

1 RESOLUTION

2 of the

3 METROPOLITAN TRANSPORTATION BOARD

4 of the

5 MID-REGION COUNCIL OF GOVERNMENTS OF NEW MEXICO

6 (R-12-12 MTB)

7 **CONCURRING THAT RIO METRO REGIONAL TRANSIT DISTRICT BE ADDED AS**  
8 **AN ADDITIONAL DESIGNATED RECIPIENT OF FTA SECTION 5307 FORMULA**  
9 **FUNDS FOR THE ALBUQUERQUE URBANIZED AREA AND THE DIRECT**  
10 **RECIPIENT OF THE FTA SECTION 5307 FUNDS APPORTIONED FOR THE LOS**  
11 **LUNAS URBANIZED AREA**

12  
13 WHEREAS, the United States Department of Transportation, Federal Transit  
14 Administration (FTA) apportions Section 5307 funds to "Designated Recipient(s)" in  
15 urbanized areas 200,000 and over in population (Transportation Management Areas,  
16 (TMA)) based on formula; and

17 WHEREAS, the United States Department of Transportation, FTA apportions  
18 Section 5307 funds to the State, as the "Designated Recipient", in urbanized areas  
19 under 200,000 in population based on formula; and

20 WHEREAS, a "Designated Recipient" is defined in 49 U.S.C. Section 5307(a)(2)  
21 as:

- 22 1. An entity designated, in accordance with the planning process under section  
23 5303, 5307, and 5306, by the chief executive officer of the a State, responsible  
24 local officials, and publicly owned operators of public transportation, to receive

25 and apportion amounts under section 5336 that are attributable to Transportation  
26 Management Areas (TMA) identified under section 5336; or

27 2. A State or regional authority if the authority is responsible under the laws of a  
28 State for capital projects and for financing and directly providing public  
29 transportation

30 WHEREAS, the United States Census Bureau has designated two urbanized  
31 areas within the Rio Metro Regional Transit District, the Albuquerque Urbanized Area  
32 and the Los Lunas Urbanized Area; and

33 WHEREAS, the City of Albuquerque, the Rio Metro Regional Transit District, the  
34 Mid-Region Council of Governments and the Mid-Region Metropolitan Planning  
35 Organization entered into a Memorandum of Agreement on January 21, 2011 that  
36 defines the transit planning and programming relationship between the parties, including  
37 the programming of FTA Section 5307 funds into the Transportation Improvement  
38 Program; and

39 WHEREAS, the FTA Section 5307 funds apportioned to the Albuquerque  
40 Urbanized Area are determined based on population and population density of the  
41 Albuquerque Urbanized Area and a combination of bus revenue vehicle miles, bus  
42 passenger miles, fixed guideway revenue vehicle miles, and fixed guideway route miles  
43 statistics derived from both the City of Albuquerque Transit Department operations and  
44 the Rio Metro Regional Transit District operation including the operation of the New  
45 Mexico Rail Runner Express commuter train; and

46 WHEREAS, the City of Albuquerque Transit Department is currently the  
47 "Designated Recipient" of all FTA Section 5307 funds for the Albuquerque Urbanized  
48 Area, including those funds attributable to the New Mexico Rail Runner Express  
49 commuter train; and

50 WHEREAS, Federal Regulations allow for more than one “Designated Recipient”  
51 of FTA Section 5307 funds in an Urbanized Area; and

52 WHEREAS, the Rio Metro Regional Transit District desires to be designated as  
53 an additional “Designated Recipient” of FTA Section 5307 funds for the Albuquerque  
54 Urbanized Area; and

55 WHEREAS, the State of New Mexico is the “Designated Recipient” of FTA  
56 Section 5307 funds for Urbanized Areas under 200,000 in population including the Los  
57 Lunas Urbanized Area; and

58 WHEREAS, FTA Section 5307 funds apportioned for the Los Lunas Urbanized  
59 Area to the State of New Mexico will be based on population density of the Los Lunas  
60 Urbanized Area; and

61 WHEREAS, the Rio Metro Regional Transit District desires to be designated as  
62 the “Direct Recipient” of Section 5307 funds apportioned for the Los Lunas Urbanized  
63 Area; and

64 WHEREAS, the Albuquerque Urbanized Area is within the Albuquerque  
65 Metropolitan Planning Area of the Mid-Region Council of Governments Metropolitan  
66 Planning Organization; and

67 WHEREAS, Valencia County which includes the entire Los Lunas Urbanized  
68 Area, will be included in the Albuquerque Metropolitan Planning Area of the Mid-Region  
69 Council of Governments Metropolitan Planning Organization; and

70 WHEREAS, the Albuquerque Metropolitan Planning Area is a Transportation  
71 Management Area (TMA) with a population exceeding 200,000; and

72 WHEREAS, the Rio Metro Regional Transit District is a public entity with the  
73 legal capacity to perform the functions of a “Designated Recipient” and “Direct  
74 Recipient” for FTA Grants; and

75 WHEREAS, the Rio Metro Regional Transit District passed R-13-4 RMRTD at  
76 their September 12, 2012 Board of Directors meeting requesting that Rio Metro  
77 Regional Transit District be added as an additional "Designated Recipient" for the  
78 Albuquerque Urbanized area and a "Direct Recipient" for the Los Lunas Urbanized area;  
79 and

80 WHEREAS, R-13-4 RMRTD included the following language in the resolving  
81 clause of the resolution:

82 *NOW, THEREFORE, BE IT RESOLVED BY THE RIO METRO REGIONAL*  
83 *TRANSIT DISTRICT BOARD OF DIRECTORS THAT:*

- 84 *1. The Board requests the Metropolitan Transportation Board of the Mid-*  
85 *Region Council of Governments Metropolitan Planning Organization to*  
86 *approve a resolution of concurrence designating the Rio Metro Regional*  
87 *Transit District as a "Designated Recipient" of those Section 5307 funds*  
88 *apportioned to the Albuquerque Urbanized Area which are derived from*  
89 *operations of the New Mexico Rail Runner Express as reported to the*  
90 *National Transit Database, and as the "Direct Recipient" of Section 5307*  
91 *funds apportioned to the Los Lunas Urbanized Area; and*
- 92 *2. The Board requests the City of Albuquerque, as a provider of publicly*  
93 *owned transportation services in the Albuquerque Urbanized Area, to*  
94 *provide a letter of concurrence designating the Rio Metro Regional Transit*  
95 *District as a "Designated Recipient" of FTA Section 5307 funds for the*  
96 *Albuquerque Urbanized Area derived from operations of the New Mexico*  
97 *Rail Runner Express as reported to the National Transit Database*
- 98 *3. The Board requests the New Mexico Department of Transportation working*  
99 *with the Governor of the State of New Mexico to:*

- 100           a. *Obtain an Opinion of Counsel certifying that the Rio Metro Regional Transit*  
101                 *District has legal capacity to perform the function of Designated Recipient*  
102                 *and Direct Recipient*
- 103           b. *Designate the Rio Metro Regional Transit District as an additional*  
104                 *Designated Recipient of FTA Section 5307 funds for the Albuquerque*  
105                 *Urbanized Area for FTA 5307 funds derived from operations of the New*  
106                 *Mexico Rail Runner Express and as the Direct Recipient of FTA Section*  
107                 *5307 funds for the Los Lunas Urbanized Area*
- 108           c. *Provide the necessary notification to the FTA Region VI Administrator to*  
109                 *cause the designations to be in effect.*
- 110           4. *The Board agrees to be the recipient of such funds noted above, and*  
111                 *accepts the responsibility and authority to file and execute any Federal*  
112                 *Transit Administration grants and agreements and to perform all other*  
113                 *necessary functions required of a recipient of Federal Transit*  
114                 *Administration grants and funds, and further delegates that responsibility*  
115                 *and authority to the Director of the Rio Metro Regional Transit District.*

116           WHEREAS, This Metropolitan Transportation Board resolution provides the  
117           concurrence of the Mid-Region Metropolitan Planning Organization as requested in  
118           section 1 of resolving clause of R-13-4 RMRTD passed by the Rio Metro Regional  
119           Transit District; and

120           WHEREAS, in order for the Rio Metro Regional Transit District to become an  
121           additional “Designated Recipient” of FTA Section 5307 funds for the Albuquerque  
122           Urbanized Area and a “Direct Recipient” of FTA Section 5307 funds for the Los Lunas  
123           Urbanized Area, the following is required:

124 The designation becomes effective when the Chief Executive Officer of the State  
125 officially notifies the appropriate FTA regional administrator in writing of that  
126 designation, and remains in effect until changed by the Chief Executive Officer of the  
127 State by official written notice of re-designation to the appropriate FTA regional  
128 administrator.

- 129 1. For TMAs, the written notice must include:
  - 130 a. A letter expressing the Governor's concurrence, and
  - 131 b. Documentation of concurrence in the selection of the designated  
132 recipient by the providers of publicly owned transportation services in  
133 the Urbanized Area, and an appropriately certified resolution of the  
134 Metropolitan Planning Organization certifying the designation
- 135 2. For Areas under 200,000 in population that are not included in a TMA, the  
136 state does not need to notify FTA if the Governor chooses to retain Designated  
137 Recipient Status. Alternatively, the Governor may choose to designate one or  
138 more local recipients for each of these areas, or may delegate authority to  
139 another State agency. That agency may, in turn, designate individual local  
140 recipients for each area to receive funds. In each instance, the Governor must  
141 document such delegation and designation by letter to FTA.
- 142 3. For each Designated Recipient, the State must submit an Opinion of Counsel  
143 certifying the entity's legal capacity to perform the function of designated  
144 recipient.

145 NOW, THEREFORE, BE IT RESOLVED by the Metropolitan Transportation Board  
146 (MTB) of the Mid-Region Council of Governments the following:

- 147 1). The MTB concurs with the designation of the Rio Metro Regional Transit  
148 District as an additional "Designated Recipient" of those Section 5307 funds

149 apportioned to the Albuquerque Urbanized Area which are derived from operations of  
150 the New Mexico Railrunner Express as reported to the National Transit Database; and

151 2). The MTB concurs with the designation of the Rio Metro Regional Transit  
152 District as the "Direct Recipient" of the Section 5307 funds, which are apportioned to the  
153 Governor of the State of New Mexico as the designated recipient, for the Los Lunas  
154 Urbanized Area; and

155 3). The MTB requests the Governor of New Mexico issue a letter of concurrence  
156 of such actions to the regional administrator of the Federal Transit Administration,  
157 Region VI; and

158 4). The MTB directs staff to list in the Transportation Improvement Program (TIP)  
159 all Section 5307 funds in a manner which distinguishes the funds of the two recipients  
160 (City of Albuquerque and Rio Metro Regional Transit District) and to prepare, in  
161 accordance with 23 CFR 450, any TIP amendments and administrative modifications  
162 which may be necessary.

163 PASSED, APPROVED, AND ADOPTED this 16<sup>th</sup> day of November 2012 by the  
164 Metropolitan Transportation Board of the Board of Directors of the Mid-Region Council  
165 of Governments of New Mexico.

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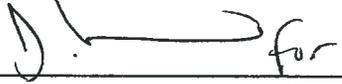
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ATTEST:

  
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Dewey V. Cave, Executive Director  
Mid-Region Council of Governments

  
\_\_\_\_\_  
Isaac Benton, Chair  
Metropolitan Transportation Board