

## MEMORANDUM OF AGREEMENT

This **MEMORANDUM OF AGREEMENT** is entered into by and between the EL PASO METROPOLITAN PLANNING ORGANIZATION (the "EPMPO") and the MESILLA VALLEY METROPOLITAN PLANNING ORGANIZATION ("MVMPO") this 27<sup>TH</sup> day of January, 2017, to-wit:

### WITNESSETH:

**WHEREAS**, the EPMPO is the duly designated regional metropolitan planning organization for the El Paso Urbanized Transportation Study Area; and,

**WHEREAS**, the MVMPO is the duly designated regional metropolitan planning organization for the southern New Mexico Urbanized Transportation Area that includes a portion of Dona Ana County, New Mexico; and,

**WHEREAS**, the Governor of the State of New Mexico approved recent changes to the planning boundaries of the El Paso Urbanized Transportation Study Area extending the El Paso Urbanized Transportation Study Area into the MVMPO Planning Area containing the unincorporated community of Berino, New Mexico; and

**WHEREAS**, recent guidelines issued by the Federal Highway Administration (FHWA) and the Federal Transit Authority (FTA) require the cooperation and coordination across MPO boundaries and across State boundaries where appropriate to ensure a regional approach to transportation planning; and,

**WHEREAS**, the EPMPO and the MVMPO wish to enter into a Memorandum of Agreement that provides the framework for the respective responsibilities of the EPMPO and the MVMPO in regard to federally mandated planning, programming and funding for a portion of

the El Paso Urbanized Transportation Study Area within Dona Ana County, New Mexico and that addresses the federal planning emphasis area (PEA).

**NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS,** that the EPMPO and the MVMPO agree as follows:

**A. General Points of Agreement:**

1. The EPMPO and the MVMPO agree to implement a continuing, cooperative and comprehensive (3-C) planning process.
2. The MVMPO accepts the authority for the planning, programming, and reporting of regionally significant transportation related activities for the portion of the El Paso Urbanized Area within the MVMPO that includes the unincorporated area of Berino, New Mexico.
3. The MVMPO will address all federal and state requirements for the Berino, New Mexico portion of the El Paso Urbanized Area within Dona Ana, New Mexico.
4. The EPMPO retains the authority for the planning, programming, and reporting of transportation related activities for the portion of the El Paso Urbanized Area located within Dona Ana County, New Mexico, but outside of the MVMPO Planning Area, which Planning Area includes the cities of Anthony, New Mexico and Sunland Park, New Mexico, and the unincorporated New Mexico communities of Santa Teresa and Chaparral ((hereinafter referred to as "Southern Dona Ana County").
5. The EPMPO will address all federal and state requirements for the Southern Dona Ana County portion of the El Paso Urbanized Study Area within Dona Ana County, New Mexico.

6. The EPMPO and the MVMPO agree that this Memorandum of Agreement is subject to periodic review when the need for such review arises, and particularly when the United States Census Bureau designates and updates new urbanized planning area boundaries.

**B. Metropolitan Planning Organization Boundary:**

7. The EPMPO and the MVMPO acknowledge and agree that the unincorporated community of Berino, New Mexico (“Berino”) is part of the El Paso Urbanized Study Area within Dona Ana County, New Mexico, and that Berino is within the MVMPO Planning Area boundary.

8. The boundary between the EPMPO and the MVMPO shall exist south of Berino and as shown in Exhibit A.

9. The EPMPO and the MVMPO agree that Berino will be represented in the MVMPO’s travel demand model, and that current and forecast demographic data will be captured in the MVMPO traffic analysis zones.

10. The EPMPO and the MVMPO agree to work together to identify the need for studies and multi-modal projects that abut and/or cross the EPMPO and the MVMPO planning boundaries areas.

**C. Planning Emphasis Area (“PEA”):**

11. The EPMPO and the MVMPO agree that their staffs will meet and coordinate, as needed, to review the progress of planning efforts, to discuss key findings from program activities, and to discuss the scope, plans and implementation of activities in coordination with FHWA, FTA, the New Mexico Department of Transportation, and the New Mexico Environmental Department. It is agreed that these activities include but are not limited to the

implementation of unified planning work programs, annual performance and expenditure reports, long-range transportation plans, transportation improvement programs, Title VI plans, and Limited English Proficiency plans as required by 23 C.F.R. 450, Presidential Executive Orders, FHWA, FTA, and other applicable federal and state policies and practices.

12. The EPMPO and the MVMPO further agree to perform public outreach as may be required by federal and state Public Participation Programs. It is further agreed that all planning documents are subject to public comment as required by their respective Public Participation Programs.

13. The EPMPO and the MVMPO agree that the Transportation Policy Board for the EPMPO shall be responsible for regional transportation policy-making within the EPMPO Urbanized Study Area, and that the Policy Committee for the MVMPO shall be responsible for regional transportation policy-making within the MVMPO planning area.

14. The EPMPO and the MVMPO agree to exchange and share information of regional significance, including but not limited to, studies, travel surveys, GIS data, and traffic data, as well as demographic information.

15. The EPMPO and the MVMPO agree to host joint public meetings as often as deemed necessary, outlining current and future planning activities identified in each metropolitan planning organization's UPWP, MTP, TIP. The EPMPO and the MVMPO agree that these joint gatherings may include but are not limited to, a joint meeting of each metropolitan planning organization's planning board or committee, or an informational or open house hosted by the staff of both metropolitan planning organizations.


16. **EFFECTIVE DATE:** Regardless of the date of its execution, this Memorandum of Agreement becomes effective on February 10, 2017, and shall automatically renew on its anniversary date each year thereafter.

WITNESS the following signatures and seal:

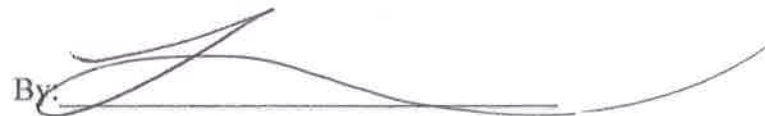
**EL PASO METROPOLITAN  
PLANNING ORGANIZATION:**

By:   
Joe Moody, Texas State Representative  
Vice Chair, Transportation Policy Board

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Eduardo Miranda  
EPMPO Legal Counsel

**MESILLA VALLEY METROPOLITAN  
PLANNING ORGANIZATION:**

By:   
\_\_\_\_\_  
Planning Committee Chair

APPROVED AS TO FORM:

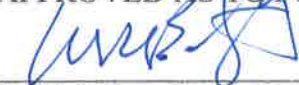
  
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MVMPO Legal Counsel

Exhibit "A" for Resolution 17-02

Meets and Bounds of the Southern Boundary of the Mesilla Valley MPO

From the southwest corner of Township 25 South, Range 4 East;

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Thence South  $106^{\circ} 34' 53''$  West to the point of intersection with  $32^{\circ} 03' 25''$  North;

Thence West  $32^{\circ} 03' 25''$  North to the point of intersection with the east Right of Way of New Mexico Highway 28;

Thence South along the east Right of Way of New Mexico Highway 28 to the point of intersection with  $32^{\circ} 00' 07''$  North;

Thence West  $32^{\circ} 00' 07''$  North to the point of intersection with  $106^{\circ} 42' 53''$  West.