



# MEMORANDUM

Prepared for: Oregon State Senate  
Date: October 27, 2021  
By: Leslie Porter, Analyst  
Re: Legislative Review of Executive Appointments

LPRO: LEGISLATIVE POLICY AND RESEARCH OFFICE

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## OREGON TRANSPORTATION COMMISSION

The Governor has appointed the following individual to the Oregon Transportation Commission subject to Senate confirmation.<sup>1</sup>

### Appointee

Marcilynn Burke of Eugene; New Appointment

### Term

November 19, 2021 – January 6, 2024

### Appointment/Confirmation Authority

[ORS 184.612 \(2019\)](#)

### Statement of Economic Interest<sup>2</sup>

Required.

### Statutory Requirements<sup>3</sup>

The commission consists of five members appointed by the Governor and subject to confirmation by the Senate (BROWN (R), **BURKE (D)**, SIMPSON (D), SMITH (D), VAN BROCKLIN (N/A)).<sup>4</sup> Members must be appointed with consideration of the different geographic regions of the state with one member being a resident of the area east of the Cascade Range. Not more than three members may belong to one political party.

Members serve four-year terms and at the pleasure of the Governor. The Governor must appoint one of the members as chairperson. The chairperson appoints one of the other members as vice chairperson, and both have such terms, duties and powers as the commission determines are necessary for the performance of such offices.

At the time of appointment, a member or a relative of a member, may not have an actual conflict of interest. When met with a potential or actual conflict of interest, a member must announce publicly the nature of conflict and refrain from participating as a public official in any

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<sup>1</sup> [Or. Const. art. III sect. 4](#), [ORS 171.562 \(2019\)](#) and [171.565 \(2019\)](#).

<sup>2</sup> [ORS 244.050 \(2019\)](#).

<sup>3</sup> [ORS 182.100 \(2019\)](#) for affirmative action policy and [ORS 236.115 \(2019\)](#) for diversity criteria.

<sup>4</sup> [ORS 184.612 \(2019\)](#).

discussion or debate on the issue out of which the conflict arises. The member may vote on that issue only if the member's vote is necessary to meet a requirement of a minimum number of votes to take official action.

A majority of the members constitutes a quorum. If a quorum is present, the commission may take action by an affirmative vote by a majority of the members who are present. No individual member may exercise any administrative authority with respect to the Department of Transportation. The commission must meet at least quarterly. A vacancy does not impair the right of the remaining members to exercise all the powers of the commission, except that three members of the commission must agree in the selection, vacation, or abandonment of state highways, and in case the members are unable to agree, the Governor has the right to vote as a member of the commission. The commission must keep complete and accurate records of all the meetings, transactions, and business of the commission.

## **Duties and Authority**

The commission establishes state transportation policy and guides the planning, development, and management of a statewide transportation network that provides efficient access, is safe, and enhances Oregon's economy and viability.<sup>5</sup>

The commission must:<sup>6</sup>

- after consultation with the Governor, appoint a Director of Transportation to supervise the Department of Transportation and who is subject to confirmation by the Senate;
- establish the policies for the operation of the department;
- develop and maintain state transportation policies;
- develop and maintain a comprehensive, 20-year long-range plan for a safe, multimodal transportation system for the state which encompasses economic efficiency, orderly economic development and environmental quality;
- in coordination with specified stakeholders, develop plans for each mode of transportation and multimodal plans for the movement of people and freight;
- initiate studies, as it deems necessary, to guide the director concerning the transportation needs of Oregon.
- prescribe the administrative practices followed by the director in the performance of any duty imposed on the director by law;
- seek to enter into intergovernmental agreements with local governments and local service districts to encourage cooperation and maximize the efficiency of transportation systems in Oregon;
- review and approve the department's proposed transportation projects, proposed budget, anticipated capital construction requirements, construction priorities, and selection, vacation, or abandonment of state highways;
- adopt a statewide transportation strategy on greenhouse gas emissions to aid in achieving the greenhouse gas emissions reduction goals established in statute;

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<sup>5</sup> Oregon Department of Transportation, *Oregon Transportation Commission: About the Commission*, [https://www.oregon.gov/odot/Get-Involved/Pages/OTC\\_Main.aspx](https://www.oregon.gov/odot/Get-Involved/Pages/OTC_Main.aspx) (last visited May 23, 2020).

<sup>6</sup> [ORS 184.617 to 184.843 \(2019\)](#).

- perform any other duty vested in it by law;
- adopt any rules and orders as the commission considers necessary and proper in performing the functions vested by law in the commission;
- work with stakeholders to review and update the criteria used to select projects within the Statewide Transportation Improvement Program;
- compile and keep current an inventory of real property, in excess of the operating needs of, and owned by the department;
- approve the appointment of a chief engineer;
- develop and report to the Governor on legislative, budgetary, and administrative programs to accomplish comprehensive, long-range, coordinated planning and policy formulation in the matters of public interest related to transportation;
- in consultation with the director, designate an internal auditor for the department and report on audits to the Joint Legislative Audit Committee;
- develop a set of uniform standards, in coordination with counties and cities, for the consistent description and reporting of the condition of the transportation infrastructure owned by the state, counties, and cities;
- through the department, develop a website which includes specified information for all transportation projects in the Statewide Transportation Improvement Program;
- appoint specified advisory committees to advise the commission on its work;
- distribute moneys in the Statewide Transportation Improvement Fund; and
- provide two members to serve on the Road User Fee Task Force.

The commission may:<sup>7</sup>

- provide an official seal;
- hire staff the commission deems necessary to assist the commission in carrying out its duties;
- enter into written agreements relating to any duty, function, or service of the commission or the department, relating to transportation projects or transportation research;
- take any action necessary to coordinate and administer programs relating to highways, motor carriers, motor vehicles, public transit, rail, transportation safety, and such other programs related to transportation;
- require the director to furnish whatever reports, statistics, information or assistance the commission may request in order to study the department or transportation-related issues;
- adopt any rules, establish any policy, or exercise any other duty, function, or power if a statute gives such power to the department;
- establish by rule procedures and criteria for the disposition of real property by the department; and
- provide matching grants for safety improvement projects near schools.

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<sup>7</sup> [ORS 184.612 to 184.742 \(2019\)](#).

# Executive Appointments Board Roster

## Transportation Commission, Oregon

Agency: Transportation  
Authorization: ORS 184.612  
Members: Min: 5 Max: 5  
Term Length: 4 years Limit: 2  
Senate confirmation required? Yes

**Policy Area:** Transportation

**Board Contact:**

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### Current Appointments:

**Member Name and Address (Alphabetical)**

Julie A Brown Republican Term(s): 07-01-2020 - 06-30-2024 09-28-2018 - 06-30-2020	Position Number: 1
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Marcilynn A Burke Democrat Term(s): 11-19-2021 - 06-30-2024	Position Number: 2
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Alando L Simpson Democrat Term(s): 07-01-2018 - 06-30-2022 07-01-2014 - 06-30-2018	Position Number: 4
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Sharon R Smith Democrat Term(s): 09-01-2019 - 06-30-2023	Position Number: 5
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Robert D Van Brocklin Unaffiliated Term(s): 11-17-2017 - 06-30-2021	Position Number: 3
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