



## **Santa Fe Metropolitan Planning Organization**

*"Promoting Interconnected Transportation Options"*



# **Santa Fe MPO Transportation Policy Board**

**Thursday, August 23, 2018**

**5:00 P.M.**

*City of Santa Fe Offices @ Market Station  
500 Market Street, Suite 200, Santa Fe, NM*

(Map: <http://tinyurl.com/l6kejeq>)

## **AGENDA**

**CALL to ORDER**

**ROLL CALL**

**APPROVAL of AGENDA**

**APPROVAL of MINUTES:** *June 28, 2018*

**A. MATTERS FROM THE PUBLIC**

**B. PUBLIC HEARING**

1. Approval of Amendment 4 to the FFYs 2018-2023 Transportation Improvement Program – *MPO Staff*

**C. ITEMS for DISCUSSION and POSSIBLE ACTION:**

1. Approval of Title VI Plan – *MPO Staff*
2. Update on Transportation Improvement Program (TIP) Projects – *MPO Staff*

**D. MATTERS FROM THE MPO STAFF**

**E. MATTERS FROM THE SFMPO TRANSPORTATION POLICY BOARD**

**F. MATTERS FROM THE NMDOT AND FHWA**

**G. ADJOURNMENT** – Next Scheduled Meeting September 27, 2018

*Persons with disabilities in need of accommodations, please contact the City Clerk's office at 955-6520, five (5) working days prior to the meeting date.*

**RECEIVED AT THE CITY CLERK'S OFFICE**

**DATE:** 8/14/18

**TIME:** 4:29 PM

SANTA FE MPO TRANSPORTATION POLICY BOARD  
MEETING INDEX  
August 23, 2018

Item		Page
Call to Order	Commissioner Ed Moreno, Chair of the Santa Fe MPO Transportation Policy Board called the meeting to order at 5:03 p.m. at the City of Santa Fe Market Station Offices.	1
Roll Call	A quorum was established with roll call.	1
Approval of Agenda	Ms. Haas moved to approve the agenda as presented with a second from Mr. Escudero which passed by voice vote.	1
Approval of Minutes from the June 28, 2018	<p>Ms. Haas moved to approve the minutes of June 28, 2018 with a second from Mr. Escudero which passed by voice vote. <i>Commissioner Hansen was not in the room at the time of the approval and has minor changes.</i></p> <p>Ms. Haas moved to reconsider the previous motion for approval and allow for changes, with a second from Mr. Escudero which passed by voice vote.</p> <p><b>CORRECTIONS/CHANGES:</b> Page 5 last paragraph <del>NDMOT's</del> change to NMDOT's Page 6, fourth paragraph <del>I-25</del> change to I-25</p> <p>Commissioner Hansen moved to approve the minutes as amended with a second from Mr. Escudero which passed by voice vote.</p>	1,2
A.) MATTERS FROM THE PUBLIC	Discussion Only	2
B.) PUBLIC HEARING: 1. Approval of Amendment 4 to the FFYs 2018-2023 TIP	Commissioner Hansen moves to approve Amendment 4 to the TIP FFYs 2020-2023, with a second from Ms. Haas which passed by voice vote.	2-5
C.) ITEMS FOR DISCUSSION and POSSIBLE ACTION 1. 1. Approval of Title VI Plan 2. Update on TIP Projects	<p>Commissioner Hansen moved to table this item until the changes are made with a second from Councilor Rivera which passed by voice vote.</p> <p>Discussion Only</p>	<p>5</p> <p>6</p>
MATTERS FROM MPO STAFF	Discussion Only	6
MATTERS FROM THE SFMPO TRANSPORTATION POLICY BOARD	Discussion Only	6,7
MATTERS FROM THE NMDOT AND FHWA	Discussion Only	7
ADJOURNMENT – Next Scheduled Meeting September 27, 2018	Commissioner Hansen moved to adjourn at 6:26 p.m. with a second from Councilor Rivera which passed by voice vote.	8
SIGNATURES		8

**SANTA FE MPO TRANSPORTATION POLICY BOARD**  
**City of Santa Fe Offices at Market Station**  
500 Market Street, Ste. 200 Santa Fe, NM  
August 23, 2018

**1. CALL TO ORDER**

Commissioner Ed Moreno, Chair of the Santa Fe MPO Transportation Policy Board called the meeting to order at 5:03 p.m. at the City of Santa Fe Market Station Offices. A quorum was established with roll call.

**2. ROLL CALL**

**PRESENT:**

Commissioner Ed Moreno, Chair  
Tamara Haas, NMDOT  
Edward Escudero, Pueblo of Tesuque  
Councilor Carol Romero-Wirth  
Commissioner Anna Hansen  
Councilor Chris Rivera

**NOT PRESENT/EXCUSED:**

Councilor Signe I. Lindell  
Commissioner Robert Anaya

**OTHERS PRESENT:**

Mark Tibbetts, MPO Officer  
Erick Aune, MPO  
Derrick Garcia, MPO  
Justin Greene  
Linda Vigil, Stenographer

**APPROVAL OF THE AGENDA**

**MOTION:** Ms. Haas moved to approve the agenda as presented with a second from Mr. Escudero which passed by voice vote.

**APPROVAL OF THE MINUTES- June 28, 2018**

**MOTION:** Ms. Hass moved to approve the minutes of June 28, 2018 with a second from Mr. Escudero which passed by voice vote.

*Commissioner Hansen was not in the room at the time of the approval and has minor changes.*

**MOTION:** Ms. Hass moved to reconsider the previous motion for approval and allow for changes, with a second from Mr. Escudero which passed by voice vote.

**CORRECTIONS/CHANGES:**

Page 5 last paragraph ~~NDMOT's~~ change to NMDOT's

Page 6, fourth paragraph ~~I25~~ change to I-25

**MOTION:** Commissioner Hansen moved to approve the minutes as amended with a second from Mr. Escudero which passed by voice vote.

**A. MATTERS FROM THE PUBLIC**

Mr. Justin Greene (611 Campana Place) spoke about Hyde Park Road. This road is on the MPO master plan. There are other departments and agencies that have left off streetscapes. They would like to ask for bike lanes and that all trails be made public. There is a trail on private land that has been closed for over a month. Mr. Greene explained that Hyde Park is used by all Districts for recreation.

Mr. Greene explained he serves on the Outside Bike and Brew Festival board and there will be an event with activities at the Glorieta Camps. He has more information if anyone is interested.

**B.) PUBLIC HEARING**

**1. Approval of Amendment 4 to the FFYs 2018-2023 TIP**

*(See packet)*

Councilor Romero-Wirth asked if the Board is approving this amendment tonight and is there is a timeline. Mr. Aune explained the schedule they must follow in accordance with Federal timelines. The approval is submitted to NMDOT for a 30 day public review and then it goes on to the Federal Government for their approval and disbursement of money.

Councilor Romero-Wirth states they have not been given adequate time to review the amendments. Commissioner Hansen agreed, there was a lot of information to review. Chair Moreno suggests that the Board review the material and discuss the materials that are presented and if there are enough votes they can postpone action, if that is allowed.

Mr. Garcia apologized for the items being sent out late to the Board. Mr. Garcia explained how the TIP integrates to the Federal Quarterly timeline. If it is placed after the meeting they may not take action until November, which could delay projects.

Mr. Aune explained that Mr. Tibbets has been in and out of the office, however they should've been given the materials sooner and that issue will be addressed. Mr. Aune states if the Board would like to reconvene in two weeks to make a motion that can be arranged.

Commissioner Hansen stated there are requests for new projects, could they review with the Board and explain them. On the list it shows they are City lead projects.

Mr. Garcia states there has not been any public comments in writing or otherwise to the amendments. Councilor Romero-Wirth asked about the public review and how that gets handled. Mr. Aune explained the TCC handles the public comment period.

Mr. Escudero explained the changes in the amendment are to projects already on schedule. The TCC meets before, so they are able review it a week before. The projects are discussed and vetted although this is the first time the MPO Transportation Policy Board sees it. Chair Moreno explained there is an ongoing refinement process on these projects.

Mr. Aune explained this particular meeting can be catered differently. For now, they are following the Federal procedures. The NMDOT follows their own process that all tie back to the Federal mandate. The TCC has more technical discussions and explores the funding flows and challenges that may be associated with each project.

Councilor Romero-Wirth asked about the rules about getting the agenda and materials out to the Board a week before the meeting. Mr. Aune states the requirement is to populate the agenda and then submitted to the City Clerk ten days before the meeting. Mr. Aune states they can do a variety of things to assure they get the materials a week before.

Commissioner Hansen suggests any Board member attend the TCC meeting, it is helpful to understand the projects.

#### **PUBLIC HEARING:**

**Chair Moreno opened the Public Hearing at 5:24 p.m.**

Mr. Justin Greene-

Mr. Greene discussed the Guadalupe Street project and the landscaping issue, there is also buried utilities. This is not ADA accessible. Mr. Greene states he would like to see landscaping in that budget.

Mr. Aune addressed the new projects in the TIP list. That project attaches Federal monies to it. Projects like the Southside Transit Center started in 2014. There was a planning fund that didn't work out. The request was worked on to get the monies matched. Mr. Aune explained FFY19 starts Oct. 1, 2018. That project will commence once October starts.

Commissioner Hansen asked about the plans and if it has been approved for years but just needs to be on the TIP list to get the funding. Mr. Aune explained it is now being added to the TIP with this amendment.

Commissioner Hansen asked if the Arroyo Chamiso crossings project is going to be moved into the TIP.

Ms. Haas explained that project was a request from the City of Santa Fe that came up with some money to start it. Mr. Aune stated at the TCC meeting it was decided to get it passed through Council by Resolution to get it added on the TIP.

Commissioner Hansen explained the project listed for the lighting issue at a roundabout (S100370) was a good addition to the list, it is needed.

Ms. Haas states the first new project (Southside Transit Center) NMDOT approved this and then it was found that additional funding needs to be added to the TIP to get it moved forward. It may begin after October 1, 2018.

Ms. Haas states the Guadalupe Street project is being moved because of the design timing and the construction is being moved to FFY 2020. A request for an additional amount needed was to cover shortfalls and it would supplement the total amount. Ms. Haas states sidewalks are required to comply with ADA, not sure what will happen with the power poles. Ms. Haas states they will have public meetings to show the plans. The landscaping has gone back and forth on the project scope.

Mr. Aune explained there was a public meeting on August 9<sup>th</sup> and a public design was presented. There will not be any more meetings until the 30% design is complete. The intersection has also been considered for redesign.

Ms. Haas asked if that is in addition to the paseo de Peralta intersection. Mr. Aune states they need a separate application for that intersection.

**Chair Moreno closed the public hearing at 5:38 p.m.**

Councilor Rivera asked about the requirements for the fifteen days allowed for public comment period. Mr. Garcia stated it is posted online and in the newspaper.

Mr. Aune states comments come directly to MPO and are typically emails.

Councilor Rivera asked about the public meeting held on August 9<sup>th</sup>. Mr. Aune explained that was for the Guadalupe Rd. project. Councilor Rivera asked about the additional design funds. Mr. Garcia explained when they add the construction costs the design is 10% of that cost.

Mr. Haas mentioned the original estimate did not include the intersection, in order to incorporate it they needed to get it to the designs. After NMDOT confirms funding they add it to the TIP before they can utilize it.

Councilor Rivera asked if in November they'll come with an amendment for the funding for construction. Mr. Garcia explained the design and the reasons they will need to push it further back.

Mr. Escudero recalls Mr. Quintana stated the need for the work to the intersection was for safety concerns.

Commissioner Hansen suggests the new members attend the TCC meetings, it is a valuable exercise to get more information on the process.

Commissioner Hansen asked if the Hyde Park Road issue can be added in the future to the TIP. All entities (City, County and State) use that road.

Ms. Haas explained one of the agencies needs to initiate a request for a new project and a basic scope describing what they need. They would need to work with Public Works and the MPO. If they were to add it and not demonstrate fiscal constraints the NMDOT won't approve it. It will place other projects in jeopardy of losing federal funds. They must all work together on it.

Mr. Garcia added the first step is to direct staff to communicate with the MPO. There is a project feasibility form and then they schedule a meeting with NMDOT Dist. 5 and explore options. They then collaborate to see if it is on a long range planning document.

**MOTION:** Commissioner Hansen moves to approve Amendment 4 to the TIP FFYs 2020-2023, with a second from Ms. Hass which passed by voice vote.

Councilor Romero-Wirth would like the document in the packet to be labeled as a draft until it is approved. Mr. Garcia states they will fix that.

Commissioner Hansen would also like to have the dash (*Amendment 4 to the FY20-18-2023*) in the title removed. To read: Amendment 4 to the FY2018-2023. Councilor Rivera noted accommodations on the bottom of the page is misspelled.

## **C.) ITEMS FOR DISCUSSION AND POSSIBLE ACTION:**

### **1. Approval of Title VI Plan**

*(See packet)*

Mr. Aune explained the SF MPO must update their Title VI plan every six years. NMDOT drafted a broiler plate and the MPO presented it to the TCC.

Mr. Aune stated there are portions that needed to be added in Spanish language. NMDOT has suggested some other changes, which will require them to send back to TCC then here again in September.

Commissioner Hansen would like to see the new one a week in advance as it is lengthy.

**MOTION:** Commissioner Hansen moved to table this item until the changes are made with a second from Councilor Rivera which passed by voice vote.

## **2. Update of TIP Projects**

Mr. Aune stated that Mr. Brasher gave an update at the TCC meeting of the TIP. Mr. Aune states there will be some changes to the St. Michaels Corridor project. An engineering firm has been hire to give the initial study. It is going to be part of the FFY 2020 as well as other projects in this area. The rail trail has been moved out to its own project and will not be affected.

Mr. Aune states the Mayor will continue the negotiations for the road exchange. It is their understanding that NMDOT would like to have this complete before any of the other projects can be worked on. Mr. Aune states it is helpful to have Mr. Brasher here for more specifics.

Councilor Romero-Wirth asked which roads are involved. Mr. Aune states every project related to the St. Michael's Drive corridor.

Commissioner Hansen asked if the underpass is included. Mr. Aune states it is based on what the Mayor and NMDOT decide. Commissioner Hansen states St. Michael's is in desperate need of repaving.

Commissioner Hansen asked that the TIP list also be in the packet for review.

Mr. Aune states they considered the condensed list and a map can also be included.

## **D.) MATTERS FROM THE MPO STAFF**

Mr. Garcia offered to the Board his time to sit and talk and meet to walk through any matters they have. Mr. Aune and Mr. Garcia understand the issues with the agenda and they will work with Mr. Tibbets to discuss it.

Mr. Aune extended the idea of the Hyde Park Rd. the next TIP 2020-2024. There is a Federal lands access program that may be a good fit for that project. Mr. Aune states the MPI is hoping for a call for projects in order to make that list and work on the application. Santa Fe County has a great reputation going through that process they were awarded funding through that program recently.

Mr. Aune stated they are updating the Bicycle Master Plan. They've been working with a technical team to put on an online interface. This will show past, present and proposed plans. The other part of the plan has been delayed there was an RFP and PSA in accordance with City procurement. However, they are behind and are providing public



input. The City put out a press release and have asked the public to go out in the field and have them provide ideas.

Mr. Aune stated when Councilor Lindell called to state she couldn't be present this evening, she wanted to voice her concerns that MPO may get a biased opinion from the cyclists they need more robust input as it moves forward.

Commissioner Hansen looks forward to the updates, and asked if they will target certain roads. Commissioner Hansen states West Alameda is an area that needs attention.

Mr. Aune states it was in the 2012 plan and that plan had phases. They can start shuffling and adding new projects and formally adopt them within the next six months.

## **E.) MATTERS FROM THE SFMPO TRANSPORTATION POLICY BOARD**

Commissioner Hansen asked if the Board needs to formally name a Vice Chair. Mr. Aune states Mr. Tibbets recommended they make a recommendation and discuss it if it is brought up this evening. It can be voted on in the next meeting and added as an agenda item.

Commissioner Hansen stated in general it has been County and City to be Chair and Vice Chair. Ms. Haas explained the Governor of Tesuque Pueblo served as Vice Chair once.

Councilor Rivera asked that he be sent Mr. Armendariez' contact information as well as to get the packets a week in advance to review the lengthy documents.

## **F.) MATTERS FROM THE NMDOT AND FHWA**

Ms. Haas states every two years they update the planning work program the TIP is included, it went to the FHWA on August 13<sup>th</sup>. There were minor questions and she anticipates a final approval answer by September.

Ms. Haas states they will post it online once it is approved. There are funds for NMDOT lead projects, one is an update to the Bicycle network plan. Each MPO is to submit the unified work plan with their funds they need and will be approved.

Mr. Garcia states the Federal auditors were in the office due to part of the process. It is very thorough and lengthy. Chair Moreno asked what they were looking into. Mr. Garcia stated it was related to purchases, budget, RFQ's everything covered into the plan to assure it all lines up with State funding.

Ms. Haas stated there were staff from the federal headquarters reviewing several projects. They will report to the Cabinet Secretary and make changes if need be. Once the plan is available it will be posted.

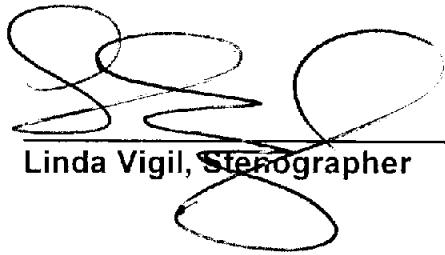
## **G.) ADJOURNMENT**

**MOTION:** Commissioner Hansen moved to adjourn at 6:26 p.m. with a second from Councilor Rivera which passed by voice vote.

## **SIGNATURES**

A handwritten signature in cursive script, appearing to read "Ed Moreno", written above a horizontal line.

**Commissioner Ed Moreno, Chair**

A handwritten signature in cursive script, appearing to read "Linda Vigil", written above a horizontal line.

**Linda Vigil, Stenographer**



## **MPO SELF-CERTIFICATION**

### **Amendment 4 to the FY20-18-2023 TIP Approved on August 23rd, 2018 by the Santa Fe MPO Transportation Policy Board**

The Santa Fe Metropolitan Planning Organization hereby certifies that the following Amendment was conducted in accordance with all applicable requirements of 23 CFR 450.218 and 23 CFR 450.324 and the federal transit requirements of Section 5307(c) (1-7). The TIP Amendment was made available to the public via a notice in the local newspaper, through email distribution lists, and on the MPO website. A 15-day public comment period was held from August 2nd to August 17th, 2018.

The projects and revisions that were part of the amendment are as follow:

#### **Request for New Projects**

**#1. TS00130 (5024.18) Construction of Southside Transit Center: REHABILITATION OF AN EXISTING BUILDING AND CONSTRUCTION OF BUS STOP INFRASTRUCTURE AND PARKING.**

- FFY2019 – \$2,036,562 Section 5339 FTA and \$509,141 Local Match for Construction

**#2. S100600 (1060.19 Arroyo De Los Chamisos Crossing Study [CITY LEAD]: Utilize "Location Study Procedures/Alignment/Corridor Study Process to develop alternative crossings of the Arroyo De Chamisos between Zafarano and Avenida de las Campanas north of Rodeo Road**

- FFY2019 – \$150,000 Local Funds

#### **Amendment:**

**#1. S100370 Agua Fria St/Cottonwood Drive Intersection [CITY LEAD] – DESIGN, ROW ACQUISITION AND CONSTRUCTION OF A ROUNDABOUT AT THE INTERSECTION.**

- Additional Money for Lighting \$76,000 FFY2019, HSIP Funds

**#2. S100460 Guadalupe Road Reconstruction- [CITY LEAD] THE PROPOSED PROJECT IDENTIFIED THROUGH THE RSA IS THE FOLLOWING: LANE REDUCTION, PEDESTRIAN IMPROVEMENT, BICYCLE IMPROVEMENTS, SIGNALIZED INTERSECTIONS IMPROVEMENTS, LIGHTING, DRAINAGE ACCOMMODATIONS, NEW SIGNING AND STRIPING.**

- **Grand Total HSIP Award = \$4,150,000 FFY 2020 (Additional Funds \$525,000)**
- **Move FFY19 Construction to FFY20**
- **Add additional \$52,200 CMAQ FF19 for additional design**

MPO's Public Participation Process

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**Commissioner Ed Moreno, Chair Santa Fe MPO**

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**Date**



# Santa Fe Metropolitan Planning Organization

## Title VI Plan

For Approval by the Santa Fe MPO Transportation Policy Board on August 23rd, 2018

## **I. Nondiscrimination Statement of Policy**

### **Title VI Policy Statement**

The Santa Fe Metropolitan Planning Organization (MPO) is committed to compliance with Title VI of the Civil Rights Act of 1964, 49 CFR, part 2, and all related regulations and directives. The Santa Fe MPO assures that no person shall on the grounds of race, color, national origin, gender, age, or disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity under any Santa Fe MPO program, activity or service.

Prohibited discrimination may be intentional or unintentional. Seemingly neutral acts that have disparate impacts on individuals of a protected group and lack a substantial legitimate justification are a form of prohibited discrimination. Harassment and retaliation are also prohibited forms of discrimination.

Examples of prohibited types of discrimination based on race, color, national origin, sex, disability, or age include: Denial to an individual any service, financial aid, or other benefit; Distinctions in the quantity, quality, or manner in which a benefit is provided; Segregation or separate treatment; Restriction in the enjoyment of any advantages, privileges, or other benefits provided; Discrimination in any activities related to highway and infrastructure or facility built or repaired; and Discrimination in employment.

### **Environmental Justice/Limited English Proficiency Policy Statement**

The Santa Fe MPO is also committed to assure every effort will be made to prevent the discrimination of low-income and minority populations as a result of any impact of its programs or activities in accordance with Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and in Low-Income Populations.

In addition, the Santa Fe MPO also assures every effort will be made to provide meaningful access to persons that have Limited English Proficiency, in accordance with Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency.

### **Definition of Federal financial assistance and recipients affected**

Federal financial assistance is defined as any Federal dollars that are assigned to the Santa Fe MPO to support any program and activity, by way of grant, loan or contract, other than a contract of insurance or guaranty.

### **Specific Forms of Discrimination Prohibited**

*Santa Fe MPO efforts* to prevent discrimination must address, but are not limited to:

- The denial of services, financial aid, or other benefits provided under a program.

- Distinctions in the quality, quantity, or manner in which the benefit is provided.
- Segregation or separation in any part of the program.
- Restriction in the enjoyment of any advantages, privileges, or other benefits provided to others.
- Different standards or requirements for participation.
- Methods of administration which directly or indirectly or through contractual relationships would defeat or impair the accomplishment of effective nondiscrimination.
- Discrimination in any activities related to a highway, infrastructure or facility built or repaired in whole or in part with Federal funds.
- Discrimination in any employment resulting from a program, the primary purpose of which is to provide employment.

### **Santa Fe MPO programs and services covered by Title VI**

The *Santa Fe MPO* Title VI Plan applies to all *Santa Fe MPO* programs, activities and services, regardless of funding source. Some sections deal with specific requirements (e.g. FTA funded programs).

### **Authorities**

1. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
2. Federal-Aid Highway Act of 1973 (23 U.S.C. §324 *et seq.*), (prohibits discrimination on the basis of sex);
3. The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
4. Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*) as amended, (prohibits discrimination on the basis of disability);
5. Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 *et seq.*), (prohibits discrimination on the basis of disability)
6. The Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970, as amended, 42 U.S.C. § 4601
7. The National Environmental Policy Act of 1969, 42 U.S.C. § 4321;
8. 49 C.F.R. Part 21 (entitled *Nondiscrimination In Federally-Assisted Programs Of The Department of Transportation-Effectuation of Title VI Of The Civil Rights Act of 1964*);
9. 49 C.F.R. Part 27 (entitled *Nondiscrimination On The Basis Of Disability In Programs Or Activities Receiving Federal Financial Assistance*);
10. 49 C.F.R. Part 28 (entitled *Enforcement Of Nondiscrimination On the Basis Of Handicap In Program Or Activities Conducted By The Department Of Transportation*);
11. 49 C.F.R. Part 37 (entitled *Transportation Services For Individuals With Disabilities (ADA)*);
12. 23 C.F.R. Part 200 (FHWA's Title VI/Nondiscrimination Regulation);

13.28 C.F.R. Part 35 (entitled *Discrimination On The Basis Of Disability In State And Local Government Services*);

14.28 C.F.R. Part 50.3 (DOJ Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964).

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**Signed by Chief Administrative Officer or Designee**

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**Date**



## **II. Title VI and Environmental Justice – The Public Participation Plan (PPP)**

The Santa Fe MPO Public Participation Plan (PPP) describes how our organization communicates and distributes information to the public as well as how the public can interact and provide comments to our organization. The needs of those traditionally underserved by the existing system will be sought and considered by the Santa Fe MPO.

Through its public involvement efforts, the Santa Fe MPO will strive to achieve the following Title VI and Environmental Justice (EJ) goals:

- To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations.
- To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
- To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

Title VI states that no person shall, on the ground of race, color, or national origin be excluded from participation in, denied benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. The Santa Fe MPO will ensure that the input and feedback from all people will be considered in the development of Santa Fe MPO planning documents and activities.

EJ concerns and goals should be considered throughout all public engagement efforts, from project planning through construction and operation. This includes public outreach conducted during transportation planning and during the environmental reviews required by the National Environmental Policy Act (NEPA).

The following actions related to Environmental Justice and Title VI are meant to reduce the barriers for participation in the decision-making process by low income, minority or disabled individuals.

1. When possible, public meetings will be held in locations that are convenient to low and moderate income neighborhoods and accessible to disabled populations. Such locations include community centers, senior centers and schools. Where possible, members of our organization will meet at the locations of businesses, neighborhood groups, stakeholders, and other agencies.
2. Upon request, all of our organization's work products and documents will be made available in alternative formats, including Braille, large type and languages other than English.
3. The following statement will be included in all of our organization's documents: The *Santa Fe MPO* does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in the provision of services. This document can be made available in alternative formats by contacting the Santa Fe MPO

Santa Fe Metropolitan Planning Organization  
P.O. Box 909  
Santa Fe, NM 87501  
Phone: 505.955.6614

4. The following statement will be included in all meeting announcements:  
*"Persons with disabilities in need of accommodation contact the City Clerk's office at 505.955.6520, five (5) working days prior to the meeting date."*
5. Agencies and organizations that represent low income, minority and disabled populations will be identified and included in our organization's mailings. Our staff will maintain an active listing of contacts for these organizations.
6. Our organization will evaluate Environmental Justice actions and Title VI requirements on an annual basis to ensure effectiveness of public involvement. This document will be reviewed and updated in conjunction with the Public Participation Plan.

### **Communication and Notification to the Public**

All members of the public are ensured protections against discrimination which are afforded to them by Title VI. To ensure open communication with the public, the *Santa Fe MPO* will adhere to the following requirements:

- The *Santa Fe MPO* will disseminate agenda and public meeting information to members of the public via accessible printed and electronic media, including postings on the *Santa Fe MPO's* website ([www.santafemipo.org](http://www.santafemipo.org)) and in the *Santa Fe New Mexican* newspaper used for meeting public notifications. Documents and agendas will be available at the *Santa Fe MPO* office

Mailing: P.O. Box 909

Santa Fe, NM 87504-0909

Office: 500 Market St, Suite 200 (Above REI Store)

Santa Fe, NM

Map: <http://tinyurl.com/l6kejeq>

Directions & Parking: <http://www.railyardsantafe.com/north-railyard/>

and at other locations identified in the Public Participation Plan (see Appendix D of the PPP).

- Public notices of *Santa Fe MPO* meetings will be posted at the location of the meeting site.
- In appropriate documents, the *Santa Fe MPO* will include a statement that the organization complies with Title VI by assuring that no person shall on the grounds of race, color, national origin, gender, age, or disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity under any *Santa Fe MPO* program, activity, or service.

Section VI of this plan describes the procedures on how members of the public can request additional information regarding the *Santa Fe MPO's* Title VI obligation. This section also identifies the procedures to be followed by members of the public to file a discrimination complaint against the *Santa Fe MPO*.

### **III. Title VI and Environment Justice – Santa Fe MPO’s Planning Requirements**

*The Santa Fe MPO is responsible for ensuring Title VI compliance for the following planning activities:*

#### **Data Collection**

Census and other statistical data will be collected by the Santa Fe MPO or provided to the MPO as a means of identifying low income and minority populations within the Santa Fe MPO’s Planning Area. The data will be maintained for the purpose of planning projects and programs that serve various population groups. The data collection process will be reviewed regularly to ensure sufficiency in meeting Title VI requirements.

- Santa Fe MPO Actions
  - Collect, maintain, and update databases of low income and minority concentrations within the Santa Fe MPO Planning Area
  - Utilize the data when developing plans and studies
  - Develop demographic profile maps to help identify neighborhoods with high concentrations of low income and minority populations
  - Use these maps in various planning documents

#### **Unified Planning Work Program**

The Santa Fe MPO Unified Planning Work Program (UPWP) is the annual list of projects and activities that are expected to be completed by staff and the governing and advisory committees for the Santa Fe MPO. In this document, the Santa Fe MPO will identify projects, studies, and other activities that will provide more transportation options to disadvantaged populations.

- Santa Fe MPO Actions
  - Identify planning activities that will encourage involvement by all populations
  - Analyze the benefits and impacts that planning studies might have on low income and minority populations
  - Create maps highlighting socio-economic groups and their geographical relationship to jobs, housing, and transportation options for all modes

#### **Transportation Improvement Program**

The Transportation Improvement Program (TIP) is the short term program of projects that are expected to be designed, engineered, and constructed within the next four years. Projects should be reviewed to assess the benefits and impacts they might have on various aspects of the population.

- Santa Fe MPO Actions

- Work with the entities to identify transportation projects that serve areas of the Santa Fe MPO (your organization name) with low income and minority populations
- Provide opportunity for all populations to provide input into project identification

### **Statewide Transportation Improvement Program Recommendations**

Statewide Transportation Improvement Program (STIP) is the short term program of projects that are expected to be designed, engineered, and constructed within the next four years.

#### **Santa Fe MPO Actions**

- Through the TIP process, work with the NMDOT to support projects moving into the NMDOT's STIP.

### **Metropolitan Transportation Plan**

The Metropolitan Transportation Plan (MTP) is the long range, comprehensive plan that identifies the projects, programs, and policies needed in the next 20 years to meet the transportation needs of this area. Using various data collected by the Santa Fe MPO, the MTP can estimate growth patterns of disadvantaged populations and address the benefits and burdens that future transportation projects might have.

- Santa Fe MPO Actions
  - Develop demographic profile maps that project growth in disadvantaged populations over at least a 20 year planning horizon
  - Give all populations opportunity to provide input into project identification
  - Assess the effects that future land use decisions and transportation projects might have on the neighborhoods, the environment, and the economy
  - Ensure that the benefits and impacts of future transportation systems are equally distributed among all areas of the Santa Fe MPO.

### **Transit Planning**

The Santa Fe MPO provides transit service planning and has adopted a Public Transit Master Plan aimed at assisting with the coordination of multiple transit service providers in the metropolitan area. These include:

**Santa Fe Trails**, launched in January 1993, is the city of Santa Fe's small urban transit system and provides the greatest level of fixed service to the area. Santa Fe Trails was the nation's first transit system to operate its entire fleet with cleaner burning compressed natural gas (CNG).

### **North Central Regional Transit District**

(NCRTD), the region's iconic "Blue Bus," provides free transit service to a four-county area, including Santa Fe County. After much collaboration, including the New Mexico

Legislature passing New Mexico's Regional Transit District Act in 2003 and the passage of a 1/8 cent gross receipts tax by the representative counties, a consolidated NCRTD began servicing the region in 2007 with 22 fixed and demand-response routes, 8 of which service the metro area.

### **New Mexico Park & Ride**

NMDOT's New Mexico Park & Ride began service in 2003. The NMDOT operates the Park and Ride Shuttles with three routes servicing the metro area as a primary means of access to the New Mexico Rail Runner Express (NMRX) stations and services for commuters from Los Alamos, Espanola, Albuquerque, and Las Vegas, New Mexico

### **New Mexico Rail Runner Express**

NMRX is New Mexico's first commuter rail service. Inaugurated in 2006, it now provides service seven days a week to 15 stations along a 96.5-mile corridor that runs through Valencia, Bernalillo, Sandoval, and Santa Fe counties. Opened to Santa Fe in 2008, the NMRX provides commuters access via four stations, Railyard Depot, South Capital and Zia and the 599 station.

- **Santa Fe MPO Actions**
  - Using demographic profile maps, ensure that transit routes and stops fully serve those neighborhoods with high concentrations of low income and minority populations.
  - Work with transit service providers to identify necessary changes to routes
  - Ensure bus stop locations are fully accessible for all users, both at the site and in the vicinity

## **IV. Organization/Staff Responsibilities**

*Organizational Overview: The Santa Fe MPO exists as a result of a Joint Powers Agreement that includes the City of Santa Fe, Santa Fe County, Pueblo of Tesuque and the NMDOT. The MPO is established as a separate body. The purpose of the MPO is to provide joint and coordinated transportation planning throughout the MPO Planning Area in accordance to all federal and state laws.*

*The Santa Fe MPO is organized with a Transportation Policy Board (TPB) consisting of representatives from the City, the County, Pueblo of Tesuque and the NMDOT, a Technical Coordinating Committee (TCC), consisting of staff from each agency and three MPO staff including the MPO Officer, MPO Senior Planner and MPO Transportation Planner. The TPB establishes policies and plans that govern the Metropolitan Planning process. The City of Santa Fe, in consultation with the TPB, shall hire and retain MPO staff and acts as the fiscal agent for the MPO.*

*Given the City of Santa Fe hosts the Santa Fe MPO and Santa Fe MPO staff are city employees, the City of Santa Fe's Equal Employment Opportunity Commission (EOCC)*

*Compliance Officer within the Human Resources Department shall serve as the Title VI Coordinator for the Santa Fe MPO.*

**Title VI Coordinator Responsibilities:** The Title VI Coordinator is responsible for the development and implementation of the Title VI plan. The Coordinator must also ensure that all entities of the Santa Fe MPO are compliant with Title VI requirements. The Title VI Coordinator is also responsible for:

- Submitting a Title VI plan and updates when there are changes in procedure, organizational structure, or complaints, to the NMDOT Title VI Coordinator. Submitting a Title VI plan every three years and an annual update to the NMDOT Title VI Coordinator. The annual updates should include, but are not limited to, any changes in procedure and organizational structure. If there are no changes, correspondence should be submitted stating there are no changes. All Title VI complaints should be reported to the NMDOT Title VI Coordinator as they occur, as well as in the annual report. Annual updates are due by October 1.
- Developing procedures for receiving, processing, investigating and reporting Title VI complaints.
- Maintaining a Title VI complaint log so that three years of complaints are documented.
- Developing procedures for the collection and analysis of statistical data.
- Developing a program to conduct Title VI reviews or program areas.
- Conducting annual assessments of identified Title VI program areas.
- Developing Title VI information for dissemination.
- Establishing procedures for resolving deficiency status and reducing to writing the remedial action agreed to be necessary.

## **V. Primary Program Area & Review Procedures**

The Santa Fe MPO engages in the following program areas.

<b>Program Area</b>	<b>General Description</b>	<b>Title VI/ Nondiscrimination Concerns and Responsibilities</b>	<b>Review Procedures for Ensuring Nondiscrimination</b>
Transportation Planning	The purpose of the MPO is to provide joint and coordinated transportation planning throughout the MPO Planning Area in accordance to all federal and	See section III. Title VI and Environment Justice – Santa Fe MPO's Planning Requirements	See section II. Title VI and Environmental Justice – The Public Participation Plan (PPP)

	state laws.		
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## **VI. Title VI Complaint Procedures**

The Santa Fe MPO is committed to ensuring that all residents have equal access to all transportation services. It is further the intent of the Santa Fe MPO that all residents are aware of their rights to such access. Any person believing he or she has been excluded from, denied participation in, denied the benefits of, or otherwise has been subjected to discrimination under any transportation service, program or activity (whether Federally-funded or not) due to that person's race, color, national origin, gender age, disability, economic status, or limited English proficiency has the right to file a complaint.

The complaint procedures cover the following:

- Title VI of the Civil Rights Act of 1964
- Section 504 of the Rehabilitation Act of 1973
- Civil Rights Restoration Act of 1973
- Civil Rights Restoration Act of 1987
- Americans with Disabilities Act of 1990
- Executive Order 12898
- Executive Order 13166

An individual, group of individuals or entity may file a formal Title VI complaint. Complaints must be submitted to the NMDOT Title VI Coordinator in writing, signed and dated, within 180 days of the alleged discriminatory act (or latest occurrence). The complaint should be submitted to the following address:

Attn:  
 Title VI Coordinator & City of Santa Fe  
 EOCC Compliance Officer  
 Human Resources Department  
 PO Box 909  
 Santa Fe, NM 87504

The complaint should include the name, address, phone number and signature of complainant. The formal complaint should describe the alleged discriminatory act that violates Title VI in detail.

Title VI complaints may also be filed directly with the New Mexico Department of Transportation (NMDOT), United States Department of Transportation (USDOT), Federal Highway Administration (FHWA), Federal Transit Administration (FTA), Federal Aviation Administration (FAA) or the Federal Railroad Administration (FRA) within the 180 day period of the alleged discriminatory act (or latest occurrence).

Verbal complaints will be accepted and transcribed by the Human Resources Department. To make a verbal complaint, call (505) 955-6591 and ask for the EEOC Compliance Officer

You also have the right to file a complaint with an external entity such as the New Mexico Department of Transportation (DOT), a federal or state agency, or a federal or state court. For complaints submitted to NMDOT, they must be submitted to the NMDOT Title VI Coordinator in writing, signed and dated, within 180 days of the alleged discriminatory act (or latest occurrence). The complaint should be submitted to the following address:

Attn: Title VI Coordinator  
Office of Equal Opportunity Programs  
1596 Pacheco St.  
Suite 201  
Santa Fe, NM 87505

The complaint you are submitting to the entity should include the name, address, and phone number and signature of complainant. The formal complaint should describe the alleged discriminatory act that violates Title VI in detail.

Title VI complaints may also be filed directly with the United States Department of Transportation (USDOT), Federal Highway Administration (FHWA), Federal Transit Administration (FTA), Federal Aviation Administration (FAA) or the Federal Railroad Administration (FRA) within the 180 day period of the alleged discriminatory act (or latest occurrence).

Should a complaint be filed with the SFMPO through Santa Fe Human Resources Department and an external entity simultaneously, the external complaint shall supersede the SFMPO complaint and the SFMPO complaint procedures will be suspended pending the external entity's findings.

Title VI complaints must be investigated within 60 days. Investigating a complaint includes interviewing all parties involved and key witnesses. The investigator may also require relevant information. The Santa Fe MPO may specify if there is a particular individual(s) that the Santa Fe MPO should not investigate the complaint due to conflict of interest or other reasons.

Title VI complaints may be forwarded to either NMDOT or FHWA for investigation. If the complaint is forwarded to one of these agencies, the Santa Fe MPO will provide the name and contact information for the person handling the Title VI complaint to the complainant.

Federal law prohibits retaliation against individuals because they have filed a discrimination complaint or otherwise participated in a discrimination investigation. Any alleged retaliation should be reported in writing to the investigator.



Title VI complaints may also be filed directly with the following agencies as stated above:

New Mexico Department of Transportation  
Construction and Civil Rights Bureau  
Attn. Title VI Coordinator  
1570 Pacheco St. Suite A-10  
Santa Fe, NM 87505  
Phone: (505) 470-9668

or

Federal Highway Administration, New Mexico  
Attn. Civil Rights Coordinator  
4001 Office Court Dr. Suite 801  
Santa Fe, NM 87507  
Phone: (505) 820-2021

## Santa Fe MPO Title VI Complaint Form

<b>Section I</b>	
Name:	
Address:	
Telephone (Home/Cell):	Telephone (Work):
Email Address:	
<b>Section II</b>	
Are you filing this complaint on your own behalf: Yes <input type="checkbox"/> No <input type="checkbox"/>	
*If you answered "yes" to this question, go to Section III.	
If you answered "no" please enter the name and relationship of the person you are filing the complaint against:	Name:
	Relationship:
If you are filing a complaint as a third party, please explain why in the space below:	
Have you obtained permission of the aggrieved party if you are filing on behalf of a third party: Yes <input type="checkbox"/> No <input type="checkbox"/>	
<b>Section III</b>	
I believe the discrimination I experienced was based on (check all that apply):	
<input type="checkbox"/> Race	<input type="checkbox"/> Color <input type="checkbox"/> National Origin
Date of Alleged Discrimination (Month, Day, Year):	Date:
Explain, as clearly as possible, what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as the names and contact information of any witnesses. If more space is needed please attach additional sheets to this form:	

#### **Section IV**

Have you previously filed a Title VI complaint)? Yes ☐ No ☐

#### **Section V**

Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court? Yes ☐ No ☐

If yes, please check and name all that apply:

☐ Federal Agency: \_\_\_\_\_

☐ Federal Court: \_\_\_\_\_

☐ State Agency: \_\_\_\_\_

☐ State Court: \_\_\_\_\_

☐ Local Agency: \_\_\_\_\_

Please provide information about a contact person at the agency/court where the complaint was filed.

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Agency: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

### Section VI

Name of agency complaint is against:

Contact person:

Title:

Telephone number:

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Please submit this form in person at the address below, or mail form to:

Attn: Title VI Coordinator & City of Santa Fe  
EOCC Compliance Officer  
Human Resources Department  
(505.955.6602)  
Physical:  
200 Lincoln Avenue  
Santa Fe, New Mexico 87504-0909

Mailing:  
PO Box 909  
Santa Fe, NM 87504

## **VII. Title VI Program Management Procedures**

The Santa Fe MPO staff in conjunction with the City of Santa Fe Title VI Coordinator shall ensure the following occurs:

- The transportation planning process fully complies with the requirements of Title VI.
- Monitor the transportation planning process overall strategies and goals and ensure compliance with Title VI requirements.
- Review operational policies and procedures to ensure Title VI compliance.
- Monitor the service equities of planning data collection and analysis for potential impacts on social, economic, and/or ethnic groups.
- Ensure the planning organizational membership attempts to reflect the makeup of the population served. This would include periodically reporting the Santa Fe MPO racial, ethnic, and gender composition of public involvement organizations or groups.
- Ensure the opinions and views of all groups within their populations are solicited and considered in the planning of transportation projects.
- Monitor compliance with Environmental Justice issues to identify low-income and minority populations that may be impacted by transportation planning process.
- Evidence that input from minority groups/persons has been considered in the transportation planning process. Evidence could include but is not limited to the participation level and composition of participants in public information settings. Also reporting any follow-up and conclusions to issues communicated throughout the planning process.
- Monitor the gathering and utilization of demographic data used to identify and locate low-income and minority populations in order to investigate the possible benefits and detriments of transportation plans on these populations.
- Monitor compliance with Limited English Proficiency (LEP) populations to improve access and comprehension of the transportation planning process for individuals comprising the LEP population.

## **VIII. Title VI Related Training**

The Santa Fe MPO staff in conjunction with the Title VI Coordinator shall ensure that staff is trained and familiar with Santa Fe MPO related policies and procedures.

## IX. Limited English Proficiency (LEP) Plan

Executive Order 13166, titled Improving Access to Services for Persons with Limited English Proficiency, indicates that differing treatment based upon a person's inability to speak, read, write, or understand English is a type of national origin discrimination. Any agency receiving federal funds needs to develop a Limited English Proficiency (LEP) Plan.

The primary element of the LEP Plan is the Four Factor Analysis.

The Four Factor Analysis includes the following factors:

- **Number or Proportion of LEP Individuals:** This factor should describe your efforts to provide meaningful opportunities to your Limited English Proficient population. Your organization should ask *"What number or proportion of individuals will be excluded from benefits or services absent efforts to remove language barriers?"*
- **Frequency of Contact with the Program:** If LEP persons must access your program/activity daily, the recipient of federal funds has a greater responsibility to tailor their services to the needs of LEP persons. This factor should be data driven and decisions should be in direct correlation to whatever data gathering exercises your organization uses.
- **Nature and Importance of the Program:** The need LEP individuals have to access benefits and services amplify with programs where the denial or delay of access may have life or death implications. Recipients of federal funds should identify programs of this type of importance and describe the process to ensure LEP persons are not denied or delayed in receiving the service or benefit of that service.
- **Resources Available:** Your organization may have limited resources and may not have to take the same steps as a larger organization to provide LEP assistance in programs that have a limited number of LEP persons (e.g., where contact is infrequent, where the total cost of providing language services is relatively high, and/or where the program is not crucial to a person's day to day existence.) Claims of limited resources will need to be well-substantiated.

In addition, your organization should address the appropriate mix of written and oral language assistance. Your organization should identify the following:

- Documents that should be translated
- Process to identify when oral translation is needed
- When services should be immediately available

## X. External Communication (Notification to Public Beneficiaries)

Your organization should provide information to members of the public detailing their Title VI obligation and notify members of the public of the protections against discrimination afforded to them by Title VI. Requirements include:

- **Dissemination of Information:** Your organization should disseminate this information to members of the public via accessible printed and electronic media, including posting on your organization's website.
- **Contents of Notification:** At a minimum, the notification should include the following:
  1. Statement that your organization operates the Federal Program(s) without regard to race, color, national origin, sex, age, or disability.
  2. Identify procedures to be followed by members of the public to request additional information regarding your organization's Title VI obligation.
  3. Identify procedures to be followed by members of the public to file a discrimination complaint against your organization.

## **XI. Notice of Rights**

The SFMPO will disseminate agenda and public meeting information to members of the public via accessible printed and electronic media, including postings on the SFMPO website: [www.santafempo.org](http://www.santafempo.org) and in the Santa Fe New Mexican.

- Public notices of MPO meetings will be posted at the location of the meeting site.
- In appropriate documents, the SFMPO will include a statement that the organization complies with Title VI by assuring that no person shall on the grounds of race, color, national origin, gender, age, or disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity under any Santa Fe MPO program, activity, or service.

## **Your Rights Against Discrimination Under Title VI of the Civil Rights Act of 1964**

The Santa Fe MPO operates its programs and services without regard to race, color, national origin, sex, age, and disability. Anyone who believes they have been excluded from participation in, denied benefits of, or otherwise subjected to discrimination under any Santa Fe MPO program or activity because of their race, color, national origin, age, sex, or disability may file a discrimination complaint with Santa Fe MPO or the New Mexico Department of Transportation.

To file a Title VI discrimination complaint, please contact:

Attn: Title VI Coordinator & City of Santa Fe  
EOCC Compliance Officer  
Human Resources Department  
(505.955.6602)  
Physical:  
200 Lincoln Avenue  
Santa Fe, New Mexico 87504-0909

Mailing:  
PO Box 909  
Santa Fe, NM 87504

## Appendix A

### FHWA Assurances for Title VI and Other Nondiscriminatory Statutes

The Santa Fe MPO thereafter referred to as the "Recipient") HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the Federal Highway Administration (FHWA), is subject to and will comply with the following:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled *non-discrimination, In Federally-Assisted Programs Of The Department of Transportation-Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

#### General Assurances

In accordance with the Act, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measure necessary to ensure that:

*"No person in the United States shall, on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity," for which the Recipient receives Federal financial assistance from the DOT, including the FHWA."*

#### Specific Assurances

More specifically and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted programs and activities:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23(b) and 21.23(e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a



“program”) conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.

2. The Recipient shall insert the following notification in all solicitations for bids, Request For Proposals for work, or material subject to the Acts and the Regulations and made in connection with the Federal Aid Highway Program, and in adapted form, in all proposals for negotiated agreements regardless of funding source:

*“The Santa Fe MPO in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.”*

3. The Recipient will insert the clauses of Appendix B and F of this Assurance in every contract or agreement subject to the Act and Regulations.
4. The Recipient shall insert the clauses of Appendix C of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend the right to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix D and Appendix E of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties.
  - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
  - b. for the construction or use of, or access to, space on, over, or under real property acquired, or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the project, except where the Federal assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the Assurance obligates the Recipient or any transferee for the longer of the following periods:

- a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
  - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the officials to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this Assurance.

By signing this Assurance, the Santa Fe MPO also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the Federal Highway Administration access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the Federal Highway Administration. You must keep records, reports, and submit the material for review upon request to the Federal Highway Administration, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The *Santa Fe MPO* gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under Federal-Aid Highway Program. This ASSURANCE is binding on it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest and other participants in the Federal-Aid Highway Program. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

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**Signed by Chief Administrative Officer or Designee**

---

**Date**

## Appendix B

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time-to-time, (hereinafter referred to as the "Regulations"), which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate either directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of the 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the New Mexico Department of Transportation or the Federal Highway Administration to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the Santa Fe MPO or the Federal Highway Administration, as appropriate, and will set forth what efforts it has made to obtain the information.

5. **Sanctions for Noncompliance:** In the event of the contractor's non-compliance with the nondiscrimination provisions of this contract, the Santa Fe MPO will impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
  - a. withholding payments to the contractor under the contract until the contractor complies; and/or
  - b. cancelling, terminating or suspending the contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the Santa Fe MPO or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Santa Fe MPO to enter into any litigation to protect the interests of the Santa Fe MPO. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

## **Appendix C**

### **Covenant Running with the Land Assurance**

The following clauses shall be included in deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the State of New Mexico will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code, the Regulations for the Administration of Federal Aid for Highways and the policies and procedures prescribed by the Federal Highway Administration of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. §2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the State of New Mexico all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

#### **(Habendum Clause)**

TO HAVE AND TO HOLD said lands and interests therein unto the State of New Mexico and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the State of New Mexico, its successors and assigns.

The State of New Mexico, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over or under such lands hereby conveyed [,] [and]\* (2) that the State of New

Mexico will use the lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended [, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department shall have a right to enter or re-enter said lands and facilities on said land, and the above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].\*

(\*Reverter clause and related language to be used only when it is determined that such clause is necessary in order to Make clear the purposes of Title VI of the Civil Rights Act of 1964.)

## **Appendix D**

### **Clauses for Transfer of Real Property Acquired or Improved Under the Activity, Facility, or Program**

The following clauses shall be included in deeds, licenses, leases, permits, or similar instruments entered into by the State of New Mexico, pursuant to the provisions of Assurance 7(a):

- A. The (grantee, lessee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:
  - 1. In the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, the State of New Mexico will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) and never been made or issued.\*
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the State of New Mexico will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the State of New Mexico and its assigns.\*

(\* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)

## **Appendix E**

### **Clauses for Transfer of Real Property Acquired or Improved Under the Activity, Facility or Program**

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the State of New Mexico pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, the State of New Mexico will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.\*
- C. With respect to the deeds, in the event of breach of any of the above Non-discrimination covenants, the State of New Mexico will there upon revert to and vest in and become the absolute property of the State of New Mexico and its assigns.\*

(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)



## Appendix F

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

### **Pertinent Non-Discrimination Authorities:**

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (29 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 U.S.C. § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the program or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 – 12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;

- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your program (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (U.S.C. 1681 *et seq.*)