

# Proposal for the formation of a Region 1 Area Commission on Transportation (ACT)

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Oregon Solutions Transportation Coordination Task Force

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## Introduction

Clackamas County, Hood River County, Multnomah County and the majority of Washington County currently fall outside existing Area Commission on Transportation (ACT) boundaries. The following proposal for the establishment of an ACT would create a single ACT for the entirety of Region 1 called R1ACT. The proposal was guided by and vetted through the Oregon Consensus Transportation Coordination Task Force.

## Background

### Recent Timeline of ACT Discussions in Region 1

	<p>Citizens from rural Clackamas County Hamlets and Villages approached Clackamas County about forming an ACT. Hamlets and Villages are unincorporated areas that are organized forums for citizens to express issues of concern and to prioritize and coordinate community-based activities.</p>
2009	<p>For nearly two years, representatives from the Hamlets and Villages met with various county departments and representatives from ODOT Region 1. The result was a proposed set of by-laws for a new “Rural Equity Area Commission on Transportation (REACT).” ODOT leadership reviewed the proposal and urged the group to focus on the greater “travel-shed” and reach out to partners in Hood River and rural Multnomah County.</p>
2010	<p>ODOT and Clackamas County convened a series of conversations with stakeholders to discuss forming an ACT for the “Mt. Hood Region” which encompasses the areas of Multnomah and Clackamas counties outside the Metro boundary, and Hood River County. The group ultimately decided that not all parties were ready for ACT formation at that time.</p>
2013	<p>Representative Bill Kennemer introduced HB 2945 to form an ACT for rural Clackamas County. This proposed legislation generated extensive discussion but did not pass either chamber prior to adjournment. In June of 2013, ODOT engaged Oregon Consensus to lead a region-wide process to discuss what type of ACT structure could best serve our stakeholders and the agency.</p>
	<p>ODOT Region 1 formed a STIP Project Selection Committee, composed of elected and stakeholder representatives from across the Region, to select and prioritize recommended projects for STIP Enhance funding. The project recommendations were adopted unanimously and the process was largely viewed as a success.</p>
2014	<p>Oregon Consensus Transportation Coordination Task Force Established</p>

### Oregon Consensus Process

At the request of ODOT, Clackamas County and Metro, Oregon Consensus conducted an assessment in September through December of 2013 involving interviews with numerous regional stakeholders. The assessment concluded that broad support existed for moving forward with a consensus-based effort to

form one or more ACTs or ACT-like structures in the region. Director Garrett then appointed a broad representative task force and engaged Oregon Consensus to lead them through a consensus-seeking effort to make recommendations on structure to the OTC. The Task Force was initially convened by the Governor’s Transportation Policy Advisor, Karmen Fore, and charged with assessing current transportation coordination structures within the Region, establishing a set of agreed upon desired outcomes and providing recommendations to the Oregon Transportation Commission (OTC) on the creation of one or more ACTs or “ACT-like” structures. After five Task Force meetings the members agreed to the following key points of agreement on November 17, 2014:

- A single ACT can best coordinate the state transportation funding priorities for the Region and improve stakeholder input opportunities;
- ACT membership should include a broad spectrum of transportation stakeholder interests within the Region and should be apportioned in accordance with the attached table;
- The bylaws should reflect that the goal is to have decision-making occur through a consensus-seeking process.; A majority of the task force, but not all members, agreed that when voting is necessary, a minimum of 18 votes (out of 31 total ACT members and regardless of the number of members present) shall be required to forward any recommendation to the OTC and, in that event, both a majority and minority report may be forwarded; and
- Continued collaboration should occur to develop a Charter and Bylaws to establish the details of this proposal.

The formation proposal contained in this document reflects the consensus direction of the Oregon Consensus Task Force.

**Proposed steps for ACT formation**

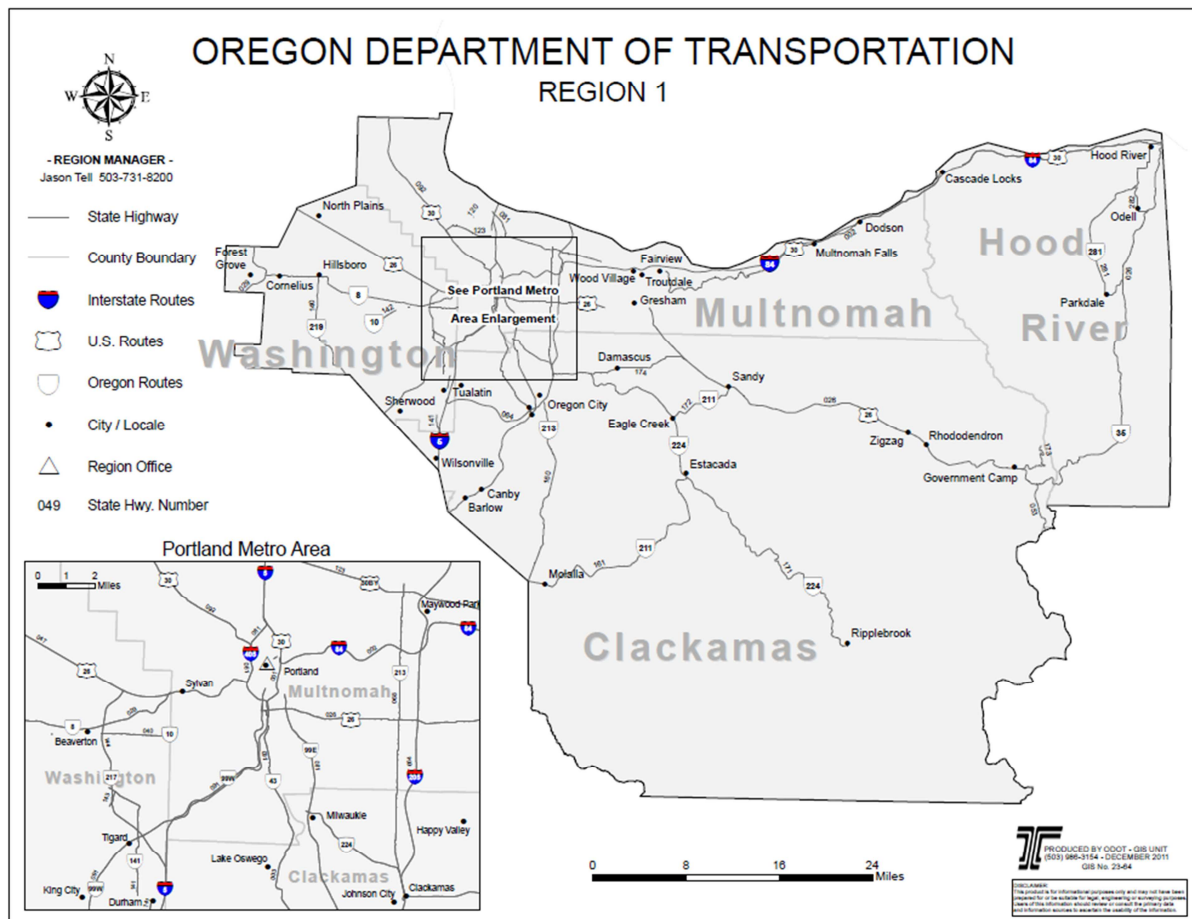
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| 1. The Task Force reviews this draft proposal and circulates for public comment   | December 2014     |
| 2. ODOT and Oregon Solutions Staff provide an update to the OTC. Task Force members invited to provide input directly to OTC. | December 18, 2014 |
| 3. OTC reviews this draft proposal and the public comments  | January 15, 2015  |
| 4. Public sector representatives of the task force approve final proposal   | January 2015      |
| 5. ODOT requests the OTC to provide provisional charter   | February 19, 2015 |
| 6. If the ACT receives a provisional charter, public body appointments and stakeholder nominations occur                      | February 2015     |
| 7. Public sector members of ACT appoint stakeholder members and review draft bylaws   | March 2015        |
| 8. Full ACT inaugural meeting to approve bylaws, elect officers and conduct orientation                                       | April 2015        |

# Proposed Organization

## Geographic Boundaries

*What is the rationale for the geographic boundaries of the proposed ACT?*

The Region1 Area Commission on Transportation (R1ACT) boundaries will encompass all of ODOT Region 1, in addition to small portions of both Clackamas and Washington counties in Region 2 that fall outside the boundaries of existing ACTs. The task force determined that a single ACT provides one forum to set priorities that will facilitate dialogue between jurisdictions and stakeholders both inside and outside the Metropolitan Planning Organization (MPO) boundary. Task Force members also hope that dialogue through a single ACT will lead to greater understanding about various economic development issues, projects and needs across the Region.



Map of ODOT Region 1

## Membership

*What are the proposed voting and ex-officio membership categories and how do they ensure coordination with existing Regional public agencies?*

The proposed membership structure of the ACT is weighted towards counties that have a higher average percentage of population and ODOT highway lane miles.

R1ACT members may revisit their ACT structure with an amendment of their governing documents. Members shall be responsible to report to their individual constituencies the content of discussions and decisions. They will also be responsible for presenting the interests of their constituencies to R1ACT for the overall benefit of the Region.

### Voting Membership

Public agencies	Stakeholders appointed by counties or coordinating committees***	Stakeholders appointed at large
Counties (4)*	Clackamas (4)	Active Transportation (1)
Cities (4+)**	Hood River (2)	Freight (1)
ODOT (1)	Multnomah (6)	
Metro (1)	Washington (4)	
TriMet (1)		
Rural Transit (1)		
Port of Portland (1)		
<b>Total Voting Membership</b>		<b>31 Members</b>

\*One Commissioner per county

\*\* A minimum of one city elected official per county

\*\*\*One stakeholder per county should represent business or labor

### Non-voting Membership

The following officials and organizations shall be invited to be non-voting, ex officio members of R1ACT:

- Department of Environmental Quality (DEQ)
- Regional Solutions Team Coordinator
- Oregon Transportation Commissioners
- State legislators representing parts of Region 1
- Members of Congress representing parts of Region 1
- Outreach to tribal governments will occur in 2015 to determine their level of interest and engagement.

Additional non-voting or ex-officio members may be added per the direction of the full ACT after formation. The full ACT will also develop protocols regarding participation by non-voting members to ensure consistent representation and to manage the overall size of the committee.

### **Coordination with existing regional public agencies**

Regional agency coordination will be promoted by ensuring that appointees are consistent with, or have regular communications with, the entity's Joint Policy Advisory Committee on Transportation (JPACT) and County Coordinating Committee members where in existence. The meeting schedule and work plan for the ACT will also be shared with regional transportation advisory bodies to facilitate coordination.

### **Appointments, Nominations and Balance of representation**

The initial nomination and appointment process will occur as follows:

Step 1: ODOT, the four county commissions, City of Portland, Tri-Met, Metro, and Port of Portland representatives will be selected by their respective governing bodies prior to the first official meeting of the ACT following approval of the provisional charter by the OTC. **These agencies will be the official appointing body for additional members, except for the active transportation and freight positions,** for the initial appointment process only. Future appointments will be approved by the full ACT.

Step 2: Rural transit agencies will caucus to nominate a rural transit representative.

Step 3: At least one city per county must serve on the ACT. City representatives may selected by a caucus of mayors or other process determined by the cities in each county. The cities may also choose to route all of their nominations (city, stakeholder and business) through step four.

Step 4: Each county will solicit nominations for its respective business/labor and stakeholder members according to the following:

- The Clackamas County Coordinating Committee and County Commission will solicit nominations. *The Clackamas County Coordinating Committee has already voted on how it would like to allocate the stakeholder positions within the county (see Appendix A)*
- Hood River will develop a coordinating committee or other mechanism to solicit and nominate candidates
- The East Multnomah County Transportation Committee (EMCTC) and City of Portland will solicit and nominate candidates.
- The Washington County Coordinating Committee will solicit and nominate candidates

Cities may be appointed as stakeholders through the county / coordinating committee processes with a minimum of one city per County (in addition to the City of Portland). Nominating entities should also consider appointments from agriculture, timber, tourism, and citizen representatives.

Step 5: ODOT staff will work with the nominating entities (counties, city caucuses, etc.) to ensure that the ACT retains a diversity of stakeholder input and meets the following guidelines:

- A minimum of 50% representation by elected officials and Port of Portland and transit districts
- A representative from the fields of environmental justice and health.

Step 6: The members appointed in Step 1 will appoint the rural transit representative, city representatives and stakeholder representatives.

Step 7: The Active Transportation and Freight representatives will be nominated via an application process administered by ODOT. The nominations will be approved the ACT members appointed through Step 6.

*{This initial nomination process is a modification to the process discussed at the Nov. 17th Task Force meeting. Using the term “public official” provided a lack of clarity about which ACT members would appoint during the initial nomination and appointment process.}*

Ongoing membership nominations will follow the initial protocols. Appointments shall be voted on by all ACT members.

### **Terms of Service**

To prevent the entire ACT membership from changing at the same time and to provide a way to preserve institutional knowledge and ensure continuity, R1ACT members shall serve four-year, overlapping terms.

If an ACT member changes employment or organizational status (if it directly relates to his or her role on the ACT) mid-term, the full ACT should vote to either continue the member’s term or appoint a replacement.

### **Officers**

A Chair and Vice-Chair shall be elected by the voting members. The Chair shall preside at all meetings attended, sign documents and correspondence, orient new members, approve agendas, represent the R1ACT in other venues and serve as R1ACT’s official spokesperson. The Vice-Chair shall serve as the Chair’s primary alternate and shall preside at R1ACT meetings in the Chair’s absence.

Officers shall serve one-year terms starting at the first meeting of the calendar year. Officers may be elected to more than one term of office.

### **Executive Committee**

The task force discussed forming an executive committee but did not finalize a structure. It’s an issue that the ACT will take up when drafting the bylaws.

### **Coordination**

*Is the membership broadly representative of local elected officials and inclusive of other key stakeholders and interests? If key representation is not included, explain the justification?*

Key membership categories will be met via the following requirements:

- Elected officials



- One county commissioner from each county will be a voting member
  - At least one city per county will be a voting member
  - The elected Metro Councilor appointed as chair of JPACT will be a voting member
  - Among the 16 county stakeholder appointments (beyond the one County and one City representative from each County), at least two must be elected officials
- Freight and Mobility
    - A freight representative will be a voting member
    - The Port of Portland will be a voting member
- Active Transportation and Transit
    - An active transportation representative will be a voting member
    - The region's largest transit district (TriMet) will be a voting member
    - A rural transit representative will be a voting member
- Private Sector, Health and Environmental Justice
    - One representative per county must be a business or labor stakeholder.
    - One representative must be able to represent health interests
    - One representative must be able to represent Title VI Protected Classes

*How would/does the ACT coordinate with adjacent ACTs and/or MPOs and involve state legislators?*

JPACT provides the forum of general purpose local governments and transportation agencies required for designation of Metro as the metropolitan planning organization for the Oregon portion of the Portland metropolitan area. The chair of JPACT, Metro's advisory body on transportation, will be a voting member of the R1ACT. The ODOT Region 1 Manager serves as a voting member on JPACT. The cross membership between the two bodies, not only between the two agencies but across city and county members, builds on a long history of coordination between Metro, ODOT and local governments that has facilitated the development of the MTIP and the STIP for decades. Furthermore, the projects recommended by the R1ACT are subject to inclusion in the Metropolitan Transportation Improvement Program (MTIP) which is subject to inclusion in the State Transportation Improvement Program (STIP). Establishment of the R1ACT will not change the existing mechanisms for coordination with the MPO in place today.

Because of the fundamental importance placed on recommendations by the ACTs, coordination shall be the primary obligation of R1ACT. To ensure that recommendations have been reviewed for local, regional, and statewide issues and perspectives, R1ACT will communicate with others that may have knowledge or interest in the area. Working with a broad representation of stakeholder groups also helps provide a balance between local/regional priorities and statewide priorities. R1ACT coordination will include, but is not limited to, the following groups:

- Oregon Transportation Commission

- Other ACTs within and across ODOT regions including, North West Area Commission on Transportation, Mid-Willamette Area Commission on Transportation and Lower John Day Area Commission on Transportation
- ODOT Modal Advisory Committees
- Tribal Governments
- METRO
- Southwest Washington Regional Transportation Council (the MPO for the Clark County, Washington part of the metropolitan area)
- Local Governments, Transit and Port Districts
- County Coordinating Committees

## **Proposed Operation**

### **Decision-Making**

R1ACT will use a collaborative approach to problem solving where all members seek consensus first, and by a minimum 18-member vote if a consensus cannot be reached. Consensus means that all members agree to accept the decision even though some members may not fully agree with the decision. Members are encouraged to voice and have all views recorded.

Eighteen votes are required to advance a decision in the instance that consensus cannot be reached. The R1ACT minority would then be empowered to produce and record a report outlining the minority's opinions on the decision that would be presented along with the majority recommendation.

### **Work program**

*What is the proposed work program of the ACT?*

R1ACT's Chair and Co-chair, and potentially an executive committee if created, shall develop an annual work plan that is reviewed and adopted by R1ACT members. The Work Plan will be able to be amended at any time. The R1 ACT's initial annual work program shall include the following:

#### **Advisory and Coordination Activities**

- Advise the OTC on state and regional policies affecting the Region 1 transportation system
- Review and provide recommendations on the following short and long-term funding opportunities
  - 2018-2021 STIP, including priorities for STIP Enhance project funding
  - Special funding opportunities and programs
  - Priorities for state transportation infrastructure and capital investments
- Discuss and advise the OTC on new funding mechanisms
- Provide a report to the OTC at least once every two years

## **Commission Governance**

R1ACT will provide the following tasks in accordance with its bylaws once adopted:

- Elect Officers
- Define expectations of members for R1ACT
- Provide orientation for new members
- Provide training and mentors for new members as needed
- Review working documents and bylaws as needed

## **Public Involvement**

R1ACT will provide the following tasks in accordance with its Public Involvement Plan once adopted:

- Engage key stakeholders and the general public with a process consistent with state and federal laws, regulations and policies
- As part of the regular review and report to the OTC, review the Public Involvement Plan and its effectiveness

## **Public Involvement**

*How will/does the ACT meet the minimum public involvement standards as shown in Attachment A of this document?*

For R1ACT to fulfill its advisory role in prioritizing transportation problems and solutions and recommending projects, the ACT will involve the public and stakeholders in its decision-making process and follow a Public Involvement Plan. As R1ACT considers local, regional and statewide transportation issues, it will provide public information and involve the public in its deliberations. To comply with federal Environmental Justice requirements, the public involvement process will include a strategy for engaging minority and low-income populations in transportation decision-making.

ODOT staff will ensure that public involvement requirements are met and will include provisions in the ACT's bylaws to do so.

## **Work Program and Agenda Development**

*Who would/does help guide the work program and agendas of the ACT? Indicate the general operational structure.*

R1ACT Chair and Co-chair shall meet as needed to develop R1ACT agendas and develop and monitor R1ACT's Work Plan. As an advisory body chartered under the authority of the OTC, R1ACT will be established to provide a forum for stakeholders to collaborate on transportation issues affecting ODOT Region 1 and to strengthen state and local partnerships in transportation. R1ACT's work plan shall be consistent with the role of an advisory body to the OTC.

## **Technical Assistance**

*How would/does the ACT secure technical assistance on transportation issues?*

R1ACT can form standing or ad hoc committees such as a technical committee as needed. Consideration will be given to existing advisory committees across the Region to avoid duplication and redundancy.

### **Support staff**

R1ACT will be staffed by ODOT. ODOT will provide planning staff assistance to R1ACT and financial support sufficient for administration of R1ACT to meet OTC expectations.

### **Alternates**

Jurisdictions appointing a voting member will be responsible for selecting and assuring the qualifications of their alternate. The vote of the Alternate will be assumed to represent the vote of the ACT member for whom they are standing in. Alternates representing an elected official must also be an elected official.

## **Definitions**

### **Area Commission on Transportation**

An advisory body chartered by the Oregon Transportation Commission to address all aspects of transportation (surface, marine, air, and transportation safety) with a primary focus on the state transportation system.

### **Environmental Justice**

The fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.

### **Ex Officio**

An ex officio member is a non-voting member of a body (a board, committee, council, etc.) who is part of it by virtue of holding another office.

### **Health**

Health refers to any field or enterprise concerned with the maintenance or restoration of the health of the human body or mind

### **MPO (metropolitan planning organization)**

The organization established by agreement of the Governor and local governments to carry out the federally mandated continuous, comprehensive and coordinated transportation planning process for metropolitan areas of 50,000 population or more.

### **Non-voting**

A member or person who is not eligible to vote on matters before the ACT and who acts as a liaison between the ACT and the interested persons whom that member represents, and transmits requests for information from the ACT and relevant information and views to the ACT.

### **Rural Transit**

Rural transit means transit providers receiving section 5311 Non-Urbanized Area Formula Program funding. This program provides funding to states to support public transportation in rural areas with populations of less than 50,000.

### **Region**

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

## Appendix A: C4 Membership Proposal

		ACT Voting Membership	Elected, Port and Transit 50% minimum*
<b>Multnomah County</b>			
<b>8 members</b>	County Commissioner	1	1
	Portland elected	1	1
	Other City Rep elected	1	1
	4 Stakeholders nominated jointly by Portland and EMCTC	4	
	Business/Labor Stakeholder nominated jointly by Portland and EMCTC	1	
<b>Washington County</b>			
<b>6 members</b>	County Commissioner	1	1
	City Rep elected	1	1
	3 Stakeholders nominated by WCCC	3	
	Business/Labor Stakeholder nominated by WCCC	1	
<b>Clackamas County</b>			
<b>6 members</b>	County Commissioner	1	1
	Metro City Reps (elected) nominated by Clackamas County Coordinating Committee approved process	2	2
	Rural City Rep (elected) nominated by Clackamas County Coordinating Committee approved process	1	1
	1 Rural Stakeholder nominated by Community Leaders Committee of C-4	1	
	Business/Labor Stakeholder nominated by a County approved process	1	
<b>Hood River County</b>			
<b>4 members</b>	County Commissioner	1	1
	City Rep elected	1	1
	1 Stakeholder	1	
	Business/Labor Stakeholder	1	
<b>OTHER Stakeholders</b>			
<b>7 members</b>			
<b>Metro</b>	JPACT Chair	1	1
<b>ODOT</b>	Region 1 Manager	1	
<b>TriMet</b>	General Manager	1	1
<b>Port of Portland</b>	Executive Director	1	1
<b>Rural Transit Provider</b>		1	1
<b>Freight</b>		1	
<b>Active Transportation</b>		1	
<b>Stakeholder appointments must include representatives from the following:</b>			
	<ul style="list-style-type: none"> <li>Health</li> <li>Environmental Justice</li> </ul>		
<b>Stakeholder appointments should be considered from the following:</b>			
	<ul style="list-style-type: none"> <li>Agriculture</li> <li>Timber</li> <li>Tourism</li> <li>Citizen reps, such as from Hamlets and Villages</li> <li>Additional City elected representatives</li> </ul>		
*At least 1 stakeholder appointment must be an added Port, Transit or City Rep to reach the 50% minimum			
<b>Total Reps</b>		31	15