

# Draft Revised - Rail Advisory Committee Charter

## Overview

The Oregon Transportation Commission (OTC) authorized formation of the Rail Advisory Committee (RAC) in December 2005. The RAC replaced the existing Oregon Passenger Rail Advisory Council, which only handled passenger rail issues.

## Mission

The mission of the Oregon Rail Advisory Committee is to advise the Oregon Department of Transportation (ODOT), Oregon Transportation Commission on priorities, issues, projects and funding needs to improve rail infrastructure and to advocate for a safe, efficient, and commercially viable rail system to support the economic vitality of the State of Oregon.

## Membership and Structure

### Membership

- The ODOT Director will appoint no more than 20 members representing the rail industry, both freight and passenger and other appropriate stakeholders.
- Membership, the recruitment process and term limits are outlined in Appendix A.
- The Director reserves the right to add or remove members of the RAC as necessary to maintain or enhance the functioning of the RAC.
- ODOT staff are not voting members; however, their participation will help inform discussions. ODOT staff shall include Public Transportation Division (PTD) Administrator, Rail Operations and Statewide Multimodal Network Unit Manager, Intercity Passenger Rail Program Manager, State Rail Planner, Passenger Rail Program Coordinator and other ODOT and PTD staff as needed.
- Historically and currently underrepresented and underserved communities experience negative impacts from our existing transportation system due to past investment and development patterns. ODOT will strive to engage members of stakeholder groups that are impacted by the committees' policy and funding recommendations.

### Terms of Membership

- RAC members actively participate in the business of the RAC.
- Members attend meetings and serve on designated sub-committees or work groups.
- Members may appoint one alternate from their organization to attend in their absence. If neither the member nor the alternate is available, the member will be absent.
- The RAC Chair or Vice Chair may recommend removal of any member whose attendance within 12 months includes two consecutive absences from regularly scheduled meetings and the Director, acting upon recommendations from the RAC and PTD Administrator, will notify the member of their termination from the RAC.
- If any member resigns or no longer works in the membership category for which they were originally appointed, they will be removed as a member and a new representative will be recruited based on the recruitment process outlined in Appendix A for that membership category. The Director, acting upon recommendations from the PTD Administrator, will appoint a new representative for that membership category.

# Draft Revised - Rail Advisory Committee Charter

## Structure

- There shall be a Chair and Vice-Chair for the RAC.
- The Chair and Vice-Chair shall receive nominations from the RAC members for the Chair and Vice-Chair positions during a regularly scheduled meeting and elected by a simple majority vote of members present.
- The Chair and Vice-Chair will be eligible to serve for two consecutive two-year terms. Terms begin January 1 of even-numbered years and end December 31 of odd-numbered years.
- In the event the Chair has been in office for at least a six-month period and then vacates office for any reason, the Vice-Chair will become the Chair for the remainder of the vacating Chair's two-year term. If the Chair has been in office for less than a six-month period and then vacates office for any reason, an election is required to select a Chair for the remainder of the vacating Chair's term.
- In the event the Vice-Chair vacates office for any reason, an election is required to select a new Vice-Chair for the remainder of the vacating Vice-Chair's term.
- The Chair will conduct the meetings and work with PTD staff to establish the agenda for each meeting.
- In the absence of the Chair, the Vice-Chair will conduct meetings.

## Workgroups

- As appropriate, RAC may create workgroups or sub-committees to examine current issues and develop recommendations for the RAC.
- Workgroups will be chaired by a RAC member appointed by the RAC Chair but may include non-RAC members as co-chair or as workgroup participants.
- Final recommendations from a workgroup will be brought to the RAC Chair and Vice-Chair prior to presenting to the full RAC.
- If a workgroup member is unable to attend, either in person or via telephone conference, the workgroup chair may choose to appoint another member who has knowledge/expertise as needed to support the workgroup's needs. This information and decision should be provided to the RAC.
- Final products produced by workgroups will be linked to or posted on PTD's RAC webpage.

## Meeting Schedule and Public Notice

- Regular meetings will be held quarterly, at a minimum. Additional meetings may be scheduled as needed.
- It is the responsibility of PTD to schedule and staff RAC meetings, in consultation with the RAC Chair and Vice-Chair. The meetings will be held at meeting locations and times that enable full member and public participation in accordance with Oregon Public Meetings Law, ORS 192.630.
- In the event a meeting cannot be held in person, it will be conducted via electronic media technology that enables full member and public participation.
- Public notice of all RAC meeting will be published in accordance with ORS 192.640:
  - For regularly scheduled meetings, PTD staff shall provide for and give public notice reasonably calculated to give actual notice to interested persons including news media which have requested notice, of the time and place for holding regular meetings. The notice shall also include a list of the principal subjects anticipated to be considered at the meeting,

# Draft Revised - Rail Advisory Committee Charter

but this requirement shall not limit the ability of a governing body to consider additional subjects.

- PTD staff to provide at least 24-hour notice to the members of the governing body, the news media which have requested notice and the general public. In case of an actual emergency, a meeting may be held upon such notice as is appropriate to the circumstances, but the minutes for such a meeting shall describe the emergency justifying less than 24-hour notice.

## Decision Making

- The RAC will comply with the requirements of the Oregon Public Meetings Law, ORS 192.610 to 192.690. Any general or sub-committee meeting is open to any person and to all that may wish to be heard regarding any agenda item.
- The RAC will strive to achieve consensus in all matters. However, if consensus is not possible, decisions will be made by simple majority vote.
- All members of RAC are eligible to vote.
- A quorum must be present (in-person, or through any other approved meeting format) to vote on issues referred to the OTC and for issues directly relevant to grant programs, funding, regulation or law. A quorum is a simple majority plus one of the voting RAC members. If such number of voting members is not present, voting will be delayed until the following RAC meeting.
- The RAC Chair or PTD staff may call a special meeting, as needed, to address pertinent issues in a timely manner. Specially called meetings will have the same quorum and voting requirements as regular RAC meetings.

## Conflicts of Interest

- RAC members shall discharge their duties in good faith with the care a prudent person in a like position would exercise under similar circumstances, and in a manner which the member reasonably believes to be in the best interests of the public.
- RAC members will disclose real and perceived conflicts of interest prior to participating in a vote and recuse themselves from voting as appropriate.
- Potential personal conflicts of interest identified by members will be resolved as allowed by state law.
- A RAC member with a conflict of interest may participate in a vote if the vote is approved or ratified by an affirmative vote of a majority of the RAC members who have no direct or indirect interest (conflict of interest) in the transaction. The presence of, or a vote cast by, a RAC member with a direct or indirect interest in the transaction does not affect the validity of any action taken.

## Appendix B

### Rail Advisory Committee Membership And Recruitment Process

An application is required for membership on the Rail Advisory Committee (RAC). The application has four pages.

- Page 1 provides some information for potential members to learn about the RAC
- Page 2 asks for contact information and in alignment with HB 2985, information to help the Oregon Department of Transportation meet equity goals. The equity section is optional.
- Page 3 has a series of questions to help us determine the best fit for positions with multiple interested parties. Not every position requires completion of this page for recruitment.
- Page 4 addresses potential compensation.

Unless noted below the positions are only required to complete pages 2 and 4. ODOT staff will also indicate what is required during the recruitment process.

#### Permanent Membership

Except for the shortline representatives, these positions are self-appointed by the organizations listed below. Appointments are permanent provided the member remains with the associated railroad. The Chair makes recommendations for the shortline representatives and PTD staff will reach out to determine interest.

- 2 - Class I Representatives
  - 1- BNSF
  - 1 – Union Pacific Railroad (UPRR)
- 1 - Genesee & Wyoming Railroad (G&W)
- 1 – Passenger railroads (Amtrak)
- 1 – Oregon Public Ports Association
- 2 – Rail labor union
  - Open to all unions
- 3 – Shortline representatives
  - Chair to ask for volunteers.
  - Preference for geographic diversity and small shortline representation.

#### Term Limited Positions

The following positions are eligible to serve two – four-year terms. PTD staff will reach out to these groups when the positions are vacated.

- 1 – Association of Oregon Counties/League of Oregon Cities
  - Alternate between cities and counties
- 1 – Rail freight industry user
- 1 – Rail passenger and transit user representation
  - AORTA is currently the only group that meets this
- 2 – Rail labor unions
  - Open to all unions.

## Appendix B

### **Rail Advisory Committee Membership And Recruitment Process**

- o Interested parties from the labor unions are required to submit a full application and will be notified if they are selected.

PTD will work with ODOT's Office of Equity and Civil Rights to fill the following positions.

- 1 – Tribes
  - o Will need to work with ODOT's Tribal Liaison
  - o If there are multiple parties interested a full application will be requested.
- 1 – Organization representing persons with disabilities
  - o Interested parties are required to submit a full application and will be notified if they are selected.
- 2 – Community based organizations
  - o Interested parties are required to submit a full application and will be notified if they are selected.
- 1 – Environmental
  - o Interested parties are required to submit a full application and will be notified if they are selected.