

AGENDA
Eagle Pass Metropolitan Planning Organization (MPO)
POLICY BOARD MEETING

International Center for Trade
3295 Bob Rogers Drive, Eagle Pass, Maverick County, Texas
Monday, July 22, 2024, at 12:00 p.m. CST

ESTABLISHMENT OF QUORUM

MOMENT OF REVERENCE

CITIZENS COMMUNICATION AND RECOGNITION

Provided by Placido Madera, City of Eagle Pass Community Development Director.

Recognition will begin with introduction of the proposed Metropolitan Planning Organization (MPO) Policy Board members, followed by elected officials, staff from the MPO member agencies, representatives from the Federal Highway Administration (FHWA) and Texas Department of Transportation, and others present in the audience and virtually.

OATH OF OFFICE TO BOARD MEMBERS

ELECTION OF CHAIRPERSON

ELECTION OF VICE-CHAIRPERSON

NEW BUSINESS

1. **Discussion and consideration for approval of Eagle Pass Metropolitan Planning Organization (MPO) Bylaws and Operating Procedures.**

Provided by Placido Madera, City of Eagle Pass Community Development Director.

Attached to this agenda are a copy of the bylaws and operating procedures for the new Eagle Pass MPO. The bylaws are the blueprint for establishing and operating the organization. Upon adoption, the policy board chair will be selected, and the Eagle Pass MPO executive director identified.

Action requested: Approval of the Eagle Pass Metropolitan Organization Bylaws.

2. **Discussion and possible action to elect an At-large Member to serve annually on the MPO Policy Board.**

Provided by Placido Madera, Eagle Pass MPO Planning Director.

The Eagle Pass MPO Policy Board allows for the selection of an at-large member to serve annually. The Policy Board will receive and review nomination(s) for this member.

Action requested: Appointment of the Eagle Pass MPO Policy Board at-large member.

3. **COMMENTS FROM THE PUBLIC**

Moderated by the Eagle Pass MPO Policy Board chair.

An opportunity will be provided to members of the public to address the Policy Board on items that are not on the agenda that are within the jurisdiction of MPO, informational items, or on items on the agenda for discussion but not for action.

Members of the public attending in person are asked to fill out a Request to Speak form. Comments must not exceed three minutes in length. A total of 15-minutes will be provided for the Call to the Audience agenda item, unless the chair requests an exception to this limit. Members of the public attending in person may comment on agenda items posted for action at the time the item is heard.

Action requested: For information.

4. **Discussion and possible action on Policy Board Meeting Schedule.**

Provided by Placido Madera, Eagle Pass MPO Planning Director.

For the remainder of 2024, an Eagle Pass MPO Policy Board meeting schedule will be discussed by the members.

Action requested: For information, discussion, and possible action.

5. **Discussion and possible action on Technical Advisory Committee (TAC) Bylaws.**

Presented by Placido Madera, Eagle Pass MPO Planning Director.

The bylaws for the Eagle Pass MPO allow for the creation of a Technical Advisory Committee (TAC) to advise the Policy Board on transportation planning issues and matters. Attached to this agenda is a copy of the proposed bylaws for the TAC.

Action requested: Approval of the Technical Advisory Committee Bylaws.

6. **Discussion and possible action regarding appointment of Technical Advisory Committee (TAC) Member(s).**

Presented by Placido Madera, Eagle Pass MPO Planning Director.

Representation on the Technical Advisory Committee will come from varying sources within the Eagle Pass MPO's member agencies. In this agenda item, discussion will be held on potential members for this committee by the Policy Board.

Action requested: For information, discussion, and possible action.

7. **Discussion and possible action of an agreement between the Eagle Pass MPO and the Texas Department of Transportation for a Planning Agreement.**

Presented by Placido Madera, Eagle Pass MPO Planning Director and Phillip Tindall, Metropolitan Planning Branch Manager, Texas Department of Transportation

An agreement between the MPO and state Department of Transportation is used to formally state how transportation planning activities are conducted, data is shared, and procedures for Eagle Pass MPO to receive and administer federally designated funds. A copy of this agreement is attached to this agenda.

Action requested: Approval of the Eagle Pass MPO-Texas Department of Transportation Planning Agreement.

8. **Approval of a resolution that designates Southwest Area Regional Transit (SWART) as an eligible Direct Recipient of FTA Section 5307 funds in the urbanized area under 200,000 population. As a direct recipient of FTA funds, SWART will receive and manage federal funds to provide transit services in the Eagle Pass urbanized.**

Presented by Placido Madera, Eagle Pass MPO Planning Director.

A resolution attached to this agenda designates Southwest Area Regional Transit (SWART) as an eligible Direct Recipient of FTA Section 5307 funds in the urbanized area under 200,000 population. As a direct recipient of FTA funds, SWART will receive and manage federal funds to provide transit services in the Eagle Pass urbanized area.

Action Requested: Approval of the resolution.

9. **Discussion and possible action of a representative from Transit Agency Representative.**

Presented by Placido Madera, Eagle Pass MPO Planning Director.

The Infrastructure Investment and Jobs Act (IIJA) requires an MPO to identify a representative from the Transit provider in the urban area on the Policy Board. Nominations will be taken by the Policy Board for this representative.

Action requested: Appointment of the Transit Agency representative to the Eagle Pass MPO policy board.

CONSENT AGENDA

Policy Board members may request that an item removed from the consent agenda. Prior to action on the consent agenda, members of the public attending in person will be given an opportunity to comment on consent items. Policy Board members also are requested to review any written/online public comments received on the consent agenda.

Action requested: As this is the first policy board meeting for the MPO, no consent items are planned.

11. Discussion and possible action on the Eagle Pass MPO Unified Planning Work Program (UPWP).

Presented by Placido Madera, Eagle Pass MPO Planning Director.

The Unified Planning Work Program is a document required of MPOs as a statement of their operating budget and proposed work items for the proposed planning period. Eagle Pass MPO is proposing a UPWP to cover the period to include the remainder of FY 2024 and all of FY 2025. A working draft of this document is attached to this agenda. A presentation will be provided to the Policy Board describing the contents of the MPO's UPWP.

Action requested: For review and information. Action on this document is recommended for the next Policy Board meeting.

EXECUTIVE DIRECTOR'S REPORT

Presented by Placido Madera, Eagle Pass MPO Planning Director.

13. Items to be requested for future board meetings.

Adjournment

Moderated by the Policy Board Chair.

CERTIFICATION

I, THE UNDERSIGNED CITY OF EAGLE PASS COMMUNITY DEVELOPMENT DIRECTOR, do hereby certify that the agenda mentioned above was posted on the Bulletin Board located in the Lobby at City Hall, 100 S. Monroe Street, and the Exterior Wall Bulletin Board at the Maverick County Courthouse, 500 Quarry St. Eagle Pass, Texas on July 18, 2024, at 3:30 p.m.

Placido Madera
City of Eagle Pass Community Development
Director

Eagle Pass Metropolitan Planning Organization (MPO)

Agenda Packet

POLICY BOARD MEETING

International Center for Trade

3295 Bob Rogers Drive, Eagle Pass, Maverick County, Texas

Monday, July 22, 2024, at 12:00 p.m. CST

Item 2

Eagle Pass MPO Bylaws and Operating Procedures

**BYLAWS AND OPERATING PROCEDURES EAGLE PASS
METROPOLITAN PLANNING ORGANIZATION**

MISSION STATEMENT

To set transportation related policy, identify existing and future local transportation needs in cooperation with The Texas Department of Transportation (TxDOT), and propose and recommend projects for all modes of transportation including mass transit and active transportation, with special attention to freight.

**ARTICLE I
DEFINITIONS, PURPOSE, AND AUTHORITY**

Section 1.1 Definitions

- **Eagle Pass Metropolitan Planning Organization (EPMPO)** - is the organization designated by the Governor of the State of Texas to serve as the Metropolitan Planning Organization for the Eagle Pass Urbanized Area. It shall be hereinafter referred to as the "MPO."
- **Metropolitan Planning Area (MPA)** - The geographic area for which the MPO is responsible and in which the metropolitan transportation planning process must be carried out pursuant to Title 23 USC Section 134 and Title 49 USC Section 5303.
- **Metropolitan Planning Organization (MPO)** - The forum for cooperative transportation decision making, as designated by agreement between the Governor and units of general-purpose local government representing 75 percent of the affected metropolitan population. The MPO is responsible for identifying local transportation needs, in cooperation with the Texas Department of Transportation (TxDOT), following a "Continuing, Comprehensive, and Cooperative" transportation planning process pursuant to 23 USC 134. The MPO is also responsible for proposing and recommending projects for all modes of urban transportation to those governmental units that are responsible for program development and project implementation.
- **Metropolitan Planning Organization Policy Committee (Policy Committee)** - The policy body, established pursuant to 23 USC 134, with the responsibility for establishing overall transportation for, and taking the required approval actions as the MPO. The Policy Committee is composed of those governmental agencies identified in the original designation agreement and those agencies or organizations subsequently added to the membership of the board. The Policy Committee shall have decision-making authority over issues such as the Unified Planning Work Program (UPWP), the Transportation Improvement Program (TIP), and the Metropolitan Transportation Plan (MTP).
- **Metropolitan Planning Organization Technical Advisory Committee (Technical Advisory Committee, or TAC)** - The body of the MPO responsible for professional and technical review of work programs, policy recommendations, and transportation planning activities. The TAC shall review issues for accuracy and advise the Policy Committee on recommended actions. The TAC is composed of representatives of the City of Eagle Pass, the County of Maverick, TxDOT, and the Southwest Area Regional Transit District (SWART).
- **Fiscal Agent for the Metropolitan Planning Organization (Fiscal Agent)** - The governmental entity or agency designated by written agreement between the MPO Policy Committee and the governmental entity or agency providing fiscal administrative services and other services (which may include financial management, human resources, and staff support) to the MPO Policy Committee and the Staff of the MPO.
- **Metropolitan Transportation Plan (MTP)** - The MTP is an official, comprehensive, intermodal transportation plan developed and adopted for the MPA through the transportation planning process. The MTP identifies existing and future transportation needs and develops coordinated strategies to provide the necessary transportation facilities essential for the continued mobility and economic vitality of the MPA. These coordinated transportation strategies include roadway development and operations, truck and rail freight movement, transit operations, and

bicycle and pedestrian facilities. The development of the MTP is required under the federal Infrastructure Investment and Jobs Act (IIJA) to assure the continuation of federal transportation funds. The plan shall address a continuous planning horizon of no less than 20 years as of the effective date.

- **Transportation Improvement Program (TIP)** - A staged, multiyear, intermodal program, of transportation projects which is consistent with the MTP and financially constrained.
- **Unified Planning Work Program (UPWP)** - Shall mean the program of work that includes goals, objectives, and tasks required by each of the several agencies involved in the metropolitan transportation planning process. The UPWP shall describe metropolitan transportation and transportation-related planning activities anticipated in the area during the next one-year period and reflect transportation planning work to be funded by federal, state, or local funds.

Section 1.2 Purpose

The MPO is the designated organization responsible for identifying local transportation needs in cooperation with TxDOT. The MPO is also the entity responsible for proposing and recommending projects for all modes of urban transportation to those governmental units that are responsible for program development and project implementation.

Section 1.3 Authority

The MPO shall have the following authority pursuant to 23 CFR Part 450:

- (a) To develop and establish policies, procedures, plans and programs for the metropolitan area.
- (b) To certify such actions as may be necessary to comply with state and federal regulations.
- (c) To establish such rules of procedure and approve such actions as it deems necessary to fulfill its purposes.
- (d) To ensure those requirements of 23 USC 134 and 135 and 49 USC, Chapter 53.5301, *et seq.* are carried out.
- (e) To use federal transportation planning funds, as well as in-kind matching funds as authorized by the Texas Transportation Commission, to develop and maintain a comprehensive regional transportation planning program in conformity with requirements of 23 USC 134 and 49 USC 5303.
- (f) To adopt a MTP for the metropolitan planning area that will complement the Statewide Transportation Plan required by state and federal laws, a TIP and a UPWP, and such other planning documents and reports that may be required by state or federal laws or regulations.
- (g) To establish one or more advisory committees to assist in the transportation planning process and assist in promoting the implementation of approved plans. The Policy Committee may create ad-hoc committees or other technical subcommittees.

ARTICLE II MEMBERSHIP, TERMS, AND ADMINISTRATION

Section 2.1 Membership and Qualifications

(a) The MPO shall be composed of a Policy Committee and a Technical Advisory Committee. The Policy Committee shall include the following members:

City of Eagle Pass	Mayor (1) One City Councilmember (1) as appointed by the Mayor in their sole discretion. County Judge (1)
Maverick County:	One County Commissioner (1) as appointed by the Maverick County Judge in their sole discretion.
Southwest Area Regional Transit District (SWART)	One SWART Board of Directors member (1) as appointed by the Board's presiding officer in their sole discretion.
State of Texas:	TxDOT District Engineer (1)
Member at Large	Member to be appointed by the Policy Committee (1)

(b) Members shall serve until a replacement is qualified pursuant to section 2.1 Subsection (f).

(c) The Mayor of the City of Eagle Pass shall appoint the one City Council member that represents the City of Eagle Pass.

(d) SWART Mass Transit Board's presiding officer shall appoint one member to represent the SWART Mass Transit Board.

(e) The County Judge of the County of Maverick shall appoint the one County Commissioner that represents the County of Maverick.

(f) Appointments to the Policy Committee shall be for a period of two years. A member may be reappointed with no limitation on the number of terms, except that such term will not continue in the event an officer becomes ineligible for membership on the Policy Committee.

Section 2.2 Meetings, Quorum, and Voting

(a) The Policy Committee shall meet at least once per quarter or as often as necessary to fulfill its purposes.

(b) Quorum shall consist of four (4) members of the voting membership.

(c) The use of proxies by the voting members of the Policy Committee is prohibited.

(d) The official actions of the Policy Committee shall be by affirmative action of the majority of the voting membership present and voting at public meetings. All meetings are to be held as open meetings as defined in Chapter 551, Texas Government Code (Texas Open Meetings Act), and the Transportation Planning Director of the MPO shall insure that the written notice of the meeting is posted at City of Eagle Pass City Hall and Maverick County

Commissioners Court Building at least 72 hours prior to the meeting. Additionally, the notice may be posted at TxDOT Eagle Pass District Office, and on the City of Eagle Pass and Maverick County website. The Transportation Planning Director shall ensure that at least two copies of the agenda and such supporting documentation as is available to the Policy Committee are made available for public inspection in the MPO offices at the same time they are made available to the Policy Committee members.

(e) All official actions of the Policy Committee shall be duly recorded in the minutes of the meeting.

(f) The Chairperson and Vice Chairperson shall rotate every two years between the City of Eagle Pass Mayor and Maverick County Judge. The term of each office shall begin the 1st of January in odd number years. There is no limitation to the number of terms each member may serve as an officer.

(g) The responsibilities of the Chairperson shall include, but are not limited to the following:

1. Preside at all meetings of the Policy Committee.
2. Authenticate, by signature, all resolutions adopted by the Policy Committee.
3. Serve as chief policy advocate for the Policy Committee.
4. Represent the committee at hearings, conferences, and other events as required or designate another member of the Committee or the Chairperson of the Technical Committee to represent the Chairperson.

(h) During an absence of the Chairperson, the Vice Chairperson shall preside over meetings and shall exercise all the duties of the Chairperson.

(i) In the absence of both the Chairperson and Vice Chairperson from a Policy Committee meeting at which a quorum is present, the remaining members present shall elect a presiding officer who shall serve until the conclusion of that meeting or until the arrival of the Chairperson or Vice Chairperson.

Section 2.3 Administration

(a) The MPO shall be led by an MPO Transportation Planning Director. The responsibilities of the Director shall include, but are not limited to the following:

1. All staff support for the Policy Committee, oversight and coordination of MPO administration and transportation planning activities, grant administration, maintaining records, and providing notice of meetings as required by the Public Participation Process.
2. Shall act as Chairperson of the TAC with responsibility for drafting findings and recommendations of the TAC for review by the Policy Committee.
3. Shall be responsible for all plans and reports prepared by and for the review and consideration of the Policy Committee and for submitting the recommended policies, procedures, and programs of the TAC to the Policy Committee.
4. Supervise the MPO staff.
5. Serve as a liaison to TxDOT 's planning program through the department's district office and the department's Transportation Planning and Programming Division's representative.
6. In cooperation with TxDOT, collect, maintain, forecast, and report to the department appropriate socioeconomic, roadway, and travel data.
7. Prepare and submit all required plans, reports, programs, data, and certifications.

8. Develop and present to the MPO Policy Committee a MTP for the MPA, a TIP and a UPWP, and such other planning documents and reports that may be required by state or federal laws or regulations.

(b) The TAC shall include the following:

1. City Representatives:
City of Eagle Pass City Engineer or Appointee
Bridge General Manager
Assistant Planning Director
2. County and Regional Representatives:
Maverick County Engineer or Appointee
Maverick County Planning Director or Employee
3. Southwest Area Regional Transit District:
SWART General Manager or Appointee
4. State Representatives:
TxDOT Laredo District Representative

TxDOT Transportation Planning and Programming Division Field Representative (Non-Voting)
5. Federal representatives:
FHWA Planning Representative (Non-Voting)
Kickapoo Traditional Tribe of Texas

(c) Each voting member of the TAC may have a designated alternate member to serve on the committee in the member's absence. Appointed alternate members will have the voting rights and privileges of members when serving in the absence of the TAC member. The responsibilities of the TAC include technical review of work programs, policy recommendations, and transportation planning activities.

Section 2.4 Ethics Policy for MPO Policy Committee Members and Employees

(a) A policy board member or employee of a metropolitan planning organization may not:

- (1) accept or solicit any gift, favor, or service that might reasonably tend to influence the member or employee in the discharge of official duties or that the member or employee knows or should know is being offered with the intent to influence the member's or employee's official conduct; or,
- (2) accept other employment or engage in a business or professional activity that the member or employee might reasonably expect would require or induce the member or employee to disclose confidential information acquired by reason of the official position; or,
- (3) accept other employment or compensation that could reasonably be expected to impair the member's or employee's independence of judgment in the performance of the member's or employee's official duties; or,
- (4) make personal investments that could reasonably be expected to create a substantial conflict between the member's or employee's private interest and the public interest; or,
- (5) intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised the member's or employee's official powers or performed the member's or employee's official duties in favor of another.

ARTICLE III AMENDMENTS

Section 3.1 Bylaw Revisions

The Bylaws may be revised or amended by approval of the Policy Committee at a meeting at which a quorum, as defined herein, is present.

PASSED AND APROVED. on this the _____ day of _____, _____.

Honorable

Mayor of Eagle Pass and Chairperson of the EPMPO Policy Committee

Certified that the EPMPO By-laws were adopted at a public meeting of the Policy Committee of the Eagle Pass Metropolitan Planning Organization.

Item 5

Technical Advisory Committee (TAC) Bylaws

Technical Advisory Committee Bylaws

Article I – Purpose

The Technical Advisory Committee (TAC) makes planning recommendations for the Transportation Policy Board (TPB) regarding issues such as MPO generated documents, project selection criteria, special transportation planning studies, and other issues for immediate action. The TAC committee includes planners, engineers, transit authorities and key Transportation Planning Stakeholders.

Article II - Membership

(a) The TAC shall include but are not limited to the following:

1. City Representatives:
City of Eagle Pass City Engineer or Appointee
Bridge General Manager
Assistant Planning Director
2. County and Regional Representatives:
Maverick County Engineer or Appointee
Maverick County Planning Director or Employee
3. Southwest Area Regional Transit District:
SWART General Manager or Appointee
4. State Representatives:
TxDOT Laredo District Representative

TxDOT Transportation Planning and Programming Division Field Representative (Non-Voting)
5. Federal representatives:
FHWA Planning Representative (Non-Voting)
Kickapoo Traditional Tribe of Texas

(b) Each voting member of the TAC may have a designated alternate member to serve on the committee in the member's absence. Appointed alternate members will have the voting rights and privileges of members when serving in the absence of the TAC member. The responsibilities of the TAC include technical review of work programs, policy recommendations, and transportation planning activities.

(c) Appointments to the TAC shall be for a period of two years. A member may be reappointed with no limitation on the number of terms, except that such term will not continue in the event an officer becomes ineligible for membership on the Policy Committee.

Item 6

Appointment of TAC Members

Example from Laredo Webb County Area MPO – TAC Members:

LWCAMPO Technical Committee

City Representatives

- ◆ LWCAMPO Director (Chairperson)
- ◆ Laredo City Planner
- ◆ The General Manager of the City Transit System
- ◆ Laredo Director of Traffic Safety
- ◆ Laredo Airport Manager
- ◆ Laredo City Engineer
- ◆ Laredo Bridge Director

County & Regional Representatives

- ◆ Webb County Planning Director
- ◆ South Texas Development Council Regional Planning Director
- ◆ The General Manager of the Rural Transit System
- ◆ Webb County Engineer

State Representatives

- ◆ TxDOT Planning Representative (Vice-Chairperson)
- ◆ TxDOT Planning Representative
- ◆ TxDOT Area Engineer
- ◆ TxDOT TPP Field Representative

Federal Representative

- ◆ FHWA Planning Representative

Private Sector Representative

- ◆ A Representative of Kansas City Southern (KCS) Rail Road Company
- ◆ A Representative of Union Pacific Rail Road Company
- ◆ A Representative of the Laredo Transportation Association
- ◆ A Transportation Provider Representative (Who shall serve on the Laredo Transportation & Traffic Committee)

School System Representative

- ◆ A Representative of the Laredo Independent School District (LISD)
- ◆ A Representative of the United Independent School District (UISD)
- ◆ A Representative of Texas A&M International University (TAMIU)
- ◆ A Representative of Laredo College (LC)

Item 7

Eagle Pass MPO-Texas Department of Transportation Planning Agreement

STATE OF TEXAS

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AGREEMENT WITH METROPOLITAN PLANNING ORGANIZATION

THIS AGREEMENT is made by and between the State of Texas, acting through the Texas Department of Transportation, called the “Department,” the Eagle Pass Metropolitan Planning Organization (MPO) Policy Committee, called the “MPO”, which has been designated by the Governor of the State of Texas as the MPO of the **Eagle Pass** urbanized area, and the **City of Eagle Pass**, which serves as the Fiscal Agent for the MPO.

WITNESSETH

WHEREAS, 23 United States Code (USC) §134 and 49 USC §5303 require that MPOs, in cooperation with the Department and transit agencies, develop transportation plans and programs for urbanized areas of the State; and

WHEREAS, 23 Code of Federal Regulations (CFR) 450.314 requires the MPO, State, and public transportation operators within each metropolitan planning area to enter into a written agreement to clearly identify the responsibilities of the parties in carrying out the metropolitan planning process; and

WHEREAS, 23 USC §104(d) authorizes Metropolitan Planning funds and 49 USC §5305 authorizes funds to be made available to MPOs designated by the Governor to support the urban transportation planning process; and

WHEREAS, the Department participates in the Consolidated Planning Grant program in which federal transit planning funds authorized under 49 USC §5305 are transferred to the Federal Highway Administration, combined with additional federal funds, and distributed to the state as a single distribution; and

WHEREAS, the federal share payable for authorized activities using the Consolidated Planning Grant funds is eighty percent (80%) of allowable costs; and

WHEREAS, Texas Transportation Code §221.003 authorizes the Department to expend federal and state funds for improvements to the state highway system; and

WHEREAS, Texas Transportation Code §201.703 authorizes the Department to expend federal funds and to provide state matching funds for allowable costs necessary for the improvement of roads not in the state highway system; and

WHEREAS, this agreement outlines the requirements and responsibilities of the parties for federal reimbursement using Consolidated Planning Grant funds and other federal transportation funds that may be used for planning (e.g., Surface Transportation Program, National Highway System, Congestion Mitigation and Air Quality, etc.); and

WHEREAS, the Governor of the State of Texas and the Eagle Pass have executed an agreement pursuant to the MPO designation; and

WHEREAS, an area equal to or larger than the above-mentioned urbanized area has been delineated in

accordance with federal and state guidelines where required metropolitan transportation planning activities may take place; and

WHEREAS, 23 Code of Federal Regulations (CFR) §420.117(a) requires that in accordance with 49 CFR §18.40, the Department shall monitor all activities performed by its staff or by sub- recipients with Federal Highway Administration (FHWA) planning and research funds to assure that the work is being managed and performed satisfactorily and that time schedules are being met; and

NOW THEREFORE, it is agreed as follows:

AGREEMENT

Article 1. Agreement Period

- A. This agreement becomes effective when signed by the last party whose signing makes the agreement fully executed. The Department shall not continue its obligation to the MPO under this agreement if the Governor's designation of the MPO is withdrawn; if federal funds cease to become available; or if the agreement is terminated as provided below.
- B. This agreement expires on March 31, 2030. No fewer than one hundred and twenty (120) days before the expiration date, the Department may, at its sole discretion, exercise in writing an option to extend the agreement by a period of no more than two years. The Department may exercise this option no more than two times. If all terms and conditions of this agreement remain viable and no amendment to the existing agreement or new agreement is required, a letter from the Department to the MPO shall constitute renewal of this agreement subject to all terms and conditions specified in this agreement. However, an amendment or a new agreement may be executed, if necessary.

Article 2. Responsibilities of the Department

The responsibilities of the Department are as follows:

- A. Assist in the development of the Unified Planning Work Program (UPWP), approve the format of work programs submitted by the MPO, and, where required by federal law or regulation, monitor the MPO's performance of activities and expenditure of funds under a UPWP. Where monitoring is not required, the Department is responsible for reviewing the MPO's activities and expenditure of funds, and will comment on and make suggestions relating to those activities and expenditures.
- B. Develop a time line for development of the UPWP by the MPO; and in consultation with the MPOs, shall develop a standard UPWP format to be used by all MPOs.
- C. Make available to the MPO its share of all federal metropolitan planning funds and provide the required non-federal match as authorized by the Texas Transportation Commission. The Department will distribute federal transportation planning funds to the MPO based on a formula developed by the Department, in consultation with the MPOs, and approved by FHWA, the Federal Transit Administration (FTA), and other applicable federal agencies.
- D. Provide to the MPO, as appropriate, technical assistance and guidance for the collection, processing, and forecasting of socio-economic data needed for the development of traffic forecasts, plans, programs, and planning proposals within the metropolitan area, including collecting, processing, and forecasting vehicular travel volume data in cooperation with the MPO, as appropriate.
- E. Jointly promote the development of the intermodal transportation system within the metropolitan area by identifying points in the system where access, connectivity, and coordination between the modes and inter-urban facilities would benefit the entire system.
- F. Share with the MPO information and information sources concerning transportation planning issues that relate to this agreement.
- G. Cooperatively develop and share information with the MPO related to transportation performance data, the selection of performance targets, the reporting of performance targets, the reporting of

performance to be used in tracking progress toward attainment of critical outcomes for the region of the MPO, and the collection of data for the State asset management plan for the National Highway System (NHS).

Article 3. Responsibilities of the MPO

The MPO is an organization created to ensure that existing and future expenditures on transportation projects and programs are based on a continuing, cooperative, and comprehensive planning process. The responsibilities of the MPO are as follows:

- A. Document planning activities in a UPWP to indicate who will perform the work, the schedule for completing it, and all products that will be produced. In cooperation with the Department and public transportation operators as defined by 23 CFR Part 450, the MPO must annually or bi-annually develop a UPWP that meets federal requirements.
- B. Prepare and submit to the Department an annual performance and expenditure report of progress no later than December 31 of each year. A uniform format for the annual report will be established by the Department, in consultation with the MPOs.
- C. Use funds provided in accordance with 43 Texas Administrative Code (TAC) §16.52 and Article 2 (Responsibilities of the Department) of this agreement to develop and maintain a comprehensive regional transportation planning program in conformity with the requirements of 23 USC §134, 49 USC §5303, and the Texas Comptroller of Public Accounts Uniform Grant Management Standards (UGMS).
- D. Develop a Metropolitan Transportation Plan (MTP), a Transportation Improvement Program (TIP), and a UPWP for the Metropolitan Planning Area (MPA), all of which are consistent with the Statewide Long-Range Transportation Plan (SLRTP), as required by the state and federal law. At a minimum, the MPO shall consider in their planning process the applicable factors outlined in 23 USC §134.
- E. Assemble and maintain an adequate, competent staff with the knowledge and experience that will enable them to perform all appropriate MPO activities required by law.
- F. Forecast, collect, and maintain appropriate socio-economic, roadway, and travel data on a timely basis, in cooperation with the Department.
- G. Prepare all required plans, programs, reports, data, and obtain required certifications in a timely manner.
- H. Share information with the Department and information sources concerning transportation planning issues.

Article 4. Responsibilities of the MPO Policy Committee

The MPO Policy Committee is the policy body that is the forum designated under 23 USC §134 with the responsibility for establishing overall transportation policy for the MPO and for making required approvals. The MPO Policy Committee is comprised of those governmental agencies identified in the original designation agreement and those agencies or organizations subsequently added to the membership of the committee. The responsibilities of the MPO, acting through its Policy Committee, are as follows:

- A. Ensure that requirements of 23 USC §§134 and 135 and 49 USC, Chapter 53, are carried out.
- B. Use funds provided in accordance with Article 2 (Responsibilities of the Department) of this agreement to develop and maintain a comprehensive regional transportation planning program in accordance with requirements of 23 USC §134 and 49 USC §5303.
- C. Develop and adopt an MTP for the MPA that is consistent with the SLRTP required by state and federal laws; a TIP and a UPWP; and other planning documents and reports that may be required by state or federal laws or regulations.
- D. Exercise sole responsibility to hire, supervise, evaluate, and terminate the MPO Transportation Planning Director.
- E. Provide planning policy direction to the MPO Transportation Planning Director.

Article 5. Responsibilities of the Fiscal Agent

The Fiscal Agent for the MPO is the entity responsible for providing fiscal, human resource, and staff support services to the MPO. The responsibilities of the Fiscal Agent are as follows:

- A. Maintain required accounting records for state and federal funds consistent with current federal and state requirements.
- B. Provide all appropriate funding, as identified by fiscal year in the UPWP, to allow the MPO staff to effectively and efficiently operate the program.
- C. Provide human resource services to the MPO.
- D. Provide benefits for the MPO staff that shall be the same as the Fiscal Agent normally provides its own employees; or as determined through an agreement between the MPO and the Fiscal Agent. Costs incurred by the Fiscal Agent for these benefits may be reimbursed by the MPO.
- E. Establish procedures and policies for procurement and purchasing, when necessary, in cooperation with the MPO.

Article 6. Responsibilities of the MPO Transportation Planning Director

The responsibilities of the MPO Transportation Planning Director are as follows:

- A. Administer the MPO's UPWP. The Director shall serve in a full-time capacity and shall take planning policy direction from and be responsible to the designated MPO Policy Committee.
- B. Act as a liaison to the Department, relevant to the Department's transportation planning activities.
- C. Oversee and direct all MPO transportation planning staff work performed using MPO funds.
- D. Prepare and submit all required plans, programs, reports, data, and certifications in a timely manner.
- E. Develop and present to the MPO Policy Committee an MTP for the MPA that is consistent with the SLRTP required by state and federal laws; a TIP and a UPWP; and other planning documents and reports that may be required by state or federal laws or regulations.
- F. Share with the Department information and information resources concerning transportation planning issues.

Article 7. Unified Planning Work Program

- A. Each year the MPO shall submit to the Department a program of work that includes goals, objectives, and tasks required by each of the several agencies involved in the metropolitan transportation planning process. This program of work is to be called the Unified Planning Work Program (UPWP), or any successor name. The UPWP shall be approved by the MPO Policy Committee, in accordance with 23 CFR §450.314.
- B. The UPWP will be prepared for a period of one (1) year or two (2) years unless otherwise agreed to by the Department and the MPO. The UPWP shall reflect only that work that can be accomplished during the time period of the UPWP, in accordance with TAC §16.52.
- C. The UPWP shall reflect transportation planning work tasks to be funded by federal, state, or local transportation, or transportation related (e.g. air quality) planning funds. The budget and statement of work will be included in the UPWP. The MPO may not incur costs until final approval of the UPWP is granted. The maximum amount payable will not exceed the budget included in the UPWP.
- D. The effective date of each UPWP will be October 1st of each year or the date of approval from the appropriate oversight agency, whichever occurs later. On that date, the UPWP shall constitute a new federal project and shall supersede the previous UPWP.
- E. The UPWP shall comply with all applicable federal and state requirements and will describe metropolitan transportation and transportation-related planning activities anticipated in the area.
- F. The use of federal metropolitan transportation planning funds shall be limited to transportation planning activities affecting the transportation system within the boundaries of a designated metropolitan planning area. If an MPO determines that data collection and analysis activities relating to land use, demographics, or traffic or travel information, conducted outside its boundaries, affects the transportation system within its boundaries, then those activities may be undertaken using federal

planning funds, if the activities are specifically identified in an approved UPWP. Any other costs incurred for transportation planning activities outside the boundaries of a designated metropolitan planning area are not eligible for reimbursement.

- G. Travel outside the State of Texas by MPO staff and other agencies participating in the MPO planning process must be approved by the Department if funded with federal transportation planning funds. The MPO must receive approval prior to incurring any costs associated with the actual travel (e.g., registration fee). This provision will not apply if the travel is at the request of the Department. Travel to the State of Arkansas by the Texarkana MPO staff and travel to the State of New Mexico by the El Paso MPO staff shall be considered in-state travel.
- H. The cost of travel incurred by elected officials serving on the MPO Policy Committee is eligible for reimbursement with federal transportation planning funds in accordance with 43 TAC §16.52.
- I. The use of federal transportation planning funds is limited to corridor/subarea level planning or multimodal or system-wide transit planning studies. Major investment studies and environmental studies are considered corridor level planning. Unless otherwise authorized by federal law or regulation, the use of such funds beyond environmental document preparation or for specific project level planning and engineering (efforts directly related to a specific project instead of a corridor) is not allowed.
- J. Failure to adhere to the time line developed by the Department may result in a delay in the authorization to the MPOs to proceed in incurring costs.
- K. A UPWP will not be approved if it is submitted in a format other than the standard format developed by the Department. The UPWP and subsequent amendments may be submitted electronically.
- L. The MPO shall not incur any costs for work outlined in the UPWP or any subsequent amendments (i.e., adding new work tasks or changing the scope of existing work tasks) prior to receiving approval from the Department. Any costs incurred prior to receiving Department approval are not eligible for reimbursement from federal transportation planning funds.
- M. Costs incurred by the MPO shall not exceed the total budgeted amount of the UPWP without prior approval of the MPO Policy Committee and the Department. Costs incurred on individual work tasks shall not exceed that task budget by 25 percent without prior approval of the MPO Policy Committee and the Department. If the costs exceed 25 percent of the task budget, the UPWP shall be revised, approved by the MPO Policy Committee, and submitted to the Department for approval.
- N. The MPO Policy Committee must approve the UPWP and any subsequent revisions, and shall not delegate the approval authority, except for corrective actions. Corrective actions do not change the scope of work, result in an increase or decrease in the amount of task funding, or affect the overall budget. Examples include typographical, grammatical, or syntax corrections.
- O. Should any conflict be discovered between the terms of this agreement and the UPWP, the terms of this agreement shall prevail.
- P. The MPO is not authorized to request payment for any work it may perform that is not included in the current UPWP.

Article 8. Compensation

The Department's payment of any cost incurred under this agreement is contingent upon all of the following:

- A. Federal funds are available to the Department in a sufficient amount for making payments.
- B. The incurred cost is authorized in the UPWP. The maximum amount payable under this agreement shall not exceed the total budgeted amount outlined in the UPWP in accordance with 43 TAC §16.52.
- C. The cost has actually been incurred by the MPO and meets the following criteria:
 - 1. Is verifiable from MPO records;
 - 2. Is not included as match funds for any other federally-assisted program;
 - 3. Is necessary and reasonable for the proper and efficient accomplishment of program objectives;
 - 4. Is the type of charge that would be allowable under 2 CFR 200 Revised, "Cost Principles for State, Local, and Indian Tribal Governments" and the state's UGMS; and
 - 5. Is not paid by the Department or federal government under another assistance program unless authorized to be used as match under the other federal or state agreement and the laws and regulations to which it is subject.

- D. After October 1st of each year, the Department will issue a work order to the MPO establishing the effective date of work and the total funds authorized. If the UPWP is subsequently revised, necessitating a revision to the original work order, or the Department deems a revision necessary, a revised work order may be issued at any time throughout the fiscal year. If the amount in the UPWP differs from the amount in the work order, the amount in the work order prevails.
- E. The MPO is authorized to submit requests for payment of authorized costs incurred under this agreement on a semi-monthly basis, but no more than twenty four (24) times a year and no less than monthly as expenses occur. Each request for payment shall be submitted in a manner acceptable to the Department, which includes, at a minimum, the following information:
 - 1. UPWP budget category or line item;
 - 2. Description of the cost;
 - 3. Quantity;
 - 4. Price;
 - 5. Cost extension; and
 - 6. Total costs
- F. The MPO shall submit the final bill from the previous fiscal year to the Department no later than December 31st of the calendar year in which that fiscal year ended. Any bills submitted after December 31 for a fiscal year in which the funds have been de-obligated will be processed against the current year's UPWP.
- G. Payment of costs is contingent upon compliance with the terms of Article 3 (Responsibilities of the MPO) of this agreement. Noncompliance may result in cancellation of authorized work and suspension of payments after a thirty (30) day notification by the Department to the MPO.

Article 9. Reporting

To permit program monitoring and reporting, the MPO shall submit reports as required in Article 3 (Responsibilities of the MPO) of this agreement. If task expenditures overrun or underrun a budgeted task amount by twenty-five percent (25%) or more, the annual performance and expenditure report must include an explanation for the overrun or underrun.

Article 10. Indemnification

- A. The MPO shall save harmless the Department and its officers and employees from all claims and liability that are due to activities of the MPO, its agents, or its employees performed under this agreement and that are caused by or result from error, omission, or negligent act of the MPO or of any person employed by the MPO.
- B. To the extent possible under state law, the MPO shall also save harmless the Department from any and all expense, including but not limited to, attorney fees that may be incurred by the Department in litigation or otherwise resisting claims or liabilities that may be imposed on the Department as a result of the activities of the MPO, its agents, or its employees.

Article 11. Inspection of Work and Retention of Documents

- A. The Department and, when federal funds are involved, the U. S. Department of Transportation (USDOT), and their authorized representatives shall have the right at all reasonable times to inspect or otherwise evaluate the work performed or being performed under this agreement and the premises on which it is being performed.
- B. If any inspection or evaluation is made on the premises of the MPO or a subcontractor, the MPO shall provide or require its subcontractor to provide all reasonable facilities and assistance for the safety and convenience of the inspectors in the performance of their duties. All inspections and evaluations shall be performed in a manner that will not unduly delay the work.

- C. The MPO agrees to maintain all books, documents, papers, computer generated files, accounting records, and other evidence pertaining to costs incurred and work performed under this agreement, and shall make those materials available at its office during the time period covered and for seven (7) years from the date of final payment under the UPWP. Those materials shall be made available during the specified period for inspection by the Department, the USDOT, and the Office of the Inspector General of the USDOT and any of their authorized representatives for the purpose of making audits, examinations, excerpts, and transcriptions.
- D. The state auditor may conduct an audit or investigation of any entity receiving funds from the Department directly under this agreement or indirectly through a subcontract under this agreement. Acceptance of funds directly under this agreement or indirectly through a subcontract under this agreement acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit under the state's UGMS.

Article 12. Work Performance

All work performed under this agreement shall be carried out in a professional and orderly manner, and the products authorized in the UPWP shall be accurate and exhibit high standards of workmanship.

Article 13. Disputes

The MPO shall be responsible for the settlement of all contractual and administrative issues arising out of procurement entered into in support of work under this agreement.

Article 14. Non-Collusion

The MPO shall warrant that it has not employed or retained any company or person, other than a bona fide employee working for the MPO, to solicit or secure this agreement, and that it has not paid or agreed to pay any company or person, other than a bona fide employee, any fee, commission, percentage, brokerage fee, gift, or any other consideration contingent upon or resulting from the award or making of this agreement. If the MPO breaches or violates this warranty, the Department shall have the right to annul this agreement without liability or, in its discretion, to deduct from the agreement price or consideration, or otherwise recover the full amount of the fee, commission, brokerage fee, gift, or contingent fee.

Article 15. Subcontracts

- A. Any subcontract for services rendered by individuals or organizations not a part of the MPO's organization shall not be executed without prior authorization and approval of the subcontract by the Department and, when federal funds are involved, the USDOT. All work in the subcontract is subject to the state's UGMS. If the work for the subcontract is authorized in the current approved UPWP, and if the MPO's procurement procedures for negotiated contracts have been approved by the Department either directly or through self- certification by the MPO, the subcontract shall be deemed to be authorized and approved, provided that the subcontract includes all provisions required by the Department and the USDOT.
- B. Subcontracts in excess of \$25,000 shall contain all required provisions of this agreement.
- C. No subcontract will relieve the MPO of its responsibility under this agreement.

Article 16. Termination

- A. The Department may terminate this agreement at any time before the date of completion if the Governor withdraws his designation of the MPO. The Department or the MPO may seek termination of this agreement pursuant to Article 13 (Disputes) if either party fails to comply with the conditions of the

agreement. The Department or the MPO shall give written notice to all parties at least ninety (90) days prior to the effective date of termination and specify the effective date of termination.

- B. The Department may terminate this agreement for reasons of its own, subject to agreement by the MPO.
- C. The parties to this agreement may terminate this agreement when its continuation would not produce beneficial results commensurate with the further expenditure of funds. In this event, the parties shall agree upon the termination conditions.
- D. Upon termination of this agreement, whether for cause or at the convenience of the parties, all finished or unfinished documents, data, studies, surveys, reports, maps, drawings, models, photographs, etc., prepared by the MPO shall, at the option of the Department, be delivered to the Department.
- E. The Department shall reimburse the MPO for those eligible expenses incurred during the agreement period that are directly attributable to the completed portion of the work covered by this agreement, provided that the work has been completed in a manner satisfactory and acceptable to the Department. The MPO shall not incur new obligations for the terminated portion after the effective date of termination.

Article 17. Force Majeure

Except with respect to defaults of subcontractors, the MPO shall not be in default by reason of failure in performance of this agreement in accordance with its terms (including any failure by the MPO to progress in the performance of the work) if that failure arises out of causes beyond the control and without the default or negligence of the MPO. Those causes may include but are not limited to acts of God or of the public enemy, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather. In every case, however, the failure to perform must be beyond the control and without the fault or negligence of the MPO.

Article 18. Remedies

- A. Violation or breach of agreement terms by the MPO shall be grounds for termination of the agreement. Any costs incurred by the Department arising from the termination of this agreement shall be paid by the MPO.
- B. This agreement shall not be considered as specifying the exclusive remedy for any dispute, but all remedies existing at law and in equity may be availed of by either party and shall be cumulative.

Article 19. Gratuities

- A. Employees of the Department or the MPO shall not accept any benefits, gifts, or favors from any person doing business with, or who may do business with the Department or the MPO under this agreement.
- B. Any person doing business with, or who may do business with the Department or the MPO under this agreement, may not make any offer of benefits, gifts, or favors to Department or the MPO employees. Failure on the part of the Department or the MPO to adhere to this policy may result in termination of this agreement.

Article 20. Compliance with Laws

The parties to this agreement shall comply with all federal and state laws, statutes, rules, and regulations, and the orders and decrees of any courts or administrative bodies or tribunals in any matter affecting the performance of this agreement, including without limitation, workers' compensation laws, minimum and maximum salary and wage statutes and regulations, and licensing laws and regulations. When required, the MPO shall furnish the Department with satisfactory proof of its compliance.

Article 21. Successors and Assigns

No party shall assign or transfer its interest in this agreement without written consent of the other parties.

Article 22. Debarment Certifications

The MPO is prohibited from making any award or permitting any award at any tier to any party that is debarred or suspended or otherwise excluded from or ineligible for participation in federal assistance programs under Executive Order 12549, Debarment and Suspension. By executing this agreement, the MPO certifies that it is not currently debarred, suspended, or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549 and further certifies that it will not do business with any party that is currently debarred, suspended, or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549. The MPO shall require any party to a subcontract or purchase order awarded under this agreement as specified in 49 CFR Part 29 (Debarment and Suspension) to certify its eligibility to receive federal funds and, when requested by the Department, to furnish a copy of the certification.

Article 23. Equal Employment Opportunity

The parties to this agreement agree to comply with Executive Order 11246 entitled "Equal Employment Opportunity" as amended by Executive Order 11375 and as supplemented in Department of Labor Regulations (41 CFR §60).

Article 24. Pertinent Non-Discrimination Authorities

During the performance of this Agreement, each party, for itself, its assignees, and successors in interest agree to comply with the following nondiscrimination statutes and authorities; including but not limited to:

- A. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- B. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of federal or federal-aid programs and projects).
- C. Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), as amended, (prohibits discrimination on the basis of sex).
- D. Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.) as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27.
- E. The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age).
- F. Airport and Airway Improvement Act of 1982, (49 U.S.C. Chapter 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex).
- G. The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the federal-aid recipients, subrecipients and contractors, whether such programs or activities are federally funded or not).
- H. Titles II and III of the Americans with Disabilities Act, which prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131- 12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38.
- I. The Federal Aviation Administration's Nondiscrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex).
- J. Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations.
- K. Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited

English proficiency (LEP). To ensure compliance with Title VI, the parties must take reasonable steps to ensure that LEP persons have meaningful access to the programs (70 Fed. Reg. at 74087 to 74100).

- L. Title IX of the Education Amendments of 1972, as amended, which prohibits the parties from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq.).

Article 25. Nondiscrimination on the Basis of Disability

The MPO agrees that no otherwise qualified disabled person shall, solely by reason of his disability, be excluded from participation in, be denied the benefits of, or otherwise be subject to discrimination under this agreement. The MPO shall ensure that all fixed facility construction or alteration and all new equipment included in the project comply with applicable regulations regarding Nondiscrimination on the Basis of Disability in Programs and Activities Receiving or Benefiting from Federal Financial Assistance, set forth in 49 CFR Part 27, and any amendments to it.

Article 26. Disadvantaged Business Enterprise (DBE) Program Requirements

If federal funds are used:

- A. The parties shall comply with the Disadvantaged Business Enterprise Program requirements established in 49 CFR Part 26.
- B. The MPO shall adopt, in its totality, the State's federally approved DBE program.
- C. The MPO shall incorporate into its contracts with subproviders an appropriate DBE goal consistent with the State's DBE guidelines and in consideration of the local market, project size, and nature of the goods or services to be acquired. The MPO shall submit its proposed scope of services and quantity estimates to the State to allow the State to establish a DBE goal for each MPO contract with a subprovider. The MPO shall be responsible for documenting its actions.
- D. The MPO shall follow all other parts of the State's DBE program referenced in TxDOT Form 2395, Memorandum of Understanding Regarding the Adoption of the Texas Department of Transportation's Federally-Approved Disadvantaged Business Enterprise by Entity, and attachments found at web address http://ftp.dot.state.tx.us/pub/txdot-info/bop/dbe/mou/mou_attachments.pdf.
- E. The MPO shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any U.S. Department of Transportation (DOT)-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The MPO shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure non-discrimination in award and administration of DOT-assisted contracts. The State's DBE program, as required by 49 CFR Part 26 and as approved by DOT, is incorporated by reference in this Agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this Agreement. Upon notification to the MPO of its failure to carry out its approved program, the State may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).
- F. Each contract the MPO signs with a contractor (and each subcontract the prime contractor signs with a sub-contractor) must include the following assurance: *The contractor, sub-recipient, or sub-contractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this Agreement, which may result in the termination of this Agreement or such other remedy as the recipient deems appropriate.*

Article 27. Procurement and Property Management Standards

- A. The parties to this Agreement shall adhere to the procurement standards established in Title 49 CFR §18.36, to the property management standards established in 2 CFR 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, and to the Texas Uniform Grant Management Standards. The State must pre-approve the MPO's procurement procedures for

- purchases to be eligible for state or federal funds.
- B. The MPO agrees to comply with applicable Buy America requirements set forth in the Surface Transportation Assistance Act of 1978 (Pub. L. 95-599) §401 and the FTA's Buy America regulations in 49 CFR Part 661.
 - C. The MPO agrees to comply with the cargo preference requirements set forth in 46 USC §55305 and Maritime Administration regulations set forth in 46 CFR Part 381.

Article 28. Environmental Protection and Energy Efficiency

- A. The MPO agrees to comply with all applicable standards, orders, or requirements issued under Section 306 of the Clean Air Act, 42 USC §7602; Section 508 of the Clean Water Act 33 USC §1368; Executive Order 11738 and Title 40 CFR, "Protection of Environment." The MPO further agrees to report violations to the Department.
- B. The MPO agrees to recognize standards and policies relating to energy efficiency that are contained in the State energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Pub. L. 94-163).

Article 29. Federal Reimbursement

The MPO shall be responsible for any funds determined to be ineligible for federal reimbursement, and shall reimburse the Department the amount of those funds previously provided to it by the Department.

Article 30. Control of Drug Use

The MPO agrees to comply with the terms of the FTA regulation, "Prevention of Alcohol Misuse and Prohibited Drug Use in Mass Transit Operations," set forth in 49 CFR Part 655.

Article 31. Lobbying Certification

In executing this agreement, each signatory certifies to the best of that signatory's knowledge and belief, that:

- A. No federal appropriated funds have been paid or will be paid by or on behalf of the parties to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
- B. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with federal contracts, grants, loans, or cooperative agreements, the signatory for the MPO shall complete and submit the Federal Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- C. The parties shall require that the language of this certification shall be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and all sub-recipients shall certify and disclose accordingly. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 USC §1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Article 32. Amendments

Any change to one or more of the terms and conditions of this agreement shall not be valid unless made in writing and agreed to by the parties before the change is implemented.

Article 33. Distribution of Products

- A. The MPO shall provide a number of copies to be specified by the Department of all information, reports, proposals, brochures, summaries, written conclusions, graphic presentations, and similar materials developed by the MPO and financed, in whole or in part, as provided in this agreement. All reports published by the MPO shall contain the following prominent credit reference to the Department, USDOT, FHWA, and FTA: *Prepared in cooperation with the Texas Department of Transportation and the U.S. Department of Transportation, Federal Highway Administration, and Federal Transit Administration.*
- B. Upon termination of this agreement, all documents prepared by the MPO or furnished to the MPO by the Department, shall be delivered to the Department. All documents, photographs, calculations, programs, and other data prepared or used under this agreement may be used by the Department without restriction or limitation of further use.

Article 34. Legal Construction

In case any one or more of the provisions contained in this agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, that invalidity, illegality, or unenforceability shall not affect any other provisions and this agreement shall be construed as if it did not contain the invalid, illegal, or unenforceable provision.

Article 35. Sole Agreement

This agreement constitutes the sole and only agreement between the parties and supersedes any prior understandings or written or oral agreements between the parties respecting the subject matter of this agreement.

Article 36. Copyrights

The Department and the USDOT shall, with regard to any reports or other products produced under this agreement, reserve a royalty-free, nonexclusive and irrevocable right to reproduce, publish, or otherwise use, and to authorize others to use the work for government purposes.

Article 37. Federal Funding Accountability and Transparency Act Requirements

- A. Any recipient of funds under this agreement agrees to comply with the Federal Funding Accountability and Transparency Act and implementing regulations at 2 CFR Part 170, including Appendix A. This agreement is subject to the following award terms:
<http://www.gpo.gov/fdsys/pkg/FR-2010-09-14/pdf/2010-22705.pdf> and
<http://www.gpo.gov/fdsys/pkg/FR-2010-09-14/pdf/2010-22706.pdf>
- B. The MPO agrees that it shall:
 - 1. Obtain and provide to the Department a Central Contracting Registry (CCR) number (Federal Acquisition Regulation, Part 4, Sub-part 4.1100) if this award provides for more than \$25,000 in Federal funding. The CCR number may be obtained by visiting the CCR web-site at <https://www.sam.gov/portal/public/SAM/>;
 - 2. Obtain and provide to the Department a Data Universal Numbering System (DUNS) number, a unique nine-character number that allows the Federal government to track the distribution of federal money. The DUNS number may be requested free of charge for all businesses and entities required to do so by visiting the Dun & Bradstreet on-line registration website at <http://fedgov.dnb.com/webform>; and

3. Report the total compensation and names of its top five (5) executives to the Department if:
 - i. More than 80% of annual gross revenues are from the Federal government, and those revenues are greater than \$25,000,000; and
 - ii. The compensation information is not already available through reporting to the U.S. Securities and Exchange Commission.

Article 38. Single Audit Report

If federal funds are used:

- A. The parties shall comply with the single audit report requirements stipulated in 2 CFR 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.
- B. If threshold expenditures of \$750,000 or more are met during the fiscal year, the MPO must submit a Single Audit Report and Management Letter (if applicable) to TxDOT's Compliance Division, 125 East 11th Street, Austin, TX 78701 or contact TxDOT's Compliance Division by email at singleaudits@txdot.gov.
- C. If expenditures are less than the threshold during the MPO's fiscal year, the MPO must submit a statement to TxDOT's Compliance Division as follows: "We did not meet the \$_____ expenditure threshold and therefore, are not required to have a single audit performed for FY _____."
- D. For each year the Project remains open for federal funding expenditures, the MPO will be responsible for filing a report or statement as described above. The required annual filing shall extend throughout the life of the Agreement, unless otherwise amended or the Project has been formally closed out and no charges have been incurred within the current fiscal year.

Article 39. Notices

All notices to any party by the other parties required under this agreement shall be delivered personally or sent by certified or U.S. mail, postage prepaid, addressed to the party at the following addresses:

MPO:	MPO Planning Director Metropolitan Planning Organization ICT Building 3295 Bob Rogers Dr. Eagle Pass, TX 78852
Fiscal Agent:	City of Eagle Pass 100 S. Monroe Street Eagle Pass, TX 78852
Department:	Director, Transportation Planning & Programming Division Texas Department of Transportation 125 E. 11 th Street Austin, Texas 78701

All notices shall be deemed given on the date delivered or deposited in the mail, unless otherwise provided in this agreement. Any party may change the above address by sending written notice of the change to the other parties. Any party may request in writing that notices shall be delivered personally or by certified U.S. mail and that request shall be honored and carried out by the other parties.

Article 40. Signatory Warranty

Each signatory warrants that the signatory has necessary authority to execute this agreement on behalf of the entity represented.

THIS AGREEMENT IS EXECUTED by the Department, the MPO, and the Fiscal Agent in triplicate.

THE MPO

Signature

Placido Madera

Typed or Printed Name

City of Eagle Pass, MPO Planning Director

Title

Date

THE FISCAL AGENT

Signature

Homero Balderas

Typed or Printed Name

City of Eagle Pass, City Manager

Title

Date

THE DEPARTMENT

Signature

Humberto Gonzalez, Jr., P.E., M.B.A

Typed or Printed Name

Director, Transportation Planning and
Programming Division
Texas Department of Transportation

Title

Date

Item 8

Direct recipient of Federal Transit Administration (FTA) Funds

RESOLUTION NO. MPO 2024-01

A RESOLUTION OF THE EAGLE PASS METROPOLITAN PLANNING ORGANIZATION, NAMING SOUTHWEST AREA REGIONAL TRANSIT DISTRICT (SWART) AS AN ELIGIBLE DIRECT RECIPIENT OF FTA SECTION 5307 FUNDS IN THE URBANIZED AREA UNDER 200,000 POPULATION FOR EAGLE PASS METROPOLITAN PLANNING ORGANIZATION 5307 FUNDS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, under Federal Transit Administration (FTA) Section 5307 program, Congress has provided that the Direct Recipient (DR) is an eligible entity authorized by a designated recipient or state to receive Urbanized Area Formula Program funds directly from FTA;

Whereas, Southwest Area Regional Transit District (SWART) has been the long-term and sole transit operator within the Maverick County rural area;

Whereas, SWART has demonstrated that it is a public body with the legal capacity to perform the responsibilities of a DR and has agreed to perform all of the following responsibilities:

- a. Receive and expend Federal funds for transit purposes;
- b. Submit projects to be included or considered in the annual elements of the Transportation Improvement Program (TIP) through Eagle Pass MPO,
- c. Submit grant applications to FTA, and
- d. Enter into formal grant agreements with FTA

Whereas, SWART has agreed to participate in the local metropolitan planning process and work cooperatively with the MPO in developing the TIP and in determining how Section 5307 funds will be spent; and

Whereas, the Transportation Policy Board of the Eagle Pass MPO has considered the matter and deems it in the public interest to authorize and support this action.

Now, THEREFORE, BE IT RESOLVED BY THE TRANSPORTATION POLICY BOARD OF THE EAGLE PASS METROPLITAN PLANNING ORGANIZATION, THAT:

Part 1: The Eagle Pass MPO hereby acknowledges Southwest Area Regional Transit District as the Direct Recipient for Federal Transit Funding under the Federal Transit Administration's Section 5307 Program for the Eagle Pass, Texas Urbanized Area, and that this decision becomes effective on July 22, 2024, and will remain in effect until such time that it is rescinded or amended by a majority action of the Eagle Pass MPO governing body.

Part 2: It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the 22nd day of **July**, 2024.

THE EAGLE PASS METROPOLITAN PLANNING
ORGANIZATION

Honorable Rolando Salinas, Jr.
Mayor and Chairperson
of the EPMPO Policy Board

Epigmenio “Epi” Gonzalez,
District Engineer
TxDOT - Laredo District

Placido Madera,
Eagle Pass MPO Planning Director

Item 11

Eagle Pass MPO Unified Planning Work Program (UPWP)

FY 2025

UNIFIED PLANNING WORK PROGRAM
(UPWP)

**EAGLE PASS
METROPOLITAN PLANNING
ORGANIZATION**

Non-Transportation Management Area (Non-TMA)

AIR QUALITY STATUS:

Attainment

The preparation of this report has been financed in part through grant(s) from the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA), U.S. Department of Transportation, under the State Planning and Research Program, Section 505 [or Metropolitan Planning Program, Section 104(f)] of Title 23, U.S. Code. The contents of this report do not necessarily reflect the official views or policy of the U.S. Department of Transportation.

Approved by the Policy Committee on: July 22, 2024

Revised: _____

Federal Approval: [DATE](#)

Revised: _____

EAGLE PASS METROPOLITAN PLANNING ORGANIZATION

Table of Contents

I. INTRODUCTION	3
A. PURPOSE	3
A. PUBLIC PARTICIPATION PLAN (PPP)	5
B. DEFINITION OF AREA	6
C. ORGANIZATION	6
D. PRIVATE SECTOR INVOLVEMENT	8
E. PLANNING ISSUES AND EMPHASIS	8
II. TASK 1.0 – ADMINISTRATION & MANAGEMENT	14
A. OBJECTIVE	14
B. EXPECTED PRODUCTS	14
C. PREVIOUS WORK	16
D. SUBTASKS	17
<u>1.</u> SUBTASK 1.1 - Planning and General Administration	17
<u>2.</u> SUBTASK 1.2 – Professional Development, Travel and Training.	17
<u>3.</u> SUBTASK 1.3 – Public Participation Plan (PPP)	18
SUBTASK 1.4 – Computer Equipment, Furnishing and Office Supplies.	18
E. FUNDING & PARTICIPATION SUMMARY	18
III. TASK 2.0 - DATA DEVELOPMENT AND MAINTENANCE	19
A. OBJECTIVE	19
B. EXPECTED PRODUCTS	19
C. PREVIOUS WORK	19
D. SUBTASKS	19
<u>1.</u> SUBTASK 2.1 - General Data Administration.	19
E. FUNDING & PARTICIPATION SUMMARY	20
II. TASK 3.0 - SHORT RANGE PLANNING	20
A. OBJECTIVE	20
B. EXPECTED PRODUCTS	21
C. PREVIOUS WORK	21
D. SUBTASKS	21
<u>1.</u> SUBTASK 3.1 - General Administration	21
<u>2.</u> SUBTASK 3.2 - Planning Assistance	21
<u>3.</u> SUBTASK 3.3 - Complete Streets 2.5% Set-Aside Policy	21
E. FUNDING & PARTICIPATION SUMMARY	22
IV. TASK 4.0 – METROPOLITAN TRANSPORTATION PLAN	22
A. OBJECTIVE	22
B. EXPECTED PRODUCTS	23
C. PREVIOUS WORK	23
D. SUBTASKS	23
<u>1.</u> SUBTASK 4.1 - 2050 Eagle Pass Metropolitan Transportation Plan (MTP)	23
<u>2.</u> SUBTASK 4.2 - MTP Update	23
E. FUNDING & PARTICIPATION SUMMARY	24
III. TASK 5.0 - SPECIAL STUDIES	24

A. OBJECTIVE	24
B. EXPECTED PRODUCTS.....	24
C. PREVIOUS WORK	24
D. FUNDING & PARTICIPATION SUMMARY	25
IV. BUDGET SUMMARY	25
V. APPENDICES	26
APPENDIX A POLICY COMMITTEE MEMBERSHIP.....	26
APPENDIX B METROPOLITAN AREA BOUNDARY MAP	28
APPENDIX C DEBARMENT CERTIFICATION	29
APPENDIX D LOBBYING CERTIFICATION	30
APPENDIX E Certification of Compliance.....	31
APPENDIX F CERTIFICATION OF INTERNAL ETHICS AND COMPLIANCE PROGRAM	32
APPENDIX G AMENDMENT SUMMARY.....	33

INTRODUCTION

The Federal-Aid Highway Act of 1962 promulgated the requirement that all urban areas of 50,000 or more population develop and maintain a comprehensive, cooperative, and continuing (3-C) transportation planning process. The process would establish a transportation plan and provide the procedure by which it would be maintained and revised on a continuing basis.

On May 24, 2024, the Governor of Texas designated the City of Eagle Pass and Maverick County as the MPO for the Eagle Pass urbanized area.

A. PURPOSE

The Unified Planning Work Program (UPWP) is the instrument that serves as the document for coordinating and identifying ways to carry out the continuing, cooperative and comprehensive transportation planning process for Eagle Pass, Texas. An MPO is required to perform all planning tasks set forth in federal laws and regulations, many of which are conducted annually.

This UPWP is a one-year transportation planning work program which describes in detail transportation planning programs, and activities to be performed by the Eagle Pass MPO for the FY 2025. To effectively identify all work tasks, the Eagle Pass MPO prepares this UPWP with input from federal, state and local jurisdictions, and transportation providers in the region.

The MPO's Unified Planning Work Program (UPWP) will comply with all applicable federal and state regulations. Several transportation bills have been implemented in the past. These include the following:

- **ISTEA**—The Intermodal Surface Transportation Efficiency Act of 1991, which emphasized the efficiency of the intermodal transportation system.
- **TEA-21**—The Transportation Equity Act for the 21st Century, signed by the President in 1998, builds on the initiatives established in ISTEA with a particular focus on equity through access, opportunity, and fairness.
- **SAFETEA-LU**—The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, was enacted in 2005 authorizing the Federal surface transportation programs for highways, highway safety, and transit for the 5-year period 2005-2009.
- **MAP-21**—The Moving Ahead for Progress in the 21st Century Act, was enacted in 2012 and created a streamlined and performance-based surface transportation program and builds on many of the highway, transit, bike, and pedestrian programs and policies established in 1991.
- **FAST Act**—The Fixing America's Surface Transportation Act, was passed in 2015 covering a 5- year period and was the first Federal law in over ten years to provide long-term funding certainty for surface transportation (for fiscal years 2016 through 2020). The FAST Act continues the Metropolitan Planning Program and authorizes

\$305 billion for the Department's highway, highway and motor vehicle safety, public transportation, motor carrier safety, hazardous materials safety, rail, and research, technology and statistics programs.

- **IIJA-** The Infrastructure Investment and Jobs Act (IIJA) was signed into law on November 15, 2021. The IIJA, also known as the Bipartisan Infrastructure Law, is the first long-term surface transportation act since the FAST Act in 2015. The IIJA continues the established structure of various highway-related program and adds several new federally funded grant programs.

IIJA Planning Factors

The IIJA contains ten (10) planning factors that should be considered when developing plans and programs. The work tasks contained in this UPWP have considered the following areas, some more directly than others:

1. Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;
2. Increase the safety of the transportation system for motorized and non-motorized users;
3. Increase the security of the transportation system for motorized and non-motorized users;
4. Increase accessibility and mobility of people and freight;
5. Protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns;
6. Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;
7. Promote efficient system management and operation;
8. Emphasize the preservation of the existing transportation system;
9. Improve the resiliency and reliability of the transportation system and reduce or mitigate storm water impacts of surface transportation; and
10. Enhance travel and tourism.

Further, the work tasks consider the federal performance goals (23 USC § 150.b) in the following seven areas:

1. **Safety:** achieve a significant reduction in traffic fatalities and serious injuries on all public roads.
2. **Infrastructure Condition:** maintain the highway infrastructure asset system in a state of good repair.
3. **Congestion Reduction:** achieve a significant reduction in congestion on the National Highway System.
4. **System Reliability:** improve the efficiency of the surface transportation system.
5. **Freight Movement and Economic Vitality:** Improve the national freight network, strengthen the ability of rural communities to access national and international

trade markets, and support regional economic development.

6. **Environmental Sustainability:** enhance the performance of the transportation system while protecting and enhancing the natural environment.
7. **Reduced Project Delivery Delays:** reduce project costs, promote jobs and the economy, and expedite the movement of people and goods by accelerating project completion through eliminating delays in the project development and delivery process, including reducing regulatory burdens and improving agency work practices.

Performance Management

The IIJA maintains the FAST Act and MAP-21 focus on safety and efforts to streamline project delivery and continues the overall performance-based planning approach.

MAP-21 instituted Performance Management to provide greater accountability and transparency and help achieve the most efficient and effective investment of transportation resources. The FAST Act continued MAP-21's overall performance management approach, within which States invest resources in projects that collectively will make progress toward national goals. The IIJA continues these efforts.

The U.S. Secretary of Transportation in consultation with stakeholders establishes performance measures to chart progress toward accomplishment of national goals established in MAP-21: safety, infrastructure condition, interstate system condition, congestion reduction, system reliability, freight movement and economic vitality, environmental sustainability, and reduced project delivery delays. Performance targets established by the State and MPO will be based on national performance measures and will improve decision making through performance-based planning and programming.

The FAST Act adjusted the timeframe for States and metropolitan planning organizations to make progress toward meeting their performance targets under the National Highway Performance Program and clarifies the significant progress timeline for the Highway Safety Improvement Program performance targets.

PUBLIC PARTICIPATION PLAN (PPP)

The MPO believes in the proactive involvement of citizens, affected public agencies, representatives of transportation agencies, private providers of transportation, and other interested parties in the development and updates of transportation plans and programs. The Eagle Pass MPO will develop a Public Participation Plan (PPP) intended to provide an opportunity for meaningful, active, ongoing public participation and involvement for citizens, groups, agencies, and public providers of transportation. The Eagle Pass MPO will conduct all planning activities in accordance with the adopted (PPP).

The MPO will engage interested parties during the development of the Public Participation Plan (PPP), and the short-term and long-term transportation plans. Per 23 CFR 450.316, interested parties such as those listed below, shall have reasonable opportunities to comment on projects of the short-term and long-term transportation plans:

- Affected public agencies
- Tribal Nations

- Freight shippers
- Private providers of transportation services
- Representatives of public transportation employees
- Representatives of the disabled
- Representatives of users of public transportation
- Representatives of users of pedestrian walkways and bicycle transportation facilities
- Other interested parties - the MPO will consult and cooperate with federal, state, and local agencies and tribal nations responsible for land use, natural resources, and other environmental issues during the adoption of long and short-term plans. The MPO consults with agencies responsible for historic preservation, natural resource conservation, environmental protection, and land use management, as appropriate, in the development of the short and long-term transportation plans.

The Eagle Pass MPO will periodically evaluate the effectiveness of its Public Participation Plan (PPP) for engaging transportation-disadvantaged communities in the transportation decision making process.

DEFINITION OF AREA

The Eagle Pass Metropolitan Area Boundary (MAB) includes the City of Eagle Pass, Rosita North and South, the Kickapoo Traditional Tribe of Texas areas and portions of Maverick County. (See Map, Appendix B) The MAB was approved by the Governor in 2024.

ORGANIZATION

The City of Eagle Pass is the fiscal agent for the Eagle Pass Area Metropolitan Planning Organization. The Eagle Pass MPO is composed of two organizational units: The Policy Committee and the Technical Committee.

The Policy Committee. In accordance with the adopted MPO Bylaws, is the policy body that was established pursuant to 23 USC 134, and created to address overall regional transportation making sure all projects, plans, programs and studies are developed in compliance with federal and state laws, rules and regulations. The Policy Committee is also responsible for taking the required approval actions as the Metropolitan Planning Organization.

The Policy Committee is comprised of those governmental agencies identified in the original designation agreement and those agencies or organizations subsequently added to the membership of the board.

As the governing body of the MPO, the Policy Committee shall have decision-making authority over issues such as:

- The Unified Planning Work Program (UPWP)
- The Transportation Improvement Program (TIP)
- The Metropolitan Transportation Plan (MTP)

- The Congestion Management Plan (CMP)

Voting members of the Policy Committee must include representation of local elected officials, officials of agencies that administer or operate major modes or systems of transportation, and appropriate state officials, as per 23 CFR 450.310.

The Policy Committee is currently chaired by Mayor Rolando Salinas of the City of Eagle Pass and includes as voting members:

- | | | |
|---------------------------------|-------------------|--------------------|
| • Ramsey E. Cantu, County Judge | Vice Chairman | Maverick County |
| • Elias Diaz | Member | City of Eagle Pass |
| • Olga Ramos | Member | Maverick County |
| • Sarah Hidalgo-Cook | Member | SWART |
| • TBD | At Large Member | |
| • Epigemio Gonzales | District Engineer | TxDOT |

* No non-voting, ex-officio members have been appointed at this time.

The Technical Committee. Its responsibilities include professional and technical review of work programs and transportation planning activities. The Technical Committee is also responsible for providing planning recommendations to the Policy Committee for action.

A List of the Policy Committee and Technical Committee respective memberships is provided in Appendix A.

The Eagle Pass Area Metropolitan Planning Organization, in cooperation with the TxDOT, City of Eagle Pass, mass transit operators, planning agencies and local governments is the organization responsible for carrying out and maintaining the urban transportation planning process to include a cooperative decision-making, principally, by elected officials of local governments. Eagle Pass MPO also executes contracts and/or agreements necessary to carry out the work outlined in the UPWP. In addition, the MPO develops and maintains transportation databases and analytical tools.

The MPO staff providing service and support include: The Director, a Transportation Planner, and an Administrative assistant.

MPO staff has the following general responsibilities:

1. Provide staff support to the Policy Committee, the Technical Committee, and sub-committees;
2. Review and report on items on the agenda(s) for the Policy Committee, the Technical Committee, and other appropriate committees;
3. Coordinate and perform the planning and data collection activities contained in the UPWP;
4. Prepare and submit an annual budget outlined in the UPWP for approval;
5. Receive and review all bills from consultants that the MPO has contracted with to perform work outlined in the UPWP;

6. Submit requests for reimbursement to the appropriate federal and/or state agencies for work performed according to the UPWP;
7. Prepare and submit grant applications for federal/other assistance in transportation planning, and related fields, as appropriate;
8. Prepare and submit the annual performance and expenditure report and annual project listing;
9. Coordinate the activities for the development and maintenance of the Unified Planning Work Program, the long-range metropolitan transportation plan and the Transportation Improvement Program;
10. Refine and maintain a process for engaging the public in the transportation planning process;
11. Perform any other administrative duties as required by the Policy Committee; and,
12. Ensure compliance with Title VI Civil Rights, Environmental Justice and other federal requirements related to the MPO's operations, activities and programs.

City of Eagle Pass staff and services from the Accounting, Purchasing, Legal, Human Resources, I.T. and other Departments may be required.

PRIVATE SECTOR INVOLVEMENT

The Eagle Pass MPO encourages the private sector to participate in the development of all transportation programs and plans including the Transportation Improvement Program (TIP) and the Metropolitan Transportation Plan (MTP) development. Staff also maintains and periodically updates a list of consultant firms that provide transportation planning services.

PLANNING ISSUES AND EMPHASIS

The Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) have jointly issued Planning Emphasis Areas (PEAs). The PEAs are planning topics that FHWA and FTA emphasize for Metropolitan Planning Organizations (MPOs) and State Departments of Transportation (DOTs) to develop, identify, and ultimately support associated work tasks with the Unified Planning Work Program (UPWP) and the Statewide Planning and Research Program. The PEAs include:

Planning Issues

Roadways and Livability - System capacity issues will pose a major challenge in light of expected population and freight movement growth levels. However, while investments are made in transportation infrastructure, the safety and livability of communities in the Eagle Pass MPO should be considered.

Population - The City of Eagle Pass has a population of over 28,255. The Eagle Pass Metropolitan Planning Area has an estimated population of over 57,000. Based upon the most recently developed estimates, the population is expected to grow by more than 38 percent between the years 2025 and 2045, with an estimated population of approximately 79,798 people. The number of jobs in the Eagle Pass MPO region are also expected to grow by more than 70 percent between 2025 and 2050. To plan for future growth in the region, a more efficient allocation of transportation resources should

be considered. There is an increased desire for multi-modal transportation alternatives, but facilities for walking, biking, and other options are lacking.

Table 2-6 Eagle Pass MPO Area Employment Forecasts.

Forecast Year	Forecast Employment
2025	22,800
2035	28,100
2045	34,700
2055	42,800

Source: U.S. Census employment data

- **Freight** - Recent projections indicate that the trade values of all outbound, inbound or internal types of freight movement are projected to continue to grow. Port of Eagle Pass statistics show outbound traffic has grown roughly 17% over the last 5 years with the majority of that growth seen in the last two years. Said growth will continue to add capacity burdens on the network.
- **Transit** - Key issues facing the transit system in the upcoming years include:
- **More customers** -
- **More service needs** –

Considering all of the above, careful and effective transportation planning and investment will be critical to providing for the area's future transportation needs while balancing the livability of communities.

Planning Emphasis Areas

- **Tackling the Climate Crisis – Transition to a Clean Energy, Resilient Future**
Federal Highway Administration (FHWA) divisions and Federal Transit Administration (FTA) regional offices should work with State departments of transportation (State DOT), metropolitan planning organizations (MPO), and providers of public transportation to ensure that our transportation plans and infrastructure investments help achieve the national greenhouse gas reduction goals of 50-52 percent below 2005 levels by 2030, and net-zero emissions by 2050, and increase resilience to extreme weather events and other disasters resulting from the increasing effects of climate change. Field offices should encourage State DOTs and MPOs to use the transportation planning process to accelerate the transition toward electric and other alternative fueled vehicles, plan for a sustainable infrastructure system that works for all users, and undertake actions to prepare for and adapt to the impacts of climate change. Appropriate Unified Planning Work Program work tasks could include identifying the barriers to and opportunities for deployment of fueling and charging infrastructure; evaluating opportunities to reduce greenhouse gas emissions by reducing single-occupancy vehicle trips and increasing access to public transportation, shift to lower emission modes of transportation; and identifying transportation system vulnerabilities to climate change impacts and evaluating potential solutions.

Eagle Pass MPO will seek ways to contribute towards this emphasis area through its planning activities and work efforts. The MPO is committed to enhancing safe, accessible, and alternative modes of transportation in the region.

- **Equity and Justice⁴⁰ in Transportation Planning**

FHWA Division and FTA regional offices should work with State DOTs, MPOs, and providers of public transportation to advance racial equity and support for underserved and disadvantaged communities. This will help ensure public involvement in the planning process and that plans and strategies reflect various perspectives, concerns, and priorities from impacted areas. We encourage the use of strategies that: (1) improve infrastructure for non-motorized travel, public transportation access, and increased public transportation service in underserved communities; (2) plan for the safety of all road users, particularly those on arterials, through infrastructure improvements and advanced speed management; (3) reduce single-occupancy vehicle travel and associated air pollution in communities near high-volume corridors; (4) offer reduced public transportation fares as appropriate; (5) target demand-response service towards communities with higher concentrations of older adults and those with poor access to essential services; and (6) consider equitable and sustainable practices while developing transit-oriented development including affordable housing strategies and consideration of environmental justice populations.

Executive Order 13985 (**Advancing Racial Equity and Support for Underserved Communities**) defines the term “equity” as the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment, such as Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality. The term “underserved communities” refers to populations sharing a particular characteristic, as well as geographic communities, that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life, as exemplified by the list in the preceding definition of “equity.” In addition, Executive Order 14008 and M-21-28 provides a whole-of-government approach to advancing environmental justice by stating that 40 percent of Federal investments flow to disadvantaged communities. FHWA Division and FTA regional offices should work with State DOTs, MPOs, and providers of public transportation to review current and new metropolitan transportation plans to advance Federal investments to disadvantaged communities.

To accomplish both initiatives, joint planning processes should support State and MPO goals for economic opportunity in disadvantaged communities that have been historically marginalized and overburdened by pollution and underinvestment in housing, transportation, water and wastewater infrastructure, recreation, and health care.

Eagle Pass MPO will develop its Public Participation Plan to be approved by the Policy Committee in Spring 2025. Eagle Pass MPO will develop the Limited English Proficiency Plan, and Title VI Plan. All these plans will help set the foundation for

equitable planning practices. A goal of Eagle Pass MPO is to enhance its data development efforts. Through enhanced data we can better understand and analyze the needs of underserved communities and develop plans that will create opportunities in disadvantaged communities.

- **Complete Streets**

FHWA Division and FTA regional offices should work with State DOTs, MPOs and providers of public transportation to review current policies, rules, and procedures to determine their impact on safety for all road users. This effort should work to include provisions for safety in future transportation infrastructure, particularly those outside automobiles. A complete street is safe, and feels safe, for everyone using the street. FHWA and FTA seek to help Federal aid recipients plan, develop, and operate streets (with an emphasis on arterials roadways) and networks that prioritize safety, comfort, and access to destinations for people who use the street network, including pedestrians, bicyclists, transit riders, micro-mobility users, freight delivery services, and motorists. The goal is to provide an equitable and safe transportation network for travelers of all ages and abilities, including those from marginalized communities facing historic disinvestment. This vision is not achieved through a one-size-fits-all solution, each complete street is unique and developed to best serve its community context and its primary role in the network. Per the 2019 National Highway Traffic Safety Administration, 62% of the motor vehicle crashes that resulted in pedestrian fatalities happened on arterials. Arterials are usually designed for vehicle movement rather than mobility for non-motorized users and often lack convenient and safe crossing opportunities. They can function as barriers to a safe travel network for road users outside of vehicles. To be considered complete, these roads should include safe pedestrian facilities, safe transit stops (if present), and safe crossing opportunities on an interval necessary for accessing destinations. A safe and complete network for bicycles can also be achieved through a safe and comfortable bicycle facility located on the roadway, adjacent to the road, or on a nearby parallel corridor. Jurisdictions will be encouraged to prioritize safety improvements and speed management on arterials that are essential to creating complete travel networks for those without access to single-occupancy vehicles.

Eagle Pass MPO supports and endorses the design and development of Complete Streets and is committed to enhancing safe, accessible, and alternative modes of transportation in the region. The MPO will be exploring the development of a Complete Streets Policy for the agency and region.

- **Public Involvement**

Early, effective, and continuous public involvement brings diverse viewpoints into the decision-making process. FHWA Division and FTA regional offices should encourage MPOs, State DOTs, and providers of public transportation to increase meaningful public involvement in transportation planning by integrating Virtual Public Involvement (VPI) tools into the overall public involvement approach while ensuring continued public participation by individuals without access to computers and mobile devices.

The use of VPI broadens the reach of information to the public and makes participation more convenient and affordable to greater numbers of people. Virtual tools provide increased transparency and access to transportation planning activities and decision-making processes. Many virtual tools also provide information in visual and interactive formats that enhance public and stakeholder understanding of proposed plans, programs, and projects. Increasing participation earlier in the process can reduce project delays and lower staff time and costs.

Eagle Pass MPO will develop and implement its Public Participation Plan (PPP). Eagle Pass MPO intends to develop an MPO website and social media accounts to provide information of meetings and public comment opportunities, and meaningfully engage with the public and its stakeholders. Additionally, the MPO intends for its PPP to include measures of effectiveness and will create the PPP and strategies to ensure that all people in the community are able to participate and provide opportunities to be meaningfully involved in the decision-making processes, including individuals without access to the internet or computers and mobile devices.

- **Strategic Highway Network (STRAHNET)/U.S. Department of Defense (DOD)**
Coordination FHWA Division and FTA regional offices should encourage MPOs and State DOTs to coordinate with representatives from DOD in the transportation planning and project programming process on infrastructure and connectivity needs for STRAHNET routes and other public roads that connect to DOD facilities. According to the Declaration of Policy in 23 U.S.C. 101(b)(1), it is in the national interest to accelerate construction of the Federal-aid highway system, including the Dwight D. Eisenhower National System of Interstate and Defense Highways, because many of the highways (or portions of the highways) are inadequate to meet the needs of national and civil defense. The DOD's facilities include military bases, ports, and depots. The road networks that provide access and connections to these facilities are essential to national security. The 64,200-mile STRAHNET system consists of public highways that provide access, continuity, and emergency transportation of personnel and equipment in times of peace and war. It includes the entire 48,482 miles of the Dwight D. Eisenhower National System of Interstate and Defense Highways and 14,000 miles of other non-Interstate public highways on the National Highway System. The STRAHNET also contains approximately 1,800 miles of connector routes linking more than 200 military installations and ports to the primary highway system. The DOD's facilities are also often major employers in a region, generating substantial volumes of commuter and freight traffic on the transportation network and around entry points to the military facilities.

As recommended by FHWA and FTA, the STRAHNET maps and recent Power Project Platform studies can be a useful resource in the MPO areas covered by

these route analyses. Eagle Pass MPO will review these maps and studies and will incorporate them as necessary in its planning activities.

- **Federal Land Management Agency (FLMA) Coordination.**

FHWA Division and FTA regional offices should encourage MPOs and State DOTs to coordinate with FLMAs in the transportation planning and project programming process on infrastructure and connectivity needs related to access routes and other public roads and transportation services that connect to Federal lands. Through joint coordination, the State DOTs, MPOs, Tribal Governments, FLMAs, and local agencies should focus on integration of their transportation planning activities and develop cross-cutting State and MPO long range transportation plans, programs, and corridor studies, as well as the Office of Federal Lands Highway's developed transportation plans and programs. Agencies should explore opportunities to leverage transportation funding to support access and transportation needs of FLMAs before transportation projects are programmed in the Transportation Improvement Program (TIP) and Statewide Transportation Improvement Program (STIP). Each State must consider the concerns of FLMAs that have jurisdiction over land within the boundaries of the State (23 CFR 450.208(a)(3)). MPOs must appropriately involve FLMAs in the development of the metropolitan transportation plan and the TIP (23 CFR 450.316(d)). Additionally, the Tribal Transportation Program, Federal Lands Transportation Program, and the Federal Lands Access Program TIPs must be included in the STIP, directly or by reference, after FHWA approval in accordance with 23 U.S.C. 201(c) (23 CFR 450.218(e)).

Eagle Pass MPO will coordinate with FLMAs in the transportation planning and project programming process when applicable. Additionally, Eagle Pass MPO will stay up to date on information provided by the Office of Federal Lands Highway including its plans and programs.

- **Planning and Environment Linkages (PEL)**

FHWA Division and FTA regional offices should encourage State DOTs, MPOs and Public Transportation Agencies to implement PEL as part of the transportation planning and environmental review processes. The use of PEL is a collaborative and integrated approach to transportation decision-making that considers environmental, community, and economic goals early in the transportation planning process, and uses the information, analysis, and products developed during planning to inform the environmental review process. PEL leads to interagency relationship building among planning, resource, and regulatory agencies in the early stages of planning to inform and improve project delivery timeframes, including minimizing duplication and creating one cohesive flow of information. This results in transportation programs and projects that serve the community's transportation needs more effectively while avoiding and minimizing the impacts on human and natural resources.

Eagle Pass MPO will work with its Technical Committee and partners such as TxDOT to identify opportunities to implement PEL as part of the transportation

planning and environmental review processes. Additionally, the MPO will seek training opportunities related to PEL to learn more about this approach and how to incorporate it in our planning process.

- **Data in Transportation Planning.**

To address the emerging topic areas of data sharing, needs, and analytics, FHWA Division and FTA regional offices should encourage State DOTs, MPOs, and providers of public transportation to incorporate data sharing and consideration into the transportation planning process, because data assets have value across multiple programs. Data sharing principles and data management can be used for a variety of issues, such as freight, bike and pedestrian planning, equity analyses, managing curb space, performance management, travel time reliability, connected and autonomous vehicles, mobility services, and safety. Developing and advancing data sharing principles allows for efficient use of resources and improved policy and decision-making at the State, MPO, regional, and local levels for all parties.

The Eagle Pass MPO intends to enhance its data development efforts and serve as a central hub for data sharing. As the MPO develops data sharing partnerships and agreements with regional stakeholders, staff will begin identifying the key datasets that will enhance our transportation planning activities. Eagle Pass MPO intends to add maps to its future website, which will allow the public and stakeholders to download data that is free, accessible, and user friendly. The MPO will work on developing a framework and set of standards for how data will be generated and how it will be distributed.

II. TASK 1.0 – ADMINISTRATION & MANAGEMENT

OBJECTIVE

To accomplish, on a continuing basis, budgeting and managing transportation planning activities in coordination with local, state and federal agencies. To conduct MPO Staff hiring process and to coordinate the professional development and training of such Staff. To coordinate plans and programs necessary to administer Federal transportation planning requirements and maintain the cooperative, comprehensive, and continuous (3-C) transportation planning process in and for the Eagle Pass Metropolitan Planning Organization's planning area.

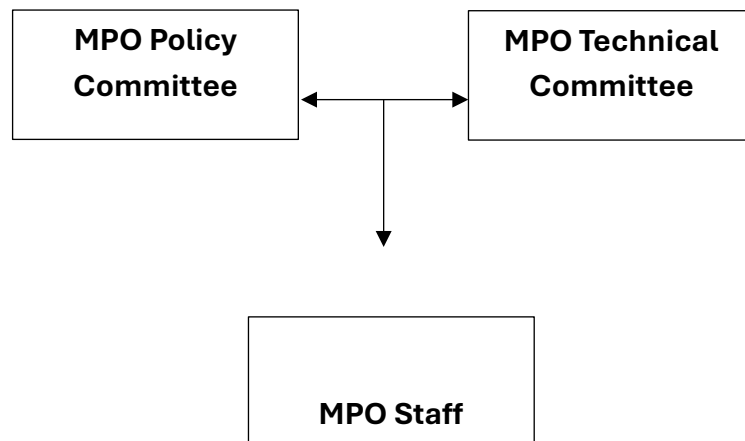
EXPECTED PRODUCTS

The operation of the Metropolitan Planning Organization includes the following:

1. Administration of the Eagle Pass MPO to include the completion of new plans, studies, and reports.
2. Fulfillment of planning objectives.
3. Supply/Equipment purchases
4. Compliance with state and federal requirements.
5. Submitting recapitulation of costs for billings to Texas Department of Transportation (TxDOT)
6. Maintenance, updates and dissemination of the Public Participation Plan (PPP) and Title VI Program and Environmental Justice (EJ) material(s).
7. Travel for MPO Director and Staff to attend conference for staff development purposes.
8. Development of a proactive public involvement process.
9. Development and maintenance of Eagle Pass MPO Website and social media.

As part of the new MPO process, the Eagle Pass MPO will work with the Texas Department of Transportation (TxDOT), the Texas A&M Transportation Institute (TTI), and the City of Eagle Pass as the MPO's Fiscal Agent to coordinate the Planning Agreement. These efforts will result in the hiring of a full-time permanent MPO Transportation Planning Director.

The following organizational chart has been developed to reflect current MPO staff structure:



Under Professional Development trainings, MPO Staff will attend several meetings, workshops and conferences such as the Texas American Planning Association Conference, the TxDOT Transportation Planning Conference, and other workshops. Staff will implement policies to maintain the "3-C" Planning Process.

For fiscal year 2025, the MPO will consider the possibility of issuing an RFQ to select one or

more General Planning Consultant(s) for on-call services to support the MPOs technical activities and tasks outlined in this UPWP.

PREVIOUS WORK

The MPO Staff performs general administrative functions for the operation of the Organization that include processing requisitions, purchase orders, billings/invoices on a monthly basis. It also approves timecards and processed payroll documents. MPO Staff also assists with the coordination of public meetings as required by FHWA, FTA, the State and local government in the development of transportation planning documents, and reports. Both the Technical and Policy Committee meetings are held on an ongoing basis to make appropriate revisions to documents and to approve programs including, but not limited to, the following:

- Public Participation Plan (PPP).
- Transportation Improvement Program (TIP), Title VI Civil Rights, Environmental Justice, and Limited English Proficiency (LEP) Plans.
- Unified Planning Work Program (UPWP) for FY2025 approval.
- Planning Agreement.
- MPO By-laws/policy.

All Policy Committee and Technical Committee meetings are held in person.

Staff will develop outreach material to make the public aware of the meetings and format they are held. It will also coordinate and prepare all necessary materials for the following meetings:

	POLICY COMMITTEE	TECHNICAL COMMITTEE
1	7/22/2024	9/2024
2	8/13/2024	12/2024
3	9/10/2024	03/2025
4	11/12/2024	06/2025
5	01/14/2025	09/2025
6	04/15/2025	12/2025
7	07/08/2025	03/2026
8	10/14/2025	06/2026
9	01/13/2026	09/2026

The Eagle Pass MPO held its first meeting on July 22, 2024.

The MPO continued utilizing City of Eagle Pass staff assistance to enter into contracts for private consultants in an effort to reach the goals of the MPO.

SUBTASKS

SUBTASK 1.1 - Planning and General Administration.

This activity includes general administration, equipment inventory, maintaining financial records such as billings (recapitulation of costs) and invoices, preparation of budgets, managing of transportation planning funds and ensuring resources are spent appropriately. In addition, this subtask also includes coordinating MPO staff hiring process and payroll processing (timecards). Providing staff development and adequate trainings to prepare and complete regional plans, studies, reports, etc. It includes, as well, the cost of operating the MPO, that includes office lease if applicable, purchase/lease/rental of office furniture and equipment and, all expenses associated with the planning effort and products to be delivered within the UPWP. It also includes monitoring the completion of UPWP projects, audits, developing and distributing reports required by federal government or by the Policy Committee, interagency coordination, developing and implementing policies and guidelines necessities to carry out and maintain the 3C planning process, coordinating planning activities to include hosting and conducting public meetings, with approved food and drink made available, and preparation of meeting minutes. And an Annual Performance and Expenditure Report (APER) is prepared at the end of each fiscal year (FY2024) in accordance with TxDOT policy and procedures for tasks that utilized FHWA and FTA planning funds. The MPO will seek state recommendation/federal approval for any expenditure exceeding \$25,000.

SUBTASK 1.2 – Professional Development, Travel and Training.

This activity supports staff development in the technical activities associated with the transportation planning process. The MPO may organize training sessions for the Policy Committee, the Technical Committee, and any sub-committees, and for local governments and participating agencies. This task may also allow the MPO Director and staff to travel to attend appropriate conferences, courses, seminars, and workshops such as, but not limited to the following:

- Annual Texas APA Conference
- American Association of State Highway and Transportation Officials (AASHTO)
- American Public Transportation Association (APTA)
- Association of Metropolitan Planning Organization (AMPO) Conference
- Border Trade Advisory Committee
- Environmental Systems Research Institute (ESRI) User Conference and other ESRI seminars
- National Highway Institute (NHI)
- National Planning Conference (held by the American Planning Association)
- National Transit Institute (NTI)
- Texas Association of MPOs (TEMPO)
- Texas Department of Transportation (TxDOT)

Conferences/Trainings For out of state travel, the MPO will seek

prior TxDOT (TPP) approval.

SUBTASK 1.3 – Public Participation Plan (PPP)

This activity will consist of the implementation of the Public Participation Plan (PPP) that is to be adopted by the Policy Committee in Spring 2025, by facilitating citizen participation and providing answers to the public, either by phone or e-mail. It also includes holding public meetings, conducting community outreach, and monitoring social media, the development of surveys, newsletters, bilingual materials, posting of public notices, as well as managing the MPO website and updating information as needed.

SUBTASK 1.4 – Computer Equipment, Furnishing and Office Supplies.

This activity includes upgrades and/or additions of computer hardware and software equipment, furnishings, wireless internet contracts, provision of technical support for the network of computers, printers, plotters, iPads and other devices that support the efficiency of the MPO office operations. Computer hardware, software licenses and agreements, and/or equipment expenditures of Federal Planning funds over \$5,000 will receive prior approval from FHWA. This activity also includes the acquisition of furnishing and office supplies needed by personnel filling MPO staff roles. All City of Eagle Pass procurement process and Federal regulations will be followed during the purchase of all computer equipment, furnishing and/or office supplies.

FUNDING & PARTICIPATION SUMMARY

Task 1.0 - ADMINISTRATION & MANAGEMENT - FY 2025

Subtask	Responsible Agency	Transportation Planning Funds (TPF) ¹	FTA Sect. 5307	Local	Total
1.1 Planning and General Administration	EAGLE PASS MPO	\$45,000			\$45,000
1.2 Professional Development, Travel and Training	EAGLE PASS MPO	\$15,000			\$15,000
1.3 Public Participation Plan (PPP)	EAGLE PASS MPO	\$25,000			\$25,000
1.4 Computer Equipment, Furnishing and Office Supplies	EAGLE PASS MPO	\$6,000			\$6,000

TOTAL		\$91,000			\$91,000

¹ TPF – This includes both FHWA PL-112 and FTA Section 5303 Funds. TxDOT will apply transportation development credits sufficient to provide the match for TPF. As the credits reflect neither cash nor man-hours, they are not reflected in the funding tables.

iii. TASK 2.0 - DATA DEVELOPMENT AND MAINTENANCE

OBJECTIVE

To participate in collecting, processing and analyze demographic and geographic data to include population forecasting, employment information and food deserts status. And, to maintain and update existing information necessary to develop and implement regional transportation plans and systems that support the Metropolitan Planning Organization's planning efforts.

EXPECTED PRODUCTS

Eagle Pass MPO intends to develop and regularly update the MPO website with online interactive maps and data to help with performance-based planning and programming. MPO staff will also continue to create and maintain databases including roadway network information and demographic data. In addition, data and mapping support will be provided for MPO plans, studies, and reports.

PREVIOUS WORK

This is the first UPWP for Eagle Pass MPO. No previous work was performed on data development and maintenance.

SUBTASKS

SUBTASK 2.1 - General Data Administration.

This subtask allows for planning and administrative activities related to data development, maintenance, procurement, and contract management for the developing related performance measures and the following activities:

- a) General GIS: Specific activities will include reviewing and providing direction on the development and dissemination of geospatial databases on residential and commercial growth and transportation data; mapping databases

supporting Eagle Pass MPO programs; maintenance of the demographic and modeling databases of the MPO; develop and maintain the interactive web viewer for sharing GIS data on growth and projects; develop maps and materials for work group and public meetings; support MPO staff in the creation of plans, studies, and reports.

- b) Demographic Forecasting: Create a database of population and demographic statistics for the Eagle Pass MPO and develop projections to be utilized for the MPO planning effort.
- c) Travel Demand Modeling: Coordinate with TxDOT on development and maintenance of updated travel demand models to be used for the TIP and other plans; refinements of in- house modeling capabilities; and regular updates of computer hardware, software, and necessary peripherals for supporting the demographic forecasting and travel demand modeling activities.

FUNDING & PARTICIPATION SUMMARY

Task 2.0 - DATA DEVELOPMENT AND MAINTENANCE - FY 2025

Subtask	Responsible Agency	Transportation Planning Funds (TPF) ¹	FTA Sect. 5307	Local	Total
2.1 General Data Administration	EAGLE PASS MPO	\$16,000			\$16,000
TOTAL		\$16,000			\$16,000

¹ TPF – This includes both FHWA PL-112 and FTA Section 5303 Funds. TxDOT will apply transportation development credits sufficient to provide the match for TPF. As the credits reflect neither cash nor man-hours, they are not reflected in the funding tables.

TASK 3.0 - SHORT RANGE PLANNING

OBJECTIVE

To complete those planning activities associated with short-range planning and

implementation of projects that will be undertaken within the next five years to include the development and/or revision of the federally mandated Transportation Improvement Program (TIP) that outlines a four (4) year regional spending plan for near-term of all surface transportation improvements including streets, alleys, bridges, street lighting, street signage, sidewalks, etc. It also includes project development of selection process criteria and award of Transportation Alternative Set-Aside (TASA) program, as well as development and/or revision of the Unified Planning Work Program (UPWP), Annual Performance and Expenditure Reports (APER), and the Annual Project Listing (APL).

EXPECTED PRODUCTS

MPO Staff will work on the development of the Unified Planning Work Program (UPWP), the Transportation Improvement Program (TIP), the MPO By-Laws, the Limited English Proficiency Plan (LEP), the Title VI documentation, and Performance Measure monitoring as part of MPO start-up activities. Additionally, the MPO will continue to provide staff support to MPO committees.

PREVIOUS WORK

This is the first UPWP for Eagle Pass MPO. No previous short range planning work was performed.

SUBTASKS

SUBTASK 3.1 - General Administration.

This subtask allows for MPO staff support for administrative activities related to short-range planning, including the development and management of agency contracts; procurement, development and management of consultant contracts for projects in Task 3; and the review and processing of monthly billings for work related to Task 3. Specific activities will include but are not limited to development of the Transportation Improvement Program (TIP), the Unified Planned Working Program (UPWP), MPO By-laws, the Public Transportation Agency Safety Plan (PTASP), adopted Performance Measure monitoring, the Public Participation Plan (PPP), the Limited English Proficiency Plan (LEP), and Title VI documents. This subtask also includes public outreach activities such as video production, developing website information, writing articles, developing other printed materials, and public meeting facilitation as needed.

SUBTASK 3.2 - Planning Assistance.

This subtask will allow the MPO staff to provide planning assistance to entities within the MPO planning area boundary such as City of Eagle Pass, Maverick County, and Tribal Nations. This may include items such as data sharing, mapping, and general transportation planning activities. This task will also include transit planning activities to support SWART and can include grant development support and technical assistance.

SUBTASK 3.3 - Complete Streets 2.5% Set-Aside Policy

The Bipartisan Infrastructure Law requires each MPO to use at least 2.5% of its PL funds on

specified planning activities to increase safe and accessible options for multiple travel modes for people of all ages and abilities. The development of a local Complete Streets Set-Aside Policy will focus on the incorporation of specific language into MPO planning documents, including the TIP and MTP. It will provide recommendations for the design of transportation infrastructure to ensure the transportation network is equitable to all users. The MPO Staff will include Complete Streets related criteria into the future scoring system for proposed projects. Furthermore, Eagle Pass MPO is committed to enhancing safe, accessible, and alternative modes of transportation in the region.

Eagle Pass MPO has a commitment to promoting safety for all users and provides programs to teach safety and evaluate community conditions for safer access. The MPO staff will ensure that, at a minimum, 2.5% of its PL funds will be used to increase safe and accessible options for multiple travel modes for people of all ages and abilities as prescribed in Section 11206 of the Infrastructure Investment and Jobs Act.

FUNDING & PARTICIPATION SUMMARY

Task 3.0 - SHORT RANGE PLANNING - FY 2025

Subtask	Responsible Agency	Transportation Planning Funds (TPF) ¹	FTA Sect. 5307	Local	Total
3.1 General Administration	EAGLE PASS MPO	\$10,000			\$10,000
3.2 Planning Assistance	EAGLE PASS MPO	\$10,000			\$10,000
3.3 Complete Streets 2.5% Set-Aside	EAGLE PASS MPO	\$3,799			\$3,799
TOTAL		\$23,799			\$23,799

¹ TPF – This includes both FHWA PL-112 and FTA Section 5303 Funds. TxDOT will apply transportation development credits sufficient to provide the match for TPF. As the credits reflect neither cash nor man-hours, they are not reflected in the funding tables.

IV. TASK 4.0 – METROPOLITAN TRANSPORTATION PLAN

OBJECTIVE

To continue study and analysis of projects and data for long-range planning elements and

long-range project studies. Includes activities associated with publishing or updating the Metropolitan Transportation Plan (MTP), formerly called the Long-Range Plan.

EXPECTED PRODUCTS

MPO Staff is expected to assist in the development of the MPO's first Metropolitan Transportation Plan (MTP) to conform to state and federal requirements, particularly those of the FAST Act. This will include working with Texas Transportation Institute (TTI) and the Texas Department of Transportation (TxDOT) to update the Travel Demand Model.

PREVIOUS WORK

This is the first UPWP for the Eagle Pass MPO. No previous metropolitan planning was performed.

SUBTASKS

SUBTASK 4.1 - 2050 Eagle Pass Metropolitan Transportation Plan (MTP).

The MTP will be developed to conform to state and federal requirements. Staff will monitor the development and implementation of the MTP and assist with any necessary amendments to the MTP. The MTP study includes tasks that will be performed internally and some that will be done by consultants. This subtask will also entail developing and updating the Travel Demand Model with the assistance of consultants if needed. Additionally, as part of this subtask, the MPO will work closely in collaboration with TxDOT and other stakeholders to find specific studies necessary to create a regional transportation network that will involve identifying key locations for future highway interchanges, multi-modal options, and incorporation of new technologies with efficient and seamless connectivity that will factor in critical connections.

SUBTASK 4.2 - MTP Update

This is the first UPWP for the Eagle Pass MPO. No previous metropolitan planning was performed.

FUNDING & PARTICIPATION SUMMARY

Task 4.0 - METROPOLITAN TRANSPORTATION PLAN / LONG RANGE PLAN - FY 2025

Subtask	Responsible Agency	Transportation Planning Funds (TPF) ¹	FTA Sect. 5307	Local	Total
4.1 Eagle Pass Metropolitan Transportation Plan (MTP)	EAGLE PASS MPO	\$150,000			\$150,000
4.2 MTP Update	EAGLE PASS MPO	N/A	N/A	N/A	N/A
TOTAL		\$150,000			\$150,000

¹ TPF – This includes both FHWA PL-112 and FTA Section 5303 Funds. TxDOT will apply transportation development credits sufficient to provide the match for TPF. As the credits reflect neither cash nor man-hours, they are not reflected in the funding tables.

TASK 5.0 - SPECIAL STUDIES

OBJECTIVE

To further the goals and objectives of the transportation planning process through special studies undertaken by MPO staff or consultants in support of existing or projected local needs. To maintain the transportation management systems required by federal and state regulations, to assist decision-makers in selecting cost-effective strategies to improve the efficiency and safety of and protect the investment systems.

EXPECTED PRODUCTS

No expected products are expected in FY2025.

PREVIOUS WORK

This is the first UPWP for Eagle Pass MPO. No previous work was performed.

FUNDING & PARTICIPATION SUMMARY

Task 5.0 SPECIAL STUDIES - FY 2025

Subtask	Responsible Agency	Transportation Planning Funds (TPF) ¹	FTA Section 5307	Federal Tribal Transportation Program Safety Fund	Total
5.1 Transportation Safety Plan Update	Kickapoo Traditional Tribe of Texas	0		10,000	10,000
TOTAL		0		10,000	10,000

¹ TPF – This includes both FHWA PL-112 and FTA Section 5303 Funds. TxDOT will apply transportation development credits sufficient to provide the match for TPF. As the credits reflect neither cash nor man-hours, they are not reflected in the funding tables.

BUDGET SUMMARY

EAGLE PASS METROPOLITAN PLANNING ORGANIZATION – FY 2025

UPWP Task	Description	TPF ¹ Funds	FTA Sect. 5307	Federal Tribal Transportation Program Safety Fund	Total Funds
1.0	Management & Administration	\$91,000			\$91,000
2.0	Data Development and Maintenance	\$16,000			\$16,000
3.0	Short Range Planning	\$23,799			\$23,799
4.0	MTP / Long Range Plan	\$150,000			\$150,000
5.0	Special Studies			10,000	10,000
TOTAL		\$280,799		10,000	290,799

¹ TPF – This includes both FHWA PL-112 and FTA Section 5303 Funds. TxDOT will apply transportation development credits sufficient to provide the match for TPF. As the credits reflect neither cash nor man-hours, they are not reflected in the funding tables.

FY 2024-2025 Combined Transportation Planning Funds	
	\$1
80,799 Estimated Unexpended Carryover	\$
180,000	
TOTAL TPF	\$ 360,799
Total TPF Programmed	\$ 280,799

APPENDICES

APPENDIX A POLICY COMMITTEE MEMBERSHIP

VOTING MEMBERS		
Rolando Salinas, Mayor	Committee Chairman	City of Eagle Pass, Mayor
Ramsey E. Cantu, County Judge	Vice Chairman	Maverick County
Elias Diaz	Member	City of Eagle Pass
Olga Ramos	Member	Maverick County
Sarah Hidalgo-Cook	Member	SWART
TBD	At Large Member	
Epigemio Gonzales	District Engineer	TxDOT
EX-OFFICIO NON-VOTING MEMBERS		

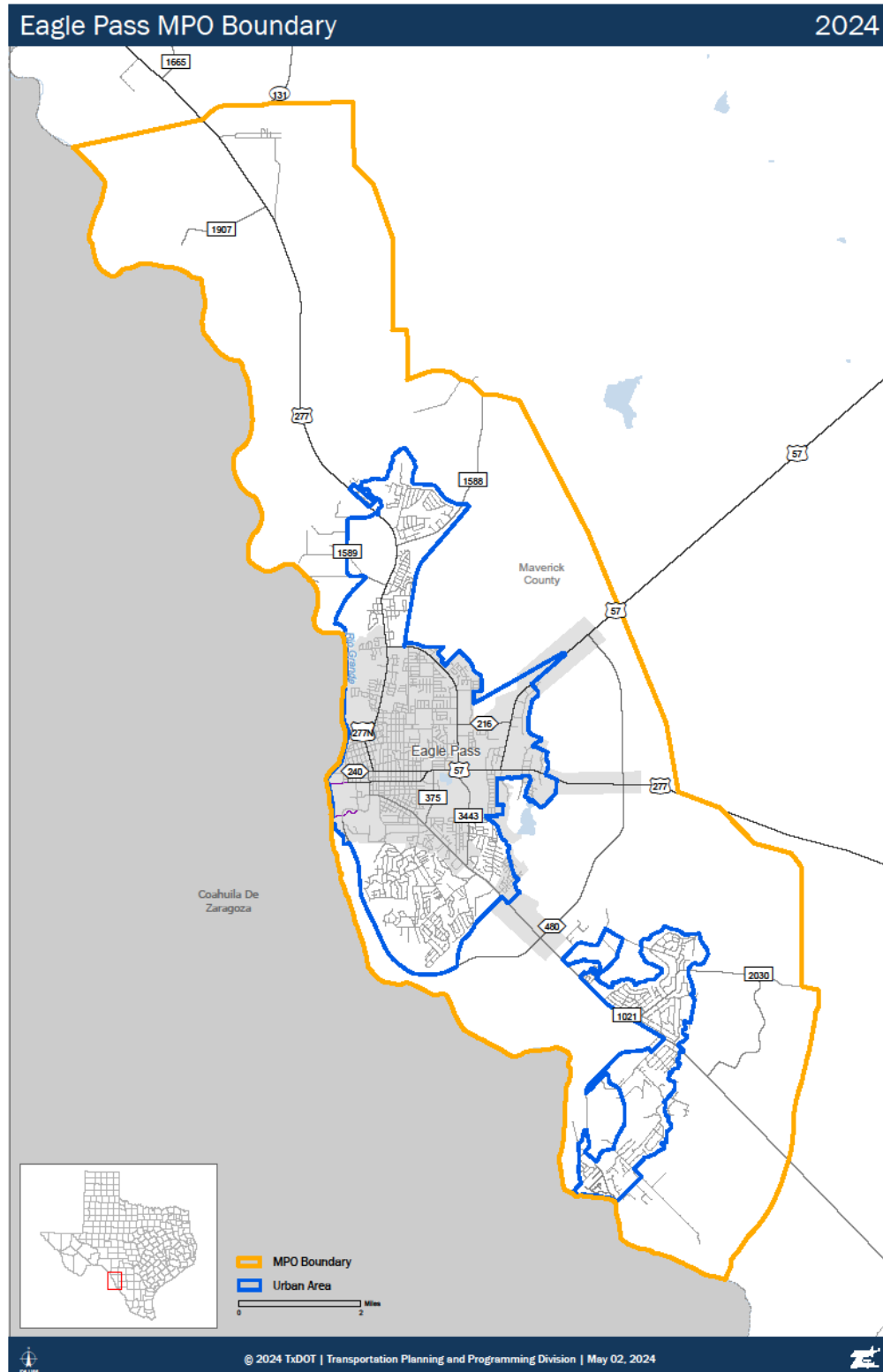
TECHNICAL COMMITTEE MEMBERSHIP (to be determined)

<u>MPO Representative:</u> <u>City Representatives:</u>	<u>State Representatives:</u>
<u>Federal representatives:</u>	<u>School system representatives</u>
<u>County and Regional Representatives:</u>	<u>Private Sector Representatives:</u>

MPO STAFF

MPO Director	Placido Madera
Planner	Karolina Vazquez
Planner	
Planner	
Administrative Assistant	

APPENDIX B METROPOLITAN AREA BOUNDARY MAP



APPENDIX C DEBARMENT CERTIFICATION

(Negotiated Contracts)

(1) The **Eagle Pass** **MPO** as **CONTRACTOR** certifies to the best of its knowledge and belief that it and its principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from covered transactions by any federal department or agency;
- (b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public* transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity* with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
- (d) Have not within a three-year period preceding this application/proposal had one or more public transactions* terminated for cause or default.

(2) Where the **CONTRACTOR** is unable to certify to any of the statements in this certification, such **CONTRACTOR** shall attach an explanation to this certification.

**Federal, state or local*

*Mayor Rolando Salinas, City of Eagle Pass
Chairman - Policy Committee
Eagle Pass MPO*

Date

APPENDIX D LOBBYING CERTIFICATION

CERTIFICATION FOR CONTRACTS, GRANTS, LOANS AND COOPERATIVE AGREEMENTS

The undersigned certifies to the best of his or her knowledge and belief, that:

- (1) No federal appropriated funds have been paid or will be paid by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Mayor Rolando Salinas, City of Eagle Pass
Chairman - Policy Committee
Eagle Pass MPO

Date

APPENDIX E Certification of Compliance

I, _____,

(Name and Position, Typed or Printed)

a duly authorized officer/representative of _____

_____,

(MPO)

do hereby certify that the contract and procurement procedures that are in effect and used by the forenamed MPO are in compliance with 2 CFR §200, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards," as it may be revised or superseded.

Mayor Rolando Salinas, City of Eagle Pass
Chairman - Policy Committee
Eagle Pass MPO

Date

Attest:

Name

Title

APPENDIX F CERTIFICATION OF INTERNAL ETHICS AND COMPLIANCE PROGRAM

I, _____,

(Name and Position, Typed or Printed)

a duly authorized officer/representative of _____

_____,

(MPO)

do hereby certify that the forenamed MPO has adopted and does enforce an internal ethics and compliance program that is designed to detect and prevent violations of law, including regulations and ethical standards applicable to this entity or its officers or employees and that the internal ethics and compliance program satisfies the requirements of 43 TAC § 31.39 “Required Internal Ethics and Compliance Program” and 43 TAC § 10.51 “Internal Ethics and Compliance Program” as it may be revised or superseded.

Mayor Rolando Salinas, City of Eagle Pass
Chairman - Policy Committee
Eagle Pass MPO

Date

Attest:

Name

Title

APPENDIX G AMENDMENT SUMMARY

Eagle Pass MPO

FY 2025 UPWP Amendment Summary

[illegible]