

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

PASSED

ORDER NO. 10-10-27-17) IN THE MATTER OF ADOPTING FINAL PROPOSED
) BYLAWS FOR A LANE COUNTY AREA
) COMMISSION ON TRANSPORTATION

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

WHEREAS, the Lane County Board of Commissioners (Board) implemented a collaborative process to develop a draft charter to guide the eventual formation of the ACT by forming a Forum on an Area Commission on Transportation for Lane County (FACT-LC) to develop proposed bylaws; and

WHEREAS, the Board considered proposed bylaws prepared by the (FACT-LC); and

WHEREAS, the Board adopted Proposed Bylaws, differing in some respects from the FACT-LC version, by Board Order 10-8-23-15, on August 18, 2010, in compliance with SB 944; and

WHEREAS, on September 22, 2010 the Oregon Transportation Commission (OTC) considered the Proposed Bylaws and related public testimony in a joint meeting with the Lane County Board of Commissioners; and

WHEREAS, the OTC requested that the Board and FACT-LC continue working on the draft to reach a greater degree of consensus regarding the Bylaws and return with a version to be considered at the OTC's November 9, 2010 meeting; and

WHEREAS, the Board convened an October 6, 2010 work session to address this request with FACT-LC participants and members of the public who testified on the matter at the Board hearing on June 23, 2010; and

WHEREAS, the Board wishes to achieve consensus through collaboration with the parties that will be involved in operation of the ACT while demonstrating an emphasis on citizen participation; and

WHEREAS, it is the understanding of the Board that with respect to appointment to the ACT of the citizen members identified as "Other Stakeholders" by the Bylaws, if there are substantial numbers of qualified applicants then the ACT will strive to appoint the maximum number of citizen members possible under the Bylaws. Only if there is an insufficient number of qualified applicants will the ACT appoint fewer citizen members rather than more; and

WHEREAS, the work session resulted in resolution of differences and amended Proposed Bylaws addressing these concerns; now, therefore, it is hereby

ORDERED that the Proposed Bylaws attached as Exhibit A be submitted to the OTC at its regularly scheduled meeting on November 9, 2010, for OTC's approval and charter of the Lane County ACT; and it is further

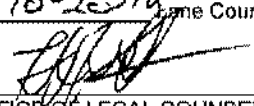
ORDERED that the Proposed Bylaws adopted by Board Order 10-6-23-15 are hereby replaced in their entirety by the Proposed Bylaws in Exhibit A; and it is further

ORDERED, that prior to October 31, 2010, staff are directed to submit to the Senate and House Transportation Committees a report substantially in conformance with Exhibit B attached hereto, thereby fully complying with the requirements of Senate Bill 944 (2009).

Effective date: 27th day of October, 2010.



William A. Fleenor, Chair
Lane County Board of Commissioners

APPROVED AS TO FORM
Date 10-20-10 Lane County


OFFICE OF LEGAL COUNSEL

Order Exhibit A
Lane Area Commission on Transportation (LACT)
Proposed Bylaws

October 11, 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 Lane County Board of Commissioners 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

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 (ODOT) 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

Following all appointments, LACT will comprise between 29 and 31 voting members, determined as follows:

1. **Lane County 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. **Confederated Tribes, Port of Siuslaw and Lane Transit District:** The governing bodies of the Confederated Tribes of the Coos, Lower Umpqua & Siuslaw Indians ("Confederated Tribes"); the Port of Siuslaw; and Lane Transit District (LTD) are each invited to designate a primary representative and an alternate representative to LACT. A primary representative shall be an *appointed or elected official* but an alternate need not be. (3 members)
3. **ODOT:** The ODOT Lane County Area Manager is a voting member of LACT and shall designate an alternate. (1 member)
4. **Central Lane MPO:** Central Lane MPO 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)
5. **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)
6. **Highway 126 East:** The Lane County Board of Commissioners shall appoint a primary representative and an alternate representative for the Highway 126 corridor east of Springfield. (1 member)

7. **Designated Stakeholders:** Following public advertisement, LACT shall appoint four (4) Designated Stakeholder members to represent each of the following designated interests:

- a. Trucking;
- b. Rail;
- c. Bicyclists and Pedestrians; and
- d. Environmental Land Use.

Designated Stakeholder members must reside in the Area or represent a business or organization that operates in the Area. (4 members)

8. **Other Stakeholders:** Following public advertisement, LACT shall appoint between four (4) and six (6) Other Stakeholder members to represent other interests. The Other Stakeholder members should be selected, to the greatest extent possible, to represent a diversity of interests, which may include airports, public transit (bus & rail) riders, business, tourism, public safety, public health, schools, neighborhoods, senior citizens, special transportation needs, minorities, environment, parts of Lane County not otherwise well represented on LACT, and other interests. Other Stakeholder members must reside in the Area or represent a business or organization that operates in the Area. (4–6 members)

Ed. Note: The 16 voting members representing Lane County, cities, the Confederated Tribes, the Port of Siuslaw and LTD are "elected officials," as that term is used in the OTC's Policy on Formation and Operation of ACTs. The 13–15 voting members representing ODOT, CLMPO, transportation advisory committees, Highway 126 East, and Designated and Other Stakeholders are not "elected official." Thus at least 50% of the voting members of LACT are "elected officials."

Initial Stakeholder Member Appointments: LACT will appoint the first round of Designated and Other Stakeholder members as follows: Initially, LACT will convene with members representing Lane County, cities, the Confederated Tribes, the Port of Siuslaw, LTD, ODOT, CLMPO, transportation advisory committees, and Highway 126 East (all categories of voting members except for Designated and Other Stakeholder members). This initial group will then appoint the four Designated Stakeholder members. Once these four Designated Stakeholder members are seated, LACT will appoint the Other Stakeholder members. Subsequently, LACT will reappoint or replace Designated and Other Stakeholder members as their terms expire or they resign.

Alternates: In order to ensure good representation, when a primary member is unable to attend a meeting, the member should contact the member's alternate to serve in the member's 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. Designated and Other Stakeholder members do not have alternates.

Balance: The eight categories of voting members are designed as a whole to provide an extensive diversity of interests and representation. Thus, there should be no overlap of membership between each of these categories such that any entity or interest is able to exercise an undue voice in relation to others. In particular, a Highway 126 East, or Designated or Other Stakeholder member may not be someone who could be a voting member representing one of the other jurisdictions/entities, i.e., Lane County, a city, the Confederated Tribes, the Port of Siuslaw, LTD, ODOT, CLMPO, LCRAC, or CAC. Moreover, the Designated and Other Stakeholder members shall be appointed to balance out other members of LACT and provide a greater diversity of interests and geographic areas.

Terms: Designated and Other Stakeholder members will serve staggered four-year terms and may be reappointed by LACT. Initially, some Designated and Other Stakeholder members may be appointed to partial terms expiring in less than four years. 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, the member's position is deemed vacant, until such time as someone in that position participates (again) in a meeting. Vacant positions shall not count when determining the number of voting members required for a quorum or the number of votes needed to make a decision. The responsible jurisdiction/entity may replace its own repeatedly absent voting member, even if the member's term has not yet expired. LACT may replace a repeatedly absent Designated or Other Stakeholder 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; and
- 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 30, then a quorum of 20 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 an 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 20, then those 20 voting members could make a decision by consensus. Alternatively, a supermajority of 16 or more voting members could make a decision.

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

- Oregon Transportation Plan and supporting mode plans (e.g. Oregon Highway Plan and Oregon Public Transportation Plan);
- Oregon Public Meetings Law, ORS 192.610 to 192.690 (see State of Oregon, Department of Justice, *Attorney General's Public Records and Meetings Manual*);
- State corridor and facility plans;
- Transportation Planning Rule, OAR 660-012;
- Transportation system plans;
- MPO regional transportation plans;
- Federal transportation planning regulations;
- Local government plans, regulations, and ordinances;
- Project selection criteria and prioritization factors approved by the OTC, including Oregon Transportation Management System data;
- State Agency Coordination Program, OAR 731-15;
- Additional criteria established by the OTC; and
- Oregon Government Standards and Practices, ORS Chapter 244 (see *Oregon Government Standards and Practices Laws, a Guide for Public Officials*, by the Oregon Government Standards and Practices Commission).

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

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

B. Officers

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

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

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

C. Committees

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

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

D. Work Plan & Report

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

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

E. Meetings

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

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

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

F. Public Involvement

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

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

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

VI. COORDINATION

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

LACT will jointly develop Coordination Protocols with CLMPO.

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

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

VII. AMENDMENTS

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

VIII. GLOSSARY



Lane County Board of Commissioners

Bill Dwyer
Bill Fleenor
Rob Haady
Peter Sorenson
Faye Hills Stewart

October 27, 2010

The Honorable Representative E. Terry Beyer
900 Court St. NE, H-277
Salem, OR 97301

The Honorable Senator Rick Metsger
900 Court St. NE S-307
Salem, OR 97301

Dear Representative Beyer and Senator Metsger,

Attached please find a report that outlines the implementation of Senate Bill 944 and is required to be submitted to your committees by Lane County per section 1 paragraph 6 of the bill.

Senate Bill 944 required that Lane County form an Area Commission on Transportation. The bill was heard and amended slightly by both of your committees as it made its way to the floors of both chambers, where it was passed overwhelmingly. As you may recall, this bill was opposed by Lane County, but we appreciate the work that your committees did on the bill, and in fact the amendments made in the House Transportation Committee were instrumental in ensuring that all the parties involved ultimately agreed on a path forward to complete this project.

The report outlines the legislative history of Senate Bill 944, the local process used to develop a draft charter that will guide the formation and operation of the Lane Area Commission on Transportation, and the pertinent actions of the Oregon Transportation Commission (OTC). You will note that the OTC has not actually taken action on the draft Charter. In fact, that meeting is scheduled for November 9, but everybody involved in this effort expects they will support this version of the draft Charter. A previous version was submitted for their review at their September 22 meeting, at which point all the stakeholders were asked to put their heads together for another go at creating a document that would engender more evidence of region-wide support. This was accomplished at a marathon, three hour stakeholder meeting held during the Board of County Commissioner's regularly scheduled October 6 meeting. The amended version of the draft Charter is included for your review, and has received expressions of support from most of the twelve cities in Lane County, as well as the other stakeholders who participated in this process.

Should you have any questions regarding this report, the process Lane County undertook to meet the requirements of Senate Bill 944, or would like to have a presentation to your respective committees in December, please do not hesitate to contact me. It is our intention to submit to you a very brief addendum upon learning of the OTC's action on November 9.

Sincerely,

William A. Fleenor, Chair
Lane County Board of Commissioners

Attachment: Senate Bill 944 (2009) Report to Oregon Legislature
Concerning the Lane Area Commission on Transportation, October 29, 2010

**Senate Bill 944 (2009) Report to Oregon Legislature
Concerning the Lane Area Commission on Transportation
October 29, 2010**

Legislative History: Senate Bill 944

Senate Bill 944, relating to Lane County Area Commission on Transportation, was introduced as a bill to the 75th Oregon Legislature with sponsorship by Senator Floyd Prozanski and Representative Paul Holvey due to their concern that recommendations for regional transportation infrastructure were less than effective due to the absence of an advisory structure promoted by the Oregon Transportation Commission (OTC), termed an Area Commission on Transportation (ACT). In 2003, the OTC developed a "Policy on Formation and Operation of Area Commissions on Transportation." It was envisioned that these regional advisory bodies would provide for a somewhat standardized way for regions to prioritize their transportation infrastructure needs, and efficiently communicate their priorities to the OTC, the body that ultimately decides how state and federal transportation resources are allocated across the state. ACT's were soon implemented across the state, with the exception of the greater Portland Metro area, and Lane County.

The bill was first heard in the Senate Committee on Transportation on April 2, 2009. Lane County Commissioners Pete Sorenson and Rob Handy attended this meeting and submitted testimony in opposition to the bill based on the authority vested in the Board of Commissioners as elected officials, as opposed to the proposed ACT, which contains non-elected officials, and which makes recommendations to an appointed body. The Committee held a work session on April 23, during which it received an amendment for the bill that provided the Lane Board of County Commissioners, "in consultation with other elected local official and transportation stakeholders" a greater role in developing a charter for the Lane ACT (LACT), among other minor clarifications. The Senate Committee formally adopted these changes and recommended "do pass" on April 28. The full Senate voted on the bill on May 4, and it passed by a vote of 28-2.

The bill then went to the House Committee on Transportation where it was heard on May 15. Lane County staff asked the Chair to hold off action while additional amendments were crafted for the bill in conjunction with staff from the Oregon Department of Transportation. These amendments were heard by the Committee on May 27, and included language that ensured that the OTC could not reject the proposed charter based on the "composition of its membership" and other guidance specifying required elements of the proposed charter. Lane County asked for the language regarding the OTC's inability to reject based on membership due to its interest in the future role of ACT's based on a January, 2009 report commissioned by the OTC titled "Oregon's ACTs, Cross-Jurisdictional Collaboration and Improved Transportation Planning" by Susan Brody, of the National Policy Consensus Center at PSU and due to the growing interest by local transportation stakeholders (and indeed the legislature itself) on the greenhouse gas implications of transportation policy recommendations. The House Committee formally adopted these changes and recommended "do pass" on May 29. The full House voted on the bill on June 9, and it passed by a vote of 48-3. The Senate concurred with the House amendments on June 11, and the ultimately the Governor signed the bill into law on June 24, 2009, with an effective date of January 1, 2010.

Development of Proposed Charter (Bylaws)

After Senate Bill 944 was signed into law, ODOT and Lane County staff held meetings on the topic with various stakeholders and made related reports to the Board of Commissioners.

On October 20, 2009, the Board hired a consultant, Rob Zako, with experience with ACTs and in bringing people together to discuss important transportation issues, to assist in establishing the Lane ACT (LACT).

The consultant recommended a 3-phase process for the formation of LACT:

PHASE 1: SET UP (October–December 2009)

- ⇒ **Project Team** recommends Forum on an Area Commission on Transportation (FACT-LC) to Board of Commissioners (BoC)
- ⇒ **BoC** creates FACT-LC to draft proposed bylaws

PHASE 2: DEVELOP PROPOSED BYLAWS (January–October 2010)

- ⇒ **FACT-LC**, with assistance from Project Team, drafts proposed bylaws
- ⇒ **BoC** finalizes proposed bylaws and submits to Oregon Transportation Commission (OTC)

PHASE 3: FORM ACT (Target schedule November 2010–January 2011)

- ⇒ **OTC** charters LACT
- ⇒ **LACT** convenes and ratifies its own bylaws

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

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

The membership of the FACT-LC included representatives of most of the jurisdictions expected to participate in the eventual LACT, including Lane County, cities in Lane County, the Confederated Tribes of the Coos, Lower Umpqua & Siuslaw Indians, Port of Siuslaw, Lane Transit District, ODOT, Central Lane Metropolitan Planning Organization. Indeed, the FACT-LC was set up as a “Pre-ACT” in order to facilitate getting broad buy in to bylaws for LACT.

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

The FACT-LC met on January 13, February 10, March 10 and April 14, 2010. During the meeting on February 10, 2010, OTC Member Alan Brown, ODOT Region 2 Manager Jane Lee, and representatives of most the ACTs in western Oregon offered their advice on establishing an ACT. On April 14, 2010, the FACT-LC reached consensus (except for the Board of County Commissioners representative) on proposed bylaws for an ACT for Lane County.

On April 27, 2010, the Board discussed a Preliminary Report from the FACT-LC. They raised concerns about how the FACT-LC proposed to handle citizen members of LACT. The Board also granted a request to extend the

deadline for the Final Report to May 31, 2010, in order to allow time for other local jurisdictions to review the FACT-LC's proposed bylaws for an ACT for Lane County.

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

On June 23, 2010, OTC Chair Gail Achterman and Member Alan Brown attended a regularly scheduled Board of County Commissioners meeting in Eugene. In attendance were many of the membership of the FACT-LC, the body that developed the initial version of by-laws for the Lane ACT. It was at this meeting that it became clear that there was a difference of opinion between the FACT-LC and the Board of Commissioners. Chair Achterman expressed at that meeting that either of the approaches expressed during that meeting would be acceptable to the OTC, as long as there was evidence of widespread support for whichever version advanced to the OTC for formal consideration.

On August 18, 2010, the Board approved Board Order 10-6-23-15, directing staff to submit the proposed bylaws to the OTC. The Board substantially adopted the proposal from the FACT-LC, with adjustments to the number of and manner of selection of citizen voting members of LACT.

On September 22, 2010, the OTC formally considered the proposed Lane ACT charter per Section 1, paragraph 4 of Senate Bill 944, which stipulates that the "governing body of Lane County shall submit the proposed charter to the Oregon Transportation Commission for deliberation and action." This was a joint meeting of the OTC and the Lane County Board of Commissioners. The proposed charter the OTC considered had been adopted by the Board of Commissioners by Order 10-6-23-15 at their regularly scheduled meeting on August 18, 2010. This was not the charter recommended by the FACT-LC, nor did it have widespread expressions of support from those involved with the FACT-LC. In fact, several cities passed resolutions formally withdrawing their support of this version. However, during the OTC meeting, with testimony from both the Board of County Commissioners and the Mayors of a number of cities in Lane County, it became very clear to the OTC that the versions differed slightly, but importantly.

The differences central to this hearing were that the Board of County Commissioners wanted more private sector, or "citizen" members than the Mayors, and that the Commissioners wanted to appoint the citizen members, rather than have the ACT itself appoint the members. There was a variety of testimony that referred to Section 1, paragraph 2 of Senate Bill 944, which states "the proposed charter must comply with the policy guidelines established in the Policy on Formation and Operation of Area Commissions on Transportation". The OTC members then voiced their responses to the testimony, and clarified why the need for widespread support for the ACT was so integral to future success. They urged the Lane County and city officials present to focus on outcomes, and asked that there be another attempt made to collaborate and find common ground. The local officials present acknowledged a willingness to return to negotiations. The OTC set November 9 as the date for the next hearing on this matter.

On October 6, the stakeholders met and renegotiated a new draft charter that increases citizen membership and retains the role of the ACT in appointing the citizen membership. It is widely expected that the OTC will support this version, and that there will be formal, and widespread support for this version adopted by many of the cities in Lane County. If that should change, this report will be revised accordingly.

Summary of Bylaws

The proposed bylaws are attached. Following is a summary of key parts of the bylaws:

- **Preamble:** Sets the stages for LACT, 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 LACT as “an advisory body established to provide a forum for stakeholders to collaborate on transportation issues affecting” the area.
- **Mission:** Outlines the mission of LACT 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 LACT is a voluntary association of government and non-government transportation stakeholders chartered by the OTC with no legal, regulatory, policy, or administrative authority.
- **Members:** LACT shall consist of up to between 29 and 31 voting members representing Lane County, the 12 incorporated cities in Lane County, the Confederated Tribes, the Port of Siuslaw, Lane Transit District, ODOT, the Central Lane MPO, the Lane County Roads Advisory Committee, the Central Lane MPO Citizen Advisory Committee, unincorporated communities along Highway 126 east of Springfield, and between 8 and 10 Stakeholder members appoint by LACT itself to represent various designated and other transportation interests. The membership is designed as a whole to provide an extensive diversity of interests and representation. In addition, the ACT shall invite others to participate as non-voting members: adjacent ACTs, OTC members, the Governor’s Economic Revitalization Team, state legislators, and members of Congress.
- **Staffing:** ODOT will provide staff support for LACT. 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 LACT 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, LACT 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 LACT, and to allow for LACT and others to periodically review how well it is working.
- **Public Involvement:** As required by the OTC, LACT will have a vigorous public involvement process, will look for opportunities to engage stakeholders, and will develop a Public Participation Plan.
- **Coordination:** LACT will coordinate with CLMPO, nearby ACTs, the OTC and others.
- **Amendments:** If problems arise or needs change, LACT bylaws can be amended by an 80% supermajority of all voting members. Such amendments will be reported to the OTC but need not be ratified by them. All amendments shall be reported to the OTC. Administrative amendments shall take effect immediately; other amendments shall take effect upon approval by the OTC.

Summary

Senate Bill 944 was passed into law by the 75th Oregon Legislature. It required that the Board of Lane County Commissioners work with other elected officials and transportation stakeholders to create an Area Commission on Transportation that would then be formally recognized by the Oregon Transportation Commission. The Board of County Commissioners, in spite of their stated opposition to Senate Bill 944 took the required steps to implement the Lane Area Commission on Transportation.

A consultant was hired to assist the Board in this endeavor, and between June, 2010 and November, 2010 a number of meetings were held in which the participants ultimately developed a set of by-laws that it is widely expected the Oregon Transportation Commission will accept at their November 9, 2010 meeting.

The Lane ACT will make the 11th Area Commission on Transportation, leaving only the Portland Metropolitan Area as a region in Oregon without an ACT. ACT's are advisory bodies chartered by the Oregon Transportation Commission. ACTs address all aspects of transportation (surface, marine, air, and transportation safety) with primary focus on the state transportation system. ACTs consider regional and local transportation issues if they affect the state system. They work with other local organizations dealing with transportation-related issues.

ACTs play a key advisory role in the development of the Statewide Transportation Improvement Program, which schedules funded transportation projects. ACTs establish a public process for area project selection priorities for the STIP. Through that process and following adopted project eligibility criteria, they prioritize transportation problems and solutions and recommend projects in their area to be included in the STIP.

The Lane ACT will likely take several months to become operational once its charter is approved by the Oregon Transportation Commission.

For questions about the content of this report, or about any aspects of the effort to create the Lane ACT, please contact Alex Cuyler, Lane County Intergovernmental Relations Manager, 541-682-6504, or via email, alex.cuyler@co.lane.or.us.

Lane Area Commission on Transportation (LACT) Proposed Bylaws

October 11, 2010

Adopted by the Lane County Board of Commissioners
Candidate Final Draft,
8/18/
10/11/

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Adopted by the Lane County Board of Commissioners
8/18/

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 Lane County Board of Commissioners is submitting to the Oregon Transportation Commission (OTC) this proposal for the formation of an area commission on transportation (ACT) for Lane County.

Adopted by the Lane County Board of Commissioners
8/18/10

I. PURPOSE

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 (ODOT) Region 2, Area 5 ("Area") and to strengthen state/local partnerships in transportation.

Adopted by the Lane County Board of Commissioners
8/18/10

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.

Adopted by the Lane County Board of Commissioners
8/18/10

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

Following all appointments, LACT will comprise between 29 and 31 voting members, determined as follows:

1. **Lane County 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. **Confederated Tribes, Port of Siuslaw and Lane Transit District:** The governing bodies of the Confederated Tribes of the Coos, Lower Umpqua & Siuslaw Indians ("Confederated Tribes"); the Port of Siuslaw; and Lane Transit District (LTD) are each invited to designate a primary representative and an alternate representative to LACT. A primary representative shall be an *appointed or elected official* but an alternate need not be. (3 members)
3. **ODOT:** The ODOT Lane County Area Manager is a voting member of LACT and shall designate an alternate. (1 member)
4. **Central Lane MPO:** Central Lane MPO 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)
5. **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)
6. **Highway 126 East:** The Lane County Board of Commissioners shall appoint a primary representative and an alternate representative for the Highway 126 corridor east of Springfield. (1 member)

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Adopted by the Lane County Board of Commissioners
Adopted 8/10/

7. Designated Stakeholders: Following public advertisement, LACT shall appoint four (4) Designated Stakeholder members to represent each of the following designated interests:

- a. Trucking;
- b. Rail;
- c. Bicyclists and Pedestrians; and
- d. Environmental Land Use.

Designated Stakeholder members must reside in the Area or represent a business or organization that operates in the Area. (4 members)

8. Other Stakeholders: Following public advertisement, LACT shall appoint between four (4) and six (6) Other Stakeholder members to represent other interests. The Other Stakeholder members should be selected, to the greatest extent possible, to represent a diversity of interests, which may include airports, public transit (bus & rail) riders, business, tourism, public safety, public health, schools, neighborhoods, senior citizens, special transportation needs, minorities, environment, parts of Lane County not otherwise well represented on LACT, and other interests. Other Stakeholder members must reside in the Area or represent a business or organization that operates in the Area. (4-6 members)

Ed. Note: The 16 voting members representing Lane County, cities, the Confederated Tribes, the Port of Siuslaw and LTD are "elected officials," as that term is used in the OTC's Policy on Formation and Operation of ACTs. The 13-15 voting members representing ODOT, CLMPO, transportation advisory committees, Highway 126 East, and Designated and Other Stakeholders are not "elected official." Thus at least 50% of the voting members of LACT are "elected officials."

Initial Stakeholder Member Appointments: LACT will appoint the first round of Designated and Other Stakeholder members as follows: Initially, LACT will convene with members representing Lane County, cities, the Confederated Tribes, the Port of Siuslaw, LTD, ODOT, CLMPO, transportation advisory committees, and Highway 126 East (all categories of voting members except for Designated and Other Stakeholder members). This initial group will then appoint the four Designated Stakeholder members. Once these four Designated Stakeholder members are seated, LACT will appoint the Other Stakeholder members. Subsequently, LACT will reappoint or replace Designated and Other Stakeholder members as their terms expire or they resign.

Alternates: In order to ensure good representation, when a primary member is unable to attend a meeting, the member should contact the member's alternate to serve in the member's 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. Designated and Other Stakeholder members do not have alternates.

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§ 10.7 citizens
§ 10.8 rail (passenger & freight), trucking,
§ 10.9 bicyclists and pedestrians,
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§ 10.11 land use,
§ 10.12 Citizen (Private Sector)
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§ 10.15 <#>ODOT: The ODOT Lane County Area Manager is a voting member of LACT and shall designate an alternate. (1 member)
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§ 10.24 Citizen (Private Sector) representatives
§ 10.25 shall
§ 10.26 Adopted by the Lane County Board of Commissioners
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Balance: The eight categories of voting members are designed as a whole to provide an extensive diversity of interests and representation. Thus, there should be no overlap of membership between each of these categories such that any entity or interest is able to exercise an undue voice in relation to others. In particular, a Highway 126 East, or Designated or Other Stakeholder member may not be someone who could be a voting member representing one of the other jurisdictions/entities, i.e., Lane County, a city, the Confederated Tribes, the Port of Siuslaw, LTD, ODOT, CLMPO, LCRAC, or CAC. Moreover, the Designated and Other Stakeholder members shall be appointed to balance out other members of LACT and provide a greater diversity of interests and geographic areas.

Terms: Designated and Other Stakeholder members will serve staggered four-year terms and may be reappointed by LACT. Initially, some Designated and Other Stakeholder members may be appointed to partial terms expiring in less than four years. 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, the member's position is deemed vacant, until such time as someone in that position participates (again) in a meeting. Vacant positions shall not count when determining the number of voting members required for a quorum or the number of votes needed to make a decision. The responsible jurisdiction/entity may replace its own repeatedly absent voting member, even if the member's term has not yet expired. LACT may replace a repeatedly absent Designated or Other Stakeholder 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; and
- 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.

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Adopted by the Lane County Board of Commissioners
8/18/

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 30, then a quorum of 20 would be needed to make decisions.

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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 an 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 20, then those 20 voting members could make a decision by consensus. Alternatively, a supermajority of 16 or more voting members could make a decision.

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

- Oregon Transportation Plan and supporting mode plans (e.g., Oregon Highway Plan and Oregon Public Transportation Plan);
- Oregon Public Meetings Law, ORS 192.610 to 192.690 (see State of Oregon, Department of Justice, *Attorney General's Public Records and Meetings Manual*);
- State corridor and facility plans;
- Transportation Planning Rule, OAR 660-012;
- Transportation system plans;
- MPO regional transportation plans;
- Federal transportation planning regulations;
- Local government plans, regulations, and ordinances;
- Project selection criteria and prioritization factors approved by the OTC, including Oregon Transportation Management System data;
- State Agency Coordination Program, OAR 731-15;
- Additional criteria established by the OTC; and
- Oregon Government Standards and Practices, ORS Chapter 244 (see *Oregon Government Standards and Practices Laws, a Guide for Public Officials*, by the Oregon Government Standards and Practices Commission).

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Adopted by the Lane County Board of Commissioners
8/18/

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

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

B. Officers

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

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

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

Adopted by the Lane County Board of Commissioners

C. Committees

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

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

D. Work Plan & Report

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

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

Adopted by the Lane County Board of Commissioners
8/18/

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, 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.

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

VI. COORDINATION

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

LACT will jointly develop Coordination Protocols with CLMPO.

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

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

VII. AMENDMENTS

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

VIII. GLOSSARY

AAA Adopted by the Lane County Board of Commissioners
AAA 8/19/

PASSED

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

ORDER NO. 10-6-23-__15) In The Matter Of Proposing Bylaws For An Area
) Commission On Transportation (ACT) For Lane
) County

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

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

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

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


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

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

Effective date: August 18, 2010



William A. Fleenor, Chair
Lane County Board of Commissioners

APPROVED AS TO FORM
Date: 6-14-10 Lane County


OFFICE OF LEGAL COUNSEL

Exhibit A

Lane Area Commission on Transportation (LACT) Proposed Bylaws

Adopted by the Lane County Board of Commissioners, 8/18/2010

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Exhibit A

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 31 voting members, determined as follows:

1. **Counties and Cities:** The governing bodies of Lane County and the incorporated cities within the Area (Coburg, Cottage Grove, Creswell, Dunes City, Eugene, Florence, Junction City, Lowell, Oakridge, Springfield, Veneta and Westfir) are each invited to designate a primary representative and an alternate representative to LACT. A primary representative shall be an *elected official* but an alternate need not be. In order to facilitate better coordination between LACT and CLMPO, each city that is part of CLMPO is encouraged to appoint a primary representative that is also a member of the CLMPO policy board. (13 members)
2. **Tribes, Ports and Transit Districts:** The governing bodies of the Confederated Tribes of the Coos, Lower Umpqua & Siuslaw Indians ("Tribes"); the Port of Siuslaw ("Port"); and Lane Transit District (LTD) are each invited to designate a primary representative and an alternate representative to LACT. A primary representative shall be an *appointed or elected official* but an alternate need not be. (3 members)
3. **MPOs:** CLMPO is invited to designate a primary representative and an alternate representative to LACT. Such representatives need not be *elected officials*, but should be well versed in federal MPO requirements. (1 member)
4. **Transportation Advisory Committees:** The Lane County Roads Advisory Committee (LCRAC) and the CLMPO Citizen Advisory Committee (CAC), with the approval of the CLMPO, are each invited to designate a primary representative and an alternate representative to LACT. (2 members)
5. **Highway 126 East:** The Lane County Board of Commissioners shall appoint a primary representative and an alternate representative for the Highway 126 corridor east of Springfield. (1 member)

Exhibit A

6. **Citizens (Private Sector):** Following public advertisement, the Lane County Board of Commissioners shall appoint ten (10) citizens as members of LACT. The citizens should be selected, to the greatest extent possible, 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. (10 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.

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

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

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

B. Non-Voting Members

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

- ODOT Area Managers for Areas adjacent to Lane County.
- Oregon Transportation Commissioners.

Exhibit A

- 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 31, then a quorum of 21 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 21, then those 21 voting members could make a decision by consensus. Alternatively, a supermajority of 17 or more voting members could make a decision.

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

- Oregon Transportation Plan and supporting mode plans (e.g., Oregon Highway Plan and Oregon Public Transportation Plan)

Exhibit A

- Oregon Public Meetings Law, ORS 192.610 to 192.690 (See State of Oregon, Department of Justice, *Attorney General's Public Records and Meetings Manual*)
- State corridor and facility plans
- Transportation Planning Rule, OAR 660-012
- Transportation system plans
- MPO regional transportation plans
- Federal transportation planning regulations
- Local government plans, regulations, and ordinances
- Project selection criteria and prioritization factors approved by the OTC, including Oregon Transportation Management System data
- State Agency Coordination Program, OAR 731-15
- Additional criteria established by the OTC
- Oregon Government Standards and Practices, ORS Chapter 244 (See *Oregon Government Standards and Practices Laws, a Guide for Public Officials*, by the Oregon Government Standards and Practices Commission)

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

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

B. Officers

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

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

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

Exhibit A

C. Committees

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

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

D. Work Plan & Report

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

E. Meetings

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

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

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

F. Public Involvement

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

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

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

VI. COORDINATION

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

Exhibit A

LACT will jointly develop Coordination Protocols with CLMPO.

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

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

VII. AMENDMENTS

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

VIII. GLOSSARY