

RESOLUTION #COG 2023-2024-1

RESOLUTION OF THE SOUTHWEST NEW MEXICO COUNCIL OF GOVERNMENTS (SWNMCOG)/SOUTHWEST REGIONAL TRANSPORTATION PLANNING ORGANIZATION (SWRTPO) ESTABLISHING A PUBLIC PARTICIPATION PLAN

WHEREAS, the Southwest New Mexico Council of Governments/Southwest New Mexico Regional Transportation Planning Organization is the entity responsible for transportation planning in the region comprised of Catron, Grant, Hidalgo, and Luna Counties; and

WHEREAS, NM Department of Transportation is requiring the Southwest Regional Transportation Planning Organization (SWRTPO) to comply with the State and Federal requirements for a Public Participation Plan; and

WHEREAS, the SWNMCOG/SWRTPO desires to comply with the State and Federal requirements; and

WHEREAS, the SWNMCOG/SWRTPO encourages public participation at their meetings;
NOW, THEREFORE BE IT RESOLVED that the Southwest New Mexico Council of Governments/Southwest Regional Transportation Planning Organization:

1. The attached document represents the Southwest Regional Transportation Planning Organization's Public Participation Plan.

Done this 24th day of August, 2023 at a regular meeting held in Silver City, New Mexico.



Alex Brown, Vice-Chairman

ATTEST:

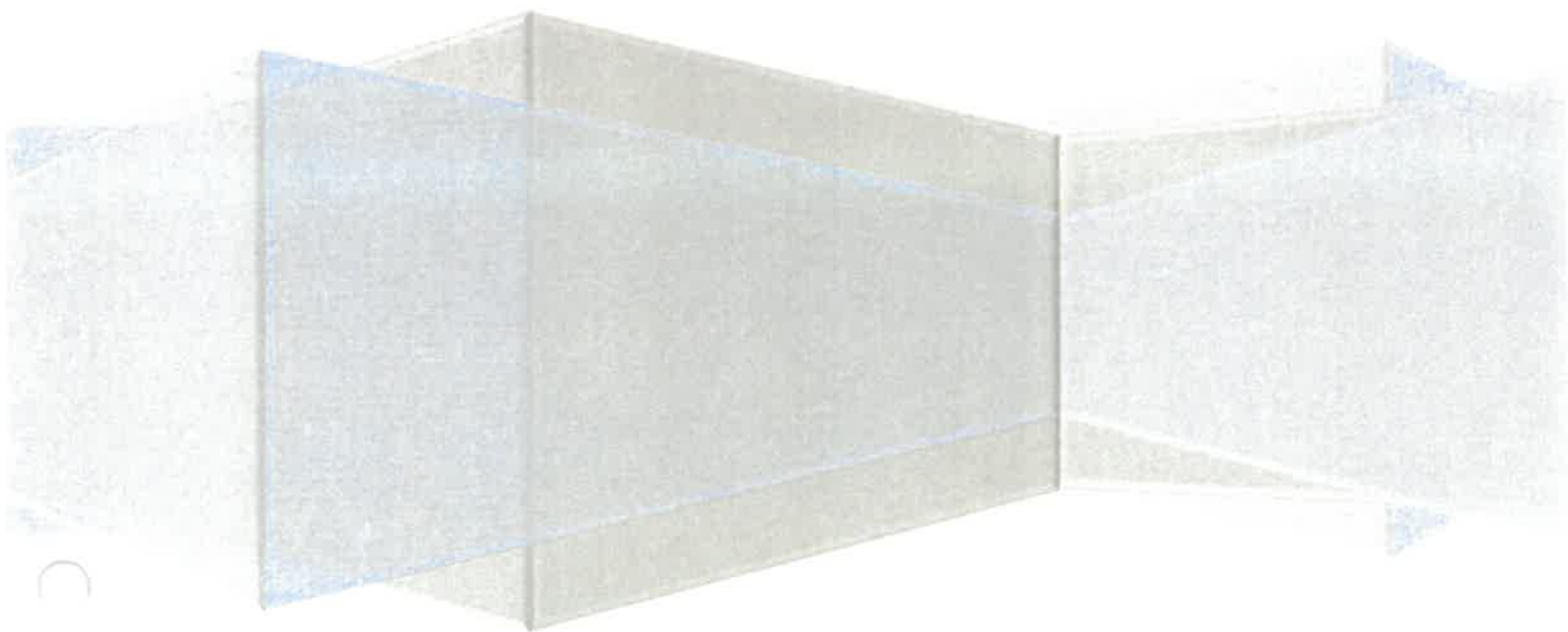


Priscilla C. Lucero, Secretary-Treasurer

Public Participation Plan

Southwest Regional Transportation Planning
Organization

Southwest New Mexico Council of Governments



I. Introduction

The Southwest Regional Transportation Planning Organization (SWRTPO) is the entity responsible for transportation planning and other transportation related programs or activities outlined in the New Mexico Department of Transportation's (NMDOT's) Planning and Procedures Manual (PPM) and 23 C.F.R. § 450.212(1). SWRTPO includes the counties and respective incorporated communities of Grant, Hidalgo, Catron, and Luna.

Regional Transportation Planning Organizations (RTPOs) such as SWRTPO are recognized programs of the NMDOT Asset Management & Planning Division that are administered, managed, and staffed through a cooperative agreement with respective Economic Development Districts and/or Council of Governments (EDDs/COGs). SWRTPO is staffed and co-managed by the Southwest NM Council of Governments (SWNMCOG). Regional planning organizations were originally founded by the New Mexico State Legislature in 1978 to orchestrate planning in nonmetropolitan areas.

The purpose of this document is to outline the State and Federal requirements for a Public Participation Plan for use by RTPOs. As an organization receiving Federal financial assistance for transportation planning, design, construction and maintenance, it is a requirement of State and Federal law that our organization develop and implement a program to foster continuing, cooperative and comprehensive (3-C) public participation. This program may be general, or project specific. In addition to being a regulatory requirement, public participation maximizes the benefits of transportation planning processes and outcomes. Accordingly, our organization recognizes that the travelling public has valuable insight to offer, in addition to a right to contribute to the planning process.

II. State and Federal Requirements

RTPOs have numerous responsibilities including the development and contribution to Long Range Plans (LRPs), Regional Transportation Plans (RTPs), Regional Transportation Improvement Plans Recommendations (RTIPRs), and Regional Work Plans (RWPs), provision of technical assistance to local officials, coordination of local planning across multiple disciplines, interagency/tribal coordination of local planning, and creating opportunities for public participation. The Federal government defines public participation as "an open process in which the rights of the community to be informed, to provide comments to the Government and to receive a response from the Government are met through a full opportunity to be involved and to express needs and goals". Our public participation program is an opportunity to provide for this process and pertinent State and Federal requirements are summarized below.

(a) 23 C.F.R § 450.210(a)(1) outlines a minimum of what the public participation process shall be and is paraphrased here as:

- i. Establish early and continuous public involvement opportunities that provide timely information about transportation issues and decision making processes;
- ii. Provide reasonable public access to technical and policy information;
- iii. Provide adequate public notice of public involvement activities which will include time for public review and comment;
- iv. Ensure meetings are held at convenient and accessible locations and times;
- v. Use visualization techniques to describe plans and support studies;
- vi. Make public information electronically accessible;
- vii. Demonstrate explicit consideration and response to public input;
- viii. Include a process for the traditionally underserved population's consideration and participation; and
- ix. Provide periodic review of the effectiveness of public involvement.

In compliance with 23 C.F.R. § 450.210(2), SWRTPO shall, at a minimum, allow forty-five (45) calendar days for public review of the SWRTPO PPP.

(b) NM Open Meetings Act

Chapter 10, Article 15 NMSA 1978 is known as NM's "Open Meetings Act" or "Sunshine Law." This law establishes the State's standard procedure when conducting businesses and meetings of which concern the public. NMSA § 10-15-1 presents the procedures for open meetings and is summarized here as:

- i. All persons shall be permitted to attend and listen to the deliberations and proceedings;
- ii. Reasonable efforts shall be made to accommodate the use of audio and video recording devices;
- iii. No convened public meeting, except under certain circumstances, shall be closed or dissolved into small groups or committees for the purpose of closing a meeting;
- iv. Notwithstanding any applicable laws or the public body's rules, a member of the organization may participate by electronic audio or visual media that allows the member to interact with the meeting members and vice-versa;
- v. Meetings of which official business is to be conducted shall provide reasonable notice to the public;
- vi. The official body will annually determine what notice for the public is reasonable;

- vii. If provided written request for such notice, the public notice of the meeting shall include broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation;
- viii. A meeting may recess and reconvene to a subsequent day in accordance with NMSA § 15-1-1(E);
- ix. At least seventy-two (72) hours prior to the meeting shall the agenda be available to the public and posted to the public body's website; and
- x. Written minutes shall be kept by the public body in accordance to NMSA § 15-1-1(G) which will include date, time, place of meeting, names of those members present or absent, substance of the proposals considered, and a record of decisions and votes of the members as appropriate.

Reasonable efforts shall be made

(c) Guidelines for inclusion of affected parties (23 CFR 450.200-316)

- i. Citizens
- ii. Affected public agencies (including but not limited to land management, natural resources, environmental protection, conservation and historic preservation)
- iii. Representative of public transportation employees
- iv. Freight shippers
- v. Private providers of transportation
- vi. Representatives of users of public transportation
- vii. Representatives of users of pedestrian walkways and bicycle transportation facilities
- viii. Representatives of the disabled
- ix. Providers of freight transportation services
- x. Other interested parties
- xi. Coordinate with Tribal governments and US Secretary of Interior regarding areas of the State under Tribal Jurisdiction
- xii. Plans affecting metropolitan areas developed in coordination with MPOs
- xiii. Plans affecting nonmetropolitan areas developed in consultation with nonmetropolitan elected officials and relevant land management agencies with responsibility for transportation
- xiv. When appropriate, the use of "peer exchange" which Federal regulations define as the exchange of information and best practices between agencies, institutions and firms (public and private) with responsibility for transportation (23 CFR 420.203)
- xv. Cooperation with statewide trade and economic development interests

- xvi. Consideration of interstate issues an coordination with appropriate agencies;
use of interstate compacts when appropriate
- xvii. Coordination with State air quality agencies

III. Title VI & Environmental Justice

Federally funded recipients and their programs are required to follow provisions of the Title VI Civil Rights Act of 1964 and applicable Executive Orders (EOs).

SWRTPO is obligated and dedicated to assure that no person shall be discriminated against based on race, color, national origin, gender, age, religion, sexual orientation, gender identity, or disability. It is also the obligation of SWRTPO to assure that every effort is made to prevent the discrimination of low-income populations, minority populations, and any persons considered to have Limited English Proficiency (LEP). Therefore, SWRTPO has created and adopted a comprehensive Title VI Plan that cites applicable civil right laws, executive orders, environmental justice laws, and outlines a process of complaint should these assurances not be met.

This Title VI Plan of SWRTPO may be acquired by contacting SWNMCOG:

SWNMCOG – Cerisse Grijalva
1203 N. Hudson St.
Silver City, NM 88061
Email: grijalvac1@swnmcog.org
Office: (575) 388-1509

Should need further assistance, please contact the NMDOT Planning Division:

Neala Krueger – Government to Government Unit Supervisor
Statewide Planning Bureau
New Mexico Department of Transportation
P.O. Box 1149
Santa Fe, NM 87504
Office: (505) 476-3742
Email: neala.krueger@dot.nm.gov

- IV. SWRTPO PPP will be accepting public comment by July 14, 2023 and will be approved and adopted on August 24, 2023.



Vice-Chairman – Southwest NM Council of Governments