

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

PASSED

ORDER NO. 09-12-15-16

- ) In the Matter of Providing Direction on a Process
- ) to Develop a Proposed Charter for the
- ) Formation of 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 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 proposed formation of a task force to be called the Forum on an Area Commission on Transportation for Lane County (FACT-LC); and

**WHEREAS**, the consultant proposed that the FACT-LC be charged with developing the proposed charter for the formation of an ACT, in compliance with SB 944; and

**WHEREAS**, the Board of Commissioners has considered the proposal and agrees that the proposal is the appropriate process to develop the proposed ACT charter; now, therefore, it is hereby

**ORDERED** that the consultant, in cooperation with the Project Team identified in item (12) of Exhibit "A", attached hereto and incorporated herein by reference, is directed to create the FACT-LC as described in Exhibit "A", and carry out the Purpose and Task described in Exhibit "A", consistent with Exhibit "A" in its entirety.

Dated this 15<sup>th</sup> day of December.



Pete Sorenson, Chair  
Lane County Board of Commissioners

APPROVED AS TO FORM

Date 12-15-09 Lane County

  
OFFICE OF LEGAL COUNSEL

# Forum on an Area Commission on Transportation for Lane County

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

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- (1) **Creation:** There is created a Forum on an Area Commission on Transportation for Lane County (Forum or FACT-LC).
- (2) **Purpose:** The purpose of the Forum is to provide a forum for jurisdictions in (and around) Lane County and other stakeholders in Lane County's transportation system to discuss and reach broad agreement on the formation of an Area Commission on Transportation (ACT) for Lane County.
- (3) **Task:** The Forum shall develop a proposed charter for an ACT and seek comment, revision and eventually expressions of support from jurisdictions and other stakeholders. The Forum shall strive for consensus on the proposed charter.
- (4) **Issues to Address:** The Forum shall develop a proposed charter for an ACT that meets the needs of jurisdictions and other stakeholders in Lane County. In so doing, the Forum shall address issues identified in Senate Bill 944 and in the Oregon Transportation Commission's *Policy on Formation and Operation of ACTs*. The Forum should also consider the options identified in Chapter 5: Options for Consideration of the *Oregon's ACTs, Cross-Jurisdictional Collaboration and Improved Transportation Planning* research study.
- (5) **Final Report:** Not later than April 30, 2010, the Forum shall submit a Final Report to the Board of County Commissioners of Lane County. The Final Report shall include:
  - (a) a proposed charter for an ACT for Lane County,
  - (b) a description of the level of support for the proposed charter, and
  - (c) any minority opinions or alternative options.
- (6) **Jurisdictions:** Representatives of jurisdictions to the Forum shall be determined as follows:
  - (a) **Lane County:** Lane County shall designate one (1) representative to the Forum, for example, a county commissioner.
  - (b) **Cities:** Each of the twelve (12) incorporated cities in Lane County (Coburg, Cottage Grove, Creswell, Dunes City, Eugene, Florence, Junction City, Lowell, Oakridge, Springfield, Veneta and Westfir) is invited to designate a representative to the Forum, for example, a mayor or city councilor. In order to facilitate better coordination between the eventual ACT and the Central Lane MPO, each city that is part of the MPO (Coburg, Eugene and Springfield) is encouraged to designate a

## Exhibit "A"

representative to the Forum who also serves as a member of the Metropolitan Policy Committee (MPC).

- (c) **Tribes:** The Confederated Tribes of Coos, Lower Umpqua & Siuslaw Indians is invited to designate one (1) representative to the Forum.
  - (d) **Public Transit:** Lane Transit District (LTD) is invited to designate one (1) representative to the Forum, for example, the president or other member of the Board of Directors.
  - (e) **Ports:** The Port of Siuslaw is invited to designate one (1) representative to the Forum.
  - (f) **ODOT:** The Oregon Department of Transportation shall designate one (1) representative to the Forum, for example, the ODOT Area 5 Manager.
  - (g) **MPO:** In order to facilitate better coordination between the eventual ACT and the Central Lane MPO, the Central Lane MPO is invited to designate one (1) representative to the Forum. A staff person well versed in the federal transportation requirements that apply to MPOs is recommended. This representative shall be in addition to any representatives of jurisdictions that are part of the Central Lane MPO.
  - (h) **RAC:** In order to facilitate better coordination between the eventual ACT and the Lane County Roads Advisory Committee (RAC), the RAC is invited to designate one (1) representative to the Forum.
  - (i) **CAC:** In order to facilitate coordination between public involvement conducted by the eventual ACT and public involvement conducted by the Central Lane MPO, the Central Lane MPO Citizen Advisory Committee (CAC) is invited to designate one (1) representative to the Forum.
  - (j) **ERT:** In order to facilitate better coordination between the eventual ACT and other agencies, the Oregon Economic Revitalization Team (ERT) is invited to designate one (1) representative to the Forum, for example, the Regional Coordinator for the Willamette Valley/Mid-Coast region.
- (7) **Other Stakeholders:** The Forum is encouraged to invite representatives of other stakeholders to participant in the discussion. Other stakeholders may include:
- airports
  - rail (passenger & freight)
  - trucking
  - public transit (bus & rail) riders
  - bicyclists and pedestrians
  - business
  - freight
  - tourism
  - public safety and health
  - schools
  - neighborhoods

## Exhibit "A"

- senior citizens
  - people with disabilities
  - minorities
  - environment
  - land use
  - unincorporated areas of Lane County
  - other
- (8) **Alternates:** Alternate representatives to the Forum may participate in lieu of designated representatives.
- (9) **Public Involvement:** All regular meetings of the Forum shall follow at least the minimum standard for public involvement detailed in Attachment A: Public Involvement of the Oregon Transportation Commission's *Policy on Formation and Operation of ACTs*, including standards for notice and public comment.
- (10) **Subcommittees:** The Forum may create subcommittees to explore options and develop proposals. Subcommittee meetings are not subject to the public involvement requirements for regular meetings.
- (11) **Decision Making:** The Forum is encouraged to make decisions by consensus, but may make procedural or provisional decisions by simple majority. The Forum shall strive to approve its Final Report by consensus, if possible.
- (12) **Project Team:** A Project Team, consisting of the independent consultant hired by the Board of County Commissioners and Lane County and ODOT staff, shall support the work of the Forum. The independent consultant shall facilitate Forum meetings. Lane County and ODOT shall provide other resources needed by the Forum, for example, meeting space and materials. The support provided by ODOT shall be consistent with ODOT policy.

# Detailed Recommendations

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## Inspiration

*E pluribus unum*: out of many one. Originally suggesting that out of many colonies or states emerge a single nation, the motto has come to suggest that out of many peoples, races, religions and ancestries has emerged a single people and nation. The phrase also harkens back to the development of the United States Constitution, which establishes a balance of power between the federal government and the states, between the three branches of government, and between large states and small states in the two houses of Congress.

Now as Lane County looks to form an ACT, it should also strive for *e pluribus unum*: for Lane County to balance power between different interests and to merge these into one voice on transportation issues, in particular, to ODOT and other Areas of the state.

## Collected Guidance

The Legislature and the Oregon Department of Transportation (ODOT) provide guidance on the process to form an ACT (see Appendix A), the membership of an ACT (see Appendix B), and issues to address in developing a proposed charter for an ACT (see Appendix C).

The Project Team has also been meeting with various local groups: mayors and other leaders of jurisdictions, city managers, the Lane County Roads Advisory Committee, the Metropolitan Policy Committee, and some other stakeholders.

The mayors and city managers suggested not reinventing the wheel and keeping the process to form an ACT simple. Many are anxious to get an ACT up and running soon, and see transportation as the *raison d'être* of an ACT. Mayors and city managers indicated that they want all cities (and other jurisdictions) to have an opportunity to be involved.

The Lane County Roads Advisory Committee noted that some people in Lane County live outside of incorporated cities, and suggested that such people have their own voice in the process. They also indicated an interest in being involved in the process to form an ACT.

The Metropolitan Policy Committee expressed an interest in having a staff person well versed in the federal transportation requirements that apply to MPOs involved in the process to form an ACT. MPC also supported the idea of having the Citizen Advisory Committee involved in the process. (Although we have not yet had an opportunity to meet with the CAC, their chair indicated an interest in being involved in the process to form an ACT.)

We have also started talking to various other stakeholders: business, tourism, bicyclists, and land use advocates, etc. While some stakeholders are interested in being involved in the ACT in some way, in many cases it is unclear exactly which organization or individual might best represent a particular interest.

Finally, we have been soliciting advice from other ACTs and ODOT area managers. In general, they support the idea of a facilitated process to form an ACT. They also underscore the importance of mutual respect and looking beyond local interests to area-wide interests in an effective ACT.

## **Recommendation**

Based on this guidance, the Project Team (Rob Zako, Celia Barry, Sonny Chickering and Savannah Crawford) recommends the Board create a task force—we are now suggesting it to be called the Forum on an Area Commission on Transportation for Lane County (FACT-LC)—as outlined in Exhibit A to the suggested Board Order.

In recommending the charge and structure of the FACT-LC, we have tried to be as inclusive as reasonable and to balance different interests, and to set clear and reasonable expectations.

The FACT-LC is set up as an advisory body to the Board, and is charged with recommending, not later than April 30, 2010, a proposed charter for an ACT for the Board to review and ultimately submit to the Oregon Transportation Commission for final approval.

Note that we recommend that each jurisdiction—Lane County, each city, Lane Transit District, etc.—designate one (1) representative to the FACT-LC. This approach assures that each jurisdiction has a voice in the process to form an ACT. But the Board, as the body ultimately responsible for developing a proposed charter for an ACT, might want to designate two (2) representatives to the FACT-LC, for example, a metro commissioner and a rural commissioner, to better engage in the development of the proposed charter.

Note also that the Oregon Transportation Commission, the Lane County Roads Advisory Committee and others see it as important to include other stakeholders besides government jurisdictions in an ACT. But given that in many cases it is unclear exactly who should represent various other stakeholders, we recommend charging the FACT-LC with including other stakeholders in the discussion, leaving it to them to determine later how best to do so and who to include.

# APPENDIX A

## ACT Formation

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Senate Bill 944 requires the Board, “in consultation with other elected local officials and with transportation stakeholders in Lane County, [to] develop, not later than September 30, 2010, a proposed charter for the formation of an area commission on transportation for Lane County.”<sup>1</sup>

Senate Bill 944 further requires that “[t]he proposed charter ... comply with the policy guidelines established in the *Policy on Formation and Operation of Area Commissions on Transportation* as approved by the Oregon Transportation Commission.”<sup>2</sup>

In turn, the *Policy on Formation and Operation of ACTs* specifies how an ACT is to be formed:

“In establishing an ACT, local elected officials and staff work together with the ODOT Region Manager and the OTC member representing the Area to develop a proposal for the formation of an Area Commission on Transportation (ACT). ... **The proposal is circulated among local jurisdictions for comment, revision and eventually expressions of support.** The State Community Solutions Team [now Economic Revitalization Team]<sup>3</sup> reviews the proposal for coordination with the Regional Partnership Initiative. The Oregon Transportation Commission reviews the proposal. Once the Commission accepts the proposal, it adopts a resolution providing a provisional charter for the Area Commission on Transportation. The ACT selects its members and begins to function as an official advisory body to the Oregon Transportation Commission.”<sup>4</sup>

(Emphasis added.)

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<sup>1</sup> Senate Bill 944, Section 1(1).

<sup>2</sup> Senate Bill 944, Section 1(2).

<sup>3</sup> In 2003, the Community Solutions Team (CST) was superseded by the Economic Revitalization Team (ERT) and its membership expanded. Marguerite Nabeta is the ERT Regional Coordinator for the Willamette Valley/Mid-Coast region.

<sup>4</sup> *Policy on Formation and Operation of ACTs*, Attachment B: How An Act Is Established and Biennial Report Structure, p. 1.

# APPENDIX B

## ACT Membership

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The OTC's *Policy on Formation and Operation of ACTs* states:

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

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 [now Economic Revitalization 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.”<sup>5</sup>

(Emphasis added.)

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<sup>5</sup> *Policy on Formation and Operation of ACTs*, Subsection IV.B. Membership, pp. 4-5.

# APPENDIX C

## ACT Issues

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Three documents offer guidance on issues to be addressed in forming an ACT:

- Senate Bill 944
- *Policy on Formation and Operation of ACT*
- *Oregon's ACTs, Cross-Jurisdictional Collaboration and Improved Transportation Planning*

### **Senate Bill 944**

Senate Bill 944 requires that “[t]he proposed charter ... must include:

- (a) A description of the criteria that the area commission on transportation will use in prioritizing project selection and a statement of expectations regarding feedback from the Oregon Transportation Commission to the area commission on transportation when the Oregon Transportation Commission receives the area commission’s priorities.
- (b) A description of the conflict resolution process the area commission will use to produce equitable outcomes, including the prioritization of spending on urban and rural projects, and a process for tracking and maintaining records of resolutions and outcomes.
- (c) A plan for regular and consistent communication and coordination among the adjacent area commissions and with metropolitan planning organizations.
- (d) A plan for public involvement with the area commission.”<sup>6</sup>

### ***Policy on Formation and Operation of ACTs***

The OTC’s *Policy on Formation and Operation of ACTs* states:

“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”<sup>7</sup>

In more detail, the *Policy on Formation and Operation of ACTs* states:

“The Oregon Transportation Commission expects that for an ACT to be effective it will represent the political environment of the Area. Therefore, each ACT may

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<sup>6</sup> Senate Bill 944, Section 1(2).

<sup>7</sup> *Policy on Formation and Operation of ACTs*, Introduction, p. i.

look and function somewhat differently than another. However, each proposal ... for an ACT should address at least the following questions:

1. What is the rationale for the geographic boundaries of the proposed ACT? If the boundaries are being modified, why?
2. What are the proposed voting and *ex officio* membership categories and how do they ensure coordination with existing Regional public agencies?
3. Is the membership broadly representative of local elected officials and inclusive of other key stakeholders and interests ...? If key representation is not included, explain the justification.
4. How would/does the ACT coordinate with adjacent ACTs and/or MPOs and involve state legislators?
5. What is the proposed work program of the ACT?
6. How will/does the ACT meet the minimum public involvement standards...?
7. Who would/does help guide the work program and agendas of the ACT? Indicate the general operational structure.
8. How would/does the ACT secure technical assistance on transportation issues?
9. What key work efforts will be /have been addressed by the ACT?
10. Who would/does provide support staff to the ACT?
11. What will be/is the decision making process used by the ACT?”<sup>8</sup>

### ***Oregon’s ACTs, Cross-Jurisdictional Collaboration and Improved Transportation Planning, Chapter 5: Options for Consideration***

The Oregon Department of Transportation (ODOT) sponsored *Oregon’s ACTs, Cross-Jurisdictional Collaboration and Improved Transportation Planning*, a research study completed in January 2009 that examines the role ACTs have played in addressing regional transportation issues and identifies possible options for the future.

In particular, Chapter 5: Options for Consideration states:

“Based on the online survey, interviews, and case and comparative studies, the research team has developed options for ODOT and the OTC to consider that could enhance the effectiveness of ACTs and MPOs in addressing travel shed, and other regional, cross-jurisdictional, transportation issues. The options presented in this chapter are preliminary and reflect considerations put forward by the research team and other stakeholders and do not necessarily represent consensus or even majority recommendations. The options presented merit further consideration.”<sup>9</sup>

These options include:

- 1. Coordination & Communication**
  - 1.1. Improve Coordination & Communication across ACTs
  - 1.2. Improve ACT-MPO Coordination
  - 1.3. Maintain and Improve ACT-OTC Communications

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<sup>8</sup> *Policy on Formation and Operation of ACTs*, Attachment B: How An Act Is Established and Biennial Report Structure, pp. 1–2.

<sup>9</sup> *Oregon’s ACTs, Cross-Jurisdictional Collaboration and Improved Transportation Planning*, p. 45.

2. **Travel Shed & Boundary Issues**
  - 2.1. Evaluate alternative mechanisms for addressing metropolitan area travel shed issues
  - 2.2. Evaluate the experience of regional transportation planning organizations in other states
  - 2.3. Review the ODOT corridor planning and transportation facility planning process
  - 2.4. Develop an investment initiative
3. **Representation & Stakeholder Involvement**
  - 3.1. Reexamine ACT membership and clarify the required and optional standards for membership
  - 3.2. Create venues for ACTs to meet periodically with various ODOT advisory committees
  - 3.3. Improve coordination between ACTs and federal land management agencies
4. **Policy & Planning**
  - 4.1. Involve ACTs earlier in reviewing ODOT policy documents and provide more lead time for comments.
  - 4.2. Consider providing opportunities for ACTs to review county, city and MPO transportation system plans that contain transportation projects of regional significance.
  - 4.3. Consider ways for ACTs to participate in regional transportation planning
5. **STIP Prioritization Process**
  - 5.1. Provide incentives for cross-ACT coordination through special funding for transportation projects
  - 5.2. Clarify prioritization criteria at the state and ODOT region level