

**Agenda**  
**Mid-Willamette Valley Area**  
**Commission on Transportation**  
**(MWACT)**

At the MWVCOG, we are taking extra precautions to protect against the COVID-19 by implementing additional cleaning protocols and social distancing practices. At this time, we are not hosting MWACT meetings in person. **We are requesting all MWACT members, local staff, and the public to participate via Zoom**. If participating via Zoom (using a computer or by phone) is not an option, please contact our offices (at 503-588-6177) **24 hours before the meeting begins**.

**For MWACT members – Please RVSP (e-mail to [lomoore@mwvcog.org](mailto:lomoore@mwvcog.org)), so we can best prepare for the MWACT meeting.**

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Mike Jaffe at 503-540-1606

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**Date: Thursday, December 2, 2021**  
**Time: 3:30 p.m.**  
**Place: Online meeting of MWACT**

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*Times listed below are approximate. Agenda items may be considered at any time or in any order per discretion of the MWACT Chair and/or member of the Commission, in order for the Commission to conduct the business of the Commission efficiently. Persons wishing to be present for a particular item are advised to arrive prior to the scheduled beginning of the meeting in order to avoid missing the presentation of items of interest.*

The Mid-Willamette Valley Area Commission on Transportation is pleased to comply with the Americans with Disabilities Act (ADA). If you need special accommodations including a sign language interpreter to attend this meeting, a complete agenda packet, or additional information, please contact Lori Moore at (503) 540-1609 or send e-mail to [lomoore@mwvcog.org](mailto:lomoore@mwvcog.org) at least 72 hours prior to the meeting. Alternate formats available upon request. Thank you.

**3:30 p.m.     Item 1. Call MWACT Meeting To Order ..... Chair Ken Woods, Jr.**

Welcome and Introductions

**Approval of October 2, 2021 Meeting Summary**

**Approval of November 4, 2021 Steering Committee Summary**

Public Comment

Comments from the Legislative Delegation

OTC Comments

Commission Discussion/Area Updates

**3:45 p.m.     Item 2. IIJA Funds for Oregon ..... ODOT Staff**

The Infrastructure Investment and Jobs Act (IIJA) was passed by the House of Representatives and signed by President Biden on November 15, 2021. IIJA contains a full five-year transportation reauthorization and will significantly increase federal funding to Oregon. ODOT estimates that IIJA will provide an additional \$1.2 billion to Oregon over 5 years with about \$1 billion for highways and \$200 million for transit. (See the **attached** ODOT Press Release of November 7, 2021, that includes Oregon Transportation Commission (OTC) Chair Bob Van Brocklin’s statement regarding the use of these funds.)

An ODOT representative will give a presentation of the how the \$1.2 billion in additional funds are allocated among programs (addressing climate change, resilience, bridges, safety, active transportation, local programs (cities, counties, MPOs), and public transportation) as specified in the new law.

Approximately \$350 - \$400 million of the \$1 billion in highway funds Oregon will receive are flexible funds, with their use up to the discretion of the OTC. The OTC is seeking stakeholder and public input – **including ACTs** - to help them decide how to allocate these flexible funds to best meet the OTC/ODOT Strategic Action Plan and the state’s transportation goals. The OTC is interested in hearing where there are the major shortfalls and/or gaps in Oregon’s transportation system that this additional flexible funding can help fill. SKATS staff and the SKATS TAC discussed initial suggestions for a letter to the OTC about general and specific needs with SKATS. Staff will discuss these suggestions and look for the committee’s direction about providing this feedback to the OTC.

**Action:** Discuss feedback to the OTC.

**4:15 p.m. Item 3. “Blueprint for Urban Design” Presentation..... Jenna Berman  
ODOT**

ODOT released their “Blueprint for Urban Design” (BUD) in 2020. Through the Blueprint, ODOT is making performance-based design its new approach to plan and design urban environments. Performance-based design is a shift *away* from applying strict design standards and *toward* designing based on context.

The Blueprint for Urban Design encompasses the revised ODOT urban design criteria. It follows federal guidelines and principles utilizing a performance based, context sensitive, practical design approach to provide flexibility where warranted to produce appropriate designs to accommodate all modes of transportation affecting all urban roadway users. Tradeoffs between design elements in urban cross-sections are inevitable when working within the built environment. The Blueprint for Urban Design provides information and criteria to aid project teams to make appropriate choices when developing final project designs to meet established project goals and create the expected outcomes.

**Action:** Information item.

**4:40 p.m. Item 4. Report on ACT Chairs Meeting; Feedback on Changes to ACT Formation and Operations Policy ..... Ken Woods Jr.**

The ACT Chairs met on October 13<sup>th</sup> to discuss the changes to the ACT Formation and Operation Policy document. It was also discussed at the November 4 MWACT Steering Committee meeting.

The document was revised to align with OTC changes and priorities and the OTC’s Strategic Action Plan. Major changes to the document (*attached* with changes shown in-line) occur in the section **II: Roles and Responsibilities**. There are changes to the primary and optional responsibilities of ACTs, the role of the OTC (including having two OTC members be liaisons to the ACTs), and the role of ODOT staff.

In **Section IV: ACT Structure and Membership**, there are changes to ACT membership description.

Other minor changes are in the Introduction, regarding public involvement, making recommendations through ODOT to the OTC, Coordination, and the content of a Work Plan.

**Action:** Feedback to ODOT staff on the revisions to the “*Formation and Operations of ACTs*” document.

**5:00 p.m.     Item 5. Other Business..... ODOT Staff**

- **Next MWACT Meeting – January 6, 2021**

**5:15 p.m.     Item 6. Adjournment ..... Chair Ken Woods, Jr.**

# **Draft      Summary      Draft**

Mid-Willamette Valley Area Commission on Transportation (MWACT)  
MWVCOG Conference Room  
100 High St. SE, Suite 200  
Salem, OR 97301  
Thursday, October 7, 2021

**This meeting was a call-in meeting with people attending via Zoom.  
Attendance is listed as follows:**

## **MWACT Members Present**

Cathy Clark, 2021 Vice Chair, Keizer Mayor  
Ian Davidson, SAMTD Board of Directors  
John Huestis, ODOT Region 2  
Tom Hammer, Yamhill County Private Sector  
Scott Hill, 99W/18/47 Corridor, McMinnville Mayor  
Casey Kulla, Yamhill County Board of Commissioners  
Michael Langley, Confederated Tribes of the Grand Ronde  
Jim Lewis, Salem City Council  
Lyle Mordhorst, Polk County Board of Commissioners  
Della Seney, Hwy. 22E Corridor, Aumsville City Council  
Mitch Teal, Marion County Private Sector  
Ken Woods, Jr., 2021 Chair, Dallas City Council

## **MWACT Members Absent**

Danielle Bethell, Marion County Board of Commissioners  
Kathy Hadley, Polk County Private Sector  
Walt Perry, I-5 Corridor, Jefferson City Council  
Jim Sears, 99E/213 Corridor, Silverton City Council  
Cynthia Thompson, YCTA

## **Others Present**

Mark Bernard, ODOT  
Brennan Burbank, ODOT  
Ross Day, Keizer City Council (Alternate for Cathy Clark)  
Steve Dickey, SAMTD  
Kristine Evertz, Summit Strategies  
Dan Fricke, ODOT Region 2  
Mike Jaffe, MWVCOG-MWACT/SKATS Staff  
Rachel King, Amity Mayor  
Lori Moore, MWVCOG-MWACT/SKATS Staff

Karen Odenthal, MWVCOG/SKATS Staff  
Janelle Shanahan, Marion County Public Works  
Ken Shonkwiler, ODOT  
Trevor Sleeman, ODOT  
Julie Warncke, Salem Public Works

### **Agenda Item 1. Call to Order – 3:30 p.m. – Introductions**

Chair Ken Woods, Jr., called the meeting to order at 3:32 p.m.

***Summary of September 2, 2021:*** The summary of the September 2, 2021, meeting was approved as submitted by consensus of the members present online.

***Public Comment:*** There were no comments from the public.

***Comments from the Legislative Delegation:*** There were no comments from the legislative delegation.

***OTC Comments:*** There were no comments from the Oregon Transportation Commission (OTC) members.

***Commission Discussion/Area Updates:*** Dan Fricke informed the group that he was able to provide some answers that Kathy Hadley asked during the September 2, 2021, MWACT meeting related to maintenance issues.

John Huestis, ODOT, announced that today will be his last MWACT meeting. He is leaving to accept a position in Alaska. Anna Henson will be the interim Area Manager and ODOT representative to MWACT until a permanent replacement is determined. MWACT members expressed their appreciation to Mr. Huestis for his service to the jurisdictions in the tri-county area.

### **Agenda Item 2. Federal Funding Update**

Due to technical difficulties, presentation of this item was delayed until later in the meeting.

### **Agenda Item 3. OR 18 @ OR 22 (Valley Junction)**

Brennan Burbank provided an overview related to the history and status of the OR 18 @ OR 22 (Valley Junction) project. Mr. Burbank explained that in May 2021, three alternatives that were evaluated to address issues for the area near Grand Ronde where OR 18 meets OR 22. In September 2002, an Environmental Assessment (EA) was performed. The EA was revised in July 2004.

The purpose and need for the OR/Fort Hill Facility Plan is identified as increasing safety, decreasing congestion, and improving mobility. A draft facility plan has been developed. It is intended that the Oregon Transportation Commission (OTC) will adopt the plan in early 2022. An overview of the preliminary design concepts was provided along with that of the preferred concept.

MWACT members discussed design issues. Mitch Teal commented that the Fort Hill Restaurant access issues need to be resolved. Additional discussion continued related to the merits of Stop signs versus Stop signals along with truck clearance issues at Kissing Rock. Vice Chair Cathy Clark commented that she supports grade separation as a safety feature here.

### **Agenda Item 2. Federal Funding Update**

Trevor Sleeman, ODOT, provided an overview regarding the status of federal transportation funding. In essence, the proposed legislation is a combination of basic reauthorization funding, new programming and funding, and special one-time infrastructure package funding spread out over a five-year time period. Congress has not finalized a federal transportation infrastructure bill as yet. Changes are likely to occur.

### **Agenda Item 4. Active Transportation Needs Inventory (ATNI)**

Ken Shonkwiler, ODOT, provided an overview related to the statewide ATNI including its development process. The ANTI was developed through a three-step process:

1. Inventory of bike lanes, sidewalks, and shoulders – Field Data Collection
2. Assessing Gaps and Deficiencies – No Existing Facility, Existing facility that doesn't meet ODOT standards, and Existing Facility that meets ODOT Standard.
3. Evaluating six factors based on the NCHRP<sup>1</sup> 803: Active Trans Priority Tool:
  - Safety-Weight 8-  
Pedestrian/Bike crash frequency  
Pedestrian/Bike crash risk factors

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<sup>1</sup> NCHRP-National Cooperative Highway Research Program-Report 803

- Equity-Weight 7-Transprotation disadvantaged communities
- Connectivity-Weight 6-  
Bicycle Level of Traffic Stress  
Fills a gap in an area surrounded by existing facilities  
Access to transit
- Demand-Weight 4-  
Access to essential destinations  
Bicycle tourism routes
- Existing Conditions-Weight 4-Presence of existing conditions
- Stakeholder Input-Weight 2-Local Plans/TSP Priorities

MWACT members discussed the merits of using painted lines on roads to separate bike facilities. Concern was expressed regarding the safety of this method of separating cars and bikes.

### **Agenda Item 5. ODOT Open House for Bike/Ped Strategic Project Funding Projects (150% list)**

Mike Jaffe reported that an online open house related to bicycle and pedestrian project funding may be accessed at:

<https://odotopenhouse.org/pedestrian-and-bicycle-strategic>

Potential project locations are illustrated on a statewide map on the website (**Station #2**). Information related to proposed projects may be accessed by clicking on the dots on the map.

Station #3 on the website includes a map of proposed project locations along with a survey requesting comments related to individual projects and the proposed project list overall. Comments regarding individual projects are limited to 2 projects.

Mr. Jaffe announced that comments will be accepted until October 31, 2021.

### **Agenda Item 6. Critical Oregon Airport Relief**

Vice Chair Cathy Clark informed the group that the sixth cycle of the Critical Oregon Airport Relief (COAR) program has begun. As of today, 38 applications for projects have been received.

Tom Hammer, Yamhill County Private Sector Representative, remarked that he is interested in this issue, and he would like to gain experience/knowledge in this area. Vice Chair Clark responded that the meeting will be open to the public. She encouraged him to attend.



## **Agenda Item 7. ACT Chairs Meeting**

Chair Ken Woods requested feedback from MWACT members related to what they would like to address with the members of the Oregon Transportation Commission (OTC).

MWACT members discussed issues that they have with the diminished role of the ACTs in an advisory capacity to the OTC. In previous years, ACTs have provided vital input to the OTC regarding issues of regional importance. Current response from the OTC is lacking. The last time several ACT members testified before the OTC, the OTC members didn't ask any questions or appear interested in their testimony.

## **Agenda Item 8. Other Business**

- ✓ **Biennial Report Update**-Dan Fricke informed the group that the OTC has indicated that it is unnecessary for the ACT to submit biennial reports.
- ✓ **Connect Oregon**-Applications for Marine, Rail, and Aviation projects will be accepted until October 29, 2021.
- ✓ The next MWACT meeting will likely be in December. It is proposed to have "A Blueprint in Urban Design" as one of the presentations at that meeting.

Chair Ken Woods adjourned the meeting at 5:51 p.m.

**Mid-Willamette Valley Area Commission on Transportation (MWACT)**  
**Steering Committee Meeting**  
**Summary of Comments**  
MWVCOG Conference Room  
100 High St. SE, Suite 200  
Salem, OR 97301  
Thursday, November 4, 2021

**This meeting was a call-in meeting with people attending via Zoom.**  
**Attendance is listed as follows:**

**MWACT Steering Committee Members Present**

Cathy Clark, 2021 Vice Chair, Keizer Mayor  
Anna Henson, ODOT Region 2  
Michael Langley, Confederated Tribes of the Grand Ronde  
Lyle Mordhorst, Polk County Board of Commissioners  
Della Seney, Hwy. 22E Corridor, Aumsville City Council  
Ken Woods, Jr., 2021 Chair, Dallas City Council

**Additional MWACT Members Present**

Cynthia Thompson, YCTA

**Others Present**

Dan Fricke, ODOT Region 2  
Mike Jaffe, MWVCOG-MWACT/SKATS Staff  
Lori Moore, MWVCOG-MWACT/SKATS Staff  
Karen Odenthal, MWVCOG/SKATS Staff

Chair Ken Woods, Jr., called the steering committee meeting to order at 3:34 p.m.

Referencing the e-mail that he sent out last night prior to the meeting, Chair Ken Woods, Jr., reported that the timeline for MWACT to provide input related to the roles, responsibilities, and function of Area Commissions on Transportation (ACTs) has been extended. The new deadline for comments is December 31, 2021. Chair Woods suggested that the purpose of today's meeting should be to brainstorm potential comments to the OTC to be provided to all MWACT members for review and discussion at the December 2, 2021 MWACT meeting. The final response would be determined at the December 2 meeting.

Chair Woods provided an overview of the meeting that he and other ACT chairs had on October 13, 2021. Julie Brown, OTC and Amanda Pietz, ODOT, were also in attendance. Representatives from 7 of the 12 ACTs attended the meeting. Representatives from the other five ACTs did not attend the meeting.

Chair Woods noted that due to his years of experience and that of Mike Montero from Medford, the OTC requested that they direct the discussion. Chair Woods reported that the meeting was not to provide the OTC with support for projects but to provide input regarding the proposed revisions to the ACTS Operation Policy.<sup>1</sup>

Chair Woods announced that of the anticipated new federal funds, a majority of the funds may be applied to the new interstate bridge and the Rose Quarter. He noted that those projects are not in the MWACT area. He and Mr. Montero emphasized the need for better communication between the OTC and ACTs. They related that the ACTs have little influence related to investments in transportation projects; and when the ACTs do provide input, the OTC apparently doesn't listen to them as indicated by their failure to ask questions of the people providing testimony to them.

Chair Woods reported that the OTC provided a brief overview of the Enhance program. He observed that Safety does not seem to be a high priority to MWACT members. As the MWACT region is centrally located to travel in all directions in the state, safety issues are a high priority to MWACT members. Response from the OTC was that safety is a component of every project. Chair Woods commented that if that is the case, it should be a visible project component.

Equity is another issue. Chair Woods asked what the OTC definition is of "equity." The OTC could not provide a definition of what they mean by "equity." Chair Woods reiterated historical comments that he has provided related to how in previous years, each region in the state prioritized their projects with the idea that one or two of their projects would be funded. Now, the state legislature prioritizes projects without regional input.

Mike Jaffe asked who attended from the OTC. Dan Fricke responded that Julie Brown, OTC was at the meeting. He noted that she is promoting the concept of OTC liaisons to the ACTs.

Vice Chair Cathy Clark commented that a lot of work went into the creation of the ACTS. She emphasized the importance of understanding the varying transportation needs across the state. Discussion continued related to the composition of other ACTs. Chair Woods advocated keeping membership at a manageable number and noted the groups represented should have one vote for regional purposes. That promotes working cooperatively.

Referencing the proposed changes to roles, responsibilities, and function of Area Commissions on Transportation (ACTs), Chair Woods commented that he doesn't find the

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<sup>1</sup> Distributed as attachments in both clean and track changes format via Chair Woods' November 3, 2021, e-mail.

proposed changes particularly onerous, with the exception of the seventh bullet on page one of the document related to “equity.” He stated that no one has defined “equity.”

Dan Fricke remarked that he doesn’t find many notable changes with the exception of taking out references to the State Transportation Improvement Program (STIP) and projects in the STIP.

Mike Jaffe commented that he didn’t see many substantive changes except for the mention of an OTC liaison attending at least one ACT meeting of each ACT annually with the designation of two OTC members to each ACT. Each ACT may see one of their liaisons each year with perhaps the other designated liaison attending the following year, or maybe the same liaison would attend both years. Mr. Jaffe expressed concern related to lip service being paid to MWACT representatives when they testify before the OTC. He expressed a notable lack of communication between MWACT and the OTC. In particular, when MWACT members provide direct testimony to the OTC related to MWACT priorities while the OTC later remarks that they have no idea what are MWACT’s priorities. The OTC should be aware of issues throughout the state. The OTC is updated regarding Portland issues at every meeting while other areas of the state do not receive this kind of attention. Mr. Jaffe noted that he wasn’t surprised by the lack of attendance at the October 13 meeting.

Chair Woods reiterated his frustration with the MWACT providing essentially the same list of regional priorities every year to the OTC and being ignored. He said even a response that the MWACT priority projects will never be funded would demonstrate some appearance of listening. In that case, the region could potentially seek other funding for the projects that have been of high priority for several years. Mr. Jaffe responded that one method for OTC members to keep track of each region’s priorities would be to keep a prioritized list of projects from each ACT in one place that could be consulted. Chair Woods noted that MWACT is intended to be advisory to the OTC. It doesn’t say that MWACT advises ODOT. He expressed concern that ACT priorities are not ODOT’s priorities. Meanwhile, many parts of the state highway system are falling apart.

Chair Woods suggested that Mike Jaffe and Dan Fricke review the proposed changes and identify areas of importance to MWACT members that can be discussed by the full MWACT membership at the December MWACT meeting.

Dan Fricke noted that he was pleased that there was no reference to mandating membership to the ACTs. MWACT members have historically indicated their preference to maintain current representation. Regional consensus is more difficult to achieve with a large membership. Also, many MWACT members have noted that they represent a broad spectrum of multi-modal interests within their corridors and jurisdictions.

Referencing page 7 of the document, Mike Jaffe noted that several groups are identified as potential commission members, but the only mandatory condition is that 50 percent of the membership of an ACT should be elected officials.

Referencing a Technical Advisory Committee (MWACT TAC), Chair Woods commented that the MWACT TAC has been useful in the past but are currently convened on an “as needed” basis. They haven’t been needed for quite some time.

Steering committee members emphasized the need for clarification of terms used in the document such as “equity.” There are many kinds of equity.

Referencing the sentence, “An ACT must have a voting membership which is reflective of its socio-demographic population and interest groups,” Michael Langley commented that it is a complicated way of saying, “make sure you represent your population.”

Vice Chair Cathy Clark commented that this terminology seems to be part of an ongoing effort by the Oregon governor, the Department of Land Conservation and Development (DLCD), and the Oregon Department of Transportation (ODOT) to bring environmental justice and climate issues into the transportation project selection process. Regardless of the language used, Vice Chair Clark stated that the region’s priorities/projects will not be changed. The prioritization process already encompasses numerous criteria and performance measures including the anticipated impact of proposed projects to people and the environment.

Dan Fricke concurred that there are complicated words being used without clear definition of their meaning and relevance. What do these words mean in the context of the rules?

Anna Henson, ODOT, expressed concern regarding the amount of red ink (strikeouts) in the section related to ODOT responsibilities. She also has concern about the lack of clarity regarding terms such as equity.

Della Seney concurred with the concern expressed by others regarding the lack of response from the OTC. Lyle Mordhorst commented that without definitive descriptions and direction, time and efforts will be wasted without achieving anything, just causing more confusion. He advocated completing projects before starting new ones.

Mike Jaffe asked steering committee members if they wished to draft a response that includes support for their priority projects. Or, due to the lack of feedback from the OTC, do they want to skip it? Chair Woods commented that if MWACT gives up, it is ensured that nothing will get done. He feels that it is worth one more effort to communicate with the OTC. He requested that Dan Fricke and Mike Jaffe devise a draft response expressing the concerns raised at today’s meeting to be discussed by the full membership at the December MWACT meeting.

Referencing some of the undefined terminology, Vice Chair Clark suggested that MWACT could define the words for the OTC.

Vice Chair Cathy Clark suggested an aggressive approach related to the MWACT priority list of projects. She suggested demonstrating how these projects impact climate and how they impact everyone. The benefits of these projects include allowing people to get to work and how they get there. She recommended explaining to the OTC in depth why the MWACT projects are good projects and they have been vetted and supported for a reason. They were, and are, needed. Chair Woods concurred with Vice Chair Clark's comments.

Cynthia Thompson, YCTA, commented via the Chat Feature<sup>2</sup> asked if the OTC needs the ACTs. Perhaps the OTC needs to be reminded of what they would lose without ACT input. She does not favor advice from "advisory" committees being ignored.

Chair Woods commented that without MWACT, he doesn't think that a lot of projects in the tri-county area would ever be funded. Michael Langley supported MWACT members providing the definitions of obtruse terminology.

Discussion continued related to the potential increase in transportation funding from the federal IIJA act. Mr. Langley advocated applying potential additional transportation funding toward larger projects that might not otherwise be completed.

Commissioner Lyle Mordhorst commented on the consistency of MWACT support for projects that have been thoroughly vetted and have consensus support from MWACT for them. This consistency should be a huge statement in itself. That consistent voice

Chair Woods requested that Dan Fricke and Mike Jaffe review the proposed changes to the roles, responsibilities, and function of Area Commissions on Transportation (ACTs) to determine that it should be supported by MWACT. He also concurred with Vice Chair Clark and Mr. Langley regarding MWACT providing the OTC with definitions for terminology such as "equity" and "socio-demographic."

Regarding comments made by Michael Langley, Mike Jaffe suggested having someone present information on what the options are for spending IIJA funds at the December MWACT meeting. He doesn't think that is possible for the ACTs to provide relevant input without knowing this information.

By consensus of those present at today's meeting, this item will be reviewed by the full MWACT membership at their December 2, 2021 meeting. At that time, a response to be submitted to ODOT and the OTC will be developed and finalized. The meeting concluded at 4:46 p.m.

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<sup>2</sup> See **attached** material for full comments provided by Ms. Thompson.

Chat message from YCTA/Cynthia Thompson.

I am just listening in so I hope you don't mind if I ask a question/comment. Does OTC/ODOT need the ACTS, what are the legal requirements or the biggest reason the OTC/ODOT needs ACTS. It seems maybe as an ACT we need to remind the powers that be that they NEED us therefore they NEED to listen to the ACTs or have a better way for the ACTS to feel like they have a purpose that actually results in outcomes and priorities desired by the regional ACTS.

What would ODOT/OTC lose if the ACTS didn't exist. I know what it says on paper but it seems what is on paper is not what is happening in reality. Personally, I am always an advocate for listening and respecting any advisory committee that I support as an admin person. I just hate when organizations treat advisory committee's as rubber stamp groups that the only time they listen to them or want to engage with them is when they (i.e. OTC) needs a rubber stamp/support for an initiative or project etc. The road needs to go both ways.

## **Agenda Item 2.**

### **IIJA Funds**

**Mid-Willamette Valley Area  
Commission on Transportation  
(MWACT)**

**December 2, 2021**





## ODOT to receive more than \$1 billion in transportation funding

***Oregon Transportation Commission Chair Bob Van Brocklin releases statement on passage of federal infrastructure package***

Nov. 7, 2021

For more information, contact [Kevin Glenn](#) or 503-480-5143

SALEM -- The Oregon Department of Transportation will receive over \$1 billion dollars in additional transportation funding as part of the federal infrastructure package.

The money will go toward projects around the state that will benefit drivers, transit riders, cyclists and pedestrians, help maintain roads and bridges, and address climate change.

We're still analyzing the legislation to determine exactly how much funding ODOT will receive and where it will spend the money. Many projects are ready for construction, and others are in the final stages of planning so we should be able to move quickly.

We plan to release additional details this week and will hold a press conference for members of the media to speak to department leadership. We'll announce details on that press conference soon.

Oregon Transportation Commission Chair Bob Van Brocklin released the following statement on the bill's passage:

"This past weekend Congress completed work on the largest infrastructure finance bill in history. Once signed by the president, the \$1.2 trillion bill will allow ODOT to address a number of major challenges in our state.

"The Oregon Transportation Commission and ODOT will direct these funds, combined with state funding from the Oregon Legislature, to make real progress on Oregon's transportation priorities. Specifically, some \$1.2 billion will be allocated to our state in the next five years for highway and bridge construction and maintenance, safety improvements, mass transit investments, bicycle and pedestrian facilities, electric vehicle charging stations, and efforts to reduce carbon emissions from transportation sources.

"These resources will help us address congestion, which is increasing in our urban areas as the state's population continues to grow; freight mobility, earthquake recovery preparedness, passenger rail, and other elements of the comprehensive mobility system we seek to create. All of this work will focus on improving our economy, our environment, and the quality of life of all Oregonians. Working together, we can attain this vision.

"In anticipation of this major new commitment at the federal level, beginning in 2020, the Oregon Transportation Commission and ODOT began working on a number of changes to create a modern transportation system that prioritizes equity, climate, safety, and the delivery of reliable transportation options to serve the diverse need of our citizens and businesses across the state. These early efforts position us to quickly invest the federal funds we receive and additional funds we will seek from new and continuing federal grant

programs authorized by the bill Congress passed last weekend.

“The Oregon Transportation Commission and ODOT are deeply grateful for the hard work of our federal delegation to make this historic legislation a reality. We look forward to putting these new resources to work to build a better future for the people of Oregon.”

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Learn how we're evolving to build a modern transportation system  
based on sufficient funding and equity.  
[www.oregon.gov/odot/Pages/SAP](http://www.oregon.gov/odot/Pages/SAP)

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## **Agenda Item 4.**

### **Report on ACT Chairs Meeting; Feedback on Changes to ACT Formation and Operations Policy**

**Mid-Willamette Valley Area  
Commission on Transportation  
(MWACT)**

**December 2, 2021**

# 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. ~~That dialogue will include the OTC, local officials, legislators, the business community and appropriate stakeholders, and the Oregon Department of Transportation (ODOT).~~

~~By increasing stakeholder commitment and understanding of transportation programs, funding, and issues, 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.
- ~~• Broaden the Regional transportation perspective.~~
- Increase stakeholder support for and commitment to policies, programs, and projects.
- ~~• Control project costs.~~
- ~~• Support timely completion of projects.~~
- ~~• Meet expectations for quality projects.~~
- ~~• Facilitate private sector capital investments.~~
- Establish expectations for policies, projects, and programs.
- ~~• Maximize ODOT's capacity to deliver projects.~~
- Collaboratively co-advance goals such as climate, equity, safety, and the economy.
- ~~• Improve Oregon's economy by addressing transportation challenges.~~

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>14</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.  
~~Approved June 18, 2003 and amended March 16, 2017~~

The OTC will ~~give significant weight~~carefully consider to 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. ~~Geographic areas that do not have an ACT or MPO must adhere to the same standards of accountability as ACTs and demonstrate to the OTC that recommendations were developed in accordance with ACT obligations. Prior to starting the process to prioritize project recommendations, the appropriate ODOT Region and the non-ACT geographic area will reach consensus on the process for determining compliance with this policy. This process could utilize previously adopted documents as appropriate.~~

In order to clarify the document, a glossary<sup>2a</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.

<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. ~~An ACT plays a key advisory role in the development of the Statewide Transportation Improvement Program (STIP). The ACTs shall recommend priorities for state transportation infrastructure and capital investments based on state and local transportation plans related to the geographic boundary of the ACT.~~

## **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. ~~project selection for projects of local or Regional significance.~~ ACTs may also be requested to provide input ~~to the~~ 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 to advance the public's awareness and understanding and discussion of discussing transportation issues amongst transportation stakeholders of transportation issues.
- 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 ongoing implementation of the Oregon Transportation Plan (OTP) and associated mode and topic plans.
- Identify rRegional considerations, needs, opportunities, and priorities specific to the geography of each ACT and in consideration of locally adopted plans.
- Develop, implement and regularly updated 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 the STIP various investment programs, balancing outcomes including safety, economy, climate and equity while as well as balancing local, area, rRegional, and statewide needs and perspectives. Provide recommendations to the OTC regarding program funding allocations for the STIP, balancing local, Regional, and statewide perspectives.
- Prioritize Area Modernization project recommendations for the Development STIP

~~and Construction STIP based on state and local transportation plans related to the Area.~~

- 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> Consider climate and equity implications when making recommendations and balance other objectives such as safety, mobility, accessibility, livability, health, and state of good repair.~~
- ~~The Transportation System includes the following modes and aspects:~~
  - ~~Air, marine, rail (freight and passenger)~~
  - ~~Highway (trucks, buses, cars)~~
  - ~~Transit~~
  - ~~Bicycle/Pedestrian~~
- ~~Provide documentation to the OTC of the public process and resulting recommendations forwarded by the ACT including alternatives for solutions and outcomes of decisions.~~
- ~~Provide a report to the OTC at least once every two years.~~

## **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).
- ~~Review projects and policies for other STIP funding programs and categories that have advisory committees or processes in place and advise ODOT on any special circumstances or opportunities that apply. These programs are primarily Fix-It, Enhance, Federal Lands Access Program, and ConnectOregon.~~
- ~~Advise the OTC on state and Regional policies affecting the Area's Transportation~~

<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.



- System, including proposed ODOT policies & their implementation.
- Input into prioritization of long-range planning projects (especially refinement plans) in the ODOT Region planning work programs.
- Establishment and monitoring of benchmarks for Regional transportation improvements.
- 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 Chair role includes will:

- Designate two OTC members as the liaisons to the ACTs who should:
  - Between liaisons, attend at least one meeting of each ACT meeting quarterly/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 each OTC meeting as standing agenda item.
- ~~Designating one OTC member as the liaison to the ACT.~~
- ~~Encouraging the OTC liaison to attend ACT meetings.~~
- Direct Provide the OTC liaisons to will 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 taken based upon ACT input.
- ~~Providing financial support in an amount sufficient to meet OTC expectations.~~
- Facilitating communication between the OTC and the ODOT representative to the AACT.
- Describing expectations and providing adequate lead time when requesting input from anthe ACT.
- Carefully consider Give significant weight to recommendations from ACTs., while considering additional input and perspectives other committees and the public.
- Approve ACT Charters and Work Plans.
- ~~Providing training opportunities for the ACTs to enhance understanding of statewide programs and issues.~~
- ~~Giving significant weight to recommendations from ACTs that follow procedures and requirements described in this document.~~
- ~~Providing feedback to the ACTs regarding decisions that were made based on the ACT~~



~~recommendations.~~

- ~~• Conducting a biennial review of the ACT Charter and Operating Agreements.~~

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

ODOT staff provides a key role in the successful operation of the ACT. ODOT ~~shall assign a senior manager with good communication skills as its voting representative to the ACT. The ODOT representative shall will:~~

- ~~• Serve as a communication liaison between the ACT, ODOT Region, and ODOT Director's Office.~~
- ~~• Bring a statewide perspective to discussions of local transportation issues.~~
- ~~• Coordinate timely preparation of agenda items for action by the ACT.~~
- 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 ~~or ensure~~ 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 ~~senior~~ other manager within the Region with good communication skills as its voting representative to the ACT. The ODOT representative shall:
  - o Serve as a voting member of the ACT.
  - o 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
  - o 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.
  - o 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.
  - o Provide project status as member of the ACT.
  - o Conduct a biennial review of the ACT Charter and/or Operating Agreements.
  - o 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.
- ~~• Provide information on project status.~~

- ~~Coordinate presentations and education regarding state and federal programs and priorities.~~
- ~~Advise the ACT of ODOT views during program and project discussions.~~
- ~~Provide staff support as agreed upon (Section V.B.).~~
- ~~Advise 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.~~

### III. AUTHORITY

ORS 184.610 to 184.666 gives the ~~Oregon Transportation Commission~~ **OTC** the authority to establish the policies for the operation of ~~ODOT the Oregon Department of Transportation~~ and for the administration of programs related to transportation. The ~~Area Commissions on Transportation 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 ~~or MPO~~ 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>44</sup> membership, an ACT needs to consider all modes and aspects of the Transportation System. An ACT ~~will~~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 Governments in Oregon as named in ORS 172.110, Port officials, and Transit officials<sup>55</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 ~~may~~should represent, but are not limited to: freight, trucking, bicycle, pedestrian, public transportation ~~system~~, public interest advocacy groups, environmental or climate, 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.
- 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.

<sup>4</sup> Voting may be by consensus or majority, as defined in the individual ACT Operating Agreement (Section V.A.).

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

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

Although not required, the ACT may establish ad hoc subgroups such as a technical advisory committee (TAC) as needed to assist during project or policy discussions. The TAC-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 TAC-subgroups and its-their role will be-definedbe 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 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 Operating-agreements- shall provide for a wide solicitation for non- elected membership, and specify the solicitation process used. In addition, these documents Operating-Agreements 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 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 Operating-Agreement will describe the committee's authority and how it meets the requirements of this document, particularly in regard to membership and public involvement. The Operating-Agreement-se 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 ~~biennial report to the OTC~~ Work Plan, the ACT will describe how it meets ~~the 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 investment projects~~, 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 ~~to the OTC~~ shall be documented and forwarded to ODOT ~~the OTC~~ 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.

~~Recommendations to the OTC will be made in accordance with the approved STIP Development Timeline: (<http://www.oregon.gov/ODOT/FD/STIP/Pages/default.aspx>).~~

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 o

er 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:

- ~~Oregon Transportation Commission~~ 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 ~~provide a report to the OTC at least once~~ complete a Work Plan every two years. The ~~report-Work Plan~~ will provide an opportunity for the Commission to review the ACT charter, ~~operating agreements~~ 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.

~~ACTs will forward their recommendations and supporting information to the OTC for consideration. The OTC will provide feedback to the ACTs regarding actions taken.~~

#### **D.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.

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

ACTs are encouraged to keep ODOT's specialized standing committees ~~(e.g. Rail, Freight, Public Transportation, Bicycle/Pedestrian, Scenic Byways, and the Tri-Agency Committee for the~~ 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.

#### **F.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> ~~.(http://www.oregon.gov/gov/admin/regional-solutions/Pages/default.aspx)~~

#### **G.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.



#### **H.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.

#### **I.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.

~~The MPO must have a continuing, cooperative and comprehensive transportation planning process that results in plans and programs that consider all transportation modes and supports metropolitan community development and social goals. These plans and programs shall lead to the development and operation of an integrated intermodal transportation system that facilitates the efficient, economic movement of people and goods (23 CFR 450.312).~~

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.

#### **J.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.

#### **K.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
Developing Project Priorities for Draft STIP Using Approved Criteria	-Same as Regular Meetings	-Same as Regular Meetings plus 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 plus -In establishing outreach activities for specific projects or topics consider locations that would be frequented by that community (e.g., social service organizations, schools).
Draft STIP Public Hearing	-Same as Regular Meetings plus 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
Special Meetings	-Same as Regular Meetings plus -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
Electronic Requirements 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 plus -Room with "listening" device	-Same as Regular Meetings

Attachment A Table 1

## Attachment B

### How An Act Is Established and ~~Biennial Report 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 ~~Area Commission on Transportation (ACT)~~ 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 ~~Oregon Transportation Commission-OTC~~ reviews the proposal. Once the ~~Commission-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 ~~Biennial Report Work Plan development~~ should follow a similar process in addressing the questions below and should be reviewed by the ACT membership before submitting to ~~the OTC~~ ODOT.

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

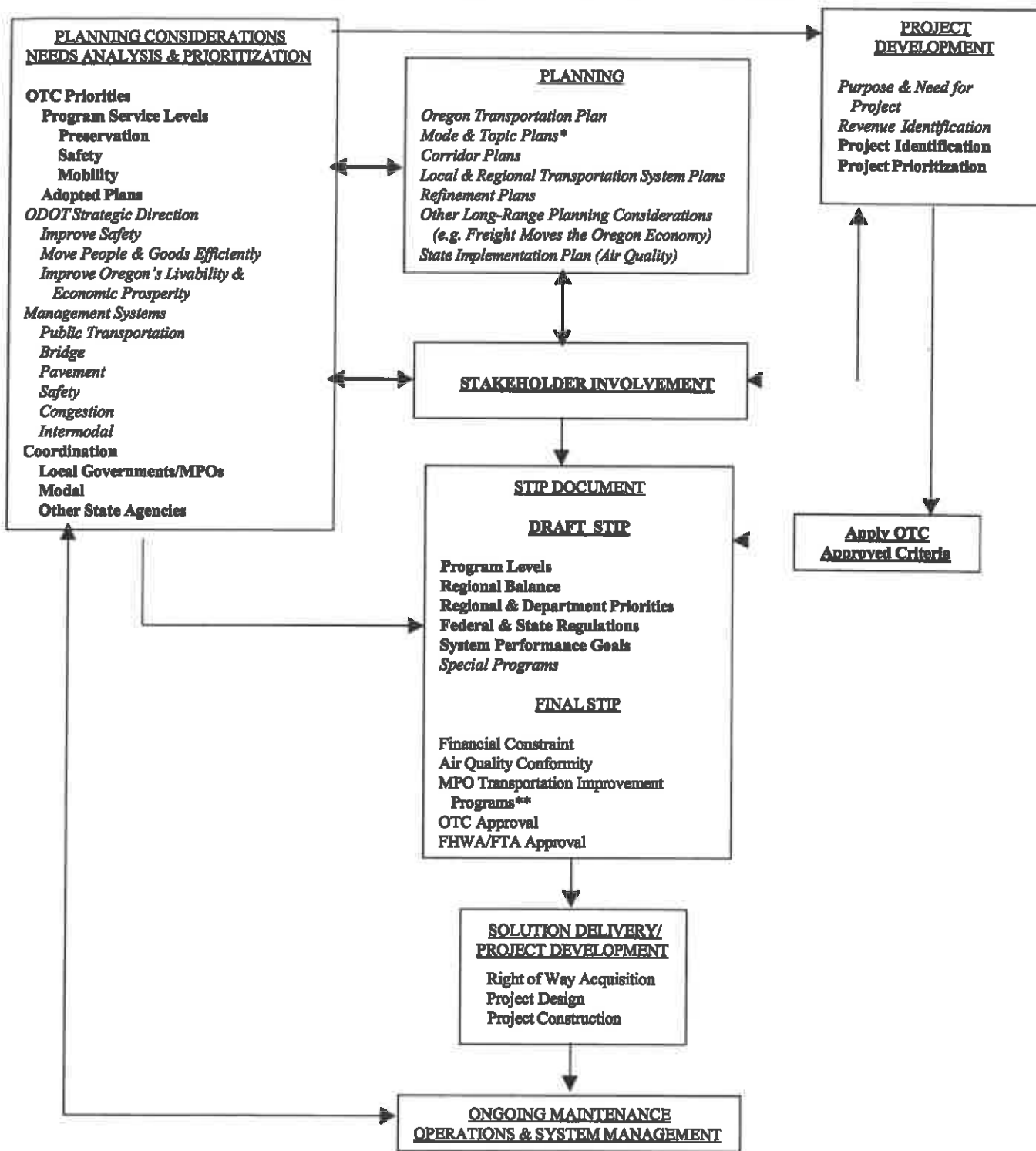
The ~~Oregon Transportation Commission-OTC~~ expects that for an ACT to be effective it will represent the political environment of the Area. Therefore, each ACT may look and function somewhat differently than another. However, each proposal or biennial report for an ACT should address atleast the following 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