

Metropolitan Planning Organizations

This section of the NMDOT Planning Procedures Manual (PPM) discusses the Metropolitan Planning Organizations (MPOs) in New Mexico and their participation in the required continuing, cooperative and comprehensive statewide planning process that results in plans and programs consistent with federal and state requirements.^{53, 54}

MPO Structure in New Mexico

Metropolitan transportation planning is governed by 23 USC § 134. The Metropolitan Planning Organizations (MPOs) are federally mandated, state-designated (by agreement between the Governor and local governments representative of at least 75 percent of the affected population) in metropolitan areas with a population over 50,000 people.⁵⁵ The five New Mexico MPOs (see map in Appendix A) are as follows:

- El Paso MPO (EPMPO)
- Farmington MPO (FMPO)
- Mesilla Valley MPO (MVMPO)
- Mid-Region MPO (MRMPO)
- Santa Fe MPO (SFMPO)

EPMPO operates under a Joint Powers Agreement with the Texas Department of Transportation (TxDOT). The NMDOT contracts with EPMPO for transportation planning in southern Doña Ana and Otero counties. This area includes the cities of Sunland Park and Anthony and the communities of Chaparral and Santa Teresa, all within New Mexico.

EPMPO and MRMPO are designated Transportation Management Areas (TMAs) by virtue of having populations greater than 200,000 people in the US Census Bureau defined urbanized area. The two TMAs receive Federal Surface Transportation Block Grant-Large Urban (STBG-L) funds. Additionally, as a result of being classified as a non-attainment and/or maintenance TMA for certain air pollutants, EPMPO also receives Congestion Mitigation and Air Quality Improvement Program (CMAQ) funding allocated by formula for its metropolitan area. The three smaller MPOs (populations less than 200,000 people) are not allocated federal funds directly and, therefore, work with the NMDOT Districts to obtain federal funds for projects in their metropolitan areas.

Under current practice, the NMDOT establishes a 4- to 6-year Cooperative Agreement (CA) with the MPO. The CA refers to the

Note

To satisfy the requirements outlined in 23 USC § 133(e), after each annual obligation notice, the NMDOT State Transportation Improvement Program (STIP) Unit meets with the TMA MPOs to agree on the formula obligation limitation of sub-allocated STBG-L funding available for each TMA. This concurrence is documented in writing.

⁵³ 23 USC § 134 – Metropolitan Transportation Planning; 23 USC § 135 – Statewide Transportation Planning; 23 CFR § 450 – Planning Assistance and Standards; 49 CFR § 613 – Metropolitan and Statewide and Nonmetropolitan Planning

⁵⁴ New Mexico State Transportation Commission Policy 63

⁵⁵ 23 USC § 134(d)(1) – Designation of Metropolitan Planning Organizations

Planning Procedures Manual and the MPO's Unified Planning Work Program for the entity's scope of work. The NMDOT and MPOs collaborate to refine and update an agreed-upon, standard Unified Planning Work Program (UPWP) format and funding distribution formula to establish the annual planning budget that the MPOs use for programming their activities.

Communication Protocol

The NMDOT Government to Government (GTG) Unit in the Statewide Planning Bureau (Bureau) of the Asset Management and Planning Division (Division) maintains liaison staff assignments with all of the MPOs in the State.⁵⁶ MPO planners should contact the assigned GTG Liaison with questions or concerns and for additional information. This informal contact can be in person or via telephone, email, letter, or fax as appropriate.

The NMDOT assumes certain responsibilities of the New Mexico Division of the Federal Highway Administration (FHWA-NM) for administering the Federal-Aid Highway Program (FAHP) under a Stewardship and Oversight Agreement.⁵⁷ Therefore, MPO staff should direct requests for general information and/or federal code interpretations to their respective GTG Liaison. The liaison will coordinate a response on behalf of the NMDOT. As needed, the NMDOT will seek guidance from FHWA-NM.

NMDOT uses email to communicate with the MPOs on procedural changes until these changes are formalized via amendment to this manual. Additionally, emails such as (but not limited to) the "GTG Update" email from the GTG Supervisor are used to relay direction, deadlines and other information to the MPOs and are considered formal notification.

Internal Structure

Each of the MPOs in New Mexico has its own organizational structure based on its regional context; however, all of the MPOs share the same structural elements. 23 USC § 134 establishes the following minimum governance/structural requirements for MPOs:

- Policy Board membership inclusive of local elected officials and appropriate state and local officials. Policy Boards for MPOs serving an area designated as a Transportation Management Area (MRMPO and EPMPO), must also include officials of public agencies that administer or operate major modes of transportations.⁵⁸
- Metropolitan Planning Area (MPA) boundaries determined by agreement between the MPO and the Governor⁵⁹, at a minimum, encompass the existing urbanized area and the contiguous area expected to become urbanized within the 20-year forecast period for the Metropolitan Transportation Plan (MTP). Boundaries may encompass the entire metropolitan statistical area or consolidated metropolitan statistical areas, as defined by the U.S. Census (subject to urban area boundary smoothing process).⁶⁰ MPA boundaries must be reviewed after each Census and updated, if necessary.⁶¹

⁵⁶ Refer to NMDOT website for current MPO/RTPO Contact List

⁵⁷ Refer to NMDOT website for current Stewardship and Oversight Agreement with FHWA-NM

⁵⁸ 23 USC 134(d)(2) – Structure of MPOs

⁵⁹ 23 USC 134(b)(1)

⁶⁰ See 23 USC § 134(d)(5) – Redesignation Procedures, regarding urban area boundary smoothing process

⁶¹ 23 CFR 450.312 Metropolitan Planning Area Boundaries

The members and staff establish the details of these structural elements, which generally include the items listed below. MPOs are responsible for reviewing and updating these documents and submitting current versions to their GTG Liaison, as well as posting them on the MPO website. Therefore, all of the following documents can be found on the MPO websites.

MPO Structure Agreements

Non-TMA MPOs negotiate and execute Joint Powers Agreements (JPAs) among its members for a specified length of time. JPAs must reflect current federal law and state requirements. Thus, MPOs may be required to review and update the JPA when new federal transportation legislation is passed by Congress. Other triggers for review include formation of a new member agency within the MPO jurisdiction and during the self-certification process. In New Mexico, JPAs must be reviewed, approved and signed by the New Mexico Department of Finance and Administration (DFA) prior to implementation. The JPAs recognize that the MPOs and the NMDOT will conduct transportation planning for the area in a cooperative manner. In general, the JPAs spell out the terms of intergovernmental cooperation in the MPO and the member governments' understanding of the role of the MPO and its staff in transportation planning. The JPAs also outline the financial structure of the MPO and each member's fiscal contribution to the MPO. Per direction from FHWA-NM, tribal entities are not required by federal regulations to contribute to an MPO's match requirement (for Metropolitan Planning or 5303 funds); however, this can be negotiated in the JPA.

A Memorandum of Agreement may be used as long as it contains all the necessary elements outlined in the PPM and state and federal regulations. This option is often used by TMA-MPOs, as their structure is defined in federal law.⁶² EPMPO uses an Operational Agreement between the City of El Paso (fiscal agent) and the EPMPO policy board.

Bylaws

MPOs are required to maintain Bylaws that define the on-going operational structure of the MPO and establish the interrelationships between the MPO, member organizations and the JPA. Triggers for review of the Bylaws include implementation of new federal legislation and/or formation of a new member agency within the MPO jurisdiction.

The Bylaws should be specific to each MPO based on the geographical area and member organizations, but generally include the following:

- **Membership:**⁶³ The Membership section defines the member entities and their representation on the Policy Boards/Committees (each MPO has either a Policy Board or a Policy Committee thus these terms are used interchangeable throughout this section) and Technical Committees. Official membership on Policy Boards/Committees shall include local elected officials; officials of public agencies that administer or operate major modes of transportation in the metropolitan area, including representation by providers of public transportation (only required in TMAs); and appropriate state officials, including representation by NMDOT.⁶⁴ Membership can also include representation from school districts, law enforcement, land grants and others; these representatives are considered affiliated advisory (nonvoting) members in some MPOs. Alternates are appointed per MPO Bylaws.

⁶² 23 CFR § 450.310(d)

⁶³ MVMPO outlines membership structure in the JPA.

⁶⁴ 23 USC § 134(d)(2) – Structure

- **Member Policy Training:** The Bylaws shall specify types of trainings for new members to the Policy and Technical Committees, as well as training required by the adoption of new state and federal regulations, policies, and procedures. Detailed training plans shall be included in the Unified Planning Work Program (UPWP).
- **Policy and Decision-Making:** The Policy and Decision-Making section establishes the process for how policy is determined and decisions made within the conduct of MPO business. There is a range of structure throughout New Mexico's MPOs from a very formal (e.g., Robert's Rules of Order) to a less formal operational style. All MPOs use motions, seconds, and a call for votes for their action items.
- **Voting Basis:** The Voting Basis issue may be included in the *Policy and Decision Making* section and covers what constitutes a quorum for voting on decisions. It may also include a varying majority for different types of decisions.
- **Officers:** The Officers section lists the officer positions for the MPO committees and how they are to be selected. This section also includes when officers are to be elected.
- **Policy Board Structure and Function:** This Board is required by statute⁶⁵ and is the decision making authority of the MPO. The Policy Board membership must include elected representatives (councilors, commissioners, mayors, tribal officials, etc.) of the member governments and alternates.
- **Role of Policy Board/Committee Chair:** This section explains the role and responsibilities of the Policy Board and Committee Chair.
- **Committee Structure and Function:** This section lists the various committees and explains their function. Each MPO has its own name for its various committees. The general committee structure is:
 - *Technical Advisory Committees* – the membership of these committees usually includes city/county/tribal engineers, road managers, and planning staff. They function as an advisory group, which reviews and makes recommendations on actions and information that is to be presented to the Policy Committee.
 - *Standing Committees* – these committees are determined by the individual MPO; for example, several MPOs have *Bicycle and Pedestrian Advisory Committees* which meet at specified intervals.
- **Staff Structure and Function:** This section outlines the structure of the MPO and the role of the planner(s), officer and other staff along with their responsibilities. All MPOs have the equivalent of an MPO Officer, though the titles may vary. This officer is empowered to enter into contractual agreements and has operational financial authority with regard to the MPO. The MPO Officer acts at the direction of and on behalf of the *Policy Committee*. At minimum, the MPO Officer provides oversight and direction to MPO staff, and may take an active role in the on-going functions of the MPO. All New Mexico MPOs have planning staff, again with varying titles. The MPO Bylaws spell out the

Note

MPOs are required to maintain, in an organized fashion, all applicable records as outlined in the various sections of this chapter (*Work Products and Submittal Process, NMDOT Agreements, Authorizations and Responsibilities to the MPOs*) and make those records accessible and available to NMDOT when requested.

⁶⁵ 23 USC § 134(d)(2)

relationships of staff to the committee structure and to the work required.

- The bylaws should also address:
 - Voting and Nonvoting Memberships
 - Regular Committee Meeting Schedule
 - Compliance with New Mexico Open Meetings Act
 - Role of COG/EDD as Fiscal Agent and role of COG/EDD Executive Director

MPO Bylaws are posted on the MPO websites.

MPO Responsibilities

The role and responsibilities of MPOs are identified in 23 USC § 134 and 23 CFR § 450 Subpart C. The general requirements of MPOs are to:⁶⁶

- Develop and maintain a Long Range Plan (referred to as the “Metropolitan Transportation Plan” [MTP]) and a Transportation Improvement Program (TIP) through a performance-driven outcome-based approach to planning that:
 - Provides for the development and integrated management and operation of transportation systems and facilities (including accessible pedestrian walkways and bicycle transportation facilities) that will function as an intermodal transportation system for the metropolitan planning area, for the state, and for the United States.
 - Provides for consideration of all modes of transportation in a continuing, cooperative, and comprehensive manner (refer to Glossary). The Secretary of the U.S. Department of Transportation (USDOT) and the NMDOT encourage MPOs to consult with officials responsible for other types of planning activities that are affected by transportation in the area, to coordinate its planning process to the maximum extent practicable with such planning activities, and give due consideration to said planning activities.
 - Provide for the design and delivery of transportation services provided by (a) recipients of assistance under Title 49 USC Chapter 53 (Public Transportation); (b) governmental agencies and nonprofit organizations that receive Federal assistance from a source other than the NMDOT to provide nonemergency transportation services; and (c) recipients of assistance under 23 USC § 204 (Federal Lands Highways Program).
- Conduct a planning process that provides for consideration of projects and strategies that address the following ten planning factors:⁶⁷
 1. Support the economic vitality of the area, especially by enabling global competitiveness, productivity and efficiency;
 2. Increase the safety of the transportation system for motorized and nonmotorized users;
 3. Increase the security of the transportation system for motorized and nonmotorized users;
 4. Increase the accessibility and mobility of people and freight;

⁶⁶ 23 USC § 134(c) – General Requirements

⁶⁷ 23 USC § 134(h)(1)

5. Protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and state and local planned growth and economic development patterns (as established by the NMDOT in the current Long-Range Statewide Transportation Plan (LRSTP));
 6. Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;
 7. Promote efficient system management and operation;
 8. Emphasize the preservation of the existing transportation system;
 9. Improve the resiliency and reliability of the transportation system and reduce or mitigate stormwater impacts of surface transportation; and
 10. Enhance travel and tourism.
- MPOs operating within a Transportation Management Area (TMA) (an urbanized area with population over 200,000) have additional responsibilities to:⁶⁸
 1. Include transit operators on the Policy Board;⁶⁹
 2. Address traffic congestion through effective management and operation of new and existing transportation facilities using travel demand reduction and operational management strategies; and⁷⁰
 3. Select federally funded projects in consultation with the state and affected public transportation operators with the exception that the state selects projects carried out on the National Highway System (NHS), under the Bridge Program, or through the Interstate Maintenance program in cooperation with the MPO.⁷¹

MPOs are required to maintain, in an organized fashion, all applicable records as outlined in the various sections of this chapter (*Work Products and Submittal Process, NMDOT Agreements, Authorizations and Responsibilities to the MPOs*) and make those records accessible and available to NMDOT when requested.

MPOs are also expected to participate in the following:

- **Quarterly Meetings (or as needed):** The MPOs and NMDOT meet on a quarterly basis. Agenda items typically include updates from the NMDOT Bureau (such as current projects, guidance on reporting, and how to access technical assistance), as well as reports from the MPOs. The host MPO is responsible for arranging the meeting location, working with the NMDOT Bureau to develop the agenda, distributing meeting information by email to all contacts, running the meeting and writing and distributing meeting notes. Meeting notes from the previous meeting should be reviewed and approved at the subsequent meeting.
- **Annual Meeting (or as needed):** The NMDOT Bureau will organize and host an annual (or as needed) joint meeting between the staff of the Bureau, MPOs, and RTPOs, as well as other NMDOT and FHWA-NM personnel. The MPO's staff are expected to attend these meetings and contribute to the development of the agenda. For the Joint Meetings, the Bureau arranges the meeting location,

⁶⁸ 23 USC § 134(k)(1) – Identification and Designation

⁶⁹ 23 CFR § 450.310(d)(1)(i)

⁷⁰ 23 USC § 134(k)(3) – Congestion Management Process

⁷¹ 23 USC § 134(k)(4) – Selection of Projects

develops the agenda with the MPOs/RTPOs, distributes meeting materials, runs the meeting and writes and distributes meeting notes. Meeting notes from the previous meeting should be reviewed and approved that the subsequent Quarterly (and RTPO Roundtable) meeting.

MPO Required Work Products and Submittal Process

In general, MPO required work products are established by the Code of Federal Regulations⁷² and/or required by NMDOT, and identified in the UPWP. Production of the work products commences once the UPWP is approved by both the NMDOT and FHWA-NM and the specified timeframe begins. The MPOs are responsible for delivering several work products, including:

1. Metropolitan Transportation Plan (MTP) (nonattainment or maintenance-area MPOs every 4 years/attainment MPOs every 5 years)
 - a. Air Quality Conformity Analysis & Determination (in nonattainment and maintenance areas)
 - b. Travel Demand Model update, to support MTP development, coordinated with NMDOT's STDM
2. Public Participation Plan (PPP) (in conjunction with MTP or MTP update)
3. Title VI Plan (every 3 years)⁷³
4. Transportation System Performance Measures and Targets (per federal deadlines)
5. Unified Planning Work Program (UPWP) (every 2 years) and Budget
6. Indirect Cost Plans (optional, but if doing, then submit annually)
7. Transportation Improvement Program (TIP)
8. Traffic flow maps (annual updates)
9. Annual Listing of Obligated Projects
10. Annual Performance and Expenditure Report (APER)
11. Freight Program Assessment (MPOs reviewed on odd years, the state is reviewed on even years, to be submitted by the Freight Program Manager to FHWA-NM in December of any given year, or as directed by FHWA-NM)
12. Reimbursement Packets (as described in this chapter)
13. U.S. Census-related
 - a. "Smoothed" urbanized area boundary map (developed after the Decennial Census)
 - b. Roadway functional classification map (ongoing updates, and a major review with NMDOT following the Decennial Census)
 - c. MPA boundary reviews
14. TMA requirements
 - a. Congestion Management Process (CMP)
 - b. FHWA-NM certification review documentation (4-year)
 - c. Federal Transit Administration (FTA) Region 6 certification review documentation (3-year)
15. Participate in Quality Assurance Reviews (annual)

Most work products require review by the Bureau for approval and concurrence that planning activities and fund expenditures comply with federal regulations and the UPWP. Table 3 summarizes the submittal and review process and schedule for the various MPO work products, except for the TMA certification reviews which are organized and conducted by FHWA and FTA. All work products should be submitted to the GTG Liaison unless otherwise specified. The following subsections discuss the work products and any specific submittal and review requirements in addition to those outlined in Table 3.

⁷² 23 CFR § 450 Subpart C

⁷³ NMDOT's Construction and Civil Rights Bureau requires all subrecipients of federal funds to update or review their Title VI Plan at least every three years

Appendices C and E contain boilerplates for some of these work products and/or NMDOT forms associated with these items.

The NMDOT Transit Bureau oversees all FTA-funded statewide and metropolitan planning programs (Sections 5303 and 5304) and deliverables.

TABLE 3
Summary of MPO Work Product Reviews and Submittals

MPO Work Product	Submittal Frequency to NMDOT	Submittal Date to NMDOT	Designee Responsible to Submit to NMDOT	NMDOT Recipient	Submittal Format	Submittal Review and Approval Process (MPO/NMDOT)	Submittal Review and Approval Process (NMDOT/Governor, FHWA-NM, FTA Region 6)
Metropolitan Transportation Plan							
	4 years for nonattainment or maintenance MPOs; 5 years for MPOs in attainment	GTG Liaison and MPO agree upon a schedule for drafting and reviewing versions of the MTP. Final MTP due on or before September 30 (proposed but may be revised).	MPO Planner	GTG Liaison	Electronic submittal of files following designated file naming convention; GTG Liaison to send email confirming receipt of files File Naming Convention Year_MonthDay_XXMPO_WorkProduct_version.ext Examples: 2018_0530_SFMPPO_MTP_Draft1.docx 2018_0930_SFMPPO_MTP_Final.docx	1. MPO Planner works with GTG Liaison to review drafts and incorporate comments according to the outlined schedule. 2. MPO Policy Board formally approves final MTP and any subsequent amendments. 3. MPO Planner submits approved MTP and amendments to GTG Liaison. 4. The GTG Liaison follows internal protocol to submit the approved MTP and amendments to NMDOT Secretary, FHWA-NM, and FTA Region 6 for informational purposes, and for review of conformity with air quality and planning process. 5. MPO staff post approved MTP and amendments on MPO website.	1. FHWA-NM and FTA Region 6 provide determination of conformity (if applicable) in writing to Division Director. 2. FHWA-NM and FTA Region 6 provide determination of conformity (if applicable) for revised MTP in writing to Division Director, if necessary.
Travel Demand Model (if applicable)							
	4-5 years in conjunction with MTP; also following decennial censuses.	Coordinate with NMDOT before MTP update, and after Federal distribution of decennial census-related data.	MPO Planner	Bureau TDM Manager	Coordinate and collaborate with NMDOT to ensure consistency between the MPO TDM and the NMDOT STDM	1. MPO Staff inform Bureau TDM Manager of initiation of MPO TDM update 2. Bureau TDM Manager reviews proposed procedures and data, confirming all are sound 3. MPO Staff update MPO TDM 4. MPO Staff present update procedures to stakeholders 5. Bureau TDM Manager reviews updated MPO TDM	None
Public Participation Plan							
	4-5 years in conjunction with MTP; update as necessary based on federal regulations or public input.	GTG Liaison and MPO agree upon a schedule for drafting and reviewing versions of the PPP. Final PPP due on or before September 30 (proposed but may be revised).	MPO Planner	GTG Liaison	Electronic submittal of files following designated file naming convention; GTG Liaison to send email confirming receipt of files File Naming Convention Year_MonthDay_XXMPO_WorkProduct_version.ext Examples: 2014_0530_MRMPO_PPP_Draft1.docx 2014_0930_MRMPO_PPP_Final.docx	1. MPO Planner works with GTG Liaison to review the current PPP to ensure compliance with applicable Federal regulations and determine needed revisions, including revisions based on public input received. 2. MPO issues draft PPP or revisions for a 45-day public comment period and posts on MPO website. 3. MPO Policy Board formally approves the revised or new PPP. 4. The MPO Planner submits the approved PPP to the GTG Liaison. 5. The GTG Liaison follows internal protocol to submit the approved PPP to FHWA-NM and FTA Region 6 for informational purposes. 6. MPO staff post the approved PPP on the MPO website.	None – PPP provided for informational purposes only.

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Title VI Plan							
	3 years	GTG Liaison and MPO agree upon a schedule for drafting and reviewing versions of the Title VI Plan. Final Title VI Plan due on or before September 30 (proposed but may be revised).	MPO Planner	GTG Liaison	Electronic submittal of files following designated file naming convention; GTG Liaison to send email confirming receipt of files File Naming Convention Year_MonthDay_XXMPO_WorkProduct_version.ext Examples: 2014_0530_MVMPO_TitleVI_Draft1.docx 2014_0930_MVMPO_TitleVI_Final.docx	1. MPO Planner works with GTG Liaison and NMDOT Title VI Coordinator to review the current Title VI Plan to ensure compliance with applicable Federal regulations and determine needed revisions, including revisions based on public input received. 2. MPO issues draft Title VI Plan or revisions for a 45-day public comment period and posts on MPO website. 3. The MPO Policy Board formally approves the revised or new Title VI Plan. 4. MPO Planner submits the approved Title VI Plan to the GTG Liaison. 5. GTG Liaison sends approved Title VI Plan to NMDOT Title VI Coordinator for review and concurrence. 6. MPO staff post the approved Title VI Plan on the MPO website.	None – Title VI Plan provided for informational purposes only. The NMDOT Title VI Coordinator follows internal protocol to notify the FHWA-NM and FTA Region 6 by email that the NMDOT reviewed and approved the Title VI Plan in terms of compliance with federal regulations.
Transportation System Performance Measures and Targets							
Guidance forthcoming							
Unified Planning Work Program and Budget							
Draft Program	2 years	Coordination schedule to develop program is detailed in Month-by-Month Work Program Timeline. Draft due on or before April 30 in even-numbered FFYs.	MPO Planner	GTG Liaison	Electronic submittal of files following designated file naming convention; GTG Liaison to send email confirming receipt of files File Naming Convention Year_MonthDay_XXMPO_FFYWorkProduct_version.ext Example: 2014_0430_MVMPO_FFY15UPWP_Draft2.docx	Submittal and review process is detailed in Month-by-Month Work Program and PPM Timeline.	None
Final Program	2 years	Coordination schedule to develop program is detailed in Month-by-Month Work Program and PPM Timeline. Final due on or before July 1 in even-numbered FFYs.	MPO Planner	GTG Liaison	Electronic submittal of files following designated file naming convention; GTG Liaison to send email confirming receipt of files File Naming Convention Year_MonthDay_XXMPO_FFYWorkProduct_version.ext Example: 2014_0930_FMPO_FFY15UPWP_Final.docx	Submittal and review process is detailed in Month-by-Month Work Program and PPM Timeline.	FHWA-NM and FTA Region 6 provide review comments and / or approval in writing to Division Director.

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Amendments - Formal	Quarterly or as needed	March 15 June 15 September 15 (in odd-numbered FFYs) December 15	MPO Planner	GTG Liaison	Electronic submittal of files following designated file naming convention; GTG Liaison to send email confirming receipt of files File Naming Convention Year_MonthDay_XXMPO_FFYWorkProduct_version.ext Example: 2014_0430_FMPO_FFY15UPWP_Q1Amendment1.docx	Submittal and review process is detailed in Month-by-Month Work Program and PPM Timeline. Formal UPWP Amendments require Policy Board/Committee approval prior to submitting them to GTG Liaison. MPO Planner must use the MPO/RTPO Work Program Amendment Request Form when submitting an amendment to the GTG Liaison. The Form should be submitted as a Word document.	FHWA-NM and FTA Region 6 provide review comments and / or approval in writing for UPWP quarterly amendment to Division Director.
Amendments - Administrative	As needed	As needed	MPO Planner	GTG Liaison	Electronic submittal of files following designated file naming convention; GTG Liaison to send email confirming receipt of files File Naming Convention Year_MonthDay_XXMPO_FFYWorkProduct_version.ext Example: 2014_0430_FMPO_FFY15UPWP_Q1Amendment1.docx	<ol style="list-style-type: none"> Using the MPO/RTPO Work Program Amendment Request Form, the MPO Planner submits proposed administrative amendment and summary to GTG Liaison for consideration. The MPO Planner must include the amended UPWP and Budget with the Form. The Form should be submitted as a Word document. GTG Liaison submits amendment information to GTG Supervisor and Bureau Chief for review and concurrence, as well as updates NMDOT files with amended UPWP and Budget. GTG Liaison notifies the MPO of concurrence within 10 calendar days. MPO Planner should share the Administrative Amendment with the Policy Board/Committee as an informational item only. 	None
Indirect Cost Plan							
	Annual (Optional)	Plan is submitted annually Final due on or before July 1	MPO Planner	GTG Liaison	Electronic submittal of files following designated file naming convention; GTG Liaison to send email confirming receipt of files File Naming Convention Year_MonthDay_XXMPO_FFYWorkProduct_version.ext 2014_0701_FMPO_FFY15CAPICA_Final.docx	Submittal and review process is detailed in Month-by-Month Work Program and PPM Timeline via the process for UPWP submission, though it happens annually.	<ol style="list-style-type: none"> FHWA-NM and FTA Region 6 provide review comments and/or determination of acceptance in writing to Division Director. FHWA-NM and FTA Region 6 provide determination of acceptance for Plan in writing to Division Director, if necessary.

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Transportation Improvement Program							
Final Program	2 years	Final Program is developed in conjunction with Metropolitan Transportation Plan. Final Plan due according to deadline in current <i>State Transportation Improvement Program (STIP) Manual</i> posted on the NMDOT website.	MPO Planner	STIP Coordinator	Refer to the current <i>STIP Manual</i> posted on the NMDOT website.	1. MPO Policy Board approves TIP after public comments are incorporated. 2. STIP Unit concurs that listed projects all meet federal eligibility requirements. 3. Public comment is solicited and revisions made by MPO as necessary. 4. MPO Planner submits TIP to STIP Coordinator.	1. STIP Coordinator submits TIP to NMDOT Secretary for approval. 2. STIP Coordinator submits NMDOT Secretary-approved TIP to FHWA-NM and FTA Region 6 for approval.
Amendments	Quarterly	Refer to the current <i>STIP Manual</i> posted on the NMDOT website.	MPO Planner	Districts & STIP Coordinator	Refer to the current <i>STIP Manual</i> posted on the NMDOT website.	1. MPO Policy Board approves TIP Amendment after public comments are incorporated. 2. STIP Unit concurs that listed projects all meet federal eligibility requirements. 3. Public comment is solicited and revisions made by MPO as necessary. 4. MPO Planner submits TIP Amendment to STIP Coordinator.	1. STIP Coordinator submits TIP Amendment to NMDOT Secretary for approval. 2. STIP Coordinator submits NMDOT Secretary-approved TIP Amendment to FHWA-NM and FTA Region 6 for approval.
Traffic Counts							
Count data (if applicable)	As determined with Traffic Count Section		MPO Planner	Traffic Count Section Manager		As coordinated with the Traffic Count Section	None
Traffic flow maps	Annual		MPO Planner			MPO posts traffic flow maps on MPO website.	
Annual Listing of Obligated Projects							
Final List	Annual	December 28	MPO Planner	GTG Liaison	Electronic submittal of files following designated file naming convention, or send a link to website URL where file can be downloaded; GTG Liaison to send email confirming receipt of files File Naming Convention Year_MonthDay_XXMPO_FFYWorkProduct_version.ext Example: 2014_1201_FMPO_FFY14ObligatedProjects_Draft1.xlsx	1. MPO Planner extracts list of obligated projects from the TIP and reviews list for consistency with TIP on or before November 30. MPO Planner works with GTG Liaison to resolve any issues regarding obligated projects list. 2. MPO staff post the final list on the MPO website by 12/28 and notify GTG Liaison. 3. Bureau notifies FHWA and FTA that MPOs have posted lists on websites.	None
Annual Performance and Expenditure Report							
Draft/Final Report	Annual	Draft due November 15 Final due November 30	MPO Planner	GTG Liaison	Electronic submittal of files following designated file naming convention; GTG Liaison to send email confirming receipt of files File Naming Convention Year_MonthDay_XXMPO_FFYWorkProduct_version.ext Example:	1. The MPO Planner submits the report to the NMDOT GTG Liaison for review by November 15. 2. The GTG Liaison requests any changes to the report by November 20. 3. The MPO Planner submits the revised report to the GTG Liaison by November 30 and posts the report on the MPO website. 4. The NMDOT Bureau compiles the Division APER, the MPO and RTPO APERs in one submittal to FHWA-NM/FTA	None – report provided for informational purposes only.

TABLE 3
Summary of MPO Work Product Reviews and Submittals

MPO Work Product	Submittal Frequency to NMDOT	Submittal Date to NMDOT	Designee Responsible to Submit to NMDOT	NMDOT Recipient	Submittal Format	Submittal Review and Approval Process (MPO/NMDOT)	Submittal Review and Approval Process (NMDOT/Governor, FHWA-NM, FTA Region 6)
					2014_1201_SFMPO_FF14APER_Final.docx	Region 6 within 90 days following the close of the federal fiscal year (December 30) for informational purposes.	
Freight Program Assessment							
Federal Report	Odd Calendar Years	Second Friday in December	MPO Planner	GTG Liaison	<p>Electronic submittal of report using form provided by FHWA following designated file naming convention; GTG Liaison to send email confirming receipt of files</p> <p>File Naming Convention Year_MonthDay_XXMPO_CYWorkProduct_version.ext Note: Example: 2018_1201_SFMPO_CY18FPA_Draft1.docx</p>	<p>1. The Bureau Freight Program Manager will send the federal Freight Program Assessment form to the MPOs by November 5th.</p> <p>2. The MPO Planner submits the completed report to the NMDOT GTG Liaison for review and approval by November 30th.</p> <p>The NMDOT Bureau compiles the reports and submits them to FHWA-NM by December 20th. Note: these timelines may change, based on when FHWA-NM sends NMDOT the survey.</p>	
Reimbursement Packets							
	Quarterly	January 25 April 25 July 12 October 25	MPO Planner	GTG Liaison FTA materials must be submitted to the Transit Bureau's designated Program Manager	<p>Electronic submittal of files following designated file naming convention; GTG Liaison to send email confirming receipt of files</p> <p>File Naming Convention Year_MonthDay_XXMPO_FF1YWorkProduct_version.ext</p>	<p>1. MPO Planner submits packet to GTG Liaison for review.</p> <p>2. If approved, GTG Liaison submits approved packet to Bureau Financial Manager. If not approved, GTG Liaison emails MPO Planner within 5 working days to request additional information or provide grounds for rejecting the packet.</p> <p>3. Bureau Financial Manager reviews. If approved, the packet is then submitted to the GTG Supervisor for final approval.</p> <p>4. GTG Supervisor reviews. If approved, the Bureau Financial Manager then processes for payment. If not approved, the GTG Liaison emails MPO Planner to request additional information. If the packet is rejected, the GTG Liaison emails a rejection letter to the MPO Planner, MPO Officer and the COG Executive Director, if applicable.</p> <p>5. MPO Planner resubmits packet with required materials and/or required revisions.</p> <p><u>FTA Materials</u></p> <p>1. FTA materials are submitted directly to the Transit Bureau's Program Manager.</p> <p>2. The PM corresponds with the MPO regarding approval or non-approval according to the Transit Bureau's procedures.</p>	None

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U.S. Census-Related							
Smoothed UZA boundary map	10 years		MPO Planner	GTG Liaison	Electronic submittal of files following designated file naming convention; GTG Liaison to send email confirming receipt of files	<ol style="list-style-type: none"> 1. Bureau Chief issues reminder to MPO Planners that MPOs have the opportunity to smooth the new UZAs. 2. MPO Policy Board reviews/approves boundary-smoothing proposals. 3. MPO Planner submits approved/adopted boundaries in a GIS shapefile to GTG Liaison. 4. GTG Liaison reviews proposed boundaries with Bureau Technical Planner 5. Technical Planner assembles one packet for New Mexico. Division Director prepares and signs a transmittal cover letter. 6. Technical Planner follows internal protocol to submit approved boundary revisions to FHWA-NM for review. 7. Results of FHWA-NM and FTA Region 6 review are provided via email. 8. MPO makes revisions as necessary and Technical Planner follows internal protocol to resubmit to FHWA-NM. 9. Upon receipt of approval from FHWA-NM, Technical Planner submits shapefiles to NMDOT GIS Unit, Data Management Bureau Chief, and Roadway Inventory Program Section Head. 	<ol style="list-style-type: none"> 1. FHWA-NM provides review comments and/or determination of acceptance in writing to Division Director. 2. FHWA-NM provides determination of acceptance for revised boundaries in writing to Division Director, if necessary.
Roadway functional classification map	10 years, and as needed		MPO Planner	Various	<p>Electronic submittal of files following designated file naming convention; GTG Liaison to send email confirming receipt of files</p> <p>File Naming Convention: Refer to <i>PPM</i> for information.</p>	Refer to <i>PPM</i> for information.	None
Review MPA boundaries	10 years, and as needed		MPO Planner	GTG Liaison	<p>Electronic submittal of files following designated file naming convention; GTG Liaison to send email confirming receipt of files</p> <p>File Naming Convention: Refer to <i>PPM</i> for information.</p>	Refer to <i>PPM</i> for information.	Submitted to FHWA and FTA for informational purposes (see <i>PPM</i>)
Non-Attainment or Maintenance Area Requirements							
Congestion Mitigation and Air Quality Improvement Program (CMAQ) – Mandatory; Reporting	Annual	February 15	MPO Planner	GTG Liaison/CMAQ Coordinator	CMAQ reporting information must be directly entered into the federal CMAQ Public Access System reporting module by February 15; this module is accessed via the federal User Profile and Access Control System (UPACS). Note: UPACS access can take up to 6 months to be granted. NMDOT advises recipients of Mandatory CMAQ funding to establish access early.	<ol style="list-style-type: none"> 1. Recipients of Mandatory CMAQ funds (via direct allocation) are required to enter the required reporting data into the federal CMAQ Public Access System, accessed via UPACS. 2. Once data is entered, the recipient agency alerts the NMDOT CMAQ Coordinator and GTG Liaison. 3. NMDOT CMAQ Coordinator reviews data in the system and either approves or follows up. 4. Final data submission is due to FHWA-NM no later than March 1. 	FHWA-NM reviews the requests and either requests additional information or approves the federal CMAQ Public Access System reporting module requests.

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MPO Work Product	Submittal Frequency to NMDOT	Submittal Date to NMDOT	Designee Responsible to Submit to NMDOT	NMDOT Recipient	Submittal Format	Submittal Review and Approval Process (MPO/NMDOT)	Submittal Review and Approval Process (NMDOT/Governor, FHWA-NM, FTA Region 6)
Quality Assurance Reviews							
Financial Audit of Fiscal Agents	Annual	Within 30 days of approval by fiscal agent	MPO Planner	GTG Liaison	Electronic submittal of files following designated file naming convention; GTG Liaison to send email confirming receipt of files File Naming Convention Year_MonthDay_XXMPO_FFYWorkProduct_version.ext	1. MPO Planner submits copy of annual financial audit of their respective fiscal agent to GTG Liaison. 2. GTG Liaison reviews audit and reports any deficiencies identified and / or the need for corrective action to the GTG Unit Supervisor. 3. GTG Unit Supervisor notifies the Bureau Chief and Division Director about the audit review results.	None
Site Review	Annual	Date scheduled by GTG Liaison, no later than April 30	MPO Planner	GTG Liaison	MPO staff required to participate in the site review and provide access to electronic files pertaining to the expenditure of state and federal funds.	Refer to <i>PPM</i> for information.	None

Metropolitan Transportation Plan

Metropolitan Transportation Plans (MTPs) are long range plans that assess transportation needs and identify projects that could potentially be implemented using federal, state and/or local funds that are reasonably expected to become available over a 20-year (or longer) period. In general, federal law requires each MPO to update its long range plan at least every 5 years (or more often if the MPO elects to do so). However, any MPO in an area designated as “nonattainment” or subject to a maintenance plan under the Clean Air Act must update its transportation plan at least every 4 years.⁷⁴

Federal law requires that every MTP must, at minimum:⁷⁵

- Be consistent with federal transportation law (the MTP must cite applicable sections of the law).⁷⁶
- Identify transportation facilities (including major roadways; transit, multimodal and intermodal facilities; non-motorized transportation facilities; and intermodal connectors) that function as an integrated metropolitan transportation system, giving special emphasis to those facilities that serve important national and regional transportation functions.⁷⁷
- Consider the ten planning factors previously listed and in 23 USC § 134(h)(1) as they relate to a (minimum) 20-year forecast period.⁷⁸
- Describe performance measures and performance targets used to assess the performance of the transportation system, consistent with 23 USC § 134(h)(2).^{79,80}
- Include a system performance report evaluating the condition and performance of the transportation system with respect to the performance targets.⁸¹
- Discuss potential environmental mitigation activities (and potential areas to carry them out), including activities with the greatest potential to restore and maintain the environmental functions affected by the plan.⁸²
- Incorporate a financial plan that: (i) demonstrates how the MTP can be implemented; (ii) indicates resources from public and private sources that are reasonably expected to be made available to carry out the plan; and (iii) recommends any additional financing strategies for needed projects and programs.⁸³
- Incorporate operational and management strategies to improve the performance of existing transportation facilities to relieve vehicular congestion and maximize the safety and mobility of people and goods.⁸⁴

⁷⁴ 23 USC § 134 (i)(1)(B) – Frequency

⁷⁵ 23 USC § 134 (i)(2) – Transportation Plan

⁷⁶ 23 USC § 134(d) – Designation of Metropolitan Planning Organizations

⁷⁷ 23 USC § 134 (i)(2)(A)(i) – Identification of Transportation Facilities – In General

⁷⁸ 23 USC § 134(i)(2)(A)(ii) – Identification of Transportation Facilities – Factors

⁷⁹ 23 USC § 134(i)(2)(B) – Performance Measures and Targets

⁸⁰ This is a new requirement since MAP-21 and performance measures/targets are under development, thus complete guidance is not yet available.

⁸¹ 23 USC § 134(i)(2)(C) – System Performance Report

⁸² 23 USC § 134(i)(2)(D) – Mitigation Activities. The discussion must be developed in consultation with federal, state, and tribal wildlife, land management, and regulatory agencies.

⁸³ 23 USC § 134(i)(2)(E) – Financial Plan

⁸⁴ 23 USC 134(i)(2)(F) – Operational and Management Strategies

- Incorporate capital investment and other strategies to preserve the existing and projected future metropolitan transportation infrastructure and provide for multimodal capacity increases based on regional priorities and needs.⁸⁵
- Incorporate transportation and transit enhancement activities.⁸⁶
- The MPO of a metropolitan area in nonattainment for ozone or carbon monoxide under the Clean Air Act must coordinate the MTP with the transportation control measures in the State Implementation Plan (SIP) for air quality.⁸⁷
- Scenario planning is not required under federal law; however, NMDOT, FHWA-NM, and FTA Region 6 encourage the practice, which involves:
 - Potential regional investment strategies for the planning horizon;
 - An assumed distribution of population and employment;
 - A scenario that, to the maximum extent practicable, maintains baseline conditions for the performance measures identified in 23 USC § 134(h)(2);
 - A scenario that improves the baseline conditions for as many of the performance measures as possible;
 - Revenue constrained scenarios based on the total revenues expected to be available over the forecast period of the plan; and
 - Estimated costs and potential revenues available to support each scenario.⁸⁸
- The NMDOT, FHWA-NM, and FTA Region 6 also support the MPOs’ decisions to address additional emerging issues relevant to their respective metropolitan areas, such as climate change, energy policies, livability, environmental and economic sustainability, quality of life, and border issues.
- The MPOs must provide public and transportation stakeholders a reasonable opportunity to comment on the MTP. An explicit list of interested parties to which the MPO must reach out is contained in 23 USC § 134(i)(6)(A).
- All transportation plans involving federal participation must be published or otherwise made readily available for public review by the MPO.

The NMDOT’s assigned GTG Liaison must review all draft and final MTPs and MTP amendments for completeness in meeting federal planning requirements.⁸⁹ Therefore, MPO staff must provide the NMDOT with adequate time to review documents at the draft and final stages. See Table 3 for review/approval process.

For each area under the jurisdiction of an Indian Tribal government, MPOs must develop their MTP in consultation with any affected Tribal governments and the Secretary of the Interior consistent with 23 USC § 135(f)(2)(C) and 23 CFR § 450.316(c). The current NMDOT Tribal Consultation process is to provide representatives of all tribal entities that fall within the MPO planning jurisdiction (whether as voting members of the MPO Policy Committee or not) the opportunity to participate in the MTP process. Additional and more direct tribal consultation with a tribal entity may be necessary on a project specific basis. The NMDOT provides the services of its Tribal Liaison to assist MPOs whenever an issue or

⁸⁵ 23 USC § 134(i)(2)(G) – Capital Investment and Other Strategies

⁸⁶ 23 USC § 134(i)(2)(H) – Transportation and Transit Enhancement Activities

⁸⁷ 23 USC § 134(i)(3) – Coordination with Clean Air Act Agencies

⁸⁸ 23 USC § 134(i)(4) – Optional Scenario Development. For more information on scenario planning, see https://www.fhwa.dot.gov/planning/scenario_and_visualization/scenario_planning/.

⁸⁹ 23 CFR § 450.324

concern involving tribal lands and entities arises. MPOs are directed to the NMDOT website for the Tribal Liaison's contact information.

MTPs are posted on MPO websites.

Travel Demand Model

Travel Demand Models (TDMs) are software tools which are used to identify transportation needs by evaluating travel and demographic data for a geographic area with the purpose of creating passenger and freight volume forecasts. These forecasts can be used to estimate the demand for roadways within municipalities, regions, and states. The demand for roadways corresponds to use by drivers, whether local or long-distance travel, originating in-state or out-of-state, and for personal or commercial purposes. TDMs can be enhanced by being connected to land use models, to test iterations of how transportation changes impact land use decisions and vice-versa, and can be used to test land use-related policy scenarios. TDMs can also be used to model air quality emissions, either as travel-only models, or combined with land use models.

TDMs can be used to test travel demand scenarios, which are produced based on varying levels of travel to inform transportation planning options; specifically, increased understanding of current and anticipated travel from travel demand modeling aids in addressing issues of congestion, maintenance, and road provision. TDMs can also be used to evaluate the impact of significant transportation projects in terms of obtaining data for performance measures and facilitating evaluation of project cost to benefit ratios. Additionally, TDMs can be developed and used to evaluate projects for air quality impacts, in support of efforts described in the Air Quality and Conformity section below.

Travel demand modeling supports requirements outlined in Federal statutes, which specify that MTPs shall contain:

Capital investment and other strategies to preserve the existing and projected future metropolitan transportation infrastructure, provide for multimodal capacity increases based on regional priorities and needs, and reduce the vulnerability of the existing transportation infrastructure to natural disasters.^{90, 91}

Federal regulations also require that MTPs shall provide "the current and projected transportation demand of persons and goods in the metropolitan planning area over the period of the transportation plan."⁹²

Each of the five MPOs in New Mexico have a TDM, which they should maintain on a regular basis to support long-range planning efforts, and to evaluate significant proposed projects within each MPO area, activities which can inform MPOs' TIPs. In general, TDM updates should occur at least every five years:

- In advance of long term planning, such as MTP development (approximately every 4-5 years);
- Following every decennial census, wherein the Federal government provides updated socio-economic data, which may also result in changes to the MPO boundary; and

⁹⁰ 23 USC § 134(i)(2)(G)

⁹¹ 49 USC § 5303(i)(2)(G)

⁹² 23 CFR § 450.324(f)(1)

- When a major dataset in the model has become obsolete, though in some cases, new data may be integrated into a TDM without a full upgrade.

MPO staff, potentially with consultant support, will coordinate and collaborate with the Bureau TDM Manager in advance of any major model update, to ensure consistency between the regional and statewide models. The Bureau TDM Manager will review proposed procedures and data, confirming that all are sound and based on best practices. Then the MPOs will initiate their TDM update, which will include presentation to regional stakeholders, to ensure that the data and procedures utilized reflect the current regional conditions as much as possible.

Upon completion of TDM update by MPO staff, the Bureau TDM manager will review the final model and documentation to ensure that the initially proposed procedures and data sources were suitably utilized, confirming with MPO staff that the final products are consistent with the original update plan.

Public Participation Plan

Every MPO must develop a Public Participation Plan (PPP) in consultation with citizens and other interested parties.⁹³ To the maximum practicable extent, all MPOs must develop a public participation framework that:

- Includes representatives for all transportation modes, including non-motorized;
- Holds public meetings at convenient and accessible locations and times;
- Employs visualization techniques to describe plans;
- Provides information in electronic formats and by means (such as the Internet) that afford reasonable opportunity for public consideration; and
- Complies with all applicable federal and state laws, including the New Mexico Open Meetings Act.⁹⁴

The PPP specifies how the MPO will address federal and state requirements and how the MPO will provide reasonable opportunities for public and agencies to comment on work products, including MTPs and TIPs. The PPP must address federal requirements regarding the length of time allotted for public reviews of various MPO work products and any exceptions allowed. Sample PPPs can be found on the EPMPO (<http://www.elpasompo.org/>) and SFMPO (<http://santafemppo.org/>) websites.

A PPP must, at a minimum, include the following elements:

- Procedures for informing the public about meetings and agendas;
- Location where current and archived documents can be accessed;
- Framework for public participation in the development of plans (unique to each plan or work product);
- Timeframes for public comment review periods;
- Brief description of the MPO and its organizational structure; and
- Tools and activities for informing and educating the public (media, social media, visualization, response to comments, workshops, emails, newsletters, etc.).

⁹³ 23 CFR § 450.316

⁹⁴ NMSA 1978, Chapter 10, Article 15

PPPs should be reviewed prior to development of the MTP (either a four or five year schedule depending on specific MPO requirements), when new federal legislation is adopted, and/or every five years at a minimum and updated as necessary. See Table 3 for review/approval process. PPPs are posted on MPO websites.

Title VI Requirements

Title VI Plan

The Title VI Plan details how an MPO will comply with federal environmental justice and limited English proficiency requirements mandated in Title VI of the Civil Rights Act of 1964 and all related regulations and directives. The Title VI Plan generally includes the efforts to be taken by the MPO to prevent discrimination and the methods for how it will achieve compliance for work products, planning activities, and public participation. The Title VI Plan serves as the assurance to the U.S. Department of Transportation that persons are not excluded from the planning process. The Title VI Plan also details the complaint process for 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.

When developing their Title VI Plan, MPOs may wish to conduct a self-assessment to determine their progress in providing language assistance to Limited English Proficiency (LEP) persons.⁹⁵ The assessment results may help revise the plan to better serve the LEP population. The assessment considers the following four factors:

1. **Demography:** The number or proportion of LEP persons eligible to be involved in programs and services or likely to be encountered
2. **Frequency of Contact with the Program:** The frequency with which LEP persons access or come into contact with programs and services
3. **Nature and Importance of the Program:** The nature and importance of the program, activity, or service in LEP individuals' lives
4. **Resources Available:** The resources and cost for providing assistance to LEP populations

Appendix E contains a sample format that provides guidance for addressing Title VI requirements. The Title VI Plan addresses the following considerations:

- Compliance with federal environmental justice and limited English proficiency requirements mandated in Title VI of the Civil Rights Act of 1964
- Best practices to be considered by the MPO to prevent discrimination and the methods for how the compliance will be achieved for
 - Work products
 - Planning activities
 - Public participation
- Primary contact person to handle complaints and method to process and address complaints

⁹⁵ U.S. Department of Justice website (<http://www.lep.gov/selfassesstool.htm>)

The MPO Title VI Plan should be reviewed every three years,⁹⁶ and/or when new federal legislation is adopted, and updated as necessary. See Table 3 for review/approval process and Appendix E for a boilerplate. Title VI Plans are posted on MPO websites and each MPO shall also designate a Title VI Coordinator. MPOs may use their Council of Government's Title VI Plan, provided it includes specific information about the transportation program in the Plan. MPOs may also have stand-alone plans. Having stand-alone plans is recommended for FMPO, MVMPO and SFMPO, which cover different geographic areas than their fiscal agents.

Title VI Reporting

MPO Title VI Coordinator (as identified in the MPO Title VI Plan) must submit an annual update to the NMDOT Title VI Coordinator. The annual update should include, but is not limited to, any changes in procedure and organizational structure, as well as a record of any Title VI complaints. All Title VI complaints should also be reported to the NMDOT Title VI Coordinator as they occur. Annual updates are due by October 1. Even if there are no changes or complaints, formal correspondence should be submitted to the NMDOT Title VI Coordinator indicating that there are no changes or complaints.

Transportation System Performance Measures and Targets

The metropolitan transportation planning process must provide for the establishment and use of a performance-based approach to transportation decision-making to support the national transportation goals described in 23 USC § 150(b) and in 49 USC § 5301.⁹⁷ In general, each MPO must establish performance targets to address the performance measures described in 23 USC § 150(c) and, where applicable, to use in tracking progress towards attaining critical outcomes for its respective planning region. The MPO must coordinate its selection of performance targets with those established by NMDOT to ensure consistency, to the maximum extent practicable.

In addition, the MPO must coordinate its selection of performance targets, to the maximum extent practicable, with providers of public transportation to ensure consistency with 49 USC 5326(c) and 49 USC 5329(d). The MPO must establish its performance targets no later than 180 days after the date on which the NMDOT or provider of public transportation establishes its performance targets.

Finally, MPOs must integrate into their metropolitan transportation planning processes – either directly or by reference – the goals, objectives, performance measures, and targets described in other state transportation plans and transportation processes, as well as any plans developed under 49 USC Chapter 53 by providers of public transportation and required as part of a performance-based program.⁹⁸

The Performance Management Chapter of this manual outlines in more detail the performance management requirements for the MPOs.

Unified Planning Work Program and Budget

MPOs must adopt detailed Unified Planning Work Programs (UPWP) and Budgets that describe the transportation planning activities the MPO intends to undertake over a two-year period.⁹⁹ The UPWP includes all activities funded under 23 CFR and the Federal Transit Act. Approval of a UPWP is necessary

⁹⁶ NMDOT's Construction and Civil Rights Bureau requires all subrecipients of federal funds to update or review their Title VI Plan at least every three years

⁹⁷ 23 USC § 134(h)(2) – Performance-Based Approach

⁹⁸ 23 USC § 134(h)(2) – Performance-Based Approach

⁹⁹ 23 CFR § 450.308(c) – Funding for Transportation Planning and Unified Planning Work Programs

for receipt of FHWA planning and research funds and to document the use of funds provided under 23 USC and 49 USC.¹⁰⁰ The MPOs are encouraged to coordinate the development of UPWPs with appropriate RTPOs if projects extend across organizational boundaries.

In addition to background information about the MPO and a description of the process to develop the UPWP, each UPWP must include the following, at a minimum:^{101, 102}

- Descriptions of the planning priorities for the metropolitan area;
- Descriptions of the work to be accomplished (needs to provide enough detail for NMDOT to determine eligibility compliance);
- Resulting products of the activities/tasks;
- Descriptions of who will perform each activity/task (for example, MPO staff, local government staff, or consultant);
- Estimated hours in-house personnel will spend on each activity/task;
- Schedule for conducting activities/tasks, including milestones;
- Proposed funding by activity/task;
- Summary of total amounts and sources of federal and matching funds;
- Identification of incomplete work elements/activities carried over from previous fiscal years;
- A detailed training plan for Policy Board/Committee members that includes a schedule and specific trainings including the following:
 - The transportation planning process and the role of the MPO, MPO members, NMDOT, FHWA and FTA Region 6 in this process;
 - Overview of state and federal regulations, policies and procedures governing the MPOs;
 - Overview of the TIP/STIP process; and
 - Overview of this PPM including the MPO's responsibilities.
- Two-year budget. Note: The budget included in the UPWP should be an accurate reflection of the MPO's financial needs and all programmed funding should be expended in the applicable FFY. Unexpended funds will not "roll over" into subsequent UPWPs. Unexpended funds can carry-forward between the two years of one UPWP (e.g. from FFY19 to FFY20 of the FFY19/20 UPWP), but not between two different UPWPs (e.g. from the FFY17/18 UPWP to the FFY19/20 UPWP). If more funds are needed, in addition to the amount programmed, the MPO may propose a UPWP amendment (per the schedule outlined in the Month-by-Month Work Program Timeline) explaining the need for the additional funds and how those funds will be expended in the FFY requested, along with an amended budget. NMDOT will review, and ultimately approve/not approve, the proposal and based upon its merit, the MPO's obligation and spending history, and NMDOT's budgetary constraints.

¹⁰⁰ 23 CFR § 450.308(b) – Funding for Transportation Planning and Unified Planning Work Programs

¹⁰¹ 23 CFR § 450.308(c) – Funding for Transportation Planning and Unified Planning Work Programs

¹⁰² 23 CFR § 420.111(b) – What are the documentation requirements for use of FHWA planning and research funds?

- Summary of work program and budget that shows:
 - Federal share by type of fund;
 - Matching rate by type of fund;
 - State and/or local matching share; and
 - Other state or local funds.

Appendix C contains a two-year UPWP boilerplate developed by the MPOs and NMDOT which should be used to develop the UPWP. The Work Program Review Checklist (see Appendix C) developed for use by GTG Liaisons provides additional guidance for elements to include in the UPWP. The Month-by-Month Work Program and PPM Timeline (Figure 1 in Appendix B) provides a schedule for coordinating the development of the UPWP with the NMDOT. Once approved as part of the NMDOT Planning Work Program, the UPWP serves as the template for the Quarterly Reports. As Quarterly Reports are cumulative, they form the basis for the Annual Performance and Expenditure Report, due after the close of each FFY.

See Table 3 for review/approval process. UPWPs are posted on MPO websites.

The UPWPs for TMAs (MPOs with populations greater than 200,000 people) must also include cost estimates for transportation planning, research, development, and technology transfer-related activities that will be funded with other federal or state and/or local funds, particularly for producing the FHWA-required data (for example, data for preparing proposed legislation, evaluating the performance of the nation’s transportation systems, etc.) used for planning for other transportation modes.

All parties are bound by the approved UPWP currently in effect unless administratively or formally amended as described below:

- **Administrative Amendment.** An administrative amendment to the UPWP may be accomplished unilaterally by the MPO if it meets the following criteria:
 1. The UPWP revision will not cause core MPO product delivery schedules to be set back by more than a month.¹⁰³
 2. The UPWP revision will result in a change (increase or decrease) of 20% or less of the approved budgeted hours for a specific work program Task.
 3. The UPWP revision will result in a cost change (increase or decrease) of 20% or less of any approved budget line items.
 4. The UPWP revision will result in a cost change (increase or decrease) of 10% or less to the total UPWP budget.
 5. The following is always an Administrative Amendment:
 - The purpose of the amendment is to add, delete or revise non-federal funds, including state, local, or tribal, for existing or new UPWP projects or tasks.

The MPO Planner must notify GTG Liaison of any Administrative Amendments in writing via email and by completing the MPO/RTPO Work Program Amendment Request Form (see Appendix E). The MPO Planner must submit the amended UPWP and Budget with the MPO/RTPO Work Program Amendment Request Form. The GTG Liaison has 10 working days to review the Administrative Amendment to ascertain that it meets the criteria, or comment, also via email, if he/she believes it does not. The GTG Liaison alerts the GTG Supervisor and Bureau Chief of any Administrative Amendments he/she receives, as well as updates NMDOT’s files with the amendment information

¹⁰³ Core MPO products are: MTP, TIP, UPWP, PPP, CMP, and HPMS Traffic Counts. (This list is subject to change.)

and updated UPWP and Budget. MPOs should share Administrative Amendments with their Policy Boards/Committees as informational items; Administrative Amendments do not require Policy Board/Committee action. Administrative Amendments are included in the next Amendment submittal to FHWA-NM and FTA Region VI for review and concurrence.

- **Formal Amendments.** A formal amendment is required if there are substantive changes to work products or tasks funded by the UPWP, as defined by the following criteria:
 1. The UPWP revision will cause core MPO product delivery schedules to be set back by more than a month¹⁰⁴; or
 2. The UPWP revision will result in a change (increase or decrease) of more than 20% of the approved budgeted hours for a specific work program Task.
 3. The UPWP revision will result in a cost change (increase or decrease) of 20% or more of any approved budget line items.
 4. The UPWP revision will result in a cost change (increase or decrease) of more than 10% to the total UPWP budget.

Formal Amendments require action by the MPO Policy Board/Committee prior to the amendment being submitted to the GTG Liaison. Formal Amendments must be submitted to the GTG Liaison via email and by completing the MPO/RTPO Work Program Amendment Request Form (see Appendix E). The MPO Planner must submit by email the amended UPWP and Budget with the MPO/RTPO Work Program Amendment Request Form. The Formal UPWP Amendment may be implemented upon receiving formal approval of the corresponding PWP amendment by the FHWA-NM, FTA Region VI and NMDOT.

See Table 3 and Month-by-Month Work Program and PPM Timeline for the amendment submittal timeline and review/approval process.

Indirect Cost Plan

An Indirect Cost Plan is optional for MPOs, as a method for allocating indirect costs. The Plan is completed by the fiscal agent for the MPOs, and must be accepted by the cognizant agency of the MPO's fiscal agent. A copy of the Plan and the cognizant agency's approval should be forwarded to NMDOT. The Indirect Cost Plan is

Statewide Transportation Improvement Program

The Statewide Transportation Improvement Program (STIP) is the state's transportation capital improvement program. Federally funded and/or regionally significant projects in the MPO areas are reflected in the MPO Transportation Improvement Program (TIP). The New Mexico STIP is a 6-year plan and includes specific funding levels by year for project implementation. The STIP is fiscally constrained so that program costs do not exceed estimated revenues. The STIP must be consistent with the Long-Range Statewide Transportation Plan (LRSTP) and the MPO Metropolitan Transportation Plans (MTPs). The FHWA-NM approves the STIP every 2 years. Refer to the *State Transportation Improvement Program (STIP) Procedures Manual* on the NMDOT website for more information about the STIP and TIP procedures, including transfer of funds between programs, FHWA to FTA, and state to state.

Under the FAST Act, the NMDOT is required to develop statewide performance based measures and targets which will establish investment priorities. This *PPM*, the *STIP Manual*, and the STIP database will be updated as the NMDOT develops, and FHWA-NM/FTA Region 6 approve, the plans, targets and evaluation criteria required under the FAST Act.

¹⁰⁴ Core MPO products are: MTP, TIP, UPWP, PPP, CMP, and HPMS Traffic Counts. (This list is subject to change.)

submitted annually and follows the review/approval process outlined in Table 3. All Indirect Cost Plans must comply with 2 CFR 200.

Transportation Improvement Program

The Transportation Improvement Program (TIP) is a list of regionally significant and/or federally funded transportation projects within an MPO covering a minimum period of 6 years.¹⁰⁵ The TIP is developed and formally adopted by an MPO as part of the metropolitan transportation planning process, consistent with the MTP and required for projects to be eligible for funding under Title 23 USC and 49 USC Chapter 53. Once the TIP has been approved by the MPO, it must be included in the STIP without modification, if approved by the NMDOT Secretary.¹⁰⁶

Under 23 CFR § 450.326-332, MPOs develop TIPs that define which federal transportation funds are pledged to specific transportation projects in MPO regions. TIPs include all surface transportation projects funded with federal funding and all regionally significant projects even if funded by state or local dollars. Federal rules require that TIPs cover a period of not less than 4 years, include project funding levels by year and funding source, and describe project work scopes. For projects to be included in TIPs, they must first be in the MPO's MTP or consistent with the MTP. TIPs are financially constrained to assure program costs do not exceed available estimated revenues. MPOs provide reasonable opportunity for public comment and review during TIP development and subsequent TIP amendment processes.

Consistency and Cooperation between STIP and TIP. The development of metropolitan area TIPs must be compatible with the STIP development process, according to 23 CFR § 450.326(a). The STIP will be developed in cooperation with MPOs and TIPs must be developed in cooperation with the NMDOT and public transportation operators, according to 23 CFR § 450.218(b) and 23 CFR § 450.326(a).

MPOs are directed to the *State Transportation Improvement Program (STIP) Manual*¹⁰⁷ for further detail regarding the following:

- Projects required to be in the STIP;
- Projects not required to be in the STIP;
- Procedures;
- Amendments, formal and administrative;
- Time lines;
- Project descriptions;
- Corrective actions;
- Conditional or partial FHWA-NM approval of STIP amendments;
- End-of-Year close-out procedures;
- Advanced construction procedures;
- Procedure for transfers of funds (e.g. from FHWA to FTA for transit projects);
- Self-certification requirements
- Conformity determinations for TIPs; and
- Order of obligation of federal funds.

¹⁰⁵ The 6 year STIP/TIP was implemented beginning in FFY2016, prior to that the STIP/TIPs covered four years.

¹⁰⁶ 23 CFR § 450.218(b)

¹⁰⁷ MRMPO and EPMPO have TIP Policies and Procedures consistent with the *State Transportation Improvement Program Manual*

TIP Approval/Submittal Process. The TIP must be published or otherwise made readily available by the MPO for public review as specified in each MPO’s Public Participation Plan [see section on PPPs] and/or TIP policies and procedures.¹⁰⁸

TIPs must be approved by both the MPO Policy Board and the Governor. In New Mexico, the Secretary of the NMDOT serves as the Governor’s designee for approval purposes. Once an MPO Policy Board approves a TIP, and the NMDOT concurs that all listed projects meet federal eligibility requirements and that the TIP is fiscally constrained, the NMDOT must incorporate it into the STIP without making any changes. The STIP Coordinator releases the STIP for public comment. This is followed by approval by the New Mexico Secretary of Transportation. Then the STIP Coordinator submits the STIP and any subsequent amendments to the FHWA-NM and FTA Region 6 for approval. The FHWA-NM and FTA Region 6 shall jointly find that each metropolitan TIP is consistent with the applicable MTP produced by the continuing and comprehensive transportation process carried on cooperatively by the MPOs, NMDOT, and public transit operators in accordance with 23 USC § 134 and 49 USC § 5303.¹⁰⁹ The NMDOT processes STIP amendments on a quarterly basis.

MPOs are directed to the *STIP Manual* posted on the NMDOT website for more detail regarding the TIP/STIP submittal, review, approval and amendment process. MPO staff may also seek technical assistance from the NMDOT STIP Unit or GTG Liaison assigned to the MPO.

By federal law, each MPO must certify that its metropolitan transportation planning process is being carried out in accordance with all applicable federal laws and regulations at least once every 4 years. New Mexico MPOs are required to submit self-certification statements to the NMDOT STIP Coordinator in conjunction with each new or amended TIP, and MPOs can amend their TIPs as often as four times per year (and sometimes more if one or more out-of-cycle amendments take place); therefore, the self-certification process actually occurs much more frequently than once every 4 years. The MPOs receiving FTA funds are required to self-certify on an annual basis through the NMDOT Transit and Rail Division.

The applicable laws and regulations address:¹¹⁰

- Metropolitan transportation planning processes and outcomes;
- Air quality in nonattainment and maintenance areas;
- Civil rights;
- Discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity;
- Disadvantaged business enterprises in USDOT funded projects;
- Implementation of an equal employment opportunity program on federal highway construction contracts;
- Discrimination against individuals with disabilities;
- Discrimination on the basis of age in programs or activities receiving federal financial assistance; and
- Discrimination based on gender.

Awards and Amendments to Bureau-Managed Program Projects. The Bureau issues an Award Form to the NMDOT District or Responsible Charge for a T/LPA project when the District or T/LPA is awarded Federal-Aid funds through a program managed by the Bureau (HSIP, CMAQ Non-Mandatory, TAP or RTP). For T/LPA projects, the Responsible Charge signs the Award Form and returns it to the Statewide

¹⁰⁸ 23 CFR § 450.316 – Interested Parties, Participation, and Consultation

¹⁰⁹ 23 CFR § 450.330 – TIP Action by the FHWA and the FTA (Note: MPOs are supposed to follow rules for metropolitan planning that are similar to these national rules.)

¹¹⁰ 23 CFR § 450.336(a) – Self-Certifications and Federal Certifications

Planning Bureau Program Coordinator. The Program Coordinator sends the completed Award Form to the identified parties included on the Form as well as the MPO TIP Coordinator and eSTIP point of contact. This initiates the TIP/STIP amendment process.

All change requests (administrative or formal amendments) to an awarded District or T/LPA project that is funded by HSIP, CMAQ Non-Mandatory, TAP or RTP shall be sent to the respective Coordinator at the NMDOT. The process for changing awards to Bureau-managed programs is as follows and uses the Award Change Form:

- a. The District or T/LPA Responsible Charge submits request via email or letter to the respective Program Coordinator outlining the requested change.
- b. The Program Coordinator reviews to determine if change is eligible and feasible. If the request is approved, the Program Coordinator sends out the completed Award Change Form via email to the District or T/LPA Responsible Charge. If the request is not approved, the Coordinator responds accordingly to the District or T/LPA inquiry.
- c. The T/LPA Responsible Charge reviews, signs and returns the form to the Program Coordinator.
- d. The Program Coordinator sends the approved form to all the identified parties included on the form as well as the MPO TIP Coordinator and STIP point of contact. This initiates the TIP/STIP amendment process.

Traffic Counts

Reliable traffic count information is critical for the development of studies, project development, and for meeting federal reporting requirements.

Traffic Count Submittal Process. MPOs and NMDOT cooperatively determine how required traffic counts in MPO areas will be conducted and by whom. All counts, whether conducted by NMDOT, an MPO or a contracted service, must comply with the most current NMDOT *State Traffic Monitoring Guide* to be compatible with the statewide database format, maintained by the Data Management Bureau (DMB). DMB will notify the MPO if/when the NMDOT's database rejects any submitted counts. The MPO and NMDOT then meet to resolve technical issues, which may require the MPO to submit a recount, or NMDOT to update its road network supporting their database.

Traffic count locations must be counted within a specific cycle, depending on roadway classifications, developed in coordination between DMB and MPOs, confirmed through a multi-year traffic count program. Additional counts may be taken as necessary to support studies, information requests, or Travel Demand Model updates.

Annual Listing of Obligated Projects

Each MPO must publish, and post on its website, an annual listing of all projects for which federal funds have been obligated in the preceding year. The list must be consistent with the categories identified in the adopted TIP and represent the results of a cooperative effort between NMDOT, any affected transit operators, and the MPO. The list must be made available for public review.¹¹¹ The list should include, at a minimum, the following details for each project:

1. Name of project;
2. Location of project, including termini;
3. Other descriptive information;
4. Amount of funds programmed in TIP (including federal, state and local funds);

¹¹¹ 23 USC § 134(j)(7)(B) – Publication of Annual Listings of Projects

5. Amount of funds obligated in the preceding program year (including federal, state and local funds); and
6. Amount of funds remaining and available for use in subsequent years, for phased projects.

The information provided in the list of obligated projects should be understandable to a broad readership with varying levels of familiarity with transportation planning and programming concepts. See Table 3 for the review/approval process.

Annual Performance and Expenditure Report

Federal regulations require that the NMDOT monitor the activities of New Mexico's MPOs to assure that work supported by FHWA-NM planning funds "is being managed and performed satisfactorily and that time schedules are being met."¹¹² To meet this requirement, every MPO must prepare an Annual Performance and Expenditure Report (APER) that documents how the MPO has accomplished the work outlined in its UPWP and provides a final accounting of expenditures made during the year. The activities and tasks should be presented in a clear and detailed manner that is consistent with the UPWP and allows the NMDOT Bureau to track MPO progress with implementing the UPWP. The APER should be derived from the Quarterly Reports for that FFY. As the Quarterly Reports are cumulative, they provide an itemization of work done for each task in the UPWP, as well as provide a quarter-by-quarter expenditure breakdown. This serves as a helpful basis for the APER, although additional information is required, as outlined below. The APER should also utilize the following templates (or something equivalent), included in Appendix C:

- Budgeted Staff Hours Summary;
- Budget Summary by Line Item;
- Summary of Consultant/Vendor Services; and
- Narrative Summary by Task.

The Annual Performance and Expenditure Report must contain at a minimum:¹¹³

- Summary of work completed that year, based on Quarterly Report information, including a comparison of actual performance and accomplishments with established goals as outlined in the MTP and UPWP;
- Summary of staff hours per UPWP task;
- Progress in meeting schedules and deadlines;
- Financial summary, including budgeted (approved) amounts, actual costs incurred, and cost overruns or underruns;
- Approved UPWP amendments; and
- Other pertinent supporting data.

See Table 3 for the review/approval process.

Freight Program Assessment

At the end of each odd numbered calendar year, all MPOs are required by FHWA to assess the status of their freight programs or efforts to date by answering approximately 40 questions with a "Yes," "No," or

¹¹² 23 CFR §420.117(a) – What are the program monitoring and reporting requirements?

¹¹³ 23 CFR §420.117(b)(1) – What are the program monitoring and reporting requirements?

“In Progress,” and comment or provide additional information, as needed. The questions are gathered under the following nine headings:

1. Current Capacity for Freight Planning;
2. Public and Private Sector Relationships;
3. Planning and Programming;
4. Funding;
5. Freight Operations;
6. Multi-Jurisdictional Coordination;
7. NHS Intermodal Connectors;
8. Land Use; and
9. Additional Comments.

See Table 3 for the review/approval process.

Reimbursement Packets (Cover Letters, Quarterly Reports and Invoices)

The Federal-Aid Highway Program (FAHP) is a reimbursement program and requires a local match. The MPOs, therefore, must expend local funds initially, and then seek reimbursement from the NMDOT for the federal portion. The NMDOT reimburses the MPOs for the federal portion using State Road funds, and then seeks reimbursement from the FHWA-NM for the federal portion. All costs related to federal awards must comply with 2 CFR § 200.

MPOs must submit via email a Reimbursement Packet that includes a cover letter from the appropriate MPO representative/fiscal agent, Quarterly Report, and Quarterly Invoice with all supporting documentation, to the NMDOT by the 25th of the month following the close of the quarter. (Exception: The third quarter Reimbursement Packet is due July 12 to meet deadlines of state fiscal year closeout procedures.)

The Quarterly Report documents the work performed to date to meet the tasks outlined in the MPO’s UPWP. The Report for the first quarter should be derived from the most recently approved UPWP. Under each task and budget in the UPWP, MPO staff needs to provide an itemization of work accomplished that quarter on each task, as well as show the expenditures and remaining budget for that task. For subsequent quarters, the Quarterly Report must be cumulative; therefore, the previous quarter’s Quarterly Report will serve as the starting point for the next quarter’s (i.e. use the Quarterly Report from the first quarter as the starting point for the second quarter’s). If the MPO has amended the UPWP since the last Quarterly Report, those amendments must be integrated into new Quarterly Report. The fourth quarter’s Quarterly Report will ultimately serve as the basis for the Annual Performance and Expenditure Report.

The Invoice outlines the expenditures all of which should be referenced in the Quarterly Report and the UPWP. The Reimbursement Packet must include all supporting documentation for the Invoice.

The Quarterly Report and Invoice must:

- Document work performed and hours billed by MPO staff to federal transportation planning funds;
- Document match ratio is met (85.44 percent federal/14.56 percent MPO for Planning [PL] funds; 80 percent federal/20 percent MPO for SPR and FTA funds) on a quarterly basis;

- Document progress made towards achieving target dates in UPWP; provide explanation when slippage occurs; and
- Deliverables and progress reports from consultants on contract with the MPO as listed in the UPWP.

The NMDOT prefers receiving quarterly invoices. However, an MPO may request approval to submit monthly invoices for a set period to address cash flow problems that may arise.

MPOs are required to keep (and submit as indicated) the following documentation (NMDOT provides all MPOs with the sample Excel workbook and will provide the workbook to others upon request):

- **Timesheet (also known as a Personnel Activity Report)** - All MPO staff who charge time to a federally funded task are required to maintain internal accurate and current time records using database and spreadsheets comparable to the MPO Time Tracking Excel workbook (MPOs are welcome to modify the sample spreadsheet or develop their own, provided it includes the same information as outlined in the sample). The timesheets must track hours by UPWP task and funding source. The timesheets do not need to be included in the Reimbursement Packet, unless the GTG Liaison specifically requests this information. GTG Liaisons will review timesheets as part of the Quality Assurance Reviews. In the event that work hours involve multitasking among several federally funded tasks, the MPO is required to obtain preapproval by the NMDOT (through its Liaison) of a cost allocation plan to address the specifics of each situation.
- **Timesheet Summary** – This is the monthly (or quarterly) summary of all MPO staff timesheets and should be submitted as part of the Reimbursement Packet. Again, a sample spreadsheet is provided as part of the MPO Time Tracking workbook.
- **Quarterly Budget Report** - The purpose of this report is to track expenditures by line item as defined by task in the UPWP budget. Moving funds from one line item to another is possible, but requires an administrative or formal amendment, depending on the amounts, thus the MPOs are responsible for tracking expenditures per line item. MPOs should use the boilerplate Excel workbook provided by the GTG Liaison (an example is provided in Appendix C) and submit this report with the Reimbursement Packet.
- **Quarterly Expenditure Summary** - The purpose of this report is to provide a summary of federal funds expended plus local match paid, by quarter. MPOs should separate out various FHWA funds, FTA funds, and other fund sources as applicable. MPOs should use the boilerplate Excel workbook provided by the GTG Liaison (an example is provided in Appendix C) and submit this report with the Reimbursement Packet.
- **Backup Documentation** - for any single expenditure over \$500 (\$3,000 for TMAs), the reimbursement packet must include request for payment (invoice or bill), receipt or proof the payment has been made. This requirement applies to all single expenditures that meet the thresholds noted above, including but not limited to: consultant contracts, office supplies, travel-related purchases, etc.

- **Submittal and Review Process.** The NMDOT requires MPO Planners to submit a complete and accurate Reimbursement Packet to the assigned NMDOT GTG Liaison, according to the checklist provided below. The GTG Liaison has 5 working days to review and approve, or reject for cause, the Reimbursement Packet. The GTG Liaison then forwards an approved Reimbursement Packet to the Division Financial Manager, who has another 5 days to independently review and approve, or reject for cause, the Reimbursement Packet. The Financial Manager then processes the approved Reimbursement Packet for payment. The NMDOT has a total of 30 calendar days¹¹⁴ to process and pay approved reimbursement requests. The clock stops at each step in the review process when the reviewer sends an email to the MPO Planner requesting additional information or providing grounds for rejecting the packet. It is then up to the MPO Planner to resubmit the required materials and/or revisions.

If a submitted Reimbursement Packet is incomplete or incorrect, NMDOT will send a formal rejection letter to the Executive Director of the Fiscal Agent (or MPO Officer if there is no Executive Director). It is then up to the MPO Planner to resubmit the required materials and/or revisions with an updated date on the invoice. If the GTG Liaison has minor questions or clarifications, they may send a request via an email to the MPO Planner to get additional information.

MPO Reimbursement Packet Checklist. All Reimbursement Packets must contain the following information. GTG Liaisons will use this checklist and the Reimbursement Checklist (included in Appendix E) to review the documentation for accuracy and completeness:

- ❖ Request for Reimbursement Cover Letter that includes:
 - ✓ Date
 - ✓ MPO contact and contact information
 - ✓ Vendor Number
 - ✓ Control Number(s)
 - ✓ Unique Invoice or Reimbursement Number
 - ✓ Invoice Period of Performance (Quarter or Month)
 - ✓ Amount of reimbursement requested
- ❖ Quarterly Report on Project Activities/Progress using the UPWP format as outlined above which includes:
 - ✓ Updates for all UPWP tasks
 - ✓ Total staff hours per task per quarter
 - ✓ Cumulative accounting of quarterly activities by task and percent completion of task with supporting documentation
 - ✓ Explanation of expenditures included on Invoice, such as consultant services associated with a UPWP task

Note: If no specific activities were scheduled to occur under a given UPWP task for a given quarter, state that fact in the Quarterly Report under the task in question. In addition, identify and explain any schedule changes encountered and how the MPO intends to address the changes, particularly any delays.
- ❖ Invoice that includes:
 - ✓ Date
 - ✓ Fiscal Agent and contact information
 - ✓ Vendor Number

¹¹⁴ 2 CFR § 200.305(b)(3)

- ✓ Control Number(s)
 - ✓ Unique Invoice or Reimbursement Number
 - ✓ Invoice Period of Performance (Quarter or Month)
 - ✓ Amount of reimbursement requested with Local Match clearly identified
 - ✓ Timesheet Summary
 - ✓ Quarterly Budget Report
 - ✓ Quarterly Expenditure Summary
 - ✓ Notification/Request to Close in the case of Final Invoice
 - ✓ Entity Certification and Signature (MPO/fiscal agent representative)
- ❖ Invoice Documentation that is organized and clearly explains the expenditures. If necessary, documentation should include page numbers and a summary of the expenditures and associated documentation. At a minimum, invoices should include the following:
- ✓ For TMAs, written detailed explanation of any line item, non-personnel costs that total more than \$3000. For non-TMA MPOs, written, detailed explanation of any line item, non-personnel costs that total more than \$500.
 - ✓ For TMAs, invoices along with proof of payment (if available) for any purchase over \$3000. For non-TMA MPOs, invoices and along with proof of payment (such as receipts) for any purchases over \$500.
 - ✓ Documentation of the Match provided.

As the pass-through agency, NMDOT is allowed to ask for additional information, beyond this checklist and as needed, prior to approving reimbursement requests.¹¹⁵

U.S. Census-Related Work Products

The final release of U.S. Census data is a catalyst for a number of federally-mandated planning activities. These activities typically occur within the two fiscal years following the final U.S. Census data release. These activities are conducted in coordination with the state's MPOs and RTPOs. The following subsections describe these non-annually recurring activities.

Urbanized Area Boundary Delineation, and Possible Adjustment following Decennial Census

An urbanized area is defined as a geographic area with a population greater than 50,000 people. An urbanized area designation is based on decennial U.S. Census figures and triggers certain transportation planning requirements mandated under federal transportation legislation. When new census figures become available, MPOs should review the data and determine if and how their urbanized area boundary has changed. A boundary change could trigger several necessary actions such as modifying the MPO planning boundary and updating the MPO and/or Statewide Travel Demand Model.

The MPO staff review the new UZA boundary, and identify potential locations to "smooth" or expand the boundaries for ease of planning and improvement funding, preparing a report and maps to support potential boundary expansions. Then the MPO Policy Board reviews boundary-smoothing proposals in the context of a public hearing in accordance with the MPOs Public Participation Plan. Adjusted (aka "smoothed") urbanized area boundaries do not require the Governor's approval.

MPOs are directed to review the information in Table 3 for more detail on submitting what is commonly referred to as an "urban area boundary adjustment or 'smoothing'" packet to the NMDOT for

¹¹⁵ 2 CFR § 200.331(a)(3)

FHWA-NM approval. Once FHWA-NM approves the adjusted boundaries, the Bureau sends new shape files applicable parties, as noted in the Bureau Chapter.

Functional Classification

All roadways have a designated functional classification based on factors such as volume, connectivity, adjoining land uses, functionality as part of an interconnected system, number of lanes, and intersection spacing. Updates to the functional classifications may be necessary as new development occurs or as roadways are improved and/or carry increasing traffic volume. MPOs should review their functional classification systems when updating their MTPs and when requested as part of a statewide functional classification update effort, which the NMDOT will conduct following each decennial census.

Submittal/Review Process. There are two standard procedures pertaining to updating the functional classification of roadways in New Mexico:

1. Statewide Functional Classification Review – every 10 years following U.S. Census publication of decennial census, identification of new urban area boundaries.
 - The Bureau Chief or designee oversees state’s review, coordinates with the District Engineers, FHWA-NM, FTA Region 6, state and federal land management agencies, and tribal entities; ensures federal regulations addressed at the statewide level regarding evaluation criteria, public involvement.
 - MPOs and RTPOs lead the discussion within their jurisdictions, ensuring the public has access to hearings as called for in their Public Participation Plan.
 - Bureau Chief/designee compiles statewide analysis, GIS shapefiles, supporting data and submits NMDOT’s recommendations to FHWA-NM/FTA Region 6 for formal review and approval.
 - FHWA-NM has up to 90 days to review, comment, and/or approve the requested changes.
 - The Bureau Chief notifies all parties of approved changes, including the MPOs, RTPOs, District Engineers, any impacted state and federal land management agencies, tribal entities, the NMDOT GIS Unit, and DMB Chief.
2. MPO/RTPO-initiated proposals submitted to NMDOT in the interim between statewide reviews.
 - Bureau provides guidance on meeting federal criteria, submittal requirements – posted on NMDOT website and available in Appendix E.
 - MPO and RTPO Policy Boards/Committees review entity submittals in a public hearing and submit adopted/recommended functional classification revision package to their respective NMDOT GTG Liaison.
 - The Bureau technical planner reviews the proposal on behalf of the NMDOT, with input from the GTG Liaison and Unit Supervisor, Bureau Chief, District Engineer and other NMDOT managers, then adds NMDOT’s recommendation(s) to the submittal package, keeping MPO/RTPO Planner/Program Manager informed throughout the process.
 - The Bureau technical planner prepares a submittal letter to FHWA-NM for signature by the Division Director.
 - FHWA-NM has a minimum 30 days to review, comment and/or approve the requested changes.
 - The Bureau technical planner notifies all parties of approved changes, including the MPO/RTPO, District Engineer, GIS Unit, and Data Management Bureau Chief.

Metropolitan Planning Area (MPA) Boundary Reviews

The MPA boundaries shall be reviewed after each Census by the MPO (in cooperation with the State and public transportation operator(s)) to determine if existing MPA boundaries meet the minimum statutory requirements for new and updated urbanized area(s), and shall be adjusted as necessary. As

appropriate, additional adjustments should be made to reflect the most comprehensive boundary to foster an effective planning process that ensures connectivity between modes, reduces access disadvantages experienced by modal systems, and promotes efficient overall transportation investment strategies.

Review/approval process. The MPO shall work with NMDOT (including the GTG Liaison), member agencies and public transportation operators to review the MPA boundaries and if necessary, recommend changes. The proposed changes must be approved by the Policy Board/Committee and then submitted to the NMDOT Secretary for approval, with NMDOT notified. Following MPA boundary approval by the MPO and the Governor (or designee), the MPA boundary descriptions shall be provided for informational purposes to the FHWA, FTA, and NMDOT. The MPA boundary descriptions shall be submitted either as a geo-spatial database or described in sufficient detail to enable the boundaries to be accurately delineated on a map.

Air Quality and Conformity

For MPOs declared to be air quality nonattainment or maintenance areas, there are many special requirements in addition to the basic requirements for a metropolitan planning process.¹¹⁶ These include formal agreements to address air quality planning requirements, requirements for setting metropolitan planning area boundaries, interagency coordination, requirements for a Congestion Management Process (CMP), public meeting requirements, and conformity findings on MTPs and TIPs. Sections of the Metropolitan Planning Regulations governing air quality are summarized in the following bullets, and described in further detail in the following sections:

- In a metropolitan area that does not include the entire nonattainment or maintenance area, an agreement is required among the state DOT(s), state air-quality agency, affected local agencies, and the MPO providing for cooperative planning in the area outside the metropolitan planning area but within the nonattainment or maintenance area [23 CFR §

Air Quality and Nonattainment

The development of transportation systems has a direct impact on air quality. As a result, FHWA-NM and FTA Region 6 in conjunction with the U.S. Environmental Protection Agency (EPA) have regulations about how data should be collected and analyzed and how those results should be used to help mitigate the negative impacts of transportation on air quality. The National Ambient Air Quality Standards (NAAQS) are federal standards set by the EPA that establish an air quality concentration meant to protect public health and welfare. The NAAQS have been set for six pollutants (also called criteria pollutants): ozone, nitrogen dioxide, carbon monoxide, lead, particulate matter (two categories: PM2.5 and PM10), and sulfur dioxide. Many of these air pollutants come from natural or various non-transportation related sources, this section focuses specifically on the on-road or transportation related sources.

The New Mexico Environment Department (NMED) measures air quality throughout the state and reports results to the EPA. Currently, New Mexico uses EPA standards to determine if there are air quality issues that require further attention. An area is considered in “nonattainment” when the concentration of one or more criteria air pollutants in a region exceed(s) allowable standards (in general terms, over a 3-year average). MPOs in nonattainment areas must evaluate all projects for air quality impacts and identify actions or plans to mitigate the environmental impacts of the transportation system. Once a nonattainment area has demonstrated that the air quality results are within acceptable standards, then the area is designated as a “maintenance” area for a minimum of 7 years.

¹¹⁶ 40 CFR § 93.121 and § 93.122

450.314(c)]. In metropolitan areas with more than one MPO, an agreement is required among the state and the MPO describing how they will coordinate to develop an overall MTP for the metropolitan area; in nonattainment and maintenance areas, the agreement is required to include state and local air-quality agencies [23 CFR § 450.314(e)]. The MPO is required to coordinate development of the MTP with the State Implementation Plan (SIP) development process, including the development of Transportation Control Measures (TCMs).

- In TMAs designated as nonattainment areas, federal funds may not be programmed for any project that will result in a significant increase in carrying capacity for single occupancy vehicles, unless the project results from a Congestion Management Process (CMP) meeting the requirements of 23 CFR § 450.322(e).
- In nonattainment and maintenance areas, the FHWA-NM, FTA Region 6, and MPO must make a conformity determination on any new or amended TIPs [23 CFR § 450.326(a)].
- In nonattainment TMAs, there must be an opportunity for at least one formal public meeting during the TIP development process [23 CFR § 450.326(b)].
- In nonattainment and maintenance areas, the TIP shall give priority to eligible TCMs identified in the approved SIP and shall provide for their timely implementation [23 CFR § 450.326(k) and § 450.332(e)].
- For the purpose of including Federal Transit Act Section 5309-funded projects in a TIP [49 USC § 5309], in nonattainment and maintenance areas, the TIP shall describe the progress in implementing required TCMs [23 CFR § 450.326(n)(3)].
- In nonattainment or maintenance areas, if a TIP is amended by adding or deleting projects that affect transportation-related pollutants, the MPO and the FHWA-NM and FTA Region 6 must make a new conformity determination [23 CFR § 450.328(a)].

In TMAs that are nonattainment or maintenance areas, the FHWA-NM and FTA Region 6 will review and evaluate the transportation planning process to assure that the process meets the requirements of applicable provisions of Federal law and this subpart, including 40 CFR § 93 [23 CFR § 450.336(b)]. Air Quality requirements are spelled out in 23 CFR § 450.324(n) and § 450.326(a).

State Implementation Plan

The Clean Air Act (CAA) requires that each state develop a general plan to maintain National Ambient Air Quality Standards (NAAQS) in all areas of the state, and specific plans to address the nonattainment areas within the state. These plans are known as State Implementation Plans (SIPs) and the New Mexico Environment Department develops these plans. In New Mexico, three regions (Albuquerque, southern Doña Ana County and Grant County) are in nonattainment and have specific SIPs for maintaining air quality. Each of the SIPs is tailored to the specific type of pollutant for which the region is in nonattainment (for example, carbon monoxide, particulate matter, sulfur dioxide) and provides control measures and regulations for maintaining air quality. SIPs must be developed with public input and formally adopted by the state before submittal to the EPA for final approval. Control measures found in an approved SIP are enforceable in federal court. Additionally, the EPA tracks certain SIP elements related to infrastructure, which include emission limits, ambient air quality monitoring systems, programs for enforcement of approved control measures, stationary source monitoring systems, air quality modeling, participation by affected local entities, and permitting fees.

Conformity. The Clean Air Act Amendments (CAAA) of 1977 first introduced the concept of coordinating the transportation and air quality processes and ensuring that all projects in MPO TIPs are consistent

with approved SIPs. This is determined through the transportation conformity process. In order to receive federal funding from FHWA-NM and FTA Region 6, MPOs in nonattainment or maintenance areas must show that anticipated emissions resulting from the implementation of a project or program conform to the requirements in the SIP. Transportation Control Measures (TCMs) are programs included in the approved SIP that are designed to reduce emissions from transportation sources by promoting alternative modes (transit, bicycling, walking), or changing traffic flow and congestion conditions. Some examples of TCMs are developing high-occupancy vehicle (HOV) lanes and improving public transit systems.

All projects must have a conformity determination before they can be implemented. This can be done through a “blanket” TIP conformity determination, which states that all proposed projects in the TIP are within the on-road mobile source emission limits established by the SIP. For new projects added to the MTP and TIP after a determination has been made or projects that have had a major change in scope, a qualitative “hot spot” analysis can be done to show no negative impacts to air quality will result from implementation. Conformity determinations are ultimately made by the FHWA-NM and FTA Region 6. However, the MPO Policy Boards make initial conformity determinations for plans and programs within their boundaries and state DOTs usually do so for areas outside of MPOs. Conformity must be determined on the MTP and TIP at least every 4 years, 24 months after SIP motor vehicle emission budgets are approved by the EPA, or within 12 months after a new nonattainment designation become effective.

Congestion Management Process

According to federal regulation 23 CFR § 450.322, a metropolitan-wide congestion management process (CMP) is required in TMAs to ensure a safe and effective integrated management and operation of the multimodal transportation system. Performance measures and strategies for congestion management should be included in the document and reflected in the MPO’s TIP and MTP. The congestion management process shall include:¹¹⁷

- Methods to monitor and evaluate the performance of the multimodal transportation system, and identify the causes of recurring and nonrecurring congestion;
- Performance measures that are tailored to the locality, assess the extent of congestion, and support the evaluation of the effectiveness of congestion reduction and mobility enhancement strategies;
- A program for data collection to determine causes, extent, and duration of congestion;
- Identification of implementation strategies and schedules with possible funding sources for each; and
- A process and timeline for assessment of the effectiveness of implement strategies in meeting performance measures established by the document.

Congestion management strategies could include:

- Demand management measures;
- Traffic operational improvements;
- Public transportation improvements;

¹¹⁷ 23 CFR § 450.322(d) – Congestion Management Process in Transportation Management Areas

- Intelligent Transportation Systems (ITS) technologies that conform to the statewide ITS architecture; or
- Additional system capacities (except in TMAs that have a nonattainment designation for ozone or carbon monoxide).

For MPOs that are TMAs and are designated as nonattainment areas for ozone or carbon monoxide, federal funds may not be programmed for projects that add capacity unless they are addressed through the process outlined in the CMP, or if they are directly addressing safety issues along the corridor. If a capacity project is proposed to be advanced with federal funding, the CMP must provide an analysis of travel demand reduction and operational management as a result of the additional facilities.

Congestion Mitigation and Air Quality Improvement Program

Congestion Mitigation and Air Quality Improvement Program (CMAQ) funding is a category of federal aid funding targeted to address air quality problems from mobile sources (cars, trucks, and buses). The CMAQ category is divided into two parts – mandatory and non-mandatory funds. Federal references for CMAQ are found in 23 USC § 149 and 23 CFR, Part 450, Subpart C: Metropolitan Transportation Planning and Programming. The FHWA website provides background information that may be useful for public officials, staff, and interested citizens who have limited knowledge about federal transportation funding and planning. Refer to the Statewide Planning Bureau Chapter of this manual for more information on CMAQ management. This section focuses on MPO-specific requirements.

CMAQ-Mandatory Program Implementation and Reporting. CMAQ-Mandatory funds must be used in maintenance and nonattainment areas, and are allocated by proportion of population in each area. If the area is within an MPO boundary, these funds are allocated directly to the MPO and must be programmed through the MPO planning process. New Mexico currently has one non-attainment area. In southern Doña Ana County (which includes Sunland Park, Anthony, and Chaparral), the EPMPO receives official notice of CMAQ funds, as does NMDOT District 1. Federal regulations require the NMDOT to program CMAQ funds in cooperation and consultation with EPMPO and New Mexico member governments in the maintenance area.

MPO recipients of CMAQ-Mandatory funding must secure access to the federal CMAQ Public Access System via the User Profile and Access Control System (UPACS) and enter their projects' information into the system by February 15 of each year. NMDOT verifies MPO data prior to FHWA-NM review. NMDOT must submit all data to FHWA-NM by March 1 of each year.

See Table 3 for submittal/review process.

Federal Certification of TMAs

In conjunction with the MPO certification process, the FHWA-NM and FTA Region 6, in partnership with the NMDOT Bureau, complete a statewide review of the MPO transportation planning process. The review occurs no less than once every 4 years to determine if the planning process conducted by all member agencies, local agencies, the state, and transit operators meets all federal legal and regulatory requirements. For individual MPOs, the review process is developed to focus on issues of significance to the particular MPO. The reviews are conducted with the objective of evaluating the effectiveness and efficiency of the processes in place at each MPO, highlighting good practices, exchanging information, and identifying opportunities for improvements. MPOs are encouraged to address any major issues identified in a cooperative, consultative, and comprehensive manner and in accordance with federal and state requirements. The NMDOT Bureau assists the MPOs with implementing corrective actions.

The review effort consists of a desk review of MPO-produced documentation, an onsite review, and the production of a report that summarizes the review and describes the findings. The desk review focuses on the core MPO documentation as identified in the Federal regulations, which include the MPO agreements, Metropolitan Transportation Plan (MTP), Transportation Improvement Program (TIP), Public Participation Plan (PPP), Unified Planning Work Program (UPWP), financial documentation, transit operator triennial review, and other supplemental documents that are helpful to identify the extent of the planning process.

The onsite review focuses on discussion with the MPO staff about the core function, products, processes and procedures in place for the management of the metropolitan transportation planning process. The onsite review typically includes a public session to gather citizen feedback on the MPO planning process. The FHWA-NM and the FTA Region 6 must provide opportunities for public involvement and must consider the public input received in arriving at a decision on a certification action.

After reviewing and evaluating the process, the FHWA-NM and FTA Region 6 take one of four possible actions:

- If the process meets all federal requirements and a TIP has been approved by the MPO and the NMDOT Secretary, the two agencies will jointly certify the transportation planning process.
- If the process substantially meets the federal requirements and a TIP has been approved by the MPO and the NMDOT Secretary, the two agencies will jointly certify the transportation planning process subject to certain specified corrective actions being taken.
- If the process does not meet the federal requirements, the two agencies will jointly certify the planning process as the basis for approval of only those categories of programs or projects that the FHWA-NM and FTA Region 6 jointly determine, subject to certain specified corrective actions being taken.
- If the FHWA-NM and FTA Region 6 do not certify the transportation planning process, the NMDOT may withhold up to 20 percent of project funds that would otherwise be attributable to the TMA. This action is in addition to the other corrective actions and funding restrictions. Unless the funds have lapsed, they will be restored to the MPO when the metropolitan transportation planning process is certified by the FHWA-NM and FTA Region 6.

A certification of the MPO planning process remains in effect for 4 years unless a new certification determination is made sooner by the FHWA-NM and FTA Region 6 or a shorter term is specified in the certification report.

Special Studies Generated by Task Forces and Committees

MPOs are often involved in some manner with special studies or committees, whether generated by the MPO, NMDOT, or both. Examples of studies generated by the MPO Policy Boards are bicycle and pedestrian plans or access management plans for the MPO region. Some MPOs have standing committees that meet regularly to provide input to the MPO on specific areas of interest to their particular region and context. The MPOs at times have been called upon by the NMDOT Transit and Rail Division to participate in statewide studies of transit services.

NMDOT Agreements, Authorizations and Responsibilities to the MPOs

The NMDOT acts on behalf of FHWA-NM in carrying out the statewide planning process, as prescribed in the Stewardship and Oversight Agreement between the NMDOT and FHWA-NM (see the Statewide Planning Bureau chapter in the PPM for more information). Each MPO is assigned a GTG Liaison to serve as the initial point of the NMDOT contact for the MPO. The GTG Liaison also serves as a resource to the MPO, and facilitates coordination and communication between the MPO and the different areas of the NMDOT, including the District Offices. MPO Planners should follow established protocol by first contacting their assigned GTG Liaison with questions or concerns and for additional information. This informal contact can be in person or via telephone, email, letter, or fax as appropriate. The NMDOT administers its responsibilities in relation to the FHWA-NM and the MPOs in part by preparing, distributing, and enforcing the following documents or actions (which are described in the following subsections):

- Cooperative Agreement
- Notice to Proceed
- Quality Assurance Review Process
- Federal Certification of TMAs

Cooperative Agreement

The Cooperative Agreement (CA) is the contractual agreement between the NMDOT and the MPO that delineates the responsibilities of each organization. NMDOT will prepare new CAs in response to recurring “triggers”:

- A new federal transportation authorization bill introduces new requirements;
- Significant future revisions to this PPM, which may trigger the need to update CAs absent a change in Federal transportation legislation;
- An updated JPA may trigger the need for a new CA; or
- Expiration of Cooperative Agreements.

Notice to Proceed

After FHWA-NM approval of the NMDOT Division PWP (which includes the UPWPs) and obligation of federal funds, the NMDOT issues a Notice to Proceed (NTP) to each MPO as a notice to start work on its UPWP. The NTP authorizes the MPO to seek reimbursement for the federal portion of the approved UPWP budget for the term of the UPWP. The Bureau sends out the Notice to Proceed by September 30 so that MPOs can begin work on October 1. The NTP authorizes the funding from October 1 through Year 2 of the current UPWP (i.e. the NTP for Year 1 of the FFY19/20 UPWP will authorize funds from October 1, 2018 to September 30, 2020 and the NTP for Year 2 of the FFY19/20 UPWP will authorize funds from October 1, 2019 to September 30, 2020). The Bureau uses the “Advanced Construction” process, in order to authorize funds for the federal fiscal year, prior to that year beginning. The Advanced Construction process is described in further detail in the NMDOT *STIP Manual*, available on the NMDOT website.

Quality Assurance Review

GTG Liaisons will meet with their assigned MPOs on a regular basis (quarterly at a minimum) to review UPWP progress and discuss any issues. In addition to regular meetings between the GTG Liaison and the MPO, the NMDOT will engage in a four-tiered, quality assurance review process of MPO administrative functions. The first two steps are mandatory and are performed annually. The NMDOT will enact Steps 3 and 4 as conditions warrant:

1. Review financial audits of MPO fiscal agents;
2. Conduct Quality Assurance Site Review;
3. Conduct Quality Assurance Site Review Follow-Up; and
4. Conduct Office of Inspector General Audit.

Step 1 – Review Financial Audits of MPO Fiscal Agents

MPO Planners are required to submit copies of annual financial audits of their respective fiscal agent to their GTG Liaison within 30 days of approval by the MPO's fiscal agent.

If the audit contains any findings, the GTG Liaison will review with the GTG Supervisor. They will determine if the findings require a response by the fiscal agent, to be presented at the QAR site review (Step 2). Unaddressed audit findings may impact eligibility to receive federal funds.

Step 2 – Conduct Quality Assurance Site Review

The GTG Liaison will schedule an annual Quality Assurance Site Review with each MPO for which the GTG Liaison is responsible. The objectives for the NMDOT's annual quality assurance review are to:

- Verify that the MPO planning process complied with current transportation planning law;
- Determine if the MPO planning process is a continuing, cooperative, and comprehensive process;
- Review UPWP progress, including accomplishments, issues, schedule changes, etc.;
- Identify noteworthy practices to share with other MPOs;
- Enhance the MPO planning process and improve the quality of the transportation decision-making; and
- Determine the administration systems in place for the sound oversight management of federal funds in the operation of the MPO.

The GTG Liaison will first attempt to schedule the onsite visit with sufficient advance notice to ensure that all required documentation and MPO staff are available to facilitate the review. It is incumbent upon the MPO Planner to cooperate and assist with the scheduling on behalf of their entity. However, the GTG Liaison is responsible for conducting the site visit, and will proceed whether or not the MPO Planner chooses to facilitate the process. The NMDOT, FHWA-NM, and FTA Region 6 possess the authority to inspect all documentation pertaining to the expenditure of state and federal funds at any time. Therefore, MPO Planners are required to keep electronic and hard copy files constantly up to date, well organized, and accessible for viewing. Appendix C contains a checklist that provides additional information and that will assist MPO staff with preparing for the quality assurance site reviews.

The GTG Liaison will submit a report on the Quality Assurance Site Review to the GTG Unit Supervisor who will review and discuss the report with the GTG Liaison. The GTG Liaison will provide the final report to the MPO Planner. If the report indicates that the proper administrative systems are in place

and fully operational, no further action is required.

Step 3 – Conduct Quality Assurance Site Review Follow-Up

If the GTG Liaison’s Quality Assurance Review report raises any concerns, the GTG Unit Supervisor will discuss the report with the Bureau Chief and, ultimately, the Division Director, to determine the appropriate course of action to take depending upon the severity of the concerns. Possible follow-up actions include:

- Requiring the MPO Planner to identify corrective actions (along with a timeline that includes major milestones);
- Requiring a UPWP amendment or modification to address the corrective actions, if necessary;
- Conducting another Quality Assurance Site Review in 6 months or less to confirm improvements; or
- Proceeding to Step 4.

Step 4 – Conduct Office of Inspector General Audit

The Division Director will determine if a formal audit by the NMDOT Office of Inspector General is necessary. If so, the Division Director makes the request in writing, typically by email, to the Office of Inspector General. The Division Director then follows the Office of Inspector General directives from that point forward, and the Division becomes responsible for enforcing the findings and recommendations of the resulting audit.

Consequences of Non-conformance by an MPO

The following section outlines the procedure for addressing non-conformance by an MPO. Examples of non-conformance include, but are not limited to, the following:

- Not meeting deadlines as outlined in this PPM (and specified on the Month-by-Month Work Program Timeline). *Note that some deadlines have automatic consequences if missed, such as if an MPO does not submit a WP amendment by the stated deadline. The consequence of this is that the amendment is not included in the PWP amendment, thus is not approved. This does not count as non-conformance on the part of the MPO;*
- Continuously submitting incorrect or incomplete information; and
- Refusing to follow and/or comply with the procedures outlined in this PPM.

Table 4, seen below, outlines the procedures the NMDOT will follow when addressing non-conformance on the part of an MPO. Non-conformances are tracked cumulatively over the course of the federal fiscal year (FFY). Every instance of non-conformance results in the entity increasing the non-conformance level. For example, if an MPO submits a Reimbursement Packet after the deadline and then misses a deadline for another work product, the MPO is considered to be at Level 2. If an MPO is at Level 1 or 2 at the close of the FFY, the MPO will start off at Level 1 at the beginning of the following FFY. Level 3 and above, including Corrective Action Plan, carry forward into the following FFY.

Table 4
Non-Conformance Procedures

Non-conformance Level	NMDOT Action	Notifications
Level 1	GTG Liaison notifies MPO Planner in writing of non-conformance	GTG Unit Supervisor copied on email
Level 2	GTG Liaison notifies MPO Planner in writing of non-conformance	GTG Unit Supervisor, Bureau Chief, Division Director, MPO Officer copied on email
Level 3	The MPO develops a Corrective Action Plan in response to the findings outlined by NMDOT and submits to the GTG Liaison for review/concurrence by the Bureau Chief and Division Director	GTG Unit Supervisor, Bureau Chief, Division Director, MPO Officer/RTPO COG Executive Director copied on submittal email for Corrective Action Plan MPO Planner sends Corrective Action Plan to MPO Policy Board/Committee Chair
Level 4 (a “new” incident of non-conformance or failure to follow CAP) and any additional non-conformances	GTG Unit Supervisor notifies MPO Planner in writing of failure to follow Corrective Action Plan Division informs MPO Policy Board/Committee of pending loss of funds	GTG Unit Supervisor, Bureau Chief, Division Director, MPO Officer copied on email Division Director notifies DOT Secretary of situation
Level 5 (a “new” incident of non-conformance or failure to follow Corrective Action Plan) and any additional non-conformances	1) GTG Unit Supervisor, Bureau Chief and Division Director set up hearing with MPO Planner, MPO Officer and MPO Policy Board/Committee Chair to discuss suspension of payment	NMDOT Secretary, FHWA-NM and FTA Region 6 are provided notification of the hearing
	2) If a determination is made to suspend payment to the MPO, DOT Cabinet Secretary sends letter to MPO Officer	MPO Policy Board/Committee Chair and FHWA and FTA copied on letter
	3. If the MPO elects to appeal the decision, NMDOT will arrange a meeting with all parties, as well as the appropriate FHWA and FTA representatives	

Please note that other types of non-conformance, such as on-going lack of communication or failure to meet deadlines outside of those specifically listed in the PPM may be grounds for NMDOT to follow the steps outlined above and/or issue a CAP.

Metropolitan Planning Organizations Checklists

This list is intended to summarize the work products of the MPOs. Please note that every item may not be required/undertaken. Unless otherwise specified, work products are submitted to the GTG Liaison.

Monthly

- Coordinate with NMDOT GTG Liaison
- Record hours worked per task identified in Unified Planning Work Program (UPWP) – use timesheets

Quarterly

- Meet with GTG Liaison to discuss progress on the UPWP
- Prepare and submit Reimbursement Packet (cover letter, invoice, quarterly report and all supporting documentation) to GTG Liaison
- Prepare and submit Unified Planning Work Program quarterly amendment to GTG Liaison, as needed, for approval by FHWA-NM and FTA Region 6
- Participate in quarterly MPO meetings
- Prepare and distribute quarterly meeting minutes (MPO meeting host only)
- Prepare and submit draft Transportation Improvement Program amendment to NMDOT, for approval by NMDOT, FHWA-NM and FTA Region 6

Annually

- Prepare and submit Annual Performance and Expenditure Report (APER) to GTG Liaison, provided to FHWA-NM and FTA Region 6 for informational purposes only
- Prepare and submit Annual Listing of Obligated Projects GTG Liaison, for concurrence from FHWA-NM and FTA Region 6
- Review Notice to Proceed received from NMDOT
- Participate in joint meeting with NMDOT and RTPOs
- Collect and submit traffic counts to NMDOT
- Post traffic flow maps on website
- Issue calls for projects (e.g TAP, RTP, other discretionary funds)
- Participate in Quality Assurance Reviews (QARs)
- Adopt Safety (Performance Measure 1) targets, submit documentation and update MTP
- Prepare and submit annual Title VI Report to NMDOT Title VI Coordinator, due October 1

Every 2 Years

- Prepare and submit final two-year UPWP and budget to GTG Liaison, for approval by NMDOT, FHWA-NM and FTA Region 6
- Prepare and submit Transportation Improvement Program (TIP) to NMDOT, for approval by NMDOT, FHWA-NM and FTA Region 6
- Participate in Statewide Transportation Improvement Program (STIP) development by NMDOT

Every 3 Years

- Prepare documentation and participate in FTA Region 6 review of TMAs, for approval by FTA Region 6
- Review Title VI Plan and update as necessary

Every 4 Years

- Prepare and submit Metropolitan Transportation Plan (MTP), for approval by FHWA-NM and FTA Region 6, for areas with nonattainment or maintenance designations for air quality
- Prepare and submit Public Participation Plan, provided to FHWA-NM and FTA Region 6 for informational purposes only, for areas with nonattainment or maintenance designations for air quality
- Review and coordinate as necessary with NMDOT to update Cooperative Agreement with NMDOT
- Participate with FHWA-NM/FTA Region 6/NMDOT in Federal Certification process, for approval by FHWA-NM and FTA Region 6 (MRMPO and EPMPO)
- Prepare and submit Metropolitan Transportation Plan Amendments, for approval by FHWA-NM and FTA Region 6
- Prepare and submit letters about Policy Board member changes
- Adopt Pavement and Bridge Condition (Performance Measure 2), System Performance/Freight/CMAQ (Performance Measure 3), and Transit Asset Management targets, submit documentation and update MTP

Every 5 Years

- Prepare and submit Metropolitan Transportation Plan (MTP), for approval by FHWA-NM and FTA Region 6 (at least every 5 years, unless MPO has nonattainment or maintenance designation for air quality)
- Review and update as necessary the Public Participation Plan (PPP), provided to FHWA-NM and FTA Region 6 for informational purposes only. PPP should be reviewed, at a minimum, prior to each MTP update (at least every 5 years, unless MPO has nonattainment or maintenance designation for air quality)

Ongoing and Other

- Review and update as necessary Joint Powers Agreement with member governments, submit to GTG Liaison
- Functional classification if required other than after new census data
- Review and update as necessary bylaws

Archiving Requirements

Archiving is the process of accumulating and storing documents that record the function and work products of the NMDOT, MPOs and RTPOs. Documents and work products must be archived according to either the federal or state requirements and must comply with whichever has the more stringent archiving requirements. Below are some of the major laws pertaining to records archiving; however, this list is not exhaustive and NMDOT, MPOs and RTPOs should independently confirm archiving requirements for their records.

New Mexico Administrative Code (NMAC)

Title 1	General Government Administration
Chapter 21	Functional Records Retention and Disposition Schedules
Part 2	Retention and Disposition of Public Records

This NMAC section (1.21.2) is the complete code governing public records retention for the State of New Mexico. Below are some pertinent excerpts.

1.21.2.112 Program and Project Files *(Replaces 1.15.2.151 Feasibility Studies)*

- A. **Category:** Administration - general management.
- B. **Description:** Records related to administrative programs and projects not identified in other classifications.
- C. **Retention:** destroy five years from date file closed.

1.21.2.114 Publications *(Replaces 1.15.2.114 Manuals of Procedures, 1.15.2.307 Publications)*

- A. **Category:** Administration - general management.
- B. **Description:** Agency publications intended for distribution to the public.
- C. **Retention:** permanent, transfer to state library when published.

1.21.2.116 Reports – General *(Replaces 1.18.805.31 Federal and State Apportionment Reports and Files)*

- A. **Category:** Administration - general management.
- B. **Description:** General reports not identified in other classifications.
- C. **Retention:** destroy two years from date file created

1.21.2.117 Reports – Historical *(Replaces 1.15.2.117 Reports)*

- A. **Category:** Administration - general management.
- B. **Description:** Historical reports including, but not limited to the following subject matter: vital records, natural resources, emissions, professional licensure registries, disease management, rural health care, student nutrition, emergency response, homeland security, infrastructure, tribal education and statutorily required reports; and not identified in other classifications.
- C. **Retention:** permanent, transfer to archives one year from date file created.

1.21.2.122 Grant Administration *(Replaces 1.15.4.208 Revenue Contracts and Grants)*

- A. **Category:** Administration - general management.
- B. **Description:** Records related to grant administration.
- C. **Retention:** destroy three years from the date file closed.

1.21.2.413 Federal Compliance and Reporting *(Replaces 1.18.805.24 Federal Planning Reports)*

- A. **Category:** Governance and compliance - audit, oversight and compliance.
- B. **Description:** Records related to oversight and federal compliance reporting.
- C. **Retention:** destroy three years from date file closed.

1.21.2.608 Goods and Services (*Replaces 1.15.4.307 Contract/Agreement Files*)

- A. **Category:** Legal and judiciary - contract management.
- B. **Description:** Records related to contracting of goods and services.
- C. **Retention:** destroy six years from date file closed.

U.S. Code of Federal Regulations (CFR)

2 CFR § 200.333 Retention Requirements for Records

Financial records, supporting documents, statistical records, and all other non-Federal entity records pertinent to a Federal award must be retained for a period of three years from the date of submission of the final expenditure report or, for Federal awards that are renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report, respectively, as reported to the Federal awarding agency or pass-through entity in the case of a subrecipient. Federal awarding agencies and pass-through entities must not impose any other record retention requirements upon non-Federal entities. The only exceptions are the following:

(a) If any litigation, claim, or audit is started before the expiration of the 3-year period, the records must be retained until all litigation, claims, or audit findings involving the records have been resolved and final action taken.

(b) When the non-Federal entity is notified in writing by the Federal awarding agency, cognizant agency for audit, oversight agency for audit, cognizant agency for indirect costs, or pass-through entity to extend the retention period.

(c) Records for real property and equipment acquired with Federal funds must be retained for 3 years after final disposition.

(d) When records are transferred to or maintained by the Federal awarding agency or pass-through entity, the 3-year retention requirement is not applicable to the non-Federal entity.

(e) Records for program income transactions after the period of performance. In some cases recipients must report program income after the period of performance. Where there is such a requirement, the retention period for the records pertaining to the earning of the program income starts from the end of the non-Federal entity's fiscal year in which the program income is earned.

(f) Indirect cost rate proposals and cost allocations plans. This paragraph applies to the following types of documents and their supporting records: indirect cost rate computations or proposals, cost allocation plans, and any similar accounting computations of the rate at which a particular group of costs is chargeable (such as computer usage chargeback rates or composite fringe benefit rates).

(1) *If submitted for negotiation.* If the proposal, plan, or other computation is required to be submitted to the Federal Government (or to the pass-through entity) to form the basis for negotiation of

the rate, then the 3-year retention period for its supporting records starts from the date of such submission.

(2) *If not submitted for negotiation.* If the proposal, plan, or other computation is not required to be submitted to the Federal Government (or to the pass-through entity) for negotiation purposes, then the 3-year retention period for the proposal, plan, or computation and its supporting records starts from the end of the fiscal year (or other accounting period) covered by the proposal, plan, or other computation.