

## Bylaws

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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 submitted, and on November 9, 2010, the Oregon Transportation Commission (OTC) approved, these bylaws. (Subsequently revised.)

## **1. PURPOSE**

Lane Area Commission on Transportation (LaneACT) 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.

## **2. MISSION**

The mission of LaneACT 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.
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 Regional Solutions Team, regional partnerships and investment boards, state legislators, Oregon’s congressional delegation, and other agencies and stakeholders.

## **3. AUTHORITY**

LaneACT 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.

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

#### **4. ORGANIZATION**

##### **A. Legislative Intent**

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 12–14 voting members representing ODOT, CLMPO, transportation advisory committees, Highway 126 East, and Designated and Other Stakeholders are not “elected officials.” Thus at least 50% of the voting members of LaneACT are “elected officials.”

##### **B. Voting Members**

Following all appointments, LaneACT will comprise between 28 and 30 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 LaneACT. A primary representative shall be an *elected official* but an alternate need not be. In order to facilitate better coordination between LaneACT 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 LaneACT. 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 LaneACT 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 LaneACT. 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 Transportation Advisory Committee (TrAC), with the approval of the CLMPO, is invited to designate a primary representative and an alternate representative to LaneACT. (1 member)
6. **Highway 126 East** – Following public advertisement, LaneACT shall appoint a primary representative and an alternate representative for the Highway 126 East corridor east of Springfield. Representatives must live east of the City of Springfield Urban Growth Boundary and west of the Linn County line; with consideration given to those with direct parcel access or dependence on Highway 126 East. (1 member)
7. **Designated Stakeholders** – Following public advertisement, LaneACT shall appoint four Designated Stakeholder members to represent each of the following designated interests:
  - a. Trucking
  - b. Rail
  - c. Bicyclists and Pedestrians
  - 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, LaneACT shall appoint between four and six 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, but is not limited to, 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 LaneACT, 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)

**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. At its discretion, LaneACT may appoint an alternate member for each Designated or Other Stakeholder primary member, or may authorize an organization with which the primary member is affiliated to designate an alternate member.

**Balance** – The eight categories of voting members are designed as a whole to provide an extensive diversity of interests and representation. In the event there is overlap of membership between these categories, it is the responsibility of the member to reveal conflict of interest, so that any entity or interest is unable 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, or LCRAC. Moreover, the Designated and Other Stakeholder members shall be appointed to balance out other members of LaneACT 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 LaneACT. 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.

**Vacancies** – All voting members of LaneACT are expected to participate in all meetings, or to send an alternate if applicable. If a voting member has an expired term; gives notice of resignation; or fails to participate or to send an alternate (as applicable) for three (3) consecutive meetings, the member’s position is deemed vacant. Vacant positions shall be refilled by the relevant process outlined in Lane ACT’s policies, procedures, and protocols.

Vacant positions shall not count when determining the total number of voting members, number of 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. LaneACT may replace a repeatedly absent Designated or Other Stakeholder member.

### **C. Non-Voting Members**

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

- ODOT Area Managers for Areas adjacent to Lane County;
- Oregon Transportation Commissioners;
- The member of the Regional Solutions 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 LaneACT are invited to participate in discussions as non-voting members.

LaneACT 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.

### **D. Staffing and Financial Support**

ODOT will arrange staff support for LaneACT, with funding provided by ODOT. Specific responsibilities shall be determined by mutual agreement between the LaneACT Chair and ODOT.

## 5. OPERATION

### A. Decision-Making

**Quorum** – All voting members of LaneACT 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. LaneACT may consider purely informational items with less than a quorum present.

*Note: For example, if the total number of voting members were 30, then a quorum of 20 would be needed to make decisions.*

**Consensus** – LaneACT 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.

*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.*

**Robert's Rules of Order** – Robert's Rules of Order shall cover issues not otherwise stated in the Bylaws.

**Basis for Making Decisions** – LaneACT shall function as an advisory body to the OTC, which has final decision authority. LaneACT 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 731-015;
- 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).

LaneACT may use additional criteria to select and rank projects provided the criteria do not conflict with any criteria established by the OTC. If LaneACT chooses to use additional criteria, they must inform those developing project proposals about the criteria. LaneACT 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 LaneACT in forming its recommendation. Documentation developed by a member whose recommendations were not incorporated into the final LaneACT recommendations will be forwarded to the OTC with other materials documenting LaneACT 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 LaneACT in other venues and serve as LaneACT’s official spokesperson. The Vice Chair shall serve as the Chair’s primary alternate and shall preside at LaneACT meetings in the Chair’s absence and assist the Chair in new member orientations as needed.

**Ambassador(s)** – Optionally, LaneACT 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**

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

and mentoring of new members.

LaneACT 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 LaneACT.

### **Letters of Endorsement Committee**

The ad hoc Letters of Endorsement Committee is an exception to this limitation, and may make decisions, in order to provide an expedited letter of endorsement process for grant applications when circumstances prevent the full body of LaneACT voting members from making a decision within the required timeline.

The Letters of Endorsement Committee shall consist of the Chair, Vice-Chair, the ODOT Area 5 Manager and up to five (5) voting members of LaneACT elected by the voting members of LaneACT to one-year terms. Members of the committee may be appointed as needed. There are no alternates for members of the committee.

To operate, the committee requires a quorum of at least three members or more than half of the number of current members, whichever is greater. Like the full LaneACT, the committee will use a consensus decision-making process.

### **D. Work Plan and Report**

LaneACT 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 LaneACT is functioning, including staffing, public participation, and coordination with other entities. The Report shall be provided to the OTC.

### **E. Meetings**

LaneACT 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 LaneACT. 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 Chair may call a special meeting with 72-hour advanced notice.

### **F. Public Involvement**

LaneACT will develop a Public Participation Plan. At least once every two years as part of its regular Report, LaneACT 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, LaneACT will involve the public and stakeholders in its decision-making process, as prescribed in its public involvement plan. As LaneACT considers local, regional and statewide transportation issues, it will provide public information and involve 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.

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

## 6. COORDINATION

LaneACT 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.

LaneACT will jointly develop Coordination Protocols with CLMPO.

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

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

## 7. AMENDMENTS

LaneACT 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 present. Such changes shall be presented at one LaneACT 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.

## 8. GLOSSARY

**Central Lane Metropolitan Planning Organization (CLMPO)** – Lane Council of Governments (LCOG) is the Metropolitan Planning Organization (MPO) for the central Lane County area that includes the Eugene-Springfield metropolitan area and Coburg. The MPO is the lead agency for regional transportation planning in the Central Lane County area. The MPO works collaboratively with local governments and transit providers to set priorities for transportation needs.

**Consensus** – A general agreement about a decision that is shared by all voting members of the group.

**Lane Area Commission on Transportation (LaneACT)** – The Lane Area Commission on Transportation (LaneACT) is an advisory body chartered by the Oregon transportation Commission. The LaneACT addresses all aspects of transportation (surface, marine, air, and transportation safety) with priority focus on the state transportation system.

**Lane County Board of Commissioners** – The Board of County Commissioners legislates and administers County government within the limits of its authority granted in the Lane County Home Rule Charter. The charter grants legislative and administrative power to the full-time, paid five-person board.

**Oregon Administrative Rules (OAR)** – An Oregon Administrative Rule (OAR) is any agency directive, standard, regulation or statement of general applicability that implements, interprets or prescribes law or policy, or described the procedure or practice requirements of any agency.

**Oregon Department of Transportation (ODOT) Region 2** – The Oregon Department of Transportation (ODOT) Region 2 comprises Lane, Linn, Benton, Lincoln, Polk, Marion, Yamhill, Tillamook, Clatsop, Columbia and western Washington counties. The Region support’s ODOT’s mission to provide a safe, efficient transportation system that supports economic opportunity and livable communities for Oregonians.

**Oregon Government Standards and Practices (ORS Chapter 244)** – Oregon Government Standards and Practices (ORS 244) requires financial disclosure by officials and creates a process for dealing with conflict of interest in local decision-making processes.

**Oregon Public Meetings Law (ORS 192.610 to 192.690)** – The Oregon form of government requires an informed public aware of the deliberations and decisions of governing bodies and the information upon which such decisions were made. It is the intent of ORS 192.610 to 192.690 that decisions of governing bodies be arrived at openly. These provisions are intended to ensure, among other things, that the meetings of governing bodies, at which decisions about the public’s business are made or discussed, are open to the public, ORS 192.630(1), (2); that the public has notice of the time and place of meetings, ORS 192.640; and that the meetings are accessible to persons wishing to attend, ORS 192.630(4), (5).

**Oregon Revises Statutes (ORS)** – Oregon Revised Statutes (ORS) are the codified laws of the State of Oregon. The ORS is published every two years. Each edition incorporates all laws, and changes to laws, enacted by the Legislative Assembly.

**Oregon Transportation Commission (OTC)** – The Oregon Transportation Commission (OTC) establishes state transportation policy. The commission also guides the planning, development and management of a statewide integrated transportation network that provides efficient access, is safe, and enhances Oregon’s economy and livability.

**Oregon Transportation Plan (OTP)** – The Oregon Transportation Plan (OTP) is a 25-year transportation plan that comprehensively assesses state, regional and local and both

public and private transportation facilities and services.

**Membership overlap** – The eight categories of membership are designed to provide diversity of interests and representation. It is not unusual for the LaneACT body to make recommendations that may benefit a jurisdiction/entity, in which a member represents. LaneACT members are required to not vote and to not take actions that would result in financial gain. The Oregon Government Standards and Practices laws are not designed to prevent such situations from occurring, but rather the laws require public disclosure of such circumstances.

**Quorum** – A quorum for decision-making purposes will be two-thirds of the voting membership. This is the number of people that that must be present in order for decisions to be made.

**State Agency Coordination Program (OAR 731-015)** – The State Agency Coordination Program (OAR 731-015) assures that the Department land use programs are carried out in compliance with the statewide planning goals and in a manner compatible with acknowledged comprehensive plans, as required by ORS 197.180 ad OAR 660, Divisions 30 and 31.

**Supermajority** – When consensus cannot be reach, decisions will be made by an 80% supermajority of the voting members present.

**Transportation Planning Rule (OAR 660-012)** – The division implements the Statewide Planning Goal 12 (Transportation) to provide and encourage a safe, convenient and economic transportation system that is coordinated with local, regional and statewide land use planning.

**Vacancy** – A position is considered vacant when a member has an expired term, given notice of resignation, or fails to participate or send an alternate (as applicable) for three consecutive meetings.