



New Mexico DEPARTMENT OF
TRANSPORTATION
MOBILITY FOR EVERYONE

NEW MEXICO DEPARTMENT OF TRANSPORTATION

CIVIL RIGHTS BUREAU

**FEDERAL TRANSIT ADMINISTRATION
TITLE VI PROGRAM PLAN**

2016

Amended May 22, 2018

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I. Title VI Nondiscrimination Statement of Policy

Title VI Policy Statement

The New Mexico Department of Transportation (NMDOT) is committed to compliance with Title VI of the Civil Rights Act of 1964, 49 CFR, part 2, and all related regulations and directives. NMDOT assures that no person shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity under any NMDOT program, activity, or service.

Environmental Justice/Limited English Proficiency Policy Statement

NMDOT assures that 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 NMDOT 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.

Specific Forms of Discrimination Prohibited

NMDOT's 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 any 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

NMDOT Programs and Services Covered by Title VI

NMDOT's Title VI Plan applies to all of the Department's programs, activities, and services, regardless of funding source.

il4

Tom Church

Cabinet Secretary
New Mexico Department of Transportation

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Date

II. Overview of Transit Programs

The Governor designated NMDOT as the agency responsible for administering Federal Transit Administration (FTA) programs. The Transit and Rail Division within NMDOT administers the FTA- and State-funded transit programs:

- Metropolitan Planning Program (Section 5303)
- Statewide Planning and Research Program (Section 5304)
- Enhanced Mobility of Seniors and Persons with Disabilities Program (Section 5310)
- Formula Grants for Rural Areas Program (Section 5311)
- Bus and Bus Facilities Formula Grants (Section 5339)
- NMDOT Park & Ride intercity bus service

The Transit and Rail Division provides intercity bus service called NMDOT Park & Ride. NMDOT Park & Ride began operations in May 2003. Park & Ride is now the fifth largest public bus transit operation in New Mexico- based on ridership. In State Fiscal Year 2016 (July 1 – June 30), NMDOT Park & Ride provided 264,221 passenger trips.

NMDOT Park & Ride operates eleven routes, including two shuttle routes, in north-central and south-central New Mexico, with one route extending into El Paso County, Texas. Service is provided by 24 57-passenger buses. Service is currently funded by \$5.7 million of State funding, \$300,000 of FTA Section 5311(f), and \$387,848 of FTA Section 5311(f) from El Paso County, Texas, as well as fare revenues.

Buses make 119 daily runs, covering 583 departures. The daily service totals 4,168 bus route miles and serves 22 park-and-ride lots and 40 bus stops.

III. Title VI Program Administration

The NMDOT Civil Rights Bureau (CRB) oversees the development and implementation of civil rights programs for NMDOT. The programs CRB administers are Title VI, Environmental Justice, Limited English Proficiency (LEP), Disadvantaged Businesses Enterprise (DBE), Americans with Disabilities Act (ADA), Supportive Services, Contract and Labor Compliance, and On-the-Job Training compliance programs. CRB works with the other entities within the NMDOT, including the Transit and Rail Division, to ensure compliance with civil rights requirements. As shown in the organization chart in Exhibit 1, the CRB has the following key staff:

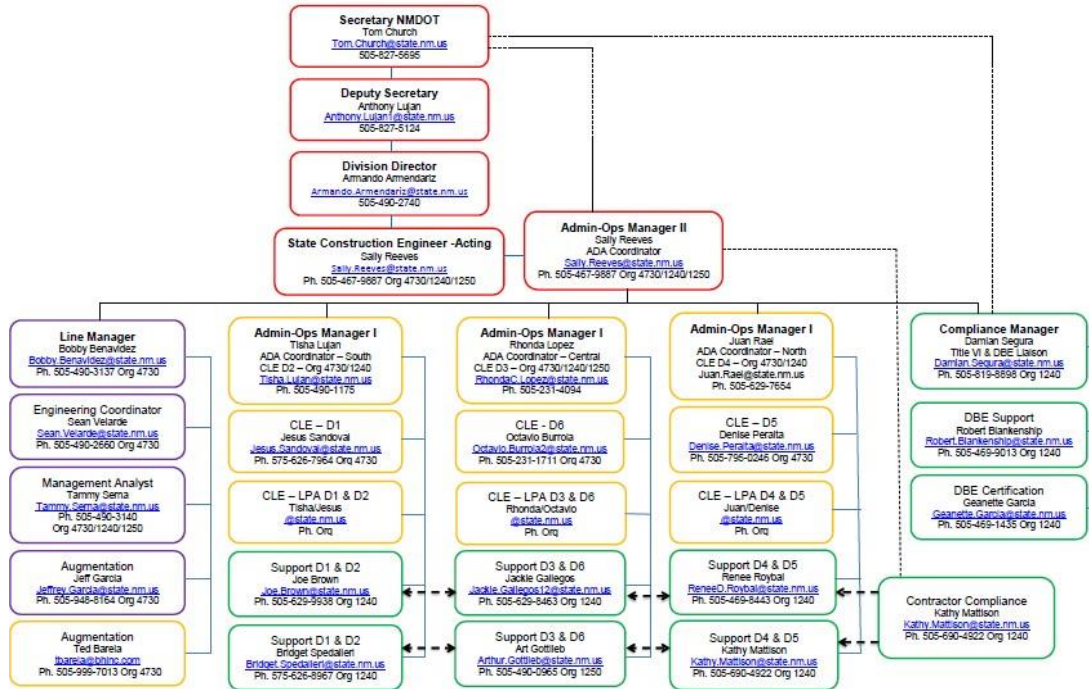
- The **NMDOT Construction Engineer** is responsible for supervising, monitoring and evaluating the performance and effectiveness of the various CRB programs as well as federal compliance oversight on Federal Highway Administration- (FHWA) funded construction projects.
- The **Title VI Coordinator** is responsible for the development and implementation of the Title VI program. The Coordinator ensures that all entities within NMDOT are compliant with Title VI. The Coordinator is responsible for Title VI training of relevant staff, conducting reviews, and assisting in investigations of Title VI complaints. The Coordinator compiles the annual Title VI Accomplishment and Goals report. The Title VI Coordinator has direct access to the Cabinet Secretary to address all Title VI matters of concern.
- The **DBE Analysts** are responsible for accomplishing the objectives of the DBE Program. These objectives include but are not limited to: ensuring nondiscrimination in the award and administration of DOT-assisted contracts, ensuring only firms that fully meet eligibility standards are permitted to participate in the DBE program, removing barriers to the participation of DBEs in DOT-assisted contracts, assisting in the development of firms that can compete successfully in the marketplace outside of the DBE program, and providing appropriate flexibility to recipients of federal financial assistance in establishing and providing opportunities for DBEs.
- The **DBE Small Business and Supportive Services Coordinator** is focused on the growth and development of DBEs and enhancement of their ability to participate on the federally funded contracts. The Coordinator develops and provides training opportunities, enhanced communication tools, and networking events for DBEs in New Mexico.
- The **ADA Coordinator** is responsible for ensuring that accommodations for individuals with disabilities are a routine and integral element of its planning, design, construction, operations, and maintenance activities for all NMDOT projects.
- The **Contractor Compliance Coordinator** is responsible for the development of the Contractor Compliance Program to ensure contractors comply with all equal

employment opportunity requirements as required by FHWA-1273. The Coordinator also conducts compliance reviews of contractors' EEO programs and submits the annual 1392 report to FHWA.

- The **Labor Compliance/On-the-Job Training (OJT) Coordinator** is responsible for ensuring contractors are compliant with the timely submission of certified payrolls and also ensuring the certified payrolls are both complete and accurate before NMDOT and federally funded local government agency projects. The Coordinator is also responsible for ensuring required contractors are compliant with the Training Special Provision pertaining to the On-the-Job Training Program.

Exhibit 1: Civil Rights Bureau Organization Chart

CONSTRUCTION and CIVIL RIGHTS BUREAU ORGANIZATIONAL CHART – ORG 4730/1240/1250



IV. General Requirements

Notice of Rights under Title VI

For its transit-related programs, NMDOT notifies the public of its rights under Title VI by posting the **Notice of Rights under Title VI** in English and Spanish. NMDOT posts the long notice on its website and in the Transit and Rail Division's public foyer and the conference room. NMDOT posts the short notice on its NMDOT Park & Ride schedules.

Long Title VI Notice

Notifying the Public of Rights under Title VI

- The New Mexico Department of Transportation operates its programs and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with The New Mexico Department of Transportation.
- For more information on the New Mexico Department of Transportation's civil rights program, and the procedures to file a complaint, please call 1-800-554-0936 or (505) 629-9890, email: damian.segura@state.nm.us; or visit our administrative offices at 1590 Pacheco St., Suite A-10, Santa Fe, NM 87505. For more information, visit www.dot.state.nm.us.
- A complainant may file a complaint directly with the Federal Transit Administration (FTA), Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590. Phone: (202) 366-4043.
- If information is needed in another language please contact us 1-800-554-0936 or (505) 629-9890, or damian.segura@state.nm.us.

Notificación al Público de los Derechos Garantizados por Título VI

- El Departamento de Transportación del estado de Nuevo México opera sus programas y servicios, sin distinción de raza, color y origen nacional, según el Título VI de la Ley de Derechos Civiles. Cualquier persona que cree o que ha sido perjudicada por una práctica discriminatoria ilegal bajo el Título VI, puede presentar una queja con el Departamento de Transporte de Nuevo México.
- Para obtener más información sobre el programa de derechos civiles del Departamento de Transporte de Nuevo México o para obtener más información sobre los procedimientos para presentar una queja, llame al 1-800-554-0936 o al (505) 629-9890. Email: damian.segura@state.nm.us, o visite nuestras oficinas

administrativas en 1590 Pacheco St., Suite A-10, Santa Fe, NM 87505. Para obtener más información, visite www.dot.state.nm.us

- Un demandante puede presentar una queja directamente a la Administración Federal de Tránsito (FTA), Oficina de Derechos Civiles, Atención: Coordinador del Programa de Título VI, East Building, 5th Floor TCR, 1200 New Jersey Ave, SE, Washington. , DC 20590. Teléfono: (202) 366-4043
- Si se necesita información en otro idioma, por favor póngase en contacto con 1-800-554-0936, (505) 629-9890, o damian.segura@state.nm.us.

Short Title VI Notice

NMDOT operates its programs and services without regard to race, color, and national origin in accordance with Title VI of the 1964 Civil Rights Act. To find out more about our nondiscrimination obligations, to file a complaint, or to request this information in another language, please contact us at NMDOT Title VI Coordinator, PO Box 1149, Santa Fe, NM, 87504-1149 or 1-800-554-0936, (505) 629-9890, or damian.segura@state.nm.us.

El Departamento de Transportación del estado de Nuevo México opera sus programas y servicios, sin distinción de raza, color y origen nacional, según el Título VI de la Ley de Derechos Civiles. Para obtener más información sobre el programa de derechos civiles del Departamento de Transporte de Nuevo México o para obtener más información sobre los procedimientos para presentar una queja, llame al NMDOT Coordinador del Programa de Título VI, PO Box 1149, Santa Fe, NM, 1-800-554-0936, (505) 629-9890, o email damian.segura@state.nm.us.

NMDOT displays a Title VI notice in public areas of the following NMDOT locations:

- NMDOT's General Office – Santa Fe
- NMDOT's Transit and Rail Division Office – Santa Fe
- NMDOT's Civil Rights Bureau – Santa Fe
- District 1 Office – Deming
- District 2 Office – Roswell
- District 3 Office – Albuquerque
- District 4 Office – Las Vegas
- District 5 Office – Santa Fe
- District 6 Office – Milan

Title VI Complaint Procedures

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

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 NMDOT 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.

Title VI Complaint Reporting

An individual, group of individuals, or entity may file a formal Title VI complaint with NMDOT. Complaints shall 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
Civil Rights Bureau
1590 Pacheco Street, Suite A-10
Santa Fe, NM 87505

An individual, group of individuals, or entity may complete and submit its Title VI complaint using the **NMDOT Title VI complaint Form (A-1299)**. This form, in English or Spanish, may be obtained using the NMDOT website http://dot.state.nm.us/content/dam/nmdot/OEOP/A-1299_NMDOT_TitleVI_Compliant_Form.pdf for the English version and http://dot.state.nm.us/content/dam/nmdot/OEOP/A-1299a_Title_VI_Complaint_Form-Spanish.pdf for the Spanish version, (or contacting the Title VI Coordinator directly. (Exhibit 2 presents a copy of the form in English and Spanish.) 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 United States Department of Transportation (USDOT), 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).

The Title VI Coordinator will be responsible for notifying the respondent(s) of the complaint within five working days of receipt. A copy of the complaint will also be forwarded to the alleged discriminatory sub-contractor official. The Title VI Coordinator's name and telephone number shall be included. Additionally, the Title VI Coordinator will forward a copy of the complaint to the NMDOT Office of General Counsel for review.

Title VI Complaint Investigations

An investigation by the Title VI Coordinator or an otherwise qualified investigator will be Completed within 180 days of receipt of the complaint. If additional time is needed, the Title VI Coordinator will contact the complainant and inform them.

The complainant should submit any documentation he/she perceives as relevant to proving his/her complaint.

The respondent will be given the opportunity to respond to all aspects of the complainant's allegations.

The Title VI Coordinator or qualified investigator will determine, based on relevancy or duplication of evidence, which witnesses will be contacted and questioned.

Once the investigation is completed, a final report will be provided to the respondent and the complainant. The final report will include the following:

- The written complaint containing the allegations, basis, and date of filing
- Summarized statements taken from witnesses
- Findings of fact
- Conclusions (based on all evidence in the record) that the complaint is substantiated or unsubstantiated
- Action(s) the respondent must be taken to correct deficiencies and to ensure Title VI compliance (if applicable)

The respondent may implement corrective actions after the initial 30 calendar days with projected time period(s) in which those actions are scheduled to be completed. All corrective actions must be implemented within 180 calendar days.

The complainant and respondent shall be notified of all appeal rights pursuant to 49 CFR 21.

Title VI Complaints Log

The NMDOT Title VI Coordinator maintains a log of Title VI complaints received. The log includes the date the complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken in response, or final findings related to, the investigation, lawsuit or complaint.

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:

Damian Segura, NMDOT Title VI Coordinator
1590 Pacheco Street, Suite A-10
Santa Fe, NM 87505

Nuevo México Departamento de Transpiración de Título VI Formo Queja

Sección I	
Nombre:	
Dirección:	
Teléfono (Casa/Celular):	Teléfono (Trabajo):
Dirección de correo electrónico:	
Sección II	
¿Está usted presentando esta queja en su propio nombre: Sí <input type="checkbox"/> No <input type="checkbox"/>	
* Si usted contestó "sí" a esta pregunta, pase a la Sección III.	
Si su respuesta es "no", por favor escribe el nombre y la relación de la persona que está presentando la queja en contra:	Nombre:
	Relación:
Si usted está presentando una queja de parte de otra persona, por favor, explica porqué en el siguiente espacio:	
¿Se ha obtenido el permiso de la parte perjudicada, si usted está presentando en nombre de un tercero: Sí <input type="checkbox"/> No <input type="checkbox"/>	
Sección III	
Creo que la discriminación que experimenté fue basado en (marque todo lo que corresponda):	
<input type="checkbox"/> Raza	<input type="checkbox"/> Color
	<input type="checkbox"/> Origen Nacional
Fecha de la discriminación alegada (Mes, Día, Año):	Fecha:
Explique, lo más claramente posible, lo que sucedió y porqué usted cree que fue discriminado. Describe todas las personas quien estuvieron involucradas. Incluye el nombre y la información de contacto de la persona (s) que discriminó (si se conoce), así como los nombres e información de contacto de cualquier testigo. Si necesita más espacio, adjunte hojas adicionales a este formulario:	
Sección IV	
Ha previamente presentado una queja del Título VI con el Nuevo México Departamento de Transpiración (NMDOT)? Sí <input type="checkbox"/> No <input type="checkbox"/>	

Sección V

¿Ha presentado esta queja con cualquier otro federal, estatal o local, o ante cualquier tribunal federal o estatal? Sí No

En caso afirmativo, marque el nombre de todas las que correspondan:

Agencia Federal: _____

Tribunal Federal: _____

Agencia Estatal: _____

Tribunal Estatal: _____

Agencia local: _____

Sírvanse proporcionar información acerca de una persona de contacto en la corte / entidad donde se presentó la queja.

Nombre: _____

Título: _____

Agencia: _____

Dirección: _____

Teléfono: _____

Sección VI

Nombre de la agencia/compañía de queja es contra:

Persona de contacto:

Título:

Teléfono:

Firma: _____

Fecha: _____

Por favor, envíe este formulario en persona en la dirección indicada más abajo, o en forma de correo electrónico a:

Damian Segura, NMDOT Titulo VI Coordinador
1590 Pacheco Street, Suite A-10
Santa Fe, NM 87505

List of Public Transit-Related Title VI Investigations, Complaints, or Lawsuits

There were no Title VI-related active investigations conducted by entities other than FTA.

There were no Title VI-related lawsuits.

Since the submission of the last Title VI program, NMDOT received one transit-related Title VI complaint that was determined to not be *prima facie*.

Public Involvement Plan

Transportation Planning

The NMDOT Transportation Planning Division provides a broad range of multi-modal transportation planning functions and analyses to enable project selection and programming for the Statewide Transportation Improvement Program (STIP) and long-range planning. Long-range planning serves to establish long-range goals, objectives, and system needs at the statewide planning area level. Projects included in the long-range plans and programs are based on transportation needs determined by various monitoring programs designed to identify deficiencies in the transportation system. Projects may also be included to achieve local, state, or federal goals and objectives such as economic development.

The Transportation Planning Division developed a Public Involvement Plan. The Public Involvement Plan includes the policy for inclusive public participation ensuring access to the transportation planning process for low-income and minority populations. The NMDOT Public Involvement Plan Section 2.1 “Federal Public Engagement Requirements” speaks to the need to engage the public on transportation planning-related activities, including specified methods for carrying out federal public engagement programs including requirements mandated by:

- Title VI of the Civil Rights Act of 1964
- Executive Order 13166 – Limited English Proficiency
- Executive Order 12989 – Environmental Justice in Minority and Low-Income Populations

Special outreach to the traditionally underserved is an important part of the public participation process. In order to ensure that minority and low-income populations are included, the NMDOT makes an extra effort to get these communities involved. Tribal and government-to-government liaisons are employed to work with Native American communities. Also, special, language-specific advertising in minority community newspapers and radio stations is utilized. On occasion, the Department hand-delivers announcements and information in an area with an identified minority and low-income community.

The NMDOT Public Involvement Plan describes the procedures used to identify the needs of low-income and minority populations. The Public Involvement Plan describes,

in conjunction with New Mexico's five Metropolitan Planning Organizations (MPOs), the process for ensuring participation in the planning process is available to everyone, without regard to race, color, or national origin.

State Programs

The Transit and Rail Division provides funding opportunity notices to current grantees and potential applicants. The Division distributes the notices to many state and local agencies, tribal organizations, city and county officials, agencies that provide service programs to minorities and seniors, and metropolitan and rural planning organizations. The Division also places legal notices in newspapers statewide announcing FTA grant funding. The Division has an established timeline of events outlining the funding cycle. Timely information on grant programs and funding is posted on the Transit and Rail Division's webpage, located at http://dot.state.nm.us/content/nmdot/en/Transit_Rail.html.

A Notification of Solicitation for letters of intent is sent to the various entities and the Regional Transportation Planning Organization (RTPO)/metropolitan planning organization (MPO) both in electronic and/or hardcopy form. The Notification of Solicitation is also published in newspapers statewide. The applicants' letters of intent to apply for funding are usually due to the Transit and Rail Division within 30 days of the distribution of the Solicitation Notice. The letter must specify the type of grant being applied for, a contact person for the entity, and that person's phone number, mailing address, fax number and email address (if available).

All grant applications are presented at a RTPO's board meeting and are reviewed and ranked, which then become a part of the seven-factor analysis before funds are announced and awarded.

NMDOT Park & Ride Intercity Bus Service

When major service changes or fare increases are proposed, Rider Alerts and draft schedules in English and Spanish are: posted on the Transit and Rail Division's website, distributed to passengers via e-mail, and posted and distributed on all buses serving any route that will be affected by a major service change or fare increase. Public comments are received and incorporated into final schedules as appropriate.

The Transit and Rail Division surveys Park & Ride riders to obtain feedback on service quality and potential service changes.

Limited English Proficiency Plan

Four Factor Analysis

LEP individuals should have meaningful access to services, programs and activities of recipients of Federal or State funds. Access should include having language assistance provided at no cost to the LEP individual(s). A flexible and data-driven analysis to assess the need for language assistance is covered by the following four factors.

Factor 1 - The number or proportion of LEP persons served or encountered in the eligible service population

According to the U.S. Census American Community Survey (ACS) Data Set: 2014, “Language Spoken at Home by the Ability to Speak English for the Population 5 Years and Over,” 9.4 percent of New Mexico’s population speaks English less than “very well.” This shows that a significant part of the population speaks English less than “very well” and NMDOT should ensure this population is not denied access to, be allowed to participate in, and not be subject to discrimination in any federally funded project. Of the population of New Mexicans that speak a language other than English at home, 84 percent speak Spanish while around 11 percent speak Navajo or another Native American language.

It is important to understand the geographic breakdown of the LEP population in New Mexico. Using 2014 Census data, NMDOT categorized New Mexico’s 33 counties into four regions (Central, Eastern, Northern, and Southwestern). The regions are broken down as follows in Table 1:

Table 1: New Mexico Limited English Proficiency Regions by County

Central	Eastern	Northern	Southwestern
Bernalillo	Chaves	Cibola	Catron
Sandoval	Curry	Colfax	Doña Ana
Torrance	De Baca	Los Alamos	Grant
Valencia	Eddy	McKinley	Hidalgo
	Guadalupe	Mora	Luna
	Harding	Rio Arriba	Sierra
	Lea	San Juan	Socorro
	Lincoln	San Miguel	
	Otero	Santa Fe	
	Quay	Taos	
	Roosevelt		
	Union		

The LEP populations by region break down as follows in Table 2:

Table 2: LEP Population Primary Language by Region

Region	Population Estimate*	Speak English less than “very well”	LEP Percentage	Spanish	Other Languages**
Central	840,976	67,388	8.0%	82.9%	7.6%
Eastern	336,489	33,785	10.0%	92.7%	1.4%
Northern	478,582	42,582	8.8%	69.7%	25.4%
Southwestern	269,604	38,638	13.6%	94.6%	3.2%
New Mexico	1,940,063	182,013	9.4%	84.1%	10.8%

*Source: U.S. Census American Community Survey, Data Set: 2014

** Other languages for New Mexico is predominately Navajo and other Native American languages

Three of the four geographical regions have an LEP population between 8 and 10 percent. The Southwestern region has the highest LEP population at 13.6 percent. The counties in the Southwestern region either border or are in close proximity to the Mexico border.

In three of the four regions, over 82 percent of the LEP population speaks Spanish, with the Southwestern region having a LEP population of over 94 percent that speak Spanish. The Southwestern region having such a high concentration of LEP persons speaking Spanish is again primarily due to three of the seven counties in that region bordering Mexico. The Northern region has the lowest Spanish speaking LEP population at 69.7 percent. This is due in large part to the number of Native American pueblos and reservations in this region. The result is the highest regional concentration of LEP persons that speak another language which most commonly is either Navajo or another Native American language.

A further county-by-county breakdown of New Mexico's LEP population reveals that 29 of the 33 counties have an LEP population of at least 5 percent of their overall populations (Table 3, below). Only Quay (3.8 percent), Catron (2.7 percent), Los Alamos (3.7 percent) and Sierra (3.5 percent) counties did not have at least 5 percent of their population being LEP. None of these counties with low LEP population are among the top half of overall most populated counties in New Mexico. In fact, Catron and Sierra counties are among the least populated counties in New Mexico. Therefore, New Mexico's highest populated counties have the most significant LEP populations. In fact, New Mexico has 12 counties that have a population greater than 10 percent LEP population, Doña Ana (15.0 percent), Santa Fe (10.5 percent), McKinley (12.1 percent), Lea (13.4 percent), Luna (18.0 percent), Socorro (15.1 percent), Chaves (12.5 percent), Otero (11.1 percent), Union (10.3 percent), Guadalupe (13.9 percent), San Miguel (15.0 percent) and Mora (15.7 percent). Of these counties that have over 10 percent LEP populations, five are among the top ten most populated counties in New Mexico, including two of the top three (Doña Ana and Santa Fe).

These data reveal that 27 of New Mexico's 33 counties have LEP populations with 80 percent or greater who speak Spanish. This verifies that New Mexico's predominate LEP population is Spanish-speaking. There are several counties, however, that have a predominate Navajo- or other Native American-speaking LEP population.

Table 3: LEP Population by County

Region	County	Population 5 years and over	Speak English less than "very well"	%
Central				
	Sandoval	126,768	6,719	5.3%
	Bernalillo	627,586	53,345	8.5%
	Valencia	71,407	6427	9.0%
	Torrance	15,215	898	5.9%
Central Total		840,976	67,388	8.0%
Eastern				
	Union	4,185	431	10.3%
	Harding	625	37	5.9%
	Quay	8,305	316	3.8%
	Guadalupe	4,399	216	13.9%
	De Baca	1,928	162	8.4%
	Curry	45,862	3,852	8.4%
	Roosevelt	18,515	1,444	7.8%
	Lincoln	19,191	1,401	7.3%
	Chaves	60,860	7,608	12.5%
	Otero	60,474	6,713	11.1%
	Eddy	51,059	3,421	6.7%
	Lea	61,086	8,186	13.4%
Eastern Total		363,489	33,785	10.0%
Northern				
	Cibola	25,541	2,375	9.3%
	Colfax	12,604	630	5.0%
	Los Alamos	17,080	632	3.7%
	Mora	4,446	698	15.7%
	Rio Arriba	37,356	2,503	6.7%
	San Juan	117,607	6,821	5.8%
	Santa Fe	138,713	14,565	10.5%
	San Miguel	27,320	4,098	15.0%
	McKinley	66,676	8,068	12.1%
	Taos	31,239	1,812	5.8%
Northern Total		478,582	42,202	8.8%
Southwestern				
	Catron	3,631	98	2.7%

Region	County	Population 5 years and over	Speak English less than "very well"	%
	Socorro	16,593	2,506	15.1%
	Grant	27,595	1,463	5.3%
	Sierra	11,344	397	3.5%
	Hidalgo	4,414	415	9.4%
	Luna	23,149	4,167	18.0%
	Doña Ana	197,290	29,594	15.0%
Southwestern Total		284,016	38,638	13.6%
NEW MEXICO TOTAL		1,940,063	182,013	9.4%

Source: U.S. Census American Community Survey, Data Set: 2014

In order to understand the language assistance needs of areas served by NMDOT Park & Ride, NMDOT analyzed the LEP populations in counties served by NMDOT Park & Ride. Table 4 presents the analysis.

The percentage of persons that speak English less than “very well” range from 3.7 percent in Los Alamos County to 15.0 percent in San Miguel County for an average of 9.5 percent. The analysis shows that most of the population that speaks English less than “very well” speaks Spanish (96,360 total and 85.8 percent of the population that speaks English less than “very well”). The number or percentage of the population that speaks English less than “very well” for other languages is low. For example, the percentage of people that speak English less than “very well” in Los Alamos appears high, but the total number of 319 is low.

Table 4: LEP Population for NMDOT Park & Ride Counties

Population 5 Years and Over by Language Spoken at Home and Ability to Speak English	Bernalillo	Doña Ana	Los Alamos	Rio Arriba	San Miguel	Sandoval	Santa Fe	Torrance	Park & Ride Counties
Population 5 and Over	627,586	197,290	17,080	37,356	27,320	126,768	138,713	15,215	1,187,328
Speak English less than "very well"	53,345	29,594	632	2,503	4,098	6,719	14,565	898	112,352
% Population 5 and Over that Speak English less than "very well"	8.5%	15.0%	3.7%	6.7%	15.0%	5.3%	10.5%	5.9%	9.5%
Spanish	163,098	97,357	1,123	20,256	14,686	22,032	43,872	3,729	366,153
Speak English less than "very well"	45,178	28,720	319	244	3,804	3,569	13,732	794	96,360
% of Population 5 and Over that speak English less than "very well"	84.7%	97.0%	50.5%	9.7%	92.8%	53.1%	94.3%	88.4%	85.8%
Other Indo-European	10,362	2,029	854	127	216	1,878	2,481	59	18,006
Speak English less than "very well"	1,751	321	24	1	97	342	335	0	2,871
% of Population 5 and Over that speak English less than "very well"	3.3%	1.1%	3.8%	0.0%	2.4%	5.1%	2.3%	0.0%	2.6%
Asian and Pacific Island	10,012	1,388	708	88	117	1,135	1,049	0	14,497
Speak English less than "very well"	4,796	482	291	6	82	417	312	0	6,386
% of Population 5 and Over that speak English less than "very well"	9.0%	1.6%	46.0%	0.2%	2.0%	6.2%	2.1%	0.0%	44.1%
Other Languages	12,375	593	32	3,132	196	11,585	1,718	136	30,167
Speak English less than "very well"	1,733	117	6	88	65	2,387	137	29	4,562
% of Population 5 and Over that speak English less than "very well"	3.2%	0.4%	0.9%	3.5%	1.6%	35.5%	0.9%	3.2%	4.1%

Source: U.S. Census: American Community Survey Data Set: 2014 SF1 Table P9 Hispanic or Latino or Not Hispanic or Latino by Race

Factor 2 - The frequency with which individuals come in contact with the program, activity or service

The frequency with which individuals come in contact with the program is best measured by ridership. The following table provides the ridership for FY2016.

Table 5: FY2016 Ridership

5310 (FFY 2015)	5311 (FFY 2015)	NMDOT Park & Ride (SFY 2016)
203,940	1,786,782	264,221

Factor 3 - The nature and importance of the program, activity, or service provided by the program

NMDOT’s transit programs serve the mobility needs of state residents. The programs:

- Enhance access of people to health care, shopping, education, employment, public services and recreation
- Provide for the special needs of seniors and individuals with disabilities for whom transportation services are unavailable, insufficient or inappropriate
- Maintain needed intercity public transportation services through assistance to intercity transit operators who serve residents of non-urbanized areas
- Provide connectivity to welfare recipients and other low-income persons to jobs and other support services
- Provide service to individuals with disabilities beyond that required by the ADA

NMDOT Park & Ride collects demographic information from riders. As shown in the following table, the data show that the service is important for access to employment.

Table 6: Purpose of NMDOT Park & Ride Trips

Work	93.2%
School	2.3%
Shopping	1.5%
Other	4.6%

Source: NMDOT Park & Ride Survey July, 2016

Factor 4 - The resources available to the recipient and cost

The resources available to NMDOT should focus on providing LEP assistance where the data suggest it is needed the most. The frequency of contact and importance of the

program to LEP populations should also help dictate where and what type of language assistance services should be provided. It is also important to consider that some language services may be provided using qualified volunteers or internal staff as interpreters at little or no cost. Also, using a telephone language line can be less expensive than contracting an interpreter. Any initiative or action to provide meaningful access to LEP persons should be based on what is necessary and reasonable from the four factor analysis.

The analysis indicated the NMDOT should focus most of its LEP efforts on Spanish.

State Programs

NMDOT CRB has identified the following vital documents which it translated into Spanish:

- Title VI Public Notice
- Title VI Compliant Procedure
- NMDOT's Title VI Complaint Form (A-1299)

Other documents, such as public notices, will be translated upon request.

CRB provides Spanish translators at no charge for public information meetings and has Spanish translators on staff available to support the transit programs when needed.

NMDOT Park & Ride Intercity Bus Service

NMDOT Park & Ride schedules are available in both Spanish and English on buses and the NMDOT Park & Ride website www.nmparkandride.com.

The NMDOT Park & Ride website provides the same level of accessibility in English and Spanish. NMDOT Park & Ride rider alerts and policies (emergency and inclement weather, customer code of conduct, transportation of other items, and bicycle storage courtesy policies) are posted in English and Spanish. The on-line comment form and on-line pass sales and information are available in English and Spanish.

NMDOT Park & Ride customer service telephone operators can help customers in English and Spanish. Many of the coach operators are bilingual. For example, all coach operators and dispatchers involved in the Gold Route, which operates in the predominantly Spanish-speaking corridor between Las Cruces, New Mexico, and El Paso, Texas, speak Spanish and English; and the 2013-2014 advertising campaign for NMDOT Park & Ride's Gold Route (El Paso- Las Cruces) utilized English and Spanish language print, billboard, and radio advertising.

Native American LEP Program

New Mexico has a Native American population of just under 10 percent. The majority of this population is located in the Northwest portion of the state and concentrated in San Juan, McKinley, and Cibola counties. NMDOT recognizes the need to have resources available for LEP populations that speak a Native American language. The Title VI

Coordinator coordinates with NMDOT's Native American Liaison to provide translation to vital documents and provide interpretive services as identified or requested.

LEP Program Training

The State requires all employees to undergo civil rights training, including Title VI. NMDOT provided Title VI training at the 2016 annual transit conference.

Title VI Coordinator Responsibilities

The Title VI Coordinator has the following responsibilities as related to LEP requirements:

- Monitor compliance of NMDOT LEP responsibilities
- Provide, as needed, technical assistance and guidance to NMDOT staff as related to LEP responsibilities
- Coordinate the implementation of the LEP Plan
- Provide training to appropriate staff of the LEP Plan
- Report LEP statistical information
- Provide assistance and guidance relating to LEP requirements to staff

Monitoring and Updating LEP Plan

At least every three years as part of the Title VI program plan update submitted to FTA, the Title VI Coordinator reviews the LEP Plan. The Title VI Coordinator monitors the demographics of New Mexico and specific areas where NMDOT programs have the most presence. The LEP Plan is updated accordingly to any changes in the LEP demographics and requests for information in other languages. The Title VI Coordinator incorporates public feedback in the evaluation and update of the LEP Plan.

Transit-Related Non-Elected Planning or Advisory Boards

NMDOT does not have a transit-related planning or Advisory Board. However, NMDOT does have a State Transportation Commission.

The New Mexico State Transportation Commission was established by the State Legislature in 1909. Under present law, there are six Commissioners, one from each of the state's legislated highway districts. Commissioners are appointed by the Governor with the advice and consent of the State Senate. They serve staggered six-year terms. No more than four Commissioners shall belong to the same political party. Commissioners serve at the pleasure of the Governor.

State law also provides that the Commission shall set policy for the Department of Transportation, leaving the day-to-day operations and management of the agency to the Department's Cabinet Secretary, a full-time employee, appointed by the Governor with the approval of the State Transportation Commission and subject to the advice and consent of the State Senate.

Subrecipient Technical Assistance and Oversight

Metropolitan Planning Organizations

The designee assigned to monitor transportation planning compliance with Title VI shall:

- 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
- Monitor MPOs to ensure membership reflects the makeup of the population served, including periodically reporting the MPO racial, ethnic, and gender composition of public involvement organizations or groups
- Monitor MPOs to 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
- 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 LEP populations to improve access and comprehension of the transportation planning process for individuals comprising the LEP population
- Report transportation planning accomplishments and identify problem issues and possible efforts to mitigate these issues

Title VI Coordinator and Transit and Rail Division staff participate in triennial planning certification reviews of MPOs in small urbanized areas. The reviews address compliance with Title VI requirements. CRB developed a Title VI plan template for the small urban MPOs and obtained and reviewed Title VI plans. CRB reviews compliance with the approved Title VI plans during triennial planning certification reviews and determines if updates to the plans are needed.

Transit Providers

With every grant application, the Transit and Rail Division obtains:

- A nondiscrimination assurance
- A list of any active lawsuits or complaints naming the potential grantee that allege discrimination on the basis of race, color, or national origin with respect to service or other transit benefits
- A list of all pending applications for financial assistance and all financial assistance currently provided by other federal agencies
- A summary of all civil rights compliance review activities conducted during the last three years. The summary includes:
 - a. Purpose or reason for review
 - b. Name of organization performing the review
 - c. Summary of findings and recommendations of the review
 - d. Report on the findings and recommendations of the review

The Transit and Rail Division includes specific language in each grant agreement which states that the grantee shall include the civil rights laws and regulations compliance in each subcontract financed in whole or in part with federal assistance provided by FTA, modified only if necessary to identify the affected parties.

The Transit and Rail Division maintains a file of all such reports and requires that the grantees have such records available for review by NMDOT or FTA.

The Transit and Rail Division obtained and reviewed Title VI Program Plans for each of its grantees. To assist the grantee in developing the Title VI programs, the Division developed a plan template and provided training in plan development. Ongoing technical assistance is available to grantees. Most recently, the Division provided Title VI training at the 2016 annual transit conference.

The Transit and Rail Division conducts biennial compliance and performance reviews that address implementation of the Title VI plans and compliance with Title VI requirements. The site visits enable the Division to provide one-on-one technical assistance and provide an opportunity for determining whether subrecipients need to update the Title VI plans.

Facility Location Equity Analysis

NMDOT has not funded the construction of a transit-related facility since the publication of FTA Circular 4702.1B so we have not conducted a facility location equity analysis. If NMDOT funds the construction of a transit-related facility, we will conduct a facility location equity analysis during the planning phase of the project and submit it to FTA with the next Title VI submittal.

V. NMDOT Park & Ride Systemwide Service Standards and Policies

Service Standards

NMDOT Park & Ride utilizes the following service standards to maintain a high quality of service:

Vehicle Load

- A policy prohibiting standing passengers (vehicle load standard of 1.0)
- A standard of at least 15 percent use of seating capacity systemwide
- A standard of at least 10 percent use of seating capacity per trip for each route

Vehicle Headways

- A standard of weekday peak-hour service only

On-time Performance

- A policy enforcing liquidated damages for early departures from any stop
- A policy enforcing liquidated damages for departures more than ten minutes after scheduled times without reasonable cause

Service Availability

- An availability standard based on relieving congestion and providing public transportation on key commute corridors throughout the state, connecting population and employment centers during peak travel times
- A standard of at least one morning and evening run during weekday peak commute times
- A standard of coordinating reasonable connectivity with other transit services, including NM RailRunner Express commuter rail service and local transit service (Atomic City Transit in Los Alamos, Santa Fe Trails in Santa Fe, ABQ Ride in Albuquerque, North Central Regional Transit District in Española and Santa Fe, RoadRUNNER Transit in Las Cruces, South Central Regional Transit District in the Las Cruces area, and Sun Metro in El Paso, TX)

Service Policies

NMDOT Park & Ride utilizes the following service policies to maintain a high quality of service:

Distribution of Transit Amenities

Daily boardings by stop are reported annually and drive investment priorities.

- All bus stops have a posted bus stop boarding sign
- Transfer points and multi-modal stops receive the highest degree of amenities (shelters, benches, lights, posted schedules)
- High volume park-and-ride lots and bus stops receive benches, shelters and lights

- Bike racks and bike storage lockers are provided at multi modal stops, park and ride lots and where requested by customers
- All passengers receive notification of delays in service whenever possible through service alerts

Vehicle Assignment

- A standard of utilizing 57 passenger over-the-road motor coaches on all routes, and limiting the age of those coaches to no more than twelve years of age: 100 percent standard

VI. State Program Requirements

Demographic Profile and Analysis

Table 7 presents, by county, the percent minority population, FTA funding source, and annual FTA transit funding for the past three federal fiscal years.

NMDOT analyzed the data presented in the table and determined that there are no disparate impacts in FTA transit funding. All counties receive FTA funding except for Guadalupe, Mora, De Baca, and Catron. These counties have populations under 5,000, accounting for 0.7 percent of the State's population.

New Mexico is a minority majority state with a 61 percent minority population.

Twenty-one of the 33 counties have minority populations below the State average. Nineteen of these counties receive FTA funding. The only two that do not, De Baca and Catron, have populations under 4,000. All but two of the 12 counties with a minority population above the State average, receive FTA funding. The two that do not, Guadalupe and Mora, have populations of less than 5,000. Therefore, only low population counties do not receive FTA funds.

New Mexico's rural counties have an overall minority population of 61 percent with only two counties having minority populations under 30 percent. All of these 28 rural counties receive FTA funds, except for Mora, Guadalupe, Catron, and De Baca, all of which have less than 5,000 population.

The five most populous counties, Bernalillo, Doña Ana, Santa Fe, Sandoval, and San Juan have a combined population of over 1.3 million with minority populations 54 percent or higher. These four counties receive a majority of FTA funds and account for 62 percent of the State's minority population and 62 percent of the State's total population.

Counties with over 80 percent minority population (McKinley 90 percent, Rio Arriba 87 percent, Mora 85 percent, Guadalupe 81 percent, Mora 85 percent, San Miguel 81 percent, and Cibola 82 percent) receive federal funds from a variety of FTA funding sources with the exception of Mora and Guadalupe counties. Both Mora and Guadalupe counties have populations under 5,000.

Figure 1 presents a map by percent minority population. Twenty-one of the counties in New Mexico are 51 percent minority or higher. Six counties in New Mexico are 76 percent minority or higher.

Figure 2 presents economically distressed counties in New Mexico. Every county but two, Santa Fe and Los Alamos, are below the national average income per capita (2006). Additionally, every county but six are 80 percent or below the national average per capita income (\$29,395). All counties that have a percent minority population of 76 percent or greater, are 80 percent or below the national average per capita income as well. Four of those six counties (McKinley, Rio Arriba, Cibola, and Luna), receive

FTA funding. All of those counties, except Cibola, receive \$1 million or more in FTA funds. The two counties that do not receive FTA funding, Guadalupe and Mora, have a combined population of less than 10,000.

Table 7: Percent Minority Population, FTA Funding Source, and Annual FTA Funding by County

County	Population	% Minority	FTA Funding Source					FFY 2014-16 Annual FTA Funding	
			5307	5310	5311	5309/ 5339	5316		5317
McKinley	73,082	90%		✓	✓	✓			\$\$\$
Rio Arriba	40,246	87%		✓	✓	✓	✓		\$\$\$
Mora	4,722	85%							
San Miguel	28,899	81%			✓	✓			\$
Guadalupe	4,594	81%							
Cibola	27,392	79%			✓	✓	✓		\$
Doña Ana	212,942	71%	✓	✓	✓	✓	✓		\$\$\$
Luna	24,947	66%		✓	✓	✓	✓		\$\$\$
Valencia	76,480	65%	✓	✓	✓	✓	✓		\$\$\$
Taos	32,956	64%		✓	✓	✓	✓		\$\$\$
Socorro	17,608	63%			✓	✓			\$
Bernalillo	671,429	61%	✓	✓	✓	✓			\$\$\$
State of New Mexico	2,080,158	61%							
San Juan	127,358	59%	✓			✓			\$\$
Lea	66,876	59%			✓	✓		✓	\$\$
Chaves	65,850	58%			✓	✓			\$\$\$
Hildago	4,734	58%			✓	✓	✓		\$\$\$
Santa Fe	146,361	57%	✓		✓	✓	✓		\$\$\$
Sandoval	135,191	54%		✓	✓	✓	✓		\$\$\$
Grant	29,303	52%		✓	✓	✓	✓		\$\$\$
Eddy	54,834	51%		✓	✓	✓	✓	✓	\$\$
Colfax	13,246	51%			✓	✓			\$
Curry	50,173	49%		✓	✓	✓			\$\$
Otero	65,415	48%		✓	✓	✓	✓		\$\$
Roosevelt	20,065	45%			✓	✓			\$
Torrance	16,037	45%			✓	✓			\$
Quay	8,822	45%			✓	✓			\$
Union	4,413	45%			✓	✓			\$
De Baca	1,967	43%							
Harding	655	37%			✓	✓			\$
Lincoln	20,162	35%			✓	✓			\$
Sierra	11,774	33%			✓	✓			\$
Los Alamos	17,974	25%		✓	✓	✓	✓	✓	\$\$\$
Catron	3,651	24%							

Source: US Census: American Community Survey, Data Set: 2014

\$ = \$100,000 to less than \$500,000 \$\$ = \$500,000 to less than \$1 million \$\$\$ = \$1 million or more

Figure 1: New Mexico Percent Minority Population

New Mexico - Percent Minority Population

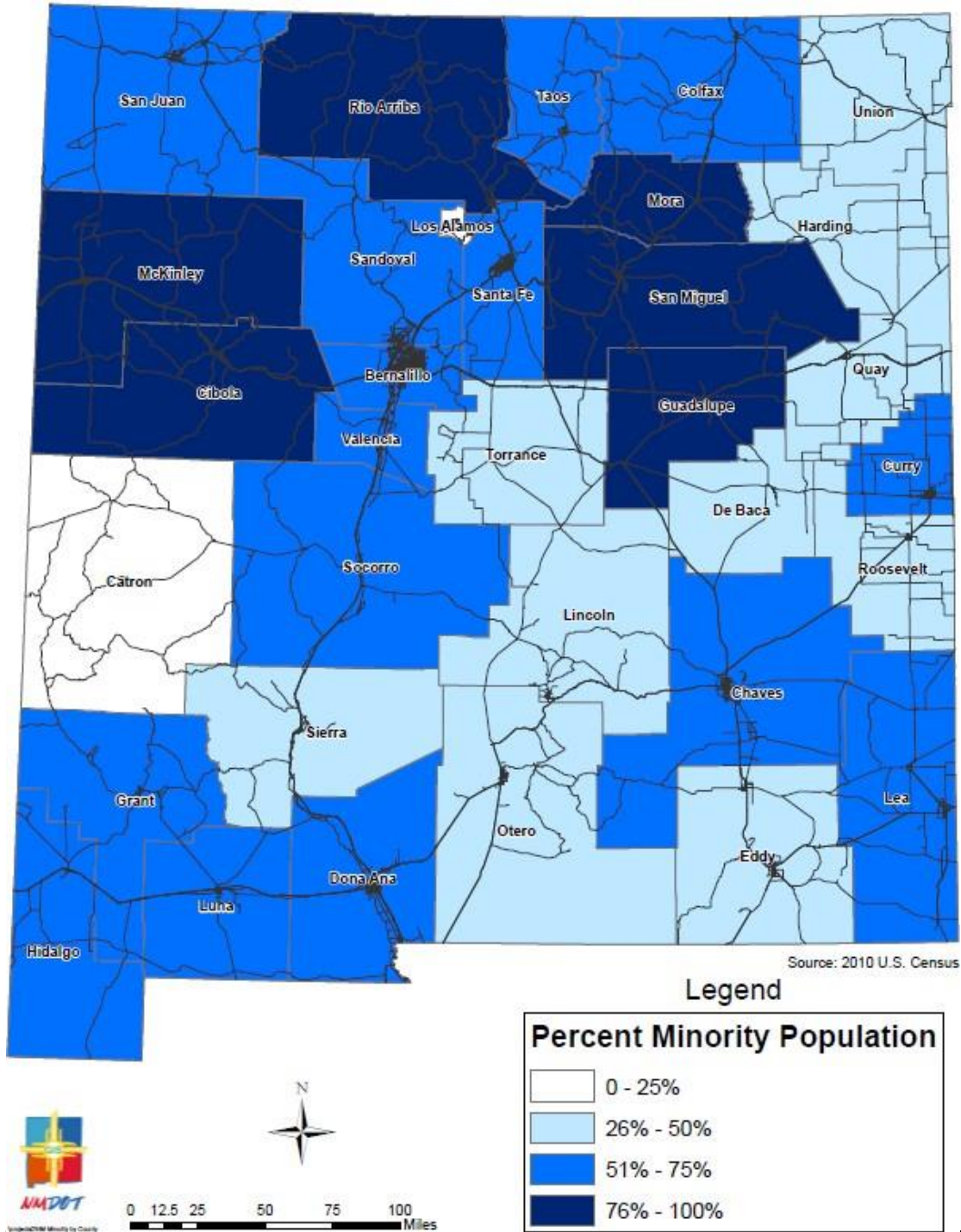
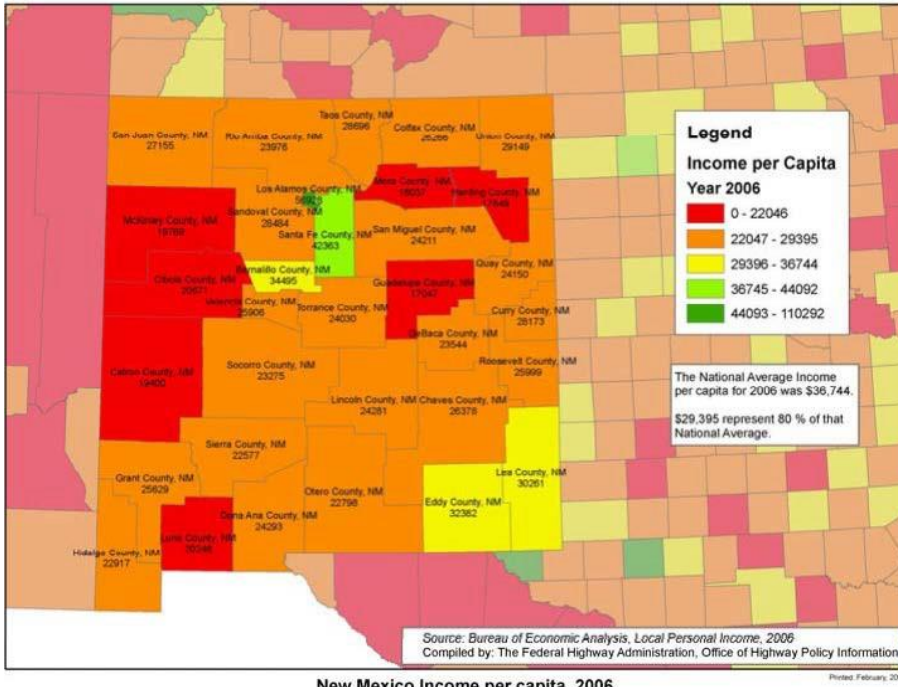


Figure 2: Economically Distressed Counties in New Mexico



New Mexico Income per capita, 2006

Statewide Transportation Planning Process

NMDOT Transit and Rail Division coordinates with New Mexico's seven regional transportation planning organizations (RTPOs) in order to analyze demographic data and identify minority populations within non-urbanized areas in the state. New Mexico rural counties have an overall 61 percent minority population with only two counties (Los Alamos and Catron) having below 30 percent minority population. NMDOT coordinates with the RTPO(s) to provide data to local service providers and agencies. NMDOT Title VI Coordinator ensures that RTPOs have current Title VI plans.

VII. Program Administration

Procedures to Pass Financial Assistance to Subrecipients

The following information from the NMDOT Transit and Rail Division's "New Mexico State Management Plan for the Administration of Federal Transit Grants," describes the procedures for allocating Sections 5303, 5304, 5309, 5310, 5311, and 5339 funds.

Section 5303/5304

FTA Section 5303 funds are distributed by formula to each of the MPOs annually once the apportionment is made to NMDOT via the *Federal Register*. Section 5304 funds are used by the Transit and Rail Division and/or provided for discretionary use by grantees.

Section 5310

Applicants for Section 5310 funds must be:

- Private non-profit organizations. A non-profit organization is a corporation or association determined by the Secretary of the Treasury to be an organization described by 26 U.S.C. §501(c) which is exempt from taxation under 26 U.S.C. §501(a) or one which has been determined under state law to be non-profit and for which the designated state agency has received documentation certifying the status of the non-profit organization.
- Public bodies that certify to the Governor that no non-profit corporations or associations are readily available in an area to provide the service.
- Public bodies approved by the state to coordinate services for seniors and individuals with disabilities.

The applicant must show an established need for the project.

The applicant must demonstrate the ability to work with seniors and/or individuals with disabilities.

The applicant must demonstrate collaboration with other transit systems.

The applicant must prove that matching funds are available for the approved capital purchase prior to vehicle delivery.

The applicant must have sound management, operational, and accounting capabilities.

The applicant must provide information to identify the service area, including the number of seniors and individuals with disabilities to be served by the program.

All selected projects must be consistent with the Coordinated Public Transit - Human Services Transportation Plans in their RTPO or MPO area.

Section 5311

Eligible subrecipients of Section 5311 funding include state agencies, local public bodies and agencies thereof, private non-profit organizations, and operators of public

transportation services. The definition of local governmental authority includes Indian tribes. Eligible non-profit organizations may also serve tribal transportation needs. Private for-profit operators of transit services participate in the program as third-party contractors for grantees or eligible subrecipients, rather than as subrecipients.

The proposed system must provide transportation service to the general public and must be a fixed-route, route-deviation, or demand-response system. The system must be equipped and available to serve the needs of the elderly, semi-ambulatory, wheelchair users and other individuals with disabilities, and the transit-dependent public. The applicant is subject to the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973, both of which address what the system must do to provide transportation to individuals with disabilities.

The proposed system must display on its vehicles that the system is public transportation along with its telephone number, and this must be visible from at least a distance of thirty (30) feet.

The applicant must ensure that adequate funds are available to match Section 5311 funds and to provide for ongoing operations.

Section 5311 applications must include the following:

- Type of service provided. This includes if the request is for start-up of new services, maintaining service at the current level or expanding the existing service. This also includes the applicant's historical and projected data.
- Vehicle inventory of all vehicles used in the daily operation of the service.
- Project coordination with other transit services in the service area.
- Program justification, which explains in detail the need for this program. This includes the mission statement, goals and objectives for the program, and a copy of the Operations Profile.
- A list of any active lawsuits or complaints with regard to Civil Rights.
- Budget information for previous year, current year and the request for the application period.
- A copy of the affidavit of notice of intent to apply for federal funds.

Section 5339

NMDOT uses the statewide distribution as capital assistance for Section 5311 subrecipients. NMDOT allocates the small urbanized area apportionment using the same formula FTA uses to distribute Section 5307 funds to the small urbanized areas. This method has been vetted and accepted by the direct recipients in each small urbanized area.

Grant Application Process, Timeline, and Program of Projects Development

State grant applications to FTA are prepared each year and submitted electronically via TrAMS for Sections 5303, 5304, 5310, 5311, and 5339. Once notification is received from FTA of New Mexico's forthcoming year's program allocation, the State's grant application begins.

Over 620 organizations including cities, counties, tribal governments, agencies which serve individuals with disabilities, and agencies which serve seniors are notified of the beginning of the funding process. The Transit and Rail Division also places notices in statewide newspapers statewide to announce the beginning of the new funding cycle.

The Transit and Rail Division has an established a timeline of tasks and responsibilities which it follows during the fiscal year to administer transit grants.

Section 5310

NMDOT uses Section 5310 funds for capital purchases only.

The following describes New Mexico's grant application process as it relates to Section 5310.

The Notification of Solicitation for Letters of Intent to apply for funds occurs approximately one year and five months prior to the federal fiscal year (FFY) in which the funds will be eligible to be expended. For example, May 2015 for the FFY 2017, which starts October 2016. However, this can vary based on when the annual federal allocation is made.

Notification of Solicitation for Letters of Intent is sent to the various entities and the RTPO/MPO both in electronic and/or hardcopy form. The notice is also published in newspapers statewide. The applicants' letters of intent to apply for funding are usually due to the Transit and Rail Division within 30 days of the distribution of the notice. The letter must specify the type of grant being applied for, a contact person for the entity, and that person's phone number, mailing address, fax number, and email address (if available).

After receiving letters of intent to apply, the Transit and Rail Division mails/e-mails application packets that include the formal application and instruction guide for the appropriate grant to the interested parties. The instructions include a deadline by which the completed application must be returned to the Division. This typically occurs in June/July; however, this can vary based on when the annual federal allocation is made. Requests for application training must be made within one week of receipt of the application.

Upon formal application submittal, the Transit and Rail Division reviews the application for eligibility and content, and sends a review letter to the applicant regarding the status of the application:

- If the application is incomplete or contains incorrect responses, a deadline is set for the applicant to furnish that information to the Transit and Rail Division. If the information is not forwarded by that date, the applicant will be found ineligible and will not be able to compete for that year's funds.
- A letter of completion is sent to applicants who successfully complete the application without deficiencies.

This typically occurs in July/August; however, timing may vary based on when the annual federal apportionment is made.

The applications and deficiency letters are sent to the appropriate RTPO (and MPO, depending on the service area to be covered by the funds for which the applicant is applying) for evaluation/presentation of the application. Each RTPO/MPO conducts a regional prioritization of the applications. Every attempt is made to fund eligible applicants. Financial restrictions may prohibit this practice as Congressional appropriations can vary. All recommended Section 5310 projects will be included in the Transportation Improvement Program (TIP), and/or STIP as needed.

For the applicant projects that are recommended for funding, the Transit and Rail Division prepares a Section 5310 Program of Projects (POP) and grant application package to be submitted electronically via TrAMS to FTA.

A Memorandum of Agreement (MOA) is offered to the approved applicant. The MOA is a contract between the subrecipient and the NMDOT. The MOA defines how much funding will be received and for what purposes the funding will be used. The MOA specifically describes the service the subrecipient provides. Use of funding or equipment for a service other than that described in the MOA without prior permission from the Transit and Rail Division is cause for termination of the contract, meaning the funding and equipment would be redistributed to other applicants. By signing the MOA, the subrecipient agrees to comply with several terms and conditions imposed by the federal government and the State of New Mexico.

All selected projects must be consistent with the Coordinated Public Transit - Human Services Transportation Plans in their RTPO or MPO area.

Section 5311

Once the Transit and Rail Division receives the annual Section 5311 program apportionment amount from FTA, the Division determines the total amount of the Section 5311 apportionment that will be available for administration, intercity bus, and subrecipient distribution.

The Transit and Rail Division may utilize up to 10 percent of the New Mexico annual apportionment to administer the program and provide technical assistance.

Fifteen percent of the allocation is dedicated for intercity bus projects. Funds for intercity services will be allocated by the Division as a set-aside, and information may be provided to the annual RTPO regional process as needed.

The balance of the Section 5311 apportionment is distributed to New Mexico's Section 5311 subrecipients. Grantees may apply for administrative, operating, and capital funds under the Section 5311 program.

The Notification of Solicitation for Letters of Intent to apply for funds occurs approximately one year and five months prior to the federal fiscal year (FFY) in which the funds will be eligible to be expended. For example, May 2015 for the FFY 2017, which starts in October 2016. However, this can vary based on when the annual federal apportionment is made.

A Notification of Solicitation for Letters of Intent is sent to the various entities and the RTPO/MPO both in electronic and/or hardcopy form. The notice is also published in newspapers statewide. The applicants' letters of intent to apply for funding are usually due to the Transit and Rail Division within 30 days of the distribution of the notice. The letter must specify the type of grant being applied for, a contact person for the entity, and that person's phone number, mailing address, fax number, and email address (if available).

After receiving letters of intent to apply, the Transit and Rail Division mails/e-mails application packets that include the formal application and instruction guide for the appropriate grant to the interested parties. The instructions include a deadline by which the completed application must be returned to the Division. This typically occurs in June/July; however, this can vary based on when the annual federal allocation is made. Requests for application training must be made within one week of receipt of the application.

Upon formal application submittal, the Transit and Rail Division reviews the application for eligibility and content, and sends a review letter to the applicant regarding the status of the application:

- If the application is incomplete or contains incorrect responses, a deadline is set for the applicant to furnish that information to the Transit and Rail Division. If the information is not forwarded by that date, the applicant will be found ineligible and will not be able to compete for that year's funds.
- A letter of completion is sent to applicants who successfully complete the application without deficiencies.

This typically occurs in July/August; however, this can vary based on when the annual federal apportionment is made.

The applications and deficiency letters are sent to the appropriate RTPO and MPO if there is a connectivity with the urban program, for evaluation/presentation of the application. Each RTPO/MPO conducts a regional prioritization of the applications.

Every attempt will be made to fund eligible applicants. Financial restrictions may prohibit this practice as congressional appropriations can vary. All recommended 5311 projects will be included in the TIP and/or STIP as needed.

For the applicant projects that are recommended for funding, the Transit and Rail Division prepares a Section 5311 POP and grant application package to be submitted electronically via TrAMS to FTA.

An MOA is offered to the approved applicant. The MOA is a contract between the subrecipient and the NMDOT. The MOA defines how much funding will be received and for what purposes the funding will be used. The MOA specifically describes the service the subrecipient provides. Use of funding or equipment for a service other than that described in the MOA without prior permission from the Transit and Rail Division is cause for termination of the contract; meaning the funding and equipment will be redistributed to other applicants. By signing the MOA, the subrecipient agrees to comply with several terms and conditions imposed by the federal government and the State of New Mexico.

Sections 5309 and 5339

NMDOT applies for discretionary funding under this program on behalf of rural providers. In the recent past, these include the State of Good Repair Initiative, the Bus Livability Initiative, and Veterans Transportation and Community Living Initiative.

Sections 5339 statewide funds are used to supplement capital for the Section 5311 program. The Section 5339 small urbanized area apportionment is allocated to small urbanized areas using the Section 5307 distribution.

The following describes New Mexico's grant application process as it relates to Sections 5309 and 5339, if the funds are not utilized to supplement capital for Section 5311 programs.

The Notification of Solicitation for Letters of Intent to apply for funds occurs approximately one year and five months prior to the federal fiscal year (FFY) in which the funds will be eligible to be expended. For example, May 2015 for the FFY 2017, which starts in October, 2016. However, this can vary based on availability of funding.

Notification of Solicitation for Letters of Intent is sent to the various entities and the RTPO/MPO both in electronic and/or hardcopy form. The notice is also published in newspapers statewide. The applicants' letters of intent to apply for funding are usually due to the Transit and Rail Division within 30 days of the distribution of the notice. The letter must specify the type of grant being applied for, a contact person for the entity, and that person's phone number, mailing address, fax number and email address (if available).

After receiving letters of intent to apply, the Transit and Rail Division mails/e-mails application packets that include the formal application and instruction guide for the appropriate grant to the interested parties. The instructions include a deadline by which the completed application must be returned to the Transit and Rail Division. This typically occurs in June/July; however, this can vary based on when the annual federal allocation is made. Requests for application training must be made within one week of receipt of the application.

Upon formal application submittal, the staff of the Transit and Rail Division reviews the application for eligibility and content, and sends a review letter to the applicant regarding the status of the application:

- If the application is incomplete or contains incorrect responses, a deadline is set for the applicant to furnish that information to the Transit and Rail Division. If the information is not forwarded by that date, the applicant will be found ineligible and will not be able to compete for that year's funds.
- A letter of completion is sent to applicants who successfully complete the application without deficiencies.

This typically occurs in July/August; however, this can vary based on when the annual federal allocation is made.

The applications and deficiency letters are sent to the appropriate RTPO (and MPO, depending on the service area to be covered by the funds for which the applicant is applying) for evaluation/presentation of the application. Each RTPO/MPO conducts a regional prioritization of the applications.

Every attempt will be made to fund eligible applicants. Financial restrictions may prohibit this practice as congressional appropriations can vary. All recommended projects will be included in the TIP and/or STIP as needed.

For the applicant projects that are recommended for funding, the Transit and Rail Division staff will prepare a POP and grant application package to be submitted electronically via TrAMS to FTA.

An MOA is offered to the approved applicant. The MOA is a contract between the subrecipient and the NMDOT. The MOA defines how much funding will be received and for what purposes the funding will be used. The MOA specifically describes the service the subrecipient provides. Use of funding or equipment for a service other than that described in the MOA without prior permission from the Transit and Rail Division is cause for termination of the contract, meaning the funding and equipment will be redistributed to other applicants. By signing the MOA, the subrecipient agrees to comply with several terms and conditions imposed by the federal government and the State of New Mexico.

Section 5311(b)(3)

Upon notification by FTA of New Mexico's Rural Transportation Assistance Program (RTAP) allocation, the Transit and Rail Division develops an annual program of projects. The Transit and Rail Division submits the RTAP POP in conjunction with the State's Section 5311 program application.

The Transit and Rail Division has broad discretion in deciding how best to provide assistance and implement projects under the state RTAP. Delivery mechanisms the Transit and Rail Division intends to use include:

- assistance by Transit and Rail Division staff
- contracts with private consultants, universities, non-profit organizations, state transit associations or other organizations of operators
- contracts for administration of the state program or particular elements of it by the state FHWA-sponsored Local Technical Assistance Program (LTAP) Center (a resource with a demonstrated capacity for delivering training and technical assistance on highway topics that may represent a valuable in-state resource for transit as well)
- support of peer-to-peer networks of individuals to provide assistance to each other
- interagency agreements with other state agencies, both within the state and in other states
- scholarships or tuition and expenses for individuals to attend training courses or workshops

Regional and Statewide Prioritization of Transit Applications

NMDOT's Transit and Rail Division is the designated recipient of all Section 5310, 5311, and, outside the Albuquerque area, 5339 funds. As such, the Division is the accountable and responsible entity in New Mexico to monitor and oversee implementation of federally-funded transit programs and compliance with all FTA grants regulations from a planning, operational, safety and fiduciary perspective.

The RTPOs and MPOs provide public participation, as well as an advisory regional prioritization of transit grant proposals which request funds for proposed services in their region.

If the amount of requested funds is greater than the federal funds available after preliminary budget recommendations are made by the Transit and Rail Division, a Statewide Prioritization of Transit Applications will be developed by the Division after the RTPO/MPO Regional Prioritization. (See Exhibit 3.)

In March of each year, the Transit and Rail Division conducts a Statewide Transit Application Budget Recommendation meeting. Regional and statewide prioritization of projects and recommended funding levels are presented during the meeting.

Building upon the Transit and Rail Division's oversight and regulatory compliance responsibilities, the RTPOs and MPOs shall play a key advisory role from a planning and public participation perspective in recommending a regional prioritization of transit applications.

Regional Prioritization of Transit Projects

The annual process for regional prioritization of transit is as follows:

The RTP/MPO will receive a complete copy of every Section 5309, 5310, 5311, and 5339 application in their jurisdiction by September 30. The RTP/MPO planner assigned to this task has the flexibility to decide how much of the application to distribute to their respective transit evaluation committee members. Enough of the application should be distributed to allow the committee member to evaluate every application from a planning and regional priority perspective. The Transit and Rail Division recommends that the following be provided to the committee members for review:

- Sections I-VII and IX of the 5311 application.
- Sections I-VIII of the 5309 or 5310 application.
- Appendices or attachments can be provided to the committee on request at the RTP/MPO planner's discretion.

Based on the application, the RTP/MPO Committee or Board will prioritize each application. A one page score sheet will be provided to the RTP/MPO with general items to prioritize. Each of the items should be prioritized as high, medium or low by each of the committee members. Each committee member will then provide a final overall prioritization of the application of high, medium or low. The RTP/MPO planner will then group the applications into overall priority categories of high/medium/low.

Each RTP/MPO must conduct a public meeting which the applicant is required to attend in order to clarify questions of the committee and briefly present the application for funding to the public. The public meeting should be conducted in October or November, but no later than December 15. Participation by each applicant is mandatory, and should consist of a brief summary of their application including any necessary clarifications to the application and responses to questions from the transit prioritization/evaluation committee. The committee should be encouraged to attend the public meeting to pose questions regarding the application; however a prioritization score can be submitted prior to the meeting based on the written application.

The final Regional Prioritization from each RTP/MPO should be transmitted to the Transit and Rail Division by December 31.

Statewide Prioritization of Transit Projects

For any grant program, if the amount of requested funds is not greater than the federal funds available after preliminary budget recommendations are made by the Transit and Rail Division, the Regional Prioritization categories of high/medium/low will be utilized as the Statewide prioritization. To confirm the Regional Prioritization, the Transit and Rail Division will assess the budget requests and utilize quantitative performance measures and qualitative measures as needed.

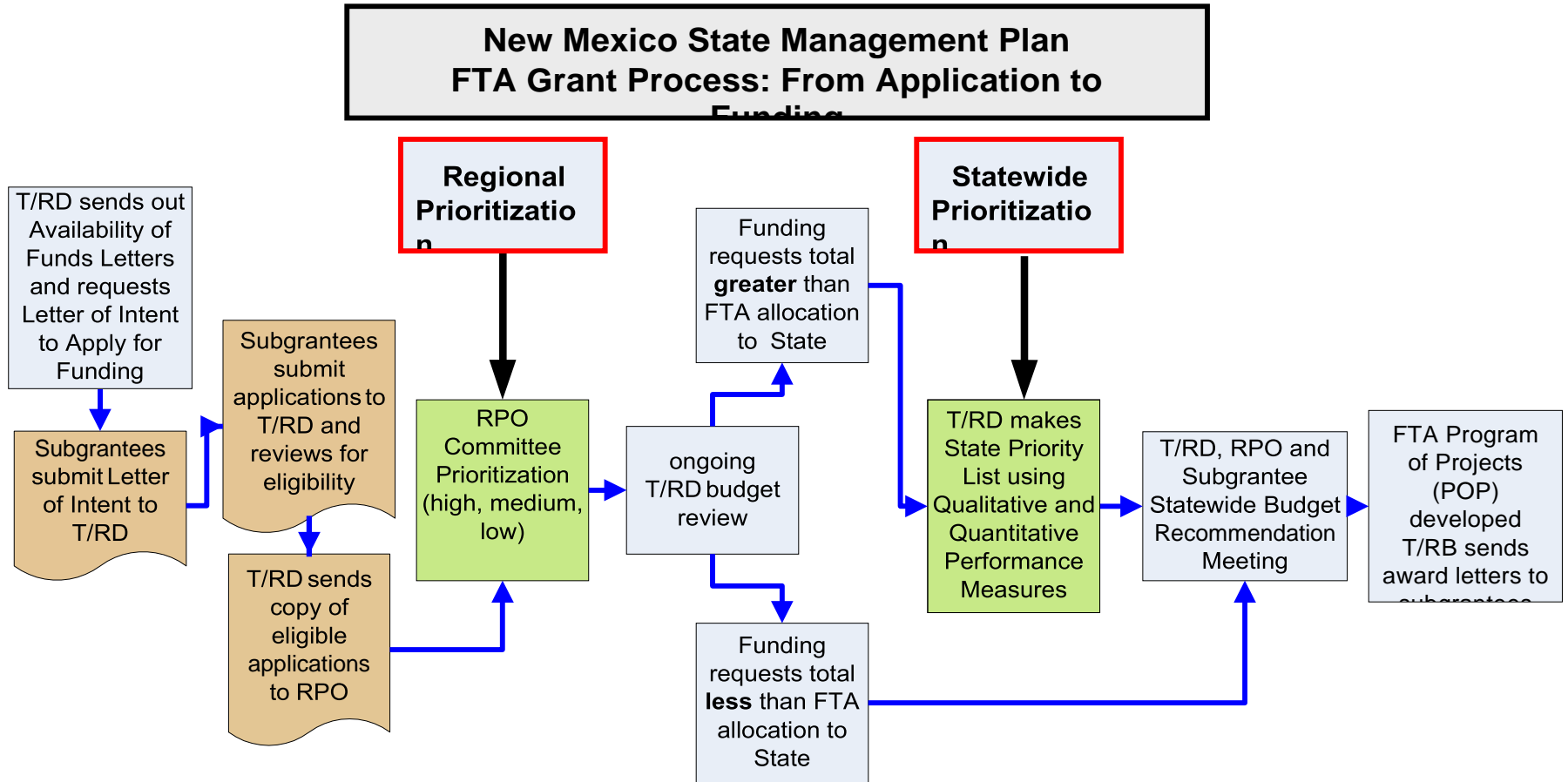
For any grant program, if the amount of requested funds is greater than the federal funds available after preliminary budget recommendations are made by the Transit and Rail Division, a Statewide Prioritization of Transit Applications will be developed by the Transit and Rail Division after the RTPO/MPO Regional Prioritization.

Prior to the annual Statewide Transit Application Budget Recommendation meeting, the Transit and Rail Division will reassess the budget requests and utilize quantitative performance measures and qualitative measures to provide a Statewide Prioritization. In early spring, a Statewide Transit Application Budget Recommendation meeting will be conducted by the Transit and Rail Division, at which Regional and Statewide Prioritization will be shared with interested parties, as well as recommended funding of applicant requests.

The general process and standards that the Transit and Rail Division will utilize are as follows:

1. Due to consistency and reliability of a steady funding source for transit programs to succeed, current transit service providers will be given priority for funding over new applicants.
2. Applicants that provide transit service will be given priority over applicants that do not provide transit service.
3. Applicants that utilize/request more total operating budget than administrative budget will be given priority over those applicants that have an imbalance of administrative funds in their proposed program.
4. Quantitative and standard performance measures of current transit providers will be assessed and placed into a funding distribution index. Budget recommendations will be made on past performance and proposals for improvement.

Exhibit 3: NMDOT Transit and Rail Division, FTA Grant Funding Process



T/RD - NMDOT Transit and Rail Division

RTPO - Regional Planning Organization

FTA - Federal Transit Administration

Procedures to Provide Technical Assistance to Subrecipients

The Transit and Rail Division provides extensive technical assistance to its subrecipients. As New Mexico is a majority, minority state, these efforts benefit subrecipients that serve predominantly minority populations.

The Division is available to assist subrecipients by phone or email and frequently visits subrecipients, including attending Board or Commission meetings, to provide technical assistance.

The Division develops model policies and templates to assist subrecipients comply with FTA requirements, including a Title VI plan template; procurement policy; ADA complementary paratransit plan; drug and alcohol testing policy; NMDOT New Hire Driver Training Program; NMDOT Driver Operations Handbook; NMDOT Transit Operating Procedures for Safety and Security (TOPSS); and NMDOT Safety, Security, and Emergency Preparedness Plan (SSEPP).

NMDOT offers an extensive driver training program for subrecipients that includes: passenger assistance and sensitivity; wheelchair securement; emergency procedures and crisis management; defensive driving; vehicle inspection/safety; emergency procedures and crisis management; first aid; and cardiovascular pulmonary resuscitation.

The Division sponsors, at a minimum, quarterly trainings and multiple trainings at the annual New Mexico transit conference. Additionally, the Division distributes quarterly newsletters to all subrecipients.

The Division conducts annual drug and alcohol testing program technical assistance site visits and biennial technical assistance site visits that address transit operations, driver training, financial management, procurement, Title VI, Americans with Disabilities Act, maintenance, marketing, safety, security, and State and FTA requirements.

The Division provides Section 5304 funds for transit planning studies. NMDOT Transit and Rail developed public transit – human services transportation coordination plans for each RTPO to assist the development appropriate level of service in accordance with the demographic needs for each region of New Mexico.