

By-laws for the
Old Colony
Joint Transportation Planning Committee (JTC)

Serving the
Old Colony Massachusetts Metropolitan Planning Organization (MPO)
And
Old Colony Planning Council (OCPC)

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1.0 - INTRODUCTION

On June 6, 1972, the Secretary of Transportation and Construction, the Commissioner of the Department of Public Works and the President of the Old Colony Planning Council signed a Memorandum of Understanding, which established the Joint Transportation Committee (JTC).

The Joint Transportation Committee (JTC) serves as the Transportation Policy Advisory Group for the Region and advises the Old Colony Metropolitan Planning Organization (MPO) members on policy matters concerning transportation plans and programs, and provides proactive public participation in the transportation planning and program process. The principal mission of the JTC is to foster broad participation in the transportation planning process by maintaining a forum that brings together representatives of cities and towns, other public agencies, transportation providers, and citizens concerned with the transportation planning process. The JTC thereby facilitates, wherever possible, the consistency of transportation plans and programs for the Region with the policies, priorities, and plans of affected state and regional agencies, providers of public transportation, local communities, private groups, and individuals within the Region.

The Old Colony MPO transportation planning staff employed through OCPC provides technical assistance and guidance on transportation issues in support of the JTC. The OCPC staff prepares technical reports for the JTC, promotes discussion on transportation related directives and policies, and provides all staff functions needed to meet the responsibilities and purpose of the JTC.

The JTC Chairperson is a non-voting member, participates in all of the Old Colony MPO meetings, and has the opportunity to comment and provide advice on matters being discussed. The JTC Chairperson or Vice Chairperson shall be on any advisory committees created by the Old Colony MPO with the same standing as other members of the advisory committee.

It is the objective of the JTC to be part of a transportation planning process that:

1. Is ultimately responsible to those at the State and local level who have authority to implement transportation plans;
2. Is oriented towards resolving issues and controversies, and provides a forum for consensus building and dispute airing, and resolution. Includes a technical arm through the Old Colony MPO transportation planning staff to support decision-making, while emphasizing the key role elected officials have in decision making;
3. Integrates all transportation modes for a balanced planning effort;
4. Recognizes both the short and long term impacts of proposals on the overall transportation plan for the Region;

5. Supports wide and effective participation at the local level, both public and private, both municipal and regional, without diluting the ultimate capacity to take decisive action;
6. Works cooperatively with the Advisory Boards of the regional transit authorities and other transportation entities; and
7. Through the efforts of the Old Colony MPO transportation planning staff, provides for the formulation of the Unified Planning Work Program (UPWP) for the development of transportation plans, prepares a Transportation Improvement Program (TIP) for the distribution of transportation funding, prepare a Long Range Transportation Plan (LRTP) to determine transportation needs, and other continuing transportation planning activities within the context of comprehensive development planning established at the local, regional and state levels of government.

All plans, programs, and studies are developed in compliance with federal nondiscrimination laws including Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987 and all related statutes and regulations. Title VI prohibits discrimination on the grounds of race, color, national origin (including limited English proficiency), as well as on the grounds of age, gender or disability. Additionally, related federal and/or state laws provide similar protections on the basis of a person's religion, sexual orientation, veteran's status and other protected characteristics and requires that no one be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity or service receiving federal assistance.

The Old Colony MPO also ensures that every effort will be made to prevent the discrimination of low-income and minority populations in any of its programs or activities in accordance with Executive Order 12898, 3 C.F.R. 859 (1995) entitled "Federal Actions to Address Environmental Justice in Minority Populations and in Low-Income Populations."

2.0 - PURPOSE

The purpose of the organization shall be as set forth in the MOU relating to the Comprehensive, Continuing, and Cooperative (3C) Transportation Planning Process agreed to by all of the members of the Old Colony Metropolitan Planning Organization (Old Colony MPO). To accomplish the objectives of the 3C **P**rocess, the MPO has established a special committee known as the Old Colony Joint Transportation Committee (JTC) to serve as the Transportation Policy Advisory Group for the Old Colony Region, in accordance with earlier agreements. The functions of the Old Colony JTC are:

1. To advise the Old Colony MPO on matters of policy affecting the conduct of the 3C transportation planning and programming process for the Region.

2. To advise the Old Colony MPO on regional transportation documents as may from time to time be required by state or federal laws and regulations.
3. To foster broad and robust participation in the transportation planning and programming process by maintaining a forum that brings together representatives of municipalities, citizens concerned with the transportation planning and programming process, other public agencies, and transportation providers, thereby facilitating, wherever possible, the consistency of transportation plans and programs for the Old Colony Region with the policies, priorities, and plans of affected state and regional agencies, local communities, private groups and individuals within the Old Colony Region. Consistent with the provisions of this Memorandum of Understanding, the Old Colony JTC shall adopt by-laws and other procedures as may be necessary to govern its operation.

3.0 - ARTICLE I - ORGANIZATION

The name of the organization shall be the Joint Transportation Committee (JTC) and the geographic scope of its planning responsibilities shall coincide with the boundaries of the Old Colony Planning Council District.

4.0 - ARTICLE II - MEMBERSHIP

As a general policy, membership of the Old Colony Joint Transportation Committee will be inclusive rather than exclusive. The composition of the JTC shall be drawn from, but not limited to, the following sources:

1. Representatives of OCPC and the city and towns within the region. OCPC will invite mayors, town councilors, or selectmen of each community in the region to designate at least one representative to the JTC.
2. Representatives of the Massachusetts Department of Transportation - Office of Transportation Planning.
3. A representative of the Massachusetts Department of Transportation – Highway District 5.
4. A representative of the Brockton Transportation Authority (BAT) as appointed by its Advisory Board.

5. A representative of the Greater Attleboro and Taunton Regional Transit Authority (GATRA) as appointed by its Advisory Board.
6. A representative each from WalkMassachusetts and MassBike..
7. Representatives of public providers of transportation, public and private institutions, and associations including special interest groups appointed by mutual agreement of the Chairperson and OCPC.
8. In addition, provisions shall be made for the addition of other members, such as elected officials, by the mutual agreement of the Secretary, the Department, and OCPC. Agencies and organizations representing the interests of persons with physical, intellectual, and developmental disabilities will be consulted with and encouraged to participate in all activities pertaining to the Joint Transportation Committee, including but not limited to attendance at meetings and public review and comments on documents released by the Old Colony Metropolitan Planning Organization for public review and comment.

It is understood that delegates and/or alternates to the JTC shall inform their respective appointing authorities of the activities of the JTC.

5.0 - ARTICLE III - OFFICERS

The officers of the JTC shall consist of a “Chairperson” and a “Vice-Chairperson,” who shall be elected from and by the JTC Membership. The JTC shall receive the report of the Nominating Committee who shall place in Nomination the names of the Chairperson and Vice-Chairperson they feel are the best suited to lead the JTC for the coming year. Nominations may also be accepted from the floor. The election of Chairperson and Vice-Chairperson shall be by majority vote of the JTC members present and voting at the June meeting or at any other meeting called for the purpose of electing officers.

1. The representatives of the JTC shall elect the Chairperson for a term of one year beginning each July. The power of the Chairperson shall be as follows:
 - a. To preside at all meetings of the JTC;
 - b. To call special meetings of the JTC as appropriate;
 - c. To appoint Chairpersons of Task Forces;
 - d. To facilitate the consensus-building process by eliciting comments and directing full discussion of all matters brought before the JTC, in the manner set forth in “Business Procedures;”
 - e. To have such other discretionary powers as the JTC shall deem necessary;

- f. To designate the order in which the Vice Chairperson would preside in the absence of the Chairperson; and
 - g. To represent the JTC at meetings of the Old Colony MPO.
- 2. The representatives of the respective areas of the JTC shall elect one Vice Chairperson for a term of one year beginning each July. The duties of the Vice Chairperson shall be as follows:
 - a. To preside at JTC meetings and otherwise assume the duties of the Chairperson in his absence in the order in which Chairperson has designated;
 - b. To organize needed Task Forces, invite public participation, and recommend to the Chairpersons those persons who would qualify as Task Force members; and,
 - c. To assist in the administration and preparation of all matters to be placed before the JTC relative to the functional area which each represents.

6.0 - ARTICLE IV - GENERAL PROCEDURES

1. Meetings - Meetings of the JTC are of two types:
 - a. Regular meetings are those meetings held at regular intervals to consider the general business of transportation matters brought to the attention of the JTC, and to consider new business.
 - i. Regular meetings of the JTC shall be held on the first Thursday of each month at 12:00 p.m. unless otherwise agreed to by the membership. The location of the meeting will be part of the Notice of the Meeting.
 - ii. Regular meetings of the JTC may be publicized at a minimum of five (5) days in advance through the distribution of a press release containing a statement of the intended subject for the meeting to be sent to all area news media.
 - iii. All members of the JTC shall be sent notices of regular meetings of the JTC electronically at least seven (7) days before the meeting. Such notice shall include the agenda approved by the Chairperson, minutes of the previous meeting and any special reports the Chairperson deems appropriate. Any other individuals may request in writing annually to be placed on the mailing list and shall be sent notices of the meetings. Requests for postal mail notifications will also be honored.
 - iv. In cases where the Chairperson deems it necessary to publicize a regular meeting, they may request that the Old Colony MPO transportation planning staff place newspaper advertisements stating date, time, place, and nature of the meeting and invite public participation.
 - b. Special meetings are those meetings called by the Chairperson of the JTC to consider immediate issues and problems demanding the attention of the JTC.
 - i. The Chairperson shall cause a Special meeting to be held by mailing information on the date, time, place, and nature of the meeting at least seven (7) days in advance to all members of the JTC and others included in the mailing list.

- ii. The Chairperson may send a press release at least five (5) days before a Special meeting stating the date, time, place, nature of the meeting, and invite public participation.
 - c. All meetings of the JTC are open to the public.
 - d. A quorum is not necessary for any meeting of the JTC. However, if any JTC voting member feels that there is not adequate or appropriate representation of the group present to decide an issue, that member may advise the group and the Chairperson may postpone the issue until the next meeting.
2. Business Procedures
- a. Any person attending a meeting of the Joint Transportation Committee has the right to speak. The Chairperson shall appropriately recognize all attendees, grant the floor, and terminate discussion after a reasonable time.
 - b. Every attempt will be made to solicit opinions and comments from all persons present at the meeting who wish to participate in discussions.
 - c. Primary responsibility for facilitating the consensus-building process lies with the Chairperson of the Joint Transportation Committee. The Chairperson will accomplish this by:
 - i. Keeping matters on the floor focused on the issues currently under discussion.
 - ii. Actively encouraging full debate and discussion of issues until the positions of the various proponents and opponents are clarified.
 - iii. Continually re-stating the major differing opinions offered on the floor including the possible impact of the various alternatives so that all participants are knowledgeable of all positions and opinions on a particular matter.

- iv. Directing the discussion by focusing on opposing viewpoints and attempting to build a compromise or consensus position for the whole group.
- v. Where consensus is not forthcoming, to terminate discussion after a reasonable time by publicly restating all differing positions, and confirming from their original sources the accuracy of these statement summaries.
- vi. Referring such issues as determined above or differing opinions on an issue to the individual members for their further referral to higher authority to obtain additional information and clarification before the next regular or special Joint Transportation Committee meeting.
- vii. Finally, the Chairperson may refer a problem or issue to the appropriate existing Task Force or create a new Task Force for its discussion and recommendation for action by the Joint Transportation Committee.
- viii. Upon the resolution of an issue the Chairperson will cause to be drafted a position for the entire Joint Transportation Committee. Such statement will put forth the consensus mutually arrived at and accepted by all present, or failing a consensus, will clearly set forth the major positions taken by various participants.
- ix. The consensus statements of the Joint Transportation Committee will be forwarded by the Chairperson to the major participatory bodies for their review and action and to the general membership via the mailing list.
- x. Generally, matters will not be decided by vote. Exceptions to this rule are matters of Joint Transportation Committee internal business such as the election of a Chairperson, Vice-Chairperson and Secretary, the approval of the minutes of a previous meeting and amendments to the By-laws. In such cases, the Chairperson

shall direct a voice vote on the matter, and finding significant opposition shall re-open discussion of that matter until a consensus position is reached.

- d. The Joint Transportation Committee in light of the provisions set forth in the By-laws shall decide upon additional questions of policy and procedure.
- e. The By-laws will be circulated at least biennially among all mayors and selectmen of the Old Colony Planning Council District for their review.
- f. Amendments
 - i. By-law amendment proposals may be generated by a consensus at a Joint Transportation Committee meeting, the Chairperson of the Joint Transportation Committee on their initiative or a significant Joint Transportation Committee membership or participant demand.
 - ii. Amendment(s) to the By-laws shall be accomplished by the Chairperson causing them to be circulated at least 14 days before a regular meeting. Every attempt shall be made to ensure that all members are aware of proposed amendments. At the regular meeting, the proposed amendment shall be voted upon by voice vote and failing significant approval such that the Chairperson finds a consensus is not present, shall fail to be accepted.

7.0 - ARTICLE V - OVERVIEW OF THE PLANNING AND DECISION-MAKING PROCESS

The planning and decision-making process will be concerned with both short and long-term planning and with necessary decisions requiring action.

1. Policy will be agreed upon and issues resolved wherever possible by consensus or voting of the JTC. Only through an open and broadly based participatory process can broad public consent or consensus for major decisions be obtained. Where basic disagreement occurs which cannot be reconciled by the JTC, those matters will immediately be referred to the Old Colony MPO for resolution and then be referred back to the JTC, if

appropriate.

2. Transportation activities are multi-modal. All facilities and services for travel will be treated as part of a single system, each component to be planned in a manner most effectively utilizing its special characteristics in combination with other elements. Local transit services, bus and rail transit, operational and regulatory measures, harbor development and maintenance, airport facility development and other possible modes of transportation will be included as well as the more conventional focus of transportation planning, major line haul highway and transit investments.
3. The process will be concerned with both short and long-term plans. The integration of short and long-term planning can infuse immediate decisions with concern for the full range of their unintended by-products and long-term implications. It can also keep long-range planning more attuned to considerations of political feasibility and responsive to changing community values.
4. Staged decision-making - A major consequence of the integration of short and long-term planning is the need to reach decisions on the implementation of some projects during the course of long-range planning rather than to leave all decisions to the end.
5. Resolution - Final decisions on all key elements in the planning process, including selection among various program alternatives, must necessarily be reserved for appropriate elected and appointed officials. This recognizes the unique and comprehensive responsibilities of such officials beyond the particular jurisdiction of any one participant. In order to put meaning into the consensus process, all official participants anticipate following, insofar as they are able, the consensus recommendations of the JTC, as outlined in the Old Colony MPO MOU. This commitment creates an incentive for those in the consensus process to reach agreement in order to substantially influence decisions. It also places a responsibility on the state, regional and municipal representatives, as well as those representing private groups, to represent accurately the interests and positions of the people for whom they are speaking; while participating creatively in a dynamic process of design, evaluation, and negotiation.

8.0 - ARTICLE VI - FEDERAL CERTIFICATION REQUIREMENTS

Conducting and maintaining the transportation planning process in accordance with federal regulations requires the development and approval of plans, programs, and studies on a regular

basis. These documents are prepared by the OCPC staff in conjunction with state and federal funding agencies, reviewed by the JTC, revised as necessary, and submitted for formal adoption to the Old Colony MPO. They are prepared in conformance with the objectives for the transportation planning process described in the introduction, including compliance with Title VI and all related statutes and regulations, as well as the executive order concerning environmental justice in minority and low-income populations.

1. Unified Planning Work Program (UPWP) - The UPWP described the scope and cost of the work tasks of the OCPC transportation and transit staff in several elements. The UPWP is also a budgeting tool, and each task includes the approximate cost of each service or study and an appropriate schedule for performing these tasks. For detailed information regarding administrative procedures and budgets, please refer to the current UPWP. The UPWP is used by OCPC, the MassDOT (OTP), FHWA, FTA, and BAT as the scope of services for the contract for planning services, and can be adjusted or amended during the program year as determined by the Old Colony MPO and funding agencies.
2. Transportation Improvement Program (TIP) - The TIP is a programming document that lists all the transportation projects in the Old Colony region by federal funding category. Regional priorities for projects are recommended by the JTC for approval by the Old Colony MPO. The Old Colony MPO approved TIP is forwarded to MassDOT OTP where it is combined with the TIPs produced by all of the MPOs throughout the state. The resulting document, referred to as the State Transportation Improvement Program (STIP), is forwarded to FHWA, FTA, and the Environmental Protection Agency (EPA) for approval. Only after this approval can federal transportation funds be obligated for projects in the TIP.

TIP projects are evaluated as to their potential for improving safety issues, traffic congestion, multi-modal connections, livability and sustainable development, as well as community impact using the Transportation Evaluation Criteria. Transit projects in the TIP are evaluated on their importance to the continued and efficient operation of public transportation (transit) service that meets the needs of areas and residents served.

Federal legislation establishes performance-based planning requirements that provide more efficient investment of transportation funds. These requirements focus on national transportation goals, increase the accountability and transparency of the federal highway and transit programs, and improve investment decisions through performance-based planning and programming.

All of these factors are considered in programming the use of transportation funds. For detailed information, regarding administrative procedures, such as changes to project schedules and costs, and financial constraints, please refer to the current TIP. Projects are grouped by expected year of implementation; that is, they are grouped according to a balance of the likely completion date of the engineering design, and the factors that determine the project's importance. The complexity of the engineering design, i.e. complexity, wetlands issues, and land taking issues must also be considered; because design completion dictates when construction funds are needed. When there are more projects than funding allows, the transportation evaluation criteria scoring becomes the deciding factor.

3. Long Range Transportation Plan (LRTP) - The LRTP provides a comprehensive look at the needs of the Region for highway and transit improvements. It highlights the major transportation issues and provides both short-range and long-range guidance to local elected officials, the JTC, and eventually to the state and federal implementing agencies. There must be reasonable opportunity for public comment on the LRTP before it is approved. The development of the LRTP and TIP by the Old Colony MPO provides our local communities direct access to the transportation decision-making process.

The LRTP identifies all transportation facilities, includes a financial plan that demonstrates how it can be implemented, and assesses capital investments necessary for the existing transportation system, and makes efficient use of the existing system to relieve congestion. The LRTP also demonstrates conformity with the State Implementation Plan (SIP) for air quality improvements. The projects in the TIP must be consistent with the Long Range Transportation Plan.

4. Air Quality Conformity - The Old Colony MPO must determine that the Long Range Transportation Plan is in conformance with the Massachusetts State Implementation Plan (SIP). This assures that no goals, directives, recommendations or projects that are identified in the LRTP have an adverse impact on the SIP. The SIP is the official document, which lists committed strategies to meet the requirements of the Clean Air Act Amendments through investments in transportation.
5. Public Participation Program (PPP) - The PPP defines all public notification and involvement techniques that are utilized in creation of the TIP, LRTP, transportation studies and FTA Section 5307 grants to BAT. Federal regulations state, "the metropolitan transportation planning process shall include a proactive public involvement process that provides complete information, timely public notice, full public access to key

decisions and supports early and continuing involvement of the public in developing plans and TIPs.”

All public participation includes compliance with Title VI and all related statutes and regulations, as well as the executive order concerning Environmental Justice in minority and low-income populations.