



METROPOLITAN TRANSPORTATION BOARD

Friday, June 19, 2020
10:00 a.m.-11:00 a.m.

809 Copper Avenue N.W., Albuquerque, NM 87102

Instructions for joining the meeting via Zoom are at the bottom of this page.

Jack Torres, *Chair*

Vacant, *Vice Chair*

AGENDA

Call to Order

A roll-call of those in attendance will be done. The presence of a quorum will be noted.

Approval of Agenda for June 19, 2020

Approval of the previous Action Summaries deferred until public health emergency is over.

PUBLIC COMMENTS AND REPORTS

Public Comments.

Anyone wishing to address the MTB must join via Zoom.

Reports

ACTION ITEMS

Tab 1 **Election of Vice Chair of the Metropolitan Transportation Board**

Tab 2 **Amending the FFY 2020-2025 TIP**
R-20-04 MTB

Tab 3 **Adopting the Unified Planning Work Program (UPWP) for Transportation Planning in the Albuquerque Metropolitan Planning Area for Federal Fiscal Years 2021 and 2022**
R-20-05 MTB

Tab 4 **Approval of the Open Meetings Resolution**
R-20-06 MTB

Adjournment (A motion to adjourn is not necessary.)

**Next Meeting: Friday, July 17, 2020, 10:00 a.m. - 11:00 a.m.
MRCOG Board Room or Via Teleconference**

Anyone requiring special accommodations is requested to notify the MRCOG at (505) 247-1750 or email bthomas@mrcog-nm.gov seven days prior to the meeting.

Join Zoom Meeting

<https://zoom.us/j/93573615850?pwd=SFNGYm9vZ294Ym9VNjNBNy9VZTFEUT09>

Meeting ID: 935 7361 5850

Password: 018520

Tab 2

R-20-04 MTB
Amending the
FFY 2020-2025 Transportation Improvement Program (TIP)

Background: The requests for amendments to the current Transportation Improvement Program (TIP), for the AMPA come from various entities. These amendments to the TIP have been requested as part of the quarterly amendment cycle.

MPO Staff Recommendation: **All proposals meet the qualifications for a TIP Amendment and are consistent with *Connections 2040 Metropolitan Transportation Plan (2040 MTP)*.**

Public Comment:

The amendment has been posted for the MPO's 15-day public review period. Any comments received will be presented at the meeting.

TPTG Recommendation:

This amendment was reviewed at the last meeting of the Transportation Program Technical Group (TPTG) and the amendment is recommended for approval.

TCC Recommendation:

This amendment was reviewed at the last meeting of the Transportation Coordinating Committee (TCC) and the amendment is recommended for approval.

1 RESOLUTION

2 of the

3 METROPOLITAN TRANSPORTATION BOARD

4 of the

5 MID-REGION METROPOLITAN PLANNING ORGANIZATION

6 Division of the

7 MID-REGION COUNCIL OF GOVERNMENTS OF NEW MEXICO

8 (R-20-04 MTB)

9 **AMENDING THE FFY 2020-2025 TIP**
10 **TO ACCOMMODATE VARIOUS CHANGES**
11

12 WHEREAS, the FFY 2020-2025 Transportation Improvement Program (TIP) is
13 the TIP for the Albuquerque Metropolitan Planning Area (AMPA) and has been
14 reviewed for conformity in conjunction with the *Futures 2040, Metropolitan*
15 *Transportation Plan* and became effective October 1, 2019; and

16 WHEREAS, the TIP must contain all federally-funded transportation projects in
17 the metropolitan transportation planning area prior to the distribution of funds to those
18 projects; and

19 WHEREAS, the TIP must contain all regionally significant projects in the
20 metropolitan transportation planning area regardless of the source of funding; and

21 WHEREAS, the TIP may be revised in accordance with 23 CFR part 450.328.

22 NOW THEREFORE BE IT RESOLVED by the Metropolitan Transportation Board
23 of the Mid-Region Metropolitan Planning Organization, a division of the Mid-Region
24 Council of Governments of New Mexico, that the FFY 2020-2025 TIP for the
25 Albuquerque Metropolitan Planning Area is revised to reflect the changes as set out in

26 ATTACHMENT A.

27 AND BE IT FURTHER RESOLVED, the Metropolitan Transportation Board, in
28 accordance with 23 CFR 450.336, certifies that the transportation planning process is
29 being conducted in accordance with all applicable requirements of:

- 30 a). fiscal constraint required in 23 CFR 450;
- 31 b). 23 U.S.C. 134 and 135, 49 U.S.C. Section 5303 through 5306 and 5323(1)
32 and 23 U.S.C. 450.220;
- 33 c). Sections 174 and 176(c) and (d) of the Clean Air Act as amended (42 U.S.C.
34 7504, 7506(c) and (d) and 40 CFR part 93;
- 35 d). Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d-1) and
36 49 CFR part 21 and the Title VI assurance executed by each State under
37 23 U.S.C. 324 and 29 U.S.C. 794;
- 38 e). 49 U.S.C. 5332, prohibiting discrimination on the basis of race, color, creed,
39 national origin, sex, or age in employment or business opportunity;
- 40 f). Section 1101(b) of the Transportation Equity Act for the 21st Century (Pub. L.
41 105-178) regarding the involvement of Disadvantaged Business
42 Enterprises in FHWA and FTA funded planning projects (Sec. 105(f),
43 Pub. L. 97-424, 96 Stat. 2100; 49 CFR, Subtitle A, Part 26);
- 44 g). 23 CFR part 230, regarding the implementation of an equal employment
45 opportunity program on Federal and Federal-aid highway construction
46 contracts;
- 47 h). The provisions of the Americans with Disabilities Act of 1990 (Pub. L. 101-
48 336, 104 Stat. 327, as amended) and U. S. DOT implementing regulation;
- 49 i). The Older Americans Act, as amended (42 U.S.C. 6101), prohibiting

- 50 discrimination on the basis of age in programs or activities receiving
51 Federal financial assistance;
- 52 j). Section 324 of title 23 U.S.C. regarding the prohibition of discrimination based
53 on gender; and
- 54 k). Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and 49 CFR
55 part 27 regarding discrimination against individuals with disabilities;
- 56 l). The provision of 49 U.S.C. Part 20 regarding restrictions on influencing certain
57 activities;
- 58 m). 23 CFR 490, Final Rule on the Highway Safety Improvement Program;
- 59 n). 23 CFR 490 Subpart C, National Performance Management Measures for
60 Assessing Pavement Condition;
- 61 o). 23 CFR 490 Subpart D, National Performance Management Measures for
62 Assessing Bridge Condition;
- 63 p). 23 CFR 490, Final Rule on System Performance, Freight, and Congestion
64 Mitigation Air Quality (CMAQ);
- 65 q). 49 CFR 625, Transit Asset Management; and
- 66 r). 23 CFR 450.326(d), Linking the TIP to the MTP and Performance Targets.

67 PASSED, APPROVED, AND ADOPTED this 19th day of June 2020 by the
68 Metropolitan Transportation Board of the Mid-Region Metropolitan Planning
69 Organization, a division of the Mid-Region Council of Governments of New Mexico.

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71 _____
72 ATTEST: Jack Torres, Chairperson
73 Metropolitan Transportation Board

74 _____
75 Dewey V. Cave
76 Executive Director, Mid-Region Council of Governments
77 Executive Director, Mid-Region Metropolitan Planning Organization

R-20-05 MTB
Unified Planning Work Program
for Transportation Planning
for the Albuquerque Metropolitan Planning Area
for Federal Fiscal Years 2021 and 2022

Action Requested

Approval of the Unified Planning Work Program (UPWP).

Background

Federal laws and regulations require an annual or biannual Unified Planning Work Program (UPWP) for the Albuquerque Metropolitan Planning Area that describes current transportation planning activities and those scheduled for the coming fiscal year. Estimates of the planning funds expected to be available, as well as money for UPWP programs funded through other sources are included in the UPWP document.

The resolution takes the following actions:

- adopts the UPWP for both FFY 2021 and FFY 2022
- authorizes the MPO Administrator and MRCOG Executive Director
 - to submit the final UPWP to the New Mexico State Department of Transportation, the Federal Highway Administration and the Federal Transit Administration
 - to execute the required contracts necessary to implement the UPWP

The UPWP has been posted for agency and public review and comment. Comments were addressed and minor revisions were made (typos and clarification).

Staff Recommendation

The MPO Administrator recommends adoption of this UPWP.

TCC Recommendation

The Transportation Coordinating Committee (TCC) recommends adoption of this UPWP.

1 RESOLUTION

2 of the

3 METROPOLITAN TRANSPORTATION BOARD

4 of the

5 MID-REGION METROPOLITAN PLANNING ORGANIZATION

6 division of the

7 MID-REGION COUNCIL OF GOVERNMENTS OF NEW MEXICO

8 (R-20-05 MTB)

9 **ADOPTING THE UNIFIED PLANNING WORK PROGRAM (UPWP) FOR TRANSPORTATION**
10 **PLANNING IN THE ALBUQUERQUE METROPOLITAN PLANNING AREA FOR**
11 **FEDERAL FISCAL YEARS 2021 AND 2022**
12

13 WHEREAS, the Mid-Region Council of Governments (MRCOG) is the designated
14 Metropolitan Planning Organization (MPO) for the Albuquerque Metropolitan Planning Area
15 (AMPA); and

16 WHEREAS, the Mid-Region Metropolitan Planning Organization (MRMPO) is a division
17 of MRCOG established to conduct all metropolitan planning activities under 23 CFR 450; and

18 WHEREAS, the Metropolitan Transportation Board (MTB) is the governing body for the
19 Mid-Region Metropolitan Planning Organization; and

20 WHEREAS, federal laws and regulations require an annual or biannual Unified Planning
21 Work Program that describes current transportation planning activities and those scheduled for
22 the coming fiscal period; and

23 WHEREAS, the NMDOT and the state's metropolitan planning organizations have
24 agreed to develop two-year work programs; and

25 WHEREAS, a UPWP for FFY 2021 and 2022 has been prepared by the MPO staff in
26 cooperation with representatives of various agencies including the New Mexico Department of
27 Transportation, the City of Albuquerque Transit Department and the Rio Metro Regional Transit
28 District; and

29 WHEREAS, the subject UPWP has been reviewed by the Metropolitan Transportation
30 Board's Transportation Coordinating Committee; and

31 WHEREAS, the MTB is responsible for all policies, budget, and related work programs
32 of the Mid-Region Metropolitan Planning Organization, including the UPWP for transportation
33 planning in the AMPA,

34 NOW, THEREFORE BE IT RESOLVED by the Metropolitan Transportation Board of the
35 Mid-Region Metropolitan Planning Organization that:

36 1. The Unified Planning Work Program (UPWP) for Federal Fiscal Years 2021 and 2022
37 is adopted.

38 2. The MPO Administrator of the Mid-Region Metropolitan Planning Organization is
39 authorized to submit the final Unified Planning Work Program to the New Mexico Department of
40 Transportation and the U.S. Department of Transportation's Federal Highway Administration
41 and Federal Transit Administration.

42 3. The Executive Director of the Mid-Region Council of Governments is authorized to
43 execute the required contracts necessary to implement the Unified Planning Work Program for
44 the Albuquerque Metropolitan Planning Area.

45 PASSED, APPROVED, AND ADOPTED this 19th day of June 2020 by the Metropolitan
46 Transportation Board of the Mid-Region Metropolitan Planning Organization, a division of the
47 Mid-Region Council of Governments of New Mexico.

48
49 ATTEST: _____
Jack Torres, Chairperson
Metropolitan Transportation Board
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51 _____
52 Dewey V. Cave
53 Executive Director Mid-Region Council of Governments
54 Executive Director, Mid-Region Metropolitan Planning Organization

1 RESOLUTION

2 of the

3 METROPOLITAN TRANSPORTATION BOARD

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5 MID-REGION METROPOLITAN PLANNING ORGANIZATION

6 Division of the

7 MID REGION COUNCIL OF GOVERNMENTS OF NEW MEXICO

8 (R-20-06 MTB)

9 **OPEN MEETINGS RESOLUTION**

10 WHEREAS, the Metropolitan Transportation Board is the governing body of the
11 Mid-Region Metropolitan Planning Organization, a division of the Mid-Region Council of
12 Governments; and

13 WHEREAS, Section 10-15-1(B) of the Open Meetings Act (Sections 10-15-1
14 through 10-15-4 NMSA 1978) states that all meetings of a quorum of members of any
15 board, commission, administrative adjudicatory body, or other policy making body of
16 any state agency, any agency or authority of any county, municipality, district, or any
17 political subdivision, held for the purpose of formulating public policy, including the
18 development of personnel policy, rules, regulations or ordinances, discussing public
19 business or for the purpose of taking any action within the authority of or the delegated
20 authority of any board, commission or other policymaking body are declared to be public
21 meetings open to the public at all times, except as otherwise provided in the constitution
22 of New Mexico or the Open Meetings Act. No public meeting, once convened, that is

33 otherwise required to be open pursuant to the Open Meetings Act shall be closed or
34 dissolved into small groups or committees for the purpose of permitting the closing of
35 the meeting; and

36 WHEREAS, Section 10-15-1 (C) allows a public body to provide members of a
37 public body to participate in a meeting of the public body by means of a conference
38 telephone or other similar communicating equipment when it is otherwise difficult or
39 impossible for the member to attend the meeting in person, provided that each member
40 participating, by conference telephone can be identified when speaking, all participants
41 are able to hear each other at the same time and members of the public attending the
42 meeting are able to hear any member of the public body who speaks during the
43 meeting; and

44 WHEREAS, Section 10-15-1(D) of the Open Meetings Act requires the Board of
45 Directors of the Mid Region Council of Governments (MRCOG) of New Mexico to
46 determine annually what constitutes reasonable notice of its public meetings; and

47 WHEREAS, Section 10-15-4 of the Open Meetings Act provides that all
48 provisions of the Open Meetings Act shall be enforced by the attorney general or by the
49 district attorney in the county of jurisdiction. However, nothing in that act shall prevent
50 an individual from independently applying for enforcement through the district courts,
51 provided that the individual first provides written notice of the claimed violation to the
52 public body and that the public body has denied or not acted on the claim within fifteen
53 days of receiving it. A public meeting held to address a claimed violation of the Open
54 Meetings Act shall include a summary of comments made at the meeting at which the
55 claimed violation occurred; and

56 WHEREAS, Section 10-15-4(c) of the Open Meetings Act provides that the
57 district courts of the state shall have jurisdiction, upon the application of any person to
58 enforce the purpose of the Open Meetings Act, by injunction, mandamus or other
59 appropriate order. The court shall award costs and reasonable attorney fees to any
60 person who is successful in bringing a court action to enforce the provisions of the Open
61 Meetings Act. If the prevailing party in a legal action brought under this section is a
62 public body defendant, it shall be awarded court costs. A public body defendant that
63 prevails in court action brought under this section shall be awarded its reasonable
64 attorney fees from the plaintiff if the plaintiff brought the action without sufficient
65 information and belief that good grounds supported it.

66 NOW, THEREFORE, BE IT RESOLVED by the Metropolitan Transportation
67 Board, of the Mid-Region Metropolitan Planning Organization, a division of the Mid
68 Region Council of Governments of New Mexico, that:

- 69 1. Regular meetings of the Metropolitan Transportation Board, and the
70 Transportation Coordinating Committee, shall ordinarily be held as
71 established by the individual boards at their last meeting of the calendar
72 year. For the purposes of regular meetings, notice requirements are met if
73 notice of the date, time, place, and information on how the public may
74 obtain an agenda, is placed as a legal notice in newspapers of general
75 circulation in the state at least ten (10) days in advance of the meeting
76 date. Written notice shall also be mailed to those broadcast stations
77 licensed by the Federal Communications Commission and newspapers of
78 general circulation which have made a written request of the MRCOG for

- 79 notice of public meetings. A proposed agenda will be posted in the offices
80 of the MRCOG one week before the meeting, located at 809 Copper Ave.
81 NW, Albuquerque, New Mexico; and will be available on the MRCOG
82 website at www.mrcog-nm.gov one week before the meeting; and
- 83 2. The final agenda and all supporting documents will be available in the
84 offices of the MRCOG not less than seventy-two (72) hours prior to the
85 meeting; and will be posted on the MRCOG website at [www.mrcog-](http://www.mrcog-nm.gov)
86 [nm.gov](http://www.mrcog-nm.gov) not less than seventy-two (72) hours before the meeting; and
- 87 3. Up to three (3) members of the Metropolitan Transportation Board, and
88 the Transportation Coordinating Committee, may participate by
89 conference telephone in any meetings that are held in the MRCOG
90 Conference Room; and
- 91 4. Special meetings of the Metropolitan Transportation Board, and the
92 Transportation Coordinating Committee may be called by the Chairman or
93 a majority of the members upon three (3) days notice. For the purposes of
94 special meetings, notice requirements shall be met by posting notices in
95 the offices of the MRCOG. Facsimile notice of such meetings shall be
96 provided to those broadcast stations licensed by the Federal
97 Communications Commission and newspapers of general circulation that
98 have made a written request of the MRCOG for notice of public meetings;
99 and
- 100 5. Emergency meetings of the Metropolitan Transportation Board, and the
101 Transportation Coordinating Committee are meetings called under circum-

102 stances which demand immediate action by those boards. Although the
103 boards would avoid emergency meetings whenever possible, such
104 circumstances may occasionally arise. Emergency meetings of those
105 boards may be called by the Chairman or a majority of the members upon
106 twenty-four (24) hours notice. For the purposes of emergency meetings,
107 notice requirements shall be met by posting notices in the offices of the
108 MRCOG. Facsimile notice of such meetings shall be provided to those
109 broadcast stations licensed by the Federal Communications Commission
110 and newspapers of general circulation that have made a written request of
111 the MRCOG for notice of public meetings; and

112 6. Pursuant to Section 10-15-1(H)(I) NMSA 1978, the Metropolitan
113 Transportation Board, and the Transportation Coordinating Committee
114 may close a meeting to the public if the subject matter of such discussion
115 or action is included in Subsection I of the Open Meetings Act, Section 10-
116 15-1 NMSA 1978. If any such board meeting is closed pursuant to
117 Section 10-15-1(H)(I) NMSA 1978, such closure:

118 (a) if made in an open meeting, shall be approved by a majority vote of
119 a quorum of the members of such board and authority for the
120 closure and subject to be discussed shall be stated in the motion
121 calling for the vote on a closed meeting. The vote on a closed
122 meeting shall be taken in an open meeting and the vote of each
123 individual member is to be recorded in the minutes. Only those
124 subjects announced or voted upon prior to closure by such board

125 may be discussed in a closed meeting; and
126 (b) if called for when such boards are not in an open meeting, the
127 closed meeting shall not be held until public notice, appropriate
128 under the circumstances, stating the specific provision of law
129 authorizing the closed meeting and subject matter is given to the
130 members and to the general public; and
131 6. Notwithstanding any provision, the Chairman may establish such
132 additional notice as may be deemed advisable.

133 PASSED, ADOPTED, AND APPROVED this 19th day of June 2020 by the
134 Metropolitan Transportation Board of the Mid-Region Metropolitan Planning
135 Organization a division of the Mid Region Council of Governments of New Mexico.

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137 _____
138 Jack Torres, Chairperson
139 Metropolitan Transportation Board
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141
142 ATTEST:

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144 _____
145 Dewey V. Cave
146 Executive Director, Mid-Region Council of Governments
147 Executive Director, Mid-Region Metropolitan Planning Organization
148