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03-8-12-7

## AGENDA COVER MEMO

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**DATE:** August 12, 2003

**TO:** Lane County Board of Commissioners

**DEPARTMENT:** Public Works Department

**PRESENTED BY:** Tom Stinchfield, Transportation Planning Engineer

**TITLE:** PUBLIC HEARING AND ORDER/ In the Matter of Approving a Letter to the Oregon Department of Transportation (ODOT) Regarding Draft Criteria for the 2006-2009 State Transportation Improvement Program (STIP)

### I. MOTION

Move approval of the Order.

### II. ISSUE

The STIP Stakeholders Group has requested comment by August 15, 2003 on draft criteria for the 2006-2009 STIP process. Does the Board wish to comment on these criteria?

### III. DISCUSSION

#### A. Background

The ODOT STIP Stakeholder Committee has requested comment on draft criteria for project selection for the 2006-2009 STIP process. They will be considering these comments at their September 11, 2003 meeting. The committee is expected to forward a recommendation to the Oregon Transportation Commission (OTC) on these criteria for consideration by the OTC in November.

Attachment 1 contains the cover letter and a copy of the draft criteria. These criteria will also be on the agenda of the Metropolitan Policy Committee (MPC) at their August 14, 2003 meeting. We expect a letter to be sent from MPC on these criteria as well. When the MPC materials are available, they will be provided to the Board as supplemental material for this item.

#### B. Analysis

Generally, the criteria are very similar to those developed for the previous 2004-2007 STIP cycle. They contain eligibility criteria and prioritizing factors for Modernization, Preservation, and Bridge projects. The most significant change in the criteria and process from the Interim Criteria used for the 2004-2007 STIP is the addition of a Development section in the STIP (D-STIP). The criteria include separate criteria for Development activity on projects (D-STIP) and construction funding for projects (C-STIP).

The draft letter (Exhibit A to the Order) expresses thanks to the OTC for the re-introduction of the D-STIP process. In previous STIP cycles, the Board commented on the need for a process to develop projects. The focus of the letter is on the interaction of the D-STIP and C-STIP processes. In particular, the draft criteria require that a D-STIP project complete the entire NEPA process prior to commitment of construction funds in the C-STIP. It also requires local plan amendments be completed prior to construction funding commitments. Staff is concerned that, given the long timelines required to develop major projects, that construction funding should be scheduled and planned for in conjunction with D-STIP funding.

The cover letter from Stuart Foster, OTC Chair, notes that changes or additions to the criteria may be needed based on requirements of the recently approved transportation bill from the legislature.

C. Alternatives / Options

1. Adopt the Order approving the letter as drafted.
2. Adopt the Order with a modified letter, as directed by the Board.
3. Decline to comment.

D. Recommendation

Option 1 or 2 above.

E. Timing

This letter is due to ODOT staff by August 15, 2003. We will fax a copy of the signed letter and follow with the original letter by mail.

**IV. IMPLEMENTATION/FOLLOW-UP**

We expect that the Board will later offer comment on specific priorities for the 2006-2009 STIP when that process begins. We have not seen a schedule for this process as yet.

**V. ATTACHMENTS**

Order with Exhibit A, Letter of Comment on Draft Criteria  
Attachment 1 July 3, 2003 Letter from Stuart Foster, Chair OTC, and Draft STIP Criteria  
Attachment 2 Policy on Formation and Operation of Area Commissions on Transportation (ACTs), approved by the OTC June 18, 2003

**IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY  
STATE OF OREGON**

**ORDER NO.**

- ) **IN THE MATTER OF APPROVING A LETTER**
- ) **TO THE OREGON DEPARTMENT OF**
- ) **TRANSPORTATION (ODOT)**
- ) **REGARDING DRAFT CRITERIA FOR THE**
- ) **2006-2009 STATE TRANSPORTATION**
- ) **IMPROVEMENT PROGRAM (STIP)**

**WHEREAS**, the Oregon Department of Transportation (ODOT) has requested input from the Lane County Board of Commissioners on draft criteria for the 2006-2009 Statewide Transportation Improvement Program (STIP) cycle; and

**WHEREAS**, the Lane County Board of Commissioners held a public hearing and discussed the issues and a proposed letter of comment on August 12, 2003 regarding the draft STIP criteria; and

**WHEREAS**, the Board wishes to approve a letter commenting on several aspects of the draft criteria; now, therefore, it is hereby

**ORDERED** that a letter of comment substantially as set forth in attached Exhibit A be signed by the Chair of the Board of Commissioners and sent to ODOT for consideration.

Dated this \_\_\_\_\_ day of August, 2003.

\_\_\_\_\_  
Peter Sorensen, Chair

Lane County Board of Commissioners

APPROVED AND TO FORM

Date 8-5-2003 Lane County  
Stephen J. Carlson  
OFFICE OF LEGAL COUNSEL

## EXHIBIT A

August 12, 2003

Ms. Jerry Bohard  
ODOT Planning Section  
555 13<sup>th</sup> Street NE, Suite 2  
Salem, OR 97301-4178

Subject: Lane County Comments on ODOT 2006-2009 STIP Criteria

Dear Ms. Bohard,

Thank you for the opportunity to comment on the draft eligibility criteria and prioritizing factors for the 2006-2009 STIP. We are very pleased to see the re-introduction of the Development section (D-STIP) into the STIP process. We believe that this is an important tool for the development of complex modernization projects. The focus of this letter is on the D-STIP and how D-STIP programming interacts with the subsequent step of construction funding in the C-STIP. Our comments will reference the page and line numbers in the draft criteria document.

**Page 1, Eligibility Criteria:** *D-STIP (Major Projects) Development work on major projects may be eligible if they: (last bullet) Have funding adequate to complete the identified milestone.*

Comment: We find this wording somewhat confusing. We understand the need to be able to fund D-STIP projects in meaningful segments, but the typical situation will likely be that funding is being requested during the STIP cycle and is not yet in place.

**Pages 6, line 50 and Page 7, lines 1-2:** *Local jurisdictions that pursue earmark funding for projects not submitted by ODOT are solely responsible for the required matching funds.*

Comment: We recommend that this language be softened so that joint funding of required match might be negotiated between local government and ODOT on a particular earmark project. We do understand that ODOT is not committed to match on these projects.

**Page 7, lines 40-45:** *All Class 1 and 3 projects will be in the D-STIP until a final Record of Decision (ROD) or Finding of No Significant Impact (FONSI) has been completed. .... The project could then be ready for inclusion in the CSTIP at the regular 2-year update.*

Comment: We are concerned that waiting until the environmental document is signed off before scheduling construction funds in the C-STIP is too late in the process. It seems necessary to somehow reasonably anticipate completion of the D-STIP phases and program construction funds, perhaps in the "out-years" of the STIP. Given the long time frames involved and the intense competition for construction funds, it seems likely that construction funding may be difficult to program in a timely fashion and the environmental work may go stale before construction can begin.

**Page 7, lines 47-50 and Page 8, lines 1-3:** *ODOT shall rely on affected cities and counties to make all plan amendments and zone changes necessary to achieve compliance with the statewide planning goals and compatibility with local comprehensive plans after completion of the draft EIS and before completion of the final EIS. Inclusion in the D-STIP does not guarantee funding for future D-STIP milestones or that a project will automatically move into the C-STIP. Funding may not be available to construct the final solution or the environmental document may identify the solution as a "No-Build."*

Comment: It seems premature to change local comprehensive plans in advance of some commitment to construction of a project. Plan amendments to change comprehensive plans are cumbersome processes and should be done to advance projects to construction. If the "No-Build" is selected, then the comprehensive plan would have to change again. Besides the time and expense involved, there is a need for continuity and stability in local comprehensive plans. For this reason, plan amendments should be carefully considered and done as a final contingency for projects to move to construction.

**Page 10, lines 39-50:** *Where needed to achieve consistency with the above-noted OHP policy (Policy 1.G.1), the ACTS, MPOs, or regional or statewide advisory groups shall negotiate conditions for project approval with an applicant. These conditions, if not addressed as the project proceeded through the D-STIP if applicable, shall be attached to the application approved by the ACT, MPO, or regional or statewide advisory group, shall be as specific as possible given the stage of development of the project, and may include the following:*

- *Access management and interchange management plans,*
- *Highway segment designations,*
- *Needed local street improvements*
- *Traffic management plans,*
- *Land use plan designations,*
- *Other similar conditions.*

Comment: ACTs or regional advisory groups do not appear to have the authority to negotiate for ODOT on most of the items shown as examples of conditions placed on projects. It is not clear who the applicant would be and who would make the judgements about conditions necessary to meet the intent of Policy 1.G.1. If ODOT staff are going to make those judgements, or make recommendations to the OTC on the conditions, it seems more straightforward to set up a process where those conditions are set by the responsible parties.

Please contact Tom Stinchfield, Transportation Planning Engineer, at 541 682-6930 if you have questions concerning these comments.

Sincerely,

LANE COUNTY BOARD OF COMMISSIONERS

Peter Sorenson, Chair

## ATTACHMENT 1

DATE: July 3, 2003

TO: Interested Stakeholders

FROM: Stuart Foster, Chair, Oregon Transportation Commission

SUBJECT: Draft Criteria for the 2006-2009 State Transportation Improvement Program

Attached you will find draft criteria for the 2006-2009 State Transportation Improvement Program (STIP). This draft was developed by ODOT staff with direction from the STIP Stakeholder Committee. An earlier version was provided to the Committee at its June 27<sup>th</sup> meeting. ODOT staff subsequently made modifications based on that meeting. Comments on this version are being sought in advance of the next STIP Stakeholder meeting scheduled for September 11, 2003. Your comments will be forwarded to the committee members. Based on comments received and recommended changes from the Committee, a new draft will be forwarded to the Oregon Transportation Commission for their adoption, which is anticipated at the November meeting. This draft is being sent to the Chairpersons of the Area Commissions on Transportation for review and we are also asking the STIP Stakeholder Committee members to converse with their constituents during this review period.

As the draft criteria are reviewed, there is supporting documentation that should be considered. There are numerous references to the OTC approved policy on the *Formation and Operation of the Area Commissions on Transportation*. This policy is attached and can be found at the following web address: <http://www.odot.state.or.us/stakeholderstip/recommendations>.

The draft criteria also references consistency with the *Oregon Highway Plan* and this document can be found at the following web address: <http://www.odot.state.or.us/tdb/planning/highway/>.

Found within the approved policy of the ACTs is the ability for individual ACTs to develop their own additional factors, provided they do not conflict with criteria established by the OTC, and as long as this additional information is made available to those developing project proposals. If an individual ACT proposes to use additional factors, they need to be identified by October 1, 2003.

It should be noted that this draft does not reflect any modifications that might be required should the proposed transportation funding bill pass. In order to ensure consistency between the criteria and the bill, ODOT staff has been directed to bring forward any

issues that will need to be addressed at the September STIP Stakeholder Committee meeting.

The Oregon Transportation Commission is committed to this process. The efforts of the STIP Stakeholder Committee and your involvement allows for a process that is open, highly visible and provides the opportunity for parties to engage effectively. It is our intent to continue to improve the process and accountability for selection of projects that are included in the State Transportation Improvement Program.

Again, the attached draft criteria are being sent out for review and comment. Comments are due **August 15, 2003** in preparation for the September Committee meeting. This will allow time for the Oregon Transportation Commission to review the draft at their October meeting and, as appropriate, approve criteria at their November meeting. The criteria will then be utilized by the ACTs and others in selection of projects for the 2006-2009 draft State Transportation Improvement Program.

Questions or comments should be directed to:

Jerri Bohard  
ODOT Planning Section  
555 13<sup>th</sup> Street NE, Suite 2  
Salem, OR 97301-4178  
Phone: (503)986-4165  
Fax: (503)986-4174  
E-mail: [Jerri.L.Bohard@odot.state.or.us](mailto:Jerri.L.Bohard@odot.state.or.us)

Attachments:

Draft Criteria  
Policy on Formation and Operation of Area Commissions on Transportation

c: Jerri Bohard  
Craig Greenleaf

**DRAFT**  
**Project Eligibility Criteria and Prioritization Factors**  
**For the 2006-2009 Development STIP and Construction STIP**  
**Process Overview**

**Eligibility Criteria**

<b>Development STIP</b> <b>Major projects</b>	<b>Construction STIP</b> <b>Preservation projects</b>		
<p>Development work on major projects may be eligible for funding if they:</p> <ul style="list-style-type: none"> <li>◆ Support the definition of "Development STIP" approved by the Oregon Transportation Commission<sup>1</sup></li> <li>◆ Address an unmet transportation need in the applicable acknowledged transportation system plan(s) (TSP) or, in the absence of an applicable acknowledged TSP(s), the applicable comprehensive plan and any applicable adopted TSP(s).</li> <li>or</li> <li>Are identified as a project of statewide significance or as a federal discretionary project.</li> <li>◆ Have funding adequate to complete the identified milestone.<sup>2</sup></li> </ul>	<p>Modernization projects may be eligible for funding if they:</p> <ul style="list-style-type: none"> <li>◆ Are consistent with the applicable acknowledged transportation system plan (TSP) or, in the absence of an applicable acknowledged TSP, the applicable comprehensive plan and any applicable adopted TSP.<sup>6</sup></li> <li>◆ Are consistent with the Oregon Highway Plan policy on Major Improvements (1.G.1), where applicable.<sup>7</sup></li> </ul>	<p>Pavement Preservation projects may be eligible for funding if they:</p> <ul style="list-style-type: none"> <li>◆ Are identified through the Pavement Management System process.<sup>12</sup></li> </ul>	<p>Bridge replacement/rehabilitation projects</p> <p>Bridge replacement and rehabilitation projects may be eligible for funding if they:</p> <ul style="list-style-type: none"> <li>◆ Are identified and prioritized through the Bridge Management System process.<sup>16</sup></li> <li>◆ Are improvements or work needed to rebuild or extend the service life of existing bridges and structures (includes replacement of an existing bridge).</li> </ul>

**Prioritization Factors**  
**Used to Select Projects for Funding from the Pool of Eligible Projects**

<b>Development STIP</b> <b>Major projects</b>	<b>Construction STIP</b>			<b>Bridge replacement/rehabilitation projects</b>
Priority shall be given to:	<b>Modernization projects</b> Priority shall be given to:	<b>Preservation projects</b> Priority shall be given to:	Priority shall be given to:	
<ul style="list-style-type: none"> <li>◆ D-STIP project suitability (an assessment of the level of work completed to achieve the planned D-STIP milestone).</li> <li>◆ Projects that best support the policies of the Oregon Highway Plan.<sup>3</sup></li> <li>◆ Projects that have already completed one or more D-STIP milestones.</li> <li>◆ Projects that have funding identified for development or construction<sup>4</sup></li> <li>◆ Major Modernization Projects that leverage other funds and public benefits.<sup>5</sup></li> </ul>	<ul style="list-style-type: none"> <li>◆ Project readiness (an assessment of the likelihood of a project getting to construction in the timeframe contemplated).<sup>8</sup></li> <li>◆ Projects that best support the policies of the Oregon Highway Plan.<sup>9</sup></li> <li>◆ Projects that leverage other funds and public benefits.<sup>10</sup></li> <li>◆ Class 1 and 3 projects that have completed an environmental milestone of a Record of Decision or Finding of No Significant Impact.<sup>11</sup></li> </ul>	<ul style="list-style-type: none"> <li>◆ Project readiness (an assessment of the likelihood of a project getting to construction in the timeframe contemplated).<sup>13</sup></li> <li>◆ Projects that best support the policies of the Oregon Highway Plan.<sup>14</sup></li> <li>◆ Projects that leverage other funds and public benefits.<sup>15</sup></li> </ul>	<ul style="list-style-type: none"> <li>◆ Projects that support the approved Bridge Implementation Strategy<sup>17</sup></li> <li>◆ Projects that leverage other funds and public benefits<sup>18</sup></li> </ul>	

**Draft Project Eligibility Criteria and Prioritization Factors**  
**Process Description and Guidance**  
**For the 2006-2009 Development STIP and Construction STIP**

**I. Introduction**

**A. Roles and Responsibilities**

The Oregon Transportation Commission (OTC) will make the final selections for all projects included in the Statewide Transportation Improvement Program (STIP)<sup>a</sup>. The Commission will consider the advice and recommendations that it receives from Area Commissions on Transportation (ACTs), Metropolitan Planning Organizations (MPOs) and regional or statewide advisory groups. Those providing recommendations will follow the procedures laid out in the *Policy on Formation and Operation of the Area Commissions on Transportation*, approved by the OTC on June 18, 2003. Geographic areas that do not have an ACT must adhere to the same standards of accountability as ACTs and demonstrate to the OTC that recommendations were developed in accordance with these criteria and factors. In making final project selections, the OTC will ensure that ACTs, MPOs and regional or statewide advisory groups have based their considerations on the criteria and will ensure projects are distributed according to the funding allocations approved by the OTC for the 2006–2009 STIP.

In making decisions, the OTC applies both regional and statewide perspective, optimizes system effectiveness in decisions for the state system and strives to develop and operate an integrated intermodal transportation system that facilitates the safe, efficient and economic movement of people and goods. (*Policy on Formation and Operation of the Area Commissions on Transportation*, Section III. Authority)

**B. Project Selection**

Eligibility Criteria and Prioritization Factors have been developed for both the Development STIP (D-STIP) and the Construction STIP (C-STIP). ACTs, MPOs and others, including those where an ACT does not exist, shall apply both regional and statewide perspectives in making their recommendations. The Commission anticipates that most projects considered by ACTs, MPOs and regional or statewide advisory groups would be the outcomes of planning and the transportation management systems maintained by ODOT. ODOT Region staff shall assist the ACT in developing recommendations as described in the *Policy on Formation and Operation of the ACTS*, Section II. D, Role of ODOT Staff.

ACTs, MPOs and regional or statewide advisory groups should use this document as a guide when they evaluate projects for the STIP on the state highway system and for off-system projects that support implementation of the Oregon Highway Plan (OHP). Projects recommended for funding in the STIP should have consistent application of the project eligibility criteria and prioritizing factors. ACTs, MPOs and regional or statewide advisory groups may use additional criteria to select and rank projects provided the criteria are consistent with the project eligibility criteria and prioritization factors adopted by the OTC. This process recognizes

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<sup>a</sup> STIP includes both the Development and Construction sections of the Statewide Transportation Improvement Program. For application of these criteria and prioritization factors, Construction STIP means Modernization, Preservation and Bridge projects.

1 regional differences and is consistent with the *Oregon Transportation Plan* (Policy 2G) and the  
2 *Policy on Formation and Operation of the Area Commissions on Transportation* (Section VI,  
3 Basis for Decisionmaking).

4  
5 In MPOs designated as Transportation Management Areas (TMA), projects using federal funds  
6 shall be selected by the MPO in consultation with the State and transit operator. In MPOs not  
7 designated as TMAs, projects using federal funds shall be selected by the State and/or the  
8 transit operator, in cooperation with the MPO. Projects outside MPO areas will be selected by  
9 the State in cooperation and consultation with affected local officials (23 Code of Federal  
10 Regulations part 450). ACTs and MPOs should coordinate their efforts to assure a better  
11 decision making process which results in better coordination of projects. When ACT and MPO  
12 boundaries overlap, a higher level of clearly defined coordination is needed. Where this occurs,  
13 the MPO and ACT should jointly agree on a process for maintaining consistency between ACT  
14 recommendations and the MPO Plan and TIP (*Policy on Formation and Operation of the Area*  
15 *Commissions on Transportation*, Section VII. G, Coordination).

#### 16 17 Project Eligibility Criteria

18  
19 ACTs, MPOs, or regional or statewide advisory groups advising the OTC on the selection of  
20 STIP projects for funding on the state highway system or for off-system projects that support  
21 implementation of the OHP shall apply the project eligibility criteria. The project eligibility criteria  
22 are a first screen so that additional efforts can be focused to determine which projects they will  
23 evaluate further for funding. The eligibility criteria are not listed in any particular order. Projects  
24 must satisfy these criteria, at a minimum, before they are given further consideration.

#### 25 26 Prioritization Factors

27  
28 The prioritization factors are to be used to ensure consistent consideration of the relative merits  
29 of projects by ACTs, MPOs and regional or statewide advisory groups. With the exception of  
30 project readiness which shall have greater weight, the prioritization factors are not listed in any  
31 particular order and do not have any implied weight. To provide for regional differences, ACTs,  
32 MPOs and regional or statewide advisory groups may use additional factors to rank projects  
33 provided the factors are consistent with the factors adopted by the OTC. If an ACT, MPO or  
34 regional or statewide advisory group chooses to use additional prioritization factors, they must  
35 inform those developing project proposals about the factors. When developing a tool to  
36 evaluate OHP policies, OHP Appendix A2 provides definitional information to facilitate shared  
37 understanding of the goals, policies and actions of the OHP policy element.

### 38 39 **C. Project Documentation**

40  
41 ACTs, MPOs and regional or statewide advisory groups making recommendations to the OTC  
42 shall document the analysis used to develop recommendations. The supporting information  
43 should include the following:

- 44 1. Project description
- 45 2. Project justification
  - 46 ♦ Identify the planning history
  - 47 ♦ As applicable, describe information provided from the pavements or bridge
  - 48 management system. If the recommendation varies from the management
  - 49 system, describe the process used to reach that recommendation.
  - 50 ♦ Describe how this project supports OHP policies (Table 1).

- ♦ Provide an assessment of the likelihood of the project getting to construction in the timeframe contemplated
  - ♦ Provide supplementary project information if the project leverages additional funding or community benefit
3. Applicable additional information

## **D. Funding**

As required by federal regulations (23 CFR Part 450) the C-STIP is financially constrained by year. The Eligibility Criteria and Prioritization Factors defined in this document apply to projects that implement current revenue sources. If more funding becomes available, it will be allocated in adherence to any additional funding or selection criteria attached to those new funds.

The STIP represents multiple funding categories and each category has limits as to how the funding can be obligated. STIP projects must meet the funding source limitations established by state or federal regulations and cannot be selected without looking at those limitations. The D-STIP will be funded with the same funding sources as the C-STIP and the total funds committed to the D-STIP may vary. Funding of the D-STIP can be impacted by several factors, including the following: OTC selection of projects of statewide importance, federally funded earmarks and discretionary projects, federal and state restrictions on the use of available funds, and the Regional equity distribution of Modernization funds (ORS 366.507).

## II. Development STIP (D-STIP)

### A. Introduction to the D-STIP

The Oregon Transportation Commission will make the final selections for all D-STIP projects and will apply a statewide perspective to the proposed list of projects, giving highest priority to OTC approved federal discretionary projects that have funding secured through federal legislation.

It will be important to clearly articulate the rationale and need of a D-STIP project in order to help manage expectations and potential next steps. D-STIP projects will be consistent with statewide policies and may be identified in one or more planning documents, such as transportation system plans, regional transportation plans, corridor plans, comprehensive plans, refinement plans or state management systems. Additionally, the OTC may select large projects of statewide significance for inclusion in the D-STIP. The D-STIP includes projects approved and funded for development through specific milestones for planning, environmental or project development activities and within specific timeframes.

The following should be considered when applying the Eligibility Criteria and Prioritization Factors:

- ◆ A new alignment will be selected for one or several features in the refinement plan. Project specific refinement plans may be funded in the D-STIP as needed to resolve need, function, mode and general location decisions that could not be made during system plan or corridor plan development. In circumstances where these decisions have already been made, the goal of refinement planning will be to develop a specific solution or a range of solutions to the problems(s) that support the next appropriate project development step.
- ◆ Rapid development is occurring in the area, making corridor preservation critical.
- ◆ Issues needing resolution have a high priority and solutions are likely to be funded in the near future.
- ◆ The highway segment is very sensitive environmentally, and a strategy for the whole segment needs to be approved before work on individual elements can commence. For example, addressing land use to help resolve inconsistencies with planned transportation facilities; planning for compatible land uses along state highways.
- ◆ Public pressure for a sustainable decision is high.

Selection of D-STIP projects requires application of the D-STIP definition approved by the OTC (Footnote 1). D-STIP projects generally fall into the following three categories: federal discretionary projects (earmarks), large statewide significant projects, and modernization or major bridge replacement projects.

#### Federal discretionary projects

Federal discretionary projects are a part of federal appropriations or transportation funding legislation. The Oregon Department of Transportation, with direction from the Oregon Transportation Commission, developed guidelines to use in deciding which projects should be submitted as earmark proposals in federal legislation for the reauthorization of transportation funding. The projects are categorized as low or medium risk and can be completed over the life of the federal transportation funding bill. Local jurisdictions that pursue earmark funding for

1 projects not submitted by ODOT are solely responsible for the required matching funds or any  
2 shortfalls.

### 3 4 Large statewide significant projects

5  
6 Large statewide significant projects are projects that require funding that cannot be achieved  
7 within standard STIP allocations but are viewed by the OTC as projects of statewide  
8 significance and can be selected by the OTC independent of the ACT process. Identified funds  
9 would be used to either keep existing work on very large projects current, or to support  
10 development of very large projects (for example, funding a new Environmental Impact  
11 Statement or updating an existing EIS).

### 12 13 Modernization or major bridge replacement projects

14  
15 Modernization or major bridge replacement projects are projects that have been approved and  
16 funded for development through specific milestones but that cannot be constructed within the  
17 four-year timeframe of the STIP and/or within the normal Region STIP allocations. These may  
18 include shelf projects, which are high priority projects developed in anticipation of funding but  
19 that have no funding identified for construction in the current STIP. Milestones include planning,  
20 environmental and project development.

### 21 22 D-STIP Project Completion

23  
24 Projects remain in the D-STIP until work required to meet the National Environmental Policy Act  
25 (NEPA) is completed. NEPA classifications:

- 26 ♦ Class 1: Requires draft and final environmental impact statement (EIS). An EIS is  
27 required for actions that significantly affect the environment.
- 28 ♦ Class 2: Categorical exclusion (neither an environmental assessment nor an  
29 environmental impact statement is required). These actions do not individually or  
30 cumulative have a significant environmental effect and are excluded from the  
31 requirement to prepare an environmental assessment or environmental impact  
32 statement.
- 33 ♦ Class 3: Requires environmental assessment (EA) or revised environmental  
34 assessment. The environmental impact is not clearly established. All actions that  
35 are not Class 1 or 2 fall into this classification. These actions require preparation of  
36 an EA to determine the appropriate environmental document. If it is determined that  
37 the action is likely to have a significant impact on the environment, the preparation of  
38 an EIS will be required.

39  
40 All Class 1 and 3 projects will be in the D-STIP until a final Record of Decision (ROD) or Finding  
41 of No Significant Impact (FONSI) has been completed. By programming completion of D-STIP  
42 milestones that follow a ROD or FONSI, the project delivery activity can continue through right  
43 of way acquisition, advance plans, and/or plans specifications and estimates (PS&E). The  
44 project could then be ready for inclusion in the C-STIP at the regular 2-year update. Work on  
45 right of way, advance plans or PS&E may be conducted in either the D-STIP or the C-STIP.

46  
47 ODOT shall rely on affected cities and counties to make all plan amendments and zone  
48 changes necessary to achieve compliance with the statewide planning goals and compatibility  
49 with local comprehensive plans after completion of the Draft EIS or EA and before completion of  
50 the Final EIS or Revised EA.

Inclusion in the D-STIP does not guarantee funding for future D-STIP milestones or that a project will automatically move into the C-STIP. Funding may not be available to construct the final solution or the environmental document may identify the solution as a "No Build".

## **B. Development STIP**

### **B. 1. Development STIP Eligibility Criteria Footnotes**

#### **<sup>1</sup>Supports the OTC Definition of Development STIP**

##### Development STIP or D-STIP

Projects approved and funded for development through specific milestones and within specific timeframes, which include the following characteristics:

- A. Projects approved for funding through specific milestones such as National Environmental Policy Act (NEPA) design-level environmental documents, right of way acquisition, and final plans; or
- B. Projects for which needed improvements have been identified but a final solution either has not been determined or needs further design and analysis.

The types of projects that tend to have one or more of the above characteristics include large statewide significant projects, federally earmarked or demonstration projects, modernization or major bridge replacement projects, and discretionary projects (projects eligible to receive federal discretionary funds).

#### **<sup>2</sup>D-STIP milestones**

D-STIP projects must have funding identified to complete the identified milestone; partial milestones will not be programmed. D-STIP milestones include the following:

- A. Planning milestones:
  - ♦ Project specific refinement plan completion
  - ♦ Project specific refinement plan adoption
- B. Environmental milestones:
  - ♦ Location Environmental Impact Statement (EIS) Record of Decision (ROD)
  - ♦ Design EIS ROD
  - ♦ Environmental Assessment (EA) and Finding of No Significant Impact (FONSI)
- C. Project development milestones for projects not yet funded for construction:
  - ♦ Right of way acquisition
  - ♦ Advance plans (or any other applicable project development design milestone)
  - ♦ Plans, specifications and estimates (PS&E).

## **B.2. Development STIP Prioritization Factors Footnotes**

### **<sup>3</sup>D-STIP Projects that Best Support the Oregon Highway Plan Policies**

Oregon Highway Plan policies that are applicable to D-STIP projects may include but are not necessarily limited to the following (Table 1):

- ♦ 1A, 1B, 1C, 1D, 1F, 1G, 1H, 2A, 2B, 2C, 2E, 2F, 2G, 3A, 3B, 3C, 4A, 4B, 4C, 4E, and 5A

### **<sup>4</sup>Funding for D-STIP Projects**

A funding scenario should be identified through construction, though not necessarily guaranteed. Congressional high priority projects would fall into this category.

### **<sup>5</sup>Leverage and Public Benefit for D-STIP Projects**

ACTs, MPOs and regional or statewide advisory groups should evaluate how proposed projects leverage additional funding or collateral community benefits and make wise and efficient use of infrastructure and natural resources. Examples of leverage and public benefits for D-STIP modernization projects could include:

- ♦ Other funding contributions, such as additional federal funds, local matching funds or provision of project right of way, private funding.
- ♦ Bundling with other infrastructure projects (provided there is no adverse affect on project readiness).
- ♦ Leveraging additional funds that contribute to transportation system effectiveness, revitalization of the downtown or mainstreet, etc.
- ♦ Improvements in Oregon's economy by addressing transportation challenges.

### III. Construction STIP (C-STIP)

#### A. Introduction to the C-STIP

The C-STIP identifies project scheduling and funding for the state's transportation preservation and capital improvement program for a four-year construction period. This program meets the requirements of the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21), the federal act that provides funds to states for transportation projects. Application of the C-STIP Eligibility Criteria and Prioritization Factors includes Modernization, Preservation and Bridge projects.

#### B. Modernization

As stated in the *1999 Oregon Highway Plan*, "The primary goal of modernization projects is to add capacity to the highway system in order to facilitate existing traffic and/or accommodate projected traffic growth. Modernization means capacity-adding projects including HOV lanes and off-system improvements. Projects in this category include major widening of lanes or bridges, and the addition of lanes, rest areas or entire facilities." Where a culvert is replaced with a bridge due to environmental analysis concluding that this is necessary, the project is not considered modernization.

##### B.1. Construction STIP Eligibility Criteria for Modernization Footnotes

###### <sup>6</sup>Consistency with Comprehensive Plans and Transportation System Plans (TSP)

If consistency cannot be demonstrated at the time an ACT or regional or statewide advisory group recommends a project, the ACT or regional or statewide advisory group, after consultation with the applicant, shall note what changes to the project, TSP and/or comprehensive plan are needed and when they need to be completed, in which case the ACT or regional or statewide advisory group may recommend that the project be included in the D-STIP, and request that Transportation Planning Rule issues be addressed.

Proposed projects from within MPOs shall be identified in fiscally constrained Regional Transportation Plans and shall meet air quality conformity requirements.

###### <sup>7</sup>Consistency with Oregon Highway Plan (OHP) policy on Major Improvements (1.G.1)

In order to demonstrate that a project is consistent with OHP Policy 1G.1, the proposal must show that the project and/or the TSP clearly addressed the prioritization criteria found in Policy 1.G.1 of the OHP.

Where needed to achieve consistency with the above-noted Oregon Highway Plan policy, the ACTs, MPOs, or regional or statewide advisory groups shall negotiate conditions for project approval with an applicant. These conditions, if not addressed as the project proceeded through the D-STIP if applicable, shall be attached to the application approved by the ACT, MPO or regional or statewide advisory group, shall be as specific as possible given the stage of development of the project, and may include the following:

- ◆ Access management and interchange management plans,
- ◆ Highway segment designations,
- ◆ Needed local street improvements,
- ◆ Traffic management plans,

- ♦ Land use plan designations,
- ♦ Other similar conditions.

## **B.2. Construction STIP Prioritization Factors for Modernization Footnotes**

### **<sup>8</sup>Project Readiness for C-STIP Modernization Projects**

Projects that can begin construction within the timeframe of the STIP and within the timeframe expected are considered to be more ready than those that have many or complicated remaining steps. The overall judgement of a project's readiness is dependent on timeliness of construction expectations not on the number of steps to be completed.

The hurdles to accomplish each of the following steps must be assessed for major modernization projects that have come through the D-STIP and for which a final Record of Decision (ROD) for a design level environmental impact statement or a Finding of No Significant Impact (FONSI) has been made:

- ♦ Public involvement
- ♦ Right of way purchased
- ♦ Final construction and traffic flow management plans developed

Projects that have not gone through the D-STIP must also assess the following:

- ♦ Environmental requirements
- ♦ Land use requirements
- ♦ Applicability of minor improvements and alternative mode solutions

For all projects, if those aspects are not completed at the time of the assessment of project readiness, a plan to complete them must be described to assist in judging the likelihood that all of those aspects can be addressed, and construction begun within the timeframe projected. The project budget and time line must include execution of the plan.

### **<sup>9</sup>Modernization Projects that Best Support the Oregon Highway Plan Policies**

OHP policies that are applicable to modernization projects may include but are not necessarily limited to the following (Table 1):

- ♦ 1A, 1B, 1C, 1D, 1F, 1G, 1H, 2A, 2B, 2C, 2E, 2F, 2G, 3A, 3B, 3C, 4A, 4B, 4C, 4E, and 5A

### **<sup>10</sup>Leverage and Public Benefit for C-STIP Modernization Projects**

ACTs, MPOs and regional or statewide advisory groups should evaluate how proposed projects leverage additional funding or collateral community benefits and make wise and efficient use of infrastructure and natural resources. Examples of leverage and public benefits for C-STIP modernization projects include:

- Other funding contributions, such as additional federal funds, local matching funds or provision of project right-of-way, private funding.
- ♦ Bundling with other infrastructure projects (provided there is no adverse affect on project readiness).
- ♦ Fish enhancement, such as culvert replacement and improved drainage.
- ♦ Transfer of jurisdiction from state to local control.
- ♦ Leveraging of additional funds that contribute to transportation system effectiveness, revitalization of the downtown or mainstreet, etc.

- ♦ Direct benefits to multiple modes of travel. This would include local efforts to accommodate non-auto modal opportunities.
- ♦ Local circulation improvements that support and complement the state highway project.
- ♦ Improvements in Oregon's economy by addressing transportation challenges.
- ♦ Potential for collecting toll revenues.
- ♦ Projects that implement other innovative finance techniques.

#### <sup>11</sup>**Environmental Classification**

- ♦ Class 1: Requires draft and final environmental impact statement (EIS)
- ♦ Class 2: Categorical exclusion (neither an environmental assessment nor an environmental impact statement is required)
- ♦ Class 3: Requires environmental assessment (EA) or revised environmental assessment

### **C. Preservation**

The pavement preservation projects list is developed by ODOT's Pavement Management System (PMS) and applied by the pavement management selection committees. The PMS is an electronic data management tool used by the department to identify, prioritize and develop needed pavement preservation projects. The role of ACTs, MPOs and regional or statewide advisory groups is to review the timing of the pavement preservation projects as they relate to other local projects or issues; their comments will be considered as part of the process. It is anticipated that these groups will primarily enhance selected projects by leveraging additional funding or collateral community benefit. The interstate preservation projects are selected based on the PMS and a statewide strategy and are therefore not a part of these criteria.

#### **C.1. Construction STIP Eligibility Criteria for Pavement Preservation Footnotes**

##### <sup>12</sup>**Pavement Strategy**

The department has adopted a pavement preservation program designed to keep highways in the best condition at the lowest lifecycle cost, taking into account available funding. ODOT established a Pavement Strategy Committee in 1999 to address pavement preservation issues, including the development of a statewide pavement strategy for all state highways. The pavement strategy was developed using the department's Pavement Management System. The strategy assumes maintenance of existing traffic capacity; it does not provide for capacity improvements.

Using the list generated by the Pavement Management System (PMS), each Region is responsible for recommending preservation projects for inclusion in the STIP.

#### **C.2. Construction STIP Prioritization Factors for Pavement Preservation Footnotes**

##### <sup>13</sup>**Project Readiness for C-STIP Preservation Projects**

Projects that can begin construction within the timeframe of the STIP and within the timeframe expected are considered to be more ready than those that have many or complicated remaining steps. The overall judgement of a project's readiness is dependent on timeliness of construction expectations not on the number of steps to be completed.

1  
2 **<sup>14</sup>Preservation Projects that Best Support the Oregon Highway Plan Policies**

3 Oregon Highway Plan policies that are applicable to preservation projects may include but are  
4 not necessarily limited to the following (Table 1):  
5

- 6 ♦ 1A, 1B, 1C, 1D, 1E, 2A, 2C, 2F, 3A, 4A, and 5A  
7

8 **<sup>15</sup>Leverage and Public Benefit for C-STIP Preservation Projects**

9 ACTs, MPOs and regional or statewide advisory groups should evaluate how proposed projects  
10 leverage additional funding or collateral community benefits and make wise and efficient use of  
11 infrastructure and natural resources. Examples of leverage and public benefits for C-STIP  
12 pavement preservation projects include:  
13

- 14 ♦ Other funding contributions, such as additional federal funds, local matching funds or  
15 provision of project right-of-way, private funding.  
16 ♦ Bundling with other infrastructure projects (provided there is no adverse affect on  
17 project readiness).  
18 ♦ Fish enhancement, such as culvert replacement and improved drainage.  
19 ♦ Transfer of jurisdiction from state to local control.  
20 ♦ Leveraging of additional funds that contribute to transportation system effectiveness,  
21 revitalization of the downtown or mainstreet, etc.  
22 ♦ Direct benefits to multiple modes of travel. This would include local efforts to  
23 accommodate non-auto modal opportunities.  
24 ♦ Local circulation improvements that support and complement the state highway  
25 project.  
26 ♦ Improvements in Oregon's economy by addressing transportation challenges.  
27

28 **D. Bridge**  
29

30 The process of identifying bridge projects for the STIP is two-fold in nature (1) bridges are  
31 inspected at least every two years, in order that the most current inspection information is used  
32 to develop a list of bridges and (2) the use of a Bridge Management System (BMS). The BMS  
33 is an electronic data management tool used by the department to identify, prioritize and develop  
34 needed bridge improvements. BMS data are linked to other technical databases to identify  
35 bridges that meet twelve separate deficiency parameters. Applying this information, the State  
36 Bridge Oversight Committee develops a prioritized list. The role of ACTs, MPOs and regional or  
37 statewide advisory groups is to review the timing of the bridge replacement/rehabilitation  
38 projects as they relate to other local projects or issues; their comments will be considered as  
39 part of the process. It is anticipated that these groups will primarily enhance selected projects  
40 by leveraging additional funding or collateral community benefit.  
41

## **D.1. Construction STIP Eligibility Criteria for Bridge Footnotes**

### **<sup>16</sup>Bridge Management System**

#### **State Bridge Project Selection**

This criterion applies to bridges on the State highway system only. Through a formula distribution, 27% (% periodically reassessed) of the federal Highway Bridge Replacement and Rehabilitation Project funds go to local bridges, which are covered through a separate selection process.

State bridge projects proposed for funding will be selected based on the desire to maintain and improve transportation's role in Oregon's economy.

Focusing on the Interstate Highway and Oregon Highway Plan Freight Routes, consider bridges as candidates based on the following:

- ♦ Bridges that are presently load restricted.
- ♦ Bridges that have needed temporary repair but still have some load restrictions.
- ♦ Bridges that have deterioration that will cause load restrictions in the near future.
- ♦ Bridges that preserve freight corridors

## **D.2. Construction STIP Prioritization Factors for Bridge Footnotes**

### **<sup>17</sup>Bridge Implementation Strategy**

Priority will be given to projects that support the Bridge Implementation Strategy adopted by the Oregon Transportation Commission. Bridges that increase lane capacity are included under modernization and must meet the modernization criteria and prioritization factors.

### **<sup>18</sup>Leverage and Public Benefit for C-STIP Bridge Projects**

ACTs, MPOs and regional or statewide advisory groups should evaluate how proposed projects leverage additional funding or collateral community benefits and make wise and efficient use of infrastructure and natural resources. Examples of leverage and public benefits for C-STIP bridge replacement/rehabilitation projects include:

- ♦ Other funding contributions, such as additional federal funds, local matching funds or provision of project right-of-way, private funding.
- ♦ Bundling with other infrastructure projects (provided there is no adverse affect on project readiness).
- ♦ Fish enhancement, such as culvert replacement and improved drainage.
- ♦ Direct benefits to multiple modes of travel. This would include local efforts to accommodate non-auto modal opportunities.
- ♦ Improvements in Oregon's economy by addressing transportation challenges.

# Oregon Highway Plan Policies Applicable to Prioritizing Projects Statewide Transportation Improvement Program

Table 1

POLICY	D-STIP Mod.	C-STIP Mod.	C-STIP PRES.
<b>GOAL 1: SYSTEM DEFINITION</b>			
POLICY 1A: STATE HIGHWAY CLASSIFICATION SYSTEM	X	X	X
POLICY 1B: LAND USE AND TRANSPORTATION	X	X	X
POLICY 1C: STATE HIGHWAY FREIGHT SYSTEM	X	X	X
POLICY 1D: SCENIC BYWAYS	X	X	X
POLICY 1E: LIFELINE ROUTES			X
POLICY 1F: HIGHWAY MOBILITY STANDARDS	X	X	
POLICY 1G: MAJOR IMPROVEMENTS	X	X	
POLICY 1H: BYPASSES	X	X	
<b>GOAL 2: SYSTEM MANAGEMENT</b>			
POLICY 2A: PARTNERSHIPS	X	X	X
POLICY 2B: OFF-SYSTEM IMPROVEMENTS	X	X	
POLICY 2C: INTERJURISDICTIONAL TRANSFERS	X	X	X
POLICY 2E: INTELLIGENT TRANSPORTATION SYSTEMS	X	X	
POLICY 2F: TRAFFIC SAFETY	X	X	X
POLICY 2G: RAIL AND HIGHWAY COMPATIBILITY	X	X	
<b>GOAL 3: ACCESS MANAGEMENT</b>			
POLICY 3A: CLASSIFICATION AND SPACING STANDARDS	X	X	X
POLICY 3B: MEDIANS	X	X	
POLICY 3C: INTERCHANGE ACCESS MANAGEMENT AREAS	X	X	
<b>GOAL 4: TRAVEL ALTERNATIVES</b>			
POLICY 4A: EFFICIENCY OF FREIGHT MOVEMENT	X	X	X
POLICY 4B: ALTERNATIVE PASSENGER MODES	X	X	
POLICY 4C: HIGH-OCCUPANCY VEHICLE (HOV) FACILITIES	X	X	
POLICY 4E: PARK-AND-RIDE FACILITIES	X	X	
<b>GOAL 5: ENVIRONMENTAL AND SCENIC RESOURCES</b>			
POLICY 5A: ENVIRONMENTAL RESOURCES	X	X	X

## **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, the OTC expects to:

- Broaden opportunities for advising the OTC on policy issues
- Improve project recommendations and coordination at the local level
- Broaden the Regional transportation perspective
- Increase stakeholder support for and commitment to projects
- Control project costs
- Support timely completion of projects
- Meet expectations for quality projects
- Facilitate private sector capital investments
- Maximize ODOT's capacity to deliver projects
- Improve Oregon's economy by addressing transportation challenges

The OTC adopted *Policy on Formation and Operation of Area Commissions on Transportation*<sup>1</sup> 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>2</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> This statement assumes future adoption of this document by the OTC

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

The OTC will give significant weight 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 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. See Attachment D, Glossary of Terms, for further definition and usage examples.

# **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 making recommendations to the OTC regarding project selection for projects of local or Regional significance. ACTs may also be requested to provide input to the OTC on 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 to advance the public's awareness and understanding among transportation stakeholders of transportation issues.
- Establish a public process that is consistent with state and federal laws, regulations and policies.
- Provide recommendations to the OTC regarding program funding allocations for the STIP, balancing local, Regional and statewide perspectives<sup>3</sup>.
- 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.
- Communicate and coordinate Regional priorities with other organizations, including the following:
  - Other ODOT Regions and ACTs
  - Metropolitan Planning Organizations (MPOs)
  - Community Solutions Team (CST)
  - Regional Partnerships and Regional Investment Boards
  - ODOT advisory committees

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

- As applicable, 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.  
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 Oregon Transportation Commission 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 (for example, 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 include Preservation, Safety, Bridge, Operations, Public Transportation, Freight, Rail, Bicycle/Pedestrian, Transportation Enhancement, Scenic Byways, Federal Lands Highways, and Fish Culverts.
- Advise the OTC on state and Regional policies affecting the Area's Transportation 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.
- 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 role includes:

- Designating one OTC member as the liaison to the ACT.
- Encouraging the OTC liaison to attend ACT meetings.
- Providing financial support in an amount sufficient to meet OTC expectations.
- Facilitating communication between the OTC and the ODOT representative to the ACT.
- Describing expectations and providing adequate lead time when requesting input from the ACT.

- 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:

- 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 technical and policy information in a timely manner to assist the ACT in carrying out its roles and responsibilities.
- 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 the authority to establish the policies for the operation of the Oregon Department of Transportation and for the administration of programs related to transportation. The Area Commissions on Transportation are advisory bodies chartered under authority of the Oregon Transportation Commission. 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 (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 effect 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>4</sup> membership, an ACT needs to consider all modes and aspects of the Transportation System. An ACT will have a voting membership which is reflective of its population and interest groups and will be broadly representative of those impacted by ACT recommendations. At a minimum, ACT representation will include at least 50% elected officials from the Area. Representation shall include City, County, and MPO officials within the ACT boundaries. Tribal Governments, Port officials, and Transit officials<sup>5</sup> shall also be invited to participate as voting members and will count toward the requirement of at least 50% elected officials. The remainder of the representation should be from interested stakeholders which may represent, but are not limited to: freight, trucking, bicycle, pedestrian, public transportation system, public interest advocacy groups, environmental, land use, local citizens, business, education, public safety providers, non-profit organizations, etc. ODOT will be a voting member on each ACT. Members should be carefully selected so that transportation recommendations are coordinated with other local and Regional community development activities, creating consensus within the Area on transportation issues and priorities. The ACT will determine the total number and selection of ACT members.

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

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

In addition to the official membership, each ACT should include appropriate ex officio members and give full consideration to their comments and recommendations. Ex officio members may include:

- Oregon Transportation Commissioners, state legislators, and local congressional aides
- Community Solutions Team
- State and federal agencies such as US Forest Service, BLM, Fish and Wildlife, Department of Environmental Quality, Department of Land Conservation and Development, Department of Aviation
- City and county road district or department
- Regional groups that have an interest in transportation issues such as housing advocates, Regional Partnerships and Regional Investment Boards, law enforcement agencies, etc.

The ACT should encourage participation of adjacent ACTs and consider inviting representatives as ex officio members. Adjoining ACTs should be included on all mailing lists and be invited to attend all ACT meetings.

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 a technical advisory committee to assist during project or policy discussions. The TAC 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 and its role will be defined in the Operating Agreement.

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

### **A. ACT Operating Agreements**

ACT operating agreements must clarify the roles and processes between members, agencies, ODOT and the OTC. 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 shall provide for a wide solicitation for non-elected membership, and specify the solicitation process used. In addition, 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 (for example, 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 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 will articulate how the executive/steering committee will communicate with the full ACT.

The Operating Agreements 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, the ACT will describe how it meets the minimum 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 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, 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.

## 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. When ACTs are considering recommendations relative to the STIP, their recommendations must comply with the policies and standards adopted by the OTC. 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<sup>6</sup>. 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 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. Recommendations to the OTC will be made in accordance with the approved STIP Development Timeline (on the Web at: <http://www.odot.state.or.us/stip/>).

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<sup>6</sup> See footnote 3.

ODOT has established special committees and processes to apply Oregon Transportation Management System information for the identification, prioritization and development of bridge replacement/rehabilitation and pavement preservation projects. If the ACT reviews Bridge or Preservation projects based on OTC approved criteria, the role of the ACT shall be to review the recommended lists of projects and to provide information to ODOT regarding any special circumstances within the Area that may apply to the prioritized list. Due to the highly technical nature of the bridge project selection, prioritization is primarily the responsibility of the technical staff utilizing the Bridge Management System. For preservation projects, the list from the Pavement Management System is enhanced by ACT knowledge/ information that helps meet state and local objectives (e.g., leverage funding sources, bundle with other projects, 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
- Other ACTs within and across ODOT Regions
- ODOT Advisory Committees
- Community Solutions Team
- Regional Partnerships and Regional Investment Boards
- Tribal Governments
- MPOs
- Local Governments, Transit and Port Districts
- Stakeholder groups (e.g., environmental, business, state and federal agencies with land holdings within the ACT boundary)

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 every two years. The report 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 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.

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

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

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

ACTs are encouraged to keep ODOT’s specialized standing committees (e.g., Local Officials Advisory Committee, Rail, Freight, Public Transportation, Bicycle/Pedestrian, Transportation Enhancement, Scenic Byways and the Tri-Agency Committee for the Forest Highway Program) informed and to seek their comment on major policies and programs under consideration. Representatives should be included on the ACT mailing lists and invited to all ACT meetings. The committees have a mutual obligation to provide information to the ACTs regarding processes, technical data, and recommendations specific to the program.

#### **D. Community Solutions Team**

Since 1995, five state agency directors, serving as the Governor's Community Solutions Team (CST), have been actively engaged in developing an integrated and collaborative approach to community development. ACTs are encouraged to use the multi agency resources of the Regional Community Solutions Teams (RCST) early in the project review process to raise and resolve issues as appropriate. RCST may also help identify opportunities to leverage funds. The standing agencies of the CST include:

- Oregon Department of Transportation (ODOT)
- Oregon Housing and Community Services (OHCS)
- Oregon Economic and Community Development Department (OECDD)
- Department of Land Conservation and Development (DLCD)
- Department of Environmental Quality (DEQ).

Representatives of the RCST should be included on the ACT mailing lists and invited to all ACT meetings

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

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

Representatives of Regional Partnerships or Regional Investment Boards should be included on the ACT mailing lists and invited to all ACT meetings. ACTs are encouraged to either be one and the same with a Regional Partnership or be organized to work effectively with and contribute to the work of a Regional Partnership.

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

OTC recognizes that Tribal Governments represent sovereign nations. ACT recommendations will consider the needs of the 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, a tribal representative shall be invited as a voting member of the ACT, as applicable.

#### **G. MPOs**

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

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.

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

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

## **I. Stakeholder Groups**

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

## **Attachment A**

### **Public Involvement**

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

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

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

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

#### **Meeting Notice**

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

#### **Meeting Materials**

- For decision items, distribute 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 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>7</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>7</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 tape recorders.
- No smoking is permitted at any meeting of the ACT.

**E. ROLES AND RESPONSIBILITIES**

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

**F. PUBLIC COMMENT**

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

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

**Attachment A Table 1**

## **Attachment B**

### **How An Act Is Established and Biennial Report 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). 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 reviews the proposal. Once the Commission accepts the proposal, it adopts a resolution providing a provisional charter for the Area Commission on Transportation. The ACT selects its members and begins to function as an official advisory body to the Oregon Transportation Commission.

The Biennial Report should follow a similar process in addressing the questions below and should be reviewed by the ACT membership before submitting to the OTC.

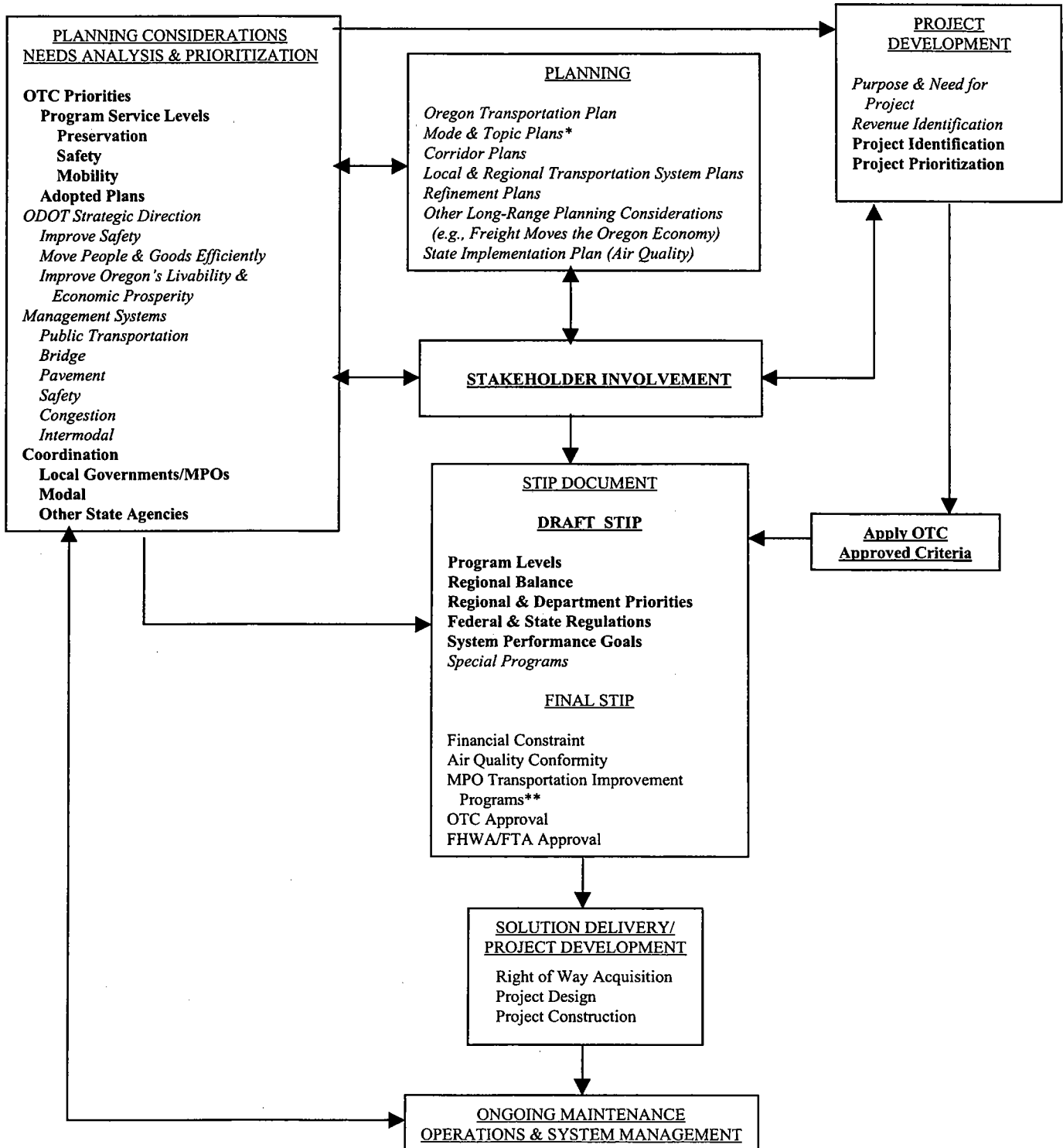
#### **Key Questions to be addressed in an ACT Proposal**

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

1. What is the rationale for the geographic boundaries of the proposed ACT? If the boundaries are being modified, why?
2. What are the proposed voting and ex officio membership categories and how do they ensure coordination with existing Regional public agencies?
3. Is the membership broadly representative of local elected officials and inclusive of other key stakeholders and interests (see Section IV, Subsection 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, 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

