTC (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).” (p. 8)

III. AUTHORITY

LCACT is an advisory body chartered under authority of the Oregon Transportation Commission (OTC). ORS 184.610 to 184.666 gives the OTC 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 OTC may charter an area commission on transportation (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 provides valuable input and recommendations to that process.

LCACT is a voluntary association of government and non-government transportation stakeholders and has no legal regulatory, policy or administrative authority. LCACT 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, LCACT meets the definition of a “Governing Body” and falls under the requirements of the Public Meetings Law, ORS 192.610 to 192.690. LCACT members shall comply with the requirements of Oregon Government Standards and Practices laws concerning conflict of interest.

The “Authority” section provides the legal authority for the establishment of the ACT. Suggested language here is adapted from boilerplate language contained in the Policy on Formation and Operation of ACTs (p. 3), and echoed in the charters for NWACT, RVACT, NEACT, and SEACT.

In comparison, Lane Council of Governments is a “membership association of governments” established under the authority of ORS 190.003 to 190.110 relating to intergovernmental cooperation.

IV. ORGANIZATION
A. Voting Members

OTC: "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. ... 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. ... As an ACT experiences membership turnover, it should review representation to ensure continued balance of all groups the [commission] 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." (p. 4)

OTC: "Voting may be by consensus or majority, as defined in the individual ACT Operating Agreement (Section V. A.)." (p. 4)

LCACT is comprised of up to 25 voting members, determined as follows:

The number of voting members in other ACTs ranges from 14 to 40: NWACT (28), MWACT (17), CWACT (40), SWACT (40), RVACT (26), LJDACT (14), COACT (15), SCOACT (27), NEACT (18), SEACT (16). For more details, see Savannah Crawford's August 24, 2009, memo.

1. **Counties and Cities:** The governing bodies of Lane County and the cities of 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; the Port of Siuslaw; and Lane Transit District are each invited to appoint one of their own *elected officials* as a representative to LCACT. In

OTC: "Representation shall include City, County, and MPO officials within the ACT boundaries." (p. 4)

order to facilitate better coordination between LCACT and the Central Lane Metropolitan Planning Organization (MPO), each city that is part of the MPO is encouraged to appoint a representative that is also a member of the MPO policy board. (13 members)

2. **Tribes, Ports and Transit Districts:** The governing bodies of the Confederated Tribes of the Coos, Lower Umpqua & Siuslaw Indians; the Port of Siuslaw; and Lane Transit District are each invited to appoint one of their own *officials* as a representative to LCACT. (3 members)

3. **Transportation Advisory Committees:** The Lane County Roads Advisory Committee and the Central Lane Metropolitan Planning Organization Citizen Advisory Committee are each invited to appoint one of their own members as a representative to LCACT. (2 members)

4. **Community (Private Sector):** Following public advertisement, the Lane County Commissioners, in consultation with LCACT, shall appoint **six (6)** non-elected citizens as members of LCACT. These members 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 and health, schools, neighborhoods, senior citizens,

OTC: "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." (p. 4)

OTC: "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." (p. 4)

OTC: "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." (p. 5)

The number of private sector members in other ACTs ranges from 2 to 8: NWACT (8), MWACT (3), CWACT (6), SWACT (8), RVACT (8), LJDACT (4), COACT (2), SCOACT (8), NEACT (5), SEACT (3).

people with disabilities, minorities, environment, land use, areas of Lane County not otherwise well represented on LCACT, and other interests. (6 members)

5. **Oregon Department of Transportation:** The ODOT Lane County Area Manager is a voting member of LCACT. (1 member)

OTC: "ODOT will be a voting member on each ACT." (p. 4)

B. Non-voting Members

The following officials are invited to be non-voting, *ex officio* members of LCACT:

- The executive directors of the Central Lane Oregon Metropolitan Planning Organization and other MPOs near Lane County.
- The ODOT Area Managers for other Areas near Lane County.
- The Oregon Transportation Commissioner assigned to Lane County.
- 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.

OTC: "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." (p. 5)

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

LCACT may appoint other non-voting members to represent areas of interest or expertise relevant to the ACT and to participate in discussions, on

either an *ad hoc* or ongoing basis.

C. Alternate Members

D. Technical Advisory Committee

OTC: "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." (p. 5)

V. OPERATION

VI. COORDINATION

VII. AMENDMENTS