

BYLAWS

for the

MONTACHUSETT JOINT TRANSPORTATION COMMITTEE (MJTC)

AN ADVISORY SUB-COMMITTEE OF THE MONTACHUSETT REGIONAL PLANNING COMMISSION (MRPC)

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EFFECTIVE DATE: DECEMBER 18, 1996

REVISED: NOVEMBER 20, 1996

REVISED: SEPTEMBER 17, 2014

BYLAWS OF THE
MONTACHUSETT JOINT TRANSPORTATION COMMITTEE

ARTICLE I - NAME, PURPOSE, AND DUTIES

1. Name. This joint transportation planning advisory group, established under agreements among its co-sponsoring agencies, Montachusett Regional Planning Commission (MRPC), Massachusetts Department of Transportation (MassDOT), and Massachusetts Department of Transportation (MassDOT) Highway Division, will be known as the Montachusett Joint Transportation Committee, MJTC, or the Transportation Planning Group (TPG).
2. Purpose. The purpose of the MJTC is to provide the mechanism for an open and broadly participatory intermodal transportation planning process with maximum involvement on the part of local communities, officials and citizenry. This will lead to a program implementing the recommendations of the MJTC toward an eventual transportation system which will provide for the most efficient movement of people and goods at a minimum cost. The transportation planning process will be an integral part of the general planning process as undertaken by the Montachusett Regional Planning Commission (MRPC) and the Montachusett Metropolitan Planning Organization (MMPO).
3. Responsibility. The MJTC is advisory to its co-sponsoring agencies. The MJTC is also responsible to and will seek the participation of the citizenry of the Montachusett Regional Planning Area in formulating its decisions.

In addition, the MJTC operates its programs, services, and activities in compliance with federal nondiscrimination laws including Title VI of the Civil Rights Act of 1964 (Title VI), the Civil Rights Restoration Act of 1987, and related statutes and regulations. Title VI prohibits discrimination in federally assisted programs and requires that no person in the United States of America shall, on the grounds of race, color, or national origin (including limited English proficiency), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance. Related federal nondiscrimination laws administered by the Federal Highway Administration, the Federal Transit Administration, or both prohibit discrimination on the basis of age, sex, and disability. These protected categories are contemplated within MRPC's Title VI Programs consistent with federal interpretation and administration. Additionally, MRPC and the MJTC provide meaningful access to its programs, services, and activities to individuals with limited English proficiency, in compliance with US Department of Transportation policy and guidance on federal Executive Order 13166.

MJTC also complies with the Massachusetts Public Accommodation Law, M.G.L. c 272 §§ 92a, 98, 98a, prohibiting making any distinction, discrimination, or restriction in admission to or treatment in a place of public accommodation based on race, color, religious creed, national origin, sex, sexual orientation, disability, or ancestry. Likewise, MRPC complies with the Governor's Executive Order 526, section 4 requiring all programs, activities, and services provided, performed, licensed, chartered, funded, regulated, or contracted for by the state shall be conducted without unlawful discrimination based on race, color, age, gender, ethnicity, sexual orientation, gender identity or expression, religion, creed, ancestry, national origin, disability, veteran's status (including Vietnam-era veterans), or background.

4. Staff. Staff support will be provided to the MJTC by the MRPC under the supervision of the MRPC Executive Director. The MJTC will help to provide direction to the staff.
5. Unified Planning Work Program. The MJTC will review and provide local input into the MRPC's annually prepared Unified Planning Work Program (UPWP). The UPWP is a budget and programming task tool of all transportation planning activities for the Montachusett Regional Planning Area.
6. Comprehensive Regional Transportation Plan. The MJTC will review and provide local input in the development of a comprehensive Regional Transportation Plan (RTP) for the MMPO and MRPC and in the revision thereof at appropriate intervals as established by state and federal requirements.
7. Transportation Improvement Program. The MJTC will review and provide local input in the annual development of the Transportation Improvement Program (TIP) for the MMPO and MRPC. The TIP is a federally required fiscally constrained document that identifies and lists all federal aid highway and transit projects scheduled for implementation in upcoming federal fiscal years. Additionally, the MJTC will review and provide local input in any revision or amendment to the TIP as needed by state and federal requirements.

ARTICLE II - MEMBERSHIP IN THE PLANNING GROUP

1. Membership Policy. Membership in the MJTC is inclusive rather than exclusive in order to provide for the “open and broadly participatory” transportation planning process. All MRPC communities within the transportation planning area will be represented.
2. The composition of the MJTC consensus makers shall consist of members selected in the following manner and from the following sources;
 - a. One representative of each of the cities and towns of the planning area appointed by the Planning Board of each community, annually in the month of June to assume representation on July 1, and who shall be either a member or a representative of said Planning Board.
 - b. One representative of each of the cities and towns of the planning area appointed by the Mayor, Town Manager or Selectmen of each community, annually, in the month of June to assume representation on July 1.
 - c. In addition, provisions shall be made for the addition of other members, such as representatives of public and private institutions, upon their request and appointment by the MJTC. These representatives will be identified as “Organizational” members and shall be appointed by their institution annually in the month of June to assume representation on July 1.

In the event a formal vote is required and more than one representative from a community is present, members shall follow procedures outlined in Article VI – Meetings of the MJTC, Item 5 Formal Votes.

3. Ex-officio membership (members who shall be present at meetings and deliberate in the meeting, but be non-consensus makers) shall consist of members appointed by their agency annually in the month of June to assume representation on July 1 and selected in the following manner from the following sources:
 - a. Representative of the Massachusetts Department of Transportation Highway Division , including a representative of the District Offices, and a representative of the MassDOT Office of Transportation Planning (OTP) , appointed by the Secretary and Chief Executive Officer (CEO) of and/or the MassDOT Highway Division Administrator .
 - b. A representative of the Montachusett Regional Planning Commission, appointed by the MRPC Chairman.
 - c. A representative of the Montachusett Regional Transit Authority (MART), appointed by the MART Administrator.
 - d. A representative of the Federal Highway Administration (FHWA) appointed by the FHWA Division Administrator.
 - e. A representative of the Federal Transit Administration (FTA) appointed by the FTA Division Administrator.
 - f. A representation of the Massachusetts Department of Environmental Protection (DEP) appointed by the DEP Commissioner.
 - g. A representative of the Devens Enterprise Commission (DEC) appointed by the DEC Board of Directors.

ARTICLE III - OFFICERS

1. Officers. The officers of the MJTC will consist of chairman, vice-chairman, and secretary to direct and carry out the business of the MJTC. Duties include such items as directing correspondence, assisting in the preparation of agendas, position papers, news releases, and such other matters as the MJTC may direct.
2. Duties of officers. The duties of officers are those usually assigned to such offices. The chairman has the duty, when present, of chairing all meetings of the MJTC. In the absence of the chairman, the vice-chairman will chair.
3. In general the duties of the chair include but are not limited to the following:
 - a. Call all meetings to order;
 - b. Announce the business of the meeting in accordance with the agenda;
 - c. Encourage discussion by those representatives and other in attendance;
 - d. Restrain those in attendance within the rules of order;
 - e. Sign and authenticate all the acts, resolutions, proceedings and correspondence of the MJTC and;
 - f. In the event that a formal vote is required of the MJTC, the chair will vote only in the case of a tie.

In general the duties of the secretary include but are not limited to the following:

- a. Correspondence of the MJTC;
- b. Notification of the day, hour and place of each meeting;

- c. Preparation of agenda;
- d. Keeping of minutes of each meeting;
- e. Acceptance and summarization of committee reports.

All duties are to be performed in accordance with any and all Massachusetts Open Meeting Laws and may be delegated to MRPC staff as appropriate and necessary.

- 4. Selection and term of office. Following the selection of a nominating committee as provided in Article V of these bylaws, the nominating committee will annually, at the June meeting present a slate of one or more names for each office of the MJTC. The chair will declare the meeting open to nominations from the floor and any such nominations will be recorded and added to the slate proposed by the nominating committee. At the July meeting, selection of officers will take place as the first order of business. In the event that there be two or more nominees for any office, a formal vote of eligible voting members (i.e. Representatives of communities and organizations) present will be conducted by ballot to select a candidate by a majority (50%+) vote. The term of office will be for one year. In the event of a vacancy in an office, the chair will decide with the consent of the MJTC if the vacancy should be filled or left until the next regular election.

ARTICLE IV - TASK FORCES AND STUDY GROUPS

- 1. Task Forces and Study Groups. The MJTC will organize subordinate task forces or study groups as needed and necessary to carry out its duties. It may also, in cooperation with its co-sponsoring agencies, and with other regional planning agencies, organize such inter-regional task forces or study groups as may be helpful in dealing with inter-regional transportation issues -which transcend regional planning boundary lines. The organization and structure of any such group will be proposed by the Chair and approved by consensus of the full MJTC at a duly constituted meeting. The make-up and purpose of any task force or study group will be clearly defined by the members of the MJTC. All task forces or study groups organized under this article will serve at the direction and duration of the MJTC.
- 2. Membership in task forces or study groups. Each task force or study group established by the MJTC may include elected local public officials or their representatives and also those persons with technical, planning or other experience or training helpful to the declared purposes of the task force. Such persons may be drawn from the representatives to the MJTC or from the municipal or organizational membership of the MJTC where feasible. Membership on a task force or study group is not restricted to representatives to the MJTC and may include any person who can make a substantial contribution. Prospective members in a task force or study group will be presented by the Chair to the MJTC for review and approval by consensus.

ARTICLE V - SPECIAL COMMITTEES OF THE MJTC

- 1. Nominating Committee. Annually in May, the Chairman will appoint a convener of a nominating committee. At the same meeting, the convener will in turn choose up to three more members. After approval by consensus of the MJTC, the nominating committee will meet prior to the June MJTC meeting for the establishment of a slate of officers that will include at least one nominee for each office.
- 2. Bylaw Committee. The duties of the bylaw committee will include the review of bylaws, revisions and amendments.
- 3. Special Committees. The MJTC may establish such special committees, as may be necessary for the proper conduct of its business. Members of special committees will be appointed by the chairman with the approval of the MJTC on an as needed basis and, in the normal course of events, a majority of the members will continue in that capacity from year to year.

ARTICLE VI - MEETINGS OF THE MJTC

- 1. Call of Meetings. Meetings of the MJTC will be called on a regular monthly basis. These meetings will usually occur on the third Wednesday of each month. Special meetings will be called as may be required by urgent business. Notice of each meeting with a preliminary agenda will be emailed/mailed at least forty-eight (48) hours in advance, not including Saturday and Sunday, to all MJTC representatives as well as all individuals, groups and organizations part of the Montachusett Public Participation Plan (PPP) and in accordance and compliance with Massachusetts Open Meeting Laws and requirements.

2. Quorums. A quorum for any meeting of the MJTC will consist of a minimum of four (4) member municipalities or three (3) member municipalities and one (1) organization members not representing a municipality. A municipality is considered represented if one or more of its members is present.
3. Conduct of Meetings. All meetings of the MJTC will be conducted on the basis of an open and broadly participatory process to which the citizenry of the planning district is invited and in which all voices may be heard. All meetings will be held with an absolute minimum of parliamentary procedure required for the efficient conduct of the meeting. The conduct of the meeting, the selection of officers, and the resolution of issues will be on the basis of the rules set forth in these Bylaws. All members are expected to conform to the MRPC Code of Conduct as adopted August 25, 2009.
4. Policy-Formulation. Policy will be formulated by a discussion of each issue properly before the MJTC and no decision will be reached until all present have had a reasonable opportunity to be heard. In the event that a matter deemed routine and signed off by the board is challenged by four (4) or more representatives, it will be returned to the MJTC for discussion and resolution.
5. Formal votes. In the event that consensus cannot be reached on an issue before the MJTC, a formal vote can be requested of the representatives present and eligible to vote (i.e. communities and organizational members) through an appropriate motion and second. Each community and organizational member of the MJTC may cast only one vote regardless of the number of representatives from that community or organization present at the meeting when the vote is to occur. Final decision of the issue will be determined by a majority vote (50%+) of the representatives present and voting, provided a quorum exists.
6. Recall of Member. A member or representative of the MJTC may be removed from a meeting or permanently if their conduct has been determined to be inappropriate and/or offensive. Any call to remove a member must be made and seconded at a duly constituted meeting. The Chair will then call for a formal vote on the motion. A secret ballot may be utilized if requested by any member. The recalled member must then abide by the vote and decision and remove themselves from the meeting immediately. In the event of a permanent recall vote/action, the recalled member may request in writing to the Chair an opportunity to address the full MJTC and seek re-instatement at a future meeting. The MJTC is under no obligation to reconsider or revote. Any community or organization whose member is subjected to a recall for a meeting or permanently shall be informed in writing by the Chair of the particulars of the action undertaken by the MJTC.

ARTICLE VII - COMMUNICATIONS

1. Communications Policy. In accordance with its established policy of an open and broadly participatory transportation planning process, the MJTC and its staff will make every effort to establish and maintain strong two-way lines of communication with boards of selectmen and city and town planning boards, with elected and appointed officials at municipal, district, and county levels of governments, with state and federal agencies, with the Montachusett Regional Planning Commission, its delegates, alternates, and staff, with other regional planning agencies and above all, with the general public in its twenty-two (22) municipality planning region. Communication will follow in accordance with the policies and procedures outlined in the current MMPO endorsed Public Participation Plan (PPP).
2. Mailings and News Releases. Mailings, news releases and public notices will be prepared and distributed in full accordance with the policies and procedures outlined within the current MMPO endorsed Public Participation Plan (PPP).
3. All appropriate information will be posted on the MRPC website.

ARTICLE VIII - AMENDMENTS AND EFFECTIVE DATE

1. Amendments to the Bylaws. These Bylaws may be amended after a notice to that effect has been sent with the announcements of two successive regular meetings of the MJTC to all municipalities and representatives on record. The proposed amendment will be on the agenda of the first meeting for discussion only and on the agenda of the second meeting for action.
2. Effective date of these instruments. The effective date of adoption of these instruments shall be following notice, discussion and affirmative action by the MJTC at a duly constituted meeting.