

DRAFT AMENDED NJ Bicycle and Pedestrian Advisory Council By-Laws

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New Jersey Bicycle and Pedestrian Advisory Council (BPAC) By-Laws

Section 1: Introduction

1.1 Purpose of the By-laws

The purpose of these by-laws is to establish procedures for organizing the business of the New Jersey Bicycle and Pedestrian Advisory Council, hereafter referred to as the Council, in executing its duties and responsibilities.

1.2 General Rules

For procedures not covered by these rules, the Council may opt to follow the rules in the current edition of Robert's Rules of Order, Revised.

Section 2: Purpose & Responsibilities of the Council

2.1 Purpose/Core Mission

The core mission of the Council is to advise, coordinate and collaborate with NJDOT and other state, regional, local agencies and organizations on policies, programs, initiatives and best practices that advance walking, bicycling, transit, and micromobility as safe and essential forms of transportation and recreation for people of all ages and abilities, with a focus on meeting equity, safety, public health, and resiliency goals.

Secondary Missions

1. BPAC is the steward of the New Jersey Bicycle & Pedestrian Master Plan and monitors its implementation, serving as both a resource and key stakeholder in existing and future statewide transportation planning efforts, such as the implementation of the Bicycle and Pedestrian Emphasis Area of the Strategic Highway Safety Plan.
2. BPAC is a forum for information exchange, engagement and coordination among experts and entities across the state, providing opportunities for resource sharing and education on emerging issues, including citizen access to experts in the field of bicycle and pedestrian safety, education, and design.

2.2 Goals

1. To stay abreast of best practices in bicycle and pedestrian safety, education/outreach and design.
2. To foster a collaborative, collegial culture that supports coordination, resource sharing and shared action.
3. To develop and incorporate an equity framework that guides the Council's membership, structure, and work.
4. To collaborate with public, non-profit and private partners to support efforts to reduce deaths and serious injuries to bicyclists and pedestrians in New Jersey.
5. To promote the public health and environmental sustainability benefits of active transportation in

educational programs and outreach efforts.

2.3 Responsibilities

1. To encourage the incorporation of complete streets, trails and greenways in the state's mobility plans, capital programs, and maintenance of transportation facilities;
2. To center equity across all phases of transportation policy, planning, design and investment;
3. To represent the diverse interests of active transportation users when advising NJDOT and other state, regional, local agencies/entities on bicycle, pedestrian, and other active transportation issues, including identification of problem areas/safety concerns, infrastructure and design issues, and opportunities for education and outreach;
4. To collaborate on educational programs and safety messaging with an emphasis on their intersection with equity, public health and/or resiliency/sustainability;
5. To solicit, receive, and synthesize public input on active transportation issues and provide a forum and process for the public to receive responses to questions;
6. To perform and/or assist with reviewing or implementing special studies, programs and/or projects as requested by NJDOT or other agencies and organizations focused on bicycle and pedestrian issues;
7. To provide input on bicycle and pedestrian research and analysis undertaken by or on behalf of NJDOT;
8. To study and monitor changes in policies, regulations, and best practices concerning active transportation and to share updates and resources;
9. To promote intergovernmental and public/private cooperation and coordination on bicycle and pedestrian matters;
10. To create and follow an Annual Work Plan that identifies BPAC priorities and resources;
11. To develop metrics, track, and support the implementation of state-wide transportation planning efforts, including the Bicycle Pedestrian Master Plan and parts of the Strategic Highway Safety Plan, as reflected in the Annual Work Plan;
12. To perform other such duties as may be assigned to it by the NJDOT Office of Bicycle & Pedestrian Programs;
13. To adopt and maintain By-laws of the Council.

Section 3: Membership of the Council

3.1 Council Composition

(a) The Council shall consist of up to twenty-four (24) members, and one Chair who may be appointed by NJDOT Office of Bicycle and Pedestrian Program Manager as an Ex-Officio, Non-Voting Member.

(b) The members of the Council shall be composed of individuals that represent entities with an interest and expertise in bicycle and pedestrian issues in accordance with the following categories and distribution:

- NJDOT/NJ Transit – Up to 5 Total Seats, including 1 NJ Transit Seat, 1 NJDOT Bicycle & Pedestrian Programs Seat, and up to 3 Seats from other NJDOT divisions or programs, such as Local Aid, Safety, and an Assistant Commissioner
- Other State Agencies – Up to 6 Total Seats, including, but not limited to: Law/Public Safety, Department of Health, Motor Vehicle Commission, and the Department of Environmental Protection (DEP), NJ Division of Travel and Tourism, and NJ Department of Community Affairs

- Metropolitan Planning Organizations - 3 Total Seats, 1 for each MPO
- Advocates/NGOs – Up to 6 total Seats, including 1 Seat Bicycle/Pedestrian Emphasis, 1 Seat Mobility/Visually Impaired Emphasis, 2 Seats Environmental Justice/Equity Emphasis, 1 Seat Resiliency/Sustainability Emphasis , and 1 Seat Open Emphasis
- TMA Council of NJ – 1 Seat (non-voting)
- Chair (NJDOT Bicycle/Pedestrian Program Manager or Non-Voting Designee)
- County/Local Planners/Engineers: Up to 2 seats, 1 municipal/county planner and 1 municipal/county engineer

When filling seats, strong consideration shall be given to geographic balance across the state and among various community types (north/central/south and urban/suburban/rural) and ensuring diverse representation (ex. race, ethnicity, gender).

Any Executive Council member that, due to the role, responsibilities, funding, and/or rules of their respective agencies, cannot serve as a voting member, shall have the option of serving as a non-voting member in an advisory capacity upon formal declaration on the record at a BPAC meeting. The declaration shall be reflected in the meeting's minutes and shall be effective until such declaration is withdrawn in writing or at a BPAC meeting. Members who may have to recuse themselves on specific matters have the option of recusing themselves from a particular decision or vote per Section 5.5 of these bylaws.

(c) Process for Appointments:

NJDOT Office of Bicycle and Pedestrian Program Manager or his/her designee shall issue a call to the respective entities or organizations for appointments for Council service based on the above categories at least four (4) months prior the expiration of any term.

In the event that calls for appointments representative of the above categories are insufficient to fill a specific category/grouping in the proportions and manner identified, the NJDOT Office of Bicycle and Pedestrian Program Manager may appoint individuals who have demonstrated expertise and/or experience in that category.

3.2 Terms of Office

Council members shall serve a two- (2) year term and may be reappointed for one (1) additional consecutive term. Members may continue to serve until their successors have been appointed. Vacancies occurring for reasons other than expiration of terms shall be filled at the request of the Chair by noticing the respective entity/agency so that an appointee can be identified for the remainder of the unexpired term. Appointees filling an unexpired term are eligible for appointment for two (2) additional full terms.

3.3 Roles and Responsibilities of Council Members

- (a) Advance the collective mission of the Council
- (b) Attend and participate in regular Council meetings
- (c) Chair and/or Serve on Sub-committee – Each Sub-Committee shall have at least four Council members that participate in meetings, help advance assigned tasks, share expertise, and report progress back to the Council
- (d) Contribute to Annual Report that identifies the work of BPAC relative to the Work Program
- (e) Inform allocation of resources in Annual Work Plan to support the work of Sub-committees

Section 4: Officers

NJDOT Office of Bicycle and Pedestrian Programs shall serve as or appoint a non-voting Chair. In addition, the Council shall elect a Vice-Chair and shall create and fill other offices as it may find necessary.

4.1 Chair

The Chair shall preside at all meetings and shall sign all documents relative to action taken by the Council. The Chair or his/her administrative designee shall be responsible for recording minutes of all meetings of the Council. The Chair shall also keep the By-laws and other Council records in order.

4.2 Vice-Chair

In the absence of the Chair, the Vice-Chair shall exercise the powers and perform the duties of the Chair. The Vice-Chair shall succeed the Chair in the event of a temporary vacancy in that office until a new Chair is appointed.

4.3 Secretary

A Secretary may be elected from the Council. If a Secretary is elected, responsibilities for recording minutes and keeping the By-laws shall be delegated from the Chair to the Secretary.

4.4 Vacancy

If the appointment of the Vice Chair or Secretary should be terminated, a replacement shall be elected from the membership at the next regularly scheduled meeting following the announcement of termination.

4.5 Nominating Committee

The NJDOT Bicycle & Pedestrian Program Manager may appoint a Nominating Committee comprised of Council members prior to the year-end meeting to prepare a slate of officers (Vice Chair, Secretary and other officers, if so designated) to serve the Council for the following year. Designation of Council officers may also be undertaken on a volunteer basis at the last meeting of the year. At the request of the NJDOT Bicycle and Pedestrian Program Manager, the Chair may also appoint a Nominating Committee on an as-needed basis to review and make recommendations regarding BPAC Council vacancies and open seats.

Section 5: Meetings

5.1 Regular Meetings

The Council shall meet at least six (6) times per year and shall establish a regularly scheduled meeting time. Notice of such meetings shall be provided to any interested member of the public through an e-mail list to be maintained by the Chair or Secretary. Such meetings will generally focus on the work of Sub-Committees and on collaborative efforts among Council members, including discussions and updates on on-going work, and updates and discussion to advance the work of Sub-Committees, and short presentations on key topics. Meetings shall include an opportunity for open public input and comment that occurs early on the agenda.

5.2 Minutes

The Council shall keep permanent minutes of its meetings. The minutes shall include the attendance of its members and any resolutions, findings, recommendations, or other actions taken.

5.3 Decision Making

Given the advisory function of BPAC, it is anticipated that the vast majority of the business of the Council will be undertaken and advanced via a majority consensus, discussion-focused approach. However, in cases when voting is necessary to resolve a key issue or to make a critical recommendation, a quorum shall consist of a majority of the voting members of the Council. All such actions shall be decided by a majority vote of the voting members of the Council.

5.4 Attendance

It is expected that members appointed to the Council will regularly attend its meetings. A member who will be unable to attend a regular meeting of the Council shall contact the Chair at least twenty-four (24) hours before the scheduled meeting and indicate the general reason for being absent. Earlier notification is encouraged. A member may be replaced if he/she has two (2) unexcused absences from regular Council meetings within a one-year time period. In such cases, NJDOT Office of Bicycle and Pedestrian Program Manager or the Chair may notify the respective agency/entity so that a new member may be appointed for the remainder of the unexpired term. While substitutions for attendance at BPAC meetings with advance notice by Council members or his/her designee are permitted and shall not count toward absences, substitutions shall be limited to one, consistent designee per member. In cases where a substitute is routinely attending BPAC meetings, the NJDOT Office of Bicycle and Pedestrian Program Manager or the Chair may officially designate the substitute as the permanent Council member.

5.5 Conduct of Business

Conflicts of interest can arise in situations in which a Council Member's duty to act in accordance with the mission of BPAC conflicts with a potential desire to advance other interests. It is especially recognized that given members' employment in public agencies and/or advocacy organizations, conflicts of interest may arise when BPAC recommendations and/or findings depart from the official stances of such entities. This is one type of conflict of interest, but several types of conflict of interest can affect impartiality. They include financial conflicts, conflicts by association with those affected by a decision, and personal/individual bias. The intent is to limit advocacy, pressure, or undue influence where a conflict exists, not to prevent persons from providing useful information. In order to avoid potential conflicts of interest, Council members shall declare any potential conflict of interest as early as possible; and, when in doubt, shall err on the side of recusing themselves from participating in any voting decision by the Council related to the potential conflict of interest.

Section 6: Sub-Committees

The Council may establish committees or Sub-Committees as necessary to carry about the business of the Council. Sub-committees may include professionals, citizens, advocates, and experts as "affiliate" members. The Chair of a committee or Sub-Committee shall be a member of the Council. Council members are encouraged to serve on at least one Sub-Committee so that he/she becomes more knowledgeable about the work of the Sub-Committees. There is no cap on the number of members on each Sub-Committee.

6.1 Standing Sub-Committees

There shall be standing Sub-Committees organized around topical issues/areas of focus such as, but not limited to: Safety, Legislation & Policy, Design & Infrastructure and Education & Outreach. Equity is a critical concern that requires integration across all these groups and is thus recognized as a guiding principle for Sub-Committee work efforts. Sub-committees may be merged from time to time to facilitate the efficient allocation

of resources, to allow broader participation, and in response to overlapping work efforts. At a minimum, there shall be a Safety/Education (Behavioral) Sub-Committee and a Design & Infrastructure (Built Environment) Sub-Committee.

6.2 Ad-Hoc Sub-Committees

The Council may create such ad hoc Sub-Committees as deemed necessary to promote the mission and carry out the work of the Council.

6.3 Sub-committee Attendance and Decision Making

Sub-committee attendance is strongly encouraged. Sub-committee members who will be unable to attend a Sub-Committee meeting should notify the Chair or staff of that Sub-Committee as soon as possible. The Sub-Committee Chair or his/her designee will be responsible for summary notes and attendance records. The major work projects will be done at Sub-Committee level and conflicting ideas should be resolved via majority consensus through discussion so that a clear recommendation can be made to the Council. In rare instances where a Sub-Committee opts for formal voting to resolve an issue or recommendation, a quorum shall consist of the majority of Sub-committee members, including affiliate members, and a formal vote shall be based on a simple majority.

6.4 Affiliate Sub-Committee Members

The Council recognizes the valuable input and expertise that additional volunteers and experts can bring to the mission and work of the Council. To encourage greater involvement, additional citizens, professionals and/or experts may serve on Sub-Committees of the Council as Affiliate Members. The Sub-Committee Chairs shall maintain a list of Affiliate Sub-Committee members.

6.5 Conduct of Sub-Committee Business

Conflicts of interest can arise in situations in which a Sub-Committee member's duty to act in accordance with the mission of BPAC conflicts with a potential desire to advance other interests. It is especially recognized that given members' employment in public agencies and/or advocacy organizations, conflicts of interest may arise when BPAC recommendations and/or findings depart from the official stances of such entities. This is one type of conflict of interest, but several types of conflict of interest can affect impartiality. They include financial conflicts, conflicts by association with those affected by a decision, and personal/individual bias. The intent is to limit advocacy, pressure, or undue influence where a conflict exists, not to prevent persons from providing useful information. In order to avoid potential conflicts of interest, Sub-Committee members shall declare any potential conflict of interest as early as possible; and, when in doubt, shall err on the side of recusing themselves from participating in any decision making by the Sub-committees related to the potential conflict of interest.

Section 7: Restriction on Lobbying

The focus of BPAC as an advisory body is to provide and analyze information, reports and research to advance cycling and walking in New Jersey, as directed by the NJDOT Office of Bicycle and Pedestrian Program Manager and other allied state agencies. This may involve advising and providing background information and research on potential policy and legislative options or approaches, but shall not include any lobbying functions or formal endorsements of specific bills.

Section 8: Amendments

These By-Laws may be amended by the Council at any meeting at which a quorum is present, by a super-majority (Majority plus one) of those members present, provided that the notice of the proposed amendment shall be given to each member of the Council at least fourteen days prior to said meeting. Amendments shall be consistent with the guiding mission of the BPAC.