

**M I N U T E S**  
**FARMINGTON METROPOLITAN PLANNING ORGANIZATION**  
**TECHNICAL COMMITTEE MEETING**  
**NOVEMBER 21, 2013**

Technical Members Present: Teresa Brevik, City of Bloomfield  
Cynthia Lopez, City of Farmington  
Nica J. Westerling, City of Farmington  
Dave Keck, San Juan County

Technical Members Absent: Roshana Moojen, Alternate, City of Aztec

Staff Present: Joe Delmagori, MPO Planner  
Duane Wakan, MPO Associate Planner  
June Markle, MPO Administrative Aide

Staff Absent: Mary Holton, MPO Officer

Also Present: David Quintana, NMDOT District 5  
Larry Hathaway, San Juan County

The power was out at the City of Bloomfield offices. No taped recording of the proceedings was available until approximately 10:30 a.m. The recording began part way through the discussion of Agenda Item #3.

**1. CALL TO ORDER**

Mr. Dave Keck called the meeting to order at 10:08 a.m.

**2. APPROVE THE MINUTES FROM THE OCTOBER 24, 2013 TECHNICAL COMMITTEE MEETING**

Ms. Lopez made a motion to approve the minutes from the October 24, 2013 Technical Committee meeting. Ms. Westerling seconded the motion. The motion to approve the minutes was passed unanimously.

**3. COMMUNITY AND REGIONAL CONCERNS**

<b>Subject:</b>	Community and Regional Concerns
<b>Prepared by:</b>	Joe Delmagori, MPO Planner
<b>Date:</b>	November 13, 2013

#### BACKGROUND

- On August 22, the Technical Committee discussed the need to address several community and regional concerns with NMDOT.
- The concerns relate to interactions and communications with NMDOT District 5 with regards to regional priorities and maintenance.
- A summary of these concerns was discussed with the Policy Committee on September 19.
- It was agreed that a workshop will be held to discuss the concerns and develop solutions.

#### CURRENT WORK

- On September 26, the Technical Committee agreed to speak with their respective city/county managers to review the concerns prior to the scheduling of a workshop.
- At the October 24 meeting, discussion on this agenda item was tabled.
- The Technical Committee will summarize their meetings for the members on November 21.

#### RECOMMENDATION

- It is recommended that the Technical Committee:
  - a. Summarize their discussions with their city/county managers.
  - b. Discuss a day and time for the workshop.

**DISCUSSION:** Mr. Delmagori stated that at the August meeting the Technical Committee had discussed the need to address several community and regional concerns related to interactions and communications with NMDOT and District 5. These concerns were discussed with the Policy Committee in September and they were supportive and understanding of the issues. It was agreed that a workshop would be held with NMDOT to discuss the concerns and develop solutions.

At the Technical Committee meeting on September 26, the members decided to first speak with their respective city/county managers and to review these concerns prior to the scheduling of a workshop. The members planned to discuss the outcome of the meetings with their management at the October 24 meeting. Due to the absence of the Chair, however, this agenda item was tabled until the November meeting.

Mr. Keck said there was a county-wide managers meeting and discussion to be held on December 4 that he was planning to speak at. With the potential political aspects of these regional transportation concerns, he suggested waiting to see how this discussion among the local governments went before the MPO addressed this issue further.

Ms. Lopez replied that she thought the members had decided to individually speak to their managers as the first step. She and Ms. Westerling spoke with the City of Farmington Manager, Rob Mayes and the Public Works Director, Jeff Smaka to make them aware of the Technical Committee's concerns. Ms. Westerling said that Mr. Mayes suggested having a meeting with the District Engineer and the District

Maintenance Engineer to discuss the concerns. Mr. Mayes preferred the discussions to first take place at the technical level and then, if needed, proceed to the management level. He did not want to see discussions jump directly to the level of the Transportation Commissioner. Ms. Lopez agreed and re-stated that Mr. Mayes wanted the Technical Committee to discuss the issues with NMDOT and seek solutions as a first step in the process. Communication between the parties is the key to resolving the issues.

Mr. Quintana said he had been told of the maintenance concerns and knew of the proposed workshop. He would like to see the issues discussed at the professional level first and then, if needed, bring in Miguel Gabaldon and Commissioner Mathews.

Ms. Lopez said it was important for District 5 to understand the MPO's concerns as well as for the MPO to understand the District's position. This understanding would make it better for both sides and help in reaching agreement on the issues.

Mr. Keck said the MPO would like more input in the prioritization of regional projects. He stated that the money being spent on just one phase of the US 64 project could have funded all the other regional projects of importance to the MPO.

Ms. Lopez agreed that the MPO would like a stronger voice in project funding. Ms. Westerling said that ten years ago, the US 64 project was probably a priority, but since that time other projects have leap-frogged ahead of it. She thought the MPO had basically been told that the US 64 project was going ahead regardless of any MPO concerns.

Mr. Quintana explained that money had been spent on obtaining all the necessary environmental documents for US 64 and the clock was ticking to get the project completed. He stated, however, that District 5 is interested in this area's concerns and has continued to work on funding the East Arterial and Pinon Hills projects.

Ms. Lopez added that if other project options are better, the MPO would like District 5 to consider those options. Mr. Quintana said the US 64 project was important for access control and safety, but that District 5 continues to actively look for funding for other local projects. He added that NMDOT will be looking for more involvement in the future on local led projects.

Mr. Keck agreed that the entities, the MPO, and District 5 need to communicate better with each other. The US 64 project may have been important ten years ago, but different options should have been considered after this project took so long to get started.

Mr. Keck also commented that NMDOT requirements and processes are like chasing a moving target and that with all the NMDOT staffing changes these issues have been made even more difficult. Ms. Westerling agreed that the entities need to know what is required of them.

Mr. Keck recommended having a local NMDOT representative who lived in the area and had a personal interest in area issues. He believes there is a disconnect between the needs of this region and NMDOT priorities because of the large geo-spatial distances between NMDOT staff and the region.

Ms. Westerling also commented on having to play phone tag with NMDOT representatives and how difficult it was to reach anyone on the phone who could provide answers. Mr. Quintana said this was also difficult for NMDOT since many of their staff is new and still learning the process and the requirements. Ms. Westerling stated that the entities simply want to know what the requirements are and they will work to meet them. It is very difficult to do that when the requirements continually change.

Mr. Quintana said FHWA had approved three construction liaison positions for NMDOT. These individuals will be available for questions on project construction, however will not be able to help with the development of a project. He also commented that there was currently only one person looking over environmental issues on projects throughout the state and there are over 200 projects to be considered. He stated that letting projects at the end of a quarter always creates environmental hiccups.

Ms. Lopez said it was important to get all players to the table to discuss the issues. Mr. Keck said he hoped staffing at NMDOT would stabilize soon. Mr. Quintana said that probably would not happen soon as there are anticipated high-level retirements and other changes within NMDOT that are still expected.

Mr. Quintana said there were many good protocols but that more project oversight by NMDOT was needed. Mr. Keck said the entities were learning how to meet the requirements and that having local contractors who understand NMDOT requirements and procedures was important. Mr. Quintana said the NMDOT would be more involved in pre-construction meetings and communication would increase due to this additional oversight.

Mr. Quintana also noted that there will be increased timelines for the design phase of projects to hopefully help entities get through NMDOT's process. Ms. Westerling commented on a right-of-way approval request the City of Farmington had submitted in June for the Pinon Hills project and for which there has still been no answer. Mr. Quintana said he would follow up on this issue.

*The power was restored to the building and the recording of the meeting began.*

Mr. Keck stated that it would be good to be able to sit down with all the players in all the different areas. Mr. Quintana said NMDOT is setting up a training program for local government oversight labeled "cradles to grave". This program will provide a certification to local governments and local consultants to manage the entity's projects in a proper manner for receiving federal money. Mr. Quintana said he had heard that this training has been in the process of being developed for the past six months.

Ms. Lopez commented that timeliness is another issue in working with NMDOT. She noted that San Juan County has been hearing for years that their MOU's are being reviewed by legal. She said this type of review should not take more than a year to review. Mr. Quintana agreed. Ms. Westerling said that everyone understands that NMDOT was under a hiring freeze and the difficulties that presented, but said that if everyone was talking, everyone could be helping. She noted that the public does not differentiate between the local government and NMDOT, but when things are not done

correctly, the public blames the local government. Mr. Keck said this was very frustrating when the calls received were for issues on state highways.

Mr. Keck also commented that many times the entities are gambling up front that they are proceeding correctly with a project and that they will be reimbursed for the project upon completion. If something is not done correctly, however, an entity could be out a lot of money which changes the entire financial plan for that year. Mr. Keck said the county had faced this issue last year when after jumping through numerous hoops, an NMDOT staffer was holding up a \$1,200,000 reimbursement payment. Ms. Westerling commented that this particular staff member has repeatedly asked her to send the same documents. She said it appeared that NMDOT did not know what documents were actually required.

Mr. Keck stated that the entities are willing to do what is asked of them, but they need to know what that is and the requests for information need to be timely. Both Mr. Keck and Ms. Westerling expressed their frustration at the time delays between requests and some of the seemingly redundant requests. Mr. Quintana said all the information is spelled out in the Tribal & Local Government Agreement (TLGA) handbook so that even if the staffer does not have the answer, they should be able to find the answer. Mr. Quintana thought that there was education needed for both parties and thought that the certification program for local governments was a good idea as it would provide a logical checklist of the requirements for the entities.

Mr. Keck suggested the issues of involving the local entities in the big picture, improving communication between the parties, and making the process more timely all tied together. Ms. Lopez said that if NMDOT understands the entities' concerns it is easier to address them, and if the constraints of NMDOT are understood by the entities then they can work to help alleviate the constraints.

Mr. Keck said that at the managers' meeting on December 4 he will explain that the Technical Committee has spoken with NMDOT and it was agreed to work cooperatively to allow more input by the MPO and the entities on big projects in the area and better communication on the projects the entities are working on.

Mr. Keck said the other big issue is that of routine maintenance of the state highways and how the entities are impacted by that. He reiterated that the citizens do not differentiate between a local road and a state highway. If there is a problem on any road in the region, citizens contact the local government. Mr. Keck added that NMDOT has no process for citizens to call in with a formal complaint about a specific issue. Mr. Keck said the local maintenance yard has no process for taking a complaint and making sure it is followed up on. Mr. Keck said the county has a very specific process for responding to citizens' calls and said he relies on the citizens to keep him informed of road conditions on county roads.

Mr. Keck stated that the highway system in San Juan County is the only transportation system available. There is no rail or large commercial airlines and yet the tri-city and county area population is approximately 130,000 people. Many in the area believe that we do not receive the attention to routine roadway maintenance that we should. There are times when the entities have to complain simply in order to get the shoulders mowed or they end up doing the work themselves.

Ms. Lopez added that from an economic standpoint it is important for the roads to be well maintained. With the many tourists who come through the area to visit the venues here, the roads into the community need to be welcoming so tourists want to stay. Well maintained roads also give local residents pride in their community. When the highways are uncared for the community's reputation suffers.

Given that the cities and county were willing and had the resources to assist NMDOT with highway maintenance and upkeep, Mr. Keck asked how an MOU or local government agreement can be put in place to do so. He mentioned that the county has been trying for four years to get an MOU signed with NMDOT for litter pickup along the state highways in the region. Mr. Keck said the county has simply been asking for a token reimbursement amount in order to continue with the program. He has received no response on the MOU for the past four years except to be told that it is with NMDOT's legal department. Mr. Keck also commented on work county crews have done to Hwy 57 which used to be the road to Chaco National Monument. This road acts as a backbone to many other county roads in the area and when sagebrush began growing in the roadway, the county started blading the road to keep it passable. For this work as well, the county is asking for a token amount of funding to justify the work they are doing there and to relieve them of some possible liability.

Mr. Keck stated that all of the entities perform similar maintenance tasks along state highways and the other Technical Committee members agreed. These tasks include sweeping up sand following the recent rains, striping, mowing shoulders and medians to remove weeds and clear up lines of sight, and repairing potholes. Mr. Keck added that if the entities are not compensated for the work, then at least be given the authority by NMDOT to do the work and to protect them from any liability issues. Mr. Keck added that for the citizens who live in the area, it is discouraging to see the community's roads so poorly kept.

Mr. Keck suggested that NMDOT might consider consolidating their maintenance locations and crews in this district which might help disburse them to where they are needed. He also thought it would helpful to establish a pattern or set up a schedule so the local governments would know approximately how often and when certain types of maintenance work could be expected to be completed.

Mr. Keck stated that since the Technical Committee first spoke to Mr. Phil Gallegos about these issues, there has been mowing of shoulders and medians as well as some shoulder grading along US 64. Mr. Keck added, however, that the secondary roads in the area are also in very poor condition. The two roads specifically mentioned were NM 173 to Navajo Dam and NM 170 (La Plata Highway).

Mr. Keck said inter-governmental agreements that laid out costs and the work to be performed was all that was needed. He stated that Mr. Gabaldon had said that these types of agreements are plausible, but none has ever been forthcoming.

Ms. Westerling brought up another communication issue and asked that NMDOT let the entities know when a planned project was to actually happen. She said there were major issues and complaints when NMDOT was working on US 64 at Harper Hill while at the same time the City of Farmington had work ongoing on both La Plata Highway and Twin Peaks. She noted that the City of Farmington's work would have been delayed if they had known beforehand that the work on US 64 was about to begin. Ms. Lopez stated that citizens were calling to complain about why all the roads heading west

were torn up at the same time. Ms. Westerling added that better communication between the entities and NMDOT was the key and noted that communication was a two-way street.

Mr. Keck said he hoped with this discussion that Mr. Quintana better understood the MPO's issues. Mr. Keck said that the MPO and the entities want to maintain a good relationship with NMDOT and the federal funding provided by NMDOT is relied on and many projects in the area would not be doable without the funding. Mr. Keck added he believed that a sense of community was lacking. He thought that if an NMDOT employee lived in the area and could see the issues every day, they could help keep District 5 aware of local issues and concerns.

Ms. Lopez asked who from NMDOT and District 5 Mr. Quintana thought should participate in a workshop. Mr. Quintana said that to focus on maintenance concerns, Mr. Miguel Gabaldon and Mr. Dave Martinez needed to be invited. For discussions on local government and planning issues, Ms. Yolanda Duran and he should be in attendance. It was suggested that the two meetings be held separately so that maintenance issues could be focused on with Mr. Gabaldon and Mr. Martinez, and the other issues could be addressed specifically to him and Ms. Duran. Mr. Quintana said he would also see if Ms. Duran could attend the December Technical Committee meeting to introduce herself to the members.

Mr. Quintana said that Ms. Duran understands all the certifications needed from an entity, but oftentimes the entity is not timely in providing the certifications, especially environmental. Sometimes the entities do not always understand the time needed to obtain the required certifications. Mr. Quintana said some entities and/or consultants understand the requirements and the timelines while others do not. He noted that this is where NMDOT's educational program will be of benefit to the entities.

Mr. Keck said that the issue of project reimbursement is critical. Mr. Quintana replied that this was where District 5 can assist. Representatives from District 5 will begin attending pre-construction meetings to let the entities know exactly what will be needed for the project and what they will need to track. He stated that someone from the audit section will be sent to help the entity set up the construction file so they can be easily audited later on. Mr. Quintana added that reimbursement requests will need to be submitted monthly as soon as the monthly estimates to the contractor are released. There is also an estimate checklist that NMDOT's project managers and project engineers are required to use before submitting the estimate to audit. This checklist will be provided to the entities to help keep them on track. Mr. Quintana said that since ARRA, everyone has begun reacting to the level of oversight being required by the federal government.

Ms. Lopez stated that the MPO and entities want to understand NMDOT's side of the issues to assist in making it better for all parties.

Mr. Delmagori reviewed the list of workshop attendees who were identified during the September 19 Policy Committee meeting: the Technical and Policy members, Commissioner Butch Mathews, District 5 Engineer and staff, Four Corners Economic Development (4CED) representative, and local executive staff. He noted that the Policy Committee thought it was important to invite Commissioner Mathews to the workshop. Ms. Lopez said that following the discussion with the Farmington City

Manager and Public Works Director, a staff level workshop was thought to be the first step. Mr. Delmagori clarified that the Technical Committee wanted the workshop to just be with Technical Committee members and NMDOT staff and associates. The Technical Committee members agreed.

Mr. Delmagori asked if the workshop would be a half or full day session with structured times for everyone to discuss the topics. Mr. Quintana agreed and said the local government issues could be discussed in the morning and then the maintenance issues covered in an afternoon session. He said this would make it easier for NMDOT staff to attend just a morning or afternoon session and not be required to stay for the entire day.

Mr. Keck said that at the December 4 managers' meeting he wanted to ensure they supported the MPO's effort and concurred with the issues raised by the Technical Committee. He said he would also explain that NMDOT and the Technical Committee plan to move forward by holding a workshop to collectively discuss the issues. Mr. Keck will also ask the managers for their political support should any additional influence be necessary. He suggested MPO Staff let the Policy Committee know that the direction given to the Technical Committee members from their management group was to hold a technical level workshop first.

Mr. Delmagori said this was taking a different path than had originally been discussed by both the Technical and Policy Committees, but agreed that it could work. He asked when the group wanted to schedule the workshop. Everyone agreed that it needed to wait until after the first of the year. A date for the work session will be discussed further following the December 4 meeting with the city/county managers.

**ACTION:** The report was received.

#### **4. HOLD A DISCUSSION ON ACTIVITIES RELATING TO THE DEVELOPMENT OF THE 2040 METROPOLITAN TRANSPORTATION PLAN (MTP)**

<b>Subject:</b>	2040 Metropolitan Transportation Plan
<b>Prepared by:</b>	Joe Delmagori, MPO Planner
<b>Date:</b>	November 13, 2013

#### **BACKGROUND OR PREVIOUS WORK**

- The Metropolitan Transportation Plan (MTP) is the long range planning document that addresses transportation needs for the next twenty years.
- The 2035 MTP was adopted in April 2010.
- The 2040 MTP will be developed over the next 18 months with anticipated adoption in April 2015.
- Staff presented an overview of the MTP process to the Technical Committee on October 24.

#### CURRENT WORK

- Staff is developing a work plan and timeline of activities for the MTP update.
- Staff is reviewing the current MTP to determine what aspects to keep for the update and what elements need to be included in the update.
- Staff is assessing public involvement opportunities and reviewing its list of stakeholders.
- The MPO will need to develop performance measures and targets as outlined by MAP-21.
- Staff is considering holding a work session with the Technical Committee to further discuss the MTP activities, work plan, and timeline.

#### RECOMMENDATION

- It is recommended that the Technical Committee hold a discussion on activities relating to the development of the 2040 MTP.

**DISCUSSION:** Mr. Delmagori reviewed the MTP overview presentation from the October Technical Committee meeting. He explained that the federal transportation bill requires the long range transportation plan, also known as the Metropolitan Transportation Plan, to be updated every five years. The last Plan was adopted in April 2010 and amended a year later to include a transit section following the completion of the Red Apple Transit study. This Plan looks out 20-25 years and identifies and prioritizes all of the transportation improvements for the area for all modes of travel. The 2040 update is in conjunction with the state's long range transportation plan update, so a lot of feedback and coordination among the agencies is anticipated. Adoption of the final 2040 MTP will be sought in April 2015.

Some of what will be included in the development of the MTP will be the Planning Factors from the previous transportation bill SAFETEA-LU, the Livability Factors developed by HUD, EPA and USDOT, and the new National Planning Goals established with MAP-21. Mr. Delmagori presented a list from each of these factors/goals and showed the recurring themes and elements that will help to focus development of the MTP.

Mr. Delmagori reviewed the primary elements of the MTP which included current and future population/employment data, all the travel modes, freight, safety, environmental, financial plan, and public participation. Throughout the process, MPO Staff will be making presentations to various stakeholder groups to introduce the ideas and concepts of the MTP and explain how they can participate in the process. Staff plans to be proactive throughout the process in terms of bringing this information to the public, meeting them where they gather, attending city fairs, having display booths, and participating in any other function where information about the MTP can be shared.

Another part of the MTP is the Roadway and Transit Plans. These are the existing major thoroughfare plan and the recommended route structure for the Red Apple. These plans will be reviewed to see where they might be improved. The MPO would work to further identify Complete Streets actions and strategies that can be incorporated into the road process.

Mr. Delmagori showed the existing Bicycle/Pedestrian Plan for the area that was developed during the last MTP update. The MPO will also look at this document to see if potential priorities have changed, to further incorporate Complete Streets, and to identify policies and strategies the MPO can address in subsequent years.

Ms. Lopez asked if this section would be addressed separately so the MPO could look at better ways for transit to function. She also asked if the discussions would include representatives from the biking community. Mr. Delmagori said the discussions will include relevant and interested stakeholders. Ms. Westerling asked if several representatives from the Complete Streets Advisory Group as well as the bicycle group could be included in the planning process to offer their vision. She added it would be best if there were a select number of spokespeople from each group. Ms. Lopez said that the Complete Streets Advisory Group has sought this input and representatives from the bicycle group have been invited to participate. She added that the Complete Streets Advisory Group is working toward combining all modes and developing one set of guidelines to build one vision.

Mr. Delmagori reviewed a list of items for potential additional focus. He noted that these items (i.e.: safety, freight, transportation and land use, environmental justice) are touched upon in the current MTP, but may need additional attention or focus for the 2040 update.

Mr. Delmagori stated that MAP-21 now requires performance measures and targets be incorporated into the MTP process. The measures have not yet been established by either the federal or state DOTs, but the MPO will be proactive and begin to address these during the update process. Mr. Delmagori explained some performance target examples being used by Mid-Region Council of Governments (MRCOG).

Mr. Delmagori reviewed an ongoing list of questions that were presented to the Policy Committee last week:

- What do we like about the 2035 MTP?
- What should be changed or improved upon?
- How can we better engage the public in this process?
- What areas of the 2035 MTP need more focus?
- What planning elements are not part of the current MTP but should be part of the update?
- What data do we need for performance measures and what are they trying to improve?

Mr. Delmagori would like to hold a work session with the Technical Committee members to begin brainstorming ideas for the MTP. He commented that Staff had their own brainstorming session which helped to prepare the presentation as well as the timeline found on Pages 3-5 of the Agenda. Mr. Delmagori thought this could be an hour long work session prior to the December Technical Committee meeting and would focus on the list of questions noted above and identify other items that need to be considered. However, based on the members' discussion, it appeared that the discussion needed to first be opened up to a wider audience.

Ms. Lopez said the Technical Committee members have a clearer understanding of the MTP process and the elements to be considered. However, to open the discussion to a

broader audience, the list of questions needed to be revised and more explanations provided so the average citizen understood what the MTP was and the process needed to get it updated. She recommended getting citizen or focus group input and ideas before the Technical Committee began offering their recommendations. Ms. Lopez asked which groups Staff planned to present the MTP to. Mr. Delmagori said initially Staff had thought they would present at various stakeholder meetings. However, following discussion it appeared that a more focused or structured group should be formed with one or two interested representatives from each of the larger groups.

Ms. Westerling agreed that there should be a focus group meeting first so the public can provide their thoughts and ideas on development of the MTP. Following this group's meeting, the Technical Committee would meet to review their recommendations and to see what could be incorporated into the MTP. The members discussed what should be done first. Ms. Westerling thought a stakeholder meeting should be held first and that meeting would be made up of individuals who care about what is going on in the community and who want to help make a change. There was also a suggestion for a survey to help gather ideas.

Ms. Lopez said there needs to be a voice from the users of the different parts of the MTP. She noted there are the transit riders who seem to be an active group, the bicycle group who are vocal about a bike plan and how getting around the city can be improved, and Complete Streets advocates. These people can provide input on how these different pieces of the MTP may or may not be working and their input will assist the Technical Committee in the MTP update. Mr. Delmagori said Staff would work on developing this group over the next few months and then the work session could tentatively be planned for February or March.

Mr. Wakan said that during the AMPO conference some groups were using a bike cam to show the inventory of their bicycle networks. The rider wore a helmet camera to create a visual inventory of the bike routes and demonstrate the traffic and navigational issues encountered. This provides a non-rider a view through the rider's lens and provides the visual on what is good and what needs to be improved. Ms. Westerling also noted that Farmington was not a walker-friendly community. She said this was because the community is dark and pedestrians cannot be seen. The street lights are to light the roadway for cars and they do not provide adequate lighting for pedestrians. Ms. Westerling stated that providing adequate lighting, at least in specific corridors, can make the area friendly for walkers. Ms. Lopez also added that having no sidewalk buffers also makes walking less appealing.

The members discussed who might be contacted to provide input on walking since there is no organized walking group in the area. Ms. Brevik said there was a trail group in the Bloomfield area that was contacted for input on Bloomfield's Comprehensive Plan and she said that group is pushing for trails, parks, and connectivity. Ms. Westerling also suggested contacting Mr. Roger Drayer to see if there was a group active within the parks system.

Ms. Lopez said she would also like to hear from the equestrians in the area. With the ranches, farms, and the racetrack in the area, people have and ride horses. Ms. Westerling said if Staff had no equestrian contact, Councilor McCulloch could probably provide the name of a good contact. Ms. Lopez said that these were the groups the Technical Committee would like to hear from before they begin working on the MTP.

**ACTION:** The discussion was held.

## 5. JOINT POWERS AGREEMENT AMENDMENT

<b>Subject:</b>	Joint Powers Agreement Amendment
<b>Prepared by:</b>	Joe Delmagori, MPO Planner
<b>Date:</b>	November 13, 2013

### BACKGROUND

- The FHWA MPO Review indicated that the MPO needs to amend the current Joint Powers Agreement (JPA) to meet federal requirements and the new provisions of MAP-21.
- This amendment would also include a conflict resolution process to address disagreements.
- As recommended by FHWA, the revised JPA would reflect current transportation federal law in effect since October 1, 2012 and capture the requirements of MAP-21.

### CURRENT WORK

- On October 24, staff presented a draft JPA amendment.
- MAP-21 provisions would be included in Section 4 referencing performance measures for the MTP, TIP, and other planning documents.
- Section 7 would be expanded to address conditions that would indicate when the JPA needs to be updated.
- Staff has been provided the conflict resolution process from the FHWA-NMDOT oversight agreement as an example to use for the JPA.
- Staff will work with the Technical Committee to develop the conflict resolution process for the JPA.

### RECOMMENDATION

- It is recommended that the Technical Committee review the MAP-21 provisions to be included in the JPA and develop the conflict resolution process for the JPA.

**DISCUSSION:** Mr. Delmagori reported that following the FHWA review of the MPO in September 2012, the MPO was directed to look at the Joint Powers Agreement (JPA) and to incorporate MAP-21 provisions as well as a conflict resolution process. Mr. Delmagori reviewed a PowerPoint presentation to show the pending revisions and changes to the JPA. The revised JPA will be e-mailed to the Technical Committee members following the meeting for their review.

Mr. Delmagori explained that the MAP-21 provisions were incorporated under Section 4 of the proposed JPA. He said the National Planning Goals will also be incorporated into the JPA and there will be general references to the performance measures and targets primarily addressing the MTP, the TIP, and coordination of the targets with NMDOT.

Section 7 of the current JPA needed to be expanded to further explain the situations that might occur that could require an update to the JPA. Mr. Delmagori noted the proposed revisions in this section were: a new federal transportation bill that included new or revised requirements for metropolitan planning; a significant change in membership and structure of the MPO, changes based on census data, or modifications to the MPO boundary.

Section 10 of the amended JPA will be the new conflict resolution section. Mr. Delmagori said Mr. Rodolfo Monge-Oviedo had provided an example of a conflict resolution process used by FHWA and NMDOT (copy of Page 8 of the Agenda). Mr. Delmagori explained that after reviewing the example, he was not sure how it would apply to the MPO. The example speaks about a hierarchy of levels between the two agencies that could go all the way up to the Cabinet Secretary. Obviously the MPO does not have these types of levels. Mr. Delmagori said he thought any MPO conflict would first be addressed by the Technical Committee and that if the dispute was not resolved, it would move to the Policy Committee for consideration. He noted that the MPO approach to conflict resolution could be fairly simplistic. Mr. Delmagori said the type of potential issue is not defined and he hoped to speak further with Mr. Monge-Oviedo about this. Mr. Delmagori asked the members for their understandings or their experience with conflict resolution processes.

Mr. Delmagori said he would e-mail the proposed revised document to the Technical Committee members for them to review. If all goes as planned, Staff will ask the Technical Committee members to consider recommending approval of the revised JPA at the December meeting and it would then go to the Policy Committee for final approval in January.

Ms. Lopez commented that the example provided shows a process between two organizations. Mr. Delmagori asked if there was a way for it to be translated for use by the MPO. He said he thought the resolution process should remain with the Technical and Policy Committee members since they are the primary groups within the MPO. The JPA speaks to how the entities interact with each other.

Ms. Westerling asked how a potential conflict would be addressed now and Mr. Delmagori said it would be taken to the Policy Committee for action. Ms. Westerling asked how an issue with an entity requesting withdrawal from the MPO would be handled. Mr. Delmagori said that was already addressed in a separate section of the JPA and that the issue stayed within the MPO.

Mr. Delmagori said he thought that perhaps the type of issue needed to be defined before the resolution process could be addressed, but noted that even in the example provided by FHWA the actual type of issue is not defined. Ms. Westerling asked if the issue might be a potential disagreement with NMDOT. Mr. Quintana said that NMDOT is not a part of the JPA.

Ms. Lopez said that one size might not fit all. Even though the example spells out certain steps to be taken, those steps might not work for the MPO. Ms. Westerling commented that MPO issues are now first reviewed by the Technical Committee who then makes a recommendation on the action to be taken. This recommendation then goes to the Policy Committee who may either approve or not approve the action.

The members discussed the potential disagreements where a conflict resolution process would be needed, but finally decided that the actual type of conflict need not be defined, just the steps to reaching an agreement. The members agreed that there has never been a significant conflict within the MPO. The members also agreed that the biggest issue that might come up would be the issue of entity cost sharing percentages. These percentages are already spelled out in the JPA. Any changes to these percentages would come from the entities' Councils or Commissions and not from the MPO.

Mr. Delmagori said he would incorporate the discussion today into the proposed JPA document and send it to the Technical Committee for their review. He asked that after their review the members indicate if they were ready to recommend approval of the JPA to the Policy Committee.

**ACTION:** The proposed revisions were reviewed.

## **6. RECEIVE A REPORT FROM NMDOT**

Mr. Quintana reported that the new deadline for Local Public Agency (LPA) projects will be moving up to March. NMDOT will now be attending all pre-construction meetings and there would be an increased level of oversight. Mr. Quintana stated that he thought this more frequent interaction would help with some of the issues noted earlier.

Mr. Quintana stated that the project on NM 516 and Light Plant Road is underway. There is also a small book project to address some pedestrian ramps to cross NM 516 where the repaving was done last year. NMDOT is also looking at a pedestrian project in the next year or two to address pedestrian issues and any ADA concerns along NM 516.

Phase 3 of the US 64 project has been let to Mountain States Contracting and the rest of the corridor has been programmed. Mr. Quintana stated that NMDOT was asked by the Legislative Finance Council to identify major projects (\$25,000,000 projects) that they would like to receive state funding for. NMDOT identified the US 64 corridor because it was basically shovel-ready and the major concerns and issues addressed. If \$25,000,000 was made available, about three miles of US 64 could be completed as well as free up that amount of money from the District budget for other projects. Mr. Quintana said that next year NMDOT would be entering the right-of-way acquisition for the next phase of US 64. The next phase of the project (F100110 - Phase 4) would likely begin in the summer of 2016.

Mr. Quintana said the intersection of US 550 and US 64 in Bloomfield is still ongoing. He stated that if anything could go wrong with this project it has. Mr. Quintana said the project is now 95% complete and NMDOT is hopeful that it will be completed in the next few months. He said the new contractor for the next phase of construction has handled this type of project before and they are capable of getting the work done in the contracted time frame.

Mr. Keck discussed the use of CR 5290 by the gravel contractor. He stated this is a politically restricted road and contractors are rerouted via CR 350 which is a four-lane

road and comes out at the signal on US 64. Mr. Keck said he would like to avoid any problems with the use of this road before they occur. Mr. Quintana said Mr. Herman Patterson might have the name of the contractor and would ask him to contact Mr. Keck.

Mr. Quintana said Wilson & Company will be designing Phase 4 of the US 64 project. There will be another public meeting for this phase of the project around the first of the year to discuss access control issues. Mr. Quintana said NMDOT will be making some concessions to provide for some wider sections so oilfield traffic and large rigs can make U-turns along sections of US 64.

Mr. Quintana has been working with the City of Aztec to try and get the next phase of the East Arterial project reprogrammed. He reiterated that there had been some issues because the original project did not end at a logical terminus. The City of Aztec is now working to acquire Legion Road and getting it upgraded to city standards. Once this work is completed, Mr. Quintana said the project would be programmed and the funding obligated in early 2015.

Mr. Delmagori said Staff will have a TIP Amendment ready for this project for the December Technical Committee meeting and the January Policy Committee meeting. Mr. Quintana said the STIP will not be amended until probably March or April.

Mr. Quintana said he would follow up with the Pinon Hills right-of-way issue Ms. Westerling spoke of earlier. He said he would follow up to see if any additional submittals were required. Ms. Westerling noted that there are two small parcels involved. She also noted that finding a local appraiser had been difficult since the list of approved appraisers were all in Albuquerque or Santa Fe. Mr. Keck said that Steve Neville is qualified and is currently doing the County's portion of the Pinon Hills project.

Mr. Quintana said NMDOT is conducting a study along NM 173. They will be utilizing approximately \$750,000 for a scoping report, right-of-way maps, and final design. This will leave about \$1,200,000 in HSIP funds for construction probably in FY2016.

NMDOT has also conducted a study on NM 170. This was a planning level study to gather project ideas from small simple maintenance type projects to larger program-type projects that can be prioritized over the next 5-15 years and get them into the STIP. These potential projects would be from US 64 to the Colorado State line. Mr. Quintana said NMDOT also has plans to replace the La Plata Bridge at NM 574 this coming summer.

Mr. Quintana also noted some issues being addressed outside of the MPO area:

- US 64 from the Arizona State line to Shiprock;
- Replace truss bridge over the San Juan River in Shiprock. The new structure would parallel the old historic bridge and the old truss bridge would remain open to pedestrians as long as it was safe to do so. NMDOT will be working with the Navajo Nation on this project;
- Lighting in Shiprock is being finalized with legal and a meeting will be called with NMDOT, NUTA, Navajo Nation, and San Juan County.

Due to time constraints and other meeting obligations, Ms. Lopez moved to table discussion on Agenda Items 7-12 and to adjourn the meeting. Ms. Westerling seconded the motion. The motion was approved unanimously.

**7. 2014 MEETING SCHEDULE**

This item was tabled.

**8. TRAFFIC MODEL UPDATE**

This item was tabled.

**9. STATE FUNCTIONAL CLASSIFICATION REVIEW**

This item was tabled.

**10. INFORMATION ITEMS**

This item was tabled.

**11. BUSINESS FROM THE CHAIRMAN, MEMBERS AND STAFF**

This item was tabled.

**12. BUSINESS FROM THE FLOOR**

This item was tabled.

**13. ADJOURNMENT**

The meeting adjourned at 12:02 p.m.

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Dave Keck, Chair

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June Markle, MPO Administrative Aide