

# **POLICY ON FORMATION AND OPERATION OF AREA COMMISSIONS ON TRANSPORTATION (ACTS)**

## **INTRODUCTION**

The Oregon Transportation Commission (OTC) established the Area Commissions on Transportation (ACTs) to improve communication and interaction between the OTC and local stakeholders who share a transportation-focused community of interest.

Through the ACTs, the OTC expects to:

- Broaden opportunities for advising the OTC on policy, investment and project issues.
- Implement policy.
- Improve project recommendations and coordination at the local level.
- Hear diverse regional transportation perspectives.
- Increase stakeholder support for and commitment to policies, programs, and projects.
- Establish expectations for policies, projects, and programs.
- Collaboratively co-advance goals such as climate, equity, safety, and the economy.

The OTC adopted *Policy on Formation and Operation of Area Commissions on Transportation* to provide answers to common questions about the purpose, formation, and function of ACTs and to encourage a reasonable degree of consistency statewide in their role and operation.<sup>1</sup> The document is intended to provide statewide consistency for the ACTs while balancing local needs for flexibility and uniqueness. 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

As the need arises, the OTC may review this document and update as appropriate.

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<sup>1</sup> See Attachment B.

The OTC will carefully consider recommendations from the ACTs that follow the procedures described in this document. The ACT, however, is an advisory body to the OTC, and the OTC is the final decision-maker.

In order to clarify the document, a glossary<sup>2</sup> was prepared which defines the terms Region, Regional, Area, Transportation System, and a series of verbs used throughout the document. The verbs convey varying levels of action or responsibility and include the following: must, shall, will, should, and may.

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<sup>2</sup> See Attachment D.

**POLICY ON  
FORMATION AND OPERATION OF  
AREA COMMISSIONS ON TRANSPORTATION (ACTs)**

**I. MISSION**

The mission of the ACTs is to provide a forum for the discussion and coordination of current and future transportation issues and to make recommendations to the OTC.

**II. ROLES AND RESPONSIBILITIES**

ACTs have a primary role of establishing priorities, seeking public input and making recommendations to the OTC regarding perspectives within their area related to policies, funding, investments, system operations, and projects. ACTs may also be requested to provide input to the OTC on investments and projects of statewide importance and on statewide policy issues.

**A. Primary Role of the ACTs**

At a minimum, ACTs shall perform the following:

- Provide a forum for understanding and discussing transportation issues amongst transportation stakeholders.
- Provide opportunity for all members to provide updates on relevant and timely topics, project status, projects likely to be funded, project in design phase and those in construction.
- Establish a public involvement process that is consistent with state and federal laws, regulations, and policies.
- Inform the development and implementation of the Oregon Transportation Plan (OTP) and associated mode and topic plans.
- Identify regional considerations, needs, opportunities, and priorities specific to the geography of each ACT and in consideration of locally adopted plans (e.g. TSPs, Regional Transportation Plans, etc.).
- Develop, implement and regularly update a two-year Work Plan following the established format including expectations of the OTC and ODOT, with the flexibility to identify interest areas and priorities specific to each ACT.
- Provide recommendations to the OTC regarding program funding allocations for various investment programs.
- Make recommendations to ODOT regarding special funding opportunities and programs.
- Advance the priorities of the OTC as stated in the Strategic Action Plan, OTP, etc.
- Communicate and coordinate Regional priorities with other organizations, including the following:
  - Other ODOT Regions and ACTs
  - Metropolitan Planning Organizations (MPOs)
  - Regional Solutions Teams (RST)
  - Regional Partnerships and Regional Investment Boards

- ODOT advisory committees
- Consider all modes and aspects of the Transportation System in formulating recommendations, taking into account the provision of elements and connections between air, marine, rail, highway, trucking, transit, bicycle, and pedestrian facilities.
- In providing any recommendations to the OTC or ODOT consider, at a minimum, implications to equity and climate, and balance other objectives including the economy, safety, health, mobility for all modes and state of good repair. Consider local, area, regional, and statewide perspectives and needs.<sup>3</sup>

## **B. Optional Activities of the ACTs**

In addition to the above, ACTs may choose to provide advice on activities such as:

- ODOT corridor plans or local Transportation System Plans (TSPs) that contain projects of Regional significance (e.g. a new highway bypass).
- OTC and ODOT investment strategies, investments, projects and policies for other programs and categories that have advisory committees or processes in place.
- Special circumstances or opportunities as applicable. Examples include STIP Fix-It, Enhance, Active and Public Transportation, Safe Routes to School or others such as Federal Lands Access Program, and ConnectOregon.
- Other transportation related policy or funding issues relevant to a particular ACT that would benefit from the coordinated committee discussion afforded by the ACT structure.

See Attachment C for a flowchart showing ACT involvement in the typical process elements for the STIP.

## **C. Role of OTC**

Success of the ACT is linked to communication with the OTC. The OTC will:

- Designate two OTC members as the liaisons to the ACTs who should:
  - Between liaisons, attend at least one meeting of each ACT annually.
  - Engage with ACT members during ACT meetings;
  - Report on OTC priorities and important topics regularly to each ACT; and,
  - Provide ACT information and updates at OTC meetings on a regular basis.
- Direct the OTC liaisons to interact frequently with the ACTs, periodically attending meetings and providing opportunity to directly hear and report ACT comments to the OTC, resulting in the ACTs receiving feedback on OTC actions related to topics on which the ACT provided input.
- Facilitate communication between the OTC and ACT.
- Describe expectations and providing adequate lead time when requesting input from an ACT.
- Carefully consider and give weight to recommendations from ACTs.

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<sup>3</sup> Techniques ACTs may use to achieve statewide perspective include: interacting with other ACTs, hosting forums on statewide issues such as access management and highway segment designations, and having the ODOT Director or OTC liaison attend and participate in ACT meetings. By using criteria established by the OTC and adherence to those standards, ACTs achieve a statewide vantage point.

- Approve ACT Charters and Work Plans.

#### **D. Role of ODOT Staff**

ODOT staff provides a key role in the successful operation of the ACT. ODOT will:

- Provide financial assistance (including Equitable Engagement Compensation Policy) and support for primary group meetings and to a lesser amount, support for optional ACT activities (e.g. subgroup meetings).
- Provide training opportunities for the ACTs to enhance understanding programs and issues.
- Provide guidance on development of Charters, Work Plans and membership.
- Provide technical and policy information in a timely and meaningful manner, affording ample time for input, to assist the ACT in carrying out its roles and responsibilities for providing recommendations and input to the OTC decision-making process.
- Assign an Area Manager or other manager within the Region with good communication skills as its voting representative to the ACT. The ODOT representative shall:
  - Serve as a voting member of the ACT.
  - Provide staffing support to the ACT, including timely preparation of agenda items for action by the ACT in coordination with the ACT chair, coordination of presentations, and support sharing back how recommendations and feedback from the ACTs was used in OTC or ODOT final decisions
  - Inform the ACTs on ODOT statewide policies and criteria during program investment discussions to assist in the ACTs in providing input for OTC action and decision making.
  - Inform ACTs on technical or policy issues relating to transportation safety, bicycle and pedestrian facilities, passenger rail and freight, trucking, public transportation, scenic byways, motor carriers, and state/local government relationships, and outcomes such as climate, equity, safety and other key considerations.
  - Provide project status as member of the ACT.
  - Conduct a biennial review of the ACT Charter and/or Operating Agreements.
  - Provide documentation to the OTC of the public process and resulting recommendations forwarded by each ACT including alternatives for solutions and outcomes of decisions.
- Complete “feedback loop” with the ACTs, ensuring two-way communication is completed, particularly timely communication regarding how their recommendations and feedback was or was not used in making final decisions.

### **III. AUTHORITY**

ORS 184.610 to 184.666 gives the OTC the authority to establish the policies for the operation of ODOT and for the administration of programs related to transportation. The ACTs are advisory bodies chartered under authority of the OTC. The OTC may charter an ACT when it demonstrates, and as long as it maintains, a structure consistent with the requirements contained in this document. 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.

An ACT is a voluntary association of government and non-government transportation stakeholders and has no legal regulatory, policy, or administrative authority. The ACT process 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, ACTs meet the definition of a “Governing Body” and fall under the requirements of the Public Meetings Law (ORS 192.610 to 192.690). An ACT's members shall comply with the requirements of Oregon Government Standards and Practices laws concerning conflict of interest.

ACTs should apply a statewide perspective to address the Transportation System with primary focus on the state Transportation System (see Glossary, Attachment D). ACTs may also consider Regional and local transportation issues. Multi-ACT collaboration may be requested to facilitate consideration of issues that have a broader geographic scope than any one ACT. The needs of urban and rural areas may be different and discussions may include ACT representatives from more than one ODOT Region to help focus discussions on corridor or system needs.

#### **IV. ACT STRUCTURE AND MEMBERSHIP**

##### **A. Geographic Coverage**

Because the ACTs (and, where applicable, the MPOs) are primary advisors to the OTC with regard to transportation policies and programs which affect them, the OTC strongly encourages coverage of the State with respect to ACT or MPO representation.

The OTC recognizes that there is strength in member familiarity with Regional issues, and thus, expects that an ACT will encompass an area that geographically represents all its interests. The rationale for ACT boundaries should be consistent with a “geographical community of interest” regarding the state Transportation System and coordinated with existing Regional inter-governmental relationships. Shared interest might include a similarity of population, economy, land use, infrastructure needs, contiguous boundaries, commute shed, political and programmatic interests, and collaborative opportunities. The geographic boundaries of an ACT may change over time and if this occurs, an amendment to the boundaries will be negotiated and agreed upon by the affected parties, and a formal request for change will be submitted in writing to the OTC for approval. Each ACT will develop an Operating Agreement (Section V, A.) and this agreement will articulate the rationale for its specific boundaries.

##### **B. Membership**

When establishing the voting<sup>4</sup> membership, an ACT needs to consider all modes and aspects of the Transportation System. An ACT must have a voting membership which is reflective of its socio-demographic 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. Representatives of the nine federally recognized Tribal

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<sup>4</sup> Voting may be by consensus or majority, as defined in the individual ACT Operating Agreement (Section V.A.).  
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Approved June 18, 2003 and amended January 20, 2022

Governments in Oregon as named in ORS 172.110, Port officials, and Transit officials<sup>5</sup> 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 should represent, but are not limited to: trucking, air, rail bicycle, pedestrian, public transportation, public interest advocacy groups, environmental or climate, land use, local citizens, business, education, public safety providers or organization, 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.
- Regional Solutions Teams.
- State and federal agencies such as US Forest Service, BLM, Fish and Wildlife, Department of Environmental Quality, Department of Land Conservation and Development, or 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.

As an ACT experiences membership turnover, it should review representation to ensure continued balance of all groups the committee represents. When providing reports to the OTC, ACTS will be asked to describe how they have met the membership guidance. If circumstances within the ACT (e.g. small population and large geographic area) prevent the ACT from meeting the minimum membership requirements, the ACT may develop an alternate proposal for approval by the OTC during its biennial review.

### **C. Technical Advisory Committee and Other Subgroups**

Although not required, the ACT may establish ad hoc subgroups such as technical advisory committee (TAC) as needed to assist during project or policy discussions. The subgroups may be a standing committee to the ACT or formed on an ad-hoc basis as needed. The ACT will determine membership of the subgroups and their role will be defined in the Operating Agreement or related document.

## **V. OPERATIONS OF THE ACT**

### **A. ACT Operating Agreements, Charters, Bylaws**

ACT Operating Agreements, Charters and/or Bylaws must clarify the roles and processes between

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<sup>5</sup> In some geographic areas, Port and Transit officials are appointed, not elected.

members, agencies, ODOT, and the OTC. Operating agreements and bylaws are acceptable substitutes for charters. They are intended to specify how members will be selected and define membership beyond that required in this document, including the total number and the voting status of each member. Operating Agreements, Charters and/or Bylaws shall provide for a wide solicitation for non-elected membership, and specify the solicitation process used. In addition, these documents shall specify when, where, and how meetings will be conducted, officers and terms of office, whether or not alternates will be allowed, the public involvement processes which the ACT will use, number of members required to constitute a quorum, decision making process (e.g. consensus or majority vote), and whether technical advisory committees or subgroups will be used and how they will be constituted.

Some ACTs may choose to have an executive/steering committee and if so, the Operating Agreements, Charters and/or Bylaws will describe the committee's authority and how it meets the requirements of this document, particularly in regard to membership and public involvement. These documents will articulate how the executive/steering committee will communicate with the full ACT.

The Operating Agreements and other documents shall clarify that ACTs are advisory bodies that make recommendations to the Oregon Transportation Commission.

### **B. Staffing and Financial Support**

An ACT must be staffed either by ODOT or an organization with which ODOT could contract administrative services. The ACT and ODOT will jointly agree on how the ACT will be staffed. ODOT will provide planning staff assistance to the ACT and financial support for administration of the ACT in an amount sufficient to meet OTC expectations. Where it makes financial and logistical sense, the management and technical support services of an MPO and an ACT may be combined to increase consistency, cost-efficiency, and coordination.

### **C. Public Involvement**

As an advisory body that has authority to make recommendations to the OTC on policy or administration, an ACT must comply with the requirements of Oregon's Public Meetings Law found at ORS 192.610 to 192.690. The policy underlying the law is to ensure an open governmental decision making process, and so facilitate the public's awareness "of the deliberations and decisions of governing bodies and the information upon which such decisions were made" (ORS 192.620.).

The Public Involvement section gives more detail than other portions of this document. Attachment A provides the minimum and preferred public involvement requirements for different types of ACT meetings. The ACT may use Attachment A as a template to incorporate into its bylaws. The goal is to achieve statewide consistency through an open, understandable process that meets state and federal public involvement policies, while continuing to recognize Regional differences in issues and priorities. In its Work Plan, the ACT will describe how it meets minimum public involvement requirements. The ACTs must follow all relevant federal laws, regulations, and policies for public involvement, including Title VI and Environmental Justice requirements, and all applicable ODOT policies.

For ACTs to fulfill their advisory role in prioritizing transportation problems and solutions and recommending investment strategies and investments, the ACTs must involve the public and



stakeholders in their decision making processes. As the ACTs consider local, Regional and statewide transportation issues, it is important that they use the appropriate level of public involvement and/or public information. To comply with federal Environmental Justice requirements as well as state equity expectations, the public involvement process needs to identify a strategy for engaging minority and low income populations in transportation decision making. Meeting materials and facilities shall be accessible to those with disabilities pursuant to ADA standards.

The responsibility for developing agendas, distributing materials, taking minutes, website maintenance, and other duties related to ACT public involvement shall be covered in the joint agreement identified in Section V.B., Staffing and Financial Support. ODOT will maintain a website that provides information and links to each of the ACTs:

[https://www.oregon.gov/odot/Get-Involved/Pages/Area\\_Commissions.aspx](https://www.oregon.gov/odot/Get-Involved/Pages/Area_Commissions.aspx)

## **VI. BASIS FOR DECISION MAKING**

The ACT shall function as an advisory body to the OTC, which has final decision authority. The ACT process and resulting recommendations shall comply with relevant laws, regulations, and policies. ACT recommendations must comply with the policies and standards adopted by the OTC when they are considering recommendations relative to the STIP. When ACTs are providing recommendations on policy, they have greater latitude in formulating their response.

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
- 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)

ACTs may use additional criteria to select and rank projects provided the criteria do not conflict with any criteria established by the OTC. If an ACT chooses to use additional criteria, they must inform those developing project proposals about the criteria. ACTs shall apply Regional

and statewide perspectives to their considerations, refining recommendations after consultation with any affected metropolitan planning organization.

Recommendations shall be documented and forwarded to ODOT with the factors used to develop the recommendation, including any additional criteria used by the ACT in forming its recommendation. Documentation developed by a member whose recommendations were not incorporated into the final ACT recommendations will be forwarded to the OTC with other materials documenting ACT recommendations. ODOT will ensure that feedback loop is completed.

ODOT has established processes to apply Oregon Transportation Management System information for the identification, prioritization, and development of Fix-It projects, primarily bridge replacement/rehabilitation and pavement preservation projects. If the ACT reviews Bridge or Preservation projects based on OTC approved criteria, the role of the ACT shall be to review the recommended lists of projects and to provide information to ODOT regarding any special circumstances within the Area that may apply to the prioritized list. Due to the highly technical nature of the bridge project selection, prioritization is primarily the responsibility of the technical staff utilizing the Bridge Management System. For preservation projects, the list from the Pavement Management System is enhanced by ACT knowledge/information that helps meet state and local objectives (e.g. leverage funding sources, bundle with other projects, or coordinate with local projects).

Federal regulations require MPOs to select transportation projects within the MPO boundaries from a limited pool of projects identified in the MPO's financially constrained regional plan. Selection of other projects within the MPO boundary requires coordination with the MPO and amendment of the MPO plan and TIP prior to adding them to the STIP. Outside MPO boundaries, ACTs may draw from a larger pool of projects found in local transportation system plans, which are not necessarily financially constrained.

## **VII. COORDINATION**

Because of the fundamental importance placed on recommendations by the ACTs, coordination shall be a primary obligation and ACTs are expected to meet a high standard in this area. To ensure that recommendations have been reviewed for local, Regional, and statewide issues and perspectives, ACTs should communicate with others that may have knowledge or interest in the area. Working with a broad representation of stakeholder groups should also help provide a balance between local/Regional priorities and statewide priorities. ACT coordination should include, but not be limited to, the following groups:

- ODOT
- Other ACTs within and across ODOT Regions
- ODOT Advisory Committees
- Regional Solutions Teams
- Regional Partnerships and Regional Investment Boards
- Nine federally recognized Tribal Governments in Oregon as named in ORS 172.110
- MPOs
- Local Governments, Transit and Port Districts
- Stakeholder groups (e.g. environmental, business, state and federal agencies with

- land holdings within the ACT boundary)
- General public

It is recommended that the ACT develop a diagram or flowchart showing the numerous relationships within the ACT. The diagram should be available at each meeting of the ACT.

#### **A. Oregon Transportation Commission**

ACTs will complete a Work Plan every two years. The Work Plan will provide an opportunity for the Commission to review the ACT charter and proposed work program. If modifications are required to comply with new or updated OTC direction (e.g. revising processes to conform to the revised “Policy on Formation and Operation of Area Commissions on Transportation (ACT)”), changes will be incorporated at that time. An ACT, ODOT, or the OTC may initiate additional communication on an as-needed basis.

#### **B. ACTs Within and Across ODOT Regions**

ACTs will coordinate with other ACTs as needed for recommendations to the OTC that may have a Regional impact (e.g. priorities along a specific highway corridor). To facilitate regular communications, adjacent ACTs should be included on the ACT mailing lists and invited to all ACT meetings. Meeting agendas and minutes should be provided to adjacent ACTs. The ACT should consider adjacent ACT representatives for inclusion as ex officio members.

#### **C. ODOT Advisory Committees**

ACTs are encouraged to keep ODOT’s specialized standing committees informed and to seek their comment on major policies and programs under consideration.

Representatives should be included on the ACT mailing lists and invited to all ACT meetings. The committees have a mutual obligation to provide information to the ACTs regarding processes, technical data, and recommendations specific to the program.

#### **D. Regional Solutions Teams**

The Governor’s approach to community and economic development, established by Executive Order and enacted by House Bill 4015, recognizes the unique needs of each Oregon Region and the importance of working locally to identify priorities, solve problems, and seize opportunities to get projects done. The Regional Solutions Teams recognize the unique needs of each Oregon Region, and the importance of working locally to identify priorities, solve problems, and seize opportunities to get projects done.

Representatives of the RST should be included on the ACT mailing lists and invited to all ACT meetings: <https://www.oregon.gov/gov/admin/regional-solutions/Pages/default.aspx> .

#### **E. Regional Partnerships and Regional Investment Boards**

Regional Partnerships and Regional Investment Boards are composed of local partners in two or more counties and the cities, ports, and tribes within those counties who agree to work together to provide a forum for coordination of economic and community development planning and investments so that strategies and processes for economic and community development are leveraged to the greatest extent possible to meet agreed upon priority issues, challenges, and goals.

Representatives of Regional Partnerships or Regional Investment Boards should be included on the

ACT mailing lists and invited to all ACT meetings. ACTs are encouraged to either be one and the same with a Regional Partnership or be organized to work effectively with and contribute to the work of a Regional Partnership.

#### **F. Tribal Governments**

OTC recognizes that the nine federally recognized Tribal Governments in Oregon, as named in ORS 172.110, represent sovereign nations. ACT recommendations will consider the needs of these nine Tribal Governments, as well as coordination with the tribal Transportation Improvement Program (TIP) and other projects being developed by the Tribal Governments. To provide this coordination and understanding, representatives of the above described Tribal Governments shall be invited as voting members of the ACT, as applicable.

#### **G. MPOs**

While the ACTs provide valuable advice on project priorities and other policy issues, the MPO is responsible for carrying out the metropolitan transportation planning process within urbanized areas in cooperation with the State and transit operators (23 CFR 450.312). MPOs develop a Transportation Improvement Program (TIP) that approves all projects that are regionally significant or that include federal funds, by year and by phase within the MPO planning areas. Before FHWA and FTA can approve Federal transportation funding for projects or activities within urbanized areas, they must be consistent with the MPO's Regional Transportation Plan (RTP) and TIP.

ACTs and MPOs should coordinate their efforts to assure a better decision making process which results in better coordination of projects. The form of coordination should be different depending upon where MPO and ACT boundaries fall. When ACT and MPO boundaries overlap, a higher level of clearly defined coordination is needed and it is important that ACT activities fully coordinate with the MPO planning process. The MPO and ACT should jointly agree on a process for maintaining consistency between ACT recommendations and the MPO Plan and TIP, where this occurs. An MPO representative shall be included as a voting member on the ACT if within the same geographic area as an ACT.

For ACTs that are near or adjacent to an MPO, a sufficient level of coordination can be achieved by simply communicating the priorities of each group. This might be done through ex officio membership on committees or some other mutually agreeable, less formal method.

#### **H. Local Governments, Transit and Port Districts**

Transportation recommendations will be coordinated with other local and Regional community development activities. ACT representation shall include port and transit officials from the area. ACT representatives of these groups are responsible for providing regular updates to their respective organizations on actions and recommendations being considered by the ACTs.

#### **I. Stakeholder Groups**

While it may be impractical to include representatives from every stakeholder group on the ACT, the ACT needs to make a concerted effort to hear the concerns and recommendations of stakeholders prior to making decisions regarding recommendations to the OTC. The ACT will provide easy access to technical materials and supporting documentation considered by the ACT during its decision making process and shall consider and respond to public input received during the planning and program development process. (Section V.C. and Attachment A).

## **Attachment A Public Involvement**

ACT meetings will comply with the requirements of the Oregon Public Meetings Law, ORS 192.610 to 192.690. “Meeting” means “the convening of a governing body of a public body for which a quorum is required to make a decision or deliberate toward a decision on any matter” ORS 192.610(5). Meetings include information-gathering sessions, working lunches, and electronic meetings. All ACT meetings will be open to public attendance and any member of the public may attend any meeting of the ACT.

### **A. MINIMUM REQUIREMENTS FOR REGULARLY SCHEDULED MEETINGS**

The ACT will conduct all meetings in accordance with the following minimum requirements and will strive to meet the preferred standards. The regular meeting requirements will be supplemented with the methods found in Table 1 if the meeting falls into the following additional categories:

- Developing project priorities for Draft STIP using approved criteria
- Draft STIP public hearing
- Special meetings
- Electronic meetings

#### **Meeting Notice**

- Advance notice to interested persons and stakeholder groups on ACT mailing list and to news media which have requested notice.
- Notices must include time, place, agenda (principal subjects), and name of person and telephone number (including TTY number) at the public body to contact to make a request for an interpreter for the hearing impaired or for other communication aids.
- A good faith effort must be made to provide an interpreter for hearing-impaired persons on receipt of proper notice (ORS 192.630(5)).

#### **Meeting Materials**

- Distribute decision item information to everyone in attendance at the meeting.
- Provide time on the agenda for general public comment.

#### **Meeting Schedule**

- If regularly scheduled meetings are not possible, the minimum standard is to provide extra public notification by following the preferred method of meeting notification.

#### **Meeting Location**

- Meets accessibility requirements of the Americans with Disabilities Act (ADA).
- No meeting may be held in buildings where discrimination (race, sex, age, national origin, color, creed, disability) is practiced (ORS 192.630(3)).
- Generally held within the geographic boundaries of the ACT’s jurisdiction. Training sessions may be held anywhere.
- Contains adequate seating and facilities to encourage attendance by the general public.

### **Meeting Minutes**

- Minutes shall be prepared for all ACT meetings. Minutes must include at least:
  - Members present.
  - All motions, proposals, and resolutions proposed and their disposition.
  - Results of all votes/decisions. Secret ballots are prohibited.
  - Substance of all discussion.
  - Reference to all documents discussed (confidentiality of records exempt from disclosure may be protected).
  - After each ACT meeting the ACT shall prepare and distribute the minutes prior to the next ACT meeting.
  - As appropriate to the Area, meeting minutes should be provided in languages other than English.<sup>6</sup>
  - Minutes must be preserved for a reasonable time.

### **B. PREFERRED STANDARD FOR REGULAR MEETINGS**

In addition to the minimum requirements, the preferred standard for regular meetings includes:

#### **Meeting Notice**

- One week advance notice.
- Notices posted at local public institutions (city hall, library, community center, etc.).
- Notice posted on ACT website, along with links to meeting agendas, past meeting minutes, technical materials and documentation.

#### **Meeting Materials**

- Provide an advance agenda one week prior to the meeting, either on the ACT website or through the mail.
- For decision items, provide technical materials and supporting documentation one week prior to the ACT meeting. Materials can be distributed through the ACT website and/or through the mail.
- Provide copies of all correspondence received prior to the meeting to ACT members and the public attending the meeting.

#### **Meeting Schedule**

- Regular schedule (e.g. meetings at 1:00 p.m. on the last Thursday of each month).

#### **Meeting Location**

- Easily accessible by public transportation.

#### **Meeting Minutes**

- Post minutes from the meeting on the ACT website.

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<sup>6</sup> A Governor's task force is currently working on methodology for meeting the federal requirements for Limited English Proficiency. Public involvement at the ACTs will need to comply with the guidance developed.

### **C. EXECUTIVE SESSIONS**

The responsibilities of the ACT do not include work permitted in an executive session (ORS 192.660).

### **D. CONTROL OF MEETINGS**

- The presiding officer has inherent authority to keep order at meetings – can “reasonably” regulate the use of cameras and audio recorders.
- No smoking is permitted at any meeting of the ACT.

### **E. ROLES AND RESPONSIBILITIES**

Roles and responsibilities of parties engaged in public involvement activities on behalf of ACT will be designated in the joint agreement identified in Section V.B. Staffing and Financial Support.

### **F. PUBLIC COMMENT**

The public shall be provided opportunities to speak to the merits of proposals before the ACT and to forward their own proposals. Public comment may be taken at any time during the ACT meeting. Copies of all correspondence received prior to the meeting should be available for ACT members and the public at the meeting. The ACT public involvement process shall demonstrate explicit consideration and response to public input during the planning and program development process.

Type of Meeting	Meeting Notice		Meeting Materials		Meeting Schedule		Meeting Location	
	Minimum	Preferred	Minimum	Preferred	Minimum	Preferred	Minimum	Preferred
<b>Developing Project Priorities for Draft STIP Using Approved Criteria</b>	-Same as Regular Meetings	-Same as Regular Meetings <b>plus</b> -Paid Advertising	-Same as Regular Meetings	-Same as Regular Meetings	-Same as Regular Meetings	-Same as Regular Meetings	-Same as Regular Meetings	-Same as Regular Meetings <b>plus</b> -In establishing outreach activities for specific projects or topics consider locations that would be frequented by that community (e.g., social service organizations, schools).
<b>Draft STIP Public Hearing</b>	-Same as Regular Meetings <b>plus</b> -Paid Advertising	-Same as Regular Meetings	-Same as Regular Meetings	-Same as Regular Meetings	-Same as Regular Meetings	-Same as Regular Meetings	-Same as Regular Meetings	Same as Developing Project Priorities for Draft STIP Using Approved Criteria
<b>Special Meetings</b>	-Same as Regular Meetings <b>plus</b> -Minimum 24 hours' notice	-Same as Regular Meetings	-Same as Regular Meetings	-Same as Regular Meetings	-Same as Regular Meetings	-Same as Regular Meetings	-Same as Regular Meetings	-Same as Regular Meetings
<b>Electronic Requirements</b> apply to all meetings by electronic means (e.g., personal computers).	-Same as Minimum for meeting type listed above. All procedural and formal requirements apply (minutes, notices, etc.). ORS 192.670.	- Same as Preferred for appropriate meeting type listed above	-Same as Regular Meetings	-Same as Regular Meetings	-Same as Regular Meetings	-Same as Regular Meetings	Same as Regular Meetings <b>plus</b> -Room with "listening" device	-Same as Regular Meetings

**Attachment A Table 1**



## **Attachment B**

### **How An Act Is Established and Work Plan Structure**

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 ACT. The proposal should address the key questions listed below. The proposal is circulated among local jurisdictions for comment, revision, and eventually expressions of support. The State Community Solutions Team reviews the proposal for coordination with the Regional Partnership Initiative. The OTC reviews the proposal. Once the OTC 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.

The Work Plan development should follow a similar process in addressing the questions below and should be reviewed by the ACT membership before submitting to ODOT.

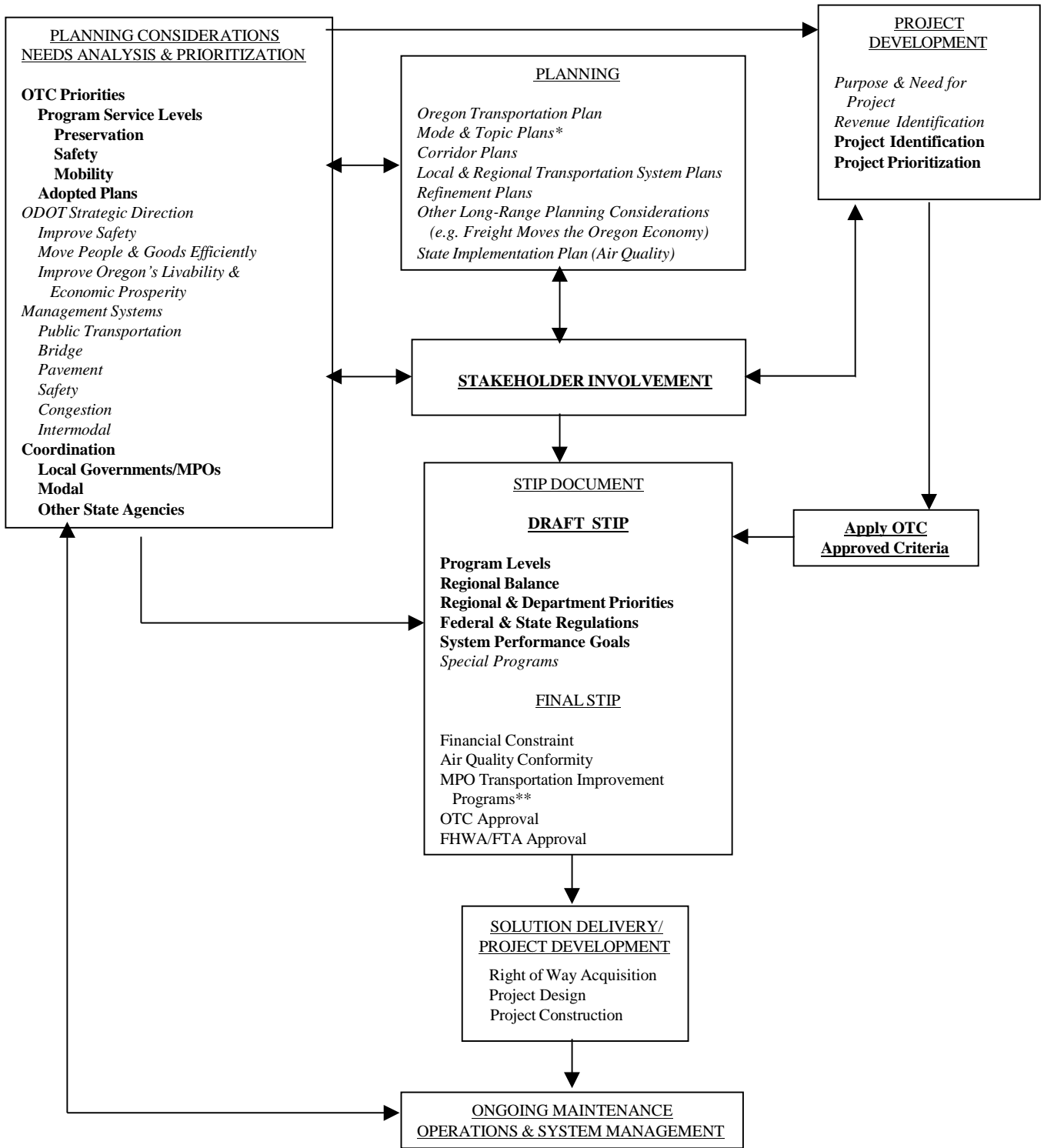
#### **Key Questions to be addressed in an ACT Proposal**

The OTC expects that for an ACT to be effective it will represent the political environment of the Area. Therefore, each ACT may look and function somewhat differently than another. However, each proposal or biennial report 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 (IV.B. Membership)? 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 as shown in Attachment A of this document?
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?

**ATTACHMENT C: ACT PARTICIPATION  
TYPICAL PROCESS ELEMENTS  
STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM**



\* Bicycle/Pedestrian, Highway, Public Transportation, Rail Freight, Rail Passenger, Transportation Safety Action, Aviation

\*\* MPO TIPS must be included in ODOT's STIP without modification. To ensure state priorities are considered, ODOT must be involved in the local planning project selection process.

**Bold Text = Primary Role for ACTs**

*Italicized Text = Optional Role for ACTs*

Black Text = Not covered for Formation and Operation of ACTs document

## **Attachment D**

### **Glossary of Terms**

**Area**—When capitalized, describes the geographic area of the Area Commission on Transportation.

**Region**—When capitalized, describes the Oregon Department of Transportation geographic regions.

**Regional**—When capitalized, includes considerations of other communities, regional movements, and patterns of transportation.

**Transportation System**—When capitalized, includes the following modes and aspects:

- Air, marine, & rail (freight and passenger)
- Highway (trucks, buses, and cars)
- Transit
- Bicycle/Pedestrian

To consider all modes and aspects of the Transportation System in formulating recommendations, ACTs would take into account the provision of elements and connections between air, marine, rail, highway, trucking, transit, bike, and pedestrian facilities.

#### **Verbs:**

**Obligation**—This category of terms shows the ACTs' responsibility to ensure the outcome to the OTC. The terms that fall within this category include:

- Must
- Shall
- Will

**Encouraged**—This category of terms provides the ACTs some flexibility with their responsibilities to the OTC. The terms that fall within this category include:

- Should

**Permitted**—This is the most flexible category of terms. It allows the ACTs to decide whether or not to engage in evaluation of the particular situation. Terms that fall within this category include:

- May