

Wichita Falls Metropolitan Planning Organization

BYLAWS

of the

TRANSPORTATION POLICY COMMITTEE

Adopted by Policy Committee on: March 28, 2000

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INTRODUCTION

In 1964, a study of transportation in the Wichita Falls urban area was begun that considered existing facilities, existing deficiencies and future needs. The study was a result of the passage of the Federal Aid Highway Act of 1962. The Act provided for and encouraged a “continuing, comprehensive transportation planning process carried on cooperatively by states and local communities” for each urban area of more than fifty thousand population. Completion of the initial phase of study covering ten basic study elements resulted in the publication of a two-volume report: Wichita Falls Urban Transportation Plan, Volume 1, 1964 Origin-Destination Survey, and Volume 2, 1964-1985 Transportation Plan, both published in 1968.

In order to provide for the continuing phase of the comprehensive and cooperative planning process for the purpose of keeping Wichita Falls’ newly developed transportation plan up-to-date, a continuing phase agreement between the City and the State was executed on February 2, 1967. The agreement was superseded by a revised agreement executed January 20, 1973. The revised agreement provided the guidelines for the organizational function of the continuing phase of the Wichita Falls Urban Transportation Study. It also assigned the primary responsibility of each of the basic study elements to the City, state or county.

On May 22, 1975, the Governor of Texas designated the City of Wichita Falls to be the metropolitan planning organization to work in cooperation with the State in overall transportation planning responsibilities for the urbanized area. The designation was repeatedly renewed until August 28, 1988 when the designation became continuous. A series of agreements between the State of Texas and the City of Wichita Falls have assigned individual and joint responsibilities to the State and the City in the conduct of transportation planning activities, to fulfill the requirements of federal and state law.

The 1973 agreement established a group structure to provide overall transportation policy guidance for planning activities. Initially, the group structure contained two committees: the Policy Advisory Committee consisting of legislators, elected officials of local governments, and a Steering Committee consisting of other elected officials and key transportation planning staff personnel. The group structure evolved in response to changes in legislation and contractual agreements, becoming a single Wichita Falls Urban Transportation Planning Committee with both voting and non-voting members. The name of the Policy Advisory Committee was later changed to the Transportation Policy Committee. The Transportation Policy Committee is responsible for providing overall transportation policy guidance and direction to the MPO as established in the 1973 Designation Agreement and reaffirmed in the 1988 Designation Agreement under Chapter I. Organization, Section C., which declares “Use the Committee structure established pursuant to Section 134 of Chapter 1 of Title 23 U.S.C. as the group responsible for giving the Metropolitan Planning Organization overall transportation policy guidance.”

The 2012-2017 Metropolitan Planning Contract between the State of Texas and the Wichita Falls MPO sheds more light on this issue when it states the TPC's primacy in "Whereas, the Governor of the State of Texas has designated the City of Wichita Falls, *acting through their Transportation Policy Committee*, for the MPO for the above-mentioned urbanized area(s)."

The Wichita Falls Metropolitan Planning Organization (MPO), acting through the City of Wichita Falls Transportation Planning Division, is responsible for coordinated, comprehensive and continuing transportation planning in the Wichita Falls Metropolitan Area in accordance with Section 134, Title 23, United States Code (23 USC §134(f)), 49 USC §5303, and applicable federal and state regulations, as amended. Currently, three political jurisdictions are included within the Wichita Falls MPO Metropolitan Area Boundary. These are the cities of Pleasant Valley, Lakeside City and Wichita Falls.

BYLAWS

TRANSPORTATION POLICY COMMITTEE

Wichita Falls Metropolitan Planning Organization

WHEREAS, the Intermodal Surface Transportation Efficiency Act of 1991 and Section 8 of the Federal Transit Act, as amended, required that Metropolitan Planning Organizations (MPO), in cooperation with the State, shall develop transportation plans and programs for urbanized areas; and

WHEREAS, the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) was replaced by the Transportation Equity Act For the 21st Century (TEA 21) and required the same level of cooperation and coordination required under the ISTEA; and where TEA-21 and SAFETEA-LU were replaced by Moving Ahead for Progress in the 21st Century (MAP-21) and requires the same level of cooperation and coordination required under ISTEA, TEA-21, SAFETEA-LU, MAP-21, and FAST; and

WHEREAS, the Wichita Falls transportation study process has been established between the MPO, local governments and the State of Texas for the purpose of developing a suitable transportation planning process; and

WHEREAS, there is established as a governing body of the Wichita Falls MPO, as required under the ISTEA, TEA 21, SAFETEA-LU, MAP-21, and FAST a policy committee; and

WHEREAS, the function of this policy committee is to adopt policies and procedures relating to the transportation planning process, to review and adopt a Metropolitan Transportation Plan and promote its implementation, to develop an annual Unified Planning Work Program; and develop a Transportation Improvement Program;

NOW, THEREFORE, the members of this committee do hereby agree and so hereby associate themselves together for the purpose aforesaid, and in consideration of the mutual promises hereby made, do agree as follows:

ARTICLE I Purpose

I-1 The Wichita Falls Metropolitan Planning Organization is to fulfill state and federal mandates that include, but are not limited to, the development and implementation of a Metropolitan Transportation Plan, Unified Planning Work Program, Transportation Improvement Program, and review the adequacy of current and future transportation plans.

- I-2 The MPO will provide direction as required on transportation-related issues within the designated boundaries of its responsibilities.
- I-3 The MPO will provide direction as required, and at its discretion, on transportation-related issues outside the designated boundaries of the urban study area affecting its area of responsibilities.

ARTICLE II
Members, Meetings, Voting and Procedures

- II-1 The name of the policy committee shall be the Transportation Policy Committee (TPC).
- II-2 The TPC shall be composed of the following voting members and the order in which they show below shall constitute the Order of Succession for all officially called meeting purposes:

The Mayor of the City of Wichita Falls as Chairperson
The Wichita County Judge as Vice Chairperson
Two Wichita Falls' City Councilors
The City of Wichita Falls' Director of Public Works
The District Engineer of the Texas Dept. of Transportation
The Executive Director of the Regional Planning Commission
A representative from the City of Lakeside City
A representative from the Town of Pleasant Valley

Order of Succession – In the absence of the Chairperson and Vice Chairperson from a meeting of the Transportation Policy Committee, at which a quorum is present, the next board member in the Order of Succession shall convene the meeting and shall serve until the conclusion of that meeting or until the arrival of the Chairperson or Vice Chairperson. If the Chairperson will be a Wichita Falls City Councilor, the Order of Succession shall be as follows:

Mayor
Mayor Pro Tem
Councilor-at-Large
District 1 through District 5

If there is not a Wichita Falls City Councilor present then the Order of Succession shall continue until a quorum is no longer possible.

Term – Voting and non-voting members shall serve on the Policy Board as long as they hold their job or their position as an elected or appointed official.

Member Proxy – TPC members may designate a proxy to exercise some or all of that member’s authority in accordance with the following requirements:

- (1) The proxy will count toward a quorum and may vote on any matter authorized by the member designating the proxy.
- (2) A written notice from the designating member with the proxy’s name and voting authority shall be kept on file by the Metropolitan Planning Organization (MPO) Director.
- (3) The designating member shall provide the MPO Director a written notice before each TPC meeting of their intent to have a proxy act on their behalf at that particular meeting.
- (4) TPC members cannot act as proxies for other TPC members.
- (5) The voting proxy shall be under the direct authority of the board member designating the proxy.
- (6) There are no limits on the number of times a board member may use a proxy. However, In the event that a member misses three consecutive meetings, the TPC may ask the respective governmental entity or agency to remove the member and to select a new member to replace them.

If the voting membership is increased by the addition of members who are not City of Wichita Falls’ officials, then the City of Wichita Falls will be allowed to increase its representation on a one-to-one basis.

II-3 The TPC shall also be composed of ex-officio, non-voting members, as follows or their designated representatives:

- The City Manager of the City of Wichita Falls
- The Texas Dept. of Transportation’s Dir. of Trans. Planning and Development
- The Archer County Judge
- The U.S. Representative for District 13
- The State Senator for District 30
- The State Representative for District 69
- The Texas Department of Transportation’s Public Transportation Division
- The Federal Highway Administration
- The Texas Department of Transportation’s Field Representative for the MPO
- The Regional Manager for the TCEQ

The TPC may offer ex-officio membership to individuals who represent other transportation groups.

- II-4 Each voting member shall have one (1) vote. A majority vote of the quorum at any meeting shall be sufficient to authorize any action taken on behalf of the TPC.
- II-5 The TPC shall meet as necessary, at a minimum of quarterly.
- II-6 The Chairperson or the MPO Director may call meetings of the TPC.
- II-7 It is the responsibility of the MPO Director to send out written notices of the date, time, place, and nature of the meeting to every member of the TPC and to provide adequate publicity in advance of each meeting. Such meetings will be in conformance with the Public Involvement Process procedures.
- II-8 It will be the responsibility of the MPO Director to make arrangements for a meeting place.
- II-9 The MPO Director has the responsibility to establish a meeting schedule that will produce a quorum of the voting members.
- II-10 The voting members present shall vote on issues presented at the meeting.
- II-11 A simple majority of the voting TPC shall constitute a quorum of the TPC.
- II-12 The MPO staff shall keep a record of the proceedings of the TPC meeting.
- II-13 The TPC may instruct that a technical committee review actions before the TPC, or take recommendations from a technical committee.
- II-14 The functions of the TPC shall be as follows:
 - (1) Provide policy for the Metropolitan Planning Organization and transportation planning process.
 - (2) Examine the adequacy of the continuing planning process at appropriate intervals and review transportation plans, and recommend their adoption and implementation to local governments and agencies.
 - (3) Act on recommendations of a technical committee.
 - (4) Meet at intervals necessary to perform its function, and hold a public meeting to discuss the status of planning at least one time each year.
 - (5) Determine if current transportation data are in accord with previous projections and recommendations, and address discrepancies of a nature that would require significant changes in the MTP.

- (6) Designate a technical committee or task force necessary to carry out the planning process.
- (7) Develop and adopt the Unified Planning Work Program and the Transportation Improvement Program.
- (8) Provide input to the Fiscal Agent concerning the MPO Director's performance. It shall be the responsibility of the Fiscal Agent to consult with the Transportation Policy Committee concerning the MPO Director's performance plan and annual evaluation.

II-15 Procedures for Public Comments – The Wichita Falls Metropolitan Planning Organization encourages public comments on any, and all, matters relevant to metropolitan transportation planning. To assure fair and equitable opportunities for all citizens desiring to address the MPO Transportation Policy or Technical Advisory Committee, or any other MPO committee meetings, the following public comment procedures have been established:

- (1) Public Comments on Agenda Items:
 - a. Public comments related to agenda items will be limited to three (3) minutes and the applicant must sign up at least five (5) minutes before the start of the meeting. Persons wishing to address more than one agenda item may do so during their allotted time. The TAC/TPC Committee Chairperson may extend the above times at his/her discretion.
- (2) Public Comments on Non-Agenda Items:
 - a. Public comments related to items not on the agenda will be limited to five (5) minutes at the beginning of each TAC/TPC meeting under "Public Comment on Anything Not on the Agenda". The applicant must sign up at least five (5) minutes before the start of the meeting. Persons wishing to address more than one non-agenda item may do so during their allotted time. The TAC/TPC Committee Chairperson may extend the above times at his/her discretion.
 - b. An agenda and sign-up sheet will be made available at the meeting place at least ten (10) minutes prior to the start of the meeting. The TAC/TPC Committee Chairperson may, at his/her discretion, allow a person arriving late to the meeting an opportunity to speak on agenda and non-agenda items. The previously specified time limits will still apply to the applicant.
- (3) Other Public Presentations:
 - a. Requests for public presentations not related to business indicated on the agenda must be submitted to the Chairperson ten (10) business days in

advance of the regular meeting and will be added to the agenda at the Chairperson's discretion. If approved as an agenda item, the presentation will be limited to ten (10) minutes.

- b. Requests to deliver such a presentation should be submitted in writing to:

Chairperson
Transportation Policy Committee/Technical Advisory Committee
C/o Transportation Planning Director
Wichita Falls Metropolitan Planning Organization
2100 Seymour Hwy.
Wichita Falls, Texas 76301

- c. Citizens may use the following E-mail address, Fax, or Phone numbers for submitting material for presentation:

E-mail: Lin.Barnett@wichitafallstx.gov
Fax: (940) 761-6813
Phone: (940) 761-7450

(4) Written Comments:

- a. The Wichita Falls Metropolitan Planning Organization welcomes written comments related to agenda items or other metropolitan transportation concerns. For written comments exceeding three (3) standard 8 ½" X 11" pages, twenty-five (25) copies must be provided. Written comments should be sent to the Transportation Policy Committee/Technical Advisory Committee Chairperson at the above address.

(5) Meeting Handouts:

- a. Handouts at TAC/TPC meetings are allowed. However, requests from the applicant for additional copies will be limited to three (3) standard 8 ½" X 11" pages in size and only enough copies will be printed to meet the needs of the meeting. Copies of handouts larger than three (3) pages will be the responsibility of the applicant and twenty-five (25) copies must be provided. If the applicant wishes to include the handout in the TAC/TPC meeting packet then the applicant must submit the handout to the Transportation Planning Director at least 10 days prior to the meeting.

(6) Invited Comments:

- a. The Chairperson may at any time during the meeting invite comments from the audience.

(7) Information Required:

a. The following information will be required of all persons making either oral or written comments:

1. Full Name
2. Affiliation (if applicable)
3. Mailing Address
4. Agenda Item(s) or Topic to be addressed

ARTICLE III Transportation Policy Committee

- III-1 The Chairperson position shall be the Chief elected official of the City of Wichita Falls. The Chairperson shall perform the duties usually assigned to that office, preside at all meetings of the TPC, and be an ex officio member of any subcommittees formed within or by this body.
- III-2 The Vice-Chairperson shall be the County Judge for Wichita County. In the absence of, or in case of the inability of the Chairperson to act, it shall be the duty of the Vice-Chairperson to perform all duties of the Chairperson. In the event the Chair and Vice-Chair are unable to perform the duties of the Chairperson then the rules for Order of Succession stated in Article II, Section II-2, Order of Succession shall apply.
- III-3 The MPO staff shall furnish the secretarial duties necessary to conduct meetings.
- III-4 In the event that the member serving as Chairperson is unable to serve, the Vice Chairperson shall assume the office of the Chairperson until such time that the chief elected official of the City of Wichita Falls is replaced in that capacity, or as appointed by the City Council of Wichita Falls. Such replacement by the City Council shall serve at the discretion of the City Council unless a chief elected official is available, and proves willing and able for this appointment.
- III-5 Conflict of Interest – The Texas Transportation Code, Title 6, Chapter 472, Subchapter D. Metropolitan Planning Organizations, Section 472.033 states that a Policy Board member is considered to be a local public official for the purposes of Chapter 171, Local Government Code. Members or their proxies must abstain from voting if he or she has substantial interest in a business entity that would affect a vote or decision of the Policy Board. If a Policy Board member must abstain from participation in a vote or decision under Chapter 171, Local Government Code, that member must file an affidavit required under Section 171.004, Local Government Code. Furthermore, the appointment of a proxy by a policy board member does not excuse the member from filing an affidavit required under Section 171.004, Local Government Code even if the proxy abstains from the issue. Affidavits shall be filed through the City Clerk's office.

ARTICLE IV
Subcommittees

- IV-1 The TPC may establish subcommittees as necessary to carry out the mission of the MPO.
- IV-2 A Technical Advisory Committee (TAC), in addition to other committees created by the TPC, shall assist the MPO Director in ensuring that plans and programs are developed and conducted in accordance with the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), the Transportation Equity Act for the 21st Century (TEA21), the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), and as warranted by the Moving Ahead for Progress in the 21st Century Act (MAP-21) . The TAC will also assist with technical tasks associated with the development of the Metropolitan Transportation Plan (MTP) and the Transportation Improvement Program (TIP) and will review projects and make recommendations regarding these to the TPC.
- IV-3 The TAC will advise the TPC on technical matters. All official action of adopting policies, endorsing the UPWP, approving the MTP, and adopting the TIP resides with the TPC. The TPC may direct the TAC to present alternatives for its consideration, with accompanying recommendations and supporting documentation.
- IV-4 Members of the TAC may be staff personnel nominated by their respective governments or agencies and should include the following entities or individuals:

MPO Director
City of Wichita Falls Deputy City Manager
City of Wichita Falls Senior Community Development Planner
City of Wichita Falls Traffic Superintendent
City of Wichita Falls, City Engineer
The TxDOT Director of Transportation Planning and Development
The TxDOT Director of Operations
The TxDOT Director of Construction
The TxDOT Area Engineer
Others as appointed by the TPC

Should any member of the TAC be selected to serve on the TPC then the agency that person represents may select an individual to serve as their new representative on the TAC.

- IV-5 In the event that a member becomes unable to serve, a new member must be nominated in the same manner as the previous member. The MPO Director shall notify the appropriate agency/organization in the event of a vacancy at which time said agency/organization shall nominate a replacement within 30 days.
- IV-6 Each member shall have a designated alternate member who may serve at any TAC meeting in the member's absence. Alternate members will have the same rights and privileges of members when serving in the absence of the TAC.
- IV-7 The MPO Director shall serve as the facilitator and chairperson of the TAC, and will be considered a voting member of the TAC.
- IV-8 There shall be no officers elected for the TAC.
- IV-9 The rules for quorum set forth in Article II-11 of this document shall also apply to the TAC Committee.

ARTICLE V Amendments

- V-1 These Bylaws are adopted and may be amended by a four-fifths affirmative vote of the voting membership provided that an official notice of the proposed amendment is included in the notice of the meeting.

ARTICLE VI Ethics Policy

- VI-1 Standards of Conduct (Ethics Policy). The Transportation Policy Committee (TPC) will adhere to and abide by Section 472.034 of the Texas Transportation Code as described in the WFMPO Ethics Policy. This policy applies to both primary and alternate TPC members, whether elected or non-elected. WFMPO will keep a hard copy on file in the WFMPO offices for reference by the Policy Board members and the public. Any violation of the Ethics Policy may result in the removal of a member from the Transportation Policy Committee and subject the member to additional applicable civil or criminal penalties.
- VI-2 MPO staff will provide copies of the Ethics Policy to all new TPC board members, both primary and alternate, as soon as possible after the date the person qualifies for membership and the Wichita Falls Metropolitan Planning Organization receives notification from the City Clerk. After appointment to the Policy Board, WFMPO requires all new TPC board members to sign the Ethical Standards Policy Affidavit prior to the next regularly scheduled TPC meeting. The MPO Director will keep the signed affidavit on file at the MPO offices.

VI-3 All TPC board members must also adhere to Chapter 171 of the Local Government Code and to the Code of Ethics from their respective local governments and public agencies.