

## **Private Sector Representation on the Transportation Policy Council**

### **Background**

The Houston-Galveston Area Council was designated by the Governor as the metropolitan planning organization (MPO) for the Houston Transportation Management Area (TMA) in 1974. As such it is subject to federal and state statutes regarding its membership and operations (23CFR450.310). The Transportation Policy Council (TPC) serves as the policy board for the Houston MPO. The bylaws for the TPC were adopted in 1981 and have been amended three times as necessary to reflect changing conditions in the TMA.

### **Current Situation**

At the March 2009 TPC meeting, a question was raised regarding the legality of appointing a representative of a private sector, for profit company as a voting member of the Council. Staff was asked to review the bylaws and report back to TPC.

After reviewing applicable federal and state statutes, it has been determined that private sector representation on MPO policy boards is not specifically prohibited. In fact, the federal guidelines for MPOs encourage the participation of a variety of parties, including representatives of freight transportation services, in the transportation planning process (23CFR450.316).

During the 80<sup>th</sup> Legislative Session, SB 792 amended the Texas Transportation Code, Subchapter D, Section 472.034, to require each policy board adopt bylaws establishing an ethics policy to prevent a policy board member from having a conflict of interest in business before the MPO. At present, the TPC bylaws do not contain an ethics policy addressing potential conflicts of interest.

The TPC bylaws committee, formed earlier this year, will need to meet and develop an ethics policy to reflect this new requirement.

### **Action Required**

No action requested. For information only.