

METROPOLITAN PLANNING AGREEMENT

A Memorandum of Understanding

Between:

NEW MEXICO DEPARTMENT OF TRANSPORTATION ("NMDOT"),
MESILLA VALLEY METROPOLITAN PLANNING ORGANIZATION ("MVMPO"),
SOUTH CENTRAL REGIONAL TRANSIT DISTRICT ("SCRTD"), and
CITY OF LAS CRUCES operating Roadrunner Transit (City).

Effective Date: 10/07/26

This agreement is drafted to support programming and obligation of Federal Transit Administration (FTA) Section 5307 Small-Urban funds in the Mesilla Valley urbanized area (UZA). The entities identified in Section 1 are collectively referred to as the "Parties."

RECITALS

WHEREAS, pursuant to federal statutes, and as a requirement for obtaining federal transportation funds, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) have established regulations requiring each metropolitan area, States, and public transportation providers to utilize a continuing, cooperative, and comprehensive performance based multimodal transportation planning process to engage the citizenry and support metropolitan community development; and

WHEREAS, 23 CFR 450.314(a) requires the metropolitan planning organization (MPO), the State, and providers of public transportation to determine their mutual responsibilities in a written agreement, including provisions for the development of financial plans for the Metropolitan Transportation Plan/Transportation Improvement Plan (MTP/TIP) and the annual listing of obligated projects; and

WHEREAS, the current Federal surface transportation authorization (including any successor or reauthorization to the Infrastructure Investment and Jobs Act (Pub. L. 117-58)) governs programs carried out under 23 U.S.C. and 49 U.S.C. Chapter 53, and the parties (with responsibility) carry out metropolitan planning and programming consistent with 23 CFR part 450 under the then-current authorization;

WHEREAS, 23 CFR 450.314(h) requires written provisions for cooperatively developing and sharing transportation performance data, selection and reporting of performance targets, reporting of performance toward critical outcomes for the MPO region, and collection of data for the State asset management plan for the National Highway System (NHS) as applicable to each Party's respective role; and

WHEREAS, 23 CFR 450.316 and 450.326 require an MPO public participation plan (PPP) and TIP public involvement, and FTA Circular 9050.1A (as amended or superseded) permits a §5307 recipient to rely on

the MPO TIP public participation process to satisfy Program of Projects (POP) requirements if the TIP/PPP explicitly states this reliance; and

WHEREAS, SCRTD and the City of Las Cruces operating Roadrunner Transit are direct recipients of §5307 funds and coordinate with MVMPO and NMDOT to program §5307 for the Mesilla Valley UZA; and

WHEREAS, MVMPO receives metropolitan transportation planning funds under 49 U.S.C. § 5303 to support the continuing, cooperative, and comprehensive metropolitan transportation planning process within the Mesilla Valley Metropolitan Planning Area, and, as a recipient of such planning funds, is subject to the applicable federal metropolitan transportation planning requirements, including 23 CFR part 450; and

NOW, THEREFORE, the Parties herein named below and mentioned throughout agree as follows:

1. PARTIES

A. NEW MEXICO DEPARTMENT OF TRANSPORTATION (“NMDOT”) - NMDOT is the State of New Mexico’s transportation agency and the Governor’s designee for administration of FTA Section 5307 funds apportioned to small urbanized areas within New Mexico, including §5307 set-aside. NMDOT coordinates the distribution and use of such funds through the statewide planning and State Transportation Improvement Program (STIP) processes, issues or concurs in split-letter arrangements as appropriate, and ensures compliance with applicable federal and state requirements governing programming and obligation of §5307 funds within the Mesilla Valley Metropolitan Planning Area (MPA). For POP public involvement, NMDOT relies on the MVMPO Public Participation Plan and TIP public involvement process, consistent with FTA Section 5307 guidance, for applicable §5307-funded projects programmed in the MVMPO TIP.

B. MESILLA VALLEY METROPOLITAN PLANNING ORGANIZATION (“MVMPO”) - the duly established Metropolitan Planning Organization for the Mesilla Valley MPA pursuant to 23 U.S.C. §134 and 49 U.S.C. §5303, responsible for carrying out the continuing, cooperative, and comprehensive (3-C) performance-based planning process under 23 CFR part 450. MVMPO prepares and adopts the Metropolitan Transportation Plan (MTP) and the Transportation Improvement Program (TIP), maintains a Public Participation Plan (PPP) consistent with 23 CFR 450.316, and—when relied upon by the State and/or transit providers—ensures that TIP public involvement explicitly satisfies the §5307 Program of Projects (POP) public participation requirements.

C. SOUTH CENTRAL REGIONAL TRANSIT DISTRICT (“SCRTD”), - SCRTD is a duly formed and authorized Regional Transit District organized under NMSA 1978, §73-25-1 et seq., and a provider of public transportation operating within the MVMPO MPA. For the Mesilla Valley UZA, SCRTD is a direct recipient of §5307 funds by virtue of the Governor’s apportionment and any applicable NMDOT split-letter or designation. SCRTD participates in the MVMPO planning and programming processes; supplies data and targets required under performance-based planning (including Transit Asset Management (TAM) and Public Transportation Agency Safety Plan (PTASP); fulfills applicable federal requirements; and may rely

on the MVMPO TIP public involvement process to satisfy the §5307 POP requirements unless conducting its own POP process in accordance with 49 U.S.C. §5307(b).

D. CITY OF LAS CRUCES (“City”) , operating Roadrunner Transit. The City is a New Mexico municipal corporation and operates Roadrunner Transit, the City’s public transportation service within the MVMPO MPA. For purposes of this MOU, references to “Roadrunner” or “Roadrunner Transit” mean the City acting through its transit service operator as recipient of §5307 funds by virtue of the Governor’s apportionment and any applicable NMDOT split-letter or designation. Roadrunner Transit participates in the MVMPO planning and programming processes; supplies data and targets required under performance-based planning (including TAM and PTASP); fulfills applicable federal requirements; and may rely on the MVMPO TIP public involvement process to satisfy the §5307 POP requirements unless conducting its own POP process in accordance with 49 U.S.C. §5307(b).

2. PURPOSE

It is the purpose of this MOU to provide for cooperative metropolitan transportation planning, performance-based planning, and programming among the parties for projects funded with FTA §5307 funds within the Mesilla Valley UZA, consistent with 23 CFR part 450. This MOU documents the mutual responsibilities required by 23 CFR 450.314(a) and (h), authorizes reliance on the MVMPO TIP public participation process to satisfy §5307 POP requirements, and establishes clear roles, schedules, and data-sharing provisions.

3. DEFINITIONS

“Designated Recipient” — has the meaning in 49 U.S.C. § 5302: an entity designated, in accordance with the planning process under 49 U.S.C. §§ 5303–5304, by the Governor, responsible local officials, and publicly owned transit operators to receive and apportion amounts apportioned under § 5336 (Urbanized Area Formula Program) to an urbanized area with a population of 200,000 or more; or a State or regional authority responsible under State law for a capital project and for financing and directly providing public transportation. *In small UZAs, the Governor (often via the State DOT) functions as the apportioning authority for § 5307 funds (“Governor’s apportionment”); in practice, the State may be the designated recipient and may authorize specific transit providers as direct recipients to apply in TrAMS (e.g., via split letters or designation documents).*

“Direct Recipient” — means an entity that receives Federal financial assistance directly from FTA pursuant to a grant or cooperative agreement. See 49 CFR § 625.5 (definition of “direct recipient”); see also FTA Circular 9050.1 (Urbanized Area Formula Grant Programs Guidance), which explains that a designated recipient or the State may authorize an eligible entity to receive § 5307 funds directly from FTA.

“MTP” – Metropolitan Transportation Plan (23 CFR 450.324).

“National Highway System (NHS)” – means the Federal network of Interstate and other principal highways designated under 23 U.S.C. 103. References to the NHS in this MOU appear solely to satisfy 23

CFR 450.314(h) regarding performance-based planning coordination; they do not impose highway reporting obligations on SCRTD or Roadrunner beyond reasonable coordination with MVMPO/NMDOT.

“National Transit Database (NTD)” – means the FTA’s national transit reporting system established under 49 U.S.C. § 5335 and implemented at 49 CFR part 630. NTD reporting includes annual agency data (service, finance, and asset inventory/condition for TAM) and required periodic submissions (e.g., ridership and safety/security), as applicable.

“TIP” – Transportation Improvement Program (23 CFR 450.326).

“UPWP” – Unified Planning Work Program.

“POP” – Program of Projects as described in FTA Circular 9050.1 and 49 U.S.C. §5307(b).

“Performance Measures/Targets” – Measures and targets required under 23 CFR part 450 and related FHWA/FTA rules (e.g. transit TAM/PTASP).

“PM1/PM2/PM3” – means the federally required highway performance measure sets—Safety (PM1), Pavement & Bridge (PM2), and System Performance/Freight (and, if applicable, Congestion Mitigation and Air Quality Improvement Program) (PM3)—established under 23 U.S.C. 150 and implemented at 23 CFR part 490. For purposes of this MOU, NMDOT leads PM1–PM3 target-setting; MVMPO coordinates adoption/reporting.

“TAM” – Transit Asset Management under 49 CFR part 625. Federally required *transit* framework (49 CFR parts 625 and 673) administered by SCRTD and Roadrunner, coordinated with MVMPO.

“PTASP” – Public Transportation Agency Safety Plan under 49 CFR part 673. Federally required *transit* framework (49 CFR parts 625 and 673) administered by SCRTD and Roadrunner, coordinated with MVMPO.

4. RESPONSIBILITIES OF ALL PARTIES (23 CFR 450.314(a))

All parties will:

- A. Cooperatively determine their mutual responsibilities in carrying out the metropolitan transportation planning process in a performance-based planning format and final form, and decide upon and adopt performance targets for this planning process in accordance with Federal and State requirements and guidance.
- B. Make provisions for cooperatively developing and sharing information related to the development of financial plans that support the MTPs and the TIP- (23 CFR 450.314(a)).
- C. Ensure that all parties cooperatively develop a listing of obligated projects that comprehensively addresses the transportation system within the MVMPO boundaries. Identified projects shall include roadway and transit initiatives, including but not limited to investments in pedestrian walkways and bicycle transportation facilities for which Federal funds were obligated in the preceding fiscal year- (23 CFR 450.332).

- D. Ensure that the MVMPO UPWP details and documents these responsibilities, deliverables, and associated costs.
- E. Document tasks, schedules, deliverables, and funding in the MVMPO UPWP.
- F. Cooperatively engage in transit service planning within the Mesilla Valley urbanized area to ensure efficient use of resources, including coordination of routes, schedules, and service changes to minimize duplication of service and identify and address gaps in service.
- G. Coordinate on the timing of performance target-setting and updates to meet Federal deadlines. At a minimum:
 - a. NMDOT will establish statewide PM1/PM2/PM3 targets and transmit them to MVMPO;
 - b. MVMPO will adopt or support PM1/PM2/PM3 targets within 180 days of NMDOT's target-setting action; and
 - c. SCRTD and Roadrunner will establish and transmit TAM and PTASP safety performance targets to MVMPO and NMDOT within the timeframes required by 49 CFR parts 625 and 673 and, as applicable, within 180 days of NMDOT's target-setting action.
- H. Cooperatively develop and share transportation performance data needed to support performance-based planning and programming, including highway performance data (PM1, PM2, PM3) and transit performance data (TAM and PTASP), and provide such data in a timely manner and in formats that support MTP/TIP development, performance reporting, and, as applicable, the State's National Highway System (NHS) asset management plan.
- I. Participate in the cooperative development and periodic review of a mutually agreed methodology for recommending the allocation of Small Urban §5307 funds between SCRTD and Roadrunner Transit, as described in Section 11.

5. RESPONSIBILITIES OF MESILLA VALLEY MPO

- A. Work in consultation with NMDOT, SCRTD, and the City of Las Cruces operating Roadrunner Transit in developing the financial plan portions of the MTP and the financial plan for the TIP.
- B. Conduct Technical Advisory Committee, and Governing Board meetings as required and necessary and ensure opportunities for transit provider participation.
- C. Consider TAM and PTASP targets in development of the MTP and TIP.
- D. Develop and publish the annual listing of obligated projects within 90 calendar days following the end of the program year, consistent with 23 CFR 450.332.
- E. Develop and use a documented PPP that defines a process for providing the public with reasonable opportunities to be involved in the metropolitan plan process consistent with 23 CFR 450.316.

- F. Invite NMDOT, SCRTD, and the City of Las Cruces operating Roadrunner Transit to participate in all public participation processes and perform any requirements for the development of Section 5307 programs of projects.
- G. Invite SCRTD, and the City of Las Cruces operating Roadrunner Transit to participate in all public participation processes and perform any required public participation on behalf of the SCRTD and/or Roadrunner in the event of route changes or rate changes that require public participation.
- H. Include in TIP documents and related public notices an explicit statement that the TIP public participation process satisfies the §5307 POP public involvement requirements, when relied upon by the transit providers.
- I. Conduct comprehensive, cooperative, and continuous transportation planning for the metropolitan planning area.
- J. Establish, adopt (as applicable), and document performance targets; share information related to performance data; and document reporting of performance used in tracking progress toward critical outcomes for the MPO region (23 CFR 450.314(h)).
- K. Maintain publicly accessible documentation of adopted performance targets, performance reports, and the annual listing of obligated projects (e.g., via the MVMPO website), and provide adopted targets and associated documentation to NMDOT, and to FHWA/FTA as requested or required through applicable planning or reporting processes.
- L. Cooperate with NMDOT, SCRTD, and the City of Las Cruces operating Roadrunner Transit on the provision of technical transit-related assistance.
- M. Develop, in cooperation with NMDOT and the public transportation providers, an annual or biennial UPWP consistent with 23 CFR 450.308. The UPWP shall identify the transportation planning tasks to be performed within the metropolitan planning area, including detailed scopes of work, schedules, products, and funding estimates, and shall govern the use of Federal Highway Administration and Federal Transit Administration planning funds. The UPWP shall be adopted by the MVMPO Governing Board and submitted to NMDOT for transmittal to FHWA and FTA for review and approval, as applicable. The MPO's metropolitan transportation planning process—including the UPWP, Metropolitan Transportation Plan, and Transportation Improvement Program—shall comply with 49 U.S.C. 5303 and 23 U.S.C. 134 and implementing regulations in 23 CFR part 450, including performance-based planning and public involvement requirements.

6. RESPONSIBILITIES OF SCRTD (Direct Recipient – §5307)

- A. Work in consultation with MVMPO in developing near- and long-range transit plans for inclusion in the MTP.
- B. Assist in the validation of transit data used in MTP/TIP development.

- C. Work in consultation with MVMPO in developing the financial plan for the TIP, including identification of project costs, revenue sources, and local match for SCRTD projects.
- D. In consultation with NMDOT, provide MVMPO with federally funded transit projects, including those funded directly by FTA or passed through NMDOT, together with project information (scope, activity line items (ALIs), costs, local match, Federal shares, and schedules), for inclusion in the TIP and in the annual listing of obligated projects required by 23 CFR 450.334.
- E. Notify MVMPO in a timely manner of project changes, schedule adjustments, or scope revisions that would affect the MTP or TIP and participate in MVMPO committees and public processes related to transit planning and programming. Invite MVMPO to participate in all public participation processes for projects, plans or other activities that impact the Metropolitan Planning Area.
- F. Invite MVMPO to participate in SCRTD public participation processes for projects, plans, or other activities that impact the Metropolitan Planning Area, and coordinate such efforts with the MVMPO Public Participation Plan.
- G. Establish and, at least annually, review and update TAM and PTASP safety performance targets for its system, as required by 49 CFR parts 625 and 673, and transmit such targets to MVMPO and NMDOT within applicable Federal timelines, including within 180 days of NMDOT's statewide target-setting action where coordination is required.
- H. Rely on the MVMPO TIP public involvement process to meet FTA Section 5307 Program of Projects (POP) public participation requirements, unless SCRTD elects to carry out its own Section 5307 POP process. If SCRTD elects to conduct an independent POP process, it shall coordinate with MVMPO to ensure consistency with the MTP, TIP, and MVMPO Public Participation Plan.
- I. Provide inputs needed for performance reporting, including TAM inventory and condition data, PTASP safety performance data, and other service or asset information, and, if requested, supply such data in the formats and at the intervals described in Section 13 or as otherwise mutually agreed with MVMPO and NMDOT.
- J. Cooperate with MVMPO and NMDOT on the provision of technical assistance related to transit planning, performance-based planning, and reporting requirements.
- K. NTD Reporting – As a direct recipient of FTA Section 5307 funds, SCRTD shall comply with NTD reporting requirements (e.g., annual report; monthly ridership and safety/security, as applicable) pursuant to 49 U.S.C. § 5335, 49 CFR part 630, and FTA's current NTD policy manual. SCRTD will share NTD-reported summary data with MVMPO and NMDOT, upon request, for planning and performance reporting purposes.

7. RESPONSIBILITIES OF CITY OF LAS CRUCES, OPERATING ROADRUNNER TRANSIT (Direct Recipient – §5307)

- A. Work in consultation with MVMPO in developing near- and long-range transit plans for inclusion in the MTP.
- B. Assist in the validation of transit data used in MTP/TIP development.
- C. Work in consultation with MVMPO in developing the financial plan for the TIP, including identification of project costs, revenue sources, and local match for Roadrunner Transit projects.
- D. In consultation with NMDOT, provide MVMPO with federally funded transit projects, including those funded directly by FTA or passed through NMDOT, together with project information (scope, activity line items (ALIs), costs, local match, federal shares, and schedules), for inclusion in the TIP and in the annual listing of obligated projects required by 23 CFR 450.334.
- E. Notify MVMPO in a timely manner of project changes, schedule adjustments, or scope revisions that would affect the MTP or TIP, and participate in MVMPO committees and public processes related to transit planning and programming.
- F. Invite MVMPO to participate in Roadrunner Transit public participation processes for projects, plans, or other activities that impact the Metropolitan Planning Area, and coordinate such efforts with the MVMPO Public Participation Plan.
- G. Establish and, at least annually, review and update TAM and PTASP safety performance targets for its system, as required by 49 CFR parts 625 and 673, and transmit such targets to MVMPO and NMDOT within applicable Federal timelines, including within 180 days of NMDOT's statewide target-setting action where coordination is required.
- H. Rely on the MVMPO TIP public involvement process to meet FTA Section 5307 Program of Projects (POP) public participation requirements, unless Roadrunner Transit elects to carry out its own Section 5307 POP process. If Roadrunner Transit elects to conduct an independent POP process, it shall coordinate with MVMPO to ensure consistency with the MTP, TIP, and MVMPO Public Participation Plan.
- I. Provide inputs needed for performance reporting, including TAM inventory and condition data, PTASP safety performance data, and other service or asset information, and, if requested, supply such data in the formats and at the intervals described in Section 13 or as otherwise mutually agreed with MVMPO and NMDOT.
- J. Cooperate with MVMPO and NMDOT on the provision of technical assistance related to transit planning, performance-based planning, and reporting requirements.
- K. NTD Reporting – As a direct recipient of FTA Section 5307 funds Roadrunner Transit shall comply with NTD reporting requirements (e.g., annual report; monthly ridership and safety/security, as applicable) pursuant to 49 U.S.C. § 5335, 49 CFR part 630, and FTA's current NTD policy manual. Roadrunner Transit will share NTD-reported summary data with MVMPO and NMDOT, upon request, for planning and performance-reporting purposes.

8. RESPONSIBILITIES OF NMDOT

- A. Participate on MVMPO committees and coordinate statewide performance-based planning with the Mesilla Valley region.
- B. Maintain the statewide transportation planning process and the STIP; reconcile regional plans and program changes as required.
- C. Establish and adopt statewide performance targets for the Federal highway performance measures (PM1 – safety, PM2 – pavement and bridge condition, PM3 – system performance/freight/CMAQ) in accordance with 23 U.S.C. 150 and 23 CFR part 490; provide those statewide targets and related schedules and documentation to MVMPO; and coordinate with MVMPO, SCRTD, and Roadrunner Transit on integration of TAM and PTASP safety performance targets for transit into the performance-based planning and programming process, as described in Sections 4, 5, 6, 7, and 9.
- D. Coordinate on the development and publication of the annual listing of obligated projects; accept provider lists for pass-through funds.
- E. Coordinate with the parties on integration of any MPO or regional transit plans into and consistent with any State of New Mexico plans.
- F. Consult with and advise the Parties on State and Federal compliance requirements applicable to metropolitan and statewide transportation planning, including but not limited to 23 CFR part 450 (and specifically 23 CFR 450.314) and any related State of New Mexico requirements, and work collaboratively with MVMPO, SCRTD, and Roadrunner Transit to address such requirements.
- G. Rely on the MVMPO TIP public involvement process, consistent with 23 CFR 450.316 and 23 CFR 450.326 and FTA Section 5307 guidance, to meet public involvement requirements for Programs of Projects (POP) for Section 5307 funds for which NMDOT serves as the designated recipient, to the extent permitted by FTA, for projects programmed in the MVMPO TIP.
- H. Collect and manage data needed for the State’s NHS asset management plan and other statewide performance reporting, and coordinate with MVMPO for any local NHS or region-specific data needs and inputs related to the Mesilla Valley Metropolitan Planning Area.

9. PERFORMANCE-BASED PLANNING PROVISIONS (23 CFR 450.314(h))

The Parties agree that Sections 4, 5, 6, 7, 8, and 13 of this MOU collectively constitute the written provisions required by 23 CFR 450.314(h) for cooperatively developing and sharing transportation performance data, selecting performance targets, reporting targets, reporting performance used to track progress toward critical outcomes for the MPO region, and collecting data for the State’s NHS asset management plan. Under these provisions, NMDOT and MVMPO lead PM1/PM2/PM3 target-setting and reporting for the highway performance measures in the Mesilla Valley region, and SCRTD and Roadrunner Transit lead transit performance target-setting for TAM and PTASP for their respective systems. The Parties will cooperate in developing and sharing performance data, selecting and reporting

targets, reporting progress toward critical outcomes, and providing data for the State asset management plan, consistent with applicable Federal regulations. Nothing herein imposes additional highway reporting obligations on SCRTD or Roadrunner Transit beyond reasonable data coordination requested by MVMPO or NMDOT.

10. PROGRAM OF PROJECTS (POP) and PUBLIC PARTICIPATION

SCRTD and Roadrunner may rely on the MVMPO TIP public involvement process to satisfy §5307 POP public participation requirements. When relying on the TIP process, MVMPO shall ensure that TIP documents and/or public notices expressly state that public notice of TIP public involvement activities and the time established for public review and comment on the TIP will satisfy the POP public review requirements of the §5307 Program. If either provider elects to conduct its own POP process, it shall do so consistent with 49 U.S.C. §5307(b)(1)–(7) and provide documentation to MVMPO for planning record purposes. *Governing authority: FTA Circular 9050.1; 49 U.S.C. § 5307(b)(1)–(7); 23 CFR §§ 450.316, 450.326.*

11. FINANCIAL PLANS

Financial Plan Development and Fiscal Constraint. The parties shall cooperatively develop the financial plans that support the MTP and TIP, consistent with 23 CFR 450.314(a), to demonstrate implementation and fiscal constraint in accordance with 23 CFR 450.324(f)(11) (MTP) and 23 CFR 450.326(j) (TIP). Each financial plan will identify reasonably available revenue sources for operating and capital needs, document local match commitments, and explicitly identify and track FTA Section 5307 funds programmed within the Mesilla Valley UZA. The steps, contributors, deliverables, and deadlines for preparing and updating these financial plans shall be specified in the Unified Planning Work Program (UPWP) pursuant to 23 CFR 450.308, including data submittal dates from SCRTD and Roadrunner and review/approval milestones for MVMPO and NMDOT.

In developing the financial plans for the MTP and TIP that program Small Urban §5307 funds, SCRTD and Roadrunner Transit will work together, in coordination with NMDOT and MVMPO, to recommend a mutually agreed allocation of those funds based on a consistent, data-driven methodology applied to both transit systems. The recommended methodology and allocation may be revisited periodically. NMDOT, as the designated recipient for Section 5307 funds, retains final authority to determine the actual allocation of Small Urban §5307 funds for the Mesilla Valley urbanized area.

Background authorities: 23 U.S.C. 134 and 49 U.S.C. 5303 on metropolitan planning and fiscal constraint.

12. ANNUAL LISTING OF OBLIGATED PROJECTS (23 CFR 450.332)

The parties shall cooperatively develop and publish the annual listing of projects for which Federal funds under Title 23 or Chapter 53 of Title 49 were obligated in the preceding program year no later than 90 calendar days after the end of that program year, consistent with 23 CFR 450.332. SCRTD and Roadrunner will provide the project information (title/description, ALIs, federal award identification

numbers, Federal/Local shares, total obligations, obligation date) in time for MVMPO to meet the 90-day publication requirement. NMDOT will provide obligation confirmations for pass-through and statewide projects affecting the MVMPO area in time for inclusion. Roles and intermediate milestones may be further detailed in the UPWP (23 CFR 450.308).

13. DATA SHARING, FORMAT, AND RECORDS

The parties will exchange data needed for performance measurement, TIP/MTP development, and the annual listing of obligated projects, consistent with applicable Federal and State requirements. At a minimum:

Transportation performance data- NMDOT will provide to MVMPO highway performance datasets, including data for PM1, PM2, and PM3 and information needed to support the State's NHS asset management plan, on a recurring basis consistent with State performance reporting cycles. SCRTD and Roadrunner Transit will provide to MVMPO and NMDOT transit performance and asset data needed for performance-based planning, including TAM and PTASP information and other service or asset data as requested. MVMPO will maintain a regional repository for these highway and transit performance data and use them to support MTP/TIP development and performance reporting.

Target and performance results- NMDOT, SCRTD, and Roadrunner Transit will provide adopted performance targets and summary performance results relevant to the Mesilla Valley region to MVMPO in a timely manner so that MVMPO can meet applicable Federal target-setting and reporting deadlines. MVMPO will document and publish adopted highway and transit targets and associated performance information through the MTP, TIP, annual listing of obligated projects, or other performance-related reports, as appropriate, and will transmit required information to NMDOT and FHWA/FTA as requested or required.

Formats and records- Unless otherwise agreed, data will be shared in machine-readable formats, such as CSV or XLSX for tabular data, PDF for narrative reports and resolutions, and standard GIS formats for spatial data. Each Party will designate a primary point of contact for performance-related data exchange and will notify the other Parties of any changes. Each Party will maintain records of data submissions, adopted targets, and performance reports in accordance with its own records-retention obligations under Federal and State law.

14. RELATIONSHIP TO DESIGNATED RECIPIENTS AND SPLIT LETTERS

This MOU does not allocate §5307 funds or alter designated-recipient or split-letter arrangements. It governs cooperative planning, programming, data sharing, and public involvement to support eligibility and obligation of §5307 funds.

15. TERM

- A. This MOU shall become effective on the date of the last signature by the Parties.

- B. A Party may withdraw from this MOU by giving the other Parties one hundred twenty (120) days' written notice. This MOU shall remain in effect with regards to the remaining Parties if one Party withdraws.
- C. This MOU does not, by itself, create any financial obligation among the Parties; any funding arrangements shall be set forth in separate agreements or UPWP work authorizations as applicable.

16. AMENDMENT

This MOU may be amended at any time by mutual written agreement of all Parties. Any amendment shall be in writing and signed by the authorized representatives of each Party and shall become part of this MOU as of the effective date stated in the amendment.

17. SEVERABILITY

In the event that any portion of this MOU is determined to be void, unconstitutional or otherwise unenforceable, the remainder of this MOU shall remain in full force and effect.

18. LIABILITY

- A. Nothing in this MOU is intended nor shall be deemed to waive the rights of the parties to claim the privileges and immunities granted to them under the New Mexico Tort Claims Act, NMSA 1978, Section 41-4-1, *et seq.* ("NMTCA"), as amended. Furthermore, the parties intend that (1) immunity from liability for tortious conduct under NMTCA, Section 41-4-4(A) will apply to all conduct relating to this MOU; and (2) only the waivers of immunity from liability under NMTCA, Sections 41-4-4 will apply. The parties do not waive any limitation of liability pursuant to law. No provision of this MOU modifies and/or waives any provision of the New Mexico Tort Claims Act.
- B. This MOU does not waive immunity from liability for the tortious conduct of any party, or the party's directors, officers, representatives, agents, and employees directly or indirectly relating to this MOU granted to them under the New Mexico Tort Claims Act, or any other applicable law or regulation. Nothing in this MOU shall be deemed or interpreted as a waiver of sovereign or governmental immunity.

This MOU does not create any shared liability between the parties. Each party shall be responsible for fiscal or other sanctions occasioned as a result of its own violation of any requirements applicable to performing under this MOU.

19. APPLICABLE LAW AND VENUE

This MOU shall be governed by and construed in accordance with the laws of the State of New Mexico and applicable federal law. The Parties shall comply with all applicable federal, state, and local statutes,

regulations, ordinances, and policies governing metropolitan transportation planning, programming, and the use of federal transportation funds, including but not limited to 23 U.S.C., 49 U.S.C., and implementing regulations in 23 CFR and 49 CFR, as amended. Venue for any dispute arising under this MOU shall be proper only in a New Mexico court of competent jurisdiction in accordance with NMSA 1978, Section 38-3-1(G).

SIGNATURES

IN WITNESS WHEREOF, the Parties have caused this Memorandum of Understanding to be executed by their duly authorized officials. In accordance with Section 15, this MOU shall become effective on the date of the last signature by the Parties.

SOUTH CENTRAL REGIONAL TRANSIT DISTRICT

Signed by:
By: David Armijo
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David Armijo
Executive Director, South Central Regional Transit District

Date: 8/13/2026

CITY OF LAS CRUCES, OPERATING ROADRUNNER TRANSIT

Signed by:
By: Ikani Taumoepeau
437D5F55B4794B2...
Ikani Taumoepeau
City Manager, City of Las Cruces

Date: 9/21/2026

MESILLA VALLEY METROPOLITAN PLANNING ORGANIZATION

DocuSigned by:
By: Russell Hernandez
59D700533ECF4EA...
Russell Hernandez
Mayor of the Town of Mesilla and Chair of the
Mesilla Valley Metropolitan Planning Organization

Date: 9/23/2026

**STATE OF NEW MEXICO, ACTING BY AND THROUGH THE NEW MEXICO DEPARTMENT OF
TRANSPORTATION**

DocuSigned by:
By: David Quintana
C63920AB3826474...
Dr

Name: _____

Title: David D. Quintana, P.E.

Acting Cabinet Secretary

Date: 10/07/26

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY BY THE DEPARTMENT'S OFFICE OF
GENERAL COUNSEL**

Signed by:
By: Samuel Roybal
57B9FC4FE09B464...

Samuel Roybal

Assistant General Counsel

Date: 8/12/2026