

1 **BAY-LAKE REGIONAL PLANNING**
2 **COMMISSION**
3 **BYLAWS OF THE SHEBOYGAN**
4 **METROPOLITAN PLANNING ORGANIZATION**
5 **(MPO)**
6 **TECHNICAL ADVISORY COMMITTEE**

7
8 **RECOMMENDED FOR APPROVAL BY THE**
9 **SHEBOYGAN MPO TECHNICAL AND POLICY**
10 **ADVISORY COMMITTEES**
11 **MAY 27, 2004**

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17 **ADOPTED BY THE BAY-LAKE REGIONAL**
18 **PLANNING COMMISSION ON JUNE 4, 2004**
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**BAY-LAKE REGIONAL PLANNING COMMISSION
 PROPOSED BYLAWS OF THE SHEBOYGAN METROPOLITAN PLANNING
 ORGANIZATION (MPO)
 TECHNICAL ADVISORY COMMITTEE**

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50 **ARTICLE 1. AUTHORITY**

51 The Bay-Lake Regional Planning Commission (BLRPC) is the Metropolitan Planning
 52 Organization (MPO) for the Sheboygan Metropolitan Planning Area under a Cooperative
 53 Agreement for Continuing Transportation Planning for the Sheboygan Metropolitan Planning
 54 Area between the State of Wisconsin Department of Transportation, the Bay-Lake Regional
 55 Planning Commission, and the Sheboygan Parking and Transit Utility Commission (Cooperative
 56 Agreement). The Cooperative Agreement authorizes the MPO to appoint and maintain such
 57 policy, citizen and/or technical advisory committees as deemed appropriate to effectively carry
 58 out the comprehensive urban transportation planning process under the Cooperative Agreement.
 59 In addition, section 66.0309 of the Wisconsin Statutes authorizes the BLRPC to appoint advisory
 60 committees or councils. Under these authorities, the MPO hereby creates these bylaws for the
 61 Sheboygan MPO Technical Advisory Committee.

62 **ARTICLE 2. NAME**

63 The name of this committee shall be the Technical Advisory Committee (TAC) of the
 64 Sheboygan Metropolitan Planning Organization.

65 **ARTICLE 3. PURPOSE**

66 Section 3.01 To provide technical advice and to recommend appropriate courses of action to
 67 the Sheboygan MPO Policy Advisory Committee, to the Bay-Lake Regional Planning
 68 Commission and to BLRPC staff on current and emerging transportation issues, goals, plans and
 69 programs for the Sheboygan Metropolitan Planning Area. The advice and recommendations will
 70 address, at a minimum, the Transportation Improvements Program, the Annual Unified Work
 71 Program (UWP), the Long-Range Transportation Plan and the analysis that demonstrates

72 conformity of transportation program elements with the State Implementation Plan for Air
73 Quality.

74 Section 3.02 To act as a forum for intergovernmental cooperation on transportation and
75 transportation-related issues.

76 Section 3.03 To assist the general public in understanding the MPO planning process.

77 Section 3.04 To facilitate consistency of local plans prepared under section 66.1001 of the
78 Wisconsin Statutes (Comprehensive Planning Law) and the plans prepared by the MPO.

79 Section 3.05 To ensure opportunities for early, meaningful and continuing involvement of staff
80 from local governmental units and transit operators in the development, review and evaluation of
81 all transportation plans and programs.

82 **ARTICLE 4. INTERPRETATION**

83 Section 4.01 If any of the provisions of these bylaws conflict with the Cooperative Agreement,
84 the Cooperative Agreement shall control.

85 Section 4.02 If any of the provisions of these bylaws conflict with the Wisconsin Statutes, the
86 Statutes shall control.

87 **ARTICLE 5. WORDS AND PHRASES**

88 If the words and phrases defined herewith conflict with those used in 23 CFR Ch.1 Part 450 or
89 with those in 23 U.S.C. 101(a), the definitions used in 23 CFR Ch.1 Part 450 or 23 U.S.C. 101(a)
90 shall control.

91 **Adjusted Urbanized Area.** The adjusted urbanized area is the urbanized area enlarged to
92 include developed area that may not meet the census population density requirement, but is
93 urban-in-fact development. This is the boundary that FHWA and FTA use to determine the type
94 of federal aid eligibility.

95 **Consultation** means that one party confers with another identified party and, prior to taking
96 action(s), considers that party's views.

97 **Cooperation** means that the parties involved in carrying out the planning, programming and
98 management systems processes work together to achieve a common goal or objective.

99 **Coordination** means the comparison of the transportation plans, programs and schedules of one
100 agency with related plans, programs and schedules of other agencies or entities with legal
101 standing, and adjustment of plans, programs and schedules to achieve general consistency.

102 **FHWA** means the US Department of Transportation, Federal Highway Administration.

103 **FTA** means the US Department of Transportation, Federal Transit Administration.

104 **Maintenance area** means any geographic region of the United States designated nonattainment

105 pursuant to the Clean Air Act Amendments of 1990 (Section 102(e)), 42 U.S.C. 7410 et seq., and
106 subsequently redesignated to attainment subject to the requirement to develop a maintenance
107 plan under section 175A of the Clean Air Act as amended (CAA), 42 U.S.C. 7410 et seq.

108 **Major metropolitan transportation investment** means a highway or transit improvement of
109 substantial cost that is expected to have a significant effect on capacity, traffic flow, level of
110 service or mode share at the transportation corridor or subarea scale. Consultation among the
111 MPO, State department of transportation, transit operator, the FHWA and the FTA may lead to
112 the designation of other proposed improvements as major investments.

113 **Metropolitan planning area** means the geographic area in which the metropolitan
114 transportation planning process required by 23 U.S.C. 134 and section 8 of the Federal Transit
115 Act must be carried out. As such, this is the area that the TIP and the metropolitan transportation
116 plan must cover.

117 **Metropolitan planning area boundary (MPAB)** is the geographic area in which the
118 metropolitan transportation planning process must be carried out. The MPAB shall, at a
119 minimum, cover the urbanized area (UZA) and the contiguous geographic area likely to become
120 urbanized within the minimum twenty-year forecast period covered by the transportation plan.
121 The boundary of this area is mutually determined and formally agreed to by the MPO and the
122 Wisconsin Department of Transportation.

123 **Metropolitan planning organization (MPO)** means the forum for cooperative transportation
124 decision making for the metropolitan planning area.

125 **Metropolitan transportation plan** means the official long-range intermodal transportation plan
126 that is developed and adopted through the metropolitan transportation planning process for the
127 metropolitan planning area.

128 **Nonattainment area** means any geographic region of the United States that the Environmental
129 Protection Agency (EPA) has designated as being in violation of the National Ambient Air
130 Quality Standard (NAAQS) for one or more of six monitored pollutants.

131 **Public Involvement Plan** means a plan that is adopted by the MPO that includes a proactive
132 public involvement process that provides complete information, timely public notice, full public
133 access to key decisions and supports early and continuing involvement of the public in
134 developing plans and TIPs and that meets the requirements of the FHWA and the FTA.

135 **Regionally significant project** means a project (other than projects that may be grouped in the
136 STIP/TIP pursuant to § 450.216 and § 450.324) that serves regional transportation needs (such as
137 access to and from the area outside of the region, major activity centers in the region, major
138 planned developments such as new retail malls, sports complexes, etc., or transportation
139 terminals as well as most terminals themselves) and would normally be included in the modeling
140 of a metropolitan planning area's transportation network, including, at a minimum, all principal
141 arterial highways and all fixed guideway transit facilities that offer a significant alternative to
142 regional highway travel.

143 **State Implementation Plan (SIP)** means the portion (or portions) of an applicable
144 implementation plan approved or promulgated, or the most recent revision thereof, under
145 sections 110, 301(d) and 175A of the Clean Air Act (42 U.S.C. 7409, 7601, and 7505a).

146 **Statewide transportation improvement program (STIP)** means a staged, multiyear, statewide,
147 intermodal program of transportation projects that is consistent with the statewide transportation
148 plan and planning processes and metropolitan plans, TIPs and processes.

149 **Statewide transportation plan** means the official statewide, intermodal transportation plan that
150 is developed by the Wisconsin Department of Transportation through the statewide
151 transportation planning process.

152 **Surface Transportation Program-Urban (STP-U)** -The [STP-U](#) program allocates federal
153 funds to complete a variety of improvements to federal aid eligible roads and streets in urban
154 areas. The objective of the STP-U program is to improve federal aid eligible highways within
155 urban areas. Projects must meet federal and state requirements. Communities are eligible for
156 funding on streets and highways functionally classified as higher than “local.”

157 **Transit Development Program (TDP)** means a mid-range (3-5 year) transit development
158 planning document, which shall include, but is not limited to, transit system policies and service
159 demands, transit service modifications and extensions, transit fares and transit system capital
160 facilities needs.

161 **Transportation improvement program (TIP)** means a staged, multiyear, intermodal program
162 of transportation projects that is consistent with the metropolitan transportation plan.

163 **Urbanized Area (UZA)** is a statistical geographic entity defined by the U.S. Bureau of the
164 Census, consisting of a central core and adjacent densely settled territory that together contain at
165 least 50,000 people, generally with an overall population density of at least 1,000 persons per
166 square mile. Within the transportation planning community, urbanized areas are typically
167 referred to as UZAs.

168 **ARTICLE 6. RESPONSIBILITIES OF THE TAC**

169 Section 6.01 Recommendations to the Policy Advisory Committee and to the MPO

170 (a) Make recommendations to the Policy Advisory Committee and to the MPO concerning
171 goals and objectives for the transportation planning process;

172 (b) Review and make recommendations to the Policy Advisory Committee and to the MPO
173 on the Transportation Improvement Program (TIP) for the Metropolitan Planning Area;

174 (c) Review and make recommendations to the Policy Advisory Committee and to the MPO
175 on the urban transportation planning work program;

176 (d) Review and make recommendations to the Policy Advisory Committee and to the MPO
177 on the metropolitan transportation plan for the Sheboygan metropolitan planning area;

178 (e) Review and make recommendations to the Policy Advisory Committee and to the MPO
179 on the Sheboygan Transit Development Program (TDP), in cooperation with the
180 Sheboygan Parking and Transit Utility Commission;

- 181 (f) Review and make recommendations to the Policy Advisory Committee and to the MPO
182 on all other major studies prepared by the MPO;
- 183 (g) Review and make recommendations to the Policy Advisory Committee and to the MPO
184 on changes to the Adjusted Urbanized Area Boundary and to the Metropolitan Planning
185 Area Boundary;
- 186 (h) Review and make recommendations to the Policy Advisory Committee and to the MPO
187 on the MPO Public Involvement Plan; and
- 188 (i) Review and make recommendations to the Policy Advisory Committee and to the MPO
189 on the prioritization of Surface Transportation (STP) Urban Program projects that are
190 within the Metropolitan Planning Area Boundary.

191 Section 6.02 The MPO Policy Advisory Committee may modify or reverse recommendations
192 of the MPO Technical Advisory Committee before such recommendations are brought forward
193 to the MPO for final action. All recommendations of the MPO Policy Advisory Committee that
194 are consistent with that committee's bylaws shall be binding on the MPO, unless Section 6.02 of
195 the MPO Policy Advisory Committee bylaws applies or unless a protest is filed with the MPO
196 under Section 9.05 of the MPO Policy Advisory Committee bylaws. Any recommendation of the
197 MPO Policy Advisory Committee that is inconsistent with the bylaws of the MPO Policy
198 Advisory Committee will not be binding on the MPO. Unless recommendations are received in a
199 timely fashion as to allow the MPO to take action in compliance with deadlines established by
200 federal and state agencies, the MPO may take final action without them.

201 **ARTICLE 7. MEMBERS**

202 Section 7.01 Composition and Representation

203 The Technical Advisory Committee shall include the following voting members:

- 204 (a) City of Sheboygan, Public Works Department, Director
- 205 (b) City of Sheboygan, Public Works Department, Deputy Director
- 206 (c) City of Sheboygan, City Development Department, Director
- 207 (d) City of Sheboygan Falls, Public Works Department, Director
- 208 (e) Sheboygan County Highway Department, Commissioner
- 209 (f) Sheboygan County Planning and Resources Department, Director
- 210 (g) Sheboygan County Memorial Airport, Manager
- 211 (h) Sheboygan County Transportation Safety Commission, One Member

- 212 (i) Sheboygan County UW-Extension, Community Resource Agent
- 213 (j) Sheboygan Parking and Transit Utility, Director
- 214 (k) Union Pacific Railroad, One Member
- 215 (l) Village of Howards Grove, Public Works Staff, One Member
- 216 (m) Village of Kohler, Public Works Staff, One Member
- 217 (n) Wisconsin Department of Transportation, Bureau of Transit and Local Roads, One
218 Member
- 219 (o) Wisconsin Department of Natural Resources, Southeast Region, Sheboygan Basin Water
220 Leader
- 221 (p) Wisconsin Department of Natural Resources, Bureau of Air Management, One Member
- 222 (q) Wisconsin Department of Transportation, District 3, Planning Staff
- 223 (r) Wisconsin Department of Transportation, Central Office, Urban Planning Section, One
224 Member
- 225 (s) Sheboygan Bicycling Advocate, One Member
- 226 (t) Additional voting members may be appointed by the BLRPC Chairperson depending on
227 the needs of the Technical Advisory Committee.
- 228 The Technical Advisory Committee shall also include the following non-voting members:
- 229 (a) Federal Highway Administration Wisconsin Division, Madison, Administrator
- 230 (b) Federal Transit Administration Region 5, Chicago, Regional Administrator
- 231 (c) Bay-Lake Regional Planning Commission, MPO Transportation Planner
- 232 (d) Additional non-voting members may be appointed by the BLRPC Chairperson depending
233 on the needs of the Technical Advisory Committee.

234 Section 7.02 Term of Membership

- 235 (a) Local members of the Technical Advisory Committee shall be designated by the
236 governing boards that they represent. Members shall remain on the Technical Advisory
237 Committee until (1) their membership has been rescinded by their respective governing
238 board; (2) their governing board has designated a duly qualified replacement member; or
239 (3) their service to their respective city, village, town or county has ceased.

240 (b) State and federal agency members of the Technical Advisory Committee will serve a
241 term corresponding to their respective appointments to positions noted in Section 7.01.

242 (c) Non-governmental members of the Technical Advisory Committee will serve at the
243 pleasure of the BLRPC Chairperson, with input to appointments from railroad, bicycling
244 and traffic safety interests in the metropolitan planning area.

245 Section 7.03 Absenteeism

246 Voting members (or their authorized alternate) not attending three (3) consecutive meetings will
247 be considered non-voting members for the purpose of determining a quorum for any following
248 meeting(s). A member's (or their authorized alternate's) voting privileges will be reinstated
249 automatically upon the member's (or their authorized alternate's) attendance at two consecutive
250 meetings of the TAC.

251 Section 7.04 Alternates

252 Each member may designate an alternate to represent the member in his or her absence. The
253 alternate shall be entitled to the full privileges and responsibilities of the member represented.
254 The member shall designate the alternate in writing to the BLRPC Executive Director prior to
255 the meeting in which they are to serve as an alternate.

256 **ARTICLE 8. OFFICERS**

257 Section 8.01 Officers

258 Officers of the committee shall consist of a Chairperson and Vice-chairperson. Only voting
259 members of the committee are eligible to be a Chairperson or Vice-chairperson. Officers shall
260 perform the duties prescribed by these bylaws.

261 Section 8.02 Selection of Officers

262 The Chairperson and Vice-chairperson shall be elected by the TAC every two years at an annual
263 meeting of the TAC. Officers may be nominated from the floor. Election shall be by ballot with a
264 majority vote electing the officers.

265 Section 8.03 Term of Office

266 Elected officers shall serve for a term of two (2) years in accordance with the time schedule
267 identified in Section 8.02. Such officers shall hold office until they resign, are removed, are
268 otherwise disqualified to serve, or until their successors shall be elected, whichever occurs first,
269 and their term of office shall begin at the close of the annual meeting at which they are elected.
270 No member shall hold more than one office at a time and no member shall be eligible to serve
271 more than two (2) consecutive terms in the same office.

272 Section 8.04 Vacancies

273 (a) A vacancy in any office shall be filled for the unexpired portion of the term. In the event
274 of a vacancy in the office of Vice-chairperson, the Chairperson may temporarily appoint
275 a new Vice-chairperson until such time as an individual is elected to fill the unexpired
276 term.

277 (b) The election for Chairperson and Vice-chairperson shall be held at a regularly scheduled
278 meeting within sixty (60) days after the vacancy occurs. The election shall follow the
279 nominating/voting process established by Section 8.02.

280 (c) A member elected to fill an unexpired term of six (6) months or longer shall be
281 considered to be filling a full term of office.

282 Section 8.05 Duties of the Chairperson

283 (a) Preside at all meetings of the Committee and shall be eligible to vote on all matters;

284 (b) Be responsible for the effective, efficient and timely conduct of the committee's
285 meetings;

286 (c) Set meeting agenda in cooperation with the assigned BLRPC staff;

287 (d) Attend BLRPC meetings when possible and/or if requested by the BLRPC's Chairperson.

288 Section 8.06 Duties of the Vice-Chairperson

289 (a) In the absence of the Chairperson or in the event of his/her inability to act or if the office
290 is vacant, the Vice-Chairperson shall perform all duties of the Chairperson, and when so
291 acting, shall have all the powers of and be subject to all restrictions of the Chairperson.

292 **ARTICLE 9. MEETINGS, VOTING, AND QUORUMS**

293 Section 9.01 Public Meetings

294 All meetings of the TAC and its subcommittees are open to the public. Citizens are welcome at
295 meetings and may express their opinions at such times as designated by the agenda or when
296 recognized by the Chairperson. All meeting agendas shall include an agenda item to give an
297 opportunity for citizens to comment or to be heard on any matter pertinent to the metropolitan
298 transportation planning process.

299 Section 9.02 Meetings

300 (a) Regular meetings of the committee shall be held, at a minimum, on a quarterly basis.
301 Meeting notices and agendas are to be mailed no later than ten (10) days prior to the
302 meeting date. Members may elect to have meeting notices and agendas sent by fax or e-
303 mail.

304 (b) The first regular meeting following the spring general election shall be known as the
305 annual meeting. At its annual meeting, the committee shall establish an anticipated
306 schedule of meetings for the coming year.

307 (c) Special meetings of the committee may be called at the discretion of the Committee
308 Chairperson in consultation with the BLRPC staff. Whenever possible, ten (10) days

309 notice shall be given, but in no event shall the committee meet without at least one day
310 (24 hour) notice for emergency situations only.

311 (d) Emergency meetings may be called by the Chairperson with a 24 hour notice.

312 (e) All meetings will be noticed in compliance with Wisconsin Statutes and with the MPO's
313 written Public Involvement Plan.

314 Section 9.03 Voting

315 (a) The Chairperson and any member may call for a vote on any issue, provided that it is
316 seconded and is within the purposes set forth in Article 3, and provided that the issues is
317 on the agenda, as outlined in Section 9.02. Each voting member shall have one vote.

318 (b) Proxy voting and absentee voting are not permitted.

319 (c) Alternates not designated in accordance with Section 7.04 are not allowed to vote.

320 (d) A majority vote of the voting membership present at a given meeting shall be sufficient
321 for approval of matters, provided that a quorum is present. The voting on all questions
322 shall be by voice vote. Any member may ask for a roll call vote and the ayes and nays
323 shall be entered into the minutes of such meeting.

324 Section 9.04 Quorums

325 A quorum shall consist of at least eight (8) voting members.

326 Section 9.05 Secretarial Duties

327 The BLRPC will meet the secretarial needs of the committee and shall keep the bylaws as
328 amended, minutes of all meetings of the committee, a current membership list containing the
329 names and addresses of all committee members and all other official documents of the
330 committee. The MPO Transportation Planner, as a non-voting member, may call to order and
331 preside at any meeting of the TAC in the absence of the Chairperson and Vice-chairperson.

332 **ARTICLE 10. SUBCOMMITTEES**

333 Section 10.01 Subcommittees

334 When a need arises for a subcommittee, a written request that identifies the purpose, charge,
335 objectives, relationships, membership, officers, requirement for minutes and term of the
336 subcommittee will be submitted to the BLRPC for approval.

337 Section 10.02 Subcommittee Appointments

338 The subcommittee shall elect its own Chairperson from the subcommittee membership. If
339 warranted, the subcommittee may request that experts from outside the committee be appointed
340 voting members of the subcommittee. Members of all subcommittees shall be recommended by a

341 majority vote of the full Technical Advisory Committee, and shall be approved by a majority
342 vote of the full Policy Advisory Committee.

343 **Section 10.03 Subcommittee Vacancies**

344 Vacancies on any subcommittee may be filled for the unexpired portion of the term in the same
345 manner as provided in the case of original appointments.

346 **Section 10.04 Subcommittee Quorum**

347 A simple majority of the members of a subcommittee shall constitute a quorum of such
348 subcommittee, and the action of a majority of the members at a meeting at which a quorum is
349 present shall be the action of the subcommittee.

350 **ARTICLE 11. CONFLICTS OF INTEREST**

351 **Section 11.01 Announcing Conflict**

352 Whenever a committee or subcommittee member has cause to believe that a matter to be voted
353 upon would involve him/her in a conflict of interest, he/she shall announce the conflict of interest
354 and shall request a ruling by the committee.

355 **Section 11.02 Abstention from Voting**

356 No member or subcommittee member shall vote on any matter which would involve a conflict of
357 interest.

358 **ARTICLE 12. AMENDMENT OF BYLAWS**

359 These TAC Bylaws may be amended by BLRPC in accordance with Article 8 of the bylaws of
360 the BLRPC provided that the MPO TAC and PAC have submitted their respective
361 recommendations on the proposed amendments to the BLRPC.

362 **ARTICLE 13. SEVERABILITY**

363 Should any section or provision of these bylaws be declared by the courts to be unconstitutional
364 or invalid, such decision shall not affect the validity of the bylaws as a whole, or any part
365 thereof, other than the part so declared unconstitutional or invalid.

366 **ARTICLE 14. PARLIAMENTARY AUTHORITY**

367 The rules contained in the current edition of Robert's Rules of Order Newly Revised shall
368 govern the TAC in all cases to which they are applicable and in which they are not inconsistent
369 with these bylaws and with any statutes applicable to the TAC.

370 **ARTICLE 15. EFFECTIVE DATE**

371 1. Any other rules or procedures of the TAC previously adopted that are in conflict with these
372 bylaws are hereby repealed.

373 2. These bylaws shall be effective upon the date of adoption by the BLRPC.