

Bylaws of Congestion Mitigation/Air Quality Committee
of the Mid-America Regional Council
Revised 4 August 2005

Article I: Name

- Section 1. Name. The name of this committee shall be the Congestion Mitigation/Air Quality Committee, hereinafter referred to as the CMAQ Committee.
- Section 2. Office and Records. The CMAQ Committee shall use the offices and staff of the Mid-America Regional Council and shall record and maintain records of proceedings of all meetings of the CMAQ Committee and of its advisory subcommittees.
- Section 3. Sunshine Law. The CMAQ Committee and its advisory subcommittees shall comply with Chapter 610 of the Revised Statutes of Missouri, as amended, known as the Sunshine Law as it pertains to open records and open meetings.

Article II: Purpose

- Section 1. The CMAQ Committee has been created to serve as the Mid-America Regional Council's (MARC) designated committee to review and make recommendations pertaining to Congestion Mitigation and Air Quality (CMAQ) project eligibility and fund allocation. It shall be the goal of the committee to support and fund projects which will have a positive impact on air quality in the Kansas City region and mitigate congestion when possible.

Article III: Membership and Voting Rights

- Section 1. Number of Members. The CMAQ Committee shall consist of 24 to 26 voting members.
- Section 2. Chairpersons. The CMAQ Committee shall be co-chaired by two persons chosen by the co-chairs of the Total Transportation Policy Committee (TTPC) and the Air Quality Forum (AQF). Efforts should be made to insure that one co-chair is from Missouri and one is from Kansas. The Chairperson(s) shall vote along with the rest of the CMAQ Committee members with voting rights. New selections shall be made at the discretion of the TTPC and AQF co-chairs.
- Section 3. Selection of Members. MARC staff shall contact each member jurisdiction, agency, or committee to request a recommendation for committee membership. This recommendation shall be forwarded to the co-chairs of TTPC and the Air Quality Forum for final approval.
- Section 4. Local Government Representation. The CMAQ Committee shall include representatives of the following governmental entities within the Kansas City metropolitan region as specified below:

Modal Committees		
KS STP/Bridge Priorities Committee		3
MO STP/Bridge Priority Committee		3
Bike/Ped Committee		2
Transit Committee		2
Regional Intelligent Transportation System (ITS) coordinator		1
Local air quality agencies		3

A total of fourteen (14) members shall represent local government. New selections shall be recommended at the discretion of represented committees or agencies.

Section 5. State Government Representation. The CMAQ Committee shall include representatives of the following state governmental entities within the Kansas City metropolitan region as specified below:

MoDOT	1
KDOT	1
KDHE – Air Quality	1
MDNR – Air Quality	1

A total of four (4) members shall represent state government. New selections shall be recommended at the discretion of member agencies.

Section 6. Representation of Community Groups. Community groups and leaders with related interests shall have a total of five (5) positions on the CMAQ Committee. These positions will be open to representatives of public or private sector organizations, such as fleet operators, local planning officials, employers with Travel Demand Management (TDM) programs, transit advocates, environmental and energy conservation groups and other interested groups and individuals, with an interest in projects that are eligible for CMAQ funding. A new selection shall be made every two years, beginning January 1, 2007 to rotate representation among various interest groups.

Section 7. Additional Representatives. The chair of the Total Transportation Policy Committee (TTPC) and the Air Quality Forum (AQF) may, at their discretion, name up to two (2) additional persons to achieve a regional or jurisdictional balance. New selections shall be made at the discretion of the TTPC and AQF chairs.

Section 8. Alternate Members. Each of the voting members of the CMAQ Committee may designate in writing an alternate member to attend and vote in the place of the actual member at meetings of the CMAQ Committee. The written designation of the alternate member is to be made a part of CMAQ Committee records kept at the offices of the Mid-America Regional Council, before an alternate member is allowed to cast a vote.

Section 9. Suspension of Membership. Failure to attend four (4) consecutive regularly scheduled CMAQ Committee meetings may result in suspension of a designated representative's membership on the CMAQ Committee. In the event of a suspension a notice shall be sent to the jurisdiction or organization represented by the suspended member, requesting designation of another representative for CMAQ Committee membership. Any suspended member may request reinstatement to the CMAQ Committee in writing, and such reinstatement may be granted upon a two-thirds majority vote.

Section 10. Membership of Evaluation Workgroup for the CMAQ Committee. The Evaluation Workgroup (EWG) for the CMAQ Committee shall consist of thirteen (13) persons, with one individual representing each of the following affiliations or area of expertise:

- CMAQ Committee Co-Chair
- Missouri Department of Transportation (MoDOT)
- Kansas Department of Transportation (KDOT)
- Missouri Department of Natural Resources (MDNR)
- Kansas Department of Health and Environment (KDHE)
- Transit
- Alternative Fuel
- Traffic Flow
- Land Use

- Bicycle/Pedestrian
- Outreach/Other
- Local Air Quality Agency Representative
- Local Transportation Agency

A member of the Evaluation Workgroup need not be a member of the CMAQ Committee. Members of the Evaluation Workgroup will be appointed prior to each programming round by the CMAQ Committee.

- Section 11. Vacancies. Vacancies shall be filled in the same manner as original appointments.
- Section 12. Attendance by Non-Members. Any other interested person including representatives of other governmental units, the media, other industries, and individual citizens may attend CMAQ Committee meetings and Evaluation Workgroup meetings.
- Section 13. MARC staff will keep a current list of voting members of the Committee and Evaluation Workgroup which shall be the official list for required notifications to members.

Article IV: Quorum and Voting Procedures

- Section 1. Quorum for the CMAQ Committee. A quorum of ten (10) voting members of the CMAQ Committee or their alternates must be present to adopt or reject any matter.
- Section 2. Quorum Determination. Each meeting of the CMAQ Committee shall include a determination as to whether or not a quorum is present prior to any voting. The record of any CMAQ Committee meeting at which a vote is taken shall include a report of the presence or absence of a quorum. In the absence of a quorum, voting must be postponed until such time as a quorum is present.
- Section 3. Voting Procedures. When a quorum is present, a simple majority may adopt or reject any matter brought for a vote before the CMAQ Committee.
- Section 4. Quorum for Evaluation Workgroup. A quorum of at least seven (7) persons appointed to the Evaluation Workgroup must be present to adopt or reject any matter.
- Section 5. Voting Procedures for Evaluation Workgroup. Decisions on recommendations to be made by the Evaluation Workgroup shall be done by consensus.
- Section 6. Tie-breaking. In the event of a tied vote at a CMAQ Committee meeting, the deciding votes shall be cast by the Chairperson or co-chairs of the TTPC and AQF, excluding those persons who have already voted in the capacity of Chairperson or Co-Chair of the CMAQ Committee. If the vote remains tied, Chairperson of the Mid-America Regional Council Board of Directors shall cast the deciding vote, unless this person is also a Chairperson of the CMAQ Committee. In the event the Chairperson of the Board is also a CMAQ Committee Chairperson, the First Vice Chairman of the Board shall cast the deciding vote. In the event both the Chairperson and the First Vice Chairperson of the Board are CMAQ Committee Chairpersons, the Second Vice Chairperson of the Board shall cast the deciding vote.
- Section 7. Voting By E-mail. At the discretion of CMAQ Committee co-chairs, action items may be decided by an e-mail vote in the event that:
1. Time constraints are such that convening a full meeting of the CMAQ Committee would result in undue delay at the potential expense of projects receiving CMAQ funds.
 2. The number and scope of items to be considered does not warrant convening a full meeting of the CMAQ Committee.
- If an email vote is called, the following steps must be followed:

1. Adequate notice of the item being voted on must be provided to all CMAQ Committee members.
2. CMAQ Committee members must be given a reasonable time to cast their vote, seven (7) working days minimum.
3. E-mail votes conducted under these conditions are assumed to have quorum if at least ten (10) CMAQ Committee members cast ballots.

Article V: Meetings

- Section 1. Date. CMAQ Committee meetings will be convened as needed.
- Section 2. Location. The regular meeting location for CMAQ Committee meetings and Evaluation Workgroup meetings shall be at the MARC offices.
- Section 3. Evaluation Workgroup Meetings. Meetings of the Evaluation Workgroup shall be scheduled as needed during the CMAQ project cycle.
- Section 4. Meeting Notice. At least seven (7) days prior to any scheduled CMAQ Committee meeting or any scheduled Evaluation Workgroup meeting, a meeting notice including the agenda shall be emailed to all members. Meeting notices may also be faxed or mailed at the request of the member. . In addition, a meeting notice will be posted at the MARC offices in compliance with Chapter 610 or the Revised Statutes of Missouri (Sunshine Law). Any nonmember may ask to be placed on the CMAQ mailing list and will subsequently receive meeting notices by email or mail as requested.
- Section 5. Meeting Procedures. The most recent revised version of Robert’s Rules of Order shall govern all meetings of the CMAQ Committee and any Evaluation Workgroup, except where these Bylaws require a different procedure.

Article VI. Programming of Funds

- Section 1. Project Eligibility. Federal CMAQ Guidelines (23 U.S.C. 149) identify the types of programs and projects eligible for CMAQ funds. In instances where there is a question regarding project eligibility, MARC staff may request a US DOT CMAQ Program eligibility determination. A positive eligibility determination will then be required for CMAQ funding to be authorized. The CMAQ Committee will follow all applicable rules, guidelines and procedures when determining recommendations for project funding allocation.
- Section 2. Funding Targets. The CMAQ committee will make recommendations as to the distribution of funds across the following categories:
1. Transit
 2. Traffic flow
 3. Bicycle/Pedestrian
 4. Alternative Fuel
 5. Outreach/Other

These recommendations will be based upon committee guidance as documented in MARC CMAQ application guidance and reviewed prior to any CMAQ round.

- Section 3. Scoring Criteria. Projects will be evaluated using the following set of scoring criteria:
1. Emission Reduction
 2. Cost Effectiveness
 3. Vehicle Miles Traveled (VMT) Reduction

4. Land Use/Category Specific
5. Others as determined by the CMAQ committee

Projects may be given a score of up to 100 points and will only compete against other projects in the same category.

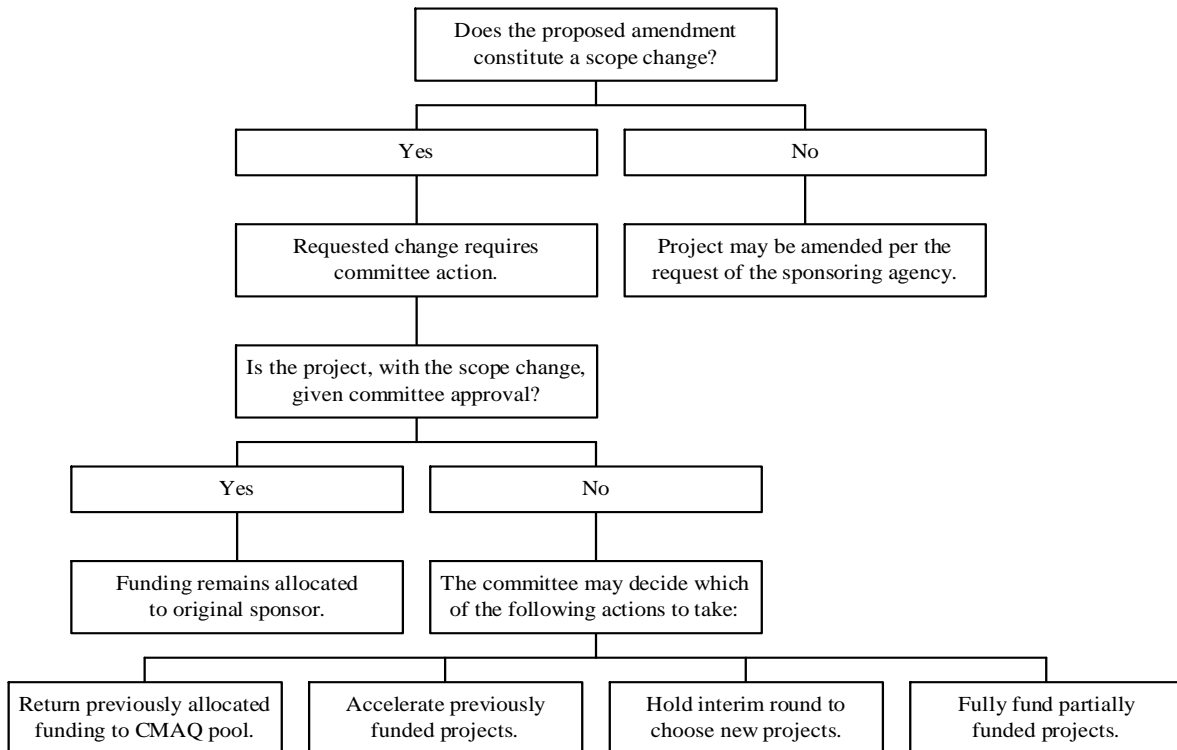
Section 4. Recommendation Process. Applications received for CMAQ funding will initially undergo a technical review by MARC staff to assess air quality benefits, cost effectiveness, VMT reduction, and land use/category specific benefits. Once this process has been completed, staff will present recommendations and scores to the Evaluation Workgroup, which will be responsible for further technical review and discussion. Recommendations emerging from this discussion will then be presented to the full CMAQ Committee, which will be responsible for presenting final recommendations to the TTPC, AQF and MARC Board. The end result of this process will be to obtain a ranking of proposed projects within each category.

Section 5. Reprogramming of Funds. In the event that it becomes necessary to reprogram allocated funds, the committee shall determine to:

1. Return previously allocated funding to the CMAQ pool;
2. Accelerate previously funded projects;
3. Hold an interim round to choose new projects; or
4. Fully fund partially funded projects.

Any funds which are to be reprogrammed will revert to the funding category to which they were initially allocated.

Section 6. Procedure for Amending CMAQ Projects.



Article VII. Reasonable Progress

Projects receiving funding shall make reasonable progress towards completion. Policies for determining reasonable progress and measures taken for lack of progress shall be determined by the CMAQ Committee, MARC and the Missouri and Kansas Departments of Transportation for projects undertaken in their respective states. This policy shall be adopted by the CMAQ Committee.

Article VIII. Amendments

These Bylaws may be amended at any meeting by a two-step process. The first step is a vote of at least two-thirds of the CMAQ Committee voting members present if a quorum as established in these bylaws is established. The second step is approval by a vote of the MARC Board of Directors. A written copy of a proposed amendment to the Bylaws must be mailed to members with voting rights at least fourteen (14) days prior to any meeting at which the proposed amendment is to be discussed or voted upon.

Article IX. Liability

None of the members of the CMAQ Committee nor any appointed member of the Evaluation Workgroup shall be personally liable in connection with any undertaking of the CMAQ Committee unless it is expressly unauthorized, according to meeting records, at the time of the act or omission, or unless it is a criminal offense under state or federal law at the time of the act or omission.