

# ULSTER COUNTY TRANSPORTATION COUNCIL

## Operating Procedures

**Approved June 4, 2003;**

Amended June, 3, 2008 per Resolution 2008-10;

Amended November 20, 2008 per Resolution 2008-19;

### 1. PURPOSE

To develop and approve transportation plans and programs within Ulster County, including the Kingston Metropolitan Area and other urbanized portions of the County, including those portions of the Poughkeepsie-Newburgh, New York Transportation Management Area (TMA) that reside in Ulster County, and to ensure proper coordination with all transportation stakeholders and public transit operators, and maintain consistency with Federal regulations and SAFETEA-LU Legislation. The Council will coordinate with other MPOs and regional public transit operators as appropriate.

### 2. FUNCTIONS

The Ulster County Transportation Council (UCTC) as the official Metropolitan Planning Organization for Ulster County shall be responsible for:

- ◆ carrying out the urban transportation planning process and developing the Unified Planning Work Program, transportation management systems, Transportation Plan, and Transportation Improvement Program in cooperation with applicable Federal, State, and local agencies;
- ◆ being the forum for cooperative decision making on transportation issues by local elected officials and transportation providers within the Kingston Metropolitan Area Boundary;
- ◆ annually endorsing the Unified Planning Work Program;
- ◆ endorsing the five-year Transportation Improvement Program (TIP);
- ◆ reviewing and updating the Transportation Plan as necessary at least every five years;
- ◆ providing citizens, as well as public and private agencies, with the opportunity to participate in the transportation planning process;
- ◆ establishing the Metropolitan Area boundaries and delineating the Federal-Aid Urban Highway System within these boundaries;
- ◆ coordinating its plans and programs and its planning and programming processes with public transit operators and adjacent metropolitan planning organizations.

### 3. MEMBERSHIP

As outlined in the Memorandum of Understanding (MOU), and modified by these Operating Procedures, the Ulster County Transportation Council shall include the following members:

#### Permanent Voting Members

City of Kingston – Mayor

Town of Saugerties – Supervisor  
Town of Ulster – Supervisor  
Ulster County – County Executive  
NYS Department of Transportation – Commissioner (as represented by the Regional Director)  
NYS Thruway Authority – Executive Director

Rotating Voting Members for Two-Year Terms - beginning June 4, 2003.  
(One member from each pair will serve on an alternating basis.)

Village of Saugerties – Mayor  
Town of Hurley – Supervisor

Town of Rosendale – Supervisor  
Town of Esopus – Supervisor

Town of Lloyd – Supervisor  
Town of Marlborough – Supervisor

Town of Plattekill – Supervisor  
Town of Shawangunk – Supervisor

Village of Ellenville – Mayor  
Village of New Paltz – Mayor

Town of New Paltz – Supervisor  
Town of Wawarsing – Supervisor

Town of Woodstock – Supervisor  
Town of Kingston – Supervisor

One Voting Member - Selected by Ulster County Association of Town Supervisors  
Term beginning June 4, 2003

Town of Denning – Supervisor  
Town of Gardiner – Supervisor  
Town of Hardenburgh – Supervisor  
Town of Marbletown – Supervisor  
Town of Olive – Supervisor  
Town of Rochester – Supervisor  
Town of Shandaken – Supervisor

Advisory Non-Voting Members

Federal Highway Administration  
Federal Transit Administration  
NYS Bridge Authority  
NYS Department of Environmental Conservation  
(Other agencies or individuals as the Council may decide.)

Members of the Council may be represented by designated agency or municipal substitutes. Such designation shall be in writing to the Chairperson and shall specify the order of precedence if there are alternate representatives, the term of such representation or, if not specified, the term of the representative(s) shall be deemed to be the term(s) in office of the appointing authority until written notice otherwise by the appointing authority to the Chairperson, or resignation of a representative.

#### **4. OFFICERS**

The Ulster County Executive shall serve as permanent Chairperson of the Council and the Regional Director of the New York State Department of Transportation, Region 8, shall serve as permanent Secretary to the Council. The Council may establish and fill any other offices necessary to carry out its work.

#### **5. MEETINGS**

Meetings will be held as necessary to accomplish the functions of the Council, but not less than once a year. Council members will receive written notice of meetings at least ten calendar days prior to each meeting. However, recognizing that matters may arise that demand the immediate attention of the Council, any individual member may request that the Chairperson convene the Council. A meeting agenda shall be available to the members ten calendar days prior to the meeting.

Formal meetings of the Council are open to the public. However, special executive sessions may be called at the request of a Council member. Members of the Technical Committee are invited to attend all executive meetings. At any meeting of the Council, the general principles of parliamentary procedure shall be observed. The regular order of business, unless otherwise modified by the Council, shall be as follows:

- A. Call to Order
- B. Roll Call
- C. Call for Citizen Participation
- D. Minutes of the Preceding Meeting
- E. Communications and Announcements
- F. Reports and Actions on Old Business
- G. New Business
- H. Adjournment
- I. Issuance of Press Release by Chairperson, if appropriate

#### **6. DECISION-MAKING**

All actions taken by the Council shall be by consensus of members. Consensus is defined to be unanimity of affected parties. Consensus can result from a vote taken at a Council meeting, from a mail, fax, or e-mail ballot of the membership of the Council by the Secretary, or from a telephone poll of the members, conducted by the Secretary.

At a Council meeting, the Chairperson will judge the extent to which voting members are affected by proposed Council actions and will declare a consensus, or the lack thereof, as the case may be.

The exception to the requirement for Council consensus is in regard to minor budget revisions in the Unified Planning Work Program (UPWP), in which cases the Chairperson shall be empowered to approve, on behalf of the Council, changes to individual line items in that UPWP budget, which do not exceed 25% of that budgeted amount.

A quorum, consisting of a majority of voting members, or their official designated representatives, must be present for the Council to vote. If no negative responses have been received from council members at a council meeting, the chairperson shall presume concurrence on the proposed action.

In the case of a mail ballot, the notice shall specify a period of time from the mailing date within which to respond to the mail ballot. If, within the specified time or by the specified date, no negative responses have been received from Council members, the secretary shall presume concurrence and shall be empowered to declare the Council's approval of the proposed action.

In the case of a ballot, the Secretary in consultation with the Chairperson shall judge the extent to which voting members are affected parties.

## **7. TIP AMENDMENTS**

The items identified below are provided to indicate when it is necessary to amend the TIP. In general, there is a need to act only when the desired proposal modifies an approved project in the Triennial Element, either as a result of the addition of a new project (phase) or deletion of a project (phase) or substantive revision to the scope of a project.

A TIP amendment is needed before federal approval for funding can be obtained when the following substantive revisions are made to a project programmed in the Triennial Element of the TIP.

The following are guidelines for a major TIP amendment. Major TIP amendments require a public comment period of 15 calendar days.

1. Addition or deletion of significant new capacity (new lanes, new transit service or a comparable shift in demand due to travel demand management actions),
2. Addition or deletion of projects to provide new intermodal facilities,
3. Addition or deletion of larger infrastructure projects (requiring maintenance and protection of traffic plans that significantly effect traffic patterns) or significant replacement of transit facilities.

Generally, an amendment causing changes that will materially affect travel for the public should be considered major. Infrastructure amendments that do not alter the basic nature of the existing system (except for improving conditions) can be defined as minor and are not subject to public involvement requirements.

Minor amendments include the following:

1. Addition or deletion of a minor infrastructure project (no significant maintenance and protection of traffic required),
2. Addition or deletion of a minor ROW phase (not involving relocations),
3. Addition or deletion of projects that replace transit equipment with similar equipment,
4. Addition or deletion of safety projects.

A. The written poll of the council shall be conducted in the following manner:

1. The Secretary shall distribute by mail, fax, or e-mail the proposed action and any supporting documentation to the voting and technical committee members of the Council.
2. The notice shall specify a period of time from the mailing date within which to respond to the ballot. If, within the specified time or by the specified date, no negative responses have been received from Council members, the Secretary shall presume concurrence and shall be empowered to declare the Council's approval of the proposed action.
3. Council members who wish to vote negatively, or who have comments, may indicate so by telephone, but are required to provide written confirmation of such action. Voting

members who vote negatively will be requested to provide the reason why they are doing so in order for the staff to be able to address the issue prompting the negative vote.

4. If any negative votes are received by the Secretary, or if any member has questions, comments, or concerns about the proposed action, the Secretary may suspend, delay, or terminate the balloting until the matter is resolved.
  5. When the poll has been concluded, either with the Council's approval, or by the virtue of a temporary or final termination of the balloting, the Secretary shall transmit the results of the poll to the Commissioner of the New York State Department of Transportation.
- B. Project Selection Criteria for projects already programmed on and approved TIP are outlined below. This mechanism will be used to manage project implementation from an approved and fiscally constrained TIP and/or STIP, for advancement to the FHWA or FTA authorization.
1. Projects identified in the first year of the STIP have first right to the funds available. To the extent that all the projects are ready to be authorized and the actual costs match the programmed costs, no project selection is required.
  2. If the value of projects in the first year of a TIP/STIP increase from the programmed cost when it is ready for authorization, it will be necessary to maintain the fiscal integrity of the fund category in that Federal Fiscal Year (FFY) in order to obtain Federal authorization. Generally, this will require that savings in other first year projects be identified. If that cannot be demonstrated, other first year projects would need to be deferred to later years. If they are deferred to later years, the fiscal balance in years 2 and 3 of the TIP/STIP must be maintained. This may necessitate deletion of scheduled projects in years 2 or 3. Even though this sounds onerous, it often entails only minor schedule change of a project (e.g., September to October).
  3. If it is necessary to revise the federal fund category in order to ensure timely authorization of an approved project, this action will be permitted under project selection if the fiscal integrity of each affected fund category is maintained.
  4. When there are savings incurred as a project is authorized (or bid), or when the schedule of a project slips causing the authorization to be deferred to a subsequent FFY, it will be necessary to select a project from the second or third year of the TIP/STIP for authorization to avoid lapsing funds in the current FFY.
  5. In cases where selecting a project from years 2 and 3, or revising fund categories becomes necessary the priority would be, to the extent possible, to select a project that is ready to be authorized from the same MPO (UCTC), then from the same NYSDOT Region (Region 8), and finally from anywhere within the State.
  6. The NYSDOT is authorized to select other Title 1 funded projects from years 2 and/or 3 if funds are available and if the project(s) is ready to be authorized. The Secretary of the UCTC will notify UCTC voting members of changes that have occurred.

## 8. PUBLIC INVOLVEMENT PROCEDURES

**Purpose:** To increase public involvement in the transportation planning process that is carried out by the Ulster County Transportation Council (UCTC) and its committees. Public participation efforts will be used to educate the public about major transportation issues, solicit information, assist in achieving consensus, and provide a way for citizens to share their perspectives with the policy makers in the region.

**Federal Requirements:** The Metropolitan Planning Organization's purpose is to carry out the Metropolitan Transportation Planning and Programming Processes as defined within the provisions of 23 CFR Section 450 and SAFETEA-LU Legislation. Public participation requirements for states and MPOs include providing timely information, reasonable public access to technical and policy information, adequate notice of public involvement activities, explicit consideration and response to public input, and consideration of needs of those traditionally under served by the transportation system.

**General Public Participation Activities:** The UCTC, its committees and staff, will continue to expand its outreach efforts to various individuals and public interest groups in the region.

1. The UCTC Public Information mailing list will be maintained by the Ulster County Planning Department and updated regularly by UCTC staff agencies.

The UCTC Staff will continue its efforts to identify and include citizens and groups that are traditionally under served by the transportation system.

The mailing list will be periodically updated based on interest expressed. The individuals and groups on the mailing list will be periodically surveyed to determine their continued interest in the UCTC and its activities.

2. UCTC will notify the mailing list and distribute a press release to the area media outlets about any public meetings 10 calendar days prior to the event. The notice will include date, time, location, and purpose or topic of the meeting. A public comment period will extend for an additional seven calendar days after the public meeting.
3. At public meetings there will generally be a five-minute limit for each individual speaker.
4. A summary of the major written or verbal comments resulting from the public meeting or other activity, and the proposed responses will be prepared and will be available upon written request.
5. Documentation and summaries of all public meetings will be prepared and retained by the Ulster County Transportation Council staff, and will be available upon request.
6. Technical and policy information and data will be available from the two UCTC staff agencies, Ulster County Planning Department and the New York State Department of Transportation – Region 8. Data requests of significant size will be made available within a reasonable period of time.

**Transportation Plan (Long-Range Plan):** In addition to the activities discussed under General Public Participation, the following procedures apply to the preparation and update of the Transportation Plan.

1. The Transportation Plan will be reviewed and updated at least every five years. The UCTC Technical Committee working with UCTC staff will have primary responsibility for developing the Transportation Plan.
2. There will be a minimum of two forums held in different areas of the County with the express purpose of soliciting public comment, discussing current transportation issues and goals, and potential actions and recommendations. Notice of the public meetings and relevant support material will be mailed to all those listed on the MPO Public Information mailing list.

3. All significant written or verbal comments and the responses will be summarized and included in the final Transportation Plan.
4. If the final Transportation Plan differs significantly from the one discussed at the open forums, an additional public meeting will be held prior to the consideration of the Plan by the UCTC Council.

**Transportation Improvement Program (TIP):** In addition to the activities discussed under General Public Participation, the following procedures apply to the preparation and update of the TIP.

1. A "call letter" will be sent to municipalities, participating agencies, the UCTC Public Information Mailing list, and other interested parties announcing the beginning of the TIP update process. This letter will be signed by the Chairman of the Ulster County Legislature and distributed by the UCTC staff. The call letter will include information on how municipalities and agencies can request a specific transportation project be considered for federal, state, or local funding and information on how to participate in the transportation planning process. In addition, a schedule of the proposed TIP and any other pertinent information will be included in the call letter.
2. The UCTC staff will review all project proposals received in conjunction with the UCTC Technical Committee. Proposals for projects on the State system will be directed to the NYSDOT, projects off the State system will be referred to the appropriate jurisdiction, and any other transit project will be referred to the appropriate transportation agency for review and comment.
3. A public meeting will be held by the UCTC staff to solicit public input and discuss the TIP development process, projects on the existing TIP, and proposed projects being considered for addition to the TIP, and other analyses as necessary.
4. There will be a minimum 15-calendar day comment period before final approval of the TIP by the UCTC Council.
5. A summary of all significant written or verbal comments and the responses will be prepared and included as part of the final TIP.
6. After the final TIP and associated required analyses are approved by the Council, the TIP document will be distributed to all council members and the technical committee. The UCTC Public Information mailing list will be notified. The TIP is available upon request. Any person or agency requesting a final TIP will receive a copy and will be placed on the mailing list.
7. All Major TIP Amendments (as defined in the UCTC Operating Procedures, Section 7) will be subject to public review prior to UCTC Council action. Notice of the amendment including project description and impact on the current, approved TIP will be mailed to those listed on the MPO Public Information mailing list. There will be a minimum 15-day comment period before Council action.

**Public Participation at UCTC Council Meetings:** The following procedures will be followed at all UCTC Council meetings.

1. All persons attending a UCTC Council meeting, including UCTC members and the general public, will be asked to record their name, address, and what interest or group they represent.

2. The general public will be given the opportunity to speak at each UCTC Council meeting under the public participation section of the agenda on any item pertinent to the agenda or the transportation planning process. This does not preclude the general public from commenting on any agenda item as it is being discussed, time permitting.
3. The Chairperson shall be the official spokesperson for the Council to inform the public of the work of the transportation planning program and to maintain good relations with the press and media. Upon request, any Council member can make a public statement or issue a press release on behalf of their organization. Any public statement issued on behalf of the UCTC must receive prior approval by the Council.

## **9. REVIEW PERIOD FOR CHANGES IN PUBLIC PARTICIPATION PROCESS**

1. The general public will have 45 calendar days to review and comment on the UCTC Public Participation Procedures through a public notice and direct mailing of the existing Public Information mailing list. Comments from the public will be documented and acted upon as appropriate with the concurrence of the UCTC voting members.
2. There will be a periodic review of the UCTC Public Participation Procedures to address changes that may, from time to time, occur.
3. All subsequent changes to the Public Participation Procedures will follow the same 45-calendar day public review process noted above.

## **10. MAILING CORRESPONDENCE**

All municipalities and agencies serving on the Council and the Technical Committee shall be placed on a mailing list and receive all Council correspondence. In addition, any other municipality or agency that is not currently serving as a member, but wishes to receive Council correspondence, can so request and be placed on the mailing list.

## **11. COUNCIL STAFF**

The Ulster County Planning Department and the Region 8 Office of the New York State Department of Transportation shall serve as Council staff and shall perform the administrative and secretarial duties of the Council. The staff shall be accountable to the Council.

## **12. TECHNICAL COMMITTEE**

The Technical Committee shall work in conjunction with the Council staff and shall be responsible for identifying transportation planning issues for consideration by the Council. The operating procedures for the Technical Committee are as attached as *Appendix A*.

## Appendix A

### ULSTER COUNTY TRANSPORTATION COUNCIL Technical Committee Operating Procedures

#### A. GENERAL PURPOSE

The Technical Committee shall be responsible for identifying specific transportation planning issues for inclusion in the Transportation Plan, the Unified Planning Work Program, the Transportation Improvement Program, and special studies. The membership of the Technical Committee is comprised of representatives of the Council's voting members, alternate voting members, and advisory non-voting members. In order to keep the Council members informed, it is the responsibility of each Technical member to discuss all issues with their respective Council member prior to the Technical Committee meetings and brief them after each Technical Committee meeting.

#### B. FUNCTIONS

It is the Technical Committee's responsibility to:

1. Review and update the Transportation Improvement Program for endorsement by the Council.
2. Review and annually update the Unified Planning Work Program for endorsement by the Council.
3. Review and update the Transportation Plan every five years for adoption by the Council.
4. Undertake and implement special studies as requested by the UCTC.
5. Identify other specific areas of concern for further analysis of transportation related issues.

#### C. RESPONSIBILITIES

The Technical Committee shall meet as necessary to provide direct technical input into areas being studied, as identified in the Transportation Plan, the Unified Planning Work Program, or the Transportation Improvement Program. The technical staff will make recommendations to the council members and provide ample time for review and action.

#### D. MEMBERSHIP

Membership on this committee shall consist of technical representatives appointed by the voting, alternate, and advisory members from the following agencies and governments:

New York State Department of Transportation  
New York State Thruway Authority  
Ulster County Legislature Chairperson  
Ulster County Planning Department  
City of Kingston  
Town of Esopus  
Town of Hurley  
Town of Kingston  
Town of Lloyd  
Town of Marlborough  
Town of New Paltz  
Town of Plattekill  
Town of Rosendale  
Town of Saugerties  
Town of Shawangunk

Town of Ulster  
Town of Wawarsing  
Town of Woodstock  
Village of Ellenville  
Village of New Paltz  
Village of Saugerties  
Representative selected by Ulster County Association of Town Supervisors  
Federal Highway Administration  
Federal Transit Administration  
New York State Bridge Authority  
New York State Department of Environmental Conservation

Formally designated committee members may send an alternate official from the municipality or agency to the Technical Committee meetings. Prior written authorization is required for alternate representatives to act on behalf of the municipality or agency.

Additional members may be included from affected areas that area being studied, as necessary.

The Ulster County Planning Department UCTC staff representative and the New York State Department of Transportation UCTC staff representative shall serve as the co-chairpersons for the Technical Committee.

#### **E. MEETINGS**

The Technical Committee shall meet as necessary.

## Appendix B

### ULSTER COUNTY TRANSPORTATION COUNCIL Administration Committee Operating Procedures

#### A. PURPOSE

The Administration Committee shall be responsible for overseeing the day-to-day operations of the Ulster County Transportation Council, including the following activities:

1. Monitoring and coordinating progress of the Unified Planning Work Program (UPWP) to assure adherence to budgets and consistency with federal regulations and local, state, and federal objectives.
2. Budget Revisions:
  - ◆ Routine, end of the fiscal year, adjustments are necessary for fund carryover, new grant revisions, and grant closeouts. These budget revisions with a brief description of the cause, should be well documented by Ulster County or NYS Department of Transportation staff for their respective funding in the UPWP, and recommended for approval by the Committee in an expeditious manner (such as a mail-out on the changes with a ten day phone back period), then upon this committee approval, it should be formally transmitted as an "Approved Budget Revision" to the New York State Department of Transportation Main Office with payment requests for transmittal to the federal funding agencies.
  - ◆ Unique minor budget revisions, necessary to adjust existing studies due to staffing and priority changes, etc., and auditable tables for new equipment purchases, etc., should be handled as above or at Committee meetings.

It is the intent of the above process to handle routine budget items in a timely, well-documented way without undue duplication or review and delays of reimbursement requests; however, major changes, such as significant budget deletions or additions from a task as approved in the UPWP by the Council would be brought to the immediate attention, by the Committee Chair, of the Council member representing the lead agency of the affected task for a decision to proceed as recommended by the Committee or bring it to the whole council's attention for information of action, as appropriate.

#### B. FUNCTIONS

The Administration Committee is responsible for:

1. Developing and/or reviewing the draft Unified Planning Work Program.
2. Changes in scope of work of the Unified Planning Work Program on behalf of the Council.
3. General review and consensus of approval of all subcontractors.
4. General administrative duties related to the coordination of policies and procedures to meet federal and state transportation planning regulations and requirements.

#### C. MEMBERSHIP

Representatives of the Ulster County Planning Department; the NYS Department of Transportation Regional and Main Offices; the Federal Transit Administration, the Federal

Highway Administration shall comprise the Administration Committee. Additional members may be included as appropriate.

The Ulster County Planning Department UCTC staff representatives shall chair the Administration Committee.

**D. MEETINGS**

The Administration Committee shall meet as necessary.