The following is the Agenda for a meeting of the Policy Committee of the Mesilla Valley Metropolitan Planning Organization (MVMPO) to be held August 21, 2018 at 5:00 p.m. in the Doña Ana County Commission Chambers, 845 Motel Blvd., Las Cruces, New Mexico. Meeting packets are available on the Mesilla Valley MPO website.

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1. CALL TO ORDER ________________________________________________________________ Chair
2. PUBLIC COMMENT ________________________________________________________________ Chair
3. CONSENT AGENDA* __________________________________________________________________________ Chair
4. * APPROVAL OF AGENDA ________________________________________________________________ Chair
5. * APPROVAL OF MINUTES ________________________________________________________________
   5.1. * July 17, 2018______________________________________________________________ Chair
6. ACTION ITEMS __________________________________________________________________________
   6.1. * Mesilla Valley MPO Public Participation Plan _____________________________ MPO Staff
   6.2. FY 18-23 Transportation Improvement Program Amendments ________________ MPO Staff
   6.3. Metropolitan Transportation Plan Amendment - Removal of Segments from the Truck Route
        Map ____________________________________________________________________________ MPO Staff
   6.4. Mesilla Valley MPO Title VI Plan __________________________________________ MPO Staff
7. COMMITTEE and STAFF COMMENTS ________________________________________________ Chair
   7.1. MPO Update ________________________________________________________________ MPO Staff
   7.2. Local Projects Update ________________________________________________________ Jurisdictional Staff
   7.3. NMDOT Projects Update _______________________________________________________ NMDOT Staff
   7.4. Committee Members Update __________________________________________________ BPAC
8. PUBLIC COMMENT ________________________________________________________________ Chair
9. ADJOURNMENT ________________________________________________________________ Chair
The following are minutes for the meeting of the Bicycle and Pedestrian Facilities Advisory Committee of the Mesilla Valley Metropolitan Planning Organization (MPO) which was held July 17, 2017 at 5:00 p.m. in Commission Chambers at Dona Ana County Government Building, 845 Motel Blvd., Las Cruces, New Mexico.

MEMBERS PRESENT: George Pearson, Chair (City of Las Cruces Citizen Rep)
Andrew Bencomo (Pedestrian Community Rep)
Ashleigh Curry (Town of Mesilla Citizen Rep)
Jack Kirby (NMSU)
Cathy Mathews proxy James Nunez (City of Las Cruces Staff Rep)
Samuel Paz (Dona Ana County Rep)
Jess Waller (Bicycle Com. Rep.) (Arrived 5:08)

MEMBERS ABSENT: Donna Devine (Bicycle Community Citizen Rep)
Jolene Herrera (NMDOT) Jack Kirby (NMSU Staff Rep)
Mark Leisher (DAC Citizen Rep)
Lance Shepan (Town of Mesilla Staff Rep)

STAFF PRESENT: Andrew Wray (MPO)
Michael McAdams (MPO)

OTHERS PRESENT: James Shearer, NMSU
Becky Baum, Recording Secretary, RC Creations, LLC

1. CALL TO ORDER (5:02)

Pearson: Okay, it's a little bit after 5:00, so I'm going to call this meeting of the Mesilla Valley MPO Bicycle and Pedestrian Facilities Advisory Committee to order. We'll just go down the line and do introductions for who's here. Sam.

Paz: Samuel Paz, Dona Ana County.

Kirby: Jack Kirby, New Mexico State University.

Curry: Ashleigh Curry, Town of Mesilla Representative.

Mathews: Cathy Mathews, City of Las Cruces, proxy for James Nunez.


Pearson: And I'm George Pearson, City of Las Cruces Representative.
2. APPROVAL OF AGENDA

Pearson: First order of business is approval of the agenda. Do we have any changes or a motion to accept the agenda as presented?

Bencomo: So moved.

Mathews: Second.

Pearson: We have a motion and a second to accept the agenda as presented. All in favor "aye."

MOTION PASSES UNANIMOUSLY.

Pearson: Any opposed? Agenda's accepted.

3. APPROVAL OF MINUTES

3.1 May 15, 2018

Pearson: Next we have approval of the minutes from our May 15th meeting. Do we have any discussion on that? I noticed that Jack Kirby was listed as present twice, so just a little deletion needed there. Any other comments on the minutes? I'll hear a motion to approve the minutes as amended.

Curry: I'll put forth a motion to approve the minutes.

Kirby: I second.

Pearson: We have a motion and a second to accept the minutes as presented. All in favor say "aye."

MOTION PASSES UNANIMOUSLY.

Pearson: Any opposed?

4. PUBLIC COMMENT

Pearson: Next item is public comments. Our galley seems pretty empty. So I'll close the opportunity for public comment.

5. DISCUSSION ITEMS

5.1 Bicycle Repair Station at Mesilla Valley Intermodal Transfer Terminal Update
Pearson: Next are discussion items. Bicycle repair station at Mesilla Valley Intermodal Transfer Terminal Update.

MICHAEL MCADAMS GAVE HIS PRESENTATION.

Kirby: I have a question. You'd mentioned the amount of usage that that stand is received. How's that gathered? I'm just curious because we also have stations on campus.

McAdams: Mr. Chair, Mr. Kirby. What they do is staff, the security people and also any staff will just note it on a piece of paper, a form that they observed a person using the bicycle repair station and also whether they use a pump or the tools or both. The station is right outside the window of the lobby of the Transfer Center and so the staff at the dispatching or the information office can see them when they're using it.

Kirby: Right. Okay.

McAdams: It's also a good thing for protecting it against vandalism too.

Kirby: Right.

McAdams: So that's what, it's an informal way, I'm sure, probably people are using it after hours too but we have no way to do it besides just doing video monitoring which is really time consuming to go through all the video.

Kirby: Right. Thank you.

McAdams: You're welcome.

Pearson: Any other questions?

Waller: Yes, I had a question. Sorry for being late. And maybe I missed it because I was last and I apologize, if so. How many of these stations are going to be installed?

McAdams: Mr. Chair. This is only a demonstration project.

Waller: Just one.

McAdams: As far as through our money, through MPO monies and FHWA money flowing through us. RoadRUNNER Transit has stated they would like to install others, but particularly around different spaces where we know that a lot of bicycles are using transit as well. So mostly oriented toward transit users that are bicycle users too.
Waller: So it would be to clarify would be for bike riders who are using the bus service?

McAdams: Not necessarily. It could be any bike riders. If they’re around that area and they like to use a bicycle repair station, there’s no problem. It’s intended as, actually through FHWA to encourage multi modalism, so that’s the purpose of the grant but of course we’re not going to say, "You’re not a transit user you not going to use it." Anybody that’s in the area of the Transit Station can surely use that.

Waller: And again to clarify, where will the demo be installed?

McAdams: It’s already installed. It’s installed at the Mesilla Valley Transit Center.

Waller: Okay.

McAdams: Right in front of the lobby outside.

Waller: And I’m sorry if I missed that.

McAdams: No problem. It’s a good thing to reiterate some of these things too.

Pearson: Anyone else?

Bencomo: Mr. Chair. I have a couple of questions and comments.

Pearson: Okay.

Bencomo: So for the use of that, is there any other way to get feedback from community members? Like they show up to use it and they have some feedback to say "Hey if you did this it might be easier to use" or "What if we had that tool?" or "What if this was different?" Is there a way to collect any comments or feedback?

McAdams: Mr. Chair, Mr. Bencomo. I guess the only thing, if they want to comment to us, we have through the video, but we haven’t done that. We don’t know, I guess they would also contact RoadRUNNER if they had comment on that too. Another thing that would be a good idea would be for Velo Cruces and other advocacy groups, to post the video on the website. If you look, we’re putting on our Facebook page too, I think many have already done that. So that would be a way if you just reference the MPO or RoadRUNNER Transit on your Facebook post, you know that’s probably a good way to do it too as well. And kind of comments from your advocacy groups, please let us know too. Just free thinking, that’s a way to gather satisfaction. In Velo Cruces for example ask "Have your
members heard about anything about approval or disapproval of the Bicycle Repair Station?"

Bencomo: If there was some way for the community, or people in there to use it to give feedback, that's how we can improve it too. If we take their feedback rather than us necessarily saying we know what they need. True, I think you understand that completely and with other groups you've been part of. And then also in the video, is this the only video they're going to make? They going to do any others maybe? Because maybe some actual examples, the example in there of the chain feel off, that one really, you can probably put it back on without tools, depending on what happened, but some other examples of what could go wrong and why you might want to use that in terms of getting the word out because people will be like "Repair station, why would I want to go over there to do a repair?" And then the other one is, has this been marketed to like Community of Hope? Because they're a huge bicycle using community that probably has no tools per se and maybe a second demonstration area for this would be at Community of Hope.

McAdams: I think we only have money for one demonstration site. But I think perhaps at the RoadRUNNER site put that, one at Community of Hope, that'll be a good location. So we'll pull the minutes and I can suggest that to the RoadRUNNER staff as well.

Bencomo: Thank you.

McAdams: You're welcome.

Pearson: Any other comments? I did notice this came through my Facebook feed that there've been like 8,000 views of that video, so I don't know how that compares to other City videos, but that seems, it probably doesn't mean 8,000 people watched the whole thing, probably means 8,000 people saw it and scrolled past it and it started automatically on them, but that's still a significant number.

McAdams: It is and that would be a good thing to report. I agree.

5.2 Committee Training: How do roundabouts work for pedestrians?

Pearson: Okay, move on to our next item; roundabouts.

MICHAEL MCADAMS GAVE HIS PRESENTATION.

Pearson: Committee members.

Mathews: Mr. Chair.
Pearson: Yes.

Mathews: My question is regarding lighting for the new roundabouts proposed at Triviz and I-25. I had never considered the importance of lighting before, but obviously just demonstrated that different locations of lighting can greatly impact the visibility of pedestrians. Do you know what kind of lighting they're proposing?

McAdams: Mr. Chair, Ms. Mathews. I don't know. That wasn't addressed at the public hearing and now that I think of it, it's a good point.

Pearson: Anyone else?

Bencomo: Mr. Chair. So I am very much a novice when it comes to roundabouts and when they first started putting them in in different places, I was like "Oh my God, are we going to navigate all of this?" But they've been there for a while, I think they're wonderful. If nothing else, especially based on this presentation, just in terms of pedestrian safety, you're crossing one, maybe two lanes of traffic that is actually slower than what you would be crossing in other cases and so just from the pedestrian safety standpoint it's huge, it really is. Navigating roundabouts on bicycles is going to be a little different. I don't think I've every actually navigated a roundabout on a bicycle, probably not that difficult, if you just do what a car does, but still a little different. So is this something that the City in general and any other entities in the MPO area are onboard with or they like the roundabouts, they want to do them? I think one of the other selling points too is, and I was thinking about this watching the presentation, on my trip here because I'm perpetually late to this meeting and I apologize for that. On the way here I was thinking, "Come on light stay green. Please stay green so I can get through. Please stay." And with roundabouts you pretty much eliminate that. You're going to keep moving. You may reduce speed, but you never come to a dead stop and sit there for a couple three minutes waiting for that, so that that is a good selling point I think that traffic will continue to flow, it may slow down, but it will continue to flow and I think that is a huge selling point for drivers because we're very car-centric in America and in Las Cruces too, and so those selling points I think really need to be pushed with the public so they understand the benefits to them as well as pedestrians. So, thank you.

Pearson: So at the public meeting and they've also posted the consultants for the I-25/University project, posted a video on the roundabouts that they're proposing and they did explain some of the bicycle and pedestrian aspects of it. What they're designing, they're going to have, one part of it they're actually going to have a bypass for bicyclists so they don't even have to go through the roundabout. Most typical roundabout design
speed is 15 miles an hour which is slow enough that a bicyclist can make it through so you just become traffic. Vehicles have to remember that we are traffic, so there is that issue that sometimes comes up. One of the selling points that they made for the new project is that these roundabouts will be single-lane roundabouts and that'll make them very safe, and I'm wondering about the downtown roundabout, because currently it's more than one lane, I'm wondering if redesign whether they shouldn't be able to redesign that as a single lane roundabout considering the safety aspects. I don't know, there's probably no response available for that, but that's something to.

Mathews: Mr. Chair. I think it is going to be redefined as a single lane with the current project that's underway.

Pearson: Right.

Mathews: I believe they're at least putting those splitters in the other two locations and I think that will result in a single lane roundabout I believe.

Pearson: Okay. That's a question that is kind of important. I remember them saying that they had considered for the two-lane conversation the original design and that the final design would be better than what we have now, so maybe that's part of that process. If anybody is interested in looking at that video for the roundabout, it's worthwhile looking at I think. I did put a link on the Velo Cruces Facebook page. You can probably just search YouTube for I-25/Triviz project or go to the I-25/Triviz webpage and find it, I'm sure. Okay, anybody else?

Waller: Yes, I had a question. Speaking to some of the comments made by, is it George and also Andrew, about the dedicated bike lane and the ease of navigating that if you're a cyclist. And so the Triviz/I-25 roundabouts, are they going to have a, it seems I recall but I'm not sure, were those going to have a dedicated bike lane on Triviz?

Pearson: Well they have multiple. I don't know, do we have an internet connection here? Would you be able to find that?

Waller: Well I notice on the presentation that Michael gave, it showed, you look at the ones in the in Tour de France and they have the arrow shots, the (inaudible) going through the roundabouts. There's no dedicated bike lane so you're mixed with traffic. And on the presentation that Michael showed it shows some bike lanes before you reached the roundabout and then they disappeared and then they reappeared after you went through the roundabout, so you're in with the traffic, you're in with the mix going through the bike lane. But I think that's a major issue because as long as
you're slowing down the traffic to around 15 miles an hour, it's easily navigated.

Pearson: The downtown and the new ones will be 15 miles an hour, that's the question that I did ask at that public input meeting.

Waller: I didn't really have a question but I guess my question is, are there uniform national design standards for whether or not to include bike lanes depending? Or is it kind of like what the traffic engineer decides in one of the meetings such as this? Are there uniform design standards for how to incorporate bike lanes or not to incorporate dedicated bike lanes? And for pedestrians as well, the walking paths, the refuge?

Pearson: Well Michael referenced that there was a big thick manual for roundabouts so.

McAdams: There is. It's an FHWA manual. It really is like everything you want to know about roundabouts, from capacity, how you redesign four-way intersections, four-way stops into roundabouts. I can get the link I think if you'd like to see that.

Waller: Sure. Yes, if you could make that available.

McAdams: Yes, sure.

Waller: Great.

McAdams: I can do that. I can just e-mail it to all the BPAC. I did, we gave the presentation to the Policy Committee and they were very enthusiastic and they had the link on it too. So yes, it's a huge manual and it's like, well it's sort of engineering oriented a little bit, but it's also, it's enough that laymen could understand it too. Well me, like I'm a transportation planner, I'm not a transportation engineer, so it's stuff that you can understand in a very basic level and then you can delve down further.

Waller: Okay. Thank you.

McAdams: You're welcome.

Pearson: Okay.

McAdams: Looks like it's blocked. I can't get in that website.

Pearson: They probably are using an underlying engine that throws up some problems for the county website.
MICHAEL MCADAMS TRIED BRINGING UP THE I-25/UNIVERSITY VIDEO AND WAS UNABLE TO DUE TO COUNTY RESTRICTIONS.

McAdams: But they do have a good videos on there if you’d like to see it and I guess like a driving through demonstration.

Pearson: It’s an animated video but it goes through and it shows the different access routes and both pedestrian and bicycle, the different routes that they’re proposing. Okay, so we’re done with that.

6. COMMITTEE AND STAFF COMMENTS

6.1 MPO Staff Update

Pearson: Next we have committee and staff comments. MPO have any comments for us.

MICHAEL MCADAMS GAVE A PRESENTATION ON NEW BIKE RACK LOCATIONS ASSOCIATED WITH ROADRUNNER ROUTES.

Pearson: Okay, I guess one question I had, you mentioned that there are some bicyclists that get turned away because the bike rack is full. Is there any recording of that fact or any knowledge, keeping track of that? Because the buses have, are currently two styles of racks, two-position rack and a three-position rack. So if you’re finding that one route might be getting people turned away, an effort to put the buses with three bike racks on those routes might even be enough to alleviate the problem. And I’ve also heard that Transit might be considering even more capacity on the bike racks.

McAdams: Mr. Chair. I haven’t heard about any capacity. I think they’ve been looking at it definitely. I’m not aware of that right now. In fact, plug, plug, plug, in the next year we’re doing the transit update as well and that would be a good issue to say at that period of time, it’s also be good the transit update will also include RTD and DOT with those issues. But I would think that, I’d be glad to get this, but also this would be addressed to (Inaudible) as well, comment about that, about the bike rate capacity and like that. But I know they are aware of it.

Pearson: Members have questions?

Bencomo: Mr. Chair.

Pearson: Andrew.
Bencomo: So you, maybe I didn't hear correctly or I don't know but I'll ask the question, so are these the four newest locations, are there other locations, and if there are where are those?

McAdams: Mr. Chair, Mr. Bencomo. These are the four newest bike locker locations so they've been installed. I think there maybe even, they're thinking about one in Mesilla Valley Mall and one at Memorial Hospital which as I'm speaking we have already begun installing. So they're always, they do have extra bike racks and they're looking at where they can put them in a strategic location.

Bencomo: Okay, so these are the only four. These aren't the four newest in terms of that there are other ones and now we're adding four more? Is that correct?

McAdams: These are the four newest one and perhaps additional two at Mesilla Valley Mall and at Memorial Medical.

Bencomo: So, okay, where are the other ones?

McAdams: I think and I can find out for sure. I think all those at Memorial Medical Hospital and also at Mesilla Valley Mall.

Bencomo: So there's already racks there.

McAdams: Yes. There will be, or will be soon.

PERSON IN THE AUDIENCE SPEAKING, NOT AT THE MICROPHONE.

McAdams: There are racks at the Mesilla Valley Mall and also at, you know at the Transfer Center and also at some shelters there are also bike racks as well.

Pearson: I had noticed the new, the metal green shelter. I have seen some with a single bike rack next to the shelter and I've seen others. I think older shelters, the same styles that do not have bike racks.

Bencomo: So follow-up, sorry. Semi related, maybe it needs to be brought up later and not right now, if it is I'll defer to the Chair and he can say we'll bring that up later. So semi related, we had mentioned bike racks at businesses that it's a requirement by code and how come they're not there? Has a follow-up been done on that anywhere? Did we get any feedback from City staff on that?

McAdams: Andrew can field this.
Wray: Mr. Chair, Mr. Bencomo. Yes, staff did do a review of the businesses, specifically on Telshor because that was the comment that was brought up, I believe it was last year. The latter part of last year staff did go out and do an inventory of the bicycle parking facilities at the businesses along Telshor. That information was turned over to the City Codes Officer that's the Codes liaison within the Community Development Department. Beyond that there is very little that MPO staff can do with regards to the situation. It was turned over to Codes. I'm not sure what steps may or may not have been taken subsequent to that.

Bencomo: Okay. And another related to that, so the whole redo of the downtown area with the changing of the two-way and all the reconstruction and all that, I noticed there were no bike racks anywhere down there. Are they adding those in? Maybe I don't know where they are and they're not visible. Is that going to be part of the redo down there?

Wray: I do not know the answer to that question. It's possible, but it's also if it's something that, Ms. Mathews may want to jump in and I'll let her. I'll defer to her.

Mathews: Sorry to but in. The Callecitas, the small cross streets that won't be open to vehicle traffic will have bike racks in them.

Bencomo: Okay. Good. Thank you.

Pearson: Okay. There is a Downtown Parking Committee and I am a member of that and I intend to have discussion on bicycle parking in the downtown area. And that has been agreed. That was one of the, before when they were forming the Parking Committee the public input was bike parking was one of the big public input items, so I expect discussion on that in the not to distant future.

Wray: Moving on Mr. Chair. Staff does want to remind this Committee, especially the staff representatives, the jurisdictions, that we do have an ongoing Transportation Alternatives Program call for projects going on right now. We have done a very recent outreach to all of our member jurisdictions reminding them that they do have to turn in the project feasibility form very soon in order to set up the time for the project feasibility meeting with NMDOT. That meeting is a requirement for their application to be accepted. If that meeting does not take place their application won't even be considered, so please members of jurisdictions please do bear that in mind.

Also to notify and remind this Committee, we have had an ongoing call for public comment on our Public Participation Plan and Title VI Plan for the past several months. We are winding down to the end of that. We will be bringing that to this Committee for action at the August meeting.
We will be splitting the Title VI Plan and the Public Participation Plan into two in the future. NMDOT has changed their requirements, placing those two documents on different timelines, therefore making it impossible for us to have it as one document in the future. We will have a draft version of the Title VI Plan posted on the MPO website very soon, I don't have a specific day, but very soon to just give the public and members of our Committees a chance to review it before voting. As of right now, I will say that we have received no comments regarding the Public Participation Plan, so staff's expectation is that we will just basically update the dates on the document and present that to this Committee for endorsement to the Policy Committee. So if you wanted to take a look at the "draft" of the Public Participation Plan as it is, it is the officially adopted Public Participation Plan we have on the website. We received no feedback or indications that we've been doing anything wrong and that it needs to change, but by all means take this last month as an opportunity to review that document.

Pearson: Can you explain what the Title VI is a little bit?

Wray: The Title VI is a requirement ultimately the Federal Government that we have a Title VI remediation plan. Basically it's a complaint process in case there are any Title VI violations that are committed by this MPO.

Pearson: So can you tell, what would that be?

Wray: Environmental justice, discrimination, that sort of rubric. This MPO fortunately we have had no complaints during my time here or Mr. Murphy's time, so knock on wood that we will continue to do well on that front. But it is a requirement that we have that and basically the document, it explains, it lays out the requirements and then lays out the process for filing a complaint is the substance of the document.

Pearson: Okay.

Wray: And lastly since this Committee last convened, MPO staff has relocated up onto the third flood of the City Hall. We're now in Suite 3100. Recently they have made a change there in the building and now the doors to the suite are unlocked, but please do still let the secretary know before you just go in, but that is where we are now. And I believe that concludes MPO comments. Oh, Michael still has two more.

McAdams: And this public comments on August 7th the ATP draft will be up for public review for 30 days and then August 17th there will be, the Planning and Zoning Commission and the City Council will have a work session to discuss. Of course it could be up to the Chairman whether the comment can be allowed too for that. So there's the two things that are coming up
and then after the next BPAC we can announce other things that. I will be reporting on DOT as well.

Pearson: So the August 17 that must be a Monday, City Council Work Session.

McAdams: The 17th is, yes 17th is a work session and so like normal work session, it'll be a joint work session with Planning and Zoning Commission.

Pearson: Okay.

McAdams: Of the City and the City Council.

Pearson: Okay.

6.2 Local Projects update

Pearson: So we’re on to local projects updates. NMSU have anything for us?

Kirby: Yes, on August 7th at 8:30 a.m. there’ll be a bike repair dedication ceremony on campus to dedicate the bike repair stations to David Shearer who’s here in our audience tonight. He was the driving force behind getting those four bike repair stations on campus.

Pearson: Okay. Time and location.

Kirby: 8:30 a.m., west entrance of Zuhl Library and it’s open to the public, anyone can attend.

Pearson: Okay. County.

Paz: Some updates on Soledad Canyon, it's at 95% in the design with the construction late summer or early fall. Soledad Canyon.

Pearson: Okay. City.

Mathews: Mr. Chair. James left me with a list of projects so I’ll just be reading them off and then I’ll be adding a few of my own. The South Main project from Boutz to Valley is currently in design and it calls for one lane north and south, a center turn lane, and four-foot bike lanes with three-foot buffers. The plan is to bid at the beginning of 2019.

Also under design, road improvements for the road leading out of Red Hawk Golf Course to the south. That must be Red Hawk Golf Road, is in final design and it will have five-foot bike lanes and landscape too by the way.

Under construction, Harrelson, Miranda, Palmer subdivision, Second, Third, and Sixth Streets, and Brownlee in front of the school. I
believe these are under full reconstruction with ADA ramps as well. The
pavement replacement project on Terrace Drive will include a buffered
bike lane from Telshor to University/Dripping Springs. James mentioned
the ATP also, the Active Transportation Plan.

And in Parks and Recreation we have received a Healthy Kids/
Healthy Communities grant from the Department of Health and we'll be
installing, we call them "play breaks" or "shade structures with benches"
along in areas that have trails that, not necessarily for transportation but
for recreation as well in terms of pedestrians or bicycles and those will be
installed in Pioneer Park, Johnson Park, and Klein Park. Also Sage Crest
Park, La Buena Vida Park, and Twin Parks on Engler Road near Mesa
Grande. And Andrew mentioned the RTP Grant upcoming and the City
Parks and Recreation Department will be applying for that RTP Grant.

Pearson: RTP is different from the TAP.

Mathews: It is. It means Recreational Trails Program. It's administered in a similar
way and on a same timeframe, but it's for recreational purposes.

Pearson: Do you know what the project is that you're applying for?

Mathews: There are two projects that are under consideration right now, one is
maintenance of the trails at Desert Trails Community Park, there's a lot of
erosion control that is required in that area on those trails. And then the
second project that is under consideration is a multiuse trail along Las
Cruces Lateral from the Convention Center to, it depends on how far we
can get with the amount of money, maybe to Boutz Road. So it'll go
behind, from the Convention Center, along Main Street, behind Las
Cruces High School and meet up to Boutz Road.


Mathews: El Paseo.

Pearson: Okay.

Curry: Mr. Chair. May I ask Ms. Mathews a question?

Pearson: Sure.

Curry: On that Healthy Kids/Healthy Communities grant, last year we had talked
about designating some of that money to bicycle education and bicycle
related activities. Do you know if all, I'm assuming it's $40,000, was all of
it dedicated to the shade structures or was any of it put towards bicycle?
Mathews: So we received the grant three different times, and the first grant was spent all on signage. The second grant some of it was spent on educational, I'm sort of (inaudible) aware of that third hand some I'm kind of giving you a little iffy kind of information. But I believe some of that funding was used to purchase like giveaways that would aid in educational programs. The third grant which we're spending right now, not all of it will be spent on the play breaks, the shade structures. We can and I would be very happy to do so, but I believe some of it is set aside per se for educational efforts or advertising promotion, but I'm not 100% sure what those activities will be.

Curry: Thank you. Is any way to find out what they will be so that we can kind of work together if that's a possibility?

Mathews: Yes, definitely. I guess I'm a good point of contact, okay, not a good point of contact, a point of contact. So I'll talk with Franco Granillo who's sort of managing that grant and see and try to nail down exactly how much money is remaining for other activities and what the exact plan is for those activities.

Curry: Okay. Super, I'll follow-up with you. Thank you.

Mathews: Okay.

Pearson: Okay, so the previous two grants have been closed out?

Mathews: Correct.

Pearson: Okay. That was, because I was aware of the second grant and things were still happening. I hadn't really figured out that that had been closed out and I heard about the newest grant. So, okay. I guess that's all for the local.

6.3 NMDOT Projects update

Pearson: So NMDOT.

McAdams: Jolene Herrera transmitted e-mail that Valley construction is continuing and that there will be monthly meetings.

Pearson: Okay.

McAdams: Concerning the construction on Valley.

Pearson: Okay. So that's without Jolene here.
6.4 Committee Members Update

Pearson: Committee Member updates. Any Committee members have comments?

Bencomo: Mr. Chair.

Pearson: Yes.

Bencomo: I have some comments. Surprise, surprise, right. So there's a lot of things happening as far like trail systems going on. The budget for next fiscal year that the City put forward in the Capital Improvement Plan, the CIP. There's actually funding in there, I think it's $2.7 million, something like that, for, just says trails. And so then it kind of lists the laterals. And so …

Pearson: Well that's the GO bond so that's still dependent on the elections.

Bencomo: No sir. No sir. On the CIP there is money in next year's budget, $2.7 million for trails. So I think it's $2.7, two-point-something.

Pearson: That matches the GO bond amount.

Bencomo: Yes, can I finish.

Pearson: Okay.

Bencomo: Thank you. So I made a phone call to Public Works and that is to purchase the Mesilla Drain, the Dona Ana Drain, and some other drains in the City. They're going to outright purchase those from EBID. Then there's the GO bond which there's that two-point-something million dollars that's going to go vote on that one also and now we're talking I just heard a mention about Parks applying for a grant to possibly do the Las Cruces Lateral from the Convention Center across, behind Cruces, however far it will go. So there's a lot of things coming together and a lot of funding being sought and lot of funding being put in place and I think our efforts as a Committee and a group and the community in general are paying off, I really do. I think it's getting noticed, but I also would like to encourage this Committee for us in some way, shape, or form, my personal opinion's we should be one of the main drivers of what's going to happen with those trail systems specifically. The City, I see discussion from one of the City Councilors, Mr. Vasquez, who is very supportive of this, talking about certain trails and then the Mayor's having just going to have meetings and discussions and mentioning other trails and so we came up with a prioritized list, I think we need to, if nothing else, make sure that City leaders and decision makers are going to hone in and focus on our recommendations. I mean obviously they can do whatever they
want in the end, but our recommendations are there for a reason so I would like for us to be actively involved in that and have our voices out there for them to say "This is what we think should be done. These are the most beneficial ones to start out with." So I just would like for us not sit back and go "Oh I think they're going to do a great job without us being involved." They may be thinking the same things we're thinking, but I would like for us to be involved in that process to help them drive those projects based on what we have already discussed and done. So those are my comments as far as the systems go.

Pearson: And the Mayor is hosting some meetings on the GO bond so that would be a worthwhile place for us to show up and say, even just asking the questions "What do you actually have planned?" Some of the elected officials may not even know the answer to that so having that questioned asked and answered in front of them would be helpful. Okay.

I had some comments, it was mostly directed toward Jolene as the NMDOT representative, so I think I'll just say them and then they'll be in the minutes and then maybe she can respond at some other time. On my Facebook feed I see these press releases about accidents happening and so I wonder is that coming from NMDOT or from the news media? As far as I can tell it's news media that's using the term "accident." I've tried to look at the NMDOT press releases and I see that they're using "crash." So I think governmental entities doing good behavior and the news media needs to look up the AP style guides that is now saying that "crash" should be used instead of "accident." One of the places where I was looking to try to find that was at the NMRoads.com which is the State website that shows traffic conditions. I looked at the Valley Drive construction on the map and the current designation for what's happening doesn't correspond to what's actually happening on the roadway. They've got it marked from like Amador to Avenida de Mesilla on that map and as we all know, anybody that's been in the area, it's from Picacho to Amador that's the difficult process where things are closed. On my way here today I found out that you can't go straight through on Hadley, so I just wondered how they update that map because it doesn't show accurate enough information to be helpful is what my comment would be. I was going to ask if NMDOT had any expectations of the tariffs on steel that are coming through, how that would impact construction projects. Seems like that's, we're talking about how it impacts everything from beer bottles, aluminum cans, to Harley-Davidson's, so it seems like that that might be an important impact on how we spend our money in the public sector. NMDOT Bike Ped Coordinator position, Wade was here and shortly after that he moved on, I think he's working for the City of Albuquerque. Well have to find out what that position status is and also on the New Mexico Statewide Bike Plan, if there's any update on that, so that'll be a question for the future. That's all I have.
7. PUBLIC COMMENT

Pearson: Okay, so we'll move on to our next opportunity for public comment.

Shearer: David Shearer. I tried to get here in time to listen to the bike repair station, unfortunately for this public meeting the outside door to the County Building was locked, so it might be something that gets passed on to them when this meeting meets, it probably should be unlocked to get in here. Not that I was on time, but I was a little late, so I missed that. I just found that.

And my only other comment was yes, to invite anyone to the dedication of the bike repair stations on the campus on August 7th and we're going to have some other bits on alternate transportation also at that time. So we have four on the campus and we're trying to get one passed through into Burrell College, I think they may think about spending some money on that, and also for the DACC, see if I can get a repair station put out the East Mesa Campus. My other comment, just general activities, the hub, the community bike shop is opening on Saturday, it's from 8:00 to 12:00 downtown area so you're welcome to come see what's going at the, I don't remember the actual, the creative media, creative …

Pearson: Cruces Creatives Makers Space.

Shearer: Yes. Okay so it's there if you're interested. And the other thing that's been going on all summer, come August 3rd on a Friday at 6:30 there will be another ice cream bike ride at La Llorona Park starting there. So you're all welcome to that.

Pearson: Okay. Thank you. So that being our only member of the public today that concludes public comment.

8. ADJOURNMENT (6:17)

Pearson: Next item is adjournment. Do you want to make a motion to adjourn?

Mathews: Move to adjourn.

Pearson: And a second.

Curry: Second.

Pearson: All in favor "aye."

MOTION PASSES UNANIMOUSLY.

Pearson: And we're adjourned. Thank you.
Chairperson
AGENDA ITEM:
6.1 Mesilla Valley MPO Public Participation Plan

ACTION REQUESTED:
Recommendation to the Policy Committee.

SUPPORT INFORMATION:
Current draft of the MVMPO Public Participation Plan.

DISCUSSION:
The Mesilla Valley MPO Public Participation Plan (PPP) establishes the public participation tools and timelines to be utilized by Mesilla Valley MPO Staff as it performs the required MPO functions.

The major change from the previously adopted PPP is that, as required by the New Mexico Department of Transportation, the Title VI Plan has been separated from the PPP and will be adopted as a standalone document.
Public Participation Plan
# Table of Contents

*Introduction* ........................................................................................................... 4
  Background .................................................................................................................. 4

*Public Participation Requirements* ........................................................................ 4
  Federal Transportation Regulations ........................................................................ 4
  Federal Transit Regulations ....................................................................................... 4
  Title VI and Environmental Justice ......................................................................... 5
  State Open Meetings Act .......................................................................................... 6
  State Inspection of Public Records ........................................................................... 6

*MPO Work Products* .............................................................................................. 6
  Metropolitan Transportation Plan (MTP) .................................................................. 6
  Transportation Improvement Program (TIP) .............................................................. 7
  Unified Planning Work Program (UPWP) .................................................................. 7
  Public Participation Plan (PPP) ................................................................................ 7
  Annual Listing of Obligated Projects ...................................................................... 7
  Area and Corridor Plans .......................................................................................... 7

*Public Participation Process* .................................................................................. 7
  Goals ......................................................................................................................... 7

*Four-Step Process* ................................................................................................ 8
  Identify Needs and Challenges ................................................................................ 8
  Generate Options ..................................................................................................... 9
  Evaluate and Prioritize Options ............................................................................. 9
  Develop Implementation Strategies ....................................................................... 10

*Public Participation Tools* .................................................................................... 10
  Introduction ............................................................................................................. 10

*Input Meetings* ..................................................................................................... 10
  MPO Committee Meeting ....................................................................................... 10
  Traditional Public Input Meeting .......................................................................... 10
  Charette-Style Meeting ......................................................................................... 10
  Open House Meeting .............................................................................................. 11
  Stakeholder Consultation ....................................................................................... 11

*Involvement Techniques* ...................................................................................... 11
  Brainstorming and Visioning .................................................................................. 11
  Visualization .......................................................................................................... 11
  Neighborhood and Community Audits ................................................................. 12
  Public Events ........................................................................................................... 12
<table>
<thead>
<tr>
<th>Resource</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Focus Groups</td>
<td>12</td>
</tr>
<tr>
<td>Comment Forms</td>
<td>12</td>
</tr>
<tr>
<td>Surveys</td>
<td>12</td>
</tr>
<tr>
<td><strong>Education and Resource Center</strong></td>
<td>12</td>
</tr>
<tr>
<td>MPO Staff Availability</td>
<td>12</td>
</tr>
<tr>
<td>Orientation Workshops and Materials</td>
<td>12</td>
</tr>
<tr>
<td>Master Mailing List (MML)</td>
<td>12</td>
</tr>
<tr>
<td>Library</td>
<td>13</td>
</tr>
<tr>
<td>Website</td>
<td>13</td>
</tr>
<tr>
<td>E-Newsletter – Intersections</td>
<td>13</td>
</tr>
<tr>
<td>MPO Logo</td>
<td>13</td>
</tr>
<tr>
<td>Media Advertising</td>
<td>13</td>
</tr>
<tr>
<td>Marketing Materials</td>
<td>14</td>
</tr>
<tr>
<td>Social Media</td>
<td>14</td>
</tr>
<tr>
<td>Evaluation of the Public Participation Process</td>
<td>14</td>
</tr>
<tr>
<td><strong>Appendix A - Public Participation Matrix</strong></td>
<td>15</td>
</tr>
<tr>
<td><strong>Appendix B - Map of Low Moderate Income Areas</strong></td>
<td>19</td>
</tr>
<tr>
<td><strong>Appendix C - General Time Line for MPO TIP and STIP Development and Amendments</strong></td>
<td>21</td>
</tr>
</tbody>
</table>
Introduction
The Mesilla Valley Metropolitan Planning Organization (MPO) is a transportation planning organization whose primary role is to involve the public in the planning process. Public involvement is not a discrete incident, but a continual focus of the MPO’s entire work program. In order to maintain a proactive presence in the community, and be a resource for the public and other entities, the MPO strives to be both an educational organization and a quality resource center.

This Public Participation Plan is intended to provide a guide for public participation activities to be conducted by the Mesilla Valley Metropolitan Planning Organization. The Public Participation Plan contains the goals of the MPO for public participation, as well as specific processes and tools to encourage and facilitate public and stakeholder participation.

Background
The Mesilla Valley Metropolitan Planning Organization (MPO) is the agency responsible for transportation planning within Las Cruces, Mesilla, and central Doña Ana County. Federal regulations require the designation of an MPO to carry out a coordinated, continuing, and comprehensive transportation planning process for urbanized areas with a population of more than 50,000. The Mesilla Valley MPO has been in existence since 1982, and it operates under the guidance of a Policy Committee. The Policy Committee is comprised of elected officials from the City of Las Cruces, Town of Mesilla, Doña Ana County, and the district engineer from the New Mexico Department of Transportation (NMDOT) who make decisions to plan for the future transportation needs of the region.

Public Participation
Requirements
Federal Transportation Regulations
Federal laws outlined in 23 U.S.C. 450.306.a.1-8 require MPOs to conduct a planning process that considers transportation projects and strategies that will do the following:

• Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;
• Increase the safety and security of the transportation system for motorized and non-motorized users;
• Increase the accessibility and mobility options available to people and freight;
• Protect and enhance the environment, promote energy conservation, and improve quality of life;
• Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;
• Promote efficient system management and operation; and
• Emphasize the preservation of the existing transportation system.
• Improve the resiliency and reliability of the transportation system and reduce the impact of storm water
• Enhance travel and tourism

In order to accomplish this planning process the MPO has developed this Public Participation Plan in accordance with federal laws outlined in 23 U.S.C. 450.316.a.1.i – x.

Federal Transit Regulations
The public participation procedures outlined in this Plan also serve as the public participation process required for the development of transit projects as per Federal Transit Administration (FTA) Circular 9030. The MPO will implement the following
strategies to reduce participation barriers for persons with Limited English Proficiency (LEP):

- The MPO will actively engage and provide accommodations for LEP populations in the short term by providing interpretative services, utilizing visual techniques, handing out language cards, exploring appropriate locations for distribution of materials on MPO meetings and processes, using word of mouth, and training staff members to look for clues that members of the public cannot read English.

- The MPO will work with the City of Las Cruces, as the MPO's Administrative Agent, to develop a formal LEP policy. The policy should include an analysis of the number or proportion of persons with LEP in the jurisdictions, the specific language needs of those individuals, and the potential frequency of contact with persons with LEP.

- Lastly, the MPO will assess the resources available and costs associated with providing different language service options.

**Title VI and Environmental Justice**

Title VI of the Civil Rights Act of 1964 states that no person is excluded from participation in, denied the benefit of, or subjected to discrimination under any program or activity receiving federal financial assistance on the basis of race, color, national origin, age, sex, disability, or religion. This prohibition against discrimination is in effect whether the effect is intentional or unintentional. Following this, in February 1994, Executive Order 12898 was signed requiring federal agencies to establish internal policies to ensure compliance in all agency activities, including public involvement.

The Mesilla Valley MPO will strive to address environmental justice issues at all stages of the planning process. The MPO will implement the following strategies to reduce participation barriers for low income and minority populations and improve access to services for persons with disabilities:

- When possible, public meetings will be held in locations that are convenient to low and moderate income neighborhoods and are accessible to disabled populations and public transit users. Such locations include community centers, senior centers and schools. Holding meetings in familiar and accessible neighborhood locations may be more culturally sensitive and help residents feel more comfortable about the public participation process.

- The Mesilla Valley MPO will strive to provide a predictable planning process that is understandable and known in advance in order to make the planning process coherent and comprehensive.

- All MPO work products and documents will be available in alternative formats, including Braille, large type and languages other than English. The following statement will be included in all MPO documents:

> The Mesilla Valley MPO does not discriminate on the basis of race, religion, sex, sexual orientation, gender identity, color, ancestry, serious medical condition, national origin, age, or disability in the provision of services. The Mesilla Valley MPO will make reasonable accommodation for a qualified individual with a disability who wishes to attend this public meeting. Please notify the Mesilla Valley MPO at least 48 hours before the meeting by calling 528-3222 (Voice) or 528-3157 (TTY). This document can be made available in alternative formats by calling the same numbers listed above. *Este documento está disponible en español*
• The location of low-income and minority populations will be identified and mapped as a tool for gauging the impact of proposed transportation projects on these areas. This map will be updated every five years. See Appendix B.

• Agencies and organizations that represent low-income and minority populations will be identified and included in MPO mailings.

• The MPO will provide a complaints process to deal with any issues regarding Title VI compliance. See the Mesilla Valley MPO Title VI Plan.

**State Open Meetings Act**

In order to ensure adequate public notice and provision of timely information, all meetings of the Mesilla Valley Metropolitan Planning Organization Policy Committee and its advisory committees are subject to the provisions of the New Mexico Open Meetings Act, as amended. Policy Committee meeting notices are published in the *Las Cruces Sun News* 10 days prior to the meeting date. Technical Advisory Committee (TAC) and Bicycle and Pedestrian Facilities Advisory Committee (BPAC) meeting notices are posted at least three business days prior to the meeting date. All meeting notices are posted at Las Cruces City Hall, Doña Ana County Government Complex, Branigan Library, the Mesilla Town Hall, and the MPO website. Upon request, all notices will be available in Spanish and alternative formats.

**State Inspection of Public Records**

All Mesilla Valley MPO work products are available for public inspection. Because the City of Las Cruces is the fiscal and administrative agent for the Mesilla Valley MPO, inspection of MPO documents follows the City of Las Cruces Inspection of Public Records, Ordinance 2265. A copy of this ordinance is available upon request.

Proposed documents and proposed document amendments will also be available for review, free of charge, at the following locations:

• MPO Office, Las Cruces City Hall, 700 N. Main Street
• Reference Desk, Branigan Library, 200 East Picacho Avenue
• NMDOT District One Las Cruces Project Office, 750 North Solano Drive
• Town of Mesilla Town Hall, 2231 Avenida de Mesilla
• Community Development Department, Doña Ana County Government Complex, 845 North Motel Boulevard
• Mesilla Valley MPO website: http://mesillavalleympo.org

All documents, in whole or part, will be available upon request in Spanish and in alternative formats.

**MPO Work Products**

According to the federal transportation regulations, the Mesilla Valley MPO is required to create and maintain the following transportation planning documents:

• Metropolitan Transportation Plan (23 U.S.C. 450.322);
• Transportation Improvement Program (23 U.S.C. 450.324);
• Unified Planning Work Program (23 U.S.C. 450.308); and
• Public Participation Plan (23 U.S.C. 450.316); and
• Annual List of Obligated Projects (23 U.S.C. 450.332).

**Metropolitan Transportation Plan (MTP)**

The Metropolitan Transportation Plan contains both long-range and short-range...
strategies/actions that guide multi-modal transportation planning, construction, and maintenance of an integrated transportation network for the Las Cruces Urbanized Area. The MTP is developed through a shared vision for the region involving extensive interaction with and education of the public, stakeholders, and the MPO Committees. The Plan covers no less than a 20-year planning horizon. The Metropolitan Transportation Plan is updated every five years.

Transportation Improvement Program (TIP)
The Transportation Improvement Program is a six-year, financially constrained list of transportation projects within the MPO area, including regionally significant projects and all transit projects funded by FTA. The TIP is developed in cooperation with residents, local governments, and the New Mexico Department of Transportation (NMDOT) and in compliance with the adopted Long Range Transportation Plan. The Transportation Improvement Program is completely updated bi-annually.

Unified Planning Work Program (UPWP)
The purpose of the Unified Planning Work Program is to outline intermodal transportation planning activities to be conducted within the Mesilla Valley MPO Planning Area within a financially constrained budget. The UPWP contains MPO work projects, budgets, and staff assignments for the upcoming fiscal year. The UPWP must comply with the adopted Long Range Transportation Plan. The Unified Planning Work Program is updated bi-annually.

Public Participation Plan (PPP)
The Public Participation Plan is intended to provide a guide for public involvement processes to be conducted by the Mesilla Valley Metropolitan Planning Organization (MPO). The Public Participation Plan contains the goals of the MPO for public involvement, as well as specific public involvement procedures for various MPO activities. The Public Participation Plan will be updated every five years.

Annual Listing of Obligated Projects
In metropolitan planning areas, on an annual basis, no later than 90 calendar days following the end of the program year, the State, public transportation operator(s), and the MPO shall cooperatively develop a listing of projects for which funds under 23 U.S.C. or 49 U.S.C. Chapter 53 were obligated in the preceding program year.

Mesilla Valley MPO staff shall make this list available to the public.

Area and Corridor Plans
Area and corridor plans are undertaken in areas that are in need of intensive study to determine potential transportation needs. These plans can be initiated if a member jurisdiction identifies a transportation issue not previously discussed in the LRTP or when a proposed TIP project is not in compliance with the LRTP. These are conducted on an “as-needed” basis.

Public Participation Process Goals
The goals of the Public Participation Process are as follows:

- Maintain a continuing, cooperative, comprehensive (3-C) planning process;
- Pursue access to transportation options for all residents;
- Consider a broad range of options to address transportation challenges;
- Ensure a transparent, interactive, bottom-up transportation planning process;
- Provide a high level of education on transportation related subjects;
- Encourage residents and a variety of stakeholders to contribute ideas and
comments at every stage of the process; and

• Engage traditionally underserved populations, including low income and minority households and persons with disabilities.

Four-Step Process
In order to achieve these goals the MPO has developed a four-step public participation process:

• Identify Needs and Challenges;
• Generate Options;
• Evaluate and Prioritize Options; and
• Develop an Implementation Strategy.

Identify Needs and Challenges
Identify Needs and Challenges means taking a comprehensive look at the regional transportation system or a potential transportation project. In this era of rising gas prices, identifying public concerns about transportation is particularly important. In order to conduct a comprehensive identification of transportation needs and challenges, the MPO must solicit information from the public, stakeholders, and MPO committees. This effort requires listening to comments and integrating suggestions made concerning the regional transportation network.

The public participation tools listed in this plan will be used to collect the public’s comments about their daily transportation experiences, the regional transportation system as a whole, their suggestions for potential projects, and their vision for the future.

In addition to the general public, the MPO
staff will also solicit the concerns of a broad range of stakeholders such as local jurisdictions, transportation providers, and land use agencies. Listening to stakeholders means gathering information about the services they provide and the impacts that the transportation system or potential projects will have on their services. MPO staff then discusses with its committees the information gathered from the public and stakeholders.

MPO staff is responsible for planning a transportation network that safely and efficiently moves people and goods throughout the region. Therefore, at this stage in the process, the MPO staff is also responsible for gathering information on current, relevant transportation conditions, such as crash data, traffic volumes, access management, adjacent land uses, and topography. For example, crash data may be gathered for a later analysis of safety conditions, and land use data may be used to determine impacts on the transportation system. Other considerations that will be discussed are the potential impacts to places deemed historically, environmentally or culturally important.

**Generate Options**

*Generate Options* means generating a list of proposed options based on input from the public, stakeholders, and MPO staff and merging them with best practices from transportation professionals. This process may be accomplished by using neighborhood or community audits, design tables, and other focus groups. Also evaluated in this step are the data gathered on current transportation conditions and existing transportation options, such as transit routes and bicycle lanes. This step of the process provides a balanced approach to updating MPO work products or evaluating potential projects.

The data gathered, along with the comments expressed by the public and stakeholders, will be analyzed for potential benefits and drawbacks. Monetary costs and technical feasibility of a project may also be considered in this step. Some of the tools that the MPO uses to analyze data are travel demand modeling, spatial geographic analyses, and other visualization techniques.

Then, MPO staff will discuss the data and proposed approaches with its committees to solicit further feedback. MPO staff will also continue to receive written comments from the public and stakeholders.

**Evaluate and Prioritize Options**

*Evaluate and Prioritize Options* means asking the question “Does a proposed approach help resolve the identified transportation concerns?” Specifically, the MPO will assess each proposal based on estimated costs, potential benefits and drawbacks, and technical feasibility. Potential benefits and drawbacks are based upon transportation principles and the participation received from the public and stakeholders. For example, a benefit of a proposed update may be community or neighborhood support, but a drawback may be that the approach does not improve the regional transportation system.

Next, the public may be asked to weigh their preferred options through techniques such as option or project ranking. In order for the public to effectively rank options, the MPO must clearly explain the processes used during the first two steps and define the regional significance of any proposed approach.

Therefore, a detailed matrix of the estimated costs, potential benefits and drawbacks, and technical feasibility of each proposal will be made available, as needed, in order to facilitate the ranking process. The MPO staff will also summarize the input from the public,
stakeholders, and committees. To the extent possible, the MPO will also use visual techniques to explain completed analyses.

**Develop Implementation Strategies**

*Develop Implementation Strategies* means creating a report or work product that provides information on how to implement proposals. This written document will contain a summary of the entire four-step process, including written comments from the public and stakeholders, and will provide recommendations on an implementation strategy.

The implementation strategy may include determining:

- Whether an approach is a short term or long term project;
- The entity or entities responsible for implementation;
- Available funding; and
- Any other recommendations, such as design techniques or further analyses.

The draft of proposed implementation strategies will be discussed with MPO committees and presented to the public and stakeholders for their final feedback. Final action on proposed options or plan updates is reserved for the MPO Policy Committee.

**Public Participation Tools**

**Introduction**

In order to maintain a proactive presence in the community, and an early and continuous public involvement process, the MPO strives to be both an educational organization and a quality resource center. To accomplish this goal, the MPO uses a toolbox of involvement techniques in their public participation processes. See Appendix A for the complete Public Participation Matrix.

**Participation Meetings**

MPO staff continually works on adjusting and improving the format of public meetings to encourage participation from all people in attendance. Interactive meetings are held early in the transportation planning process. This interaction is important so that the public is involved prior to any decisions being made. Below is listed the types of meetings that MPO Staff uses in different stages or settings of the Public Participation Process.

**MPO Committee Meeting**

The MPO has regular meetings of their Technical Advisory Committee, Bicycle and Pedestrian Advisory Committee, and Policy Committee. The advisory committees provide input to the Policy Committee on planning and engineering issues that affect the transportation decision-making process. All MPO committee meetings are open to the public. Residents and stakeholders are encouraged to attend the meetings and discuss the transportation challenges that they face. The meeting schedule, agendas and full packets for each committee meeting will be posted on the Mesilla Valley MPO website. Agendas are also distributed through the MPO Master Mailing List.

**Traditional Public Participation Meeting**

Traditional Public Participation Meetings are appropriate when MPO staff is asked to provide information on a specific topic, conduct an educational seminar, or present final results of a plan update or corridor study. These meetings provide an opportunity for question-and-answer sessions with the public, but are less interactive than charrette-style meetings.

**Charrette-Style Meeting**

Charrette-Style public meetings engage the public in an interactive brainstorming process to develop ideas to address transportation needs and challenges. This process ensures that dynamic dialogue throughout the process is an integral part of assessing proposals and plans. Ideas that come out of this visioning process can be further
analyzed for technically feasibility and for incorporation into a potential range of final solutions. Much of the four-step process outlined in this public participation plan is derived from the successes of conducting Charrette-Style meetings.

**Open House Meeting**

Open houses are an informal type of public meeting that take transportation issues to the public rather than asking the public to come to us. This process is often less intimidating than a traditional participation meeting. An Open House meeting is generally set up at a familiar site in the community where people already congregate, for example, at the Farmer’s Market, the local mall, or a University campus.

Sometimes traditional or even Charrette-Style public meetings do not work well because people have busy schedules and may not have the time or the availability to attend these meetings. The Open House forum offers the public more opportunities to learn about transportation issues by providing meetings at several different locations and during different times of the day allowing flexibility and sensitivity to culturally appropriate methods. The MPO may set up a booth with brochures, maps, and other materials, and will provide opportunities for public comments.

**Stakeholder Consultation**

The MPO does not stand alone in regional transportation issues. The MPO coordinates and consults with local, regional, and national agencies, such as the MPO area jurisdictions, El Paso MPO, South Central Council of Governments, New Mexico Department of Transportation, the South Central Regional Transit District, the Viva Dona Ana Consortium, and land management agencies. For example, the MPO integrates data from the Census Bureau and land use agencies, such as the Bureau of Land Management, into their planning process. Through this coordination the MPO is able to present a comprehensive picture of the transportation system to the public.

**Involvement Techniques**

MPO staff continually utilizes the following involvement techniques to solicit public participation and ideas, as well as educate the public, stakeholders, and the MPO Committees. New techniques may be introduced and tested prior to inclusion in this document.

**Brainstorming and Visioning**

Brainstorming is a cooperative, open process geared toward sharing ideas, proposing alternatives, and building consensus. Visioning is also a cooperative group effort through which participants create a set of principles that lead to shared goals and strategies. Both can be used to build a shared vision, collect ideas, and provide direction on a comprehensive strategy for implementation. A visioning exercise may include participants using index cards to write down concepts that they think are most important to their community and sharing these concepts (if they so choose) with the group. The index card can then be used to inform the current planning process.

**Visualization**

Visualization techniques, such as maps, flow charts, traffic simulations, travel demand modeling, and video are used to help explain technical terms and transportation planning concepts to the public and stakeholders. Visualization techniques are applied throughout MPO documents and the MPO website. For example, the MPO’s traffic count program is available in map form, Geographic Information System (GIS) files, and on the MPO website. Also, the MPO is using video to provide a visual of transportation challenges during drop-off and
Neighborhood and Community Audits

Neighborhood and Community Audits are used to educate the community and encourage them to get involved with issues that are close to home, yet affect the regional transportation system. Sometimes transportation concerns are more easily resolved through first hand experience. An audit can provide a constructive forum for gathering information and encouraging public involvement. For example, Safe Routes to School is an emerging issue for neighborhoods. Improving conditions for children on their routes to and from school may best be understood and observed through a walk along these routes.

Neighborhood and Community Audits are generally done in the field, but can be conducted using aerial maps as well. If a walking audit is not a possibility, then audit participants may draw on large maps to inventory valuable aspects of the transportation system and identify transportation challenges and potential solutions.

Public Events

Participating in Public Events accomplishes the tasks of educating the public, and finding multiple ways to encourage their participation. Sometimes the public may not have time to attend public meetings, but has already made an event a part of their schedule.

Focus Groups

Focus Groups are generally used to explore a specific aspect of a project or transportation challenge in a more in depth manner. Individuals who are knowledgeable about or have an interest in a transportation related topic may be invited to participate in a Focus Group.

Comment Forms

Comment forms are open-ended requests for feedback on transportation related topics. Comment forms are available on the MPO website, at public meetings, or at MPO offices. Feedback from comment forms will be included in documents as either a verbatim appendix or a summary.

Surveys

Surveys are direct requests for feedback on specific transportation issues. In some cases, quantified results will be used to guide transportation decision making and help formulate overall goals for the transportation system.

Education and Resource Center

MPO Staff Availability

MPO staff is available during business hours to discuss the MPO transportation planning process or other transportation-related matters with residents and other interested parties. By prior arrangement, MPO staff is available to meet with stakeholders and other organizations during and after normal business hours.

Orientation Workshops and Materials

The MPO must educate our committee members and the general public on the basics of what the MPO does and why. In order to achieve this goal, the MPO provides both workshops that can be set up on an as needed basis and written materials that summarize the MPO’s goals, regulations, and processes. The MPO is working on a presentation and handbook titled “MPO 101” to distribute to all Committee members and anyone else who is interested.

Master Mailing List (MML)

The Mesilla Valley MPO maintains a Master Mailing List which includes neighborhood associations, community groups, business and professional groups, environmental
groups, special interest groups, elected and appointed officials, affected agencies, and interested residents. This list will be used to:

- Coordinate regional planning efforts;
- Distribute TIP Call for Projects letter
- Provide MPO documents for review;
- Notify interested parties of upcoming meetings and other MPO activities;
- Communicate with members of the public, private entities, and governmental agencies; and
- Invite interested parties to comment on transportation planning issues.

The MML will be customized so only items of particular interest will be mailed to list recipients. The MML is continuously updated.

Library
MPO staff maintains a library of documents that are available for review during normal business hours. The MPO library contains past and current transportation planning studies and materials, paper and digital versions of maps, MPO plans, and study area reports. Copies of library materials are available at reproduction and postage costs.

Website
The Mesilla Valley MPO maintains an internet website to provide the most current information available including committee meeting agendas and packets, work products, current projects, staff contact information, and links to other transportation sites. The MPO also utilizes the website for public outreach and education through regular updates and notifications. Public comments are encouraged and welcomed through the feedback page that allows anyone to submit comments regarding transportation planning issues at any time. The MPO will improve public participation through the MPO website by conducting surveys on specific issues.

E-Newsletter – Intersections
The Mesilla Valley MPO will produce a monthly e-newsletter that will contain staff contact information, upcoming meeting schedules and agendas, results of technical activities, information on policy issues, current project status reports, and links to other relevant transportation-related sites. The MPO will also solicit from the public, stakeholders and committees, topics that they would like to learn more about. The e-newsletter will be distributed via email to all parties on the Master Mailing List that have indicated an interest in receiving the e-newsletter. It will also be available as a printed handout upon request. For interested parties that do not have internet they may request that a copy be mailed to them or use a computer at the MPO office.

MPO Logo
A logo representing the Mesilla Valley MPO is used to identify all products and publications of the MPO. This logo helps the public become familiar with the different activities of the MPO by providing a means of recognizing MPO products.

Media Advertising
The Mesilla Valley MPO will work with the local media to inform the public of significant transportation activities and issues. Public participation meeting advertisements will be published in either the Las Cruces Sun News or the Las Cruces Bulletin, or both, in order to inform the largest number of residents possible and solicit their participation. MPO staff will also attempt to have MPO meetings appear on the community calendar. As appropriate, the MPO will send legal notices and/or press releases, conduct interviews, and submit articles to the local news media. Radio public service announcements will be used as appropriate. The MPO will work with the Las Cruces Bulletin to include a list of Committee meeting schedules.
Marketing Materials
Marketing materials may include brochures or flyers. Marketing materials may be provided for education or for advertising events that are applicable to transportation issues. For example, the MPO has produced a Bicycling Suitability Map that contains information on suitable bicycling routes, rules of the road, and other ways to promote safe bicycle riding in the MPO area.

Social Media
Mesilla Valley MPO staff shall investigate various types of social media for the purpose of disseminating relevant information and performing social outreach.

Evaluation of the Public Participation Process
The Public Participation Plan will be reviewed for effectiveness every five years when the Public Participation Plan as a whole is reviewed and updated.

Consideration of effectiveness may be made on the following factors:
- Level of public participation
- Level of event attendance
- Use of website
- Public reaction to MPO efforts and activities

As a result of this evaluation the Public Participation Plan may be periodically modified as deemed necessary.
APPENDIX A

Public Participation Matrix
<table>
<thead>
<tr>
<th>MPO Work Product Processes</th>
<th>Minimum Comment Period</th>
<th>Public Meeting Date</th>
<th>Public Participation Tools</th>
<th>Additional Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Public Participation Matrix</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Long Range Transportation Plan (LRTP)</td>
<td>Kick Off meeting required with all MPO Committees</td>
<td>Draft LRTP: At least 30 days prior to Policy Committee final action</td>
<td>Four-Step Process</td>
<td>Updated every 5 years</td>
</tr>
<tr>
<td>Transportation Improvement Program (TIP)</td>
<td></td>
<td>Call for projects letter at least 60 days prior to TIP final action</td>
<td>Participation Meetings</td>
<td>All public comments received and staff responses will be included in the LRTP</td>
</tr>
<tr>
<td>Unified Planning Work Program (UPWP)</td>
<td></td>
<td>At least 30 days prior to Policy Committee final action</td>
<td>Involvement Techniques</td>
<td>BPAC and TAC may serve as public participation meetings</td>
</tr>
<tr>
<td>Public Participation Program (PPP)</td>
<td></td>
<td>At least 30 days prior to Policy Committee final action</td>
<td>Education and Resource Center</td>
<td>A summary of all public comments will be provided to the Policy Committee</td>
</tr>
</tbody>
</table>

**Minimum Comment Period**
- 180 days during LRTP process
- 30 days on Final Draft LRTP
- 30 days during TIP process
- 30 days during UPWP process
- 45 days during PPP process
<table>
<thead>
<tr>
<th><strong>Public Participation Matrix</strong></th>
<th><strong>Public Meeting Date</strong></th>
<th><strong>Minimum Comment Period</strong></th>
<th><strong>Public Participation Tools</strong></th>
<th><strong>Additional Comments</strong></th>
</tr>
</thead>
</table>
| **Title VI Plan**             | At least 30 days prior to Policy Committee final action | 45 days                    | • Utilize guidance in Public Participation Plan  
• Maintain Title VI complaint process | • Consultation is required with NMDOT and the City of Las Cruces as our administrative agent |
| **Area and Corridor Plans**   | At least 30 days prior to Policy Committee final action | 30 days                    | • Four-Step Process  
• Input Meetings  
• Involvement Techniques  
• Education and Resource Center | • Target notification area determined (Min. 300')  
• Notice sent regular mail  
• Sign posted on property  
• At least one public meeting held in location convenient to affected |
| **Long Range Transportation Plan Amendments** | At least 30 days prior to Policy Committee final action | 30 days                    | • Four-Step Process  
• Participation Meetings  
• Involvement Techniques  
• Education and Resource Center | • At least one public meeting will be held  
• BPAC and TAC may serve as public meetings |
| **Transportation Improvement Program (TIP) Amendments**  
Unified Planning Work Program (UPWP) Amendments  
Public Participation Plan (PPP) Amendments | At least 15 days prior to PC final action | 30 days                    | • Participation Meetings  
• Involvement Techniques  
• Education and Resource Center | • TIP amendments include those which are not exempt from the public participation process  
• BPAC and TAC may serve as public meetings |
<table>
<thead>
<tr>
<th>Public Participation Matrix</th>
<th>Public Meeting Date</th>
<th>Minimum Comment Period</th>
<th>Public Participation Tools</th>
<th>Additional Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Input Meetings</td>
<td></td>
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</tr>
</tbody>
</table>
| MPO Committee Meetings      | Varies              | N/A                    | • Legal or Posted Notice, as applicable  
                           |                     |                        | • E-Newsletter     | See MPO Meeting Calendar in Appendix D |
                           |                     |                        | • Website              |                     |
APPENDIX B

Map of Low Moderate Income Areas
APPENDIX C

General Time Line for MPO TIP and STIP Development and Amendments
<table>
<thead>
<tr>
<th>TIP Action</th>
<th>Oct</th>
<th>Nov</th>
<th>Dec</th>
<th>Jan</th>
<th>Feb</th>
<th>Mar</th>
<th>Apr</th>
<th>May</th>
<th>Jun</th>
<th>Jul</th>
<th>Aug</th>
<th>Sep</th>
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<tbody>
<tr>
<td>BPAC Review and Recommendation</td>
<td></td>
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<td>TAC Review and Recommendation</td>
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<tr>
<td>Policy Committee Review and Recommendation</td>
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<tr>
<td>FHWA Adoption and Incorporation into the STIP</td>
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</tr>
</tbody>
</table>

- MPO TIP Amendment Cycle 1
- MPO TIP Amendment Cycle 2
- MPO TIP Amendment Cycle 3
- MPO TIP Amendment Cycle 4
AGENDA ITEM:
6.2 FY18-23 Transportation Improvement Program Amendments

ACTION REQUESTED:
Review and recommendation for approval to the MPO Policy Committee

SUPPORT INFORMATION:
Emails from Jolene Herrera, NMDOT

DISCUSSION:
On June 14, 2017, the MPO Policy Committee approved the 2018-2023 Transportation Improvement Program (TIP)

The following amendment(s) to the TIP have been requested:

<table>
<thead>
<tr>
<th>CN</th>
<th>FY</th>
<th>Agency</th>
<th>Project &amp; Termini</th>
<th>Scope</th>
<th>Change</th>
<th>Performance Measure Justification</th>
</tr>
</thead>
<tbody>
<tr>
<td>LC00110</td>
<td>2017</td>
<td>NMDOT</td>
<td>El Camino Real at Doña Ana School Rd.</td>
<td>Intersection Realignment</td>
<td>Move Project to FY2019</td>
<td>The project has been identified as a safety issue by DAC and this project is to address the safety concerns.</td>
</tr>
<tr>
<td>LC00271</td>
<td>2023</td>
<td>NMDOT</td>
<td>US 70 MP 149.1 – 150.0</td>
<td>Bridge Replacement, Roadway Reconstruction, Pavement Preservation, ADA &amp; Intersection</td>
<td>New Project $11 Million</td>
<td>This project will address multimodal safety in the corridor by widening the bridge over the Outfall</td>
</tr>
<tr>
<td>LC00360</td>
<td>2019</td>
<td>NMDOT</td>
<td>I-25/Lohman Interchange</td>
<td>Landscaping Project</td>
<td>New Project $1.95 Million ($750K NM funds, $1.2M CLC funds)</td>
<td>No impact on adopted safety targets</td>
</tr>
<tr>
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</tr>
<tr>
<td>LC00270</td>
<td>2019</td>
<td>NMDOT</td>
<td>US 70 MP 149.1 – 150.0</td>
<td>Design Phase</td>
<td>Adding $800K for Phase II design)</td>
<td>This project will address multimodal safety in the corridor by widening the bridge over the Outfall Channel and upgrading ADA ramps at intersections.</td>
</tr>
</tbody>
</table>

This amendment will not affect any other projects currently listed in the TIP.
Hi Andrew,

Please see updates below regarding performance measures.

Thanks,

Jolene Herrera  
Urban & Regional Planner  
C. (575) 202-4698

Good Afternoon Jolene,

Thank you very much for providing this information.

We do have two follow up requests we would like to make to NMDOT Staff for the purposes of gathering information to present to the BPAC later this month.

Is there any information NMDOT can give at this point about how LC00271 and LC00360 will support adopted performance targets or if they are applicable?

Also, LC00360 does not have a program year listed below.

Thank you.

Andrew Wray  
Transportation Planner/Mesilla Valley Metropolitan Planning Organization/Community Development  
Direct: 575-528-3070 Main: 575-528-3043, awray@las-cruces.org
Good morning Andrew,

Please see the below list of TIP Amendments for the upcoming August and September meetings. Please let me know if you have any questions.

- LC00110, El Camino Real at Dona Ana School Road, Intersection Realignment. Move project to FY2019 with $478k in construction and $47k in construction management for a total project cost of $525,000 of HSIP funds. This project has been identified as a safety issue by Dona Ana County and this project will realign the intersection to directly address safety concerns. This project has been awarded safety funds.

- LC00271, New project: US 70 MP 149.1 – 150.0, Bridge Replacement, Roadway Reconstruction, Pavement Preservation, ADA & Intersection Improvements, $11M construction FY2023. This project will address multimodal safety in the corridor by widening the bridge over the outfall channel and upgrading ADA ramps at intersections. The project will also address pavement condition with a preservation project and bridge condition with the replacement project.

- LC00360, New project: I-25/Lohman Interchange (I-25 MP 3 – 3.7), Landscaping. $1.95M total ($750K NM state funds, $1.2M City of Las Cruces funds) FY2019. This project will not directly be impacting the safety targets, as it is for landscaping at the interchange only, outside the roadway prism.

Please let me know if you have any questions.

Thanks,

Jolene Herrera
Urban & Regional Planner
NM Department of Transportation
750 N. Solano Dr.
Las Cruces, NM 88001
C. (675) 202-4698
Hi Andrew,

We need to make an addition to the list below. Please add the following amendment:

LC00270, US 70 design phase, add $800K in FY2019 for Phase II design (construction added under LC00271 project below). This project will not impact safety targets but the construction phase will, as mentioned below.

Please let me know if you have any questions.

Thanks,

Jolene Herrera
Urban & Regional Planner
C: (575) 202-4698

Hi Andrew,

Please see updates below regarding performance measures.

Thanks,

Jolene Herrera
Urban & Regional Planner
C: (575) 202-4698
Good Afternoon Jolene,

Thank you very much for providing this information.

We do have two follow up requests we would like to make to NMDOT Staff for the purposes of gathering information to present to the BPAC later this month.

Is there any information NMDOT can give at this point about how LC00271 and LC00360 will support adopted performance targets or if they are applicable?

Also, LC00360 does not have a program year listed below.

Thank you.

Andrew Wray  
Transportation Planner/Mesilla Valley Metropolitan Planning Organization/Community Development  
Direct: 575-528-3070  Main: 575-528-3043, awray@las-cruces.org

METROPOLITAN PLANNING ORGANIZATION  
LAS CRUCES    DOÑA ANA    MESILLA

From: Herrera, Jolene M, NMDOT [mailto:JoleneM.Herrera@state.nm.us]  
Sent: Wednesday, August 08, 2018 11:02 AM  
To: Andrew Wray <awray@las-cruces.org>  
Cc: Tom Murphy <tmurphy@las-cruces.org>; Chavarria, Aaron, NMDOT <Aaron.Chavarria@state.nm.us>  
Subject: TIP Amendments

Good morning Andrew,

Please see the below list of TIP Amendments for the upcoming August and September meetings. Please let me know if you have any questions.

- LC00110, El Camino Real at Dona Ana School Road, Intersection Realignment. Move project to FY2019 with $478k in construction and $47k in construction management for a total project cost of $525,000 of HSIP funds. This project has been identified as a safety issue by Dona Ana County and this project will realign the intersection to directly address safety concerns. This project has been awarded safety funds.

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• LC00360, New project: I-25/Lohman Interchange (I-25 MP 3 – 3.7), Landscaping. $1.95M total ($750K NM state funds, $1.2M City of Las Cruces funds) FY2019. This project will not directly be impacting the safety targets, as it is for landscaping at the interchange only, outside the roadway prism.

Please let me know if you have any questions.

Thanks,

Jolene Herrera
Urban & Regional Planner
NM Department of Transportation
750 N. Solano Dr.
Las Cruces, NM 88001
C. (575) 202-4698
AGENDA ITEM:
6.3 Metropolitan Transportation Plan Amendment – Removal of Segments from the Truck Route Map

ACTION REQUESTED:
Recommendation to the Policy Committee.

SUPPORT INFORMATION:
Emails from Hector Terrazas, City of Las Cruces.

DISCUSSION:
The City of Las Cruces has requested that that the following segments be deleted from the Mesilla Valley MPO Truck Route Map:

- Church St. – Picacho to Amador
- Water St. – Picacho to Amador
- Main St. – Picacho to Amador
- Melendres – Main to Picacho

The City wishes for these segments to be removed to eliminate larger trucks from these facilities. Delivery trucks would still be accommodated. The City proposes that alternative routes would be Valley Drive or Solano.

This request requires an amendment to the currently adopted Metropolitan Transportation Plan (MTP). This requires at least one public meeting and a 30-day public comment period before the amendment can be taken up for action by the MPO Policy Committee. The public comment period commenced at the August 2, 2018 meeting of the Technical Advisory Committee (TAC). This issue will be on the agenda of the September 6, 2018 meeting of the TAC and go before the Policy Committee at their October 10, 2018 meeting.
Tom,

With the downtown redevelopment to be more urban Traffic is requesting that Church, Water and Main (between Picacho and Amador) be removed from the truck route. Let me know if you have any questions, thanks.

Hector Terrazas, P.E.  
Interim Traffic Operations Engineer/Public Works/Street and Traffic Operations  
Direct: 575-541-2508 Main: 575-541-2595 hterrazas@las-cruces.org
From: Hector Terrazas
Sent: Thursday, July 26, 2018 1:35 PM
To: Tom Murphy
Cc: Andrew Wray; SooGyu Lee
Subject: RE: Truck Route Modifications
Attachments: TRuck Route.png

Follow Up Flag: Follow up
Flag Status: Flagged

Tom,
I will be available for any questions.

The streets (see attached) are owned and maintained by the City of Las Cruces. At this point Traffic Engineering wants to remove the streets from the official truck route to eliminate the bigger size trucks. Traffic will be looking at the appropriate max size truck that would be allowed in the downtown area to accommodate deliveries. Traffic on NM478 would still have alternatives such as Valley drive and Solano.

Let me know if you have any more questions, thank you.

Hector Terrazas, P.E.
Interim Traffic Operations Engineer/Public Works/Street and Traffic Operations
Direct: 575-541-2508 Main: 575-541-2595 hterrazas@las-cruces.org

From: Tom Murphy
Sent: Tuesday, July 24, 2018 7:53 AM
To: Hector Terrazas <hterrazas@las-cruces.org>
Cc: Andrew Wray <awray@las-cruces.org>
Subject: RE: Truck Route Modifications

Hector,
We will place this on the August TAC if you like. Will you be available to answer any questions the committee may have?

Also, staff would like some information to provide in the packet. Can you address the following?

Are all road sections city owned/maintained? What about NM 478 designation?
Are trucks to be prohibited? If so, how are commercial activities to be handled in area?
If not, what does the changed designation accomplish?

Thanks.
Tom,

With the downtown redevelopment to be more urban Traffic is requesting that Church, Water and Main (between Picacho and Amador) be removed from the truck route. Let me know if you have any questions, thanks.

**Hector Terrazas, P.E.**
Interim Traffic Operations Engineer/Public Works/Street and Traffic Operations
Direct: 575-541-2508 Main: 575-541-2595 hterrazas@las-cruces.org
AGENDA ITEM:
6.4 Mesilla Valley MPO Title VI Plan

ACTION REQUESTED:
Recommendation to the Policy Committee.

SUPPORT INFORMATION:
Current Draft of the MVMPO Title VI Plan.

DISCUSSION:
The Mesilla Valley MPO Title VI plan describes the Title VI requirements on the MPO and establishes the complaint process by which aggrieved individuals may file complaint to remedy Title VI violations by the MPO.

The Title VI Plan formerly existed as part of the Mesilla Valley MPO Public Participation Plan (PPP). Changing requirements from NMDOT mandate that the Title VI Plan be separated from the PPP and be adopted as a standalone document.
Title VI Plan
# Table of Contents

Nondiscrimination of Policy .......................................................... 2

Title VI and Environmental Justice – The Public Participation Plan .......... 5

Title VI and Environmental Justice – MPO Planning Requirements .......... 7

Title VI Related Training ............................................................... 8

Title VI Complaint Procedures ..................................................... 9

**Title VI Complaint Form** ....................................................... 12

Appendix A .................................................................................. 15

Appendix B .................................................................................. 18

Appendix C .................................................................................. 20

Appendix D .................................................................................. 22

Appendix E .................................................................................. 23

Appendix F .................................................................................. 24
I. Nondiscrimination Statement of Policy

Title VI Policy Statement

The Mesilla Valley Metropolitan Planning Organization (MPO) is committed to compliance with Title VI of the Civil Rights Act of 1964, 49 CFR, part 2, and all related regulations and directives. The Mesilla Valley Metropolitan Planning Organization assures that no person shall on the grounds of race, color, national origin, gender, age, or disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity under any MPO program, activity or service.

Prohibited discrimination may be intentional or unintentional. Seemingly neutral acts that have disparate impacts on individuals of a protected group and lack a substantial legitimate justification are a form of prohibited discrimination. Harassment and retaliation are also prohibited forms of discrimination.

Examples of prohibited types of discrimination based on race, color, national origin, sex, disability, or age include: Denial to an individual any service, financial aid, or other benefit; Distinctions in the quantity, quality, or manner in which a benefit is provided; Segregation or separate treatment; Restriction in the enjoyment of any advantages, privileges, or other benefits provided; Discrimination in any activities related to highway and infrastructure or facility built or repaired; and Discrimination in employment.

Environmental Justice/Limited English Proficiency Policy Statement

The Mesilla Valley Metropolitan Planning Organization is also committed to assure every effort will be made to prevent the discrimination of low-income and minority populations as a result of any impact of its programs or activities in accordance with Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and in Low-Income Populations.

In addition, the MPO also assures every effort will be made to provide meaningful access to persons that have Limited English Proficiency, in accordance with Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency.

Definition of Federal financial assistance and recipients affected

Federal financial assistance is defined as any Federal dollars that are assigned to the MPO to support any program and activity, by way of grant, loan or contract, other than a contract of insurance or guaranty.

Specific Forms of Discrimination Prohibited

MPO efforts to prevent discrimination must address, but are not limited to:
• The denial of services, financial aid, or other benefits provided under a program.
• Distinctions in the quality, quantity, or manner in which the benefit is provided.
• Segregation or separation in any part of the program.
• Restriction in the enjoyment of any advantages, privileges, or other benefits provided to others.
• Different standards or requirements for participation.
• Methods of administration which directly or indirectly or through contractual relationships would defeat or impair the accomplishment of effective nondiscrimination.
• Discrimination in any activities related to a highway, infrastructure or facility built or repaired in whole or in part with Federal funds.
• Discrimination in any employment resulting from a program, the primary purpose of which is to provide employment.

Mesilla Valley Metropolitan Planning Organization programs and services covered by Title VI

The Mesilla Valley Metropolitan Planning Organization Title VI Plan applies to all of the MPO programs, activities and services, regardless of funding source. Some sections deal with specific requirements (e.g. FTA funded programs).

Authorities

1. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
2. Federal-Aid Highway Act of 1973 (23 U.S.C. §324 et seq.), (prohibits discrimination on the basis of sex);
3. The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
8. 49 C.F.R. Part 21 (entitled Nondiscrimination In Federally-Assisted Programs Of The Department of Transportation-Effectuation of Title VI Of The Civil Rights Act of 1964);
9. 49 C.F.R. Part 27 (entitled Nondiscrimination On The Basis Of Disability In Programs Or Activities Receiving Federal Financial Assistance);
10. 49 C.F.R. Part 28 (entitled Enforcement Of Nondiscrimination On the Basis Of Handicap In Program Or Activities Conducted By The Department Of Transportation);
11. 49 C.F.R. Part 37 (entitled Transportation Services For Individuals With Disabilities (ADA));
12. 23 C.F.R. Part 200 (FHWA’s Title VI/Nondiscrimination Regulation);
13. 28 C.F.R. Part 35 (entitled *Discrimination On The Basis Of Disability In State And Local Government Services*);

____________________________________  ______________________
Mesilla Valley MPO Officer              Date
II. Title VI and Environmental Justice – The Public Participation Plan (PPP)

The Mesilla Valley Metropolitan Planning Organization Public Participation Plan (PPP) describes how the MPO communicates and distributes information to the public as well as how the public can interact and provide comments to our organization. The needs of those traditionally underserved by the existing system will be sought and considered by the MPO.

Through its public involvement efforts, the MPO will strive to achieve the following Title VI and Environmental Justice (EJ) goals:

- To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations.
- To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
- To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

Title VI states that no person shall, on the ground of race, color, or national origin be excluded from participation in, denied benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. The MPO will ensure that the input and feedback from all people will be considered in the development of MPO planning documents and activities.

EJ concerns and goals should be considered throughout all public engagement efforts, from project planning through construction and operation. This includes public outreach conducted during transportation planning and during the environmental reviews required by the National Environmental Policy Act (NEPA).

The following actions related to Environmental Justice and Title VI are meant to reduce the barriers for participation in the decision-making process by low income, minority or disabled individuals.

1. When possible, public meetings will be held in locations that are convenient to low and moderate income neighborhoods and accessible to disabled populations. Such locations include community centers, senior centers and schools. Where possible, members of our organization will meet at the locations of businesses, neighborhood groups, stakeholders, and other agencies.
2. Upon request, all of our organization’s work products and documents will be made available in alternative formats, including Braille, large type and languages other than English.
3. The following statement will be included in all of our organization’s documents:
The MVMPO does not discriminate on the basis of race, religion, sex, sexual orientation, gender identity, color, ancestry, serious medical condition, national origin, age, or disability in the provision of services.

4. The following statement will be included in all meeting announcements:
The MVMPO will make reasonable accommodation for a qualified individual who wishes to attend this public meeting. Please notify the MVMPO at least 48 hours before the meeting by calling 528-3043 (voice) or 1-800-659-8331 (TTY) if accommodation is necessary. This document can be made available in alternative formats by calling the same numbers list above. 

5. Agencies and organizations that represent low income, minority and disabled populations will be identified and included in our organization’s mailings. Our staff will maintain an active listing of contacts for these organizations.

6. Our organization will evaluate Environmental Justice actions and Title VI requirements on an annual basis to ensure effectiveness of public involvement. This document will be reviewed and updated in conjunction with the Public Participation Plan.

Communication and Notification to the Public

All members of the public are ensured protections against discrimination which are afforded to them by Title VI. To ensure open communication with the public, the MPO will adhere to the following requirements:

- The Mesilla Valley Metropolitan Planning Organization will disseminate agenda and public meeting information to members of the public via accessible printed and electronic media, including postings on the MPO website and in the Las Cruces Sun News. Documents and agendas will be available at the MPO office 700 N. Main, Suite 3100, Las Cruces, NM 88004 and at other locations identified in the Public Participation Plan.
- Public notices of Mesilla Valley MPO meetings will be posted at the location of the meeting site.
- In appropriate documents, the MPO will include a statement that the organization complies with Title VI by assuring that no person shall on the grounds of race, color, national origin, gender, age, or disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity under any MPO program, activity, or service.

Section VI of this plan describes the procedures on how members of the public can request additional information regarding the Mesilla Valley Metropolitan Planning Organization Title VI obligation. This section also identifies the procedures to be followed by members of the public to file a discrimination complaint against the Mesilla Valley Metropolitan Planning Organization.
III. Title VI and Environment Justice – Mesilla Valley Metropolitan Planning Organization Planning Requirements

The Mesilla Valley Metropolitan Planning Organization is responsible for ensuring Title VI compliance for the following planning activities:

Data Collection

Census and other statistical data will be collected by the MPO as a means of identifying low income and minority populations within the MPO. The data will be maintained for the purpose of planning projects and programs that serve various population groups. The data collection process will be reviewed regularly to ensure sufficiency in meeting Title VI requirements.

- **Mesilla Valley Metropolitan Planning Organization Actions**
  - Collect, maintain, and update databases of low income and minority concentrations within the MPO area
  - Utilize the data when developing plans and studies
  - Develop demographic profile maps to help identify neighborhoods with high concentrations of low income and minority populations
  - Use these maps in various planning documents

Unified Planning Work Program

The Mesilla Valley Metropolitan Planning Organization Unified Planning Work Program (UPWP) is the biannual list of projects and activities that are expected to be completed by MPO Staff. In this document, MPO Staff will identify projects, studies, and other activities that will provide more transportation options to disadvantaged populations.

- **Mesilla Valley Metropolitan Planning Organization Actions**
  - Identify planning activities that will encourage involvement by all populations
  - Analyze the benefits and impacts that planning studies might have on low income and minority populations
  - Create maps highlighting socio-economic groups and their geographical relationship to jobs, housing, and transportation options for all modes

Transportation Improvement Program

The Transportation Improvement Program (TIP) is the short term program of projects that are expected to be designed, engineered, and constructed within the next four years. Projects should be reviewed to assess the benefits and impacts they might have on various aspects of the population.

- **Mesilla Valley Metropolitan Planning Actions**
Work with the entities to identify transportation projects that serve areas of the MPO with low income and minority populations
- Provide opportunity for all populations to provide input into project identification

**Metropolitan Transportation Plan**

The Metropolitan Transportation Plan (MTP) is the long range, comprehensive plan that identifies the projects, programs, and policies needed in the next 20 years to meet the transportation needs of this area. Using various data collected by the MPO, the MTP can estimate growth patterns of disadvantaged populations and address the benefits and burdens that future transportation projects might have.

- **Mesilla Valley Metropolitan Planning Organization Actions**
  - Develop demographic profile maps that project growth in disadvantaged populations over at least a 20-year planning horizon
  - Give all populations opportunity to provide input into project identification
  - Assess the effects that future land use decisions and transportation projects might have on the neighborhoods, the environment, and the economy
  - Ensure that the benefits and impacts of future transportation systems are equally distributed among all areas of the MPO

**Transit Planning**

The Mesilla Valley Metropolitan Planning Organization has two transit service providers within its planning area: RoadRUNNER Transit and the South Central Regional Transit District. RoadRUNNER Transit is the transit service provider for the City of Las Cruces and the South Central Regional Transit District provides service to rural Doña Ana County as well as connecting to Otero County.

- **Mesilla Valley Metropolitan Planning Organization Actions**
  - Using demographic profile maps, ensure that transit routes and stops fully serve those neighborhoods with high concentrations of low income and minority populations.
  - Work with RoadRUNNER Transit and the South Central Regional Transit District to identify necessary changes to routes
  - Ensure bus stop locations are fully accessible for all users, both at the site and in the vicinity

**IV. Title VI Related Training**

The Mesilla Valley Metropolitan Planning Organization shall ensure that staff is trained and familiar with MPO related Title VI policies and procedures.
V. Title VI Complaint Procedures

The Mesilla Valley Metropolitan Planning Organization is committed to ensuring that all residents have equal access to all transportation services. It is further the intent of the MPO that all residents are aware of their rights to such access. Any person believing he or she has been excluded from, denied participation in, denied the benefits of, or otherwise has been subjected to discrimination under any transportation service, program or activity (whether Federally-funded or not) due to that person’s race, color, national origin, gender, age, disability, economic status, or limited English proficiency has the right to file a complaint.

The complaint procedures cover the following:

- Title VI of the Civil Rights Act of 1964
- Section 504 of the Rehabilitation Act of 1973
- Civil Rights Restoration Act of 1973
- Civil Rights Restoration Act of 1987
- Americans with Disabilities Act of 1990
- Executive Order 12898
- Executive Order 13166

Any individual, group of individuals or entity may file a formal Title VI complaint. **Complaints must be submitted to the MPO Officer in writing, signed and dated, within 180 days of the alleged discriminatory act (or latest occurrence).** The complaint should be submitted to the following address:

Mesilla Valley Metropolitan Planning Organization  
c/o Tom Murphy, MPO Officer  
P.O. Box 20000  
Las Cruces, NM 88004

The complaint should include the name, address, phone number and signature of complainant. The formal complaint should describe the alleged discriminatory act that violates Title VI in detail.

Title VI complaints may also be filed directly with the New Mexico Department of Transportation (NMDOT), United States Department of Transportation (USDOT), Federal Highway Administration (FHWA), Federal Transit Administration (FTA), Federal Aviation Administration (FAA) or the Federal Railroad Administration (FRA) within the 180-day period of the alleged discriminatory act (or latest occurrence).

**Complaint Process Overview**

1. When a complaint is received by MPO Staff, the complaint form will be checked for completeness and then if complete will be logged into a database.
2. The Mesilla Valley MPO Officer will complete an initial review of the complaint to determine if the complaint meets the basic required criteria:
   - Basis of alleged discrimination (race, religion, color, national origin, sex, age, or disability)
   - Determination that the complaint was filed within the 180-day time period
   - Determination that the Mesilla Valley MPO is the appropriate contact for filing the complaint

3. Within 10 working days of the receipt of the complaint, the MPO will send notice to the complainant confirming receipt of the complaint; if needed notice will be sent requesting additional information, notify complainant that the activity was not related to MPO programs or activities, or does not meet the appropriate deadline. Also, if the Mesilla Valley Metropolitan Planning Organization is directly named in the complaint, notice will be sent within 10 working days to the New Mexico Department of Transportation for investigation.

4. The MPO Officer will confer with the City of Las Cruces Community Development Director and New Mexico Department of Transportation to determine the most appropriate fact finding process to ensure that all available information is collected in an effort to reach the most informed conclusion and resolution of the complaint. The type of investigation techniques used may vary depending on the nature and circumstances of the alleged discrimination. An investigation may include but is not limited to:
   - Internal meetings of MPO Staff and legal counsel
   - Consultation with state and federal agencies
   - Interviews with complainant(s)
   - Review of documentation (i.e. planning, public involvement, and technical program activities)
   - Interviews and review of documentation with other agencies involved
   - Review of technical analysis method (if applicable)
   - Review of demographic data

5. An investigation must be completed within 60 days of receiving the complete complaint, unless facts and circumstances warrant otherwise. The determination will be made based on the information obtained.

6. Within 10 working days of the completion of the investigation, the MPO Officer will notify the complainant in writing of the final determination of the investigation. The notification will notify the complainant of their right of appeal to state and federal agencies if they are dissatisfied with the final decision. The letter and a report of the findings will be submitted to the New Mexico Department of Transportation.

Federal law prohibits retaliation against individuals because they have filed a discrimination complaint or otherwise participated in a discrimination investigation. Any alleged retaliation should be reported in writing to the investigator.

Title VI complaints may also be filed directly with the following agencies as stated above:
New Mexico Department of Transportation
Construction and Civil Rights Bureau
Attn. Title VI Coordinator
1570 Pacheco St. Suite A-10
Santa Fe, NM 87505
Phone: (505) 470-9668

or

Federal Highway Administration, New Mexico
Attn. Civil Rights Coordinator
4001 Office Court Dr. Suite 801
Santa Fe, NM 87507
Phone: (505) 820-2021
# Title VI Complaint Form

## Section I

<table>
<thead>
<tr>
<th>Name:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address:</td>
</tr>
<tr>
<td>Telephone (Home/Cell):</td>
</tr>
<tr>
<td>Email Address:</td>
</tr>
</tbody>
</table>

## Section II

Are you filing this complaint on your own behalf:  
- Yes [ ]  
- No [ ]

*If you answered “yes” to this question, go to Section III.

If you answered “no” please enter the name and relationship of the person you are filing the complaint against:

<table>
<thead>
<tr>
<th>Name:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td>Relationship:</td>
</tr>
</tbody>
</table>

If you are filing a complaint as a third party, please explain why in the space below:

Have you obtained permission of the aggrieved party if you are filing on behalf of a third party:  
- Yes [ ]  
- No [ ]

## Section III

I believe the discrimination I experienced was based on (check all that apply):

- [ ] Race  
- [ ] Color  
- [ ] National Origin

Date of Alleged Discrimination (Month, Day, Year):

<table>
<thead>
<tr>
<th>Date:</th>
</tr>
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</table>

Explain, as clearly as possible, what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as the names and
contact information of any witnesses. If more space is needed please attach additional sheets to this form:

### Section IV
Have you previously filed a Title VI complaint?  
- Yes [ ]  
- No [ ]

### Section V
Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court?  
- Yes [ ]  
- No [ ]

If yes, please check and name all that apply:

- [ ] Federal Agency: _________________________
- [ ] Federal Court: _________________________
- [ ] State Agency: _________________________
- [ ] State Court: _________________________
- [ ] Local Agency: _________________________
Please provide information about a contact person at the agency/court where the complaint was filed.

| Name: _______________________________ |
| Title: _______________________________ |
| Agency: _______________________________ |
| Address: _______________________________ |
| Telephone: _______________________________ |

**Section VI**

Name of agency complaint is against:

| Contact person: |
| Title: |
| Telephone number: |

| Signature: _______________________________ |
| Date: _______________________________ |

Please submit this form in person at the address below, or mail form to:

Mesilla Valley Metropolitan Planning Organization  
c/o Tom Murphy, MPO Officer  
P.O. Box 20000  
Las Cruces, NM 88004
Appendix A

FHWA Assurances for Title VI and Other Nondiscriminatory Statutes

The Mesilla Valley Metropolitan Planning Organization (hereafter referred to as the "Recipient") HEREFY AGREES THAT, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the Federal Highway Administration (FHWA), is subject to and will comply with the following:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252, (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled non-discrimination, In Federally-Assisted Programs Of The Department of Transportation-Effectuation Of Title VI Of The Civil Rights Act Of 1964);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory cites hereinafter are referred to as the “Acts” and “Regulations,” respectively.

General Assurances

In accordance with the Act, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measure necessary to ensure that:

“No person in the United States shall, on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity,” for which the Recipient receives Federal financial assistance from the DOT, including the FHWA.”

Specific Assurances

More specifically and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted programs and activities:

1. The Recipient agrees that each "activity," "facility," or “program,” as defined in §§ 21.23(b) and 21.23(e) of 49 C.F.R. § 21 will be (with regard to an “activity”) facilitated, or will be (with regard to a “facility”) operated, or will be (with regard to a “program”) conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.

2. The Recipient shall insert the following notification in all solicitations for bids, Request For Proposals for work, or material subject to the Acts and the Regulations and made in
connection with the Federal Aid Highway Program, and in adapted form, in all proposals for
negotiated agreements regardless of funding source:

“The Mesilla Valley Metropolitan Planning Organization in accordance with the
to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively
ensure that any contract entered into pursuant to this advertisement,
disadvantaged business enterprises will be afforded full and fair opportunity to
submit bids in response to this invitation and will not be discriminated against on
the grounds of race, color, or national origin in consideration for an award.”

3. The Recipient will insert the clauses of Appendix B and F of this Assurance in every contract
or agreement subject to the Act and Regulations.

4. The Recipient shall insert the clauses of Appendix C of this Assurance, as a covenant running
with the land, in any deed from the United States effecting or recording a transfer of real
property, structures, use, or improvements thereon or interest therein to a Recipient.

5. That where the Recipient receives Federal financial assistance to construct a facility, or part
of a facility, the Assurance will extend to the entire facility and facilities operated in
connection therewith.

6. That where the Recipient receives Federal financial assistance in the form, or for the
acquisition of real property or an interest in real property, the Assurance will extend the right
to space on, over, or under such property.

7. That the Recipient will include the clauses set forth in Appendix D and Appendix E of this
Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits,
or similar instruments entered into by the Recipient with other parties.

a. for the subsequent transfer of real property acquired or improved under the applicable
activity, project, or program; and
b. for the construction or use of, or access to, space on, over, or under real property
acquired, or improved under the applicable activity, project, or program.

8. That this Assurance obligates the Recipient for the period during which Federal financial
assistance is extended to the project, except where the Federal assistance is to provide, or is
in the form of, personal property, or real property or interest therein or structures or
improvements thereon, in which case the Assurance obligates the Recipient or any transferee
for the longer of the following periods:

a. the period during which the property is used for a purpose for which the Federal
financial assistance is extended, or for another purpose involving the provision of
similar services or benefits; or
b. the period during which the Recipient retains ownership or possession of the
property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the officials to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this Assurance.

10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this Assurance.

By signing this Assurance, the Mesilla Valley Metropolitan Planning Organization also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the Federal Highway Administration access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the Federal Highway Administration. You must keep records, reports, and submit the material for review upon request to the Federal Highway Administration, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The Mesilla Valley Metropolitan Planning Organization gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under Federal-Aid Highway Program. This ASSURANCE is binding on it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors’, transferees, successors in interest and other participants in the Federal-Aid Highway Program. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

_________________________________________  ______________________
Mesilla Valley MPO Officer  Date
Appendix B

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the “contractor”) agrees as follows:

1. **Compliance with Regulations**: The contractor (hereinafter includes consultants) will comply with the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time-to-time, (hereinafter referred to as the “Regulations”), which are herein incorporated by reference and made a part of this contract.

2. **Non-discrimination**: The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate either directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of the 49 CFR Part 21.

3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment**: In all solicitations, either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor’s obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.

4. **Information and Reports**: The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the New Mexico Department of Transportation or the Federal Highway Administration to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the Mesilla Valley Metropolitan Planning Organization or the Federal Highway Administration, as appropriate, and will set forth what efforts it has made to obtain the information.

5. **Sanctions for Noncompliance**: In the event of the contractor’s non-compliance with the nondiscrimination provisions of this contract, the Mesilla Valley Metropolitan Planning Organization will impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
a. withholding payments to the contractor under the contract until the contractor complies; and/or  
b. cancelling, terminating or suspending the contract, in whole or in part.

6. **Incorporation of Provisions**: The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the Mesilla Valley Metropolitan Planning Organization or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Mesilla Valley Metropolitan Planning Organization to enter into any litigation to protect the interests of the Mesilla Valley Metropolitan Planning Organization. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.
Appendix C
Covenant Running with the Land Assurance

The following clauses shall be included in deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the State of New Mexico will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code, the Regulations for the Administration of Federal Aid for Highways and the policies and procedures prescribed by the Federal Highway Administration of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. §2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the State of New Mexico all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(Habendum Clause)

TO HAVE AND TO HOLD said lands and interests therein unto the State of New Mexico and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the State of New Mexico, its successors and assigns.

The State of New Mexico, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over or under such lands hereby conveyed [,] [and]* (2) that the State of New Mexico will use the lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation,
Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended [, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department shall have a right to enter or re-enter said lands and facilities on said land, and the above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

(*Reverter clause and related language to be used only when it is determined that such clause is necessary in order to Make clear the purposes of Title VI of the Civil Rights Act of 1964.)
Appendix D

Clauses for Transfer of Real Property Acquired or Improved Under the Activity, Facility, or Program

The following clauses shall be included in deeds, licenses, leases, permits, or similar instruments entered into by the State of New Mexico, pursuant to the provisions of Assurance 7(a):

A. The (grantee, lessee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add “as a covenant running with the land”] that:

1. In the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.

B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, the State of New Mexico will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) and never been made or issued.*

C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the State of New Mexico will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the State of New Mexico and its assigns.*

(* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)
Appendix E

Clauses for Transfer of Real Property Acquired or Improved Under the Activity, Facility or Program

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the State of New Mexico pursuant to the provisions of Assurance 7(b):

A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, “as a covenant running with the land”) that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.

B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, the State of New Mexico will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*

C. With respect to the deeds, in the event of breach of any of the above Non-discrimination covenants, the State of New Mexico will there upon revert to and vest in and become the absolute property of the State of New Mexico and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)
Appendix F

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor”) agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

Pertinent Non-Discrimination Authorities:

- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (29 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 U.S.C. § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the program or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 – 12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high
and adverse human health or environmental effects on minority and low-income populations;

- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your program (70 Fed. Reg. at 74087 to 74100);

- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (U.S.C. 1681 et seq.)