



**By-Laws for the**

**Joint Transportation Planning Group**

**Serving the**

**Southeastern Massachusetts Metropolitan Planning Organization**

**Amended/Endorsed October 12, 2022**

## Introduction

A Memorandum of Understanding (MOU) covering the Role and Function of the Southeastern Massachusetts Metropolitan Planning Organization (SMMPO) was signed April 1, 1976, by the Office of Secretary of Transportation and Construction (EOTC) [now the Office of Transportation Planning (OTP)] of the Massachusetts Department of Public Works (MDPW) [now Massachusetts Department of Transportation (MassDOT)], the Southeastern Regional Planning & Economic Development District (SRPEDD), the Southeastern Regional Transit Authority (SRTA), functioning as the Committee of Signatories (COS) of the Southeastern Massachusetts Metropolitan Planning Organization (SMMPO). The Greater Attleboro-Taunton Regional Transit Authority (GATRA) joined the COS in 1977.

On March 31, 1997, the SMMPO was restructured, and a new MOU was signed by the five members of the SMMPO. A new SMMPO was created with thirteen (13) members:

- the Secretary of the Executive Office of Transportation and Construction (EOTC) [now Secretary and Chief Executive Officer of MassDOT].
- the Commissioner of the Massachusetts Highway Department (MassHighway) [now the Administrator of MassDOT Highway Division].
- the Chairperson of the Southeastern Regional Planning and Economic Development District Commission (SRPEDD).
- the Administrator of the Southeastern Regional Transit Authority (SRTA).
- the Administrator of the Greater Attleboro-Taunton Regional Transit Authority (GATRA).
- the Mayor of the City of New Bedford.
- the Mayor of the City of Fall River.
- the Mayor of the City of Taunton.
- the Mayor of the City of Attleboro; and,
- Four Town Representatives (Chosen from the Select Board members or comparable elected executive branch of town government) representing 4 towns in the SRPEDD region (2-3 towns representing Bristol and/or Norfolk County and 1-2 towns representing Plymouth County).

**The 1976 MOU established the Joint Transportation Planning Group (JTPG) and the 2022 update of the MOU states** “In the resolution of basic regional transportation policy, the SMMPO shall seek and consider the advice of the Joint Transportation Planning Group (JTPG), a forum for public involvement and the advisory committee to the SMMPO, for transportation plans and programs and all transportation related issues.”

The Joint Transportation Planning Group (JTPG) is the Transportation Policy Advisory Group for the region and advises the SMMPO members on policy matters concerning transportation plans and programs, provides proactive public participation in the transportation planning and program process. The principal mission of the JTPG 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 any member of the public concerned with the transportation planning process. The JTPG 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, local communities, private groups and individuals with the Region.

The SMMPO transportation planning staff, employed through SRPEDD, provides technical assistance and guidance on transportation issues in support of the JTPG. The staff prepares, under contract with MassDOT, federally required certification documents and other technical reports for the JTPG review, promotes discussion on transportation related directives and policies, and provides all staff duties needed to meet the responsibilities and purpose of the JTPG.

The JTPG Chair participates in all the Southeastern Massachusetts MPO meetings as a non-voting member and has the opportunity to comment and advise on matters being discussed. The JTPG Chair, or one of the three Vice-Chairs, shall be on any task force or advisory committee created by the SMMPO with the same standing as other members of the task force or advisory committee.

It is the objective of the JTPG 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 airing disputes or differences of opinion. Includes a technical arm through the SMMPO 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 recommendations and decisions on the overall transportation plan for the region.
5. Has 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 Regional Transit Authorities and other transportation entities.
7. Through the efforts of the SMMPO 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, prepares a Regional Transportation Plan (RTP) to determine transportation needs, prepares a Public Participation Program to guide all public outreach, 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 with Title VI of the Civil Rights Act of 1964, 1994 Executive Order 12898 (Environmental Justice), 2000 Executive Order 13166 (Limited English Proficiency), the Americans with Disabilities Act of 1990, and other related federal nondiscrimination laws as well as any applicable state law, regulation or requirement. These laws prohibit discrimination on the grounds of race, color, national origin (including limited English proficiency), as well as on the grounds of age, gender or gender identity, disability, ancestry, or ethnicity.

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, activity or service receiving federal assistance. These efforts will, in no way, exclude persons who are low-income, minority (BIPOC, Asian or Pacific Islander), religious minorities, LGBTQ+ persons, Limited English Proficient (LEP) or have a disability 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" and Executive Order 13985 (2021) entitled "Advancing Racial Equity and Support for Underserved Communities Through the Federal Government." This allows every person in the region ample opportunities to become active participants in the decision-making process guiding every issue, project, program, or service.

## **ORGANIZATION**

### **Article I-Identity**

The name of the organization shall be the Joint Transportation Planning Group (JTPG) for Southeastern Massachusetts and the geographic scope of its planning responsibilities shall coincide with the boundaries of SRPEDD. (See Figure 1 on the next page.)

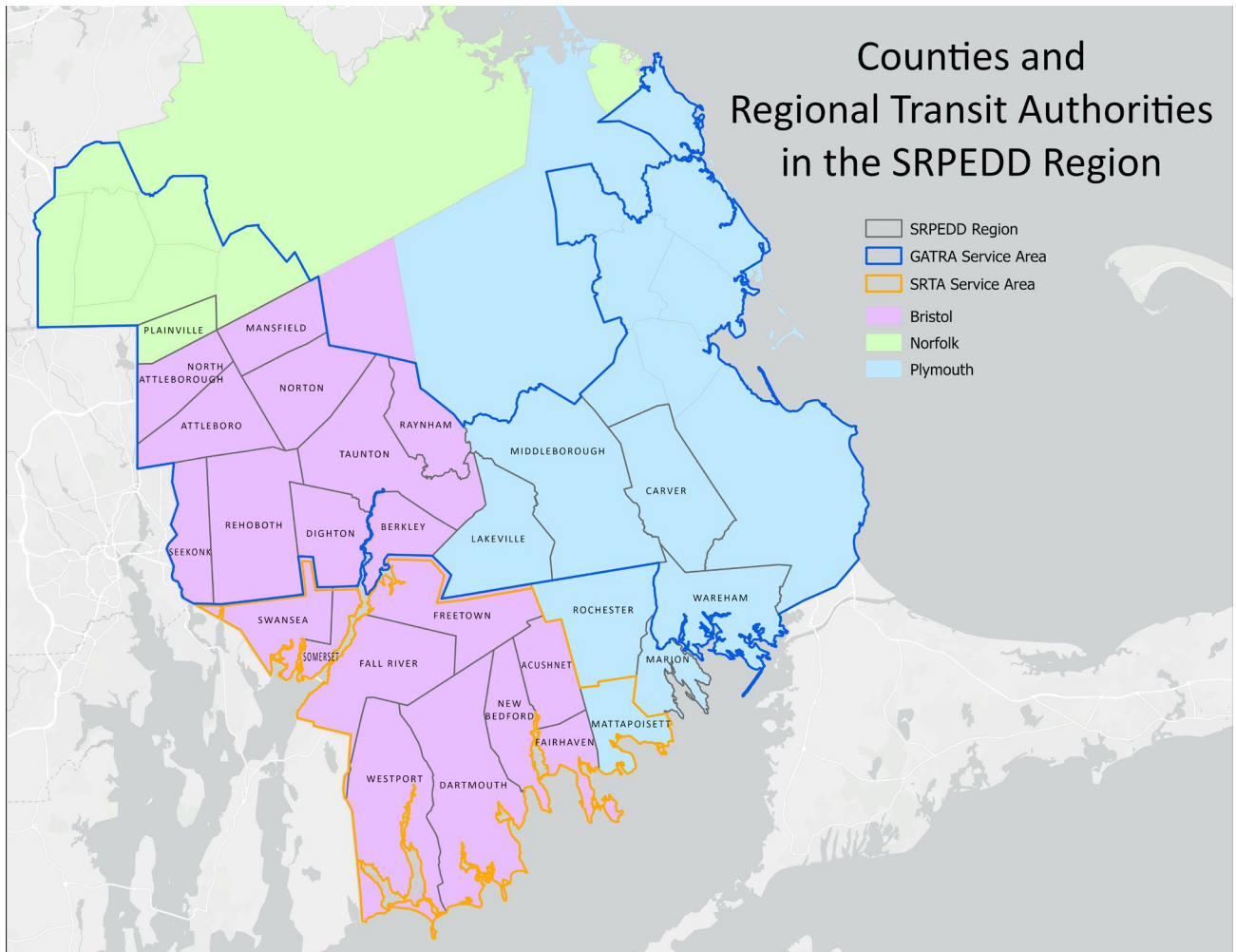


Figure 1- A map of the SMMPO/SRPEDD regions with counties and RTA service areas indicated.

## Article II-Purpose

The purpose of the JTPG 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 Southeastern Massachusetts Metropolitan Planning Organization (SMMPO):

*“The principal mission of the JTPG is to foster broad and robust participation in the transportation planning process by maintaining a forum that brings together representatives of cities and towns, citizens concerned with the transportation planning process, other public agencies and transportation providers, thereby facilitating, wherever possible, the consistency of transportation plans and programs for the region with the policies, priorities, and plans of affected state and regional agencies, local communities, private groups and individuals within the region.”*

The JTPG shall advise the SMMPO on matters of policy affecting the conduct of the 3C transportation planning and programming process for the region that result in the consistent and timely transportation plans and programs; as well as on such regional transportation documents as may, from time to time, be required by state or federal laws and regulations; and encourage varied participation in the transportation planning and programming process by providing a forum that brings together public agencies, elected and appointed officials of cities and towns, transportation providers and members of the public concerned with the transportation plans and programs for the Region.

Specific JTPG responsibilities shall include recommending how to allocate federal funds for transit, roadway, bicycle, and pedestrian projects in the region, and for completing the long- and short-range planning needed to program federal transportation funds; prioritizing the list of projects within each TIP funding category; advising the SMMPO regarding endorsements of the TIP, UPWP and RTP; and voting to allow adjustments to the TIP.

### **Article III-Membership**

The membership of the Joint Transportation Planning Group shall consist of local chief elected officials or their designees, SRPEDD At-Large Commissioners, members of the SMMPO, private transportation providers, and interested members of the public. This group will act as a leading forum for public input to the transportation planning process. The JTPG will conduct its activities in accordance with the guidance for public participation as provided by SRPEDD's currently endorsed Public Participation Program, and the requirements of any State and Federal public participation guidelines.

The composition of the JTPG shall be made up of the following:

#### **1. Voting Members**

- a. The chief elected officials (the Mayor or Chair of the Board of Selectmen or comparable branch of government) in each community in the region, or their designee. Designees are authorized by the chief elected official to cast votes on any matter that comes before the JTPG. The chief elected officials may also appoint Alternate designees to represent them in the event the appointed designee cannot attend a meeting. If the JTPG representative or alternative designee are not available to attend a meeting, a chief elected official may also temporarily appoint a voting representative, by providing the temporary representative with a letter effective for one meeting.
- b. The duly elected SRPEDD At-Large Commissioners shall represent the low-income and minority populations of the region. The SRPEDD Commission By-Laws provide for up

to 6 At-Large delegates; 2 for the New Bedford area; 2 for the Fall River area; 1 for the Taunton area; and 1 for the Attleboro area. The bylaws define the At-Large Commissioner and the election process for this position by the SRPEDD Commission.

**2. Non-Voting Members:**

- a. Members of the SMMPO or their designee.
- b. Representatives of other (non-SMMPO) State, Federal and Regional agencies as designated by those agencies (FHWA, FTA, MassDOT OTP and District 5, GATRA, and SRTA.)
- c. Representatives of public and private institutions and associations, e.g. consumer groups, private transportation providers, environmental groups, historic and preservation groups, etc. as appointed or assigned by the Chair or leader of each of these groups.

The members or their designees, shall be appointed, reappointed, or reaffirmed in May of each year, to serve for the period June 1 to May 31, but may be removed or replaced at any time by the appropriate appointing authority.

**Additional Participants** – other local elected officials or any individual or member of the public concerned with the transportation planning process who wishes to participate in discussion, or provide comment, or to simply gather information on any transportation issue that is before the JTPG for discussion.

## **Article IV-Officers**

The officers of the JTPG shall consist of a “Chair” and three “Vice-Chairs”, who shall be elected from and by the Municipal Representatives.

- 1. The Chair shall be elected for a term of one year beginning each June by the municipal representatives of the JTPG.

The power of the Chair shall be as follows:

- a. To preside at all meetings of the JTPG.
- b. To call special meetings of the JTPG as appropriate.
- c. To appoint Chairs of Advisory Committees or Task Forces.
- d. To facilitate a consensus-building process by eliciting comments and directing full discussion of all matters brought before the JTPG.
- e. To have such other discretionary powers as the JTPG shall deem necessary.

- f. To represent the JTPG at meetings of the SMMPO.
2. Three Vice Chairs, one from each of the three functional JTPG areas, shall be elected for a term of one year beginning each June 1 by the municipal representatives of the respective areas of the JTPG. (See the map on page 4.) The three functional JTPG areas shall consist of the following:

**Bristol County/SRTA Area-** Acushnet, Dartmouth, Fairhaven, Fall River, Freetown, New Bedford, Somerset, Swansea, and Westport.

**Bristol County/GATRA Area-** Attleboro, Berkley, Dighton, Mansfield, North Attleborough, Norton, Plainville, Raynham, Rehoboth, Seekonk, and Taunton.

**Plymouth County Area-** Carver, Lakeville, Marion, Mattapoisett, Middleborough, Rochester, and Wareham.

The duties of the Vice Chairs shall be as follows:

- a. To preside at JTPG meetings and otherwise assume the duties of the Chair in their absence dependent on which Vice-Chair is available to assume these duties;
- b. To assist in organizing Task Forces, invite public participation, and recommend to the Chair those persons who would qualify as Task Force members; and,
- c. To assist in the administration and preparation of all matter to be placed before the JTPG relative to the functional area which each represents.

## **Article V-General Procedures**

### **1. Meetings**

The JTPG shall meet regularly to consider the general business of transportation matters in the region. The JTPG typically meets, on average, nine times per year on the second Wednesday of the month at 2:00 PM at the SRPEDD office unless otherwise agreed to by the membership. As a public body, the JTPG may replace an in-person meeting with a virtual meeting (all participants attending remotely) or a hybrid meeting (allowing both in-person or remote participation) for any JTPG meeting provided that it is in accordance with current M.G.L.c.30A, §19(a), Massachusetts Open meeting law.

### **2. Special Meetings**

Special Meetings may be called by the Chair of the JTPG, in consultation with SRPEDD staff, to consider time-sensitive issues and matters demanding the immediate attention of the



JTPG. A Special Meeting may be called by forwarding a meeting notice including the date, time, place, and nature of the meeting at least seven (7) days in advance to all members of the JTPG and others included on the mailing list, and invite public participation by various means including but not limited to, posting on the website, by social media, sending out a press release, etc.

All meetings of the JTPG are open to the public. Any person attending a meeting of the JTPG has the right to speak. The Chair shall appropriately recognize all attendees and grant the floor.

A quorum is not necessary for any meeting of the JTPG. However, if any JTPG voting member feels that there is not adequate or appropriate representation of the group present to decide an issue, that member may inform the group, and the Chair in their judgment, may postpone the issue until the next meeting. Every attempt will be made to solicit opinions and comments by all persons present at the meetings who wish to participate in discussions.

## **Article VI - Business Procedures**

Primary responsibility for facilitating the consensus-building process lies with the Chair of the JTPG. Consensus is not simply a majority vote but means that every opinion matters. Consensus accounts and allows for dissent and disagreement, and addresses it, although it does not always accommodate it. Consensus also allows for compromise, or for another option or alternative. Consensus is the attempt to find common ground whenever possible.

The Chair will work toward consensus when necessary by doing the following:

- Keeping discussion focused on the issues.
- Actively encouraging full debate and discussion of issues until the positions of the various proponents and opponents are clarified.
- 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; and,
- Directing the discussion by focusing on opposing viewpoints and attempting to build a compromise or consensus position, or an alternate option, for the whole group.

As a general rule, matters shall be decided by consensus and/or by a subsequent voice vote or roll call vote. Following a reasonable amount of discussion during a JTPG meeting, if consensus or compromise, or an alternate option on the original agenda item, cannot be reached by the group, then a voice vote or roll call vote shall be taken to reach a decision. The decision, either reached

by consensus and/or voice or roll call vote, shall be conveyed to the body of the SMMPO at the next scheduled meeting by the Chair or by a member of the SRPEDD staff.

Only one vote is allowed per municipality. If a member municipality is represented at a meeting by more than one person who could be considered an official voting member, only one vote shall be counted by the Chair on issues brought to a vote. The hierarchy to decide which vote counts shall be: chief elected official, designee, alternate and temporary voting representative.

SRPEDD At-Large Commissioners represent Environmental Justice populations and are not considered municipal representatives. Therefore, At-Large Commissioners are exempt from the one vote per municipality rule, however, only one vote is allowed per At-Large Commissioner.

Advisory Committees or Task Forces- Advisory Committee or Task Forces may be established for the in-depth discussion and analysis of any project or issue by the JTPG Chair. These task forces may consist of any voting, non-voting or participant member as selected by the Chair; however, the Chair of the Task Force will be appointed by the JTPG Chair and must be a voting member of the JTPG. The Task Force Chair will report back to the JTPG with the recommendation of its member at a time specified by the JTPG Chair.

By-Laws - A copy of the JTPG By-Laws and the SMMPO Memorandum of Understanding (MOU) shall be provided to all new members of the JTPG. When amendments are proposed to the JTPG By-Laws, the By-Laws along with the SMMPO MOU, will be distributed to the JTPG members and to all Mayors and Select Boards or comparable form of town government within the SRPEDD region for their review and comment. These by-laws are also periodically reviewed and updated to reflect the natural development and progression of this group in its role of encouraging public and community participation and in advising the SMMPO.

Amendments - By-Law amendment proposals may be generated by a consensus at a JTPG meeting, the Chair of the JTPG on his/her own initiative or a significant JTPG membership of participant demand.

Amendments to the By-laws shall 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.

Proposed amendments shall be voted upon by voice vote. Failing significant approval such that the Chair finds a consensus is not present, a polling of municipal representatives will be taken.

These by-laws were first approved on November 10, 1976; amended on March 11, 1981, on April 8, 1992, on February 12, 2003, and on November 8, 2014. This current version was endorsed by a vote of the JTPG on October 12, 2022.

## **Article VII- 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 and/or voting of the JTPG. Only through an open and inclusive participatory process can extensive local public consensus for major decisions be obtained.
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, freight, and transit investments.
3. The process will be concerned with both short and long-term goals and plans. The integration of short and long-term planning can infuse immediate decisions with consideration of their unintended by-products and long-term implications. Long-range planning should consider political feasibility and responsive to changing community needs and values.
4. In order to place meaning into the consensus process, all official participants anticipate following, insofar as they are able, the consensus recommendations of the JTPG, as outlined in the SMMPO 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 in a dynamic process of design, evaluation, and negotiation.

## **Article VIII - 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 SPREDD staff in conjunction with state and federal funding agencies, reviewed by the JTPG, revised as necessary, and submitted for formal adoption to the SMMPO. 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.

**Unified Planning Work Program (UPWP)** - The UPWP described the scope and cost of the work tasks of the SRPEDD transportation and transit staff in four broad areas or 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 them. For detailed information regarding administrative procedures and budgets please refer to the current UPWP. The UPWP is used by SRPEDD , MassDOT, FHWA, FTA, and any additional funding sources for the scope of services for the contract for planning services, and can be adjusted or amended during the program year as determined by the SMMPO and funding agencies.

The four elements of the UPWP include:

- 1) Management and Support of the Planning Process and Certification Activities – The efforts needed for coordinating transportation planning activities between SRPEDD and member communities, the SRPEDD Commission and local, regional, state, and federal agencies; to coordinate planning activities such as routine operating or administrative assistance to other public agencies. Public participation efforts designed to increase public awareness of, and involvement in, transportation planning activities and issues. The work tasks related to the development of, and amendments/adjustments to the TIP.
- 2) Regional Data Collection, Modeling and Analysis Activities – The collection, maintenance, management and use of all transportation and socio-economic related data needed to effectively model and study the regional transportation system.
- 3) Transportation Plan Activities and Studies – The continued monitoring and update (as needed and required) of the Regional Transportation Plan (RTP). Efforts include conducting studies recommended in the approved RTP, high crash intersections or corridors identified as safety problems; and congestion studies resulting from the Regional Congestion Management Plan (RTP Congestion chapter); and continuing environmental monitoring (such as the Geographic Roadway Runoff Inventory Program, also known as GRRIP). Also, prepare transportation studies requested by MassDOT or member municipalities as needed (and as the budget allows); provide planning assistance to Intermodal and ITS projects in the region; and provide technical assistance and support for regional studies.
- 4) Additional Technical Planning Activities – Provide planning assistance for projects of regional and statewide concern; conduct planning studies and provide technical assistance as contracted to other entities.

**Transportation Improvement Program (TIP)** - The TIP is a five-year, fiscally constrained programming document that lists all the transportation projects in the SRPEDD region by federal funding category. Regional priorities for projects are recommended by the JTPG for approval by the SMMPO. The SMMPO 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 through six categories: Community Impact & Support; Maintenance & Infrastructure; Safety & Security; Mobility & Congestion; Livability & Sustainable Development; and Environmental & Climate Change. SRPEDD places a higher importance on projects that address safety issues, as well as projects that address more than one issue. 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.

**Regional Transportation Plan (RTP)** - The RTP 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 JTPG, and eventually to the state and federal implementing agencies. There must be reasonable opportunity for public comment on the RTP before it is approved. The development of the RTP and TIP by the SMMPO provides our local communities direct access to the transportation decision-making process.

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

**Air Quality Conformity** - The SMMPO must determine that the Regional 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 Plan have an adverse impact on the SIPs and Regional Haze goals under the Clean Air Act.

**Public Participation Program (PPP)** - The PPP guides the SMMPO in its public participation efforts in creation of the TIP, the RTP, the UPWP and other projects, studies, programs, and services, including FTA Section 5307 grants to SRTA and GATRA. Federal regulations state that *“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.”*

These efforts will, in no way, exclude persons who are low-income, minority, Limited English Proficient (LEP) or have a disability. The goal of the PPP is to ensure that all persons, regardless of race, color, national origin, age, gender, gender identity or expression, disability, religion, ancestry or ethnicity, sexual orientation or veteran’s status have an equal opportunity to participate in the SMMPO’s decision-making process.