

# North East Area Commission on Transportation (NEACT)

## OPERATING BYLAWS

Granted/Established: June 20, 2002

Adopted: October 3, 2002

UPDATES 9/10/2003

UPDATED 7/17/2006

UPDATED – 08/10/2008

NO UPDATES – 8/05/2010

UPDATED – 10/4/2012

UPDATED – 7/1/2014

UPDATED 02/05/2015

UPDATES – 6/1/2017

UPDATES – 9/01/20



## **Article 1. Representation**

**Section 1.05** The jurisdictions representing Baker, Union, Wallowa, Morrow and Umatilla counties, and the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) have been granted a charter establishing an Area Commission on Transportation (ACT) for the North East Oregon Region by the Oregon Transportation Commission (OTC) as of June 20, 2002.

## **Article 2. Authority**

**Section 2.05** The Area Commissions on Transportation (ACTs) are advisory bodies chartered under authority of the Oregon Transportation Commission (OTC). The OTC retains oversight and final decision-making authority to assure efficient management of the State Transportation System. The North East Area Commission on Transportation (NEACT) will address all aspects of transportation (highway, bike, pedestrian, rail, transit, marine, air, freight, and transportation safety) with primary focus on the state transportation system. NEACT will also consider regional and local transportation issues if they affect the state system. Multi-ACT collaboration may be requested to facilitate broader consideration of regional issues.

**Section 2.06** NEACT shall function as an advisory body to the OTC, which has final decision authority. Recommendations to the Oregon Transportation Commission will be made in accordance with the approved Statewide Transportation Improvement Program (STIP) Development Timeline. In making recommendations to the OTC, NEACT shall apply both regional and statewide perspective to its considerations.

## **Article 3. Mission**

**Section 3.05** NEACT will provide a forum for local government agencies and the private sector to discuss, understand and coordinate long-range transportation issues affecting the northeast Oregon region.

**Section 3.06** NEACT will collaborate on the development process and application of criteria for determining transportation infrastructure, capital investments and project prioritization in the northeast Oregon region.

**Section 3.07** NEACT will make recommendations to the OTC on priorities for state transportation infrastructure and capital investments through the development of an implementation strategy. This will be based on staff recommendations through technical committees (see Section 4.10) and appropriate state and local transportation plans.

**Section 3.08** NEACT will advocate northeast Oregon regional transportation issues to the public, neighboring regions, area legislators and other interested organizations.

**Section 3.09** NEACT will advise the OTC on state and regional policies affecting the northeast Oregon region's transportation system.

## **Article 4. Structure and Membership**

**Section 4.05** Except as noted, the county governments and their respective counties appoint members. The five county commissions shall assure that membership on the NEACT includes representation from the mandated constituencies and a well-balanced perspective on transportation in their county. All modes of transportation will be represented and appointed by NEACT.

Interested parties for the bike/ped, freight, and transit representatives and alternates will submit applications to the appropriate County Commission for consideration. Each County Commission will review applicants and make recommendations to NEACT for final approval.

Base (voting) membership for NEACT is as follows:

- (a) One member of the Commission from each county: Baker, Umatilla, Union, Wallowa and Morrow. (5) Plus alternates.
- (b) One member representing and selected by the cities of each county: Baker, Umatilla, Union, Wallowa and Morrow. (5) Plus alternates.
- (c) Two representatives of the Confederated Tribes of the Umatilla Indian Reservation to be appointed by the Board of Trustees of the CTUIR (1) plus alternate
- (d) One at-large representative from each county: Baker, Umatilla, Wallowa, Union and Morrow, selected by the Commission of the county. (5) Plus alternates.
- (e) ODOT Region 5 Area Manager
- (f) One at-large representative for Bike/Ped (1) alternate
- (g) One at-large representative for transit
- (h) One at-large representative for freight

**Section 4.06** Ex-Officio (Non-Voting) Members are considered an invaluable resource and serve the NEACT in an advisory role. NEACT Ex-Officio Members may include:

- (a) Oregon Transportation Commissioners, state legislators, and local congressional aides
- (b) Region SolutionsTeam (RST)
- (c) Walla Walla Valley Metropolitan Planning Organization (WWVMPO)
- (d) 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
- (e) City and county road district or department
- (f) Regional groups that have an interest in transportation issues such as housing advocates, NE Oregon Economic Development District and Greater Eastern Oregon Development Corporation, law enforcement agencies, etc.
- (g) Consultants and other interested parties

**Section 4.07** Voting members will serve as representatives of their respective constituencies and thus will be responsible for communication with constituencies regarding NEACT activities and decisions. Communications should include ensuring input and feedback on transportation programs, funding and issues.

Section 4.08 The NEACT boundaries encompass a geographical community of interest with the following policies in common:

- (a) Northeast Oregon has been a major transportation route for centuries and includes portions of one of the most important routes in the nation, the Oregon Trail. Transportation, in all forms, still plays an important role in the region.
- (b) The Federal government is a major landholder in the five counties represented in the NEACT. The interaction with the Forest Service and BLM on transportation issues is important to the region especially the Federal Forest highway program.
- (c) While road systems throughout the NEACT are inadequately funded, local agencies, cities and counties, have the greatest unmet need. The NEACT should encourage policies that recognize the need for adequate funding of the road system regardless of jurisdiction.
- (d) Recreational transportation is an important element in the economies of communities of the NEACT region. The NEACT needs to be involved in all aspects of recreational transportation including scenic by-ways, snowmobile and ATV trail systems, bike paths, hiking trails and any other systems that enhance recreational and tourism opportunities.
- (e) The large area and low population density of the NEACT region highlight the importance of adequately funding the maintenance and preservation of the existing road systems. NEACT supports policies that meet this need.
- (f) The Hanford Nuclear Facility to NEACT is of importance to the communities of the five counties of NEACT. Any proposed transportation of hazardous material from those facilities and emergency evacuation plans for those facilities is important to NEACT and NEACT should be informed and involved in those processes.
- (g) The Columbia – Snake River systems, bound four of the five counties of NEACT. NEACT should be involved in any proposals that impact those systems.
- (h) The presence of Interstate 82 and 84, the UP railroad mainline and the slack water navigation on the Columbia and Snake rivers in the NEACT area highlights the importance of freight mobility and Inter-modal facilities to the region. NEACT supports any opportunity to enhance both freight mobility and Inter-modal opportunities.
- (i) Interstate 84 is a major transportation component for the region. NEACT supports a level of funding for the Interstate system that optimizes the performance of that system.
- (j) Because of the rural nature of the area, air transportation has an important role in the region's transportation system. NEACT supports both the regional airport at Pendleton and the general aviation airports throughout the region.

Section 4.09 Meeting Schedule – NEACT will meet bimonthly on the first Thursday of the month, with the stipulation that more frequent meetings may be called, depending on work agendas. Meetings will be from 9:00 a.m. to 12 noon, unless the meeting agenda warrants an extended time. Meetings will be held in La Grande at the Oregon Department of Transportation Building at 3012 Island Avenue. Meetings may be held in other locations as defined by the Chair. Any change in time, schedule or location will be reported to the public and media at least 2 weeks in advance.

Section 4.10 NEACT may choose to establish technical advisory committees to assist in the consideration of technical aspects of policy matters and/or to prepare alternatives and recommendations to be forwarded to the OTC.

## **Article V.**     **Basis for Decision Making**

Section 5.05 NEACT recommendations shall be based on state and local transportation plans and policies, such as:

- (a) Oregon Transportation Plan and supporting mode plans (e.g., Oregon Highway Plan and Oregon Public Transportation Plan)
- (b) State corridor and facility plans
- (c) Transportation Planning Rule, *OAR 660-012*
- (d) Transportation system plans
- (e) Federal transportation planning regulations
- (f) Local government plans, regulations, and ordinances
- (g) Project selection criteria and prioritization factors *approved by the OTC*, including Oregon Transportation Management System data
- (h) State Agency Coordination Programs, *OAR 731-15*
- (i) *Additional criteria established by the OTC*
- (j) *Oregon Government Standards and Practices, ORS Chapter 244*
- (k) Oregon Public Meeting Laws

Section 5.06 NEACT may use additional criteria to select and rank projects provided the criteria do not conflict with any criteria established by the OTC. If additional criteria are used, NEACT will inform those developing project proposals about the criteria.

Section 5.07 Recommendations to the OTC will be documented and forwarded to the OTC with the factors used to develop the recommendation, including any additional criteria used by the NEACT in forming the recommendation.

Section 5.08 NEACT may review Bridge and Preservation projects, based on OTC criteria, and may provide information to ODOT regarding any special circumstances within the NEACT area that may apply to the prioritized list.

Section 5.09 Prior to participating in the process of updating the State Transportation Improvement Program (STIP), the members shall establish a specific procedure to be used. That procedure shall at least describe the role of any technical committees, public outreach efforts, and include a timeline and a description of the decision making process the NEACT will use to establish regional STIP priorities.

Section 5.10 Because of the fundamental importance placed on recommendations by the ACTs, NEACT will communicate with the following entities, and others, that may have knowledge or interest in the NEACT area:

- (a) Oregon Transportation Commission
- (b) South East Area Commission on Transportation
- (c) ODOT Advisory Committees
- (d) Region Solution Team
- (e) Walla Walla Valley Metropolitan Planning Organization (WWVMPO)
  
- (f) Regional Partnerships and Regional Investment Boards
- (g) Tribal Governments
- (h) Local Governments, Transit and Port Districts
- (i) Stakeholder groups (e.g., environmental, business, state and federal agencies with land holdings within the ACT boundary)
- (j) Statewide Modal Partners and Committees

## **Article 6. Decision Making**

**Section 6.05** Only voting members or alternates for voting shall be allowed to participate in any consensus process or voting process. All entities described under Article 4 are entitled to attend NEACT meetings and participate in meeting discussions.

**Section 6.06** 51% (a majority) of the NEACT voting members shall constitute a quorum for the conduct of NEACT business. The chair will determine if a quorum is present before the meeting is called to order. If a quorum is not present, the chair may decide to continue the meeting. Unanimous consent cannot be given when a quorum is not present. The only business that can be transacted when a quorum is not present is:

- (a) to take measures to obtain a quorum,
- (b) to fix the time to which to adjourn, and
- (c) to adjourn, or
- (d) to take a recess.

If an important opportunity would be lost unless acted upon immediately, the voting members present at the meeting can--at their own risk--act in the emergency in the hope that their actions will be ratified at a later meeting at which a quorum is present.

**Section 6.07** NEACT will use a consensus decision-making process, when a quorum of voting members is present, and will foster a collaborative approach to problem solving. Consensus is a group process where the input of everyone is carefully considered and an outcome is crafted that best meets the needs of the group. Consensus is based on the belief that each person has some part of the truth and that no one person has all of it. Members may choose not to block the consensus even though they do not fully agree with the decision. Members are encouraged to voice and have recorded all views. Once a consensus decision has been reached, all members agree to support that decision.

**Section 6.08** Sufficient time will be provided for the members to seek advice from constituents, agencies, or other experts, when desired, before a decision is adopted. All voting members or an appointed alternate present at the meeting are included in the consensus process. If a jurisdiction or organization has more than one member present, the alternate will abstain from the final consensus count. Any voting member may abstain from the consensus and may request to be acknowledged as abstaining in any publication of the consensus. Abstaining is a choice not to block the decision.

**Section 6.09** An absent member, not represented by an alternate, will be deemed to have consented to a consensus decision on any issue that was clearly listed on the agenda, unless he/she has notified another member or staff of his/her objection in advance. When one or more members are

absent from the meeting, the members present will determine the need to go forward with the decision or to defer the decision to another time.

**Section 6.10** If any member feels strong opposition to a proposed consensus decision, he/she will explain his/her concern with the proposed decision to the group, and the group will make every attempt to understand the concern and the underlying interests. The group may decide to delegate the issue to a working group for further exploration, development and/or recommendation for the full group.

**Section 6.11** If the group is unable to reach consensus with any of the approaches above, and if a majority of the group feels it is important to reach a decision on the issue in controversy, the group will vote and report the majority and minority views to the OTC. It is the intent of NEACT to use the voting system infrequently so as not to subordinate the focus and intent of the group.

## **Article 7. Officers**

**Section 7.05** Officers shall consist of a Chair and a Vice Chair selected by the voting membership. The Chair and Vice Chair shall be from different counties, and/or the Tribe and the two positions shall rotate among representatives from each of the five counties and the Tribe.

**Section 7.06** Officers (Chair and Vice Chair) shall serve a three-year term and the Vice Chair shall assume the office of Chair upon completion of a three-year term as Vice Chair. If the Chair cannot fill the position for the entire 3 years the Vice Chair will assume the duties in the interim. At the end of the Vice Chairs' 3 years, he/she will assume the Chair position and a new Vice Chair will be elected. (subject to Section 6.05)

**Section 7.07** The Chair shall preside at all NEACT meetings and shall be an ex-officio member of all committees. The Chair may vote on any item before the NEACT; however, she/he may not vote if her/his vote would create a tie. The Chair is the official spokesperson for the NEACT unless this responsibility is specifically delegated. The NEACT Chair shall appoint chairs of all committees.

**Section 7.08** In the absence of the Chair, the Vice Chair shall execute all the functions of the Chair. In the event that the Chair cannot complete her/his full-term, the Vice Chair shall assume the office of Chair and serve the remainder of the term and a new Vice Chair shall be selected. (See Section 6.06)

**Section 7.09** No person shall serve as Chair or Vice Chair for a period of more than thirty-five (35) consecutive months.

**Section 7.10** Terms for all officers shall begin on June 1.

## **Article 8. Media Relations**

**Section 8.05** All members are free to speak to the press or to various groups on issues before NEACT. Members should not represent NEACT views unless the group has reached a decision on an item. Members should not characterize the views or comments made by other individual members. Specific media inquiries about NEACT will be directed to the Chair.

## **Article 9. Meeting Conduct**

**Section 9.05** Members will treat each other with respect and in a manner that provides opportunity for group decision making. Conflict will also be addressed in keeping with the operating guidelines.

**Section 9.06** Because NEACT meets the definition of a “Governing Body” and falls under the requirements of the Public Meetings Law, (ORS 192.610 to 192.690), NEACT members shall comply with the requirements of Oregon Government Standards and Practices laws concerning conflict of interest.

**Section 9.07** Roberts Rules of Order (a.k.a. parliamentary procedure) will serve as the authority for the operation of the NEACT in all cases not covered by these bylaws. The NEACT may formulate additional specific standing rules and rules of order to govern the conduct of its meetings provided they do not conflict with these bylaws.

## **Article 10. Subcommittee Formation**

**Section 10.05** NEACT members can form any subcommittee, such as a technical advisory committee, on the basis of need. Members will be asked to submit names of resource persons in their communities. Subcommittees will form and/or disband per ongoing needs of NEACT, as determined by the Chair.

## **Article 11. Public Involvement**

### **Section 11.05 Meeting Notification**

- (a) The Communication Liaison (ODOT) will notify local media sources (newspaper, radio and TV) of each regular meeting two weeks in advance.
- (b) NEACT members will post notices at local public institutions (city hall, libraries, community centers, etc.) in their respective counties.
- (c) When NEACT conducts or sponsors a special meeting (e.g. STIP or Oregon Transportation Investment Act, OTIA, meetings), the Communication Liaison will use paid advertisements with local media to inform the public two weeks in advance.
- (d) ODOT staff will develop an emailing list of all special interest groups in the five county areas and the Tribe.
- (e) All meeting notices will be posted to the ODOT ACT and ODOT NEACT Websites.
- (f) All meeting notices will contain an offer to provide an interpreter for hearing-impaired persons on proper notice. A good faith effort will be made to comply with any requests.

Section 11.06 Meeting Location

- (g) NEACT meetings will be held in locations that meet accessibility requirements of the Americans with Disabilities Act (ADA) and are easily accessible by the general public, and contain adequate seating and facilities to encourage attendance.
- (h) Regular meetings will be held at the Region 5 building in La Grande, Oregon (3012 Island Avenue) except when otherwise announced. Any meetings held away from the La Grande location will be at Americans with Disabilities Act (ADA) accessible locations.

Section 11.07 Meeting Materials

- (a) ODOT staff will provide technical materials and supporting documentation for agenda items two weeks prior to the NEACT meeting. These materials will be posted to the NEACT Website and be available to the members and the public.
- (b) For decision items, information will be distributed to everyone at the meeting.

Section 11.08 Meeting Agenda

- (a) NEACT/ODOT staff will provide an advance agenda to the membership two weeks prior to the NEACT meeting.
- (b) The agenda will be posted to the ACT and NEACT Websites.
- (c) All NEACT correspondence received or distributed between meetings will be made available electronically prior to the next scheduled meeting

Section 11.09 Meeting minutes

Minutes shall be taken for all NEACT meetings and shall contain:

- (a) List all members present.
- (b) All motions, proposals and resolutions proposed, and their disposition, will be in the minutes.
- (c) Results of all votes/decisions. Secret ballots are prohibited.
- (d) Substance of all discussion
- (e) Reference to all documents discussed
- (f) After each meeting, minutes shall be prepared and distributed to the members 2 weeks in advance of next meeting.
- (g) The previous meeting's minutes will be provided electrically prior to the next scheduled meeting
- (h) Minutes will be posted on the ODOT ACT and ODOT NEACT Website.

Section 11.10 Meeting schedule

- (a) Any regularly scheduled meeting of NEACT will be held on the first Thursday of the scheduled month and begin at 9:00 a.m.
- (b) Any changes to the regular meeting schedule will be announced via media to the public.

Section 11.11 NEACT meetings held for special purposes such as meetings to develop projects priorities for Draft STIP using approved criteria, Draft STIP public hearings or any special meeting will use paid advertising to announce date, time and location to the media.

Section 11.12 The NEACT chair can keep order at meetings and can “reasonably” regulate the use of cameras and tape recorders.

Section 11.13 No smoking is permitted at any meeting of the NEACT.

Section 11.14 The public shall be provided opportunities to speak to the merits of proposals and can forward their own proposals. Public comment will be taken at any time during the meeting.

Section 11.15 Copies of all correspondence received prior to the meeting will be available to NEACT members and the public at the meeting.

Section 11.16 The NEACT public involvement process shall demonstrate explicit consideration and response to public input during the planning and program development process.

## **Article XII. ODOT Staff Support**

### **Section 12.05**

The NEACT voting member appointed by ODOT will:

- (a) Serve as a communication liaison between the NEACT, ODOT Region 5, 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 NEACT.
- (d) Provide technical and policy information in a timely manner to assist the NEACT 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 NEACT of ODOT views during program and project discussions.
- (h) Provide staff support as agreed upon.
- (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.

### **Section 12.06**

ODOT will provide administrative staff to supply support to NEACT as follows:

- (a) Take minutes, distribute to membership 2 weeks before the next regular meeting.
- (b) Prepare agenda, distribute to membership 2 weeks before the next regular meeting.

- (c) Supply copies of documents and correspondence for each meeting.
- (d) Keep current list of all members, stakeholders, resources, etc.
- (e) Support the Chair and Vice Chair with NEACT business (e.g. correspondence, copies, etc.)
- (f) Keep files of NEACT documents and information in both electronic and hard copy form.
- (g) Post appropriate information to the ODOT ACT and ODOT NEACT Websites in accordance with applicable ODOT Internet Policies.
- (h) Supply all administrative supplies needed to conduct the NEACT meetings.
- (i) Distribute meeting notices and arrange for paid advertisement when needed.

### **Article XIII. Organization Procedures**

Section 13.05 All meetings and committee functions will be conducted in a public process and every attempt will be made to involve the broadest spectrum of regional transportation stakeholders (See Article 11).

Section 13.06 The Chair may call special meetings for any purpose or purposes. Notice of time and place of any special meeting shall be given to each member, either personally or by personal mail or electronic mail, at least three days prior to such meetings. Notice shall state the purpose of the meeting.

Section 13.07 Only voting members or alternates for voting members that have been appointed to the NEACT shall be allowed to participate in any consensus process or voting process. All entities described under Article 4 are entitled to attend NEACT meetings and participate in meeting discussions either in person or by teleconference.

Section 13.08 Each NEACT member shall be given a copy of these bylaws and subsequent amendments.

Section 13.09 The NEACT bylaws may be amended, as necessary, by a 2/3-majority vote of all NEACT voting members. Proposed amendment changes or additions must be submitted in advance to the NEACT secretary (no later than 2 weeks before next meeting) and included in the agenda for the upcoming meeting stating that the amendment will be considered. At the meeting, discussion will be conducted and the amendment change will be tabled for vote at the following meeting.