City of Las Cruces®

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 7 **Resolution#** 13-150

For Meeting of _____ (Ordinance First Reading Date)

For Meeting of May 6, 2013 (Adoption Date)

Please check box that applies to this item:

☐ QUASI JUDICIAL ☐ LEGISLATIVE ☒ ADMINISTRATIVE

TITLE: **A RESOLUTION APPROVING A JOINT POWERS AGREEMENT BETWEEN THE CITY OF LAS CRUCES, DONA ANA COUNTY, AND THE TOWN OF MESILLA FOR THE GOVERNANCE OF THE MESILLA VALLEY METROPOLITAN PLANNING ORGANIZATION.**

PURPOSE(S) OF ACTION:

To approve Joint Powers Agreement.

COUNCIL DISTRICT: N/A		
Drafter/Staff Contact: Tom Murphy	**Department/Section:** Community Development/ MPO	**Phone:** 528-3225
City Manager Signature:		

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The Las Cruces Metropolitan Planning Organization (MPO) is a multi-jurisdictional agency responsible for transportation planning in Las Cruces, Mesilla and central Doña Ana County. Federal regulations require the designation of an MPO to carry out a coordinated, continuing and comprehensive transportation planning process for urbanized areas with a population of more than 50,000. The MPO has been in existence since 1982 and has been operating since 1989 under the current Joint Powers Agreement (JPA).

There have been several conditions that have led to the need to replace the current JPA. In 2009, the New Mexico Department of Transportation (NMDOT) commissioned a Location Study for the MPO. That report recommended that a new JPA be established to address current conditions for the MPO. Conditions recommended for attention included:

- there was no cost sharing mechanism for the local match funding of the MPO;
- there is a need for representation of the NMDOT on the Policy Committee of the MPO; and
- there was a desire for a greater regional identity for the MPO.

In response to the Location Study, the Policy Committee worked with MPO staff to draft a JPA that was not acted upon.

In 2012, the Federal Highway Administration (FHWA) conducted a planning process review for the MPO. The review was conducted March 27-29, 2012 and the final report was delivered at the August 8, 2012 MPO meeting. The review identified the same conditions as the Location Study. However, the FHWA identified development of a new JPA as a finding requiring a corrective action. Failure to modify the JPA would result in the loss of federal transportation funds.

The City and Dona Ana County held a joint work session with two members of the Town of Mesilla Board of Trustees also in attendance on September 6, 2012. Outstanding issues were discussed and MPO staff was given direction to revise the MPO JPA. The MPO prepared a draft JPA and summited it to FHWA for review. The draft JPA was cleared for submittal to the New Mexico Department of Finance and Administration which has the statutory authority to approve all JPAs.

The major modifications to the JPA include the following:

- This draft JPA establishes a new name for the MPO. Previously, the MPO was named the "Las Cruces MPO" within the JPA. In order to create a more regional identity, this JPA establishes the MPO name as the "Mesilla Valley Metropolitan Planning Organization". This name was suggested during the NMDOT Location Study process and seems to have consensus among the elected officials.

- This draft JPA also establishes cost sharing for the local match of Section 134 planning funds. The local match for MPO planning funds will be divided upon the population share of each jurisdiction per the latest U.S. Census count. Transit planning funds, known as Section 5303, will continue to be funded entirely by the City.

- The Policy Committee will add the NMDOT District 1 Engineer as a voting member. The rest of the Board will continue to have three elected officials from each government.

- Definitions were added to the JPA that clarify the terms consultation and cooperation.

- Staff duties were revised to reflect preparation of documents required by federal law and Policy Committee review of staff performance was added.

SUPPORT INFORMATION:

1. Resolution.
2. Exhibit "A "Joint Powers Agreement.
3. Attachment "A", Las Cruces Metropolitan Planning Organization Process Review.
4. Attachment "B", 1989 Joint Powers Agreement.
5. Attachment "C", 2009 Location Study Action Plan.

SOURCE OF FUNDING:

Is this action already budgeted?			
N/A	Yes	☐	See fund summary below
	No	☐	If No, then check one below:
	Budget Adjustment Attached	☐	Expense reallocated from: _____.
		☐	Proposed funding is from a new revenue source (i.e. grant; see details below)
		☐	Proposed funding is from fund balance in the _____ Fund.
Does this action create any revenue?			
	Yes	☒	Funds will be deposited into this fund: 2090 in the amount of $15,843.00 for FY14.
	No	☐	There is no new revenue generated by this action.

BUDGET NARRATIVE

This JPA establishes cost sharing for the MPO local match. The local match for MPO planning funds will be divided upon the population share of each jurisdiction per the latest U.S. Census count. The City of Las Cruces will pay 62.0%, Dona Ana County will pay 36.6%, and the Town of Mesilla will pay 1.4% of the required local match for Section 134 funds. Approximately $15,843.00 of the estimated $42,685.81 of the required local match for MPO federal planning funds will no longer be paid by the City each year.

FUND EXPENDITURE SUMMARY:

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
N/A	N/A	N/A	N/A	N/A	N/A

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will authorize the City to enter into the JPA.
2. Vote "No"; this will not authorize the City to enter into the JPA and will jeopardize federal transportation funding for the area.
3. Vote to "Amend"; this would be based on Council direction.
4. Vote to "Table"; this will delay any action and jeopardize funding.

REFERENCE INFORMATION

The resolution(s) and/or ordinance(s) listed below are only for reference and are not included as attachments or exhibits.

1. N/A

RESOLUTION NO. 13-150

A RESOLUTION APPROVING A JOINT POWERS AGREEMENT BETWEEN THE CITY OF LAS CRUCES, DONA ANA COUNTY, AND THE TOWN OF MESILLA FOR THE GOVERNANCE OF THE MESILLA VALLEY METROPOLITAN PLANNING ORGANIZATION.

The City Council is informed that:

WHEREAS, the Las Cruces Metropolitan Planning Organization was established in 1982 and has been operating under the current Joint Powers Agreement (JPA) between the City of Las Cruces ("City"), Dona Ana County ("County"), and the Town of Mesilla ("Town") since 1989; and

WHEREAS, reports completed by the Federal Highway Administration (FHWA) and the New Mexico Department of Transportation (NMDOT) have recommended that the three entities revise the JPA; and

WHEREAS, the revised JPA addresses cost sharing of the grant match amongst the three entities; and

WHEREAS, the revised JPA adds the NMDOT District One Engineer as a voting member to the Policy Committee of the MPO.

NOW, THEREFORE, Be it resolved by the governing body of the City of Las Cruces:

(I)

THAT the Joint Powers Agreement between the City of Las Cruces, Dona Ana County, and the Town of Mesilla for the governance of the Mesilla Valley Metropolitan Planning Organization, attached as Exhibit "A", is hereby approved.

(II)

THAT City staff is hereby authorized to do all deeds necessary in the accomplishment of the herein above.

DONE AND APPROVED this _____ day of _____ 2013.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

(SEAL)

VOTE:
Mayor Miyagishima: ____
Councillor Silva: ____
Councillor Smith: ____
Councillor Pedroza: ____
Councillor Small: ____
Councillor Sorg: ____
Councillor Thomas: ____

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:

City Attorney

Exhibit "A"

DRAFT

Joint Powers Agreement
Between the City of Las Cruces, Dona Ana County, and the Town of Mesilla
For the Governance of the Mesilla Valley Metropolitan Planning Organization

This **Joint Powers Agreement** is entered into on this ____ day of _____, 2013, by and between the **City of Las Cruces**, a municipal corporation, hereinafter referred to as "**City**", the **County of Dona Ana**, a political subdivision, hereinafter referred to as "the **County**", and the **Town Of Mesilla**, a municipal corporation, hereinafter referred to as the "**Town**", all established entities in the State of New Mexico. This Agreement amends and replaces the previous Joint Powers Agreement between the City, County, and Town dated December 21, 1989, under which the **Mesilla Valley Metropolitan Planning Organization** (hereinafter referred to as "**MPO**") has been operating under until the effective date listed above.

WITNESSETH:

WHEREAS, the Metropolitan Planning Organization (MPO) was designated by the Governor of the State of New Mexico through declaration on February 10, 1982; and

WHEREAS, the parties hereto agree that it is in the best interests of the City, the County, and the Town to maintain and continue a Metropolitan Planning Organization in order to conduct coordinated, continuing, and comprehensive transportation planning; and

WHEREAS, the MPO shall be constituted for the purpose of establishing, overseeing, and directing transportation policy and to accomplish general transportation planning for the City, County, and Town within the MPA; and

WHEREAS, pursuant to the Joint Powers Agreement Act, NMSA 1978, Sections 11-1-1 through 11-1-7, the City, the County, and the Town are explicitly authorized to enter into a Joint Powers Agreement (hereinafter "JPA") to establish and govern a separate agency to possess and exercise common powers of the parties; and

NOW, THEREFORE, in consideration of the mutual benefits that will accrue to the City, County, and Town, and the citizens thereof, the parties hereby agree as follows:

(I)

THAT this Joint Powers Agreement shall supersede and replace the previous Joint Powers Agreement dated December 21, 1989; and

(II)

THAT the MPO will carry out the purpose and all duties specified in 23 U.S.C. §450.300 and 49 U.S.C. § 5303.

I. ACRONYMS AND DEFINITIONS

Consultation means that one or more parties confer with other identified parties in accordance with an established process and, prior to taking action(s), considers the views of the other parties and periodically informs them about action(s) taken.

Cooperation means that the parties involved in carrying out the transportation planning and programming processes work together to achieve a common goal or objective.

Federal Highway Administration (FHWA) – A division of the USDOT created in 1967, and authorized under Title 23 of U.S. Code to administer programs involving Federal-Aid, Federal Lands, research and development, international outreach, and National Highway Institute programs.

Federal Transit Administration (FTA) – A division of the USDOT created in 1991, and authorized under Title 49 of U.S. Code to administer programs to provide financial assistance to develop new transit systems and improve, maintain, and operate existing systems.

Metropolitan Planning Area (MPA) – The geographic area determined by agreement between the MPO and the Governor, in which the metropolitan planning process is carried out.

Metropolitan Planning Organization (MPO) – Created under 23 U.S.C. §134 for the purpose of transportation planning in metropolitan areas above 50,000 in population.

Policy Committee is the recognized authority of the MPO and is governed by its adopted bylaws.

United States Department of Transportation (USDOT) – The federal Department of Transportation, an agency of the Executive Branch of the United States Government.

U.S.C. – United States Code

II. ORGANIZATION.

A. The MPO shall consist of ten (10) voting members known as the Policy Committee:
   1. Three (3) elected officials representing the City.
   2. Three (3) elected officials representing the County.
   3. Three (3) elected officials representing the Town.
   4. District Engineer from the New Mexico Department of Transportation District One.
   5. Each member shall be entitled to one (1) vote.

6. In addition, the Federal Highway Administration (FHWA), and other appropriate ex-officio (non-voting) members may be established by resolution of the Policy Committee

7. The MPO Officer shall serve as staff for the MPO.

B. The function of the MPO shall be as follows:
1. Serve as a forum for cooperative decision-making on transportation-related matters.

2. Provide policy guidance and direction to the MPO staff and advisory committees in accordance with the transportation planning process.

3. Receive and act upon recommendations made to it by its established advisory committees.

4. Receive and consider input to the transportation planning process from the citizens of the MPA.

5. Determine the MPA boundaries in accordance with 23 U.S.C. §450.312.

6. Establish and maintain advisory committees, as needed.

7. Undertake such other activities as it may deem necessary and appropriate to carry out transportation planning for the MPA.

C. Duties of the MPO Officer:

1. The MPO Officer shall maintain official plans and records of the MPO and shall administer the daily operations of the MPO and prepare necessary reports as required by federal regulations.

2. The MPO Officer shall manage the budget and expenditures of the MPO planning funds as appropriated by the federal government and distributed by NMDOT in accordance with the Unified Planning Work Program (UPWP) as approved by the Policy Committee.

3. The MPO Officer shall be responsible for the development and update of the Metropolitan Transportation Plan, the Public Participation Plan, the Transportation Improvement Program, the List of Obligated Projects, and the Unified Planning Work Program for review by advisory committees and approval by the Policy Committee.

III. FINANCIAL CONTRIBUTIONS. The MPO shall receive federal transportation planning funds from the United States Department of Transportation (USDOT) Federal Highway Administration (FHWA) Section 112 funds and the Federal Transit Administration (FTA) Section 5303 funds, as administered and distributed by the New Mexico Department of Transportation (NMDOT) in accordance with an established allocation formula. The financial contribution amounts required from the parties under this JPA shall be in addition to and above the planning formula funds currently provided by the NMDOT.

A. Contribution Amounts

1. The City, County, and Town shall contribute proportionally to the required local match for Section 112 Planning Funds based on their proportion of their population of the MPO planning area. The population enumerated in the latest US Census shall be the population used.

2. The City shall contribute 100% of the required local match for Section 5303 funds.

3. The parties hereto shall determine on an annual basis the financial contribution of each party in the event that MPO operating funds need to exceed required local government matching funds and grant amounts distributed by NMDOT. The intention of this provision is to maintain similar percentage splits as outlined above in the event that there is a change in Section 112 distribution.

B. Budget Procedures. The City, County, and Town shall consider the budget prepared by the MPO Officer and shall notify the MPO Officer no later than April 30 if the entity has not included its share of the MPO budget in the preliminary budget submitted by that entity for the upcoming fiscal year. Not one of the following entities- the City, County, or Town, shall refuse to include its share of the budget proposed by the MPO in its preliminary and final budgets if the proposed budget is equal to or less than the budget for the MPO for the previous fiscal year. Additionally, each governing body shall include its share of the proposed budget if all the governing bodies agree to so increase the MPO budget.

C. Payment of Contributions. The County and Town shall pay their portion of the MPO budget in one payment due no later than August 1. The City will pay its portion of the MPO budget quarterly in four (4) equal payments due on October 1, January 1, April 1, and July 1 of each year in accordance with the Memorandum of Agreement with the NMDOT, whereby the City is the administrative, fiscal and operating agent of the MPO.

D. Use of Excess Funds. All excess funds remaining at the end of the fiscal year shall be rolled over for use during the next fiscal year.

IV. FISCAL AGENT. The City shall operate as the fiscal agent for the MPO in accordance with an approved Memorandum of Agreement (MOA). The duties of the fiscal agent shall be as follows:

A. Financial Operations

1. The fiscal agent shall bill and collect all revenues from the parties of this agreement for the MPO at the times and in the amounts as determined through the procedures in Article (III) herein.
2. The fiscal agent will maintain separate accounting designated specifically for the MPO revenue and operational accounts and related budgets.
3. The fiscal agent shall make all revenue or budget transfers and all disbursements for the MPO.
4. The fiscal agent will be responsible for preparing financial reports on at least an annual basis.

5. The fiscal agent shall strictly account for all receipts and disbursements made pursuant to this JPA, in accordance with the City of Las Cruces Procurement Code, and all other applicable laws and regulations.
6. The fiscal agent will provide procurement services for the MPO in accordance with the City of Las Cruces Procurement Code, consistent with New Mexico law.

B. Personnel Administration

1. **The City of Las Cruces in consultation with the Policy Committee shall hire and retain MPO staff and shall, at a minimum, hire and retain a MPO Officer for the purpose of daily administration of MPO activities.** All MPO employees will be employees of the City.
2. The fiscal agent will house all personnel files of MPO employees, and MPO staff shall be responsible for providing updates personnel documentation to the City to maintain personnel files.
3. The fiscal agent will provide human resource services, including payroll, for MPO employees.
4. Benefits and all policy matters related to personnel shall be provided by and governed by the fiscal agent.

C. Compensation. The City may seek reimbursement for fiscal agent costs through the MOA.

V. NEW MEXICO TORT CLAIMS ACT. As between the parties hereto, each party shall be responsible for liability arising from personal injury or damage to person and property occasioned by its own agents or employees in the performance of this Agreement, subject in all cases to the immunities and limitations of the New Mexico Tort Claims Act, NMSA 1978, Section 41-4-1, et seq. Neither party shall be responsible for liability incurred as a result of the other party's acts or omissions in connection with this Agreement. Any liability incurred as a result of the other party's acts or omissions in connection with this Agreement is subject to the immunities and limitations of the New Mexico Tort Claims Act, NMSA 1978, Section 41-4-1, et seq. as amended. This paragraph is intended only to define the liabilities between the parties hereto and it is not intended to modify, in any way, the parties' liabilities as governed by common law or the New Mexico Tort Claims Act. The MPO and its "public employees" as defined in the New Mexico Tort Claims Act, and the Department and its "public employees" as defined in the New Mexico Tort Claims Act, do not waive any limitation of liability pursuant to law. No provision in this Agreement modifies and/or waives any provision of the New Mexico Tort Claims Act.

VI. THIRD PARTY BENEFICIARY CLAUSE. It is specifically agreed between the parties executing this Agreement that it is not intended by any of the provisions of any part of the Agreement to create in the public, or any member thereof, a third party beneficiary or to authorize anyone not a party to the Agreement to maintain a suit(s) for wrongful death(s), bodily and/or personal injury(ies) to person(s), damage to property(ies), and/or any other claim(s) whatsoever pursuant to the provisions of this Agreement.

VII. APPLICABLE LAW. The Laws of the State of New Mexico shall govern this Agreement.

VIII. SCOPE OF THE AGREEMENT. This Agreement incorporates all the agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof, and all such covenants, agreements, and understandings have been merged into this written Agreement. No prior agreements or understandings, verbal or otherwise, of the parties or their agents shall become valid or enforceable unless embodied in this Agreement.

IX. TERM OF AGREEMENT. This agreement shall be perpetual unless terminated or amended as hereinafter provided.

A. Termination. By mutual agreement, the parties hereto may terminate this Agreement by giving written notice at least ninety (90) days prior to the effective date of termination.

B. Modifications. This agreement may be supplemented or renegotiated as necessary to meet changing conditions and as recommended by the Policy Committee. The Policy Committee shall review and forward recommendations to all parties of this agreement upon the adoption of new transportation authorization bills by Congress. Also, upon a super-majority vote of the Policy Committee, recommendations shall be forwarded to all parties.

X. SEVERABILITY OF PROVISIONS. If any provision of this JPA is held invalid, the remainder of this JPA shall not be affected thereby and such remainder would constitute the JPA and the MPO would continue to operate under the remaining provisions, unless the provision held invalid was such as to make the fulfillment of the purpose of this JPA impossible or impracticable.

XI. EFFECTIVE DATE AND AMENDMENTS. This Agreement shall not be effective until approved by the Board of Commissioners for Dona Ana County, the City Council for the City of Las Cruces, the Board of Trustees for the Town of Mesilla, and the Department of Finance and Administration of the State of New Mexico. This Agreement cannot be amended except in writing signed by the parties to this JPA, and approved by the Department of Finance and Administration.

THIS JOINT POWERS AGREEMENT was approved by the City Council of the City of Las Cruces on _____, 2013.

THIS JOINT POWERS AGREEMENT was approved by the Board of Commissioners of Dona Ana County on _____, 2013

THIS JOINT POWERS AGREEMENT was approved by the Board of Trustees of the Town of Mesilla on _____, 2013.

IN WITNESS WHEREOF, the Parties have hereunto affixed their signatures:

THE CITY OF LAS CRUCES, NEW MEXICO

By:_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

THE COUNTY OF DONA ANA, NEW MEXICO

By:_____
Chairman, Board of County Commissioners

ATTEST:

_____
County Clerk

APPROVED AS TO FORM:

_____
County Attorney

THE TOWN OF MESILLA, NEW MEXICO

By:_____
Mayor

ATTEST:

_____
Town Clerk

APPROVED AS TO FORM:

_____
Town Attorney

APPROVED:
THE STATE OF NEW MEXICO
DEPARTMENT OF FINANCE AND ADMINISTRATION

By:_____
Secretary

U.S. Department of Transportation

Federal Highway Administration

Process Review

Prepared by:

FHWA New Mexico Division

&

New Mexico Department of Transportation

Las Cruces Metropolitan Planning Organization Review

March 27-28, 2012

Las Cruces MPO staff – Multi-modal Street in Mesilla

Final REPORT

U.S. Department of Transportation
Federal Highway Administration

Table of Contents

Executive Summary 1

Background 2

Purpose and Objective 3

Scope and Methodology 4

Team Members 7

Conclusion and Summary of Findings 8

Observations and Recommendations 11

Appendices 24

Executive Summary

The Las Cruces Metropolitan Planning Organization (LC-MPO) is the designated MPO for the Las Cruces metropolitan area. The LC-MPO self-certifies, in accordance with Federal Regulatory procedures, that they are following the regulations in carrying out the "3C" metropolitan transportation planning process. This planning process review has concentrated on documenting the efforts and accomplishments of this process.

This review is a joint effort between the FHWA NM Division and the NM Department of Transportation (NMDOT). The Final Report is to be transmitted to LC-MPO Policy Board and Transit Operator on June or July, 2012. The Final Report documents the review team's observations and findings including specific recommendations for improvement, as well as strengths of the planning process. Corrective actions, recommendations, and commendations were identified as a result of the review.

The review is intended to serve as an opportunity to improve the effectiveness and efficiency of the LC-MPO planning process. It is intended to identify major issues facing the Las Cruces metropolitan area, so all the parties participating in the planning process will address them in a cooperative, consultative, and comprehensive manner and in accordance with federal and state requirements.

The review effort consisted of both a desk and an on-site review. The desk review focused on looking at the core MPO documentation as identified in the federal regulations which include MPO agreements, the Metropolitan Transportation Plan, the Transportation Improvement Program (TIP), the Public Participation Plan, the Unified Planning Work Program (UPWP), financial documentation, the transit operator triennial review, and other supplemental documents that were requested.

The on-site review was conducted on March 27-28, 2012 and focused on a discussion with the MPO staff on the core function, products, processes and procedures in place for the management of the metropolitan transportation planning process. The on-site work also included a public session scheduled at the City Council Chambers from 6:00 PM to 7:00 PM on March 27, 2012.

The Final Report documents the Review Team's observations and findings, including 1 commendation, 1 corrective action, and 7 recommendations for improvement to the planning process.

Background

As condition for receipt of Federal funds for planning, capital or operating assistance, 23 CFR Part 450 and 49 CFR Par 613 require that each metropolitan area have a continuing, cooperative and comprehensive "3C" transportation planning process that results in plans and programs consistent with federal and state requirements.

The Federal Highway Administration (FHWA) metropolitan planning (PL) and Federal Transit Administration (FTA) Section 5303 urbanized area formula planning funds, are made available yearly to the designated Metropolitan Planning Organization (MPO) which is responsible, together with the State, for carrying out the transportation planning activities. The Las Cruces MPO is the designated MPO for the Las Cruces metropolitan area.

Purpose and Objective

The Las Cruces MPO self-certifies, in accordance with Federal Regulations that it is following the regulations in carrying out a continuing, cooperative, and comprehensive (3C) metropolitan transportation planning process. This review concentrated on documenting their efforts and accomplishments as they relate to this process.

The last assessment of the Las Cruces Metropolitan Transportation Planning process was done in late 2008 and early 2009. The final report, entitle "Las Cruces MPO Location & Structure Study", was presented to the MPO Policy Committee on February 2nd, 2009. The final outcome of the study included an action plan aimed at "maximizing the effectiveness of the MPO in meeting its requirements within the context of the Las Cruces region". Some of the recommendations of the action plan have been addressed since, but the MPO Policy Board did not take action on the document as a whole.

This 2012 review differs from the above process because it is based on a joint effort by the FHWA NM Division and the NMDOT. The review follows FHWA program review and financial review principles. In addition, it is based on the Stewardship & Oversight Agreement between the FHWA NM Division and the NMDOT signed in 2011.

The following objectives were set for the review:

- Verify that the Las Cruces MPO planning process is in compliance with current transportation planning law.
- Determine if the metropolitan transportation planning process is a continuing, cooperative, and comprehensive process that results in the support and development of transportation improvements for the overall Las Cruces metropolitan area.
- Determine if the metropolitan transportation planning process provides adequate representation and input from all levels of local government and individual interest groups in addressing the transportation needs of the Las Cruces metropolitan area.
- Identify noteworthy practices, which can be shared with other states, MPOs, and transit operators.
- Enhance the Las Cruces planning process and improve the quality of their transportation decision making.
- Determine the administration systems in place for the sound oversight management of federal funds in the operation of the Las Cruces MPO.

Scope and Methodology

The review is intended to serve as an opportunity to improve the effectiveness and efficiency of the Las Cruces MPO planning process, to help ensure that the major issues facing the metropolitan area are addressed, and to discuss transportation planning issues as they relate to federal regulations.

The review was conducted by a team of FHWA New Mexico Division and NM DOT staff. To accomplish the objectives, the team conducted a desk and an on-site review.

The following topics were covered at the 2012 desk and on-site reviews:

- MPO structure
- Agreements
- Unified Planning Work Program (UPWP)
- Metropolitan Transportation Plan (MTP)
- Transportation Improvement Program (TIP)
- Transit Planning
- Annual Listing of Obligated Projects
- Public Involvement (Participation Plan, Consultation, and Coordination, Visualization, and Title VI)
- Finance (accounting system and travel policy)

Throughout the review, additional information was requested including travel policy, indirect costs, audited financial statements, organizational chart, the TIP Project Application & Evaluation, and several Policy Board meeting minutes.

Several meetings between NMDOT leadership and staff were scheduled to coordinate methodology and logistics associated to the review process and documentation. In addition, a series of phone conversations between the review team coordinator and MPO staff were scheduled regarding documentation, workdays, locations, materials, interviews, agency coordination, the public listening session, and other logistics associated with the review process.

Desk Review

The desk review consisted of reviewing all the documents requested from the MPO staff. The review team was split in two groups, one focused on planning and the other on finance. Each group member was enlisted according to their area of expertise to better manage the resources. Each group was lead by the FHWA Division staff, the Financial Manager and the State Planner. The NMDOT STIP coordinator and the NMDOT Planner worked with the FHWA Planner. The FHWA Financial Manager

worked with the two NMDOT Office of Inspector General (OIG) auditors and the NMDOT Funding Control staff member.

On-site Review

The on-site review was an opportunity to discuss transportation issues related to the Las Cruces urban area with the MPO staff, the public, and staff from other agencies. This was an opportunity to gather more information on topics that were assessed during the desk review. A public listening session was scheduled on March 27th, 2012 from 6:00 PM to 7:00 PM at the City of Las Cruces Council Chambers.

A close-out session was scheduled at the end of the site review on the morning of March 28th, 2012. The review team briefed the MPO Officer and the MPO Policy Chair on some preliminary findings. A Report of the review is expected to be delivered by the end of June or early July, 2012.

The Report will document the regulatory basis, current status, and findings as outlined below:

- Regulatory Basis – refers to where information regarding each planning topic can be found in the Code of Federal Regulations (CFR).
- Findings – Statements of fact associated with the conditions found during the review that provide the primary basis for determining the corrective actions, recommendations, and/or commendations for each planning topic. Based on the outcome of the findings, the planning process could receive one of the following considerations:
    - Corrective Action – indicates a serious situation that fails to meet one or more requirements of the transportation planning statute and regulations, thus seriously impacting the outcome of the overall planning process. A corrective action requires immediate attention from the MPO to bring the metropolitan planning process into compliance with a planning statue or regulation; failure to respond will likely result in a more restrictive finding.
    - Recommendation – addresses technical improvements to processes and procedures, that while somewhat less substantial and not regulatory, are still significant enough that FHWA and FTA are hopeful the State and local officials will take action. The expected outcome is change that would improve the planning process. Failure to respond may not necessarily result in a more restrictive finding.
    - Commendation – indicates that a process or practice demonstrates innovative, highly effective, will-thought-out procedures for implementing the planning requirements. Elements addressing items that have frequently posed problems nationwide could be cited as noteworthy

practices. Also, significant improvements and/or resolutions of past findings may warrant a commendation.

Team Members

- Rodolfo Monge-Oviedo, Planning & Program Management Team Leader, FHWA-NM Division
- Kim Sanchez, Financial Manager, FHWA-NM Division
- Rebecca Maes, NMDOT STIP Coordinator
- Brian Degani, NMDOT Planner
- KariAnn Blea, NMDOT Office of Inspector General
- Nicole A. Montoya, NMDOT Office of Inspector General
- Sean Sandoval, NMDOT Management Analyst-Advanced

Conclusion and Summary Listing of Findings

The transportation planning process conducted in Las Cruces metropolitan area is in compliance with Federal transportation planning laws and regulations in most areas. The review team is concluding that the Las Cruces metropolitan planning process adequately meets the federal and state requirements subject to the following corrective actions:

- The review and update of the Joint Powers Agreement (JPA) among the MPO, the State, and the transit operator(s).
- The update of the MOA to integrate and reflect the updated JPA.

One area of commendation (accounting system) was identified along with some specific recommendations.

While the corrective actions will not restrict the advancement of projects, they require attention and shall be taken seriously. Failure to respond could result in compromising Federal participation in the future.

Commendation #1:

The Review Team commends the City of Las Cruces for the accounting system in place. Of special recognition, is the ability to retrieve information efficiently and effectively from the accounting system in place. The staff was very knowledgeable on the task and on the information requested, even though they had not been informed of the Review Team's visit. The finance staff was very courteous and willing to work on the spot to provide all the information required and to demonstrate the system they had in place.

Corrective Action #1:

The Las Cruces MPO, the State, and transit operator must update the current JPA to meet federal requirements as required in 23 CFR 450.310. A draft of the revised agreement must be submitted to FHWA and FTA for review by December 31st, 2012, with the final draft signed by the responsible parties by June, 2013.

The agreement shall clearly define the roles and responsibilities of participating parties, fiscal and financial responsibilities of participating parties, representation, decision making structure, and a process to establish when updates to the agreement will occur. The Bylaws for the Las Cruces MPO should be updated to clearly respond to the new JPA and define the membership, function, authority, and delegated responsibilities of

the Policy Committee as an entity of the Las Cruces MPO with responsibility of overseeing transportation planning for the region.

Recommendation #1:

The MPO, State, and transit operator must update all of the agreements required by 23 CFR 450.314 to reflect the new or updated JPA. To the extent possible, a single agreement between all responsible parties should be developed. A draft of the revised agreement(s) must be submitted to FHWA and FTA for review by December, 2012 and the final(s) signed by the responsible parties by August, 2013.

The agreement(s) shall clearly define the roles and responsibilities al all parties and committees in cooperatively carrying out all aspects of the transportation planning process defined in 23 CFR450 Subpart C. This will include the development of work programs, fiscally constrained plans and TIPs, annual reporting of obligated projects, public participation plan, and a clarification of when documents are due and planning cycles are repeated.

The agreement needs to clearly address the voting proportionality provision in accordance with 23 CFR 450.310 (k)(1) and (2).

Recommendation #2:

The UPWP needs to meet all federal requirements as established in 23 CFR 450, 23 CFR 420, and FTA Circular C8100.1B. The MPO goals should align with the goals identified in the document and with the work elements/tasks.

The MPO needs to work with NMDOT on the development and implementation of the UPWP Policies and Procedures to be developed in the near future.

Recommendation #3:

It is strongly recommended that the MPO review and update the assumptions made in the financial plan of the MTP and updated as needed. This will require that the MPO, State, and transit operators create a structured, cooperative, and transparent financial revenue estimation process that will provide flexibility for future plan updates. The MPO, State, and transit operators should work on obtaining, refining, and documenting system level operations and maintenance cost information that can be deducted from the available revenue information to demonstrate available to start new capital projects.

Recommendation #4:

It is strongly recommended that the MPO, State, and transit operators develop a cooperative approach to assess and prioritize regional capital investments and other strategies or measures necessary to maintain the operation of the existing transportation system, while prioritizing future needs.

Recommendation #5:

Work with the NMDOT in the implementation of the STIP Policies and Procedures.

Las Cruces MPO should consider developing a formal prioritization process that outlines project evaluation and selection procedures of projects for inclusion in the TIP based on principles and priorities outlined in the metropolitan transportation plan.

Federal legislation requires that an MPO cooperatively develop a TIP that is financially constrained. The TIP financial plan's revenue and cost estimates must be produced in "year of expenditure (YOE) dollars" to reflect the time-based value of money.

Recommendation #6:

The current Public Participation Plan (PPP) was updated to incorporate the goals and the description of explicit procures, strategies, and desired outcomes of the ten listed areas in 23 CFR 450.316(a). The update must be developed in consultation with all interested parties and include a documented process by which the effectiveness of the public involvement process is routinely evaluated

The Las Cruces MPO should consider a formal evaluation of the effectiveness of the current public involvement strategies at all levels (internal and external stakeholders). The evaluation should identify opportunities and strategies to educate the MPO committees on the metropolitan planning process and their role and responsibilities as board members. In addition, the MPO will benefit on evaluating how public input has impacted the transportation planning process.

Observations and Recommendations

Observation #1: Join Powers Agreement (JPA)

The Joint Powers Agreement (JPA) in place between the City of Las Cruces, the County of Doña Ana, and the Town of Mesilla was signed in December 21st, 1989. The agreement has not been updated since. The agreement does not reflect current federal law as it does not capture advancement from previous transportation authorization legislation (ISTEA, TEA-21, and SAFETEA-LU).

Regulatory Basis

23 CFR 450.310 sets forth requirements for the designation of an MPO for each urbanized area with a population of more than 50,000 individuals (as determined by the Bureau of the US Census). The MPO designation is to be made by the Governor and units of general purpose local government in accordance with State or local law and to be established by agreement. In accordance to 23 CFR 450.310 (j), units of general purpose local government may be defined as elected officials from each unit (...) located within the Las Cruces metropolitan planning area.

Findings

The JPA in place was signed in 1989. The most recent discussion regarding changes to the JPA was in October/November 2011 and no changes were made at that time.

Only the City of Las Cruces contributes to the MPO matching requirements. Neither the Town of Mesilla nor Doña Ana County provides funding contributions. The review team as well as several MPO members recognized the need for MPO contributions/fees to come from all members. While Doña Ana County and the Town of Mesilla do not pay fees to MPO; they do provide in-kind matches in the form of meeting space and planning staff.

Policy Committee agrees that the NMDOT needs to be represented on the Board with full rights.

The review team recognized the need for the MPO to be more independent from the City of Las Cruces in its operation.

Corrective Action #1:

The Las Cruces MPO, the State, and transit operator must update the current JPA to meet federal requirements as required in 23 CFR 450.310. A draft of the revised agreement must be submitted to FHWA and FTA for review by December 31st, 2012, with the final draft signed by the responsible parties by June, 2013.

The agreement shall clearly define the roles and responsibilities of participating parties, fiscal and financial responsibilities of participating parties, representation, decision making structure, and a process to establish when updates to the agreement will occur. The Bylaws for the Las Cruces MPO should be updated to clearly respond to the new JPA and to clearly define the membership, function, authority, and delegated responsibilities of the Policy Board Committee as an entity of the Las Cruces MPO with responsibility of overseeing transportation planning for the region.

Observation #2: Memorandum of Agreement (MOA)

Agreements need to be updated accordingly to meet federal and state requirements and to meet consistency with the new or updated JPA as stated in the Observation #1 and corrective action #1.

Regulatory Basis:

23 CFR450.314 sets forth requirements for the MPO to work cooperatively with the State and public transportation agencies in carrying out a continuing, cooperative, and comprehensive (3C) metropolitan transportation planning process. The MPO, State, and the public transportation agencies need to cooperatively determine in an agreement or memorandums of understanding (MOUs), their mutual responsibilities for carrying out the metropolitan transportation planning activities.

Findings:

The current Memorandum of Agreement (MOA) was the second five year Memorandum of Agreement (MOA) in place. It makes UPWP and billings the primary focus of the document. It lays out agency responsibilities of the work program through the Policy Board.

The majority of federal transportation projects go through District One and not through the MPO process. MPO members and staff remarked that even though communication has improved, there is still work that needs to be done. One of the recommended steps is for the NMDOT District Engineer to have a seat and be able to vote on the Policy Committee.

Communication with the NMDOT Transportation Planner stationed at the NMDOT Southern Design Region has contributed to the improvement of cooperation and coordination between the NMDOT District and MPO.

A Location Study was done through NMDOT and Wilbur Smith and Associates but the Policy Board did not adopt it. Some of the recommendations have been implemented on a case by case basis.

Recommendation #1:

The MPO, State, and transit operator must update all of the agreements required by 23 CFR 450.314 to reflect the new or updated JPA. To the extent possible, a single agreement between all responsible parties should be developed. A draft of the revised agreement(s) must be submitted to FHWA and FTA for review by December, 2012 and the final(s) signed by the responsible parties by August, 2013.

The agreement(s) shall clearly define the roles and responsibilities al all parties and committees in cooperatively carrying out all aspects of the transportation planning process defined in 23 CFR450 Subpart C. This will include the development of work programs, fiscally constrained plans and TIPs, annual reporting of obligated projects, public participation plan, and a clarification of when documents are due and planning cycles are repeated.

The agreement needs to clearly address the voting proportionality provision in accordance with 23 CFR 450.310 (k)(1) and (2).

Observation #3: Unified Planning Work Program (UPWP)

The Las Cruces MPO needs to work with the NMDOT in the development of the UPWP Policies and Procedures and abide by them. The Policies and Procedures will provide structure and consistency to the process based on a risk approach and in accordance to federal regulations.

Regulatory Basis:

23 CFR 450.308 and 23 CFR 420.111 set forth requirements for each MPO, in cooperation with the State and public transportation operators, shall develop a Unified Planning Work Program (UPWP) that documents:

- A discussion of the planning priorities facing the metropolitan planning area;

- A description of metropolitan transportation planning activities proposed by major activity and task for the next one –or two – years period;
- Who will perform the transportation planning activities (e.g., MPO staff, State, public transportation operator, local government, or consultant);
- The schedule for completion of the work;
- The intended products, including all activities funded under Title 23 and the Federal transit Act;
- The proposed funding by activity/task; and
- A summary of the total amounts and sources of Federal and matching funds.

23 CFR 420.117 and 49 CFR 18.40, requires the NMDOT to monitor and verify that all activities performed by sub-recipients with FHWA planning and research funds have been managed in a satisfactory manner according to established schedules and requirements.

Findings:

The UPWP document that was reviewed corresponds to the FY 2011-2012 amended in June, 2011. The document outlines the laws for the MPO to self-certify compliance with federal requirements.

The purpose of the work program is to allow FHWA/FTA to determine eligibility of proposed activities and assess whether suitable activities are included to meet legislative and regulatory requirements for metropolitan and statewide planning. The NMDOT and the MPO must decide what eligible planning activities they propose for funding and track them to verify implementation and quality of the deliverable.

State transportation agencies sub-grant funds to MPOs and other sub-recipients to carry out the metropolitan planning process and other eligible activities. It is important to develop policies and procedures that enhance the transparency and accountability of the UPWP process. NMDOT and the MPO need to work on the development and implementation of the UPWP Policies and Procedures in order to bring consistency and reduce the risk in the administration of federal funds.

Traffic counts are on schedule but, the NMDOT in Santa Fe rejects counts based on format, errors, and because the observed traffic level do not meet the expected level. There are 10 ATR boxes currently installed and the information is geo-coded in the City of Las Cruces' geo-database.

Recommendation #2:

The UPWP needs to meet all federal requirements as established in 23 CFR 450, 23 CFR 420 and FTA Circular C8100.1B. The MPO goals should align with the goals identified in the document and with the work elements/tasks.

The MPO needs to work with NMDOT on the development and implementation of the UPWP Policies and Procedures to be developed in the near future.

The NMDOT needs to monitor and verify that all activities performed by sub-recipients with FHWA planning and research funds have been managed in a satisfactory manner according to the established schedules and requirements as specified in 23CFR420.117.

The MPO and NMDOT need to work on resolving the traffic count concerns and problems. Reliable traffic count information is critical for the development of studies, project development and for reporting needs.

Observation #4: Metropolitan Transportation Plan

The Metropolitan Transportation Plan called "Transport 2040" was developed in accordance to 23 CFR 450 requirements and is consistent with current and forecasted transportation/land use conditions and trends. The document appropriately project transportation demand of persons and goods and provides a financial plan.

Regulatory Basis:

23 CFR 450.322 sets forth requirements for the development and content of the metropolitan transportation plan (MTP), a key product of the metropolitan transportation planning process. The metropolitan transportation plan shall address at least a 20 year planning horizon; include both long and short-range strategies/actions that lead to the development of an integrated multimodal transportation system to facilitate the safe and efficient movement of people and goods, and in address current and future transportation demands.

The MPO shall review and update the MTP at least every four years in air quality nonattainment areas to confirm the transportation's validity and consistency with current and forecasted transportation and land use conditions and trends; and the MPO shall base the update on the latest available estimates and assumptions for population, land use, travel, employment, congestion, and economic activity.

Findings:

The current MTP was adopted by the MPO Policy Committee in June 2010 under guidance of a steering committee. The input used to develop the Plan included comments from representatives from all modes of transportation, as well as public and private stakeholders, and interested citizens. The Las Cruces MPO staff began the update in 2008 and discussed goals, objectives and policies for all modes of transportation, growth rates, socio-economic conditions, and the development of assumptions for the fiscal plan element.

The plan outlines the regional transportation goals, objectives, and policies, while identifying future needs and priorities for all transportation modes. The financial plan documents the estimated costs for identified transportation improvements and estimated available revenue in a manner that ensures fiscal constraint. The plan also includes a list of "illustrative projects" that are unconstrained. The Plan's goals and objectives were developed in collaboration with a variety of stakeholders and interested parties as part of a continuous public involvement effort in the plan's development process. Member agencies take their participation in the development of the process seriously.

The financial plan element of Transport 2040 made using the following assumptions:

- the revenue from each source would grow at the same rate (2% per year);
- the State would spend 30% of its revenue on capital projects (Statewide cost for administrative support, debt service, etc. were taken out prior to distribution);
- the proportion of revenue available would be equal to the proportion of the region's population to the state (9.6% for the Las Cruces Region); and
- the amount of state funding available for NMDOT maintenance activities was assumed to equal the projected costs for current maintenance activities.

The development of the Transportation Plan was consistent with the Public Participation Plan's (PPP) four steps which are:

1. Identification of needs and challenges;
2. Generation of options;
3. Evaluation and prioritization of options; and
4. Development of strategies.

The public had the opportunity to provide input through the process and during the plan presentation to the Transportation Advisory Committee (TAC) and to the Policy Board for its adoption. The MPO maps the low and moderate income areas, MPO products are available for translation upon request, and member agencies have an ADA transition plan with the NMDOT planner and the State ADA coordinator.

Recommendation #3:

It is strongly recommended that the MPO review and update the assumptions made in the financial plan of the MTP and updated as needed. This will require that the MPO, State, and transit operators create a structured, cooperative, and transparent financial revenue estimation process that will provide flexibility for future plan updates. The MPO, State, and transit operators should work on obtaining, refining, and documenting system level operations and maintenance cost information that can be deducted from the available revenue information to demonstrate available funding to start new capital projects.

Recommendation #4:

It is strongly recommended that the MPO, State, and transit operators develop a cooperative approach to assess and prioritize regional capital investments and other strategies or measures necessary to maintain the operation of the existing transportation system at the same time that future needs are prioritized.

Observation #5: Transportation Improvement Program (TIP)

The Las Cruces MPO follows the NMDOT STIP Policies and Procedures and had developed a TIP Application and Evaluation form but, it still does not have a formalized project prioritization process for TIP development.

Regulatory Basis:

23 CFR 450.324 sets forth requirements for the MPO to cooperatively develop a Transportation Improvement Program (TIP) that is consistent with the MTP and is financially constrained. The TIP must cover a least a four year horizon and be updated at least every four years. Additionally, the TIP must list all projects in sufficient detail outlined in the regulations, reflect public involvement, and identify the criteria for prioritizing projects.

Findings:

The Las Cruces MPO TIP follows the NMDOT STIP Policies and Procedures. TIP projects are tracked in an Access database and meets fiscal constraint requirements. The current TIP project form provides information such as project number (State and Federal), project type, project description, project phase, estimated cost, and programmed funds by funding category. The TIP is displayed in the website.

The Las Cruces MPO does not have a formalized region-wide local project prioritization process, but a TIP Project Application & Evaluation Form is used to submit projects. All proposed projects need to be included in the MTP. If the project is not included in the current MTP, MPO staff will work with the submitting agency to amend the Plan. Two processes are to be followed, one to collect written information (85 points maximum) and one that requires oral presentations (15 points maximum). Both processes assigned points at the completion of specific steps. The written requirements include: project information (5 points), project justification 20 points, planning compliance 20 points, safety and security (20 points), and complete multi-modal facility (20 points). The oral requirements include presentations to the Bicycle & Pedestrian Advisory Committee, the TAC, and the Policy Committee.

The projects submitted by various local agencies for inclusion in the TIP are subjected to citizen input through the public participation plan strategies. The TIP draft is available for a 30 day public comment period prior to the Technical Planning Committee (TAC) meeting to approve the draft TIP for submittal to the Policy Board. During the public review period the draft is made available for viewing on the Las Cruces MPO website.

Recommendation #5:

Work with the NMDOT in the implementation of the STIP Policies and Procedures.

Las Cruces MPO should consider developing a formal prioritization process that outlines project evaluation and selection procedures of projects for inclusion in the TIP based on principles and priorities outlined in the metropolitan transportation plan.

Federal legislation requires that an MPO cooperatively develop a TIP that is financially constrained. The TIP financial plan's revenue and cost estimates must be produced in "year of expenditure (YOE) dollars" to reflect the time-based value of money.

Observation #6: Public Participation Plan

The Las Cruces MPO adopted a new Public Participation Plan (PPP) on September 8, 2008. The overarching goal of the plan is to facilitate the involvement of citizens in all stages of the metropolitan planning process and planning work product development and to ensure, to the extent possible, broad community support for transportation investment decisions.

Regulatory Basis:

23 CFR 450.316 sets forth the requirements for public participation in the metropolitan planning process. Public participation is also addressed in 23 CFR 450.322 in relation to the MTP and in 23 CFR324 as it relates to the TIP.

Specific requirements include giving adequate and timely notice of opportunities to participate in or comment on transportation issues and processes, employing visualization techniques to describe MTPs and TIPs, making public information readily available in electronically accessible formats and means such as the world wide web, holding public meetings at convenient and accessible locations and times, demonstrating explicit consideration and response to public input, and periodically reviewing the effectiveness of the Public Participation Plan.

Findings:

The process for handling public comments works as follows:

1. Accumulate comments;
2. Look for opportunities to incorporate the comments in the work products;
3. Provide unedited comments to Policy Board;
4. Go back to the public with a format response that includes "This is what you said, this is how we interpreted it, and this is how we are responding."

Public involvement strategies include the use of the website, use of social media, newsletter, local papers, and continued discussions with member agencies, and at special events. Participation in social media is limited due to use of City of Las Cruces servers. This may change in the near future due to the City considering a social media policy.

Public meetings are held at public buildings whenever possible. Community centers and elementary schools are examples. There are two public comment periods at each committee meeting. When the MPO receives comments that relate directly to NMDOT, then the comments are directed to NMDOT District to respond them. Emails and comments on the website are addressed and responded to immediately.

The MTP, the UPWP, the STIP, and the TIP are posted on the website. All MPO committee meetings are used as opportunities for the public to speak. All MPO employees' email addresses are on the web. Walk-ins do not happen often. MPO staff is available at non-traditional places and hold public information events at malls and the Farmer's Market. The MPO staff recognized that the public outreach is still evolving and that there is room for improvement. An area of concern is that public meetings are typically poorly attended. The perception is that the public attends when there are controversial issues on the table that affects them directly.

Recommendation #6:

The current Public Participation Plan (PPP) was updated for the incorporation of goals and the description of explicit procedures, strategies, and desired outcomes of the ten listed areas in 23 CFR 450.316(a). Update efforts must be developed in consultation with all interested parties and include a documented process by which the effectiveness of the public involvement process is routinely evaluated

The Las Cruces MPO should consider a formal evaluation of the effectiveness of the current public involvement strategies at all levels (internal and external stakeholders). It will be recommended to evaluate opportunities and strategies to educate the Board on the metropolitan planning process and their role and responsibilities as board members. In addition, the MPO will benefit on evaluating how public input has impacted the transportation planning process.

Observation #7: Finance and Funds Administration

The accounting system is efficient and allows for data to be retrieved quickly. Accounting staff is well trained and knowledgeable. Accounts are segregated properly and the payroll and depreciation is correct. Financial and travel policies are up to date and in place.

Regulatory Basis

23 CFR 450.308 establishes that "Funds provided under 23 U.S.C. 104(f), 49 U.S.C. 5305(d), 49 U.S.C. 5307, and 49 U.S.C. 5339 are available to MPOs to accomplish activities in this subpart. At the State's option, funds provided under 23 U.S.C. 104(b)(1) and (b)(3) and 23 U.S.C. 105 may also be provided to MPOs for metropolitan transportation planning.

Findings:

Payroll is tracked by the MUNIS Financial system which is housed in the City of Las Cruces who acts as Fiscal Agent for the MPO. Printout was provided in which employees are charging accordingly. A break out of Federal and State matching was also provided. Federal funds charged conform to Federal, State, and local laws. Federal funds are allocable, necessary and reasonable in accordance with 2 CFR 225 App.A.C.1.

Employees are charged to more than one Federal grant as needed and it is recorded and tracked as timesheets. When employees are charged multiple Federal grants, the system automatically populates accounts. Two weeks is the minimum time period that

employee time and attendance records cover for MPO employees working on multiple grants. 2 CFR App.B.8.h(4)&(5).

The MPO does not contribute to payment of insurance policies for the general operation of the City of Las Cruces. There is no indirect cost rate for either the MPO or the City of Las Cruces.

No donations are currently received nor have been in the recent past. Straight-line is the depreciation methodology being used. Two assets were identified: a truck and a printer. Depreciation schedules were given on both assets. Truck was purchased in FY09 and still has $17,299.00. A printer of $6,000.00 purchased in FY05 no longer has depreciation value. MPO does not rent property.

AMPO fees/dues segregate out lobbying costs before invoicing to MPO. Therefore there is assurance lobbying costs are not paid with Federal grant funds. 2 CFR 225 App.B24.

Travel and training policies conform to regulatory requirements. Current policies update was signed on May 23, 2011.

Commendation #1:

The Review Team commends the City of Las Cruces for the accounting system in place. Of special recognition, is the ability to retrieve information efficiently and effectively from the accounting system in place. The staff was very knowledgeable on the task and on the information requested, even though they had not been informed of the Review Team's visit. The Finance staff was very courteous and they were willing to provide all the information required and to demonstrate their system.

Observation #8: Annual Listing of Projects

Regulatory Basis

23 CFR 450 requires the metropolitan planning organization, State, and public transportation operator(s) to cooperate in preparing a list of projects for which Federal funds were obligated for spending during the immediately preceding year. The MPO's Annual Listing of projects shall be published or otherwise made available for public review no later than 90 calendar days after the end of the program year. The project listings should align with categories included in the TIP. This includes project name, location, and other descriptive information included in the TIP. The listing also should include the amount of funds programmed in the TIP, the amount of funds obligated in the preceding program year, and the amount of funds remaining and available for use in

subsequent years. The information should be understandable to a broad readership with varying levels of familiarity with transportation planning and programming concepts.

Findings

Las Cruces MPO develops an Annual Listing of Projects for which Federal funds were obligated during the preceding year. The project listing includes information regarding project name, location, and other descriptive information. The listing does not include information detailing the amount of funding programmed in the TIP, the amount of funding obligated in the preceding year and the amount of funding remaining and available for use in subsequent years per project.

In addition, the review team was not able to locate the Annual Listing of Project in the MPO website.

Recommendation:

The Las Cruces MPO and the transit operator collaboratively develop an effective cooperative process by which project information on obligated Federal funds is provided by the recipient grantee agency to the MPO. The information provided should be adequate for the MPO to produce and publish the Annual Listing of Obligated Projects document within 90 days of the close of the MPO program year. This information sharing process needs to be included in the MOU and be disseminated in accordance with the Public Participation Plan techniques and in accordance with 23 CFR 450.332.

Conclusion

The transportation planning process conducted in Las Cruces metropolitan area is in compliance with Federal transportation planning laws and regulations in most areas. The review team is concluding that the Las Cruces metropolitan planning process adequately meets the federal and state requirements subject to the following corrective actions:

- The review and update of the JPA among the MPO, the State, and the transit operator(s).
- The update of the MOA to integrate and reflect the updated JPA.

One area of commendation (accounting system) was identified along with some specific recommendations.

While the corrective actions will not restrict the advancement of project, they do require attention and shall be taken seriously. Failure to respond could result in compromising Federal participation in the future.

Appendices

United States Department of Transportation
Federal Highway Administration

NMDOT | P.O. Box 1149 | Santa Fe | NM 87504
FHWA | 4001 Office Court Dr., Suite 801 | Santa Fe | NM 87507

January 23, 2012

Karen G. Perez
Chair Person
Las Cruces MPO
P.O. Box 20000
Las Cruces NM 88004

Dear Mrs. Perez,

The FHWA New Mexico (FHWA-NM) Division in partnership with the New Mexico Department of Transportation (NMDOT) would like to request your participation in conducting a review of the transportation planning process for your metropolitan planning organization (MPO). The review date will be selected in consultation with your office and the MPO staff. A review team will be performing a desk and a site review. The goal is to perform the review by the end of the first quarter of calendar year 2012.

The FHWA-NM Division and NMDOT Stewardship and Oversight agreement establishes that both agencies will jointly conduct process, program, and project reviews of selected areas of the Federal-Aid Highway Program (FAHP) on an annual basis. These reviews are conducted with the objective of evaluating the transportation planning process. Consequently, the intent is to highlight good practices, exchange information, and identify opportunities for improvements. Specific proposed elements to be reviewed include, but are not limited to:

- The Transportation Plan update/amendment process
- Transit plan/transit agency involvement/job access
- Consideration of Title VI/Environmental justice/Public Involvement
- Financial Review of the administration of federal funds
- MPO Designation and Metropolitan Planning Area Boundaries
- Agreements, Cooperation and Coordination
- Work Program
- Elements of 3-C Process
- Transportation Improvement Program

There should be opportunities for the public, including MPO committee members and special interest groups, to talk with the review team. The opportunity for any committee members or other local elected official to meet with the review team will be provided, if they so desire.

If you have any question concerning these reviews, please call me at 505-820-2037 or at rodolfo.mongo-oviedo@dot.gov.

Sincerely,

Marcus D. Wilner

Marcus Wilner, FHWA
Assistant Division Administrator

Sincerely,

Kathryn E. Bender

Kathryn Bender, NMDOT
Deputy Secretary

Cc: Alvin Dominguez
Frank Sharpless
Max Valerio
J. Don Martinez, FHWA
Marcus Wilner, FHWA
Rodolfo Mongo-Oviedo, FHWA

New Mexico Department of TRANSPORTATION

U.S. Department of Transportation
Federal Highway Administration

Susana Martinez
Governor

Alvin C. Dominguez
Transportation Secretary

March 16, 2012

Press Release

NMDOT and FHWA to host public meeting to discuss Las Cruces Metropolitan Transportation Planning Process

Las Cruces - The New Mexico Department of Transportation (NMDOT) in partnership with the Federal Highway Administration New Mexico Division is conducting a review of Las Cruces Metropolitan Transportation Planning Process on Wednesday March 28, 2012 and Thursday March 29, 2012. An open public meeting concerning your views on the transportation planning process in the Las Cruces area is scheduled for:

Time: 6:00 p.m. to 7:00 p.m.
Date: Wednesday, March 28, 2012
Place: Las Cruces Council Chambers, 700 N. Main

This public meeting is part of a review that will assess compliance with Federal regulations pertaining to the transportation planning process conducted by the Las Cruces Metropolitan Planning Organization. The meeting is a unique opportunity for the public to meet the review team and voice their opinions regarding the metropolitan transportation process.

If you are not able to attend the meeting, please address your comments to Rodolfo Monge-Oviedo at rodolfo.monge-oviedo@dot.gov or by mail at:

Federal Highway Administration New Mexico Division
Att: Rodolfo Monge-Oviedo
4001 Office Court Drive, Suite 801
Santa Fe, New Mexico 87507
Phone: (505) 820-2037

For additional information contact Manon Arnett, NMDOT Public Information Officer, at (505) 827-5526.

###

Agenda for the Las Cruces Metropolitan Planning Organization
March 28 and 29, 2012

Wednesday, March 28, 2012

10:30 AM Welcome and Introductions
- Chair of the Metropolitan Transportation Board
- Tom Murphy, MPO Officer
- Rodolfo Monge-Oviedo and Kim Sanchez, FHWA NM Division

11:30 AM Lunch

1:00 PM Role and Responsibilities
- Agreements
- Process and Procedures
- Expectations

2:00 PM Break

--- The Review Team will break into two groups. One group will focus on planning elements and the second are will focus on the financial administration of federal funds. --

2:15 PM Transit Planning
- Transit Agency Involvement
- Transit Vision and Plan Development

3:00 PM Break

3:15 PM Transportation Planning
- Long Range Plan
- Transportation Improvement Program
- Work Program

4:15 PM Break

4:30 PM Title VI and Civil Rights

5:15 PM Adjourn

6:00 PM Public Listening Session

7:00 PM	Adjourn

Thursday, March 29, 2012

8:00 AM	Interviews other stakeholders or Board members / this can be also a time to discuss Federal Funds Administration.
9:00 AM	Public Involvement
9:45 AM	Break
10:00 AM	Review team debrief
11:00 AM	Close out meeting
12:00 PM	Adjourn

RESOLUTION NO. _____

A RESOLUTION APPROVING A JOINT POWERS AGREEMENT BETWEEN THE CITY OF LAS CRUCES, DONA ANA COUNTY, AND THE TOWN OF MESILLA FOR THE GOVERNANCE OF THE MESILLA VALLEY METROPOLITAN PLANNING ORGANIZATION.

The City Council is informed that:

WHEREAS, the Las Cruces Metropolitan Planning Organization was established in 1982 and has been operating under the current Joint Powers Agreement (JPA) between the City of Las Cruces ("City"), Dona Ana County ("County"), and the Town of Mesilla ("Town") since 1989; and

WHEREAS, reports completed by the Federal Highway Administration (FHWA) and the New Mexico Department of Transportation have recommended that the three entities revise the JPA; and

WHEREAS, the revised JPA addresses cost sharing of the grant match amongst the three entities; and

WHEREAS, the revised JPA adds the NMDOT District One Engineer as a voting member to the Policy Committee of the MPO; and

NOW, THEREFORE, Be it resolved by the governing body of the City of Las Cruces:

(I)

THAT the Joint Powers Agreement between the City of Las Cruces, Dona Ana County, and the Town of Mesilla for the Governance of the Mesilla Valley Metropolitan Planning Organization, attached as Exhibit "A", is hereby approved.

(II)

THAT City staff is hereby authorized to do all deeds necessary in the accomplishment of the herein above.

DONE AND APPROVED this _____ day of _____ 2013.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

(SEAL)

VOTE:
Mayor Miyagishima: ____
Councillor Silva: ____
Councillor Smith: ____
Councillor Pedroza: ____
Councillor Small: ____
Councillor Sorg: ____
Councillor Thomas: ____

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:

_____
City Attorney

Attachment "B"

JOINT POWERS AGREEMENT

THIS JOINT POWERS AGREEMENT entered into this 21st day of Dec., 1989, by and between the CITY OF LAS CRUCES, NEW MEXICO, hereinafter referred to as "City", the COUNTY OF DONA ANA, NEW MEXICO, hereinafter referred to as the "County" and the TOWN OF MESILLA, NEW MEXICO, hereinafter referred to as "TOWN".

WITNESSETH:

WHEREAS, the parties hereto desire to create a Metropolitan Planning Organization in order to accomplish a comprehensive plan of streets and transportation needs within the Metropolitan Planning Organization jurisdictional area to be determined by the Policy Committee; and

WHEREAS, the parties agree that a Policy Committee composed of elected members or their appointed representatives from each of the governmental units should be appointed; and

WHEREAS, the Policy Committee which will be created between the parties shall be constituted for the purpose of establishing, overseeing and directing transportation related policy within the Las Cruces Urban Area and to accomplish overall transportation planning for the City, County and Town within jurisdictional boundaries and areas to be outlined by the Policy Committee; and

WHEREAS, it is to the benefit of the parties herein that a Policy Committee be constituted and appointed to establish control, supervision and direction for the Metropolitan Planning Organization.

NOW, THEREFORE, in consideration of the premises and the convenants hereinafter contained, the parties hereby agree as follows:

(1)

THAT this Joint Powers Agreement shall supersede and replace a previous Joint Powers Agreement dated February 19, 1985.

(2)

THAT the organizational structure of the Las Cruces Metropolitan Planning Organization shall be as outlined below:

I. ORGANIZATION

A. A Policy Committee shall be formed to establish policy to govern the urban transporation planning process.

1. This Committee shall consist of:

a. Three (3) elected officials or their appointed representatives representing the City of Las Cruces.

JPA 78-037

b. Three (3) elected officials or their appointed representatives representing the County of Dona Ana.

c. Three (3) elected officials or their appointed representatives representing the Town of Mesilla.

d. Each member shall be entitled to one (1) vote.

e. In addition, the Federal Highway Administration, the New Mexico State Highway and Transportation Department, and other appropriate ex-officio (non-voting) members as may be established by resolution of the Policy Committee.

f. The Metropolitan Planning Organization Officer shall serve as staff for the Policy Committee and shall be responsible for the keeping and distribution of the Minutes and other records in compliance with all applicable statutes.

2. The function of the Policy Committee shall be as follows:

a. Serve as a forum for cooperative decision-making in transportation-related matters by principal elected officials of local governments.

b. Provide general policy guidance and direction to the Metropolitan Planning Organization and to the Technical Advisory Committee for the urban transportation planning process.

c. Review and approve actions taken by the Metropolitan Planning Organization in its performance of those functions shown in Subsection C below.

d. Receive and act upon recommendations made to it by the Technical Advisory Committee.

e. Receive and consider input to the transportation planning process from the citizens of the urbanized area.

f. Report the status of urban transportation planning at a public meeting at least annually.

g. Determine the jurisdictional boundaries of the planning area.

h. Undertake such other activities as it may deem necessary and appropriate to carry out transportation planning for the urban area.

B. A Technical Advisory Committee shall be formed to act as technical advisors to the Policy Committee.

1. This Committee shall consist of the voting members, as may be established and/or amended by resolution of the Policy Committee.

2. The MPO Officer shall be a non-voting ex-officio member and and provide staff assistance to the TAC as necessary.

3. The functions of the Technical Advisory Committee shall be those designated by the Policy Committee.

4. Advisory (voting or non-voting) members may also be designated from time to time by resolution of the Policy Committee.

C. The Metropolitan Planning Organization shall be designated by the Governor of the State of New Mexico. The Metropolitan Planning Organization, in cooperation with the State, shall perform the following functions:

1. Place into effect the policies of the Policy Committee.

2. Develop and publish a Unified Work Program describing all urban transportation and transportation-related planning activities during the subsequent one year period.

3. Develop and update annually a TIP for the urbanized area.

4. Manage the expenditures of Transportation Planning funds available under Section 112 of the Federal Highway Act of 1978 and Section 8 of the Urban Mass Transportation Act of 1964, as amended, and monitor the expenditures of Section 9 funds of the Urban Mass Transportation Act of 1964, as amended under the direction of the Policy Committee.

5. Enter into Agreement with the New Mexico State Highway and Transportation Department for funding and other matters as deemed necessary by the Policy Committee.

6. Enter into an agreement with the South Central New Mexico Planning and Development District for review of Metropolitan Planning Organization activities pursuant to Executive Order 12372.

7. Take such other actions as may be necessary as directed and approved by the Policy Committee.

II. PRIMARY RESPONSIBILITY

The primary responsibility for maintaining current or updating the basic study elements shall be vested in the agency whose routine operations normally involve maintenance of records relative to the study elements and as established by resolution of the Policy Committee.

III. PLANNING COORDINATOR

A Planning Coordinator will be assigned by the State to work with the City, the County, the Town, and the Metropolitan Planning Organization.

The principal duties of the Planning Coordinator are:

A. Maintain liaison and act in advisory capacity to both committees and the Metropolitan Planning Organization Officer.

B. To provide technical assistance in the development and implementation of the TIP.

C. Monitor work performed by the Metropolitan Planning Organization.

D. Process and certify requests for reimbursement with funds apportioned under Title 23, U.S.C. Section 104(f).

JOINT POWERS AGREEMENT - 21st day of Dec., 1989

E. Provide liaison to the public on matters related to planning elements for which the State is responsible.

F. Provide a channel for the transmission of information and directives from the Federal Highway Administration to to the Metropolitan Planning Organization.

G. Maintain a current record of expenditures by the State and the Federal Highway Administration for transportation facilities within the planning area.

IV. ADDENDA

It is further agreed that:

A. The parties hereto assume that some of the expense of the continuing transportation planning process will be provided for by funds apportioned under Section 104 (f), 23 CFR or by grants made under Sections 8 or 9, 49 CFR. Expenses not so provided shall be assumed by participating agencies according to the listing of funding sources contained in the annual Unified Work Program for Transportation Planning which is approved by the Policy Committee.

B. This Agreement may be supplemented or re-negotiated as necessary to meet changing conditions and as recommended by the Policy Committee.

C. By mutual agreement, the parties hereto may terminate this Agreement by giving written notice at least ninety (90) days prior to the effective date of termination.

IN WITNESS WHEREOF, the Parties have hereunto affixed their signatures:

THE CITY OF LAS CRUCES, NEW MEXICO

By: Herculano Lerma
MAYOR

ATTEST:

Karen Stevens
CITY CLERK

(SEAL)

APPROVED AS TO FORM:

Robert B. Kelly
CITY ATTORNEY

THE COUNTY OF DONA ANA, NEW MEXICO

CHAIRMAN, BOARD OF COUNTY COMMISSIONERS

JOINT POWERS AGREEMENT - 21st day of Dec, 1989

ATTEST:

COUNTY CLERK

(SEAL)

APPROVED AS TO FORM:

COUNTY ATTORNEY

THE TOWN OF MESILLA, NEW MEXICO

MAYOR

ATTEST:

TOWN CLERK

(SEAL)

APPROVED AS TO FORM:

TOWN ATTORNEY

APPROVED:
THE STATE OF NEW MEXICO
DEPARTMENT OF FINANCE AND
ADMINISTRATION

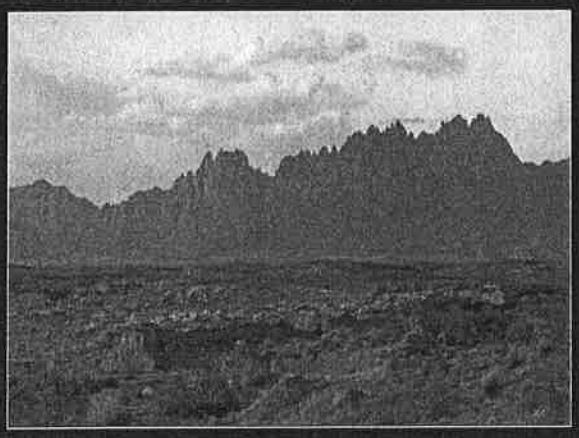
By: 12-21-89
SECRETARY

Attachment "C"

Las Cruces MPO
Location & Structure Study

February 2, 2009

Action Plan



WilburSmith ASSOCIATES — ENGINEERS PLANNERS ECONOMISTS

SOUTHWEST PLANNING & MARKETING — Winning strategies since 1977

New Mexico DEPARTMENT OF TRANSPORTATION — MOBILITY FOR EVERYONE

TABLE OF CONTENTS

LAS CRUCES MPO LOCATION & STRUCTURE STUDY RECOMMENDED ACTION PLAN

CHAPTER I INTRODUCTION 2

1-1 Background 2

1-2 Objectives and Scope 3

1-3 Summary of Findings 4

CHAPTER II RECOMMENDATIONS FOR KEY DECISIONS 10

2-1 Issue 1: Independent Operation of the MPO 10

2-2 Issue 2: Size and Composition of MPO Staff 12

2-3 Issue 3: Utilization of Transportation and GIS Models 13

2-4 Issue 4: Communication and Committees 14

2-5 Issue 5: Relationship with FHWA 15

2-6 Issue 6: Integration in the MPO Process with NMDOT 16

2-7 Issue 7: Funding for the MPO 17

2-8 Issue 8: Improving the LRTP... 20

2-9 Issue 9: Improving the TIP 24

2-10 Issue 10: Enhancing Collaboration with the El Paso MPO 25

2-11 Issue 11: Training Opportunities... 26

CHAPTER III IMPLEMENTATION ACTIONS 28

3-1 Joint Action: Negotiation of JPA 28

3-2 Key Actions for MPO Policy Board 29

3-2 Key Actions for LCMPO Staff 30

3-4 Key Actions for NMDOT Staff. 32

3-5 Key Actions of the NMDOT Staff 33

3-6 Key Actions for Local Agency Staff/Member Agencies 34

CHAPTER IV IMPLEMENTATION STEPS 35

4-1 Near, Medium and Ongoing Recommendations 35

4-2 Monitoring and Evaluation 42

CHAPTER V GLOSSARY OF TERMS AND ACRONYMS 43

APPENDICES

Thurston Regional Planning Council Case Study ..... Appendix A

Georgia Regional Transportation Case Study
on Performance Measurement ..... Appendix B

TABLES

Table 1 Summary of Key Actions and Actors 5
Table 2A GRTA Performance Measures 22
Table 2B GRTA Performance Measures (Continued) 23
Table 3 Staging of Recommended Actions for Las Cruces MPO 36
Table 4 Near Term Recommendations
of the Las Cruces MPO Action Plan 39
Table 5 Medium Term Recommendations of the
Las Cruces MPO Action Plan 40
Table 6 Ongoing Recommendations of the Las Cruces Action Plan 41

FIGURES

Figure 1 Staging of Recommended Actions for Las Cruces MPO 37

Acknowledgements

This report reflects the effort and input of staff from the New Mexico Department of Transportation (NMDOT), the Las Cruces Metropolitan Planning Organization (LCMPO), the City of Las Cruces, Dona Ana County, the Town of Mesilla and the El Paso Metropolitan Planning Organization. Input through workshops and interviews with the LCMPO policy committee, the bicycle and pedestrian committee, and the technical advisory committee, also played an instrumental role in the recommendations described herein.

I. INTRODUCTION

This **Recommended Action Plan** is the final report in a series of technical and policy reports associated with *The Las Cruces Metropolitan Planning Organization (MPO) Organization and Structure Study* undertaken in late 2008 and early 2009. The end result of the study is this action plan to maximize the effectiveness of the MPO in meeting its requirements within the context of the Las Cruces region. The milestone reports of the study included:

1. Report I: Initial MPO Assessment Report
2. Report II: Best Practices and Peer Review
3. Report III: MPO Workshop Proceedings
4. Report IV: Recommended Action Plan for Las Cruces MPO (this report)

The three initial reports contain supporting information about how issues were identified for the current study, the origins of many of the recommendations, and documentation of the overall process by which the recommendations were developed. Please refer to these reports for in-depth background information on issues and recommendations.

1-1 BACKGROUND

The preceding reports (1) explored current stakeholder expectations within the context of federal requirements of the LCMPO, (2) reported how other MPO's similar to Las Cruces have addressed issues similar to those faced by Las Cruces, and (3) documented input, ideas and suggestions from a stakeholder workshop held in Las Cruces in October, 2008.

From interviews conducted in the initial assessment, input on how to improve the Las Cruces MPO has consistently focused on eleven central issues. These key decision issues as addressed within this study include:

- **How to enhance the independent operation of the MPO with respect to its fiscal agent in the city of Las Cruces, including whether the MPO should continue to be housed within Las Cruces City offices**
- **Whether to add MPO staff (especially for engineering and environmental issues)**
- **How to make better use of existing transportation and GIS models**
- **How to improve communications among the MPO committees and whether to add a citizens advisory committee**
- **How to improve communications with FHWA**

- **How to best integrate NMDOT into the MPO process, and the MPO into the NMDOT planning and programming process.**

- **How to increase funding for the MPO, including contributions from Dona Ana County**

- **How to improve the Long-Range Transportation Plan (LRTP), including more technical analysis, more integration with land use planning, use of goal setting and performance measures, and more multi-modal emphasis including energy conservation**

- **How to improve the Transportation Improvement Plan (TIP), including more integration with NMDOT processes for project selection.**

- **How to enhance the relationship with the El Paso MPO in order to improve regional transportation planning**

- **How to enhance training for MPO staff and committee members**

A review of other MPO's similar to Las Cruces is reported in *Report II: Best Practices and Peer Review*, the findings of which were presented in a workshop to technical and policy personnel in the Las Cruces area in October of 2008. The workshop resulted in concepts for addressing each of the key decision issues as reported in *Report III: MPO Workshop Proceedings*. This report describes specific recommended actions based on these concepts.

1-2 OBJECTIVES AND SCOPE

The objectives within the scope of this report are to:

1. Summarize the recommended actions to be taken by the Las Cruces MPO to address each of the above mentioned issues

2. Clearly state which policy actors are recommended to take each action, what are the intended outcomes, and suggest how potential obstacles could be overcome

3. Describe key success factors for enabling the recommendations to succeed after adoption of this study, including the phased implementation of near, medium term, and ongoing recommendations as well as monitoring and evaluation steps

The above referenced decisions are addressed explicitly in **Section 2** of this *Recommended Action Plan* of the *Las Cruces Location and Structure study*.

Section 3 focuses primarily on the implications of the recommendations for specific entities whose action will be critical to the effectiveness of implementing the action plan. **Section 4** discusses some practical considerations regarding staging of action items, monitoring and evaluation, and ways to maximally utilize the findings and recommendations of this study.

1-3 SUMMARY OF FINDINGS

Table 1 summarizes each of the eleven decision issues addressed by the study, documenting key actions recommended for each issue (including the entity recommended to take the action) and identifying any significant obstacles or issues to be overcome in order for the recommendation to be successful. The remainder of the report describes in more detail these recommendations, their intended outcomes, and how they can best be implemented within the context of the Las Cruces MPO.

Table 1: Summary of Key Actions and Actors

Key Decision	Key Actions and Actors	Obstacles/Requirements
Decision 1: How to enhance the independent operation of the MPO with respect to its fiscal agent in the city of Las Cruces, including whether the MPO should continue to be housed within Las Cruces City offices	• **Action 1:** Re-Negotiate Joint Powers Agreement (JPA) defining the MPO • NMDOT provide an independent (non-agency) facilitator for the negotiation process: • Key negotiators include: o Las Cruces City Manager o Town of Mesilla Town Clerk o Dona Ana County Manager o NMDOT General Office Management as Designated by the Governor • Issues relevant to Decision 1 for the negotiation include: o Changing the name of the MPO o Defining a role for the MPO board in selection and appraisal of the MPO officer o Clarifying the role of the MPO relative to the role of the city and county in issues of Development Review and Regional Transit District.	• Funding limits the ability of the MPO to have its own property (vehicles and other equipment without the city logo). • Some level of funding may also be needed for NMDOT to be able to provide an independent professional facilitator for the negotiation process for the JPA. • MPO and NMDOT staffs are needed to support the negotiation process as technical advisors.
Decision 2: Whether to add MPO staff (especially for engineering and environmental issues)	• **Action 2:** MPO Staff Develops: o A job description for an advising engineer o Talent pools (retirees, consultants, university resources) for such an 'on-call' resource o An annual budget estimate for the services the MPO would expect to utilize to satisfy this job description or scope of services o A summary of key features, benefits and costs to member organizations of the MPO for having such an engineer available	• Funding would have to be identified to support an engineer. A decision would have to be made regarding who will pay, and how much it will cost.
Decision 3: How to make better use of existing transportation and GIS models	• **Action 3:** NMDOT General Office provides annual training for MPO staff together with other New Mexico MPOs. Annual trainings include: o The latest modeling methods, with professional instruction and collaboration with other New Mexico MPOs o The latest GIS applications, with professional instruction and collaboration with other New Mexico MPOs • **Action 4:** Las Cruces MPO initiates and coordinates Quarterly Ad-Hoc joint User Groups with El Paso MPO and other agencies serving the region on the topics of: o Collaborating about the best ways to apply and utilize MPO traffic models o Collaborating about the best ways to combine and apply GIS resources, and o Potential shared planning applications and efforts in these and other areas	• Requires funding for training with outside facilitators and staff time and availability to get a "critical mass" of people for users' groups and training sessions. • Funding for training of agency training staff and supporting consultants. Staff time and availability to get a "critical mass" of people for users' groups and training sessions.

256

Decision 4: How to improve communications among the MPO committees and whether to add a citizens advisory committee	• **Action 5:** Policy Board changes Bylaws to recognize ad-hoc committees and task forces. Bylaws change will address: o How ad-hoc committees are established and dissolved o How the mission/scope of such committees are defined o How the composition of such committees is determined • **Action 6:** MPO director makes BPAC and TAC member reports a standing agenda item for all Policy Board Meetings. These reports are given directly to the policy board by a designated BPAC and TAC representative (not by staff)	• No special requirements for Policy Board to change Bylaws. • Possible limitation to BPAC/TAC member reports to Policy Board; may be available time on the part of BPAC/TAC members. Agenda and requirements must be respectful of board members' time constraints.
Decision 5: How to improve communications with FHWA	• **Action 7:** LCMPO Board extends (through its officer) an annual invitation to FHWA for an annual address to the MPO Policy Board – (NMDOT General Office may co-sign invitation to encourage FHWA response). o Address may be seen as both to the MPO and the NMDOT District	• Limited FHWA travel budgets and availability may be a constraint.
Decision 6: How to best integrate NMDOT into the MPO process, and the MPO into the NMDOT planning and programming process.	• **Action 8A:** Bylaws are amended such that District 1 Engineer serves on the Policy Board (this should be reflected both in any new JPA as well as in the MPO bylaws themselves) • **Action 8B:** Bylaws are also amended such that one member of the state House delegation and one member of the state Senate delegation are included in the Policy Board Membership • **Action 9:** NMDOT General Office and District staffs provide the MPO a report on District investment targets for the STIP, as the STIP is being developed. This information comes at a time that the MPO can be involved in finalizing the targets and participate in NMDOT meetings regarding projects in the STIP (including both those funded through the MPO and others relevant to the MPO).	• Legislative schedules and time demands on legislators may limit the degree to which they can attend Policy Board meetings. Meeting times and quorum requirements may need to be modified to be sensitive to time constraints of legislators. • Distribution of targets to the MPO early in STIP development, and involvement of MPO in DOT district processes, requires support from DOT at the General Office and District Levels (General office MPO/DOT Liaison and District planning staff may play an active role in achieving this support and commitment from the appropriate levels at the DOT General Office and District).

257

Decision 7: How to increase funding for the MPO, including contributions from Dona Ana County	• **Action 10:** Policy Board considers implementing fee for service schedule of services/fees for non-core services (based on examples from peer MPOs, including an estimate of how much funding it could generate). Non-core services are to be determined per US Code Title 23, **Chapter 1 Section 134**. • **Action 11:** Include Dona Ana County financial participation as an item in the JPA negotiation process described above with reference to decision 1. • **Action 12:** MPO staff Include coordinated projects line item on UPWP, and meet at least bi-annually to nominate and consider coordinated planning projects and identify willingness of city, county and other entities to participate in these projects (supplementing MPO funding).	• Potential resistance on the part of membership/ general public, users currently not paying fees – educating members and constituents about core functions. • Possible constraints at the administrative levels in the county, however, support may exist at the Commission level. Historically, Dona Ana County Commission has had funding constraints which precluded financial participation in the MPO. • Other entities may not have funding to participate in projects with the MPO in any given year.
Decision 8: How to improve the LRTP, including more technical analysis, more integration with land use planning, use of goal setting and performance measures, and more multi-modal emphasis (including energy conservation)	• **Action 13:** Define performance areas in the LRTP – examples may include: safety, mobility, sustainability, freight accessibility, energy conservation and others • **Action 14:** Include a land use compatibility score as one of the performance areas or ranking criteria in the LRTP. (The MPO will review zoning changes and make comments based on the land use assumptions and performance goals of the LRTP). Coordinate the LRTP with the comprehensive plan and zoning ordinance by identifying in the LRTP key supporting land use, economic and other policies needed to support transportation system performance. The MPO will then review changes to these policies, such as the zoning ordinance, which may affect achieving LRTP performance goals. • **Action 15:** Identify specific performance measures for each area that can be benchmarked • **Action 16:** Use the public involvement process of the LRTP to prioritize performance areas and develop performance-based ranking criteria for LRTP projects. (i.e. assign points to different types of need satisfied by a project – X points for a safety improvement, Y points for a multi-modal improvement, Z points for a mobility/congestion improvement).	• Lack of jurisdictional authority to make solid policy recommendations in the LRTP for land use decisions that may support or hinder transportation performance goals. • The potential lack of funding or staff time to adequately measure performance areas or obtain appropriate data for applying performance measurement in the LRTP. • There will be a need for the policy committee to be given examples of performance measures in LRTPs to consider ways measures could best be applied in Las Cruces.

258

Decision 9: How to improve the TIP, including more integration with NMDOT processes for project selection.	• **Action 17:** Use the standing DOT agenda item on the MPO policy board agenda to support at least one annual address from the DOT district walking through the STIP development process, and addressing projects under consideration by the DOT as well as how project will be brought into the STIP. This address is recommended to include all DOT projects affecting the MPO area, whether or not funding is passed through the MPO. DOT staff is recommended to answer any and all questions about the STIP and DOT projects at this address • **Action 18:** Through a facilitated JPA process similar to that addressing **Decision 1** above, the DOT and MPO agree to one scoring process for all projects included in the MPO TIP Non-Federally funded projects (state, local or private) relevant to the MPO's planning goals may be included in this transparent process. • The point system for all MPO funded projects has weights for projects that have been developed through the MPO LRTP and TIP processes. Proposed TIP projects not included in the current LRTP must go through the MPO LRTP amendment process so they can be included in the LRTP prior to TIP inclusion. Through the facilitated JPA process addressing **Decision 1** above, the DOT and MPO are to agree to one scoring process for all projects funded through the MPO.	• This change in MPO bylaws and JPA provisions with the DOT must be part of a bi-lateral agreement between the MPO and the DOT at appropriate levels. • In addition to federally funded projects, the DOT and MPO business process must incorporate all state and regionally significant privately-funded projects, and provide this information to the MPO policy board on a regular and recurring basis. • The DOT and MPO business processes must incorporate the DOT to include MPO staff, and an address to the MPO policy board, even on non-MPO funded projects.
Decision 10: How to enhance the relationship with the El Paso MPO in order to improve regional transportation planning	• **Action 19:** Continue joint training activities for El Paso and Las Cruces MPO staff and for committee members. • **Action 20:** Las Cruces MPO staff coordinate with El Paso staff to initiate joint staff meetings each spring and fall. Regular specific agenda items should include: o Opportunities for regional studies similar to the upcoming O-D telephone survey. o Opportunities for regional/joint thoroughfare planning o Opportunities to coordinate regionally on air quality conformity needs • **Action 21:** Las Cruces LRTP update can specify El Paso policies relevant to Las Cruces for the MPO to track and review changes	• Limitations on staff time at both MPOs will require some prioritization as to when and how often to engage in coordinated activities.

259

Decision 11: How to enhance training for MPO staff and committee members	• **Action 22:** Internally Generated MPO Training o MPO staff continue "MPO 101" agenda item at policy committee meetings (involve NMDOT staff on specific topics as appropriate) • **Action 23:** Staff actively and regularly participate in and involve committee members in NMDOT or Externally Sponsored/ Supported Training o Modeling o GIS o Funding Mechanisms (and ways to obtain funding) o FHWA Webinars o APA Webinars • **Action 24:** Conferences, Workshops or Special Training Opportunities o Continue MPO staff involvement with AMPO and APA o Identify and designate a budget to send policy board members to selected conferences or training activities	• Limited staff time to research, identify and carry out training activities. • Limited committee member time to participate in out of town or multi-day training opportunities. • Budget limitations to cover travel to trainings in remote locations together with political perceptions/concerns which often occur pertaining to any publicly funded travel.

260

II. RECOMMENDATIONS FOR KEY DECISIONS

Each of the recommendations presented in **Table 1** is associated with concrete policy actions, intended outcomes, and potential obstacles. This section describes the manner in which the recommended actions address each of the eleven issues identified in the initial assessment of the *Las Cruces MPO Location and Structure Study.*

2-1 ISSUE 1: INDEPENDENT OPERATION OF THE MPO

The initial assessment found that there are both advantages and disadvantages of having the MPO located at the Las Cruces City offices. Recommendations on this issue pertain to both the physical location of the MPO activity as well as ways to increase the staff's accountability to the MPO board. The recommended action for this issue is as follow:

Action 1: **Re-Negotiate Joint Powers Agreement (JPA)**

Initiated by: **MPO Policy Board with support of MPO and NMDOT Staff**

It is recommended that the Memorandum of Agreement (Joint Powers Agreement) defining the Las Cruces MPO be re-negotiated utilizing a non-agency facilitator. NMDOT may assist in funding the costs of facilitation, however, it is recommended the facilitator clearly be independent and not be 'working for' any given agency. This facilitated negotiation process is intended to address specific issues pertaining to administrative boundaries between the Las Cruces MPO and the City of Las Cruces. The participants in the negotiation process are recommended to include:

1. The Las Cruces City Manager
2. The Town of Mesilla Town Clerk
3. The Dona Ana County Manager
4. The NMDOT General Office Representative Designated by the Governor

MPO and NMDOT staff will support the negotiation process as technical advisors.

Key agenda items to be determined in this negotiation process include:

- Revisit the name of the Las Cruces MPO to consider names that are more regional in character and clarify the difference between the MPO and the City bureaucracy.

- Define specific roles of the MPO Policy Board in the selection and appraisal of the MPO officer. This may include when and how the board is consulted

on issues of compensation, hiring and firing of the MPO officer, and job description for the MPO officer.

- Clarifying the role of the MPO relative to the Regional Transit District (RTD) and other city and county staff in issues of Development review. This includes enumerating specific development review activities that fall within the federal mandate of the MPO as noted in Report I: *Initial MPO Assessment Report*, and specifying those aspects of development review that should be covered by other city or county staff (those aspects falling outside of MPO mandate).

Other agenda items to be considered in the negotiation process which will support the independent operation of the MPO, and are recommended for other issues as well, include:

- Define clear roles for the MPO in the NMDOT programming process and for NMDOT in LCMPO TIP development, leaving no ambiguity regarding the origins of projects, or how state and MPO projects are created and prioritized.

- Identify and resolve any issues that may be impeding the financial participation of Dona Ana County in the Las Cruces MPO (See **Section 2-7**).

- Clearly define the activities that constitute core or "essential" MPO functions (as described in Report I: Initial MPO Assessment Report of the Las Cruces MPO Location and Structure Study).

- Categorizing different planning services offered by the MPO into those that are essential to the MPO's federally mandated function, and those that might be classified as "non essential" or supporting services to its members. The JPA may specify these "non essential" or "supporting" services as subject to special member fees to help cover the additional costs to the MPO (see **Section 2-7**).

- Setting parameters for a unified, single process whereby NMDOT and the LCMPO will set scoring criteria and weights to bring projects into the STIP and the TIP in one consistent process (see **Section 2-9**).

- Addressing the composition of the MPO Policy Board to include membership of the NMDOT District Engineer (see **Section 2-6**), and one representative from each house of the state legislature.

Potential Challenges

Because of funding limitations, the independence of the MPO is likely to rely primarily on the JPA process, and it is not likely the MPO can have its own vehicles, property and other equipment without the City of Las Cruces logo.

If the facilitator of the negotiation process is funded entirely by NMDOT there may be a perception of bias, hence it may be reasonable for the other entities to make some nominal provision to also support the facilitator of the process if this is a concern.

2-2 ISSUE 2: SIZE AND COMPOSITION OF MPO STAFF

The initial assessment found a need for further analysis and discussion of whether to increase the size of the MPO staff to better meet current and future needs. To address this issue the following action is recommended:

Action 2: **Develop Report for MPO Policy Board on Advising Engineer MPO Staff role**

Initiated by: **MPO Director and Staff**

It is recommended the MPO staff develop a one to two page whitepaper on the potential for an advising engineer to supplement MPO staff as needed. This whitepaper will explore the feasibility and desirability of a part-time or on-call, independent contract engineer to advise the MPO on the technical aspects of transportation projects. The whitepaper is intended to address the following topics:

- A proposed job description for an on-call engineer.
- A description of available talent pools for such an on-call professional, describing recruitment potential from retirees, consultants, university resources and other sources.
- An estimated salary range, number of hours and budget the on-call engineer might require.
- A summary of the features, benefits, and costs to member organizations of the MPO for having such an engineer available.

Potential Challenges

Funding would have to be identified to support an engineer. The policy board would have to make a decision regarding who will pay for the engineering fees, and how this fits in with other priorities in the Unified Planning Work Program (UPWP).

2-3 ISSUE 3: UTILIZATION OF TRANSPORTATION AND GIS MODELS

The initial assessment found a strong desire to utilize the new Las Cruces VISUM/ VISIM model to enhance the MPO's system planning capabilities. Further training and peer examples of practical VISUM and travel model applications, or suggestions for regular model output products to incorporate into the MPO process, may support this objective. To optimize the effectiveness of the MPO's time and resources to be invested in modeling and GIS techniques, the following actions are recommended:

Action 3: **Fully Participate in all NMDOT General Office Training (also make suggestions to NMDOT for future trainings)**

Initiated by: **MPO Director and Staff with Services and Support from NMDOT General Office Staff**

The NMDOT General Office provides an annual training for MPO staff together with other New Mexico MPOs. It is recommended MPO staff regularly attend these trainings and work with NMDOT to suggest topics for the training to specifically address opportunities to optimize the use of modeling in the Las Cruces MPO business process. The NMDOT training opportunity (while relevant for *Issue 11: Training Opportunities*) can also provide a forum for NMDOT to present, and MPO staff to learn, how to best apply GIS and modeling within the MPO process. Potential key topics of NMDOT annual trainings include:

- The latest modeling methods, with professional instruction and collaboration with other New Mexico MPOs.
- The latest GIS applications, with professional instruction and collaboration with other New Mexico MPOs.

Action 4: **Quarterly User Groups**

Initiated by: **MPO Director and Staff**

It is recommended the MPO staff initiate and coordinate Quarterly Ad-Hoc joint User Groups with the El Paso MPO as well as other agencies serving the region (including city, county, NMDOT, planning, public works and other agencies) with a shared interest in GIS and modeling. The intended content of these user groups is recommended to include:

- Collaboration on the best ways to apply and utilize MPO traffic models.
- Collaborating about the best ways to combine GIS resources and data sources.

- Potential shared planning applications and efforts in these and other areas.
- Regionalization of Land use applications like El Paso's Urban-Sim is an example of one such initiative.

Potential Challenges

Due to staff availability, there may be difficulty achieving "critical mass" for quarterly users' groups. Consequently, gauging the interest in different agencies and partners in the region would be a key success factor to keep participation high and maintain focus on technical interest of greatest significance to partners in the region.

NMDOT training is contingent on NMDOT funding; however, by pooling contributions from MPOs around the state, the quality and offerings of these trainings may be further enhanced. It is recommended that the Las Cruces MPO staff work with NMDOT staff to identify the best issues and resources for this training, to ensure it is optimally relevant to the Las Cruces MPO process.

2-4 ISSUE 4: COMMUNICATION AND COMMITTEES

In the initial assessment, several suggestions were made for improving communications among the MPO committees. There was also considerable support for the idea of forming a citizens committee (consisting of neighborhood groups, other governmental jurisdictions and special stakeholder constituencies) subject to the ability of MPO staff to support such an effort. To address this issue, the following actions are recommended:

Action 5: **Change Bylaws to Recognize Ad-Hoc Committees and task forces**

Initiated by: **MPO Policy Board**

It is recommended that the Policy Board change the Bylaws of the MPO to establish a process for utilizing citizens' committees and task forces organized around particular issues. One of the reasons for recommending an ad hoc, rather than a standing citizens committee, is that it would require too many staff resources to staff another standing committee. A specific amendment to the bylaws is recommended such that they will describe:

1. How ad-hoc committees can be established and dissolved by the MPO.
2. A process for defining the mission and scope of such committees as they are needed.

3. Guidelines for how the composition of such committees is to be determined when the committees are formed.

4. The manner and degree to which UPWP budget, staff hours and resources are committed to the committees or task forces.

Action 6: **BPAC and TAC member reports given by committee members is a standing agenda item for all Policy Board Meetings**

Initiated by: **MPO Director**

It is recommended that the standing agenda item of BPAC ant TAC reports to the policy committee involve an address directly from members of these committees at each policy board meeting, instead of a staff report. This recommendation is made to facilitate more direct communication among committee members than can occur when reports are given primarily by staff.

Potential Challenges

The time commitments and volunteer status of BPAC and TAC members may preclude them from always being available at policy committee meetings. One remedy may be for there to be a primary and alternate member of these committees identified to attend policy board meetings, such that this communication can occur when the designated BPAC or TAC committee representative may not be available for policy board meetings.

2-5 ISSUE 5: RELATIONSHIP WITH FHWA

The initial assessment identifies a need for communications between the MPO and FHWA to be improved. In response to this issue the following recommendation is made:

Action 7: **LCMPO Board extends (through its officer) an annual invitation to FHWA for an annual address to the MPO Policy Board. NMDOT General Office may co-sign the invitation to encourage FHWA Response**

Initiated by: **LCMPO Board, through MPO Director and NMDOT General Office**

Because it is often the practice of FHWA to utilize state Departments of Transportation, (in this case NMDOT) as a channel of communication with MPOs, it is recommended that a joint address could allow the MPO Policy Board and staff to get information directly from FHWA in a manner facilitated by NMDOT. This

mechanism for involving FHWA also efficiently utilizes FHWA travel and staff time by enabling FHWA staff to address all of the entities in Las Cruces in one address, and bringing together MPO and DOT staff to learn about and respond to any FHWA issues.

Potential Challenges

It is understood that FHWA staff availability and travel resources are scarce and may limit the availability even for a once-a-year address. However, if the address can cover issues of the MPO together with those of the NMDOT district this may be an efficient way to involve FHWA in the Las Cruces MPO process.

2-6 ISSUE 6: INTEGRATION IN THE MPO PROCESS WITH NMDOT

The initial assessment found that there is a desire for the MPO to have greater integration with NMDOT in the selection of projects for the TIP. At the same time, the assessment also suggests that the DOT should be represented on the Policy Board to enhance the relationship between the two groups. The following actions are therefore recommended:

Action 8A: **Consider Amending the MPO Bylaws to expand membership on the Policy Board to include the NMDOT District 1 Engineer.**

Action 8B: **Consider Amending the MPO Bylaws to expand membership on the Policy Board to include one member of the state House, and one member of the state Senate delegation from the MPO area (JPA should also reflect this per Section 2-1).**

Initiated By: **MPO Policy Board**

In the *Las Cruces MPO Location and Structure Study*, the most inherent difficulties of integrating the MPO process with NMDOT have surrounded (1) the transparency of the NMDOT business process to the MPO Policy Board and (2) the priorities coming to the DOT through the legislative and political process. For this reason, it is recommended that both the DOT business process for planning and programming and the legislative political process are incorporated into the Policy Board's decision making through a different composition of the MPO Policy Board. Representation of these two key state entities (legislature and NMDOT) is expected to significantly reduce conflicts.

In project prioritization and the programming process, and increase overall understanding of how the MPO can best deliver the program desired by its members and constituents in the long term.

Action 9: **Provide the MPO a report on District investment targets for the STIP as the STIP is being developed. Also invite MPO staff to key NMDOT meetings where the implications of targets for specific projects are discussed.**

Initiated By: **NMDOT General Office and District Staff**

It is recommended the NMDOT General office provide the MPO staff and Policy Board a briefing on programmatic investment targets for the NMDOT district when the State Transportation Improvement Program (STIP) is being developed. These targets inform the district and the MPO Policy Board on the overall investment levels the state is likely to have available for different types of projects such as road and bridge preservation, transit, roadway expansion, and other categories. It is recommended the targets be provided and explained to the policy board in each given funding cycle as NMDOT's target investment level for all programs within the total area of the District (including both the MPO and other areas of the surrounding district).

The recommendation is that the NMDOT will make information about these targets available to the MPO Policy Board in each funding cycle at a time when the Policy Board and its officer (the MPO director) can participate in discussions regarding projects for the STIP in light of these funding levels and constraints.

Potential Challenges

Legislative schedules and time demands on legislators may limit the degree to which they can attend Policy Board meetings. Meeting times and quorum requirements may need to be modified to be sensitive to time constraints of legislators.

The distribution of NMDOT investment targets to the MPO early in STIP development, and involvement of the MPO in the NMDOT district business process requires support from DOT at the General Office and District Levels. It is recommended the General Office MPO/DOT Liaison and the District Planning staff play an active role in achieving this support and commitment from appropriate levels in the DOT.

2-7 ISSUE 7: FUNDING FOR THE MPO

The initial assessment found a need to identify ways to increase both operational and project funding for the MPO. While project funding levels are beyond the control of the MPO, there are some ways that operational funding and the planning process can optimize the use of overall dollars programmed through the MPO. The following recommendations are made to improve funding for the MPO:

Action 10: **Incorporate a "Fee for Service" schedule of services/ fees to cover the costs of non-core MPO functions (core versus non-core functions defined by the JPA as described in Section 2-1, and based on US Code Title 23, Chapter 1 Section 134). Define services and fees in both the JPA as well as in the MPO Bylaws.**

Initiated By: **MPO Policy Board**

By defining core and non-core services of the MPO, the Policy Board can reduce the scope of what must be funded out of its core MPO revenues and offer additional services to members in exchange for additional funding.

This distinction in the MPO's bylaws as well as in the JPA described in **Section 2-1** would effectively allow the MPO to serve as a de-facto in-house consultant for the City of Las Cruces, Town of Mesilla, Dona Ana County or other entities in areas such as development review, GIS, modeling and other areas where such services may be required to support local decision making on issues not essential to the MPO's overall planning mandate under federal law.

In *Report II: Best Practices and Peer Review,* the Thurston Regional Planning Council (TRPC) is cited as an example of an MPO that raises funding through consulting fees. **Appendix A** is a case-study on how this process works with the TRPC. The example is offered as a template for MPO staff to utilize in formulating a recommendation for the LCMPO Policy Board on how a consulting fee assessment and collection process can work.

Action 11: **Include Dona Ana County financial participation as an item in the JPA negotiation process described in Section 2-1.**

Initiated By: **MPO and NMDOT Staff**

Even modest financial participation of Dona Ana County would help support the other recommendations of the *Las Cruces Location and Structure Study*. However, this issue is also recommended as part of the negotiation process in **Section 2-1** of this report because issues inhibiting county participation in the MPO may point to other inter-governmental issues beyond the scope of the current study, that could be addressed in the JPA process to ensure all members of the MPO feel they are properly served in a manner warranting ongoing investment in the MPO.

Action 12: **MPO Staff include coordinated projects line item in the Unified Planning Work Program (UPWP).**

Initiated By: **MPO Staff**

Coordinated projects can be defined as projects that are led, or funded in large part, by MPO members with funds above and beyond the regular funding members provide to the MPO for its core functions. For example, if the City of Las Cruces, the City of El Paso and NMDOT jointly fund a corridor study that is intended to meet state and local needs as well as regular MPO functions, and the study uses state and city funds not otherwise available to or through the MPO, the study would be considered a coordinated project. By combining resources with additional investments from the city of Las Cruces, Town of Mesilla, Dona Ana County, El Paso MPO and NMDOT, the Las Cruces MPO may be able to undertake projects that may have been beyond the MPO's typical scope and financial reach if undertaken alone. By making funding available for joint planning efforts as a flexible line item in the UPWP, the Las Cruces MPO can leverage its resources to partner with allied agencies on specific planning efforts at the regional level.

It is recommended that a line item in the UPWP be dedicated to making at least a nominal amount of funding available for such joint projects (which may be determined annually or bi-annually based on opportunities). It is also recommended that the MPO staff keep a running list of potential joint projects proposed by city, county, El Paso, Mesilla and NMDOT staff for funding as joint projects if and when funding from these other agencies becomes available.

Potential Challenges

There may be resistance to user fees on the part of MPO members that may have been using the MPO for non-essential services in the past. Establishing buy-in to MPO consulting fees is likely to require further educating MPO members on the purpose of the MPO and the proper use of MPO funds in contrast to support services which may warrant special or additional funding. *Report I: Initial MPO Assessment Report* of this *Las Cruces MPO Location and Structure Report* may provide a helpful resource in this regard, as may the TRPC case study included with this recommendation.

There are also possible constraints on funding at the Dona Ana county level to financially participate in the MPO. However, as stated in the recommendation, resolving any underlying issues inhibiting even nominal financial participation by the county is likely to enhance the overall value proposition for all entities participating in the MPO.

It is understood that in any given year, other agencies in the region may not have funding to participate in coordinated projects with the MPO; hence the

recommendation is intended to encourage and take advantage of these opportunities when they arise.

2-8 ISSUE 8: IMPROVING THE LRTP

In the initial assessment a number of suggestions were made regarding improving the Long-Range Transportation Plan (LRTP). The following recommendations are made:

Action 13: **Define performance areas in the LRTP – examples may include safety, mobility, sustainability, freight accessibility, energy conservation and others.**

Action 14: **Include a land-use compatibility score as one of the performance areas or ranking criteria in the LRTP. (This may be rooted in local comprehensive plans and zoning ordinances).**

Action 15: **(Related to Action 13) Identify specific performance measures for each area that can be benchmarked.**

Action 16: **Use the public involvement process of the LRTP to prioritize performance areas and develop performance-based ranking criteria for LRTP projects.**

Initiated By: **MPO Staff and Policy Board**

MPO's often use the Long-Range Transportation Planning process to address the question of "how should our transportation system perform". Another way of asking the question is "what would a 'report card' for our system look like?" Different communities answer this question in different ways. For example, some communities place such a high value on public safety and preventing fatalities, that they invest the majority of their transportation dollars in enhancing safety at high-crash locations. Other communities have a strong commitment to roadway expansion, investing their transportation dollars over many years into a newly desired highway, port or road facility.

Setting General goals and performance targets for the transportation system in the LRTP process enables the MPO to check its decisions against intended and prioritized performance outcomes. When quantifiable goals and performance targets are in place, project ranking decisions can focus resources on those areas where performance is less than the desired level. It is often challenging to organize

goals and objectives into tangible performance areas that the MPO can use consistently from year to year. Therefore **Appendix B** provides a case example is included with these recommendations.

The Georgia Regional Transportation Authority (GRTA) case in **Appendix B** is featured by the FHWA as a best practice in performance based planning in an MPO context. The case provides an example of performance measurement. While GRTA is a much larger urbanized area than Las Cruces, the organization goals in measurable performance areas is a helpful example of how goal setting can help an MPO's overall planning and programming with a long range perspective. The GRTA case study is offered to invite the Las Cruces Policy Board to consider "what would such a report for Las Cruces include?" and "what goal areas or performance measures could work for Las Cruces?"

Tables 2A and 2B are examples from the GRTA case of how some different types of goal areas in transportation planning may be linked to specific types of performance measures. The tables are offered to provide context for consideration of what such a table for Las Cruces might include. The Long- Range planning process is an opportunity to develop these types of performance goals and targets in collaboration with stakeholders and the public.

Table 2A: GRTA Performance Measures

SUMMARY OF 2008 TRANSPORTATION MAP MEASURES

	Performance Measure	*Description*	*Baseline*		*Update*	
			Value	*Year*	*Value*	*Year*
Mobility	Freeway travel time index *The slowest periods:* *7:30 a.m. – 8:30 a.m.* *5:00 p.m. – 6:00 p.m.*	Freeway TTI, weighted by segment VMT, during the slowest regional one-hour morning and evening peak period	1.22 *1.26 (PM)*	2002	1.31 *1.33 (PM)*	2007
	Freeway planning time index *The slowest periods:* *7:30 a.m. – 8:30 a.m.* *5:00 p.m. – 6:00 p.m.*	Freeway PTI, weighted by segment VMT, during the slowest regional one-hour morning and evening peak period	1.53 *1.83 (PM)*	2002	1.72 *1.93 (PM)*	2007
	Freeway buffer time index *The slowest periods:* *7:30 a.m. – 8:30 a.m.* *5:00 p.m. – 6:00 p.m.*	Freeway BTTI, weighted by segment VMT, during the slowest regional one-hour morning and evening peak period	26.1% *41.7% (PM)*	2002	30.7% *40.2% (PM)*	2007
	Daily vehicle miles traveled per licensed driver / per person	Vehicle miles traveled per licensed driver / person per day	56.7 32.9	2000 2000	42.4 29.6	2006 2006
	Pavement condition rating	Percent of the state roadway system with a PACES rating greater than 70	88%	2000	71%	2007
	Transit passenger miles traveled	Transit passenger miles traveled (in millions)	874	2001	871	2006
	Annual transit passenger boardings	Cumulative sum of the number of passengers who board public transportation vehicles annually (in millions)	167	2001	153	2006

Table 2B GRTA Performance Measures (Continued)

SUMMARY OF 2008 TRANSPORTATION MAP MEASURES (CONTINUED)

	Performance Measure	*Description*		*Baseline*		*Update*	
				Value	*Year*	*Value*	*Year*
Transit Accessibility	Population and employment within walk distance to transit	Number of people that live or work within 4/10 of a mile of a transit stop year (in thousands)	Pop.	1,057	2001	1,129	2006
			Empl.	1,085	2001	1,186	2006
	Transit revenue service hours (MARTA, CCT/DCR/GRTA/ Gwinnett Transit)	Total number of hours trains and buses are running and available to carry passengers in a year (in thousands)	MARTA	3,182	2001	2,837	2006
			Other	157	2001	637	2006
	Passenger trips per transit service hour (MARTA, CCT/DCR/GRTA/ Gwinnett Transit)	Average number of unlinked passenger trips per revenue hour trains and buses are running and available to carry passengers in a year	MARTA	52	2001	49	2006
			Other	19	2001	18	2006
	Number of vanpools	Total number of vanpools operating in a given year in the 28- county Atlanta area		178	2002	346	2007
Air Quality	Daily vehicle emissions (relative to 2000 levels)	VOC		100%	2000	67%	2006
		NO_x		100%	2000	67%	2006
		Primary $PM_{2.5}$		100%	2000	71%	2006
Safety	Traffic crash fatalities/ Traffic crash fatality rate	Total number of traffic crash fatalities		494	2001	542	2006
		Traffic crash fatality rate per 100 million VMT		1.12	2001	1.16	2006
	Pedestrian and bicyclist fatalities / Pedestrian and bicyclist fatality rate per 100,000 pop.	Pedestrian fatalities		67	2001	74	2006
		Bicyclist fatalities		6	2001	6	2006
		Pedestrian fatality rate		1.75	2001	1.72	2006
		Bicyclist fatality rate		0.16	2001	0.14	2006
	Roadway clearance time	Incidence response and clearance time (in min.)	Tractor-trailers	81	2002	57	2006
			Vehicles	40	2002	30	2006
Transp. System Performance	Atlanta Transportation Performance Indices* ** An index number of more than 100 indicates improvement over the base year.*	Roadway services index		100	2002	93.8	2006
		Transit services index		100	2002	105.0	2006
		Roadway emissions index		100	2002	134.4	2006
		Roadway safety index		100	2002	86.5	2006

Potential Challenges

MPOs by definition have a lack of jurisdictional authority over many of the policies that affect system performance (planning and zoning, environmental, and economic development programs all affect system performance and are outside of the jurisdiction of the MPO). While the MPO itself cannot make the land use decisions, MPO board members may sit on other entities that do make these decisions; thus, individual board members may be able to influence these outcomes.

For this reason, the recommendation to implement performance-based planning centers primarily on the ability of the MPO to articulate desired transportation performance outcomes and the implications of different policy decisions to other authorities, more so than the MPO making all policy decisions associated with achieving system performance targets. For example, the MPO may be able to articulate that a given land use change will cause some aspect of the transportation system to perform to a lesser degree than expected, however, it is understood that the MPO cannot make the land use decision, and will ultimately have to respond to whatever decision is made.

2-9 ISSUE 9: IMPROVING THE TIP

The initial assessment finds a need to improve the TIP, largely in keeping with the desire to integrate the planning and programming process as described in **Section 2-6.** With specific regard to improving the Las Cruces TIP process, the following actions are recommended:

Action 17: **Annual address from the DOT district walking through the STIP development process.**

Initiated By: **NMDOT District Engineer (facilitated by MPO and NMDOT Staff)**

It is recommended that the current standing agenda item for NMDOT business on the MPO agenda be utilized at least once a year (at the appropriate month) for a thorough NMDOT address to the Policy Board on the STIP development process. This address should include an overview of projects under consideration by the DOT as well as the process whereby projects will be brought into the STIP (or brought forward by the DOT for the TIP). This address is recommended to include both projects funded through the MPO as well as other projects in the region that may affect the transportation performance of the system in the MPO area. DOT staff is recommended to answer any and all questions about the STIP and DOT projects at this address.

Action 18: **Provide a single and Transparent Scoring Process for DOT and MPO projects.**

Initiated By: **Las Cruces MPO Policy Board and NMDOT District**

It is recommended that per the JPA process recommended in **Section 2-1,** the NMDOT and LCMPO develop a transparent scoring process for all projects programmed through the MPO. Other projects relevant to the MPO's planning goals may be included in this transparent process, but possibly with different weights or criteria determined by the DOT. The intended outcome of this recommendation is a process where the DOT and MPO staff can both give consistent answers to outside inquiries regarding how projects are prioritized within the context of overall system performance goals.

Potential Challenges

The DOT business process must be open to incorporating input from the MPO Policy Board in STIP development – even for State projects affecting MPO area performance, if not programmed directly through the MPO. According Federal Regulations, the DOT and MPO business process must incorporate all state and regionally significant privately-funded projects in the TIP. The effectiveness of **Action 17** is largely dependent on implementing the changes to the Policy Board composition recommended in **Action 8.**

2-10 ISSUE 10: ENHANCING COLLABORATION WITH THE EL PASO MPO

The initial assessment finds that ways to increase regional communication, planning, and project development with the El Paso MPO should be explored. The following specific actions are recommended:

Action 19: **Continue joint training activities for MPO staff and committee members.**

Initiated By: **Las Cruces MPO staff and El Paso MPO Staff**

Ongoing joint training activities on technical and policy issues are shared between Las Cruces and El Paso MPO staff. When special training events are offered at the Las Cruces MPO (whether through the MPO or NMDOT) it is recommended that El Paso staff are invited to participate. It is also recommended that Las Cruces MPO staff periodically check with El Paso staff about any training opportunities that may be made available through the El Paso MPO.

Action 20: **Las Cruces and El Paso staffs collaborate twice a year to initiate joint staff meetings each spring and fall.**

Initiated By: Las Cruces MPO Staff

Joint staff meetings are recommended as a way for the MPOs to regularly identify opportunities for collaboration. The Las Cruces MPO director is recommended to schedule these bi-annually each spring and fall with the El Paso MPO and report to the policy committee on the results of these meetings. Recommended standing agenda items include:

- Opportunities for regional studies similar to the upcoming O-D telephone survey
- Opportunities for regional/ joint thoroughfare planning
- Opportunities to coordinate regionally on air quality conformity needs

Action 21: The Las Cruces LRTP update can specify El Paso policies relevant to Las Cruces performance areas, as determined through actions recommended in Section 2-8.

Initiated By: Las Cruces MPO Staff and Policy Board

Policies such as economic development initiatives, military planning initiatives, environmental issues and major planning and zoning changes in El Paso are expected to have implications for the transportation system in Las Cruces. It is recommended that in the next LRTP update cycle, Las Cruces identify key policies and issues to track in El Paso that may be relevant to transportation investments and performance in Las Cruces. When key policies are identified, it is recommended that MPO staff report periodically to El Paso staff and the Las Cruces Policy Board on key development in El Paso that may affect transportation performance in Las Cruces.

Potential Challenges

Limitations on staff time at both MPOs requires some prioritization as to when and how often to engage in coordinated activities. By structuring collaboration through a manageable set of two joint policy committees per year, joint activities can be planned and undertaken as efficiently as possible.

2-11 ISSUE 11: TRAINING OPPORTUNITIES

The initial assessment identifies a number of areas in which MPO staff would benefit from additional training. A need is also identified for ongoing board training. The recent development of the "MPO 101" binder and compact disk are seen as a positive development in this regard. However, additional actions are recommended to enhance training opportunities through the MPO.

Action 22: **Develop and implement training within the MPO for staff and board members.**

Initiated By: **MPO Staff**

Training developed and provided within the MPO includes ongoing development and implementation of the MPO 101 course involving NMDOT staff on some selected topics. This recommendation is effectively a continuation of an existing successful policy.

Action 23: **Actively participate in and involve committee members in NMDOT and other externally sponsored training.**

Initiated By: **MPO Staff and Policy Board (with new training suggestions for NMDOT Staff)**

NMDOT staff currently supports MPO staff training on GIS and modeling. However, it is recommended that the NMDOT work with the Las Cruces MPO and other New Mexico MPOs to explore potential new training that would cover grant writing and funding mechanisms for MPOs. In addition to NMDOT training, FHWA and APA webinars are both recommended for MPO staff and Policy Board members.

Action 24: **Actively participate in conferences, workshops and special training opportunities.**

Initiated By: **MPO Staff**

It is recommended that MPO staff continue to attend AMPO and APA conferences. It is further recommended that MPO staff identify certain opportunities for Policy Board members to attend special events, and an allowance be made in the MPO budget for Policy Board members to attend selected conferences and training activities (such as state or regional APA conferences or other events with other MPO Policy Board members).

Potential Challenges

There is limited staff time to research, identify and carry out training activities; hence it is recommended that staff begin with the avenues recommended above. Committee member time is also limited and may curtail the degree to which Policy Board members can attend out of town, multi-day events. Budget limitations and political perceptions/ considerations also may affect how much of an allowance can be made for Policy Board members to travel long distances with public funding. Consequently, events close to Las Cruces should be identified and prioritized accordingly.

III. IMPLEMENTATION ACTIONS

The above recommendations cover the wide range of issues identified in *Report I: Initial MPO Assessment Report* with detailed action items on each issue. The action plan requires both initiating and supporting actions on the part of:

- The Las Cruces MPO Board
- The Las Cruces MPO Staff
- New Mexico DOT District Staff
- New Mexico DOT General Office Staff
- FHWA Staff
- Local Agency/ MPO Member Staff

The following is a summary of key actions required by each of the entities with a role in execution of this action plan.

3-1 JOINT ACTION: NEGOTIATION OF JPA

The re-negotiation of the agreement uniting the members of the MPO is among the most significant commitments this action plan requires. Given the breadth and depth of the 8 issues recommended for coverage in **Section 2-1**, it is likely to take multiple days of time from:

- The Las Cruces City Manager
- The Dona Ana County Manager
- The Mesilla Town Clerk
- The NMDOT General Office Representative as designated by the Governor.

It is recommended that all of these individuals commit to entering into the process together, either setting aside an appropriate number of days, or a series of 1-2 hour meetings over a period of weeks to work with the facilitator through each of the issues identified in **Section 2-1**.

NMDOT General Office Staff also need to work with MPO staff to:

- Develop a mechanism for outreach to the intended participants in the negotiation process.
- Decide on a third party facilitator to structure the negotiation process.
- Set a schedule for the negotiations to occur.

When the negotiation process is complete, the LCMPO Policy Board will be expected to act on the recommended amendment to the JPA such that the changes recommended in **Section 2-1** can become policy.

3-2 KEY ACTIONS FOR MPO POLICY BOARD

Many of the recommendations in **Section 2** require the MPO Policy Board to either initiate or support key actions in the plan. The following is a summary of the initiating and supporting roles of the Policy Board in the recommendations of the *Las Cruces MPO Location and Structure Study*.

Actions for the Policy Board to Initiate:

The following are actions to improve the operation and performance of the Las Cruces MPO that are recommended to be initiated by the MPO Policy Board within the context of other recommendations of this study:

Action 1: Adopt a resolution accepting a modified JPA resulting from the negotiation process described in **Section 2-1**.

Action 5: Change MPO bylaws to recognize Ad-Hoc Committees and task forces as described in **Section 2-4**.

Action 7: Extend an invitation to FHWA to make an annual address to the MPO Policy Board (in collaboration with NMDOT District Engineer) as described in **Section 2-5**.

Action 8: Amend MPO bylaws to include NMDOT District Engineer as well as representatives of the state house and state senate as described in **Section 2-6**.

Action 10: Adopt a schedule of "non essential" services developed by MPO staff for which the MPO finds it appropriate to charge user fees. These will include non-essential services determined by the negotiation process described in **Section 2-1**.

Staff may consult *Report I: Initial MPO Assessment Report* for further description of essential MPO requirements per federal regulations in preparing options for the policy committee.

Actions 13-16: Adopt a set of goals and performance measures developed in consultation with MPO and NMDOT staff in the next update cycle of the LRTP as described in **Section 2-8**.

Action 18: Adopt a single and transparent scoring process for NMDOT and MPO projects (based on MPO staff consultation with NMDOT staff and Policy Board input) as described in **Section 2-9**.

Supporting Actions of the MPO Policy Board

The following are actions to be supported by the MPO Policy Board based on the recommendations in **Section 2** of this report.

Action 2: Review research provided by the MPO director and staff regarding a position for an advising engineer and make a decision regarding whether such a position can be created as described in **Section 2-2**.

Action 6: Receive input from BPAC ant TAC committee members at Policy Board meetings, ask questions as appropriate and communicate directly with members of other committees as described in **Section 2-4**.

Action 17: Receive an annual address from the NMDOT District engineer regarding STIP development, asking questions as appropriate and make decisions regarding compatibility of STIP priorities with TIP.

Action 22: Participate in joint activities with El Paso MPO Policy Board to be scheduled by MPO staff as described in **Section 2-10**.

Action 23: Participate in conferences and other educational opportunities whenever possible, especially those recommended in **Section 2-11**.

3-3 KEY ACTIONS FOR LCMPO STAFF

Many of the recommendations in **Section 2** require the MPO staff to either initiate or support key actions in the plan. The following is a summary of the initiating and supporting roles of the MPO staff in the recommendations of the *Las Cruces MPO Location and Structure Study*.

Actions for MPO Staff to Initiate

The following are actions to improve the operation and performance of the Las Cruces MPO that are recommended to be initiated by the MPO staff within the context of other recommendations of this study.

Action 1: Work with NMDOT to organize the facilitated negotiation process for the Las Cruces MPO JPA as described in **Section 2-1.**

Action 2: Conduct research on the feasibility and desirability of an MPO advising engineer as described in **Section 2-2**, reporting findings to the MPO policy committee.

Action 3: Participate in NMDOT training activities as indicated in **Sections 2-3** and **2-11**. This also involves communicating to NMDOT potential future topics for MPO training in New Mexico based on LCMPO needs.

Action 4: Organize collaborative Quarterly "User Groups" for users of GIS, modeling and other technical resources as described in **Section 2-2.**

Action 6: Coordinate participation of BPAC and TAC committee members in MPO Policy Board meetings as described in **Section 2-4**.

Action 10: Develop a "fee for service" procedure for consideration by the Policy Board regarding the collection of revenues for special non-core services as described in **Section 2-7**. Non core services may be discerned based on *Report I: Initial MPO Assessment Report* of the *Las Cruces MPO Location and Structure Study* as well as US Code Title 23, **Chapter 1 Section 134** and the case study in **Appendix A**.

Action 11: Invite Dona Ana County to participate in the JPA amendment as described in **Section 2-1**, working with county staff to document any issues pertaining to county participation in MPO funding which may support this negotiation process.

Action 12: Develop and maintain a list of potential 'coordinated projects' that the MPO may fund jointly with city, county and NMDOT if and when additional funds from these partners become available. This action also entails keeping such projects prioritized in the event the Policy Board may need to choose from among them. This action is fully described in **Section 2-7**.

Actions 13-16: Develop a goal setting and performance measurement framework for the next LRTP update cycle as described in **Section 2-8**. The case study in **Section 2-8** as well as the FHWA website: http://ops.fhwa.dot.gov/perfmeasurement/index.htm and *NCHRP 20-7 Guide to Benchmarking Operations Performance Measures* are suggested as references for how to approach this recommendation.

Action 19: Participate in joint training activities with the El Paso MPO as described in **Section 2-10**.

Action 20: Initiate and organize twice yearly staff meetings with the El Paso MPO each spring and fall, as described in **Section 2-10**, and organize joint policy committee events around specific issues as appropriate.

Action 21: Identify in the next update of the Las Cruces LRTP, specific policies and agencies in the El Paso MPO to regularly monitor for activities

that are likely to have an impact on Las Cruces transportation system performance, as described in **Section 2-10**.

Actions 22, 23 and 24: Actively seek out training opportunities for MPO staff and Policy Board members, both in the context of NMDOT training programs and other sources such as FHWA webinars and APA events as described in **Section 2-11**.

Supporting Actions of the MPO Staff

The MPO staff is to provide technical assistance, advice and information for the Policy Board in all of the actions described in **Section 3-2**. In addition to this overall support role for the Policy Board, the MPO staff also has certain specific actions in which they will support different aspects of implementing this action plan.

Action 7: Draft a letter inviting an FHWA representative to address MPO Board and coordinate with NMDOT General Office staff to make it a joint invitation as described in **Section 2-5**.

Action 9: Attend NMDOT meetings where the implications of programmatic investment targets on the STIP and TIP are to be discussed (as described in **Section 2-6**).

Action 17: Coordinate with NMDOT district staff to schedule and coordinate District annual address to MPO Policy Board as described in **Section 2-9**.

Action 18: Coordinate with NMDOT staff to suggest a scoring process for projects both in the STIP and the TIP based on compatible scoring and ranking criteria as described in **Section 2-9**.

3-4 KEY ACTIONS FOR NMDOT STAFF

Many of the recommendations in **Section 2** require the NMDOT staff to either initiate or support key actions in the plan. The following is a summary of the initiating and supporting roles of the NMDOT District or General Office staff in the recommendations of the *Las Cruces MPO Location and Structure Study*.

Actions for NMDOT Staff to Initiate

The following are actions to improve the operation and performance of the Las Cruces MPO that are recommended to be initiated by the NMDOT staff within the context of other recommendations of this study.

Action 1: Provide a facilitator for the re-negotiation of the JPA, coordinate the scheduling and planning of the negotiation process with the MPO staff and make a member of the NMDOT General Office Staff designated by the Governor available for the negotiations as recommended in **Section 2-1**.

Action 9: Provide in-person presentation of NMDOT programmatic investment targets to the MPO staff and Policy Board and issue invitations to MPO staff to NMDOT district meetings where investment targets and implications on STIP projects are discussed as described in **Section 2-6**.

Action 17: Provide an annual address to the MPO Policy Board on the key steps and issues in the NMDOT STIP development process and potential implications for priorities in the TIP and other projects related to the transportation system performance in the Las Cruces area (as described in **Section 2-9**).

Supporting Actions of the NMDOT Staff

The NMDOT staff is to provide technical assistance, advice and information for the MPO in all of the actions described regarding NMDOT programs, policies or projects. In addition to this overall support role for the MPO process, NMDOT staff also has certain specific actions in which they will support different aspects of implementing this action plan.

Action 3: Respond to MPO staff input about desired training opportunities and continue to offer technical training in ways that support MPO needs as described in **Section 2-3**.

Action 7: Coordinate with LCMPO staff to initiate the invitation of FHWA staff for an annual joint address to the Las Cruces MPO and the NMDOT district on FHWA topics pertinent to the MPO (as described in **Section 2-5**).

Action 8A: Make NMDOT District Engineer available to participate as a member of the MPO Policy Board as described in **Section 2-6**.

Action 18: Participate with the MPO staff in developing a single transparent scoring process for DOT and MPO projects as described in **Section 2-9**.

3-5 KEY ACTIONS FOR FHWA STAFF

FHWA staff does not have any specific actions to initiate as a part of this action plan. However, by responding favorably to the invitation to an annual address as described in **Section 2-5** (Action 7) the FHWA can support the effective implementation of this plan and its recommendations.

3-6 KEY ACTIONS FOR LOCAL AGENCY STAFF/ MEMBER AGENCIES

They key staff and leaders in the City of Las Cruces, Dona Ana County and Town of Mesilla will be asked to support the process by participating actively in the JPA re-negotiation process as described in **Section 2-1** of this report.

IV. IMPLEMENTATION STEPS

This Recommended Action Plan for Las Cruces MPO includes a broad set of recommendations which may be implemented in the near, medium and long term. Implementation of the action plan involves taking progressive and mutually reinforcing steps that over time are expected to result in a much more effective MPO organization. Furthermore, there are certain key success factors for ongoing progress toward meeting these goals within the context of the recommendations. This section addresses some of the issues associated with making the action plan effective and practical as a strategy for the Las Cruces MPO.

4-1 NEAR, MEDIUM AND ONGOING RECOMMENDATIONS

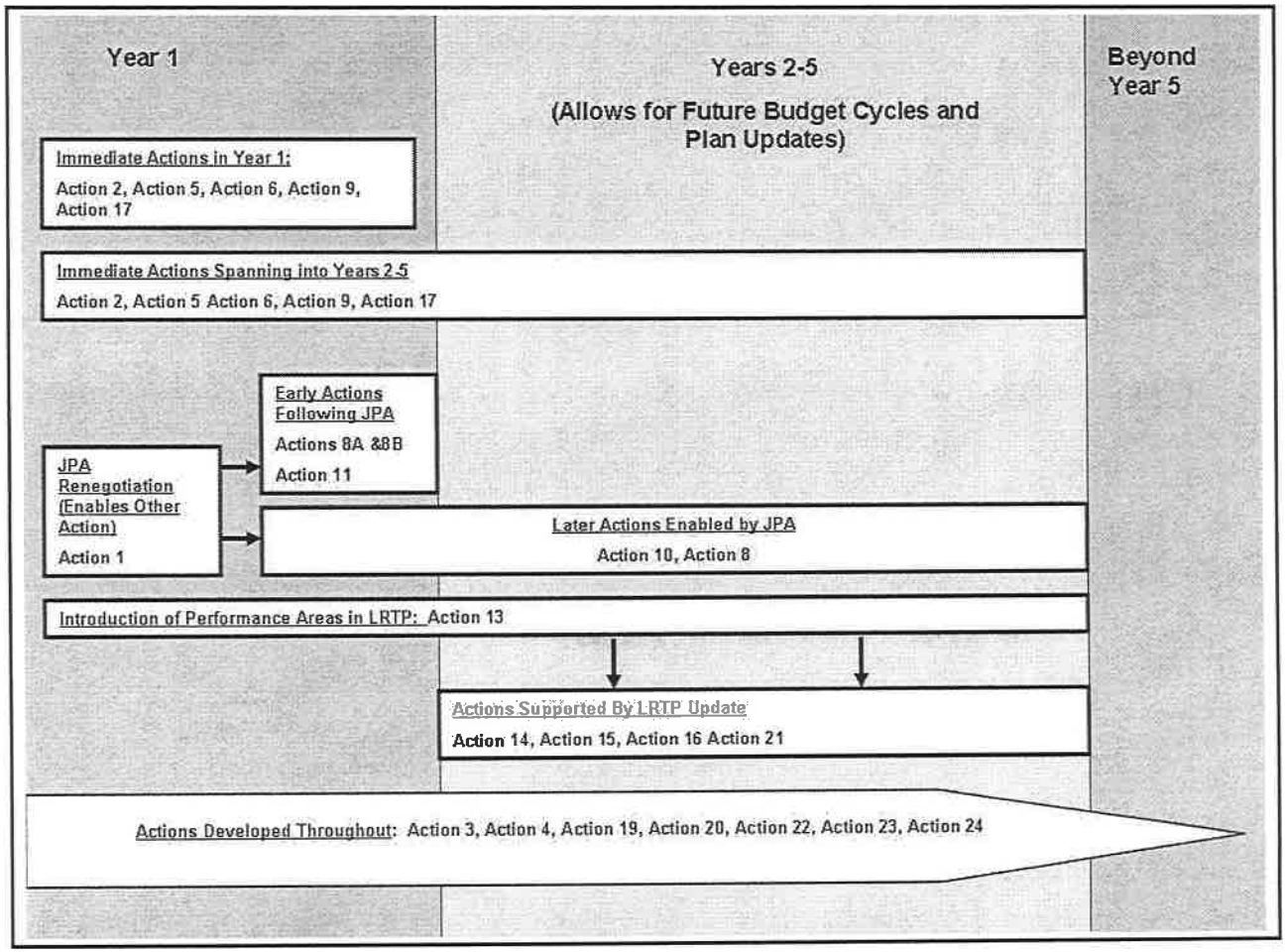
The actions recommended in **Section 2** are classified into near term (within one year after adoption of the study), medium (within one to five years of adoption of the study) and ongoing (actions that must be consistently implemented for more than five years). The phasing is offered to provide insight as to a reasonable timeframe in which to expect different changes to occur as the MPO develops over time.

Table 3 shows the classification of actions into the different phases of implementation for the action plan. Figure 1 shows the linkage between actions, and the years in which they will occur (Actions are numbered according to **Table 1** and **Table 3**).

Table 3: Staging of Recommended Actions for Las Cruces MPO

Recommended Action		Staging
Action 1	Re-Negotiate JPA	Near Term
Action 2	Develop Report for MPO Policy Board on Advising Engineer staff role	
Action 5	Change Bylaws to Recognize Ad-Hoc Committees and Task Forces	
Action 6	MBPAC and TAC member reports given by committee members	
Action 8A	Amend MPO Bylaws to include NMDOT and Legislative	
Action 8B	Amend MPO Bylaws to include Legislative Representation	
Action 9	Provide MPO a Report on NMDOT Investment Targets	
Action 11	Include Dona Ana County Financial Participation in MOU/MOA Negotiation	
Action 17	Annual NMDOT Address to Policy Board on STIP Development	
Action 7	Invite FHWA to give Joint Address to NMDOT and MPO Board	Medium Term
Action 10	Incorporate Fee for Service Arrangements to Fund MPO Services	
Action 12	Include Coordinated Projects Line Item in UPWP	
Action 13	Define Performance Areas in LRTP	
Action 14	Include Land Use Compatibility as a LRTP Performance Area	
Action 15	Identify Specific Performance Measures in LRTP	
Action 16	Base Key Performance Priorities on LRTP Public Involvement Process	
Action 18	Implement Single Transparent Scoring Process	
Action 21	Specify in the Las Cruces LRTP El Paso Policies Relevant to Las Cruces System Performance	
Action 3	Fully Participate in all NMDOT General Office Training for MPO Staff	Throughout
Action 4	Quarterly User Groups	
Action 19	Ongoing Joint Training Activities with El Paso	
Action 20	Bi-Annual Joint Staff Meetings with El Paso	
Action 22	Develop and Implement Internal Training Activities with El Paso	
Action 23	Active Participation in External Training (NMDOT, FHWA, APA)	
Action 24	Active Participation in Conferences, Workshops and Special Events	

Figure 1: Sequence of Recommended Actions for Las Cruces MPO



Near Term Recommendations

Near term recommendations are recommendations that can be initiated, supported and incorporated into the MPO business process within one year of adoption of the action plan. These are actions that are often fully within the authority of the MPO, require relatively little funding and do not require an update to the LRTP cycle or other actions occurring less frequently than once a year. **Table 4** summarizes those actions which the MPO can reasonably expect to accomplish in the first year after implementing the study.

Table 4: Near Term Recommendations of the Las Cruces MPO Action Plan

Recommendation		Initiated By	Supported By	Described In
Action 1	Re-Negotiate JPA Agreement	MPO Policy Board	MPO Staff, NMDOT Staff, Agency Staff	**Section 2-1**
Action 2	Develop Report for MPO Policy Board on Advising Engineer staff role	MPO Director and Staff	MPO Policy Board	**Section 2-2**
Action 5	Change Bylaws to Recognize Ad-Hoc Committees and Task Forces	MPO Policy Board	MPO Staff	**Section 2-4**
Action 6	MBPAC and TAC member reports given by committee members	MPO Director	MPO Policy Board	**Section 2-4**
Action 7	Invitation to FHWA for Annual Address to Policy Board	MPO Director and NMDOT Staff	MPO Policy Board	**Section 2-5**
Action 8A	Amend MPO Bylaws to include NMDOT and Legislative Representation	MPO Policy Board	NMDOT District Engineer	**Section 2-6**
Action 8B	Amend MPO Bylaws to include Legislative Representation	MPO Policy Board	Legislative Representatives	**Section 2-6**
Action 9	Provide MPO a Report on NMDOT Investment Targets	NMDOT General office and District Staff	MPO Staff	**Section 2-6**
Action 11	Include Dona Ana County Financial Participation in JPA Negotiation	MPO Policy Board	Dona Ana County Engineer	**Section 2-7**
Action 17	Annual NMDOT Address to Policy Board on STIP Development	NMDOT General office and District Staff	MPO Staff	**Section 2-9**

Medium Term Recommendations

Medium Term recommendations are recommendations that are likely to require a re-examination of the MPO budget, other agency budgets, UPWP or the LRTP in order to be implemented. Medium term actions may also involve recommendations that require technical research, development of methods and procedures, and time for the MPO to develop an understanding of the new procedures before they can be implemented.

These actions are expected to take between one and five years to implement. **Table 5** summarizes those actions which the MPO can reasonably expect to accomplish in two to five years after adoption of this *Action Plan*.

Table 5: Medium Term Recommendations of the Las Cruces MPO Action Plan

Recommendation		Initiated By	Supported By	Described In
Action 10	Incorporate "Fee for Service" Arrangements to Fund MPO Services	MPO Policy Board	MPO Staff	**Section 2-7**
Action 12	Include "Coordinated Projects" Line Item in UPWP	MPO Staff	Local Agency Staff	**Section 2-7**
Action 13	Define Performance Areas in LRTP	MPO Policy Board	MPO Staff	**Section 2-8**
Action 14	Include Land Use Compatibility as a LRTP Performance Area	MPO Policy Board	MPO Staff	**Section 2-8**
Action 15	Identify Specific Performance Measures in LRTP	MPO Policy Board	MPO Staff	**Section 2-8**
Action 16	Base Key Performance Priorities on LRTP Public Involvement Process	MPO Policy Board	MPO Staff	**Section 2-8**
Action 18	Implement Single Transparent Scoring Process	MPO Policy Board and NMDOT District Staff	MPO Staff and NMDOT General Office Staff	**Section 2-9**
Action 21	Identify El Paso Policies Relevant to Las Cruces System Performance	MPO Staff	El Paso Staff	**Section 2-10**

Ongoing Recommendations

Many recommendations of this study include actions which the MPO is already taking, or can undertake during the near or medium term, but should anticipate continuing to develop over five years as opportunities become available.

While some of the ongoing recommendations do represent policy changes, most are activities which the MPO should continuously seek to carry out and improve in the long term. **Table 6** summarizes those actions which the MPO can reasonably expect to accomplish over five years after adoption of this *Action Plan*.

Table 6: Ongoing Recommendations of the Las Cruces Action Plan

Recommendation		Initiated By	Supported By	Described In
Action 3	Fully Participate in all NMDOT General Office Training for MPO Staff	MPO Director and Staff	NMDOT General Office Staff	**Section 2-3**
Action 4	Quarterly "User Groups"	MPO Director and Staff	Local Agency Staff	**Section 2-3**
Action 19	Ongoing Joint Training Activities with El Paso	Las Cruces and El Paso MPO Staffs	Las Cruces and El Paso MPO Staffs	**Section 2-10**
Action 20	Bi-Annual Joint Staff Meetings with El Paso	MPO Staff	Las Cruces and El Paso MPO Staffs	**Section 2-10**
Action 22	Develop and Implement Internal Training Activities with El Paso	MPO Staff	El Paso MPO Staff, FHWA and NMDOT	**Section 2-10**
Action 23	Active Participation in External Training (NMDOT, FHWA, APA)	MPO Staff	NMDOT, MPO Policy Board	**Section 2-11**
Action 24	Active Participation in Conferences, Workshops and Special Events	MPO Staff	MPO Policy Board	**Section 2-11**

4-2 MONITORING AND EVALUATION

The agencies sponsoring this Las Cruces MPO Location and Structure study are invited to provide oversight and support in the implementation of the recommendations in the near term, medium term and for its ongoing recommendations.

Monitoring and Evaluation in the Near Term

After the study and its recommendations are adopted it is recommended that NMDOT General Office staff, MPO staff and NMDOT District staff meet quarterly in the first year to review progress on the items listed in **Table 4**. At these meetings, staff may identify any unanticipated obstacles in plan implementation and may make suggestions to the Policy Board about actions that can facilitate actualization of the recommendations in the study. If necessary, in these meetings staff may re-categorize recommendations as medium or ongoing actions as appropriate, recommending the policy committee change the anticipated timing of certain implementation elements.

Monitoring and Evaluation in the Medium Term

In the second through the fifth years of the study, NMDOT General Office staff, MPO staff and NMDOT District staff may meet at least bi-annually to review progress on any outstanding items in **Table 4**, as well as the items in **Table 5**. At these meetings, staff may identify any unanticipated obstacles in plan implementation and may make suggestions to the Policy Board about actions that can facilitate actualization of the recommendations in the study. The goal during this period will be to either observe that each recommendation has been implemented, to revise the recommendations based on new knowledge of developments, or to transition the near and medium term policy changes and recommendations into ongoing business practices of the type shown on **Table 6**.

Ongoing Monitoring and Evaluation over Time

Once the policy changes given in the near and medium term recommendations have been implemented, it is recommended that NMDOT General Office staff, the MPO staff and the NMDOT District staff convene annually for an evaluation of how the ongoing practices established through this process are working. This meeting would also entail identifying any new changes that may need to be made, and making any suggestions to the Policy Board deemed appropriate to safeguard the progress made through effective implementation of this study.

V. GLOSSARY OF TERMS AND ACRONYMS

AMPO: Association of Metropolitan Planning Organization

APA: American Planning Association

BPAC: Bicycle and Pedestrian Advisory Committee (To the Las Cruces MPO)

EPMPO: Paso Metropolitan Planning Organization

FHWA: Federal Highway Administration

GIS: Geographic Information Systems

LCMPO: Las Cruces Metropolitan Planning Organization

LRTP: Long-Range Transportation Plan

MPO: Metropolitan Planning Organization

NMDOT: New Mexico Department of Transportation

STIP: Statewide Transportation Involvement Program

TAC: Technical Advisory Committee (to the Las Cruces MPO)

TIP: Transportation Involvement Program

UPWP: Unified Planning Work Program

***For complete information on these and other MPO related terms consult "MPO 101" Booklet*

APPENDIX A: THURSTON REGIONAL PLANNING COUNCIL (Olympia, WA) CASE STUDY

THURSTON REGIONAL PLANNING COUNCIL: A CASE STUDY IN MPO USER FEES

INTRODUCTION

In response to the expressed interest, an additional interview was done with the Thurston Regional Planning Council (TRPC) the designated MPO for the Lacey-Olympia metropolitan area, and the Regional Planning Council (RPC) for the Thurston region.

GENERAL FUNDING

Washington State only gives the TRPC about $80,000 to fulfill MPO functions. PL funds might be sufficient to do bare-bones MPO compliance, but bare-bones not enough for local community or local policy makers--for a number of year's policy makers on the regional council have augmented that with regional STP funds.

The TRPC is financed by a variety of mechanisms. Only a fraction of their budget is actually composed of member dues (about $500,000). The majority of their $3.3 million budget comes from using the member contributions for local matches for federal and state grants, netting about $2.3 million total. Member agencies typically consider it an excellent return on investment. Contracts with member agencies and state departments bring in another $255,000.

MEMBER DUES

Member dues are assessed depending on the type of membership in the regional council. There are 'associate members' with regional interests who wish to be involved in the regional process, but with whom the TRPC does not perform services, who are assessed $1,000 a year. Examples include the Timberland Regional library. Regular members pay dues on a per capita basis, although different members are assessed at different rates. There is a general recognition that smaller partners don't have the same funding capacity as larger partners, and so are assessed at a lower rate. Thurston County pays the full assessment. They also have several organizations that are inter-jurisdictional (a transit agency and a sewer district) that are assessed reduced per-capita rate.

GRANTS

The TRPC spends only a limited amount of time writing grants, perhaps 40 hours a year total. They use PL funds to absorb the cost, and do not charge their member agencies for the service. Some of their smaller member agencies have only 1.5 FTE (Full Time Employee) staff for all tasks, so the TRPC is willing to put a grant together on their behalf. The TRPC has good in-house writing resources and understands grant programs. It also has graphic capabilities to put together supporting maps. For the larger agencies, the RPC provides mapping or editing advice. The RPC does not receive direct financial benefit from helping write the grants—that is part of the benefit members get for paying their dues.

Continued on following page…

THURSTON REGIONAL PLANNING COUNCIL: A CASE STUDY IN MPO USER FEES
(Continued)

Most of the grant-writing time is spent writing grants for programs that the TRPC maintains. There is no county-wide transit agency, so there is an unmet need for rural transit. TRPC identified possible grant sources, wrote applications to secure as many as possible, and used the resulting funds to cobble together a rural mobility program. TRPC contracted for a provider and oversees the contract.

CONTRACTS
TRPC has a long history of providing contract services to its member agencies. It is almost 40 years old. The City of Lacey incorporated only a year before the TRPC did, in the '70s. For many years, a major part of the budget for TRPC was doing planning for Lacey and other cities. At one point, had a huge standing contract with the city of Olympia, providing the equivalent of 3 FTE worth of employee time, doing all the long-range planning, including staffing the planning commission and doing the city's long range plan. This allowed the TRPC to substantially increase the size and capacity of its own staff.

The TRPC once had a much larger role—previously they did all current planning for several agencies. Over the years, as the TRPC's member jurisdictions have grown and developed, many have started to take more planning functions 'in house', the demands on the RPC's staff have been significantly reduced. As a result, there has been staff available to take on more project specific tasks. The TRPC brings in a lot of projects (both contractual and grant-funded) to augment their base program. Without the additional projects, the TRPC would be unable to maintain their staff, of which they have 20.

Contract Structure
Projects are 'costed out' in terms of billable hours required to accomplish them, using the cost of billable time for each staff member involved. The cost of each billable hour is determined using a loaded rate for wages. That rate is determined as a part of the mandatory indirect cost plan that TRPC has to develop every year for WSDOT approval.

Contracting is done on a reimbursement basis. When a scope is accomplished in less time than anticipated, the member agency is not billed for the rest of the funds. Sometimes, member agencies request additional work because the full amount has already been budgeted.

Direct costs for a projected are included in the budget for the project. The TRPC does not charge for regular copies, but when a large number of full-color, multi-page reports are called for in the scope, they will include that in the direct costs.

Contract Tasks
On a contract basis, the TRPC provides corridor studies, development review analysis, concurrency analysis, sub-area plans, master planning, transportation master planning, and corridor analysis. It also does a substantial amount of 'public processes. The TRPC has a contract right now with the city of Olympia and State of Washington to provide public process for a big study. The TRPC is also frequently involved in data processing, GIS, and public process.

Continued on following page…

THURSTON REGIONAL PLANNING COUNCIL:
A CASE STUDY IN MPO USER FEES *(Continued)*

The TRPC staff does not replace FTEs (Full Time Employee) at the agencies, but act as 'adjunct staff' to smaller partners. For larger partners, the TRPC has specialty skills in-house not otherwise available. They supply on-call modeling support for the City of Olympia and Thurston County. In the case of public process, the RPC is a neutral facilitator.

Most of the contractual work the TRPC does seems to be based on its highly developed mapping, graphics, writing, and presentation capability. The TRPC also has extensive GIS capability, although it is careful to avoid overlapping functions with another regional GIS powerhouse, the Thurston County Geodata Center.

Contract Partners
Very little contract work is done for agencies that are not members of the regional planning council. Contract work done for non-members is done either with a state department, (the TRPC has several contracts with the State Department of Administration) or with agencies that could potentially be members of the regional council, such as a non-member Indian tribe within the Regional Planning Council area. The TRPC ties not to compete with the private sector—tries not to do anything a local consultant could be doing. Typically, the TRPC is limited in what role it can play in projects because so many private sector contracts would result in a conflict of interest.

The TRPC has an established partnership with the Thurston Geodata Center. Over the years, each has figured out its own niche. Thurston County develops the base layers such as parcels and wetlands, and has a direct link to the tax assessors' database. TRPC does a great deal of data processing and customized queries of the data on behalf of its member agencies. There are sometimes conflicts, but the Thurston County offices share a parking lot with the TRPC, so staff spend a lot of 'face time' with county personnel, and so issues can be resolved.

Contracting Process
Frequently, agencies come with a concept, and the TRPC adds the details and develops the full scope of work. Other times, a member agency knows exact tasks, and the RPC has only to estimate how long something will take.

The TRPC does not have an explicit budget category for marketing. Most of their contracts come from repeat business and word of mouth advertising from their member agencies. However, this is not the only source of new business--*"We keep their ears open—we're about to start work on an interchange study that is out of the region, but it affects the region, and is exactly the kind of work that the TRPC already does within the region".*

After initial discussions, TRPC staff checks with management to ensure that the tasks fit within the TRPC's scope of responsibility. If so, the TRPC will purse it by following up with the agency, and then put together a scope of work, with a couple of iterations to work out the details.

Continued on following page…

THURSTON REGIONAL PLANNING COUNCIL:
A CASE STUDY IN MPO USER FEES *(Continued)*

TRPC has an estimating template in Excel that allows them to check employee internal availability and time commitments. The project is then structured, including administration time and direct expenses. The final budget is then negotiated.

As part of its ethos of service, TRPC does a lot of outreach to its member jurisdictions, suggesting possible projects, and member jurisdictions frequently approach them either to discuss the cost of a scope or work, or to scope out a possible project.

Due to repeated business, TRPC and its member agencies are familiar with one another's contract language, and there is a high level of trust for TRPC, so there is limited call for additional legal services. TRPC does not have a lawyer on staff, although make take advantage of a County Program that offers limited access to legal services.

DEVELOPMENT

During TRPC's formative years, conditions in the region area resulted in strong demand for planning services. Rather then deferring work to professional consultants TRPC developed a large, highly skilled staff of its own. The TRPC has focused on developing skills in-house that their member agencies do not have. Right now, they do not have a modeling expert, and so are missing opportunities to bring in work.

> *Hiring consultants to do your work gets very expensive. In order to be nimble and flexible, an agency has to be able to do it 'in-house'. An MPO should take serious stock of its own in-house capacity, how much it is able to do yourself versus what has to be contracted out. Being an intermediary does not work—an MPO will need to have skills in-house that member agencies do not, or member agencies will go directly to consultants*
> *– Thera Black, Senior Planner, Thurston Regional Planning Council*

TRPC has been aided in this respect by two factors: Being entrepreneurial and being locally focused. TRPC has succeeded by being focused on the role of being a service provider, and allowing the mix of services provided to change over time as the region it serves has grown and matured. This has meant ceasing to provide certain services, and learning how to provide new ones. That means focusing on unmet needs rather then competing to be a better provider of services. As evinced in the section on the contracting process above, TRPC is always looking for new ways it can provide services to its member agencies. Doing so provides justification for the funds it assesses members for, creates additional projects, and better serves the region.

The local focus is also critical. TRPC policy makers and management are very demanding that policies and programs enacted by the TRPC be very specific to the community, and highly tailored to its specific circumstances. While the staff of TRPC is expected to read trade journals and publications, directly adopting boiler-plate national solutions is not acceptable. By providing locally tailored solutions, this ensures that TRPC provides services that cannot be duplicated by a national consulting firm.

Continued on following page…

Appendix A

THURSTON REGIONAL PLANNING COUNCIL:
A CASE STUDY IN MPO USER FEES *(Continued)*

By providing locally tailored solutions, this ensures that TRPC provides services that cannot be duplicated by a national consulting firm.

Money is a resource, not a solution. The Thurston Regional Planning Council does well not because of its large budget, but because of its disciplined and dedicated staff.

> *The staff at the TRPC is way over-worked. Community and policy makers have high expectations of them, and TRPC staff has higher ones of themselves. The staff had a general sentiment that: "The only thing worse then being overworked is being underworked, or not working at all". The TRPC attract that kind of person, and those people tend to stay with the agency.*
> *– Thera Black, Senior Planner, Thurston Regional Planning Council*

Faced with declining demand for planning services as their more highly developed member jurisdictions took more functions 'in-house', the TRPC faced a funding crisis. But rather than cut staff, it elected to re-purposes itself, becoming both a provider of specialty planning services, and as an impartial coordinating entity between different agencies within its jurisdiction.

CONCLUSION
TRPC has been successful at obtaining funding through contracting because it maintains a close working relationship with multiple member entities that mixes an expert local knowledge with a reputation for impartiality. Its eagerness to serve its member jurisdictions both justifies the cost of member assessments and provides a mechanism by which it can suggest potential projects.

Appendix B: Georgia Regional Transportation Case study on Performance Measurement

GEORGIA REGIONAL TRANSORTATION AUTHORITY (GRTA)
A CASE STUDY IN PERFORMANCE MEASUREMENT (Recommended by FHWA)

Excerpt from GRTA 2008 Metropolitan Atlanta Performance Report (GRTA, 2008)
Pages 34-37

The Atlanta Transportation Performance Index synthesizes a number of different Factors reflecting roadway, transit, safety and air quality performance measures. This Composite index is a single measure that tracks the state of the metropolitan Atlanta Transportation system, similarly to the way the temperature is the main weather-related Measure system are improving or worsening. The main advantage of the transportation performance index is that it minimizes
the number of measures reported.

The Atlanta transportation performance index is obtained by employing the weighted sum model. A composite index is produced based on 12 input measures weighted by their relative importance. The composite transportation performance index consists of four basic indices—Roadway services index, Roadway safety index, Roadway emissions index, and Transit services index—tracking separately important performance aspects of roadway and transit services. Each of these indices is normalized to a 100 scale for the base 2002 year for ease of presentation. An index number of more than 100 indicates improvement over the base year.

The composite transportation performance index is not published in this year's report due to the ongoing reassessment of the weights of the four basic indices being conducted by the transportation agencies in the Atlanta region.

The four transportation performance indices help the region understand whether the different aspects of the region's transportation system are improving or worsening. On the positive side, the roadway emissions index stands at 134.4 in 2006, an improvement of more than one-third over the 2002 base year. The transit services across the region also show an improvement with a 2006 index value of 105.0. The roadway services index and the roadway safety index lower the transportation system's performance with values of 93.8 and 86.5 for 2006, respectively.