

# **CHARTER OF THE SOUTHEAST AREA COMMISSION ON TRANSPORTATION (SEACT)**

## **I. MISSION**

- A. To provide a forum for local government agencies and the private sector to discuss, understand and coordinate long range transportation issues affecting the southeast Oregon region
- B. To review the process for determining transportation infrastructure, capital investments and project prioritization in the southeast Oregon region
- C. To recommend priorities for state transportation infrastructure and capital investments through the development of an implementation strategy based on state and local transportation plans related to the southeast Oregon region
- D. To communicate southeast Oregon regional transportation issues to the public, neighboring regions, area legislators and other interested organizations
- E. To advise the Oregon Transportation Commission (OTC) on state and regional policies affecting the southeast Oregon region's transportation system

## **II. ROLES AND RESPONSIBILITIES**

- A. The SEACT shall:
  - 1. Provide a forum to advance the public's awareness and understanding among transportation stakeholders of transportation issues
  - 2. Establish a public process that is consistent with state and federal laws, regulations and policies
  - 3. Provide recommendations to the OTC regarding program funding allocations for the Statewide Transportation Improvement Program (STIP), balancing local, Regional and statewide perspectives
  - 4. Prioritize Area Modernization project recommendations for the Development STIP and Construction STIP based on state and local transportation plans related to the southeast Oregon area
  - 5. Make recommendations to the Oregon Department of Transportation (ODOT) regarding special funding opportunities and programs
  - 6. Provide advice or review, if desired, of activities such as:
    - a. ODOT corridor plans or local transportation system Plans (TSPs) that contain projects of Regional significance (for example, a new highway bypass)
    - b. 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

- c. The OTC state and Regional policies affecting the Area's Transportation System, including proposed ODOT policies and their implementation
  - d. Prioritization of long-range planning projects in the ODOT Region planning work programs
  - e. Establishment and monitoring of Benchmarks for Regional transportation improvements.
  - f. Other transportation related policy or funding issues relevant to the SEACT that would benefit from the coordinated committee discussion afforded by the SEACT structure
7. Communicate and coordinate Regional priorities with other organizations, including the following:
    - a. Other ODOT Regions and ACTs
    - b. Governor's Economic Revitalization Team (GERT)
    - c. Regional Partnerships and Regional Investment Boards
    - d. ODOT advisory committees
  8. 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.
  9. Provide documentation to the OTC of the public process and resulting recommendations forwarded by the SEACT including alternatives for solutions and outcomes of decisions
  10. Provide a report to the Oregon Transportation Commission at least once every two years.

B. The OTC role, as stated in the *Policy on Formation and Operation of Area Commissions on Transportation* approved June 18, 2003, includes:

1. Designating one OTC member as the liaison to the ACT
2. Encouraging the OTC liaison to attend ACT meetings
3. Providing financial support in an amount sufficient to meet OTC expectations
4. Facilitating communication between the OTC and the ODOT representative to the ACT
5. Describing expectations and providing adequate lead time when requesting input from the ACT
6. Providing training opportunities for the ACTs to enhance understanding of statewide programs and issues
7. Giving significant weight to recommendations from ACTs that follow procedures and requirements described in this Charter and the *Policy on Formation and Operation of Area Commissions on Transportation*
8. Providing feedback to the ACTs regarding decisions that were made based on the ACT recommendations
9. Conducting a biennial review of the ACT Charter and Operating Agreements

- C. The Oregon Department of Transportation (ODOT) shall:
1. Assign the ODOT Region Five South Area Manager as its voting representative to the ACT
  2. The ODOT representative shall:
    - a. Serve as a communication liaison between the SEACT, ODOT Region, and ODOT Director's Office
    - b. Bring a statewide perspective to discussions of local transportation issues
    - c. Coordinate timely preparation of agenda items for action by the ACT
    - d. Provide technical and policy information in a timely manner to assist the ACT in carrying out its roles and responsibilities
    - e. Provide information on project status
    - f. Coordinate presentations and education regarding state and federal programs and priorities
    - g. Advise the SEACT of ODOT views during program and project discussions
    - h. Provide staff support as agreed upon by separate contract between ODOT and the chosen administrative entity
    - i. 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

- A. The OTC, under ORS 184.610 to 184.666, is authorized to establish the policies for the operation of the Oregon Department of Transportation and for the administration of programs related to transportation
- B. The OTC may charter an ACT as an advisory body
- C. The OTC may charter an ACT when it demonstrates, and as long as it maintains, a structure consistent with the requirements contained in the *Policy on Formation and Operation of Area Commissions on Transportation* approved June 18, 2003, or as amended
- D. The OTC retains oversight and final decision making authority to assure efficient management of the state Transportation System
- E. The SEACT is a voluntary association of government and non-government transportation stakeholders and shall have no legal regulatory, policy or administrative authority
- F. The SEACT process and resulting recommendations shall comply with relevant laws, regulations and policies
- G. The SEACT meets the definition of a "Governing Body" and falls under the requirements of the Public Meetings Law, ORS 192.610 to 192.690
- H. The SEACT members shall comply with the requirements of Oregon Government Standards and Practices laws concerning conflict of interest
- I. The SEACT should apply a statewide perspective to address the Transportation System with primary focus on the state Transportation System
- J. ACTs should also consider Regional and local transportation issues

- K. The SEACT should collaborate with other ACTs to facilitate consideration of issues that have a broader geographic scope

#### **IV. SEACT STRUCTURE AND MEMBERSHIP**

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

1. Grant, Harney and Malheur Counties, in a Memorandum of Understanding approved on October 6, 1999, formed the Southeast Regional Alliance (SRA) to address common community and economic development issues.
2. Grant, Harney and Malheur Counties have established uniform regional boundaries for other state programs
3. A Memorandum of Understanding was signed on April 24, 2000, to create a Regional Partnership between the SRA and six state agencies including the Department of Transportation.
4. At public meetings throughout the region, transportation has consistently been identified as one of the top regional issues
5. The SRA was given provisional approval to serve as the SEACT on October 11, 2000

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

1. The three County Courts shall each appoint five members from their respective counties to serve on the SRA/SEACT Board; alternates may appointed, if desired, to serve in the absence of a Board member
2. Due to the large geographic area, the small population and cities that have all volunteer elected officials, the SEACT may include less than 50% elected officials as voting members; to meet the intent of the policy guidelines, membership, at a minimum, shall include:
  - a. One elected member of each County Court
  - b. One representative of the incorporated cities within each county
  - c. One representative of the Burns Paiute Tribe
3. Every effort will be made to assure that there will be broad representation from interested stakeholders including, but not limited to:
  - a. Various modes of transportation
  - b. Business
  - c. Natural resource industries
  - d. Public lands
  - e. Education
  - f. Land use
  - g. Public safety providers
  - h. Non-profit organizations
  - i. Local citizens
4. SEACT membership shall include:
  - a. One member of the Grant County Court
  - b. One member of the Harney County Court
  - c. One member of the Malheur County Court
  - d. One member representing the cities of Grant County

- e. One member representing the cities of Harney County
  - f. One member representing the cities of Malheur County
  - g. Three at-large representatives from Grant County
  - h. Two at-large representatives from Harney County
  - i. One representative of the Burns Paiute Tribe of Harney County
  - j. Three at-large representatives from Malheur County
  - k. ODOT Region Five South Area Manager
5. Ex-Officio membership shall include:
- a. The Oregon Transportation Commission Liaison to the ACT
  - b. A representative of the Oregon Department of Aviation
  - c. The Eastern Regional Coordinator for the Governor's office
  - d. Members of the Governor's Economic Revitalization Team
  - e. State legislators representing districts in the region
  - f. Representatives of each county road department or road district
  - g. Representatives of regional groups that have an interest in transportation issues (e.g., housing advocates, law enforcement agencies, etc.)

C. Technical Advisory Committee

- 1. A Technical Advisory Committee may be established on an ad-hoc basis as determined by the SEACT Board

**II. OPERATIONS OF THE SEACT**

A. Operating Agreements

- 1. Operating agreements may be negotiated as necessary among and between ODOT, SEACT and the administrative organization
- 2. The operating agreement shall provide for a wide solicitation for non-elected membership and specify the solicitation process used
- 3. The operating agreement shall specify how meetings will be conducted, officers and terms of office and whether or not alternates will be allowed
- 4. The operating agreement will specify the number of members required to constitute a quorum and the decision making process (e.g., consensus or majority vote)
- 5. The operating agreement will specify whether the SEACT will have an executive/steering committee and if so describe the committee's authority and how it meets the requirements of the *Policy on Formation and Operation of the ACTs*
- 6. The operating agreement shall articulate how the executive/steering committee will communicate with the full ACT
- 7. The operating agreement shall clarify that the ACT is an advisory body that makes recommendations to the Oregon Transportation Commission

B. Staffing and Financial Support

- 1. ODOT may provide administrative services or contract with a regional organization for such services

2. Administrative staff will coordinate with the ODOT Region Five South Area Manager to assure that roles and responsibilities of all parties are met
3. ODOT will provide financial support for administration of the SEACT in an amount sufficient to meet OTC expectations

**C. Public Involvement**

1. The SEACT shall comply with the requirements of Oregon Public Meetings law, ORS 192.1610 to 192.690 and all relevant federal laws, regulations and policies for public involvement
2. To the maximum extent practicable, the SEACT shall involve the public and stakeholders in all decision making processes
3. The SEACT shall make specific efforts to assure that the Burns Paiute Tribe is involved in all transportation decision making processes
4. The SEACT shall make specific efforts to assure that minority and low income populations are involved in all transportation decision making processes
5. Specific guidelines for public involvement are delineated in Attachment A

**VI. BASIS FOR DECISION MAKING**

- A. The SEACT shall function as an advisory body to the OTC, which had final decision authority
- B. The SEACT processes and resulting recommendations shall comply with relevant laws, regulations, policies and OTC standards
- C. The STIP decision making process:

1. When considering recommendations relative to the STIP, 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

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)

2. The SEACT may use additional criteria to select and rank projects provided the criteria do not conflict with any criteria established by the OTC
  3. If additional criteria are used, the SEACT must inform those developing project proposals about the criteria
  4. The SEACT shall apply Regional and statewide perspectives to their considerations
  5. 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 SEACT in forming its recommendations
  6. Documentation developed by a member whose recommendations were not incorporated into the final SEACT recommendations will be forwarded to the OTC with other materials documenting SEACT recommendations
  7. Recommendations to the OTC will be made in accordance with the approved STIP Development Timeline
- D. Identification, prioritization and development of bridge replacement/rehabilitation and pavement preservation projects:
1. The SEACT may choose to review Bridge or Preservation projects based on OTC approved criteria
  2. The SEACT may review the recommended lists of projects and provide information to ODOT regarding any special circumstances within the Area that may apply to the prioritized list
  3. 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
  4. The SEACT may review the list of preservation projects from the Pavement Management System to convey knowledge/information that helps meet state and local objectives (e.g., leverage funding sources, bundle with other projects, coordinate with local projects)

### III. COORDINATION

- A. Coordination is a primary obligation in the development of recommendations by the SEACT; coordination should include, but not be limited to the groups listed below
- B. Oregon Transportation Commission
  1. The SEACT shall provide a report to the OTC at least every two years
  2. The SEACT shall forward appropriate recommendations and supporting information to the OTC for consideration
- C. Other ACTs within and across ODOT Regions
  1. The SEACT shall coordinate with other ACTs for recommendation that may have a Regional impact
  2. Adjacent ACTs should be included on the ACT mailing lists and be invited to SEACT meetings
  3. Meeting agendas and minutes should be provided to adjacent ACTs
- D. ODOT Advisory 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)

1. Committees should be kept informed on major policies and programs under consideration
  2. Committee comment should be sought when appropriate
  3. Representatives should be included on the ACT mailing lists and invited to all ACT meetings
  4. The committees have a mutual obligation to provide information to the SEACT regarding processes, technical data, and recommendations specific to the program
- E. Governor's Economic Revitalization Team
1. The following members of the GERT shall be included on the SEACT mailing lists and invited to all SEACT meetings
    - a. Oregon Department of Transportation
    - b. Oregon Housing and Community Services
    - c. Oregon Economic and Community Development Department
    - d. Department of Land Conservation and Development
    - e. Department of Environmental Quality
    - f. Department of Agriculture
    - g. Division of State Lands
    - h. Eastern Regional Coordinator for the Governor's Office
  2. Comments will be solicited from the GERT in the project review process to raise and resolve issues as appropriate
  3. The GERT may help identify opportunities to leverage funds
- F. Regional Partnerships and Regional Investment Boards
1. The Southeast Regional Alliance board serves as the board for the Regional Partnership and the Regional Investment Board as well as the SEACT
  2. The SEACT meetings shall generally be held in conjunction with Southeast Regional Alliance meetings
- G. Tribal Governments
1. SEACT recommendations shall consider the needs of the Burns Paiute Tribal Government
  2. SEACT recommendations shall coordinate with the tribal Transportation Improvement Program (TIP) and other tribal projects under development
- H. Local Governments, Transit and Port Districts
1. SEACT recommendations shall be coordinated with other local and Regional community development activities
- I. Stakeholder groups (e.g., environmental, business, state and federal agencies with land holdings within the SEACT boundary)
1. The SEACT shall make an effort to consider the concerns and recommendations of all interested stakeholders
  2. The SEACT shall provide access, as far as is practicable, to technical materials and supporting documentation considered during the SEACT decision making process
  3. The SEACT shall respond to public input received during the planning and program development process

4. Voting members would serve as representatives of their respective constituencies and thus would be responsible for communication with them regarding SEACT activities and decisions
- J. All recommendations shall be reviewed for local, Regional and statewide issues and perspectives
- K. SEACT representatives are responsible for providing regular updates to their respective organizations on actions and recommendations being considered by the SEACT

## **Attachment A Public Involvement**

SEACT 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 SEACT meetings will be open to public attendance and any member of the public may attend any meeting of the SEACT.

The SEACT will conduct all meetings in accordance with the following guidelines:

### **Meeting Notice**

At least one week advance notice shall be given to interested persons and stakeholder groups on the SEACT mailing list and to area news media  
Notices shall include time, place, principal agenda items and the name of a person and telephone number for additional information  
Notices shall include a contact name and telephone number to request 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**

An advance agenda shall be provided one week prior to the meeting, either by e-mail, on a SEACT website or through the mail  
For decision items, information will be distributed to everyone in attendance at the meeting  
If practicable, technical materials and supporting documentation for decision items shall be provided one week prior to the SEACT meeting  
Provide time on the agenda for general public comment

### **MEETING SCHEDULE**

Regularly scheduled meetings will be held in conjunction with the Southeast Regional Alliance  
Meetings will be held on the fourth Monday of each month except December at 10:00 AM (Pacific Time) or 11:00 (Mountain Time)

### **MEETING LOCATION**

Regular meeting locations will rotate among the three SEACT counties  
Meeting locations shall meet 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))  
There will be adequate seating and facilities to encourage attendance by the general public

### **Meeting Minutes**

Minutes shall be prepared for all SEACT meetings. Minutes, at a minimum, must include:

- Members and guests present
- All motions and resolutions proposed, and their disposition
- Results of all votes/decisions; secret ballots are prohibited
- Substance of all discussion
- Reference to all documents discussed (confidentiality of records exempt from disclosure may be protected)
- Minutes of each SEACT meeting shall be prepared and distributed prior to the next SEACT meeting
- Minutes will be posted on the ODOT website
- Minutes must be preserved for a reasonable time
- As appropriate, meeting minutes should be provided in languages other than English.

### **Special Meetings**

Special meetings may be called by the chair or a minimum of three SEACT Board members  
A minimum of 24 hours advance notice must be given to all appropriate parties

### **Electronic Meetings**

Meetings may be held by electronic means including video-conferencing, telephone conferencing or personal computer  
All regular meeting requirements apply to electronic meetings  
A room with a "listening device" shall be made available for the public

### **Draft STIP Public Meetings/Hearings**

All Meeting Guidelines will apply to public meetings for *Developing Project Priorities for Draft STIP Using Approved Criteria* and for *Draft STIP Public Hearings*  
Efforts will be made to establish outreach activities for specific projects or topics  
Paid advertising shall be used for *Draft STIP Public Hearings*  
Paid advertising may be used for *Developing Project Priorities for Draft STIP Using Approved Criteria*

### **Executive Sessions**

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

### **Control of Meetings**

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

### **Roles And Responsibilities**

Roles and responsibilities of parties engaged in public involvement activities on behalf of SEACT will be designated in the joint agreement identified in Section V.B.1, Staffing and Financial Support.

### **Public Comment**

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

**Attachment B**  
**Glossary of Acronyms**

|       |   |
|-------|---|
| ACT   | Area Commission on Transportation               |
| ADA   | Americans with Disabilities Act                 |
| GERT  | Governors Economic Revitalization Team          |
| OAR   | Oregon Administrative Rules                     |
| ODOT  | Oregon Department of Transportation             |
| OECD  | Oregon Economic and Community Development Dept. |
| ORS   | Oregon Revised Statutes                         |
| OTC   | Oregon Transportation Commission                |
| SEACT | Southeast Area Commission on Transportation     |
| SRA   | Southeast Regional Alliance                     |
| STIP  | Statewide Transportation Improvement Program    |
| TIP   | Transportation Improvement Plan                 |
| TSP   | Transportation System Plan                      |