

JOINT TRANSPORTATION COORDINATING COMMITTEE OPERATING PROCEDURES

FINAL DRAFT FOR TCC ACTION - SEPTEMBER 3, 2014

1. PURPOSE

Federal regulations require that each urbanized area, with a population of 50,000 or greater, have a planning process in order to receive federal transportation and planning funds. In the New York City urbanized area, implementing this transportation planning process is the responsibility of the New York Metropolitan Transportation Council (NYMTC).

As indicated in the Memorandum of Understanding (MOU) between its members that formed the organization, NYMTC is a “council of Transportation Coordinating Committees (TCCs)”. These TCCs remained after the dissolution of the Tri-State Regional Planning Commission in 1982 and they continued within the structure of NYMTC.

This structure enables each TCC to be more responsive to the local needs of the various subregions in the metropolitan area; the three transportation coordinating committees are:

- The Mid-Hudson South TCC (MHSTCC) is the subregional planning forum for Putnam, Rockland and Westchester counties.
- The Nassau/Suffolk TCC (NSTCC) is the subregional planning forum for Nassau and Suffolk counties.
- The New York TCC (NYCTCC) is the subregional planning forum for the five boroughs of New York City.

Since the full council is designated as the federally-mandated metropolitan planning organization for New York City, suburban Long Island and the lower Hudson Valley, responsibility for developing and adopting the federally-required planning products and analyses is conferred to the full council by that designation. However, the NYMTC MOU indicates that each TCC has the responsibility for coordinating transportation plans and programs within their respective planning area to ensure proper coordination and consistency with federal regulatory requirements. Further, the MOU delegates the responsibility for adopting local actions to maintain the Transportation Improvement Program, for recommending the Urban Area Boundary and for delineating the Federal Aid Highway designations to the TCCs.

These joint procedures outline the responsibilities of the TCCs as the constituent committees of NYMTC. These procedures apply to all three TCCs.

2. MEMBERSHIP

The TCCs are comprised of an executive-level committee supported by technical staff. The composition of each of the Executive Committees is discussed below. Voting members for each of the TCCs are listed, along with advisory members. Voting members are entitled to cast one vote each. New advisory members may be nominated by existing TCC voting members. Appointments of new advisory members are made by the TCC Chair with the approval of the TCC voting members. As the need arises, the TCC members shall call upon other public agencies or organizations to address transportation-related issues in their area of expertise.

Mid-Hudson South TCC

Voting Members:

- Putnam County Executive
- Rockland County Executive¹
- Westchester County Executive
- Metropolitan Transportation Authority, Chair and Chief Executive Officer²
- New York State Department of Transportation, Regional Director³
- New York State Thruway Authority, Executive Director⁴

Advisory (non-voting) Members:

- Port Authority of New York and New Jersey, Executive Director
- Southwestern Region (Connecticut) Metropolitan Planning Organization, Executive Director⁵
- Federal Highway Administration, Division Administrator
- Federal Transit Administration, Regional Administrator
- United States Environmental Protection Agency, Regional Administrator
- New York State Department of Environmental Conservation, Regional Director

The officers of the Mid-Hudson South TCC Executive Committee shall consist of a Chair and a Secretary. The Chair shall be selected from among the Committee's voting members by consensus, and will hold office for one year or until such time as a new Chair is approved by the voting members.

The position of Secretary shall be designated by the NYSDOT Regional Director. The position of Secretary shall have no voting authority. The TCC may establish and fill any other offices necessary to carry out its work. Technical support and administrative services shall be provided optimally by NYMTC staff assigned to the TCC in the NYSDOT Region 8 office.

¹ Changed from the NYMTC Memorandum of Understanding, since the position did not exist at the time the MOU was signed

² Changed from the NYMTC Memorandum of Understanding, since the position did not exist at the time the MOU was signed

³ Changed from the NYMTC Memorandum of Understanding due to delegation by NYSDOT Commissioner

⁴ Added by action of the TCC, April 6, 1992

⁵ Added by agreement of the TCC

New York City TCC

Voting Members:

- New York City Department of Transportation, Commissioner
- New York State Department of Transportation, Regional Director⁶
- New York City Department of City Planning, Chair
- Metropolitan Transportation Authority Chair and Chief Executive Officer⁷

Advisory (non-voting) Members:

- Port Authority of New York and New Jersey, Executive Director
- New York State Department of Environmental Conservation, Regional Director
- New York City Department of Environment Protection, Commissioner
- Federal Highway Administration, Division Administrator
- Federal Transit Administration, Regional Administrator
- United States Environmental Protection Agency, Regional Administrator

The officers of the New York City TCC Executive Committee shall consist of a Chair and a Secretary. The Chair shall be selected from among the Committee's voting members by consensus, and will hold office for one year or until such time as a new Chair is approved by the voting members.

The position of Secretary shall be designated by the NYSDOT Regional Director. The position of Secretary shall have no voting authority. The TCC may establish and fill any other offices necessary to carry out its work. Technical support and administrative services shall be provided optimally by NYMTC staff assigned to the TCC in the NYSDOT Region 11 office.

⁶ Changed from the NYMTC Memorandum of Understanding due to delegation by NYSDOT Commissioner

⁷ Changed from the NYMTC Memorandum of Understanding, since the position did not exist at the time the MOU was signed

Nassau/Suffolk TCC

Voting Members:

- Suffolk County Executive
- Nassau County Executive
- New York State Department of Transportation, Regional Director⁸
- Metropolitan Transportation Authority Chair and Chief Executive Officer⁹

Advisory (non-voting) Members:

- Federal Highway Administration, Division Administrator
- Federal Transit Administration, Regional Administrator
- US Environmental Protection Agency, Regional Administrator
- New York State Department of Environmental Conservation, Regional Director
- Port Authority of New York and New Jersey Executive Director

The officers of the Nassau/Suffolk TCC Executive Committee shall consist of a Chair and a Secretary. The Chair shall be selected from among the Committee's voting members by consensus, and will hold office for one year or until such time as a new Chair is approved by the voting members.

The position of Secretary shall be designated by the NYSDOT Regional Director. The position of Secretary shall have no voting authority. The TCC may establish and fill any other offices necessary to carry out its work. Technical support and administrative services shall be provided optimally by NYMTC staff assigned to the TCC in the NYSDOT Region 10 office.

Subcommittees

Subcommittees may be formed as needed by the TCC Executive Committees.

⁸ Changed from the NYMTC Memorandum of Understanding due to delegation by NYSDOT Commissioner

⁹ Changed from the NYMTC Memorandum of Understanding, since the position did not exist at the time the MOU was signed

3. RESPONSIBILITIES

NYMTC's TCCs are responsible for the following activities in the context of mandated responsibilities for NYMTC as a designated MPO:

- Supporting the metropolitan transportation planning process in compliance with federal planning regulations and in cooperation and coordination with state agencies and authorities, local governments, elected officials, and transportation, including transit providers.
- Providing subregional forums for cooperative planning and decision-making on transportation issues by local elected officials, agencies and authorities, and transportation providers within the TCC planning area. The Mid-Hudson South TCC has one such forum, the Mobility Advisory Forum. The operating procedures for this subcommittee appear in Appendix 1 to these operating procedures.
- Collecting data on projects to be analyzed through the regional emissions analyses.
- Developing and recommending project listings for inclusion in the NYMTC TIP and making amendments and administrative modifications to the NYMTC TIP.
- Developing subregional components of the NYMTC Regional Transportation Plan (RTP).
- Overseeing studies and other planning activities as outlined in the UPWP and RTP.
- Providing individuals, public agencies, community groups and stakeholders in their respective planning areas with the opportunity to participate in the transportation planning process.
- Recommending Urban Area Boundaries and delineating the Federal-Aid Urban Highway system within these boundaries for submission to NYSDOT.
- Coordinating their activities, with the other TCCs and adjacent metropolitan planning organizations.

As an MPO, NYMTC is responsible for developing and adopting three transportation planning products; the Regional Transportation Plan, the Transportation Improvement Program, and the Unified Planning Work Program; and two planning analyses; the Congestion Management Process and Transportation Conformity. Together, these activities constitute the metropolitan transportation planning process through which federal transportation investments and other transportation improvements are conceived and brought into reality.

Per current federal planning regulations, NYMTC's **Regional Transportation Plan** must include at least a twenty year planning horizon and be updated at least every four years and is intended to lay out a long-range framework for improving the region's transportation system by identifying long-term transportation needs and objectives.

NYMTC's **Transportation Improvement Program** is the fiscally constrained five-year program of improvement projects developed from and consistent with the Plan. It identifies

proposed surface transportation projects in the metropolitan area. Current federal regulations state that a new TIP must be prepared at least every four years and approved by the MPO and Governor. It is amended in the interim as needed.

NYMTC's **Unified Planning Work Program** is an annual program of planning projects including those which are to receive federal funding. It lists planning projects to be undertaken by NYMTC and its member agencies and confers eligibility for use of federal funding for those projects. The UPWP is developed annually and amended by NYMTC as needed.

In addition, NYMTC conducts regional emissions analyses for **Transportation Conformity** as required by the Clean Air Act Amendments of 1990. It also forecasts traffic congestion for the **Congestion Management Process**, a systematic approach to providing for the safe and effective management and operation of new and existing transportation facilities through the use of demand reduction and operational management strategies.

4. TECHNICAL STAFFS

The technical staffs, comprised of the staff of the TCC voting and advisory members and by NYMTC staff (optimally assigned to the TCC in the NYSDOT Regional offices) shall work in conjunction with the Executive Committees and shall provide overall technical support, manage the development of project lists and narrative descriptions for the Transportation Improvement Program, participate in the development and amendment of each annual Unified Planning Work Program, and the development and amendment of the relevant elements of the Regional Transportation Plan. The technical staffs will support the development of Transportation Conformity Determinations and the Congestion Management Process as needed. The technical staffs shall also undertake as well as implement special studies as directed by the Executive Committee and identify other specific areas of concern for further analysis of transportation related issues.

NYMTC staff supports the operation of the TCCs, optimally through staff members assigned to the TCCs in the respective NYSDOT regional offices, by preparing materials and federal products for the review and approval of the TCC members. A TCC Staff Director is responsible for the operation of the staff assigned to the TCCs. Secretarial services will be provided to the TCC by the relevant NYSDOT Region and NYMTC staff assigned to the TCCs in the respective NYSDOT regional offices.

5. MEETINGS

Meetings of the TCC Executive Committees will be held at least once per calendar year and as needed beyond that to accomplish the functions of the TCCs. A quorum of the Executive Committee must be present for the TCC to conduct business. A quorum of an Executive Committee will consist of 2/3 of the voting members or their official designated representatives

Recognizing that matters arise that demand the immediate attention of the TCC, any individual voting or non-voting member may request that the Chair convene a meeting of the Executive Committee. NYMTC TCC staff shall be responsible for scheduling and making appropriate arrangements for all meetings. The TCC Chair will settle any disputes involving agenda items for each Executive Committee meeting, which will be available to the members and the general public two weeks prior to the meeting.

Meetings of the Executive Committees are open to the public. Technical staffs are invited to attend all Executive Committee meetings. *Robert's Rules of Order* (www.robertsrules.com) shall be observed at all TCC Executive Committee meetings.

The regular order of business, unless otherwise modified by the TCC Chairs, shall be as follows:

- Call to Order
- Roll Call
- Call for Public Participation
- Synopses of the Preceding Meeting
- Communications and Announcements
- Reports and Actions
- New Business
- Reports on Subcommittee Activities
- Adjournment

6. DECISION- MAKING

All actions taken by the Executive Committees shall be by the consensus of the affected parties as determined by the TCC Chairs. Consensus is defined as unanimity of affected parties. Per the NYMTC MOU, affected parties are understood to be from among the voting members. Consensus can be determined through a vote taken at a TCC Executive Committee meeting of the TCC members or their designees or, in the case of amendments to the Transportation Improvement Program (TIP) only, by mail ballot. The TCC Chair in consultation with the Secretary, shall judge the extent to which members are affected by proposed TCC actions and shall declare a consensus, or the lack thereof, of the affected members upon conclusion of the vote.

Voting members can vote on a ballot or other kind of action or they can abstain from any ballot or action. Voting members who disapprove or abstain from an action will be requested to provide an explanation in writing within five business days of the vote to the TCC Chair in order for the staff and other members to be able to address relevant issues.

Voting members may designate in writing to the NYMTC TCC Staff Directors (acting on behalf of the TCC Secretaries) an alternate representative who is empowered to attend meetings and act on the voting member's behalf, with the authority to vote. In the event of a

change in a voting or advisory member, a new designation is necessary.

Members requesting TIP amendments must make their request for such action in writing to the NYMTC TCC staffs acting on behalf of the TCC Secretaries prior to the distribution of a ballot. Requests for TIP amendments should be submitted following the protocols outlined in the TIP/STIP Operating Procedures.

NYMTC TCC staff shall distribute the proposed action and any supporting documentation to all members. Voting members shall respond to the ballot within the period specified in the ballot notice (typically 5 business days).

Once all ballots have been received, the NYMTC TCC Staff Directors (acting on behalf of the TCC Secretaries) shall be empowered to declare the Executive Committees' approval of the proposed action, assuming the ballots indicate consensus, and to transmit the approved action as appropriate. In cases where there is not consensus, approval of the action cannot be declared and it must be tabled until a consensus can be achieved through discussion of the members. If by the specified date no negative responses have been received from voting members, the TCC Secretaries shall presume an abstention and shall be empowered to declare the approval of the proposed action.

If any Executive Committee member has questions, comments, or concerns about a proposed action transmitted by mail ballot, the TCC Secretaries shall be empowered to suspend or terminate all or part of the ballot in question until the matter is resolved or consensus has been reached.

All Executive Committee members shall inform the TCC Staff Director (acting on behalf of the TCC Secretaries) of any questions, concerns or reservations they may have in endorsing project listings for the relevant TCC as soon as possible, but at a minimum one week prior to voting

7. TRANSPORTATION IMPROVEMENT PROGRAM ACTIONS

The TCCs will follow the TIP/STIP Operating Procedures adopted by Program, Finance and Administration Committee (PFAC) Resolution 287 on September 17, 2009 to develop and administer the TIP. These operating procedures appear in Appendix 2.

8. PUBLIC INVOLVEMENT OPERATING PROCEDURES

The TCCs will follow the Public Participation Operating Procedures adopted by PFAC Resolution on September 27, 2012 in all of their activities.

APPENDIX 1 – MID-HUDSON SOUTH TRANSPORTATION COORDINATING COMMITTEE MOBILITY ADVISORY FORUM PROCEDURES

- A. Purpose:** The Mobility Advisory Forum will serve as an advisory steering group to the Mid-Hudson South Transportation Coordinating Committee (MHSTCC). The objectives of the Mobility Advisory Forum (MAF) are to:
- 1) Advise MHSTCC members on public outreach and input regarding transportation related projects and programs.
 - 2) Provide a regional forum for proactive public outreach and obtain public input for MHSTCC activities, including proposed projects and programs, and additional items of regional interest related to transportation.
 - 3) Provide a mechanism for public outreach for member agencies, at their option, to obtain public input on all required FHWA and FTA activities.
- B. Participation:** The Mobility Advisory Forum consists of technical staff from the six voting MHSTCC members, representatives from the employer community, the environmental community, disability community, government agencies, other interested parties, as well as the general public. Agencies and organizations in neighboring counties and areas are also invited to participate.
- C. Officers:** The MHSTCC Technical Committee shall designate a chairperson who will chair the meetings, establish meeting agendas and provide administrative support services. Vice chairpersons can also be selected by the MHSTCC if desired and will share administrative support responsibilities. The chairperson and vice chairpersons will be selected from the six MHSTCC members. Items deemed not appropriate for the MAF agenda by the MAF chair may be forwarded directly to the MHSTCC for further consideration.
- D. Meetings:** Meetings are open to the public and will be held as necessary to handle the functions of the MAF. Meetings are usually held at least two times per year. Meeting notices will be sent out at least 14 days prior to the meeting to the extent possible. Meeting notices, sign in sheets, and presentations, when available, will be retained. To facilitate coordination, MAF will be a regular item for discussion at all MHSTCC meetings.
- E. Subcommittees:** Subcommittees shall be set up on an ad hoc basis on issues related to mobility as the need arises. Subcommittee chairs shall be designated by the MHSTCC Technical Committee. Representatives shall be invited to participate by the MHSTCC Technical Committee based on their area of expertise.

Subcommittees shall report on their activities at the MAF meetings. The MAF chair or his/her representative will report to the MHSTCC on the status of MAF and subcommittee activities, and on the public input received through the MAF and its subcommittees.

The chairperson or vice-chairs may speak on behalf of MAF. Other MAF participants may not speak on behalf of MAF or use their affiliation with MAF to endorse their own agency's view.

APPENDIX 2 – TIP/STIP REVISION OPERATING PROCEDURES

Adopted September 17, 2009

Introduction

These *TIP/STIP Revision Operating Procedures* outline the procedures agreed upon by the NYMTC TCC members* to revise project listings on the approved *Transportation Improvement Program (TIP) and the Statewide Transportation Improvement Program (STIP)*. FTA and FHWA do not approve NYMTC's TIP document presented for council approval or TIP modifications to the TIP. FTA and FHWA do approve amendments to the STIP. Since the STIP must include all projects listed on the TIP, the use of the terms TIP and STIP are synonymous in these procedures.

There are two types of revisions to the TIP. A minor revision is considered an administrative modification, and a major revision is considered an amendment.

The following procedures are consistent with 23 CFR Part 450 of the Statewide Transportation Planning; Metropolitan Transportation Planning; Final Rule.

Definitions

Administrative Modification

In the Metropolitan Transportation Planning Final Rule an administrative modification “means a minor revision to a long-range statewide or metropolitan transportation plan, TIP, or STIP that includes minor changes to project/project phase costs, minor changes to funding sources of previously-included projects, and minor changes to project/project phase initiation dates. An administrative modification is a revision that does not require public review and comment, redemonstration of fiscal constraint, or a conformity determination (in nonattainment and maintenance areas).” (23 CFR 450.104 Definitions)

Amendment

In the Metropolitan Transportation Planning Final Rule an amendment “means a revision to a long-range statewide or metropolitan transportation plan, TIP, or STIP that involves a major change to a project included in a metropolitan transportation plan, TIP, or STIP, including the addition or deletion of a project or a major change in project cost, project/project phase initiation dates, or a major change in design concept or design scope...” “An amendment is a revision that requires public review and comment, redemonstration of fiscal constraint, or a conformity determination.” (23 CFR 450. 104 Definitions)

* These *procedures shall also apply to other public transit operators which are not members of NYMTC but which are designated recipients of the Federal Transit Administration, as specified in the metropolitan planning agreement per federal requirements.*

Clarifications on Specific or Unique Situations

While the Metropolitan Transportation Planning Final Rule provides the above definitions, FTA, FHWA, NYMTC members and NYMTC staff thought that certain specific processes needed to be addressed to avoid uncertainty on how to proceed under specific or unique situations. These operating procedures are to be used as a guide in administering all TCC TIP administrative modifications and/or amendments.

Fiscal Constraint

In non-attainment and maintenance areas, projects included in the first two years of the TIP and STIP shall be limited to those for which funds are available or committed. Federal guidance on financial planning and fiscal constraint is available at http://www.fhwa.dot.gov/planning/guidfinconstr_qa.htm.

Fiscal constraint must be maintained for all actions. For the purpose of these Operating Procedures, fiscal constraint for FHWA projects is defined as maintaining the amount of funding programmed in each year of the TIP so that it does not exceed the fiscal funding allocated for each of the STIP years and the overall amount of funds available over the timeframe of the STIP. Fiscal constraint shall be documented for each action.

In the case of FTA funded projects, future year TIP allocation estimates are based on transportation authorization. Annually, appropriations bills are enacted and apportionments and allocations are published by the FTA in the *Federal Register*. As a result, in order to maintain and document fiscal constraint, FTA funds programmed on the TIP need to be consistent with the amounts shown in the *Federal Register*.

Earmarks and Discretionary Funds

Earmarks and other discretionary funds are new revenue sources that can only be used for a specific purpose as outlined in the *Federal Register*, and are by their nature fiscally constrained. These funds do not require the redemonstration of fiscal constraint unless the sponsoring agency is also adding other federal funds to the project. Transit earmark amounts need to be consistent with the amounts published by FTA in the *Federal Register*, including any rescissions.

Public Review

An amendment to the TIP requires 10 calendar days for public review. If the TIP amendment is due solely to project cost increases and the scope of the project – or project phase as programmed in the TIP – does not change, and in the case where public review has already been conducted on the project (or project phase) by the sponsoring agency (for example as part of a federally required Program of Projects notice, required for FTA Section 5307 formula funds), that public review shall constitute the required amendment public review. The sponsor-held public review must have occurred within three years of the requested TIP amendment, otherwise a new public review must occur. The notice of a project published in the *Federal Register* shall constitute the required amendment public review.

In the case of an amendment where a project is shown on the TIP, including the committed column, and has gone through either the TIP or a project level public review process, an additional public review will not be necessary prior to processing the amendment. Public review for non-exempt projects may be combined with the public notice in the NYMTC Conformity Determination. The public review notice will be sent to the applicable TCC mailing list via email, mail or fax. If an e-mail address is available, the notice shall be sent by e-mail. If not, fax will be utilized. If a fax number is not available, mail will be utilized. The mailing list will be updated on a regular basis along with periodic major updates. The proposed amendment may also be posted on the NYMTC website during the public review period and paper copies will be made available upon request. Any public comments will be forwarded to the TCC voting members as part of the amendment approval process.

Changing Project Funding from Local Funding to Federal Funding

If a project is shown with 100% local funds and is being changed to include federal funds, this action will be processed as an amendment. If public review has already occurred, then only approval by the TCC voting members and subsequent STIP processing is required.