

ITEM 7 – Action
February 15, 2017
Approval of TPB Bylaws Amendment

Staff

Recommendation: Approve Resolution R10-2017 to amend the TPB Bylaws.

Issues: None

Background: The Maryland Department of Transportation asked the board to consider an amendment to the TPB Bylaws to change the membership requirements of the “designated alternate” board member. Notice was given at the January 18, 2017 TPB meeting that the TPB Bylaws are proposed to be amended.

NATIONAL CAPITAL REGION TRANSPORTATION PLANNING BOARD
777 North Capitol Street, N.E.
Washington, D.C. 20002

**RESOLUTION TO AMEND THE TPB BYLAWS
TO CHANGE THE MEMBERSHIP REQUIREMENTS FOR
DESIGNATED ALTERNATE REPRESENTATIVES**

WHEREAS, the National Capital Region Transportation Planning Board (TPB), which is the metropolitan planning organization (MPO) for the Washington Region, has the responsibility under the provisions of the Fixing America's Surface Transportation (FAST) Act for developing and carrying out a continuing, cooperative and comprehensive transportation planning process for the Metropolitan Area; and

WHEREAS, the TPB is governed by its Bylaws which, as last amended on January 18, 2017, provide for the operation and framework for the TPB while defining its Functions; Relationship with the Metropolitan Washington Council of Governments; Membership and Terms; Time and Place of Meeting; Officers; Quorum and Voting Procedures; Committees; Staff; Public Participation and process for the Amendments of Bylaws; and

WHEREAS, the TPB Bylaws, in Section III Membership and Terms, currently allow for the TPB designated alternate representative of the local government representatives not to be an elected official or an employee of the participating jurisdiction's government; and

WHEREAS, on January 18, 2017, the Maryland Department of Transportation proposed an amendment to Section III of the TPB Bylaws to change the membership requirements of the TPB designated alternate representative of the local government representatives to require the designated alternate to be either an elected official or to be an employee of the participating jurisdiction's government; and

WHEREAS, on January 18, 2017, the Board was given a written description of the proposed amendment which meets the 10 days' notice requirements as provided in the TPB Bylaws; and

WHEREAS, there were no written comments received to date; and

NOW, THEREFORE, BE IT RESOLVED THAT the National Capital Region Transportation Planning Board amends the TPB Bylaws to change the membership requirements of the designated alternate representative and adopts the attached Bylaws as amended on February 15, 2017.



MEMORANDUM

TO: Transportation Planning Board
FROM: Lyn Erickson, Plan Development and Coordination Program Director
SUBJECT: MDOT proposal to amend the TPB Bylaws
DATE: February 9, 2017

On January 18, 2017, the Maryland Department of Transportation (MDOT) proposed an amendment to Section III of the Transportation Planning Board (TPB) Bylaws to change the membership requirements of the TPB designated alternate representative of the local government representatives to require the designated alternate to be either an elected official or to be an employee of the participating jurisdiction's government. The Board was given a written description of the proposed amendment January 18, 2017, which meets the 10 days' notice requirements as provided in the TPB Bylaws.

The attached letter from MDOT provides the details of their request as well as the reasoning behind it. The primary intent of the proposal is to add a documentable and direct layer of accountability "so that the TPB and Maryland's Metropolitan Planning Organizations (MPOs) can serve the citizens they represent." Such accountability is already reflected in the other Maryland MPOs.



Maryland Department of Transportation
The Secretary's Office

Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

Pete K. Rahn
Secretary

February 1, 2017

The Honorable Bridget Donnell Newton, Chair
National Capital Region Transportation Planning Board
Metropolitan Washington Council of Governments
777 North Capitol Street, N.E., Suite 300
Washington DC 20002

Dear Chairman Newton:

As was presented to the National Capital Region Transportation Planning Board (TPB) at the January 18th, 2017 board meeting, the Maryland Department of Transportation (MDOT) requests the following amendment to the bylaws:

“Designated alternate representatives of the local government representatives need not be elected officials, but must be appointed by their local governing body, and if the designated alternate representative is not an elected official, they must be an employee of the participating jurisdiction’s government.”

MDOT receives planning funds from the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA), which is then divided between our seven MPOs. As the agency responsible for MPO funding, MDOT is also responsible for providing and receiving federal oversight as it relates to all MPO activities. Most of Maryland’s MPOs are multi-state, and the federally-required planning practices of regional transportation planning bodies must be held to the highest standards of accountability given the duties the MPO boards have to accomplish. Elected official membership and participation is essential to the metropolitan planning process; it adds another layer of accountability so that the TPB and Maryland’s MPOs can serve the citizens they represent. The board membership structure in all of our other MPOs requires that the primary member be an elected official and the alternate member be either another elected official or an employee of the local government for that particular jurisdiction.

Additionally, MDOT is currently in the process of preparing for a federal review of our MPO activities and responsibilities, and given that we updated the TPB’s bylaws to expand remote participation, the requirements for membership came to our attention while reviewing the bylaws. This update to the bylaws would provide better accountability and bring the TPB up to the same standards of the rest of our state, ensuring consistency for our federal oversight.

My telephone number is _____
Toll Free Number 1-888-713-1414 TTY Users Call Via MD Relay
7201 Corporate Center Drive, Hanover, Maryland 21076

The Honorable Bridget Donnell Newton
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We appreciate your cooperation in this matter. Should you have additional questions or concerns, please contact Ms. Kari Snyder at 410-865-1305, toll free 888-713-1414 or via e-mail at ksnyder3@mdot.state.md.us. Of course, please feel free to contact me directly.

Sincerely,

A handwritten signature in blue ink that reads "Tyson Byrne". The signature is fluid and cursive, with the first name "Tyson" and the last name "Byrne" clearly legible.

Tyson Byrne
Manager, Regional Planning
Office of Planning and Capital Programming

Attachment

cc: Ms. Kari Snyder, Regional Planner, Office of Planning and Capital Programming,
MDOT

**MDOT Proposal to amend the Bylaws to
change the membership requirements of
the designated alternate members.
TPB Meeting - January 18, 2017**

1. The County Executive or his designated representative, if the form of government includes an elected County Executive, or;
 2. One (1) additional elected member of the local governing body, if the form of government does not include an elected County Executive.
- c. Four (4) members from the Government of the District of Columbia, two (2) of whom shall be members of the Council, and two (2) from the executive branch. One (1) of the executive branch members shall be from the Department of Public Works.
 - d. One (1) member from each of the Departments of Transportation of Maryland and Virginia, and one (1) member representing the Washington Metropolitan Area Transit Authority (WMATA);
 - e. One (1) member each from the House and Senate of the Maryland and Virginia General Assemblies and one (1) additional member from the Council of the District of Columbia. Such members and their alternates shall be selected from the members of the General Assemblies representing portions of the Washington Metropolitan Area, and the Council of the District of Columbia, respectively. Alternates for these members shall also be members of the General Assemblies or the Council of the District of Columbia, respectively.
 - f. One (1) member each from the National Capital Planning Commission, the Metropolitan Washington Airports Authority, the Federal Highway Administration, the Federal Transit Administration, the Federal Aviation Administration, and the National Park Service. Each member in this category shall be non-voting, but shall be entitled to offer and second motions and resolutions and otherwise enter into deliberations of the TPB.

Designated alternate representatives of the local government representatives ~~need not be elected officials, but~~ must be appointed by their local governing body, and if the designated alternate representative is not an elected official, they must be an employee of the participating jurisdiction's government. Designated alternate representatives of the Departments of Transportation and the District of Columbia Department of Public Works must be appointed by their respective Departments. Designated alternate representatives of the WMATA must be appointed by the Board of Directors.

Members shall serve until replaced by the organization they represent. Changes in jurisdictional membership (but not individual appointments) shall be endorsed by the Governor of the State from which local government membership is requested.

IV. TIME AND PLACE OF MEETING

- a. The TPB shall hold regular meetings in January, March, April, May, June, September and November. Special meetings may be called by the Chairperson at any time on ten (10) days notice in writing of the time, place, and general business to be transacted. The Chairperson shall call a special meeting of the TPB on the request of not less than one-third of the voting members of the TPB, or as required under Section VIIa(57).
- b. A member may be deemed "present" at a meeting through physical means or electronic communication means from a remote location with listening, speaking and voting capabilities, only as follows: The member shall give at least three (3) days' notice to the