

# Region 4 Rural Task Force

(Berrien, Cass, and Van Buren Counties)

## ARTICLE I-NAME

~~The name of this Task Force shall be the "Region 4 Task Force."~~

The name of this regional transportation coordinating body shall be the Region Four Rural Task Force, hereinafter referred to as Region 4 RTF. The Region 4 RTF includes Berrien County, Cass County, and Van Buren Counties.

## ARTICLE II-PURPOSE

~~The Rural Task Force Program provides federal dollars to rural counties with a population under 400,000. These dollars must be spent in their geographic areas and both road and transit capital projects are eligible.~~

~~The money is provided within two funding sources:~~

- ~~1. Surface Transportation Program (STP) Rural for improving the federal aid system and for transit capital projects; and~~
- ~~2. State Category D for building and maintaining all season road network, which supplements the state highway system.~~

### Section 1 General Purpose

- A. The purpose of the Region 4 RTF committee shall be to establish priorities and select projects for the Transportation Improvement Program (TIP) within the designated rural areas of Berrien, Cass, and Van Buren Counties (A rural area is defined as any area that is not included in a developed area with a population of 5,000 or more). The TIP will be submitted to the State Transportation Commission for funding under the Fixing American's Surface Transportation (FAST) Act and be incorporated into the State Transportation Improvement Program (STIP).
- B. This committee shall also be the task force to select all season routes and select projects on those routes within Berrien, Cass, and Van Buren County for submission to the State Transportation Commission for funding under subsection 2 of Act No. 233, Public Acts of 1987, commonly known as Transportation Economic Development Fund Category D ("State D").

### Section 2 Project Selection

- A. Every three years the Region 4 RTF shall select a four-year list of projects, which will be referred to as the RTF Transportation Improvement program (TIP). Projects selected for the RTF TIP shall be evaluated and selected based one more the following: methods; established project selection criteria approved by the RTF members or on the greatest needs of the region as determined through a consensus decision-making process.
- B. Any eligible project that was submitted, evaluated and not selected for the TIP, shall be added to an illustrative list for consideration if funding becomes available.
- C. At least one priority route shall be selected by each county, and:
  1. Priority routes shall be approved by the Task Force.
  2. All work on an approved priority route will be to all season standards regardless of funding.
  3. Priority routes shall begin and end at existing all season roads or loading origin.

- D. In the event, that additional funding or a programed project is canceled the Region 4 RTF shall do one of the following:
- Move a project from a future year in the RTF TIP forward
  - Add a project from the approved illustrative list
  - If no future year project or illustrative project is selected a call for projects will be issued.

## Section 2. Project Requirements

All Projects must meet the following requirements:

- Projects shall be in accordance with the FAST Act.
- Projects shall be selected in conformance to the current Michigan Transportation Plan (MTPP) FAST Act Program Principles.
- Projects must include non-federal matching funds of at least 18.15% of the total eligible costs of a project
- Road construction projects using federal funds must be on a federal aid eligible road
- Projects using State D funds must be on a road accepted into the all season road system and construction shall be to all season standards
- Funding shall only be used for physical road construction or transit capital purchases.
- Funding shall not be used for design and construction engineering or right-of-way acquisition.
- Projects must have an complete biddable package submitted to MDOT by August 1<sup>st</sup> of the year the project is programed for.

## ARTICLE III-MEMBERSHIP

A. Sub-task Force Committee (county level) consists of three (3) members:

- a. One representative from the County Road Commission/Department
- b. One representative from the County's rural transit system
- c. One representative from the incorporated cities or villages within the rural portion of the county.

B. Region 4 RTF membership is comprised of the County Sub-task level task force members. The voting members of the committee shall be as follows with each member agency having one vote:

- Berrien County Road Department
- Cass County Road Commission
- Van Buren Road Commission
- A designated representative from the incorporated villages or cities in Berrien County
- A designated representative from the incorporated villages or cities in Cass County
- A designated representative from the incorporated villages or cities in Van Buren County
- Berrien Bus of Berrien County
- Cass County Public Transit of Cass County
- Van Buren Public Transit of Van Buren County
- Michigan Department of Transportation (For State D funds only)

C. Federal guidelines requires that a voting member must be elected or employed by the eligible voting entity in order to cast a vote unless a written resolution is passed through the entities elected board specifically naming another person to represent said entity.

D. An alternative representative may be appointed for the county road agency and the rural transit provider. The village/cities may elect a representative from a different city/village (within the county) to serve as their alternate. The alternate representatives shall have all the powers and privileges of the primary voting representative in the absence of that representative.

E. The Region 4 RTF shall elect a chair every three years. In the event that the chair is absent, a temporary chair shall be selected to chair the meeting.

F. The Region 4 RTF Chair and Staff are authorized to make adjustments to a project cost for a project that has been selected and established as a priority by the committee and has been included on the State TIP and programmed with MDOT. This adjustment may be made when requested by a voting member from the county of the project and when the county has adequate fund balances to cover a cost increase. The accounting changes and fund balance updates shall be made before the next committee meeting

#### **Article IV STAFF**

The regional planning agency for Berrien, Cass, and Van Buren Counties is the Southwest Michigan Planning Commission (SWMPC). Staff from SWMPC shall serve as staff to the Region 4 RTF. Staff responsibilities include (but are not limited to):

- Working with the RTF chair to ensure a cooperative, coordinated, and comprehensive planning process is followed that is consistent with approved federal planning regulations
- Ensuring that the concerns of local elected/appointed officials with responsibilities for transportation in rural areas are considered during the planning process.
- Ensuring that the public involvement process is followed to allow sufficient notice and opportunity to comment on proposed transportation projects, plans and programs
- Submitting documentation to MDOT to program or change projects.
- Disseminating communication from MDOT about the RTF program to all RTF members
- Coordinating the development of the TIP with RTF members
- Ensuring fiscal constraint is met through by keeping a budget of the RTF that covers at least 4 years.
- Facilitating agreements for borrowing/lending funds

#### **1. Sub Task Force**

~~The membership of the County Sub Task Force shall consist of three (3) members. The membership shall include a~~

- ~~• 1 representative of the county road commission;~~
- ~~• 1 representative of the county rural transit system; and~~
- ~~• 1 representative from the county's incorporated cities and villages with a population of less than 5,000~~

~~\*It should be noted that the eligible cities and villages will be convened by representatives from the Southwest Michigan Planning Commission to facilitate this discussion and prioritization of projects. The eligible cities and villages will meet prior to the sub-task force meetings to discuss projects that they would like voted upon at the Sub-task force level within each county.~~

## **2. Region**

All projects selected in each of the counties that make up Region 4 (Berrien, Cass, and Van Buren) will be done by the following members in each county:

- 1 representative from the county road commission;
- 1 representative from all the cities and villages with populations under 5,000
- 1 representative from the rural transit provider.
- Michigan Department of Transportation representative will vote on State D funded projects at the regional meeting.

Each member of the Sub-Task Force and Region meeting may have an alternate designated by the organization which they represent, who shall have all the powers and privileges of the member in the absence of the member. The alternate is welcome to attend all meetings and enter into the discussions, but has no vote except in the absence of the member. To designate an alternate, a voting member should send that alternate's name via email or regular mail to SWMPC staff. Proxy votes will not be allowed.

## **ARTICLE IV – PROJECT INFORMATION**

### **1. Project Location**

- Projects shall be located on roads that are eligible under the current transportation bill.
- Roadways within a Census defined urban area are not eligible for rural transportation funds.
- Money can be spent on transit capital projects as identified at the RTF meeting.

### **2. Project Compliance**

- Construction shall be in compliance with all Federal and/or State standards unless waived by the agency having authority to do so.

### **3. Project Selection**

Projects brought to the Sub-Task Force for consideration may be evaluated for selection by but not limited to the following criteria:

- Projects will be evaluated on the following criteria:
  - i. Pavement Surface Evaluation and Rating System
  - ii. Average Daily Traffic Counts
  - iii. All Season Connections within Region 4
  - iv. Percentage of local match if over required 20%
  - v. Alignment with current federal transportation legislation goals
  - vi. Alignment of National Performance Measures
  - vii. Alignment of State Performance Measures
  - viii. Additional funding sources for the project beyond STP, State D, or local match
- The Sub-Task Force meetings can also decide if they want to spend rural money on non-motorized facilities. This will be done at each Sub-Task Force level.

### **4. Funding Sources/Matching/Requirements**

- **STP Rural** money can only be spent on “construction costs” for roadway projects. Right-of-way (ROW), construction engineering (CE), and preliminary engineering (PE) costs are a local responsibility. Requires at least a 20% non-federal match. This could be either state D or local match.

~~\_\_\_\_\_ \*Money may be spent on capital transit projects and these projects require at least a 20% non-  
\_\_\_\_\_ federal match.~~

- ~~**State TEDF Category D**~~

- ~~i. Money must be classified as rural primary, or city/village major roadways. If a road is not, application must be made to Region IV Task Force and the classification changed before TEDF Category D money can be used to improve the road.~~
- ~~ii. The road also must be designated as a “D” route by the Region 4 Task Force members.~~
- ~~iii. TEDF Category D projects must be funded with at least 20 percent of the cost coming from a non-TEDF source (i.e., STP Rural, local, etc.) This stipulation can be waived by the Office of Economic Development if the county or city can prove economic hardship.~~

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● **Sub Allocation of Region 4 Funds**

- i. Region 4 funds will be allocated to each of the counties in the Task Force using a formula calculated by taking into account the following factors:
  - 1. Rural Mileage as approved by MDOT
  - 2. Rural Population as defined by the U.S. Census Bureau
  - 3. Land Area in Square Miles

The current allocation for each county shall always be found at <http://www.swmpc.org/rtf.asp>. This allocation will change on an annual basis depending on changes to rural mileage.

**ARTICLE V-MEETINGS**

All meetings will adhere to the Michigan Open Meetings Act and adhere to MDOT's Consultation Plan.

**I.—Regular meetings**

- a. An annual Region 4 meeting shall be held by the end of February of each year as agreed to by the Task Force. The purpose of this meeting can be to, but is not limited to:
  - 1. Discuss prioritized projects
  - 2. Move projects
  - 3. Bring new projects to the Committee,
  - 4. Determine the fiscal year that projects should be completed.
- b. Regular meetings of the Sub-Task Force shall be held by the end of January of each year, at a time and place to be determined by the chairman of the Sub-Task Force. The purpose of these meetings can be to, but is not limited to:
  - 1. Funding levels change,
  - 2. Additional money needs to be allocated,
  - 3. Projects have changed and thus money needs to be reprogrammed
- c. Ensure compliance with federal and state guidelines.
- d. Transportation needs of Indian Tribal Government having jurisdiction over lands within the boundaries of the Task Force are considered during the process.
- e. Include and encourage public involvement in the project selection process.
- f. Must keep copy of minutes of meeting showing members and other individuals present, projects selected, and consensus on decisions reached at the meeting.
- g. Must have proof of publication of meeting notice that solicits public participation.
- h. Voting Authority
  - i. Voting authority shall reside in the representatives from the agencies listed in Article III members for both the region meeting and county meetings.
    - 1. Voting shall be done in person at the day of the meeting

**II.—Special meetings**

- a. Special meetings of the Sub-Task Force or Region shall be held at the call of the chairman or at a written request of a majority of the members of the Sub-Task Force or Region. Notification of the meeting to the members of the Sub-Task Force or Region will meet the standards of the Michigan Open Meeting Act.

**III.—Notice of meetings**

- ~~a. Notice of all regular meetings shall be given to each member by e-mail (or mail if no email is available) ten (10) days prior to the meeting date. Notice of special meetings may be given by telephone or by e-mail, which must state purpose of the meeting.~~

#### ~~IV. Quorum~~

- ~~a. A simple majority of the members of the Task Force or Region shall constitute a quorum. Alternate members present in the absence of regular members shall be counted in determining a quorum. Members shall notify SWMPC of their designated alternate, chosen by the member.~~

## ARTICLE V MEETINGS

### Section 1. Meetings Requirements

- A. All meetings will adhere to the Michigan Open Meetings Act, MDOT's Consultation Plan, and the SWMPC Public Participation Plan.
- B. The general public and other interested parties must be provided an opportunity to comment on proposed projects at Rural Task Force meetings.
- C. Rural task force members (in coordination with the Regional Planning Agency) must ensure that projects meet funding eligibility requirements and criteria; are constrained to funding allocation targets for each year of the rural portion of the STIP; and are approved by the task force.
- D. Meeting locations shall be rotated based on venue availability and suitability.
- E. Region 4 RTF shall be required to meet at a least once per year, but are encouraged per the statewide RTF guidelines to meet at least three times a year.
- F. Meeting dates shall be determined by consensus between the RTF chair and staff. Recommended meeting months are:
  - November-February (annual meeting)
  - April/May
  - August
- G. The County RTF shall meet at a minimum of once every three years to program projects or when the County RTF decides there are significant project changes to warrant a meeting.
- H. Notice of meetings will be a minimum of five business days prior to the scheduled meeting

### Section 2. Quorum

A simple majority of the voting members of the county sub-task force or Region 4 RTF shall constitute a quorum. Alternate voting members present in the absence of regular members shall be counted in determining a quorum.

## ARTICLE VI OFFICERS

~~The officers of the Sub-Task Force and Region shall be a chairman and vice-chairman. The officers shall serve two (2) year terms. Elections are to be held during the annual meeting of even numbered years. The chairman shall have the right to appoint committees.~~

## ARTICLE VI AMEND ARTICLES

The Sub-Task Force and Region shall have power to make, alter, amend or repeal the Articles by a majority of the total membership voting in the affirmative at any regular or special meeting. A written notice of intention to make changes, including proposed changes, shall be presented to the membership prior to the meeting.

#### **ARTICLE VI AMEND THE BYLAWS**

The Region 4 RTF shall have power to make, alter, amend, or repeal these articles by a majority of the total membership voting in the affirmative at any Region 4 RTF meeting. A notice of proposed changes shall be presented to the membership prior to the meeting and posted publically in accordance with the SWMPC Public Participation Plan.

Revised this 2<sup>nd</sup> day of February, 2015

**Revisions approved by Region Four Rural Task Force this \_\_\_ day of December, 2020**

These bylaws conform to the STATEWIDE GUIDELINES AND OPERATING PROCEDURES FOR RURAL FUNDING AND PLANNING COORDINATION as updated on August 2020. Region 4 RTF shall utilize the state guidelines for any additional clarification on rules.

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