

Morris County
Board of Transportation

BY-LAWS

Adopted: November 10, 2009

MORRIS COUNTY BOARD OF TRANSPORTATION

BY-LAWS

ARTICLE I - HISTORY

The creation and existence of the Morris County Board of Transportation (MCBT) is due largely to the efforts of Thomas T. Taber, former mayor of Madison, retired New York Life Insurance Co. executive, railroad historian, and author.

The MCBT was created during a time when there was no state or federal capital or operating funds available to assist commuter railroads, bus service, or other forms of public transportation. The most pressing problem was that the privately owned commuter railroads in New Jersey were experiencing huge deficits as a result of operating commuter trains, which required a large fleet of equipment, many employees, and a large physical plant that were utilized for only a few hours each weekday morning and evening. The railroads had to purchase, operate, and maintain the trains without any outside financial assistance. Freight train revenue was used to offset the huge annual passenger deficit, a practice not welcomed by stockholders and financial institutions.

To help remedy the financial situation, the railroads of the state, including the Delaware, Lackawanna & Western RR (DL&W RR), predecessor to the Erie-Lackawanna RR, Conrail, and NJ Transit, sought permission from the NJ Board of Public Utilities to raise fares and discontinue certain trains. A great loss of passenger trains occurred in the 1950s when the US Post Office Department replaced mail carried on trains, which had made the passenger trains profitable or at least break even, with trucks. Each year during that decade, scores of trains were discontinued throughout the state. This climaxed on April 9, 1959, when the DL&W RR announced it would discontinue all commuter train service in New Jersey effective June 9, 1959.

A coalition of Morris County municipalities, formed by Thomas Taber in 1957, and the County strongly opposed the abandonment of service, which would have been devastating to the region. Over 30,000 people rode the trains serving Morris County every weekday and there was no feasible alternative transportation for them. This coalition, with strong assistance from the Freeholders, who hired outside legal counsel to fight the railroad's plan, successfully prevented the planned service abandonment.

On August 19, 1960, a state subsidy program for commuter rail service, which the board had been fighting for, was started within the NJ Highway Department. Subsequently, on August 16, 1961, the Freeholders created the Board of Public Transportation of Morris County to give the County an official transportation agency to fight for the preservation of the rail system. The Freeholders and the board worked diligently to preserve this service, using the slogan created by Thomas T. Taber, *Public transportation is a public necessity and is therefore a public responsibility.*

On December 12, 1966, the NJ Highway Department was renamed the NJ Department of Transportation in recognition of its now wider scope of responsibilities. However, the railroad subsidy program was grossly underfunded, and between 1958 and 1970 about half of the

commuter trains on the Erie Lackawanna and other New Jersey railroads were discontinued. Fares were raised several times, with some increases over 30% in a year. Even with this loss of service, the board was successful in stopping the discontinuance of many other trains and even had some service restored in the late 1970s.

The board's scope of activities was expanded to include local bus service in 1970, when the West Morris Transit Co., which operated a sole bus route between Morristown and Wharton, placed an announcement on its two buses on Monday, February 3, that effective that evening bus service would be discontinued. The board determined the bus route was important to the County's infrastructure and took the initiative with strong Freeholder support to find a replacement bus company and get a subsidy for the service from NJDOT. In what appeared to be miraculous time, in one-week board chairman Tom Taber held emergency meetings with NJDOT officials, found a new bus operator, had a state subsidy approved, persuaded the state to buy three second-hand buses, printed timetables, and distributed a news release on the restoration of service. The County was in the bus business as it became the owner of the state franchise for what became the Morris County Metro #10 bus route.

In late 1971 the board and the Freeholders agreed that transportation was becoming more important as the County changed from farming to bedroom communities. The establishment of large corporate campuses was accelerated by the opening of interstate routes 80, 280, and 287 and less expensive land than in the city. A line item was created in the board's budget to pay for one full-time staff person. This would relieve the increasing burden of addressing the growing public transportation needs by the all volunteer board members, especially Tom Taber, who worked almost full-time five and six days a week on board projects. In March 1972, Frank Reilly was hired as the full-time manager of operations. Reilly retired in 2004 as the executive director of the then Division of Transportation Management of Morris County, and Gerald Rohsler was promoted to director of what is now known as the Division of Transportation.

In 1977, the board's responsibility was broadened to include transportation planning, grant writing, and operations. At that time the transportation planning staff of the Morris County Planning Board was transferred to the newly formed Division of Transportation Management and the board's name was changed to the Morris County Board of Transportation.

The number of employees increased sharply in 1980 when the county applied for NJ Casino Tax Revenues under the newly authorized Senior Citizen and Disabled Resident Transportation Assistance Program. The name Morris Area Paratransit System (MAPS) was selected for the new transportation program, which now provides well over 100,000 medical and quality-of-life trips a year to the elderly and disabled. In 2007, MAPS was moved to a newly created Department of Aging, Disabilities, and Veterans. In 2009, MAPS was moved again to where it currently resides, in the Department of Human Services.

In 1980, the county became the second in the nation (missing being first by two weeks) to start a new bus service using funds from a new federal Rural Bus Program. This service became Morris County Metro bus routes #4, #5, #6, #7, and #8. The #4, #5, and #7 still operate today.

ARTICLE II - AUTHORITY

The Morris County Board of Transportation, then known as the Board of Public Transportation of Morris County, was created in 1961 by the Board of Chosen Freeholders to advise them and to work with local, regional, state, and federal agencies to preserve and improve passenger and freight transportation services and facilities in Morris County for residents, businesses, and visitors.

ARTICLE III - PURPOSE

The MCBT:

- 3.1** Exists as the local element of the federally funded Subregional Transportation Planning Process, as required and authorized by 23 CFR Part 450 and 49 CFR Part 613, to serve as the principal conduit for local and citizen input into the local transportation planning process.
- 3.2** Serves as an advisory body to the Board of Chosen Freeholders. It provides the public forum for input, fosters public awareness of transportation issues, projects, and programs, and maintains active involvement in transportation decisions made by elected officials, appropriate governmental agencies, citizens groups, and transportation providers impacting the transportation network.
- 3.3** Is responsible for providing advice to the County Board of Chosen Freeholders on the distribution of federal funds for transportation projects in accordance with Federal legislation. These regulations, set forth in the 1973 Federal Aid Highway and Urban Mass Transportation Acts, mandate a coordinated, comprehensive, and continuous (3C) planning process through which citizens, local government officials, representatives of business and industry, providers of public transit, and other interested parties can participate in decisions regarding transportation. The major part of this process is the development of the Transportation Improvement Program (TIP) with an Annual Fiscal Year Element of projects.
- 3.4** Reviews technical studies and provides advice to the Department of Planning and Development and the Morris County Planning Board. This involves development of county transportation policies and the Transportation Element of the County's Master Plan.
- 3.5** Makes recommendations to the Board of Chosen Freeholders and the Planning Board on particular matters as may be necessary regarding highway and transit projects funded by the State, County, or other sources.

ARTICLE IV - MEMBERSHIP

The MCBT shall consist of nine voting members: seven citizen members from throughout Morris County and two Freeholder liaisons, all appointed by the Board of Chosen Freeholders. The Board of Chosen Freeholders may appoint two citizen alternate members designated as “Alternate No. 1” and “Alternate No. 2” to serve in the absence of any citizen member as determined by their selection rank. As with regular members, the alternates are considered essential contributors to the Board of Transportation, and as such are expected to attend all board meetings. If not serving as a voting member at a meeting, alternate members are still urged to participate in the meeting.

The MCBT shall function as a board with a chairperson, vice-chairperson, secretary and other members, who shall serve for staggered three-year terms beginning January 1 and ending December 31. All members of the MCBT shall serve without compensation.

The chairperson shall appoint a nominating committee, not to meet nor exceed a quorum of the MCBT, to recommend a slate of officers to serve a one year term. Nominations may also be made by other MCBT members at the annual organizational meeting.

The MCBT members shall elect a chairperson from among the duly appointed members for a one (1)-year term at the annual reorganization meeting. The chairperson shall preside over all regular and emergency meetings. The chairperson or his or her designee shall act as the formal spokesperson of the MCBT and will forward MCBT recommendations to the Board of Chosen Freeholders.

Also, at the annual reorganization meeting, the MCBT members shall elect a vice-chairperson from among the duly appointed members for a one (1)-year term. In the absence of the chairperson, the vice-chairperson shall preside at meetings. In the absence of both the chairperson and the vice-chairperson, the members shall select a chairperson pro tem to preside at that meeting. The chairperson pro tem shall be nominated by a MCBT member, seconded, then approved by a majority vote of the MCBT members present.

Further, at the annual reorganization meeting, the MCBT members shall elect a secretary from among the duly appointed members for a one (1)-year term. The secretary will review all minutes and provide comments to staff.

Committees, not to meet nor exceed a quorum of the MCBT, may be established or terminated from time to time by the majority vote of the MCBT. The committees that are established by the MCBT will address the relevant issues of their title, with additional assistance for specific issues made available at the direction of the MCBT. The chairperson shall designate the chairpersons and members to serve on the committees. Committees shall hold such meetings as may be necessary to carry on their duties and shall report regularly to the MCBT.

ARTICLE V - MEETINGS

- 5.1 Regular Meetings:** The MCBT shall meet quarterly on the second Tuesday of the month at 7:00 P.M. in the conference room of the Department of Planning & Development on the 4th floor at 30 Schuyler Place in Morristown.
- 5.2 Special and Emergency Meetings:** Special and Emergency meetings may be called by the chairperson of the MCBT at any time provided adequate notice is given in accordance with the Open Public Meetings Act.
- 5.3 Executive Sessions:** All meetings of the MCBT shall be open to the general public except for executive sessions as provided for under the New Jersey Open Public Meetings Act.
- 5.4 Committee Meetings:** Each committee may set a regular time and place for its meetings or meet on an as-needed basis.
- 5.5 Open Public Meetings Act:** MCBT meetings shall be duly publicized pursuant to the requirements of the New Jersey Open Public Meetings Act. Meetings are also advertised on the Division of Transportation website: www.MorrisDOT.org. If meeting dates and/or locations are changed, proper notice will be made in accordance with the Open Public Meetings Act. All regular meetings will be open to the public. The public may comment at MCBT meetings during the public comment section of the meeting, subject to the procedural control of the chairperson or presiding officer. The scheduling of the public comment period will be based upon the agenda and set at the discretion of the chairperson.
- 5.6 Meeting Materials:** Minutes from the previous meeting, an agenda, and other pertinent materials appropriate to the conduct of business at the meeting shall be sent to each member at least one week prior to each meeting date. Agendas for the meetings shall be prepared by the staff with the consultation of the chairperson and made available to members and other interested parties. Meeting materials will be sent by email unless otherwise requested by a member.
- 5.7 Quorum:** At least five members of the nine member MCBT shall be present to constitute a quorum. No formal action may be taken without a quorum. If less than a quorum is in attendance at the time for which a regular or special meeting has been called, those present may, by a majority vote, reschedule the meeting to another date and time or hold a meeting for the purpose of considering matters on the agenda, while not taking any formal action.
- 5.8 Voting Procedure:** All meetings shall be conducted in accordance with *Robert's Rules of Order*. An official action may be taken by the MCBT by a majority vote of the voting members present. The method of voting, whether by voice, show of hands, or secret ballot, shall be decided by the chairperson or presiding officer.

5.9 Resignation and Attendance:

- Members may resign from the MCBT by sending a resignation letter to the Board of Chosen Freeholders with copies to the chairperson of the MCBT and the director of the Division of Transportation.
- If unable to attend a MCBT meeting, a member shall alert the staff advisor or designate. The staff advisor, or designate, shall keep an accurate attendance record.
- In accordance with Morris County Policy and Procedure No. 4:2.01, the attendance of a member missing two (2) meetings in a one year period shall result in the chairperson contacting that member to discuss his/her continuance on the MCBT. Any further absences in the same year shall result in the chairperson notifying the county administrator who shall discuss with the member his/her continuance on the MCBT. After a meeting with the MCBT member and assessing all the facts, the county administrator may make a formal request to the Board of Chosen Freeholders to dismiss and replace the member.

5.10 Vacancies: In the event of a vacancy occurring in the MCBT's membership, a successor shall be appointed by the Board of Chosen Freeholders to fill the unexpired term of office. The MCBT members may recommend possible members. Should the position of chairperson or vice-chairperson become vacant during the term of office, an election shall be held at a time to be determined by the MCBT, to fill the vacant position for the balance of the remaining term of office.

5.11 Minutes of Proceedings: The secretary, with assistance from staff, shall keep minutes of all proceedings at meetings of the MCBT, showing the time and place, the members present, the subjects considered, the actions taken, the vote of each member, the names of the persons appearing and addressing the MCBT, and the findings made by the MCBT and reasons therefore. The minutes of the MCBT shall be available for public inspection during normal business hours at the Division of Transportation office. A copy of the minutes of each meeting shall be provided to any person so requesting them in accordance with the Open Public Records Act (OPRA) and the fee schedule established by the county.

5.12 Cancellation of Meeting: Regular meetings may be canceled by the chairperson when there is no business pending or in the anticipated absence of a quorum, provided all members are notified in accordance with the Open Public Meetings Act.

5.13 Conflict of Interest: The Morris County Conflict of Interest Policy (Morris County Policy and Procedure No. 4:2.02) established by the Morris County Board of Chosen Freeholders for members of advisory bodies appointed by the Freeholders shall be adhered to by the MCBT. The purpose of the policy is to guarantee that funding decisions are made impartially and fairly and to assure public confidence in the funding recommendations made by advisory bodies. The MCBT chairperson shall be responsible for the enforcement of the policy. If a decision cannot be reached regarding the possibility of a conflict of interest, the county administrator shall review the issue and make a final determination.

ARTICLE VI - STAFF

The MCBT staff services are provided by the Transportation Division of the Morris County Department of Planning and Development. For further information please contact the division at 973-829-8101 or mcdot@co.morris.nj.us. Division of Transportation staff shall be responsible for preparing the correspondence of the MCBT, drafting the final language of reports and resolutions, keeping the attendance and minutes, and preparing and forwarding notices and agendas of meetings.

ARTICLE VII - ADOPTION OF BY-LAWS

These by-laws may be amended at any meeting of the MCBT in the following manner: A copy of the proposed amendment shall be sent to each member of the MCBT for consideration at least five days prior to the scheduled meeting. Approval must be given by a majority of the members present. These by-laws shall be adopted by a majority of those members of the MCBT present at a regularly scheduled meeting of the MCBT.

ARTICLE VIII - GENERAL RULE

The MCBT shall be governed by the rules contained in *Roberts Rules of Order* in all cases to which they are applicable, as long as they are not inconsistent with these by-laws or with the actions of the Morris County Board of Chosen Freeholders.

The order of business for each regular meeting of the MCBT shall be determined by the Chairperson, but will generally contain:

- Call to Order
- Compliance Statement with "Open Public Meetings Act"
- Roll Call
- Approval of Minutes
- Presentations
- Committee Reports
- Old Business
- New Business
- Open to the Public
- Announcement of the Next Regular Meeting
- Adjournment

ARTICLE IX - HEARINGS

The MCBT may hold public hearings when so directed by the Morris County Board of Chosen Freeholders, at its discretion when it decides such hearings will be in the public interest and when approved by county counsel, or when required by law.

Formal records shall be maintained for all public hearings. A transcript will be prepared by a court stenographer when required. Presentation of the matter which is the subject of the hearings shall be made in summary form by the chairperson, who shall act as hearing officer, or other designated member of the MCBT. Interested parties shall have the privilege of the floor. No record or statement shall be taken, recorded or sworn to as evidence for any court of law without notice to parties involved who shall, in such instances, be accorded the privilege of counsel. The hearing officer may set rules necessary to conduct an orderly hearing.