## NEW MEXICO DEPARTMENT OF TRANSPORTATION

## TRANSPORTATION COMMISSION MEETING



May 19, 2022

Bernalillo County
Ken Sanchez Commission Chambers
415 Silver Ave SW
Albuquerque, NM 87102

# NEW MEXICO STATE TRANSPORTATION COMMISSION Bernalillo County, Ken Sanchez Commission Chambers 415 Silver Ave SW Albuquerque, NM 87102

May 19, 2022 8:30 a.m.

#### **Agenda**

- 1. Call to Order: Walter G. Adams, Chairman
  - a. Establish Quorumb. Pledge of Allegiance
- 2. Approval of Agenda: Walter G. Adams, Chairman
- **3.** Approval of Minutes: Special Meeting of April 25, 2022
- 4. Introductions: Walter G. Adams, Chairman
  - a. Elected Officials
  - b. **Commission Members**
  - c. NMDOT Executive Staff
- 5. Welcoming Remarks: Walter G. Adams, Chairman
- 6. Public Comment
- 7. District Three Update: Justin Gibson, P.E., District Three Engineer, NMDOT
- 8. Staff Briefings
  - a. Secretary Report: Justin Reese, Acting Cabinet Secretary, NMDOT
  - b. FHWA Report: Cindy Vigue, Division Administrator, FHWA
- 9. Finance Reports
  - a. Financial Status Update:

Mallery Manzanares, Administrative Services Director, NMDOT

- b. Approval of FY 2023 Local Governments Road Fund Program Request: Clarissa Martinez, Project Oversight Division State Grants Manager, NMDOT
- c. New Mexico Finance Authority (NMFA) Report:

Mark Lovato, Investment Manager, NMFA

#### 10. Policy Reports

a. Approval of Proposed Amendments to Commission Policy No. 1, New Mexico State Transportation Commission Organization and Meetings (CP 1):

Ken Baca, General Counsel, NMDOT

b. Request to Initiate Rulemaking Action Regarding 17.4.2 NMAC, Requirements for Occupancy of State Highway System Right-of-Way by Utility Facilities:

Thomas Wyman, Attorney, NMDOT

c. Request to Initiate Rulemaking Action Regarding 18.11.10 NMAC, Rural Air Service Enhancement Grant Program, Pursuant to Legislative Changes:

Pedro Rael, Aviation Division Director, NMDOT

- d. Request to Initiate Rulemaking Action Regarding New Rule, Highway/Railway
  Intersection and Joint Intersection Projects: Bill Craven, Rail Bureau Manager, NMDOT
- e. Approval of Proposed Transfer of Roads Pursuant to Cooperative Agreement with the Town of Bernalillo: Justin Gibson, P.E., District Three Engineer, NMDOT
- f. Approval of Town of Red River Request to Designate New Segments of NM 38 for the Operation of Recreational Off-Highway Vehicles:

Paul Brasher, P.E., District Five Engineer, NMDOT

#### 11. Adjournment

# Agenda Items 1-2

- 1. Call to Order: Walter G. Adams, Chairman
  - a) Establish Quorum
  - b) Pledge of Allegiance
- 2. Approval of Agenda: Walter G. Adams, Chairman

Approval of Minutes: Special Meeting of April 25, 2022

#### NEW MEXICO STATE TRANSPORTATION COMMISSION

#### **MEETING**

## **Special Video Conference Meeting**

#### **April 25, 2022**

The New Mexico State Transportation Commission (STC or Commission) held a special video conference meeting on April 25, 2022. Chairman Adams called the meeting to order at 9:00 a.m. He asked for a roll call to establish a quorum. Mershawn Griego, Office of the Secretary, New Mexico Department of Transportation (NMDOT), proceeded to call the roll. Commissioners Walter G. Adams, Jennifer Sandoval, Hilma E. Chynoweth, and Charles Lundstrom were present. Commissioner Thomas Taylor joined the meeting at 9:05 a.m.

## **Approval of the STC Special Meeting Agenda**

Chairman Adams asked for a motion to approve the STC special meeting agenda; Commissioner Chynoweth made a motion to approve the agenda; Commissioner Lundstrom seconded; motion carried unanimously.

## **Approval of the STC Minutes**

Chairman Adams asked for a motion to approve the March 24, 2022 STC regular meeting minutes; Commissioner Sandoval made a motion to approve the minutes; Commissioner Lundstrom seconded; motion carried unanimously.

### **State Transportation Commissioners Present:**

Jennifer Sandoval, Vice-Chair, District One Bruce Ellis, Commissioner, District Two (absent with notice) Hilma E. Chynoweth, Commissioner, District Three Walter G. Adams, Chairman, District Four Thomas C. Taylor, Commissioner, District Five Charles Lundstrom, Secretary, District Six

### **NMDOT Staff Present:**

Michael Sandoval, Cabinet Secretary
Justin Reese, Deputy Secretary, Business Support
Rick Padilla, P.E., Executive Director of Highway Operations
Jerry Valdez, Executive Projects Director
Kenneth B. Baca, General Counsel
NMDOT Staff

## **Elected Officials and Delegations Present:**

None present.

## **Welcoming Remarks**

Chairman Adams welcomed the STC special meeting attendees and thanked them for participating in the meeting. He asked for prayers for all who have been affected by the fires in the state.

#### **Public Comment**

No public comment.

## Approval of Proposed Lincoln County Request to Designate a Certain Segment of NM 37 and NM 48 for the Operation of Recreational Off-Highway Vehicles (ROVs)

Francisco Sanchez, P.E., District Two Engineer, NMDOT, presented and requested the STC's approval of Lincoln County's proposed request to designate a certain segment of NM 37 and NM 48 for the operation of ROVs (Route Designation Request), and the adoption of related STC Resolution No. 2022-05 (APR).

Kenneth B. Baca, General Counsel, NMDOT, reported that Lincoln County's ordinance authorizing the operation of ROVs on its roads is appropriate and conforms with the Off-Highway Motor Vehicle Act. With the addition of the written recommendation offered by Francisco Sanchez, P.E., District Two Engineer, and the letters of support provided by the community, the packet submitted to the STC by Lincoln County in support of its Route Designation Request now meets the requirements of CP 71. Mr. Baca specifically requested that the additional documentation be included in the record of this STC meeting.

Chairman Adams asked for a motion to approve Lincoln County's proposed request to designate a certain segment of NM 37 and NM 48 for the operation of ROVs; Commissioner Taylor made a motion to so approve; Commissioner Chynoweth seconded; motion carried unanimously.

#### **Approval of FY23 NMDOT Operating Budget**

Mallery Manzanares, Administrative Services Director, NMDOT, introduced Mallika Pung, NMDOT's new Economist, to the STC. Ms. Pung presented the FY22 Road Fund revenue update. Thereafter, Mrs. Manzanares presented and requested the STC's approval of NMDOT's FY23 Operating Budget in the total amount of \$1.2 billion, which includes: \$774 million for Project Design and Construction; \$318 million for Highway Operations; \$50 million for Business Support; and \$76.4 million for the Modal Program.

Chairman Adams asked for a motion to approve the FY23 NMDOT Operating Budget; Commissioner Lundstrom made a motion to so approve; Commissioner Taylor seconded; motion carried unanimously.

## **Closing Comments**

Michael Sandoval, Cabinet Secretary, NMDOT, stated that he will be retiring from the NMDOT, effective May 1, 2022. Justin Reese, Deputy Secretary, Business Support, NMDOT, will be assuming the role of Acting Secretary. Secretary Sandoval expressed his appreciation to the STC for its cooperation and support, and the way it conducted business.

Chairman Adams invited Secretary Sandoval to attend the STC meeting on May 19, 2022, so the Commission can properly recognize him for his service.

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## Adjournment

Chairman Adams asked for a motion to adjourn the special video conference meeting at 9:20 a.m.; Commissioner Chynoweth made a motion to adjourn the special meeting; Commissioner Taylor seconded. Motion carried unanimously.

Chairman	Secretary
Walter G. Adams	Charles Lundstrom

- 4. Introductions: Walter G. Adams, Chairman
  - a. Elected Officials
  - **b.** Commission Members
  - c. NMDOT Executive Staff

Welcoming Remarks: Walter G. Adams, Chairman

## **Public Comment**

District Three Update

Staff Briefings

# Agenda Item 8a

Secretary Report

## **Commission Brief**

SUBJECT: Secretary Report
PRESENTER: Justin Reese, Acting Cabinet Secretary, NMDOT
BACKGROUND:
ACTION: No Action
ACTION: No Action

# Agenda Item 8b

## FHWA Report

## **Commission Brief**

SUBJECT: FHWA Report
PRESENTER: Cindy Vigue, Division Administrator, FHWA
BACKGROUND:
ACTION: No Action

Finance Reports

# Agenda Item 9a

Financial Status Update

## **Commission Brief**

SUBJECT:
FY22 Operating Budget and Financial Report – April 30, 2022
1122 operating Budget and I manieum Report 11211 00, 2022
PRESENTER: Mallery Manzanares, Administrative Service Director
BACKGROUND:
ACTION: No Action
ACTION: No Action

	A		В		С		D		E		F	G	
1	FY2022 NMDOT Financial Summary as of May 1, 2022												1
2													2
3	STATE ROAD FUND ONLY												
4	(Dollars in Millions)												
5													5
6		Begir	ı FY22		+FY22	4	FY22	С	OMBINED		Actual FY	<b>722</b>	6
7		OP	BUD	R	Rollover	ı	BARS	FY2	2 BUDGET		Rev/Exp	PCT	7
8	Revenues												8
9	CURRENT INFLOWS												9
10	State Funds	\$	493.2	\$	-	\$	-	\$	493.2	\$	356.8	72.3%	10
11	FHWA Funding	\$	369.1	\$	480.7	\$	52.8	\$	902.6	\$	318.2	35.3%	11
12	Transfer From Other Agency	\$	12.0	\$	-	\$	-	\$	12.0	\$	12.00	100.0%	12
13	Fund Balance Reserves	\$	29.0	\$	142.1	\$	84.1	\$	255.2	\$	-	0.0%	13
14	1) TOTAL INFLOWS (REVENUES):		\$903.3		\$622.8		\$136.9		\$1,663.0		\$687.0	41.3%	14
15										_			15
16	<u>Expenditures</u>												16
17	CURRENT OUTFLOWS:												17
18	Personnel Services	\$	169.5	\$	-	\$	16.1	\$	185.6	\$	142.9	77.0%	18
19	Contractual Services	\$	444.8	\$	592.9	\$	110.9	\$	1,148.6	\$	351.3	30.6%	19
20	Other Operating Costs	\$	134.1	\$	29.9	\$	-	\$	164.0	\$	78.6	47.9%	20
21	CAT 500 Transfer Out	\$	-	\$	-	\$	-	\$	-	\$		0.0%	21
22	Debt Service	\$	154.9	\$	-	\$	9.9	\$	164.8	\$	149.6	90.8%	22
23	2) TOTAL OUTFLOWS - EXPENDITURES:		\$903.3		\$622.8		\$136.9		\$1,663.0		\$722.4	43.4%	23

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	EV2022 NMDO	l T C:.	! . !		<b>.</b>			£ R	lov 4 004	20			
1	FY2022 NMDO	I FII	nancia	3	oumma	ry	as o	ΤN	nay 1, 202	22		T	1
2		DE0	TDIATE				\ <u>\</u>						2
3	RESTRICTED FUNDS ONLY												3
4	(Dollars in Millions)											4	
5													5
6			gin FY22		+FY22		FY22		COMBINED		Actual FY		6
7		0	PBUD		Rollover	В	ARS	FY	22 BUDGET	_	Rev/Exp	PCT	7
8													8
9	CURRENT INFLOWS:												9
10	21170- Transportation Project Fund (Restricted)	\$	41.1	\$	-	\$	-	\$	41.1	\$	30.8	74.9%	10
11	21170- Transportation Project Fund Reserves	\$	-	\$	-	\$	-	\$	-	\$	-	0.0%	11
12	20200- Highway Infrastructure Fund (Restricted)	\$	3.6	\$	-	\$	-	\$	3.6	\$	5.8	161.1%	12
13	20200- Highway Infrastructure Fund Reserves	\$	-	\$	-	\$	-	\$		\$	-	0.0%	13
14	20300- Local Gov't Road Fund (Restricted)	\$	24.8	\$	-	\$	-	\$	24.8	\$	18.6	75.0%	14
15	20300- Local Gov't Road Fund Reserves	\$	-	\$	23.4	\$	0.5	\$	23.9	\$	-	0.0%	15
16	20500- Aviation Fund - Federal (Restricted)	\$	5.7	\$	-	\$	0.0	\$	5.7	\$	4.5	78.7%	16
17	20500- Aviation Fund Balance Reserves	\$	-	\$	10.4	\$	-	\$	10.4	\$	-	0.0%	17
18	Traffic Safety Funds (5 Restricted Funds)	\$	2.4	\$	1.9	\$	-	\$	4.3	\$	1.3	30.2%	18
19	Traffic Safety Fund Balance Reserves	\$	-	\$	-	\$	0.0	\$	0.0	\$	-	0.0%	19
20	10010- NHTSA Funding-(Reimbursement Basis)	\$	15.8	\$	10.1	\$	0.0	\$	25.9	\$	7.2	27.8%	20
21	10030- FTA Funding-(Reimbursement Basis)	\$	19.2	\$	38.3	\$	7.8	\$	65.3	\$	12.8	19.6%	21
22	89300- State Infrastructure Bank Reserves	\$	-	\$	-	\$	-	\$	-	\$	-	0.0%	22
23	1) TOTAL INFLOWS (REVENUES):		\$112.6		\$84.1		\$8.4		\$205.1		\$81.0	39.5%	23
24													24
25	CURRENT OUTFLOWS:												25
26	Personnel Services	\$	2.1	\$	-	\$	0.1	\$	2.2	\$	1.5	68.2%	26
27	Contractual Services	\$	13.3	\$	7.2	\$	7.8	\$	28.3	\$	8.4	29.7%	27
28	Other Operating Costs	\$	93.6	\$	76.9	\$	0.5	\$	171.0	\$	41.8	24.4%	28
29	CAT 500 Transfer Out	\$	-	\$	-	\$	-	\$	-	\$	-	0.0%	29
30	Debt Service	\$	3.6	\$	-	\$	-	\$	3.6	\$	3.3	91.7%	30
31	2) TOTAL OUTFLOWS (EXPENDITURES):		\$112.6		\$84.1		\$8.4		\$205.1		\$55.0	26.8%	31

#### CASH BALANCES FOR OPERATING BUDGET FUNDS (Balances as of Trial Balances on April 30,2022) Jul-21 Aug-21 Dec-21 NMDOT-FUNDS May-21 Jun-21 Sep-21 Oct-21 Nov-21 Jan-22 Feb-22 Mar-22 Apr-22 Apr-21 1 ROAD FUND (10040,20100) 252.866.516 274.284.475 322.707.343 322.046.941 293.490.628 386.878.699 356.330.673 360.194.289 367.123.600 362.737.623 368.742.712 372.078.275 344.053.547 37,496,003 37,505,689 35.885.625 37.470.586 37.209.644 39.041.538 38.983.403 38.103.578 38.161.591 38.748.864 38.662.324 2 Local Government Road Fund (20300) Restricted 38.144.292 3 Transportation Project Fund (21170) Restricted 16,396,120 19,839,237 22,697,787 29,627,843 25,051,693 8,133,328 12,251,416 26,208,057 4 Highway Infrastructure Fund (20200) Restricted 1.660.414 1,611,420 2,680,607 2,854,489 2.795.850 3.424.214 3,858,964 4,399,079 4,946,363 5.650.292 5.654.027 5,892,665 6.012.766 5 State Infrastructure Fund (89300) Restricted 10,884,181 10,884,181 10,993,181 10,996,287 11,089,516 11,089,516 11,089,516 11,089,516 11,089,516 11,089,516 11,089,516 11,089,516 11,089,516 14,576,476 14,935,883 3,090,791 3,075,858 6 Aviation Fund (20500) Restricted 12,595,857 12.938.517 13.329.393 13.230.707 12.134.955 12.261.344 12.622.946 12.889.498 13.325.911 13.733.854 14.134.984 2,910,010 7 Traffic Safety Funds (10020,20600,20700,20800) Restricted 2,981,217 3,000,030 3,028,789 2,928,217 3,114,623 3,215,188 3,078,389 3,166,150 3,060,038 3,040,667 8 National Highway Traffic Safety Administration (10010) Federal (614,8 (2,417,96 (1,646,385) (1,730,172 (1,575,148) (1,179,066 (2,504,959 (1,157,475 (1,965,023 (1,888,94 (2,223,210 Federal Transit Administration (10030) Federal (213,289 2,191,267 2,259,064 2,212,394 10 Ignition Interlock (82600) Restricted 2,242,988 2,216,639 2,229,065 2,215,343 2,175,202 2,172,444 2,154,000 2,140,122 RESTRICTED FUND TOTALS 65,346,183 63,660,302 65,673,705 66,957,095 75,637,082 79,841,540 84,528,988 90,833,125 93,790,498 97,600,103 102,093,502

360,447,724

462,515,781

436,172,213

444,723,276

457,956,725

456,528,121

466,342,815

474,171,777

339,630,658

386,367,645

387,720,646

TOTAL CASH BALANCES

1	FY22 FUND BALANCES AS OF JUNE 30, 2022												
2				(Less)		"Projected"	2						
3		Audited	(Less)	Encumbrance	(Less)	Unbudgeted	3						
4		Fund Balances	Re-Budgeted in	Rollover-Non-Federal	FY22	Fund Balances	4						
5	NMDOT-FUNDS	6/30/2021	Begin FY22 Budget	FY21/22 Budget	BARS & OPRS	6/30/2022	5						
6	Unrestricted:						6						
7	ROAD FUND (20100)+ INVENTORY (10040)	380,686,840	(28,969,900)	(142,078,577)	(184,835,144)	24,803,219	7						
8							8						
9							9						
10	Restricted Funds:						10						
11	NHTSA (10010)	0		0		0	11						
	DRIVER IMPROVEMENT (10020)	166,632		(78,693)		87,939	12						
	FTA (10030)	0		0		0	14						
15	HIF (20200)	3,444,994		0		3,444,994	15						
16	LOCAL GOVT (20300)	39,527,376		(23,328,398)	(500,000)	15,698,978	16						
	AVIATION (20500)	13,526,429		(10,392,903)		3,133,526	17						
18	MOTORCYCLE (20600)	88,380		(88,380)		0	18						
19	DWI PREVENTION (20700)	1,088,032		(370,501)		717,531	19						
	STATE TRAFFIC SAFETY (20800)	1,529,892		(1,312,081)		217,811	20						
21	DOE (43100)	0		0		0	21						
22	SIB (89300)	22,136,772		0		22,136,772	22						
23	INTERLOCK (82600)	2,245,417		(109,331)		2,136,086							
24	Total Restricted Funds:	83,753,923	0	(35,680,287)	(500,000)	47,573,637							
25							25						
26	TOTAL OPERATING FUND BALANCES	464,440,763	(28,969,900)	(177,758,864)	(185,335,144)	72,376,855	26						

# Agenda Item 9b

# Approval of FY 2023 Local Governments Road Fund Program Request

## **Commission Brief**

**SUBJECT:** FY 2023 Local Government Road Fund Program

**PRESENTER:** Clarissa Martinez, State Grants Manager, Project Oversight Division

## **BACKGROUND:**

Attached is the FY22/23 Local Government Road Fund Program for State Transportation Commission review and approval. The following programs are attached:

Municipal Arterial Program
Others Program
County Cooperative Agreements
Municipal Cooperative Agreements
School District Cooperative Agreements
County Arterial Program
School Bus Route Agreements

## **ACTION:**

**COMMISSION APPROVAL** 

## LOCAL GOVERNMENT ROAD FUND FY 2023

COOPERATIVE	PROGRAM				\$9,977,000.00	
COUNTY COOF	<sup>o</sup> S	=33% X	\$9,977,000.00	=	\$3,292,410.00	
MUNICIPALITII	ES COOPS	=49% X	\$9,977,000.00	=	\$4,888,730.00	
SCHOOL DISTR	LICT COOPS	=14% X	\$9,977,000.00	=	\$1,396,780.00	
OTHERS COOP	S	= 4% X	\$9,977,000.00	=	\$399,080.00	
COUNTY ARTE	RIAL PROGRAM			=	\$6,176,000.00	
SCHOOL BUS R	OUTES PROGRAM			=	\$3,801,000.00	
MUNICIPAL AR	TERIAL PROGRAM			=	\$6,106,000.00	
DISTRICT 1:	COUNTY COOPS MUNICIPALITY COO SCHOOL DISTRICT SCHOOL BUS ROUT  COUNTY ARTERIAL  GRANT HIDALGO SIERRA DONA ANA	COOP TES		= = = = = = =	\$640,118.00 \$726,558.00 \$197,778.00 \$633,500.00 \$164,506.00 \$122,080.00 \$140,023.00 \$263,656.00	\$2,197,954.00
DISTRICT 2:	SOCORRO LUNA  COUNTY COOPS  MUNICIPALITY COO SCHOOL DISTRICT SCHOOL BUS ROUT	COOPS		= = = = =	\$269,442.00 \$325,574.00 \$827,131.00 \$1,121,303.00 \$367,048.00 \$633,500.00	\$1,285,281.00 \$2,948,982.00
	COUNTY ARTERIAL	<u>L</u>				
	DE BACA LINCOLN CHAVES CURRY EDDY OTERO ROOSEVELT LEA			= = = = = =	\$180,730.00 \$188,353.00 \$269,534.00 \$263,942.00 \$254,629.00 \$291,434.00 \$250,719.00 \$251,561.00	\$1,950,902.00

## LOCAL GOVERNMENT ROAD FUND FY 2023

DISTRICT 3:	COUNTY COOPS MUNICIPALITY COOPS SCHOOL DISTRICT COOPS SCHOOL BUS ROUTES	= = = =	\$407,353.00 \$1,194,675.00 \$329,363.00 \$633,500.00	\$2,564,891.00
	COUNTY ARTERIAL			
	BERNALILLO VALENCIA	=	\$172,954.00 \$128,724.00	
	SANDOVAL	=	\$239,629.00	\$541,307.00
DISTRICT 4:	COUNTY COOPS	=	\$562,995.00	
	MUNICIPALITY COOPS SCHOOL DISTRICT COOPS	=	\$592,268.00 \$156,894.00	
	SCHOOL BISTRICT COOPS SCHOOL BUS ROUTES	=	\$633,500.00	\$1,945,657.00
	COUNTY ARTERIAL			
	MORA	=	\$81,500.00	
	COLFAX	=	\$139,419.00	
	GUADALUPE	=	\$168,089.00	
	HARDING	=	\$144,332.00	
	SAN MIGUEL	=	\$126,740.00	
	UNION	=	\$247,953.00	
	QUAY	=	\$235,444.00	\$1,143,477.00
DISTRICT 5:	COUNTY COOPS	=	\$476,040.00	
	MUNICIPALITY COOPS	=	\$772,789.00	
	SCHOOL DISTRICT COOPS	=	\$259,907.00	
	SCHOOL BUS ROUTES	=	\$633,500.00	\$2,142,236.00
	COUNTY ARTERIAL			
	LOS ALAMOS	=	\$28,753.00	
	TAOS	=	\$84,916.00	
	SAN JUAN	=	\$174,792.00	
	SANTA FE	=	\$136,513.00	
	RIO ARRIBA	=	\$190,447.00	
	TORRANCE	=	\$208,272.00	\$823,693.00
DISTRICT 6:	COUNTY COOPS	=	\$378,775.00	
	MUNICIPALITY COOPS	=	\$481,138.00	
	SCHOOL DISTRICT COOPS	=	\$85,790.00	
	SCHOOL BUS ROUTES	=	\$633,500.00	\$1,579,203.00
	COUNTY ARTERIAL			
	CIBOLA	=	\$91,578.00	
	MCKINLEY	=	\$132,518.00	
	CATRON	=	\$207,242.00	\$431,338.00
			•	•

## Fiscal Year 2023 Municipal Arterial Program Application Requests

Distric	Sele	ected Entity	Project Amount	State Amount	Entity Amount	District Recommended
1		City of Anthony	\$1,074,253	\$805,690	\$268,563	
1	<b>✓</b>	City of Deming	\$240,000	\$180,000	\$60,000	\$180,000.00
1	<b>✓</b>	City of Elephant Butte	\$616,563	\$462,422	\$154,141	\$462,422.00
1	<b>✓</b>	City of Las Cruces	\$200,000	\$150,000	\$50,000	\$150,000.00
1		City of Socorro	\$1,012,000	\$759,000	\$253,000	
1		City of Sunland Park	\$1,166,471	\$874,853	\$291,618	
1		City of T or C	\$671,395	\$503,546	\$167,849	
1		Village of Columbus	\$100,000	\$75,000	\$25,000	
1	<b>✓</b>	Village of Hatch	\$576,656	\$432,492	\$144,164	\$225,245.00
2	<b>✓</b>	City of Carlsbad	\$80,000	\$60,000	\$20,000	\$60,000.00
2		City of Clovis	\$671,585	\$503,689	\$167,896	
2	<b>✓</b>	City of Eunice	\$588,904	\$441,678	\$147,226	\$276,667.00
2	<b>✓</b>	City of Hobbs	\$635,000	\$476,250	\$158,750	\$476,250.00
2		City of Jal	\$404,577	\$303,433	\$101,144	
2	<b>~</b>	City of Lovington	\$85,000	\$63,750	\$21,250	\$63,750.00
2		City of Ruidoso Downs	\$1,024,993	\$768,745	\$256,248	
2		Town of Vaughn	\$2,382,041	\$1,786,531	\$595,510	
2		Village of Capitan	\$731,000	\$548,250	\$182,750	
2	<b>✓</b>	Village of Fort Sumner	\$188,000	\$141,000	\$47,000	\$141,000.00
2		Village of Ruidoso	\$238,000	\$178,500	\$59,500	
3	<b>✓</b>	City of Belen	\$775,000	\$581,250	\$193,750	\$457,970.00
3	<b>✓</b>	City of Rio Communities	\$370,329	\$277,747	\$92,582	\$222,197.00
3		Town of Bernalillo	\$650,000	\$487,500	\$162,500	

Distric	Sele	ected Entity	Project Amount	State Amount	Entity Amount	District Recommended
3		Town of Peralta	\$428,000	\$321,000	\$107,000	
3		Village of Corrales	\$529,584	\$397,188	\$132,396	
3	<b>✓</b>	Village of Tijeras	\$450,000	\$337,500	\$112,500	\$337,500.00
4		City of Las Vegas	\$1,043,200	\$782,400	\$260,800	
4		City of Raton	\$400,000	\$300,000	\$100,000	
4		City of Santa Rosa	\$89,865	\$67,398	\$22,466	
4		City of Tucumcari	\$293,600	\$220,200	\$73,400	
4	<b>✓</b>	Town of Springer	\$112,833	\$84,625	\$28,208	\$78,178.00
4		Village of Angel Fire	\$743,000	\$557,250	\$185,750	
4		Village of Cimarron	\$1,755,832	\$1,316,874	\$438,958	
4	<b>✓</b>	Village of Eagle Nest	\$941,000	\$705,750	\$235,250	\$699,303.00
4	<b>✓</b>	Village of Maxwell	\$328,843	\$246,632	\$82,211	\$240,186.00
4		Village of Roy	\$362,000	\$271,500	\$90,500	
5	<b>✓</b>	City of Espanola	\$395,928	\$296,946	\$98,982	\$116,640.00
5	<b>✓</b>	City of Farmington	\$977,900	\$733,425	\$244,475	\$116,640.00
5	<b>✓</b>	City of Moriarty	\$750,000	\$562,500	\$187,500	\$116,640.00
5	<b>✓</b>	Los Alamos County	\$400,000	\$300,000	\$100,000	\$116,640.00
5	<b>✓</b>	Town of Estancia	\$300,000	\$225,000	\$75,000	\$116,647.00
5	<b>✓</b>	Town of Red River	\$8,300,000	\$6,225,000	\$2,075,000	\$116,640.00
5	<b>✓</b>	Town of Taos	\$1,523,778	\$1,142,834	\$380,945	\$116,640.00
5	<b>✓</b>	Village of Questa	\$1,742,001	\$1,306,501	\$435,500	\$116,640.00
5	<b>✓</b>	Village of Taos Ski Valle	\$112,721	\$84,541	\$28,180	\$84,540.00
6	<b>✓</b>	City of Gallup	\$4,386,740	\$3,290,055	\$1,096,685	\$712,367.00
6	<b>✓</b>	Village of Milan	\$1,500,000	\$1,125,000	\$375,000	\$305,300.00

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Distric Selected Entity	Project Amount	State Amount	Entity Amount	District Recommended	
Summary for = (47 detail records)					
Sum	\$42,348,592	\$31,761,444	\$10,587,148	\$6,106,002	

# New Mexico Department of Transportation Annual Program Local Government Road Fund Others Program Fiscal Year 2023

Project #		Entity	Project Total	State Amount	Local Match		
District	1						
L100533		NMSU	\$200,000	\$150,000	\$50,000		
Summary for 'Dist' = 1 (1 detail record)							
Sum			\$200,000	\$150,000	\$50,000		
District	3						
L300330		Isleta Pueblo	\$88,684	\$66,513	\$22,171		
Summar	y for '	Dist' = 3 (1 detail record)					
Sum			\$88,684	\$66,513	\$22,171		
District	4						
L400618		Luna Community College	\$44,341	\$33,256	\$11,085		
L400619		New Mexico Highlands Un	\$44,341	\$33,256	\$11,085		
Summar	y for '	Dist' = 4 (2 detail records)					
Sum			\$88,682	\$66,512	\$22,170		
District	6						
L600217		Pueblo of Acoma	\$22,171	\$16,628	\$5,543		
L600218		Ramah Water & Santiation	\$22,171	\$16,628	\$5,543		
L600219		NMSU	\$22,171	\$16,628	\$5,543		
L600220		Navajo Nation	\$22,172	\$16,629	\$5,543		
Summary for 'Dist' = 6 (4 detail records)							
Sum			\$88,685	\$66,513	\$22,172		
Grand Total	l		\$466,051	\$349,538	\$116,513		

## New Mexico Department of Transportation Annual Program Local Government Road Fund

## **County Cooperative Agreements Fiscal Year 2023**

Project #		Entity	Project Total	State Amount	Local Match	CN	
District	1						
L100528		Dona Ana County	\$305,748	\$229,311	\$76,437	L100528	
L100529		Grant County	\$117,680	\$88,260	\$29,420	L100529	
L100530		Luna County	\$101,937	\$76,453	\$25,484	L100530	
L100531		Sierra County	\$213,203	\$159,902	\$53,301	L100531	
L100532		Socorro County	\$114,924	\$86,193	\$28,731	L100532	
Summary for 'Dist' = 1 (5 detail records)							
Sum			\$853,492	\$640,119	\$213,373		
District	2						
L200558		Roosevelt County	\$166,667	\$125,000	\$41,667	L200558	
L200559		Lea County	\$166,667	\$125,000	\$41,667	L200559	
L200560		Otero County	\$160,000	\$120,000	\$40,000	L200560	
L200561		De Baca County	\$150,667	\$113,000	\$37,667	L200561	
L200562		Chaves County	\$165,508	\$124,131	\$41,377	L200562	
L200563		Lincoln County	\$133,333	\$100,000	\$33,333	L200563	
L200634		Curry County	\$160,000	\$120,000	\$40,000	L200634	
Summary for 'Dist' = 2 (7 detail records)							
Sum			\$1,102,842	\$827,131	\$275,711		
District	3						
L300321		Bernalillo County	\$181,044	\$135,783	\$45,261	L300321	
L300322		Sandoval County	\$181,044	\$135,783	\$45,261	L300322	
L300323		Valencia County	\$181,049	\$135,787	\$45,262	L300323	
Summar	ry for 'I	Dist' = 3 (3 detail records)					
Sum			\$543,137	\$407,353	\$135,784		

Project #		Entity	Project Total	State Amount	Local Match	CN
District	4					
L400583		Union County	\$93,333	\$70,000	\$23,333	L400583
L400584		Mora County	\$80,000	\$60,000	\$20,000	L400584
L400585		Colfax County	\$93,333	\$70,000	\$23,333	L400585
L400586		Guadalupe County	\$120,000	\$90,000	\$30,000	L400586
L400587		Harding County	\$123,993	\$92,995	\$30,998	L400587
L400588		San Miguel County	\$126,667	\$95,000	\$31,667	L400588
L400589		Quay County	\$113,333	\$85,000	\$28,333	L400589
Summar	Summary for 'Dist' = 4 (7 detail records)					
Sum			\$750,659	\$562,995	\$187,664	
District	5					
L500478		Los Alamos County	\$119,936	\$89,952	\$29,984	L500478
L500479		Rio Arriba County	\$119,936	\$89,952	\$29,984	L500479
L500480		San Juan County	\$64,539	\$48,404	\$16,135	L500480
L500481		Santa Fe County	\$127,515	\$95,636	\$31,879	L500481
L500482		Taos County	\$119,936	\$89,952	\$29,984	L500482
L500483		Torrance County	\$82,859	\$62,144	\$20,715	L500483
Summary for 'Dist' = 5 (6 detail records)						
Sum			\$634,721	\$476,040	\$158,681	
District	6					
L600207		McKinley County	\$252,516	\$189,387	\$63,129	L600207
L600208		Cibola County	\$252,517	\$189,388	\$63,129	L600208
Summary for 'Dist' = 6 (2 detail records)						
Sum			\$505,033	\$378,775	\$126,258	
Grand Total	1		\$4,389,884	\$3,292,413	\$1,097,471	

# New Mexico Department of Transportation Annual Program Local Government Road Fund Municipal Cooperative Agreements Fiscal Year 2023

Project #		Entity	Project Total	State Amount	Local Match	n CN
District	1	<u> </u>				
L100524		City of Las Cruces	\$316,659	\$237,494	\$79,165	L100524
L100527		City of Lordsburg	\$54,500	\$40,875	\$13,625	L100527
L100526		City of T or C	\$313,636	\$235,227	\$78,409	L100526
L100522		Town of Hurley	\$53,333	\$40,000	\$13,333	L100522
L100525		Town of Mesilla	\$114,824	\$86,118	\$28,706	L100525
L100523		Town of Silver City	\$115,792	\$86,844	\$28,948	L100523
Summai	ry for 'I	Dist' = 1 (6 detail records)				
Sum			\$968,744	\$726,558	\$242,186	
District	2					
L200569		City of Clovis	\$341,871	\$256,403	\$85,468	L200569
L200567		City of Hobbs	\$266,667	\$200,000	\$66,667	L200567
L200572		City of Portales	\$55,867	\$41,900	\$13,967	L200572
L200565		City of Ruidoso	\$197,333	\$148,000	\$49,333	L200565
L200571		City of Texico	\$125,333	\$94,000	\$31,333	L200571
L200568		Village of Capitan	\$181,333	\$136,000	\$45,333	L200568
L200566		Village of Ft Sumner	\$60,000	\$45,000	\$15,000	L200566
L200570		Village of Ruidoso Downs	\$266,667	\$200,000	\$66,667	L200570
Summar	ry for 'I	Dist' = 2 (8 detail records)				
Sum			\$1,495,071	\$1,121,303	\$373,768	
District	3					
L300310		City of Rio Rancho	\$188,000	\$141,000	\$47,000	L300310
L300311		Town of Bernalillo	\$140,000	\$105,000	\$35,000	L300311
L300312		Town of Peralta	\$350,000	\$262,500	\$87,500	L300312
L300313		Village of Corrales	\$105,861	\$79,396	\$26,465	L300313
L300315		Village of Los Lunas	\$240,000	\$180,000	\$60,000	L300315

Project #	Entity	Project Total	State Amount	Local Match	CN CN
L300316	Village of Los Ranchos	\$295,539	\$221,654	\$73,885	L300316
L300314	Village of Tijeras	\$273,500	\$205,125	\$68,375	L300314
Summar	ry for 'Dist' = 3 (7 detail records)				
Sum	1	\$1,592,900	\$1,194,675	\$398,225	
District L400597	4 City of Las Vegas	\$66,667	\$50,000	\$16,667	L400597
L400598	City of Raton	\$66,667	\$50,000	\$16,667	L400598
L400599	City of Santa Rosa	\$46,667	\$35,000	\$11,667	L400599
L400600	City of Tucumcari	\$73,333	\$55,000	\$18,333	L400600
L400601	Town of Clayton	\$40,000	\$30,000	\$10,000	L400601
L400602	Town of Springer	\$53,333	\$40,000	\$13,333	L400602
L400603	Village of Angel Fire	\$40,000	\$30,000	\$10,000	L400603
L400608	Village of Cimarron	\$66,667	\$50,000	\$16,667	L400608
L400605	Village of Eagle Nest	\$36,357	\$27,268	\$9,089	L400605
L400604	Village of Folsom	\$73,333	\$55,000	\$18,333	L400604
L400609	Village of Logan	\$40,000	\$30,000	\$10,000	L400609
L400610	Village of Maxwell	\$53,333	\$40,000	\$13,333	L400610
L400606	Village of Mosquero	\$40,000	\$30,000	\$10,000	L400606
L400607	Village of Roy	\$40,000	\$30,000	\$10,000	L400607
L400611	Village of Wagon Mound	\$53,333	\$40,000	\$13,333	L400611
	y for 'Dist' = 4 (15 detail records)	6790 (00	6502.270	0107 422	
Sum District	5	\$789,690	\$592,268	\$197,422	
L500486	City of Bloomfield	\$73,599	\$55,199	\$18,400	L500486
L500485	City of Espanola	\$73,599	\$55,199	\$18,400	L500485
L500487	City of Farmington	\$73,599	\$55,199	\$18,400	L500487
L500496	City of Moriarty	\$73,599	\$55,199	\$18,400	L500496
L500489	City of Santa Fe	\$73,599	\$55,199	\$18,400	L500489
L500491	Taos Ski Valley	\$73,599	\$55,199	\$18,400	L500491
L500495	Town of Estancia	\$73,599	\$55,199	\$18,400	L500495

Project #	Entity	Project Total	State Amount	Local Match	CN
L500488	Town of Kirtland	\$73,599	\$55,199	\$18,400	L500488
L500497	Town of Mountainair	\$73,599	\$55,199	\$18,400	L500497
L500493	Town of Red River	\$73,599	\$55,199	\$18,400	L500493
L500490	Town of Taos	\$73,599	\$55,199	\$18,400	L500490
L500484	Village of Chama	\$73,603	\$55,202	\$18,401	L500484
L500494	Village of Encino	\$73,599	\$55,199	\$18,400	L500494
L500492	Village of Questa	\$73,599	\$55,199	\$18,400	L500492
Summary	for 'Dist' = 5 (14 detail records)				
Sum		\$1,030,390	\$772,789	\$257,601	
District	6				
T					
L600211	City of Gallup	\$213,839	\$160,379	\$53,460	L600211
L600211 L600210	City of Grants	\$213,839 \$213,839	\$160,379 \$160,379	\$53,460 \$53,460	L600211 L600210
	• •	,	· ·		
L600210 L600209	City of Grants	\$213,839	\$160,379	\$53,460	L600210
L600210 L600209	City of Grants  Village of Milan	\$213,839	\$160,379	\$53,460	L600210

## **New Mexico Department of Transportation**

### **Annual Program Local Government Road Fund**

#### School District Cooperative Agreements Fiscal Year 2023

Project #	Entity	Project Total	State Amount	Local Match	
District	1				
L100534	Hatch Valley Public Scools	\$85,248	\$63,936	\$21,312	L100534
L100535	Silver Cons. School District	\$110,033	\$82,525	\$27,508	L100535
L100536	Magdalena Public Schools	\$23,865	\$17,899	\$5,966	L100536
L100537	Deming Public Schools	\$12,257	\$9,193	\$3,064	L100537
L100538	Cobre Cons. School District	\$32,300	\$24,225	\$8,075	L100538
Summar	y for 'Dist' = 1 (5 detail records)				
Sum		\$263,703	\$197,778	\$65,925	
District	2				
L200573	Lovington School	\$146,667	\$110,000	\$36,667	L200573
L200574	Eunice School	\$146,297	\$109,723	\$36,574	L200574
L200575	Melrose Schools	\$196,433	\$147,325	\$49,108	L200575
Summar	y for 'Dist' = 2 (3 detail records)				
Sum		\$489,397	\$367,048	\$122,349	
District	3				
L300317	Albuquerque Public Schools	\$95,816	\$71,862	\$23,954	L300317
L300318	Cuba Independent Schools	\$95,816	\$71,862	\$23,954	L300318
L300319	Los Lunas Schools	\$95,815	\$71,861	\$23,954	L300319
L300320	Belen Schools	\$151,704	\$113,778	\$37,926	L300320
Summar	y for 'Dist' = 3 (4 detail records)				
Sum		\$439,151	\$329,363	\$109,788	

Project #		Entity	Project Total	State Amount	Local Match	
District	4		J			
L400612		Las Vegas City Schools	\$34,865	\$26,149	\$8,716	L400612
L400613		Logan Municipal Schools	\$34,865	\$26,149	\$8,716	L400613
L400614		Pecos Independent Schools	\$34,865	\$26,149	\$8,716	L400614
L400615		Raton Public Schools	\$34,865	\$26,149	\$8,716	L400615
L400616		Tucumcari Public Schools	\$34,865	\$26,149	\$8,716	L400616
L400617		West Las Vegas Public Schools	\$34,865	\$26,149	\$8,716	L400617
Summar	y fo	or 'Dist' = 4 (6 detail records)				
Sum			\$209,190	\$156,894	\$52,296	
District	5					
L500498		Pojoaque Schools	\$79,812	\$59,859	\$19,953	L500498
L500499		Santa Fe Schools	\$79,813	\$59,860	\$19,953	L500499
L500500		Central Consolidated School District (Shij	\$27,291	\$20,468	\$6,823	L500500
L500501		Questa Schools	\$79,813	\$59,860	\$19,953	L500501
L500502		Estancia Schools	\$79,813	\$59,860	\$19,953	L500502
Summar	y fo	or 'Dist' = 5 (5 detail records)				
Sum			\$346,542	\$259,907	\$86,635	
District	6					
L600212		Grants-Cibola County School	\$114,387	\$85,790	\$28,597	L600212
Summar	y fo	or 'Dist' = 6 (1 detail record)				
Sum			\$114,387	\$85,790	\$28,597	
<b>Grand Total</b>			\$1,862,370	\$1,396,780	\$465,590	

### New Mexico Department of Transportation Annual Program Local Government Road Fund

#### County Arterial Program Fiscal Year 2023

Project #		Entity	Project Total	State Amount	Local Match	CN
District	1					
L100539		Dona Ana County	\$351,541	\$263,656	\$87,885	L100539
L100540		Grant County	\$219,341	\$164,506	\$54,835	L100540
L100541		Luna County	\$434,099	\$325,574	\$108,525	L100541
L100542		Sierra County	\$186,697	\$140,023	\$46,674	L100542
L100543		Socorro County	\$359,256	\$269,442	\$89,814	L100543
Summar	y for 'I	Dist' = 1 (5 detail records)				
Sum			\$1,550,934	\$1,163,201	\$387,733	
District	2					
L200576		De Baca County	\$240,973	\$180,730	\$60,243	L200576
L200577		Lincoln County	\$251,137	\$188,353	\$62,784	L200577
L200578		Chaves County	\$359,379	\$269,534	\$89,845	L200578
L200579		Curry County	\$351,923	\$263,942	\$87,981	L200579
L200580		Eddy County	\$339,505	\$254,629	\$84,876	L200580
L200581		Otero County	\$388,579	\$291,434	\$97,145	L200581
L200582		Roosevelt County	\$334,292	\$250,719	\$83,573	L200582
L200583		Lea County	\$335,415	\$251,561	\$83,854	L200583
Summar	y for 'I	Dist' = 2 (8 detail records)				
Sum			\$2,601,203	\$1,950,902	\$650,301	
District	3					
L300324		Bernalillo County	\$230,605	\$172,954	\$57,651	L300324
L300325		Sandoval County	\$319,505	\$239,629	\$79,876	L300325
L300326		Valencia County	\$171,632	\$128,724	\$42,908	L300326
Summar	y for 'I	Dist' = 3 (3 detail records)				
Sum			\$721,742	\$541,307	\$180,435	

Project #		Entity	Project Total	State Amount	Local Match	CN
District	4					
L400576		Union County	\$330,604	\$247,953	\$82,651	L400576
L400577		Mora County	\$108,667	\$81,500	\$27,167	L400577
L400578		Colfax County	\$185,892	\$139,419	\$46,473	L400578
L400579		Guadalupe County	\$224,119	\$168,089	\$56,030	L400579
L400580		Harding County	\$192,443	\$144,332	\$48,111	L400580
L400581		San Miguel County	\$168,987	\$126,740	\$42,247	L400581
L400582		Quay County	\$313,925	\$235,444	\$78,481	L400582
Summar	y for	'Dist' = 4 (7 detail records)				
Sum	7		\$1,524,637	\$1,143,477	\$381,160	
District	5					
L500509		Los Alamos County	\$38,337	\$28,753	\$9,584	L500509
L500510		Rio Arriba County	\$253,929	\$190,447	\$63,482	L500510
L500511		San Juan County	\$233,056	\$174,792	\$58,264	L500511
L500512		Santa Fe County	\$182,017	\$136,513	\$45,504	L500512
L500513		Taos County	\$113,221	\$84,916	\$28,305	L500513
L500514		Torrance County	\$277,696	\$208,272	\$69,424	L500514
Summar	y for	'Dist' = 5 (6 detail records)				
Sum			\$1,098,256	\$823,693	\$274,563	
District	6					
L600213		McKinley County	\$176,691	\$132,518	\$44,173	L600213
L600214		Cibola County	\$122,104	\$91,578	\$30,526	L600214
Summar	y for	'Dist' = 6 (2 detail records)				
Sum			\$298,795	\$224,096	\$74,699	
Grand Total	l		\$7,795,567	\$5,846,676	\$1,948,891	

### New Mexico Department of Transportation Annual Program Local Government Road Fund

#### School Bus Route Agreements Fiscal Year 2023

Project #		Entity	Project Total	State Amount	Local Match	
District	1					
L100544		Dona Ana County	\$189,836	\$142,377	\$47,459	L100544
L100545		Grant County	\$94,293	\$70,720	\$23,573	L100545
L100546		Luna County	\$189,836	\$142,377	\$47,459	L100546
L100547		Sierra County	\$180,867	\$135,650	\$45,217	L100547
L100548		Socorro County	\$189,835	\$142,376	\$47,459	L100548
Summar	y for '	Dist' = 1 (5 detail records)				
Sum			\$844,667	\$633,500	\$211,167	
District	2					
L200584		Lea County	\$133,333	\$100,000	\$33,333	L200584
L200585		Guadalupe County	\$267,427	\$200,570	\$66,857	L200585
L200586		Chaves County	\$369,733	\$277,300	\$92,433	L200586
L200587		Otero County	\$74,173	\$55,630	\$18,543	L200587
Summar	y for '	Dist' = 2 (4 detail records)				
Sum			\$844,666	\$633,500	\$211,166	
District	3					
L300327		Bernalillo County	\$281,556	\$211,167	\$70,389	L300327
L300328		Sandoval County	\$281,556	\$211,167	\$70,389	L300328
L300329		Valencia County	\$281,555	\$211,166	\$70,389	L300329
Summar	y for '	Dist' = 3 (3 detail records)				
Sum			\$844,667	\$633,500	\$211,167	

Project #		Entity	Project Total	State Amount	Local Match	
District	4					
L400590		Union County	\$164,667	\$123,500	\$41,167	L400590
L400591		Mora County	\$93,333	\$70,000	\$23,333	L400591
L400592		Colfax County	\$93,333	\$70,000	\$23,333	L400592
L400593		Guadalupe County	\$120,000	\$90,000	\$30,000	L400593
L400594		Harding County	\$133,333	\$100,000	\$33,333	L400594
L400595		San Miguel County	\$133,333	\$100,000	\$33,333	L400595
L400596		Quay County	\$106,667	\$80,000	\$26,667	L400596
Summar	y for '	Dist' = 4 (7 detail records)				
Sum			\$844,666	\$633,500	\$211,166	
District	5					
L500503		Los Alamos County	\$150,400	\$112,800	\$37,600	L500503
L500504		Rio Arriba County	\$150,400	\$112,800	\$37,600	L500504
L500505		Santa Fe County	\$150,400	\$112,800	\$37,600	L500505
L500506		San Juan County	\$122,256	\$91,692	\$30,564	L500506
L500507		Taos County	\$150,400	\$112,800	\$37,600	L500507
L500508		Torrance County	\$120,811	\$90,608	\$30,203	L500508
Summar	y for '	Dist' = 5 (6 detail records)				
Sum			\$844,667	\$633,500	\$211,167	
District	6					
L600215		McKinley County	\$422,333	\$316,750	\$105,583	L600215
L600216		Cibola County	\$422,333	\$316,750	\$105,583	L600216
Summar	y for '	Dist' = 6 (2 detail records)				
Sum			\$844,666	\$633,500	\$211,166	
Grand Total	l		\$5,067,999	\$3,801,000	\$1,266,999	

# Agenda Item 9c

# New Mexico Finance Authority (NMFA) Report

# **Commission Brief**

SUBJECT: NMFA Report
PRESENTER: Mark Lovato, Managing Director of Investments, NMFA
BACKGROUND:
ACTION: No Action

## New Mexico Finance Authority report to **State Transportation Commission**

#### Agenda for May 19, 2022

- 1. NMDOT Combined Investment Summary ending April 30, 2022
- 2. NMDOT/NMFA Debt Service outlook to June 15, 2022, Bond Payment as of April 30, 2022



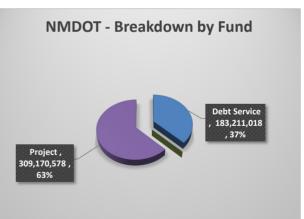
### INVESTMENT OF NM DEPT OF TRANSPORTATION BONDS NMDOT - BOND SERIES PORTFOLIO SUMMARIES

#### April 30, 2022

	NMDOT BOND SERIES DEBT SERVICE - Portfolio Summary								
	<u>Beginning</u>	Bond Payment			Next Bond DS Pmt	<u>Final</u>			
Bond Series	<u>Balance</u>	<u>Set Aside Pmt</u>	<u>Interest</u>	Ending Balance	<u>6/15/2022</u>	<u>Maturity</u>	Call Date		
2012 Senior	86,642,033.48	9,307,584.84	6,480.83	95,956,099.15	105,512,250.00	6/15/2026	6/15/2022		
2014 A Sub	1,173,454.86	252,613.63	87.29	1,426,155.78	1,389,375.00	6/15/2032	6/15/2024		
2014 B1 Senior	1,003,500.33	279,000.00	74.38	1,282,574.71	1,534,500.00	6/15/2027	6/15/2024		
2014 B2 Sub	1,624,078.47	212,045.46	121.38	1,836,245.31	2,036,250.00	6/15/2027	6/15/2024		
2018 A Sub	17,157,845.22	3,052,840.91	1,278.94	20,211,965.07	23,143,125.00	6/15/2030	6/15/2028		
2020 A Senior	4,841,780.62	614,000.00	361.93	5,456,142.55	5,174,500.00	6/15/2025			
2021 A Sub	3,838,856.72	1,100,592.60	284.41	4,939,733.73	5,865,000.00	6/15/2030			
2022A Senior	-	52,102,101.29	-	52,102,101.29	51,993,325.00	6/15/2026			
TOTAL	116,281,549.70	66,920,778.73	8,689.16	183,211,017.59	196,648,325.00				

	NMDOT BOND SERIES PROJECT/OTHER FUNDS - Portfolio Summary							
Bond Series	<u>Beginning</u> <u>Balance</u>	<u>Draws - Payments</u>	<u>Interest</u>	Ending Balance				
2021 A Project	302,419,410.58	-	22,766.13	302,442,176.71				
2014 A Project	6,727,894.71	-	506.48	6,728,401.19				
TOTAL	309,147,305.29	-	23,272.61	309,170,577.90				





NMDOT BOND SERIES LINE OF CREDIT - Portfolio Summary											
	<u>Beginning</u>	<u>Draws -</u>	<u>Commitment</u>								
Line of Credit	<u>Balance</u>	<u>Contributions</u>	<u>Fee</u>	Ending Balance	Agreement Terms						
Wells Fargo	50,000,000.00			50,000,000.00	BNSF Line expires 6/30/2025						
					LOC started July 2013						
Payments	-	-	-	-	Used: 1-mo SOFR + .77% Unused: .19%						
					Commitment Fees Paid \$832,139						
TOTAL	50,000,000.00	-	-	50,000,000.00							

#### NMDOT/NMFA OUTSTANDING BOND DEBT SERVICE

For Period: 2st half Fiscal Year 2022

Bond Series	Current Amount Oustanding	Final Maturity Date	Principal Debt Service Due 6/15/2022	Interest Debt Service Due 6/15/2022	Total Debt Service Due 6/15/2022		Shortage / Overage as of 4/30/2022
Fixed Rate Bonds							
2012 Sr 2014 A Sub 2014 B-1 Sr 2014 B-2 Sub 2018 A Sub 2020 A Sr 2021 A Sub 2022A Sr	103,130,000 55,575,000 61,380,000 11,850,000 417,525,000 63,180,000 234,600,000 47,240,000	6/15/26 6/15/32 6/15/27 6/15/27 6/15/30 6/15/25 6/15/30 6/15/26	103,130,000 - 1,740,000 12,705,000 3,595,000 - 50,960,000 172,130,000	2,382,250 1,389,375 1,534,500 296,250 10,438,125 1,579,500 5,865,000 1,033,325 <b>24,518,325</b>	105,512,250 1,389,375 1,534,500 2,036,250 23,143,125 5,174,500 5,865,000 51,993,325	95,956,099 1,426,156 1,282,575 1,836,245 20,211,965 5,456,143 4,939,734 52,102,101 183,211,018	(9,556,151) 36,781 (251,925) (200,005) (2,931,160) 281,643 (925,266) 108,776 (13,437,307)
Senior Lien Subordinate Lien Total  Payments on Dec	274,930,000 719,550,000 994,480,000		157,685,000 14,445,000 -	6,529,575 17,988,750 <b>22,693,658</b>	164,214,575 32,433,750 <b>22,693,658</b>		
TOTAL Annual DS	3		172,130,000	47,211,983	219,341,983		

167,348,658 less escrow 2022A

# Agenda Item 10

Policy Reports

# Agenda Item 10a

Approval of Proposed
Amendments to Commission
Policy No. 1, New Mexico
State Transportation
Commission Organization and
Meetings (CP 1)

### **Commission Brief**

**SUBJECT:** Proposed amendments to Commission Policy No. 1, *New Mexico State Transportation Commission Organization and Meetings* ("CP 1").

PRESENTER: Ken Baca, General Counsel, NMDOT

**BACKGROUND:** CP 1 is the policy that sets forth the guidelines regarding the organization and meetings, both open and closed, of the New Mexico State Transportation Commission.

The proposed amendments clarify that Commissioners may participate *remotely* in a meeting of the Commission when in-person attendance is difficult or impossible, and that such participation may include by telephone, videoconference, and live streaming, or other similar technology, including Zoom and Microsoft Teams.

**ACTION:** The Commission is requested to take action to approve the proposed amendments to CP 1.

May 19, 2022

#### NEW MEXICO STATE TRANSPORTATION COMMISSION



04/21/16

CP 1 00/00/00

# New Mexico State Transportation Commission Organization and Meetings

**Reference:** Article V, Section 14, New Mexico State Constitution

NMSA 1978, Sections 67-3-10 and 10-15-1 to 10-15-4

This Commission Policy supersedes Commission Policy No. 1 dated June 17, 2011 April 21, 2016.

The following guidelines represent the organization and meetings, both open and closed, of the New Mexico State Transportation Commission:

#### A. ORGANIZATION

- The officers of the Commission consist of a Chair, Vice-Chair and Secretary. The Chair presides at all meetings of the Commission and exercises the powers of the Commission as the Commission from time to time determines. The Vice-Chair exercises all of the duties and powers of the Chair in the Chair's absence.
- 2. The Chair, Vice-Chair and Secretary are elected by the Commission and serve at the pleasure of the Commission.

#### B. VACANCIES

1. The Commission consists of six Commissioners, one from each of the six (6) state transportation commission districts within the State. The members of the Commission are appointed by the Governor of the State, with the advice and consent of the State Senate. The members are appointed every two (2) years for staggered six (6) year terms. In the event of a vacancy on the Commission, before the expiration of a term, the Governor shall be notified of the vacancy by the Chair as soon as possible. When the Governor has appointed a replacement and the oath of office has been executed, the newly appointed Commissioner shall be entitled to exercise all of the powers granted by law to Commissioners until the next regular session of the State Legislature, at which time the Governor shall make an appointment for the balance of the unexpired

- term, which appointment must be confirmed by the State Senate before the appointee can serve as a Commissioner.
- 2. The term of a confirmed appointee filling a vacancy expires on December 31st of the year that the original appointee's term would have expired.

#### C. MEETING ATTENDANCE

- 1. At any meeting of the Commission, four (4) members shall constitute a quorum, and a majority of those present shall be necessary to take action.
- 2. The Secretary of Transportation (hereinafter "Secretary") and necessary staff members shall attend Commission meetings as designated by the Secretary.

#### D. MEETING SCHEDULE

- At the beginning of each calendar year, the Commission will set a
  meeting schedule for the year and revise if and when needed. Regular
  meetings will generally be held on the third Thursday of a month when
  designated to occur and extend to the following Friday if the agenda
  necessitates additional time. The Commission may alter the meeting
  schedule at its discretion.
- 2. Special or emergency meetings may be called by the Chair or by any three members of the Commission.

#### E. NOTICE OF PUBLIC MEETINGS

- 1. With certain specific statutory exceptions, the New Mexico Open Meetings Act provides that all meetings of any public body, such as the State Transportation Commission, are public, or open, meetings, such that all persons so desiring shall be permitted to attend and listen to the deliberations and proceedings.
- 2. By statute, the Commission shall determine at least annually what notice will be reasonable for purposes of both open and closed meetings. Therefore, the following notice requirements shall govern Commission meetings for both open and closed meetings. All notices shall be given by the Secretary and shall state that reasonable accommodations will be made for disabled individuals wishing to attend open meetings in accordance with the Americans with Disabilities Act.

#### a. Open Meetings

1) Regular Meetings – Notice of date, time, place and proposed agenda availability for regular meetings shall be given ten days in advance of the meeting date by placing a notice in at

least one newspaper of statewide general circulation and, if publishing deadlines permit following the Chair's approval of the agenda, in at least one newspaper of general circulation within the meeting's geographical location. Concurrently, notice shall be mailed to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation, which have made a written request for such notice.

- 2) Special Meetings Notice of date, time, place and agenda availability for special meetings shall be given at least three (3) days in advance of the meeting date by placing a notice in at least one (1) newspaper of statewide general circulation and in at least one (1) newspaper of general circulation within the meeting's geographical location. Concurrently, telephonic notice shall be made to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation, which have made a written request for such notice.
- 3) Committee Meetings Meetings at which a quorum is in attendance and at which the discussion or adoption of any proposed resolution, proposed rule, proposed regulation or proposed formal action occurs shall be held only after notice is given pursuant to this subsection.
- b. Emergency Meetings Notice of date, time, place and agenda availability for emergency meetings shall be given as far in advance as practicable before the meeting date and time. Within ten (10) days after taking action on an emergency matter, the Commission shall provide a report to the Attorney General's office regarding the action taken and the circumstances creating the emergency.

#### c. Closed Meetings

- 1) Notice of date, time, place, subject matter and the specific provisions of law authorizing the closed meeting shall be given as provided in subparagraph E(2)(a) above for closed meetings called when the Commission is not in an open meeting.
- 2) Should a closed meeting be called during an open meeting, the authority and subject matter for such closure shall be stated in the motion, the vote shall be taken in the open meeting and the vote of each individual member present shall be recorded in the minutes. When the majority of the members present approve closing a meeting, the Commission may immediately retire into closed session or schedule another time during the meeting to go into closed session.

#### F. MEETING AGENDA CRITERIA

- Commissioners and Department staff shall submit potential agenda items to the Secretary at least eight (8) days in advance of the day on which a STC meeting is scheduled. All potential agenda items shall be reviewed and approved or rejected by the Commission Chair prior to publication of the final agenda.
- 2. Except in the case of an emergency, the Commission shall make a meeting agenda available to the public at least seventy-two (72) hours prior to the meeting. The meeting agenda shall also be posted on the Department's website at least seventy-two (72) hours prior to the meeting.
- 3. The following items shall be the basis for preparation of the agenda for regular meetings:
  - a. call to order;
  - b. roll call and establishment of a quorum;
  - c. Pledge of Allegiance;
  - d. Introduction and welcoming remarks;
  - e. approval of agenda;
  - f. approval of previous meeting minutes;
  - g. Approval of consent agenda (may include activity reports, review of administrative directives, professional services agreements, cooperative and school bus route agreements, change orders, audit reports, and administrative directives);
  - h. delegations (Federal, State and local governmental representatives, special committees, Legislators, special interest groups and private citizens):
    - delegation requests to address the Commission shall be honored at the next regular meeting for which proper agenda notice of the subject matter is given,
    - 2) delegations shall be notified of agenda placement by the Secretary's Office,
    - delegations may be added to the agenda during a Commission meeting with the consent of the Commission provided no action is taken on the delegation's presentation;

- Approval of financial report and actions, including budget adjustment requests (BARs); resolutions, rulemaking and other actions requiring Commission approval;
- j. staff briefings on transportation issues that do not require Commission action;
- k. Commission communication questions;
- I. new business;
- m. scheduling of special Commission activities, a committee meeting, a regular or special Commission meeting and scheduling of agenda items for the next meeting; and
- n. adjournment.
- 4. The Commission shall take action only on items appearing on the agenda. Additional items of business may be brought before the Commission and discussed but not acted upon until properly noticed, unless the matter is an emergency as defined by NMSA 1978, Section 10-15-1(F), of the New Mexico Open Meetings Act.
- 5. In the event a Commission meeting must be canceled or postponed, all agenda items requiring action, delegation presentations, or other items requiring Commission consideration shall be moved to the next regular or special meeting as determined by the Commission.

#### G. RULES OF ORDER

The rules of order contained in the most recent edition of Robert's Rules of Order shall govern the conduct of Commission meetings unless those rules are inconsistent with State law, Department rule, or Commission policy.

#### H. MOTIONS AND RESOLUTIONS

- All actions of the Commission shall be taken upon a motion made by a Commission member, seconded by another member and adopted by a majority of those members present.
- 2. Normally, action shall be taken by oral motions that are recorded in the Commission's minutes. When, however, the action taken is to be documented outside the minutes, or provided in writing to a party or parties outside the Commission and Department, or is intended to reflect views held by the Commission, it shall be by a motion to adopt a written resolution which reflects the action.
- 3. Written resolutions shall be reviewed by the Department's General Counsel before presentation to the Commission.

4. Beginning with the regularly scheduled Commission Meeting in January 2000, written resolutions adopted by the Commission shall be numbered sequentially on a calendar year basis using the year the resolution is adopted, then a hyphen or dash, then the number of the resolution in sequence of adoption, starting with the number 1 for the first resolution adopted in a calendar year, and then, in parenthesis, the abbreviation for the month the resolution is adopted, e.g., Resolution No. 2000-1(JAN) or Resolution No. 2000-12(AUG) or Resolution No. 2003-5(NOV).

#### I. OFFICIAL MEETING MINUTES

- 1. All open meetings of the Commission shall be audio recorded. The audio recordings shall be retained in compliance with the State Records Act, or longer, at the discretion of the Department.
- 2. A draft copy of the minutes for open meetings shall be prepared within ten working days of the meeting and shall indicate they have not been approved by the Commission. The minutes shall be official once approved by the Commission.
- 3. The minutes may be inspected by the public and will contain:
  - a. the date of the meeting;
  - b. the time and place of the meeting;
  - c. the members of the Commission present and absent;
  - d. a short, concise statement or summary of the topics, proposals, items or actions taken or considered;
  - e. a verbatim recitation of verbal motions made at the meeting, whether receiving a second or dying without a second;
  - f. the results of votes taken on any motion;
  - g. the results of any roll call vote with each member's vote noted; and
  - h. indication of motions dying for lack of a second.

#### J. TELECONFERENCE MEETINGS

A Commissioner may participate <u>remotely</u> in a meeting of the
 Commission by means of a conference telephone or television, <u>a live</u>
 <u>streaming application</u>, <u>including but not limited to Zoom or Microsoft</u>
 <u>Teams</u>, or other similar communications (teleconferencing) equipment,
 when it is otherwise difficult or impossible for the Commissioner to attend
 the meeting in person.

2. Each Commissioner participating <u>remotely</u> in a meeting by teleconferencing <u>or other similar communications equipment</u> must be identifiable when speaking, all Commissioners participating in the meeting must be able to hear each other at the same time, and all members of the public attending the meeting must be able to hear any Commissioner who speaks during the meeting.

#### K. RULEMAKING

The Secretary shall take the actions necessary to promulgate paragraphs (E), (I) and (J) of this Policy as a Department rule or rules.

#### NEW MEXICO STATE TRANSPORTATION COMMISSION



CP 1 00/00/00

# New Mexico State Transportation Commission Organization and Meetings

**Reference:** Article V, Section 14, New Mexico State Constitution

NMSA 1978, Sections 67-3-10 and 10-15-1 to 10-15-4

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  - e. a verbatim recitation of verbal motions made at the meeting, whether receiving a second or dying without a second;
  - f. the results of votes taken on any motion;
  - g. the results of any roll call vote with each member's vote noted; and
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#### J. TELECONFERENCE MEETINGS

 A Commissioner may participate remotely in a meeting of the Commission by means of a conference telephone or television, a live streaming application, including but not limited to Zoom or Microsoft Teams, or other similar communications (teleconferencing) equipment, when it is otherwise difficult or impossible for the Commissioner to attend the meeting in person.

2. Each Commissioner participating remotely in a meeting by teleconferencing or other similar communications equipment must be identifiable when speaking, all Commissioners participating in the meeting must be able to hear each other at the same time, and all members of the public attending the meeting must be able to hear any Commissioner who speaks during the meeting.

#### K. **RULEMAKING**

The Secretary shall take the actions necessary to promulgate paragraphs (E), (I) and (J) of this Policy as a Department rule or rules.

# Agenda Item 10b

Request to Initiate Rulemaking
Action Regarding 17.4.2 NMAC,
Requirements for Occupancy of
State Highway System
Right-of-Way by Utility
Facilities

### **Commission Brief**

**SUBJECT:** Enter Rulemaking on proposed rule draft NMAC 17.4.2

PRESENTER: Thomas Wyman

#### **BACKGROUND:**

Review and adopt proposed updates to NMAC 17.4.2

TITLE 17 PUBLIC UTILITIES AND FACILITIES SERVICES CHAPTER 4 FACILITIES RIGHTS-OF-WAY AND EASEMENTS PART 2 REQUIREMENTS FOR USE and OCCUPANCY OF DEPARTMENT OF TRANSPORTATION PROPERTY and RIGHT-OF-WAY

**ACTION: Requesting approval to proceed.** 

# Agenda Item 10c

Request to Initiate
Rulemaking Action
Regarding 18.11.10 NMAC,
Rural Air Service
Enhancement Grant
Program, Pursuant to
Legislative Changes

### **Commission Brief**

SUBJECT: NMAC 18.11.10 - To amend the current rule

Presenter: Pedro Rael, Aviation Division Director

BACKGROUND: To amend the rule to reflect legislation passed in HB 171 from the 2022 session modifying some of the statutes regarding the Rural Air Service Enhancement Program

#### **ACTION:**

Permission is sought from the Commission to amend the current rule to reflect the legislative changes passed in HB 171, 2022

# Agenda Item 10d

Request to Initiate
Rulemaking Action
Regarding New Rule,
Highway/Railway
Intersection and Joint
Intersection Projects

### **Commission Brief**

SUBJECT: Initiate rulemaking action for the establishment of rule 18.14.5 NMAC, Highway/Railway Intersection and Joint Interest Projects.

PRESENTER: Bill Craven, Rail Bureau Manager

#### **BACKGROUND:**

Existing rules for highway/railway projects are in the Public Utilities Title 17.4.2 NMAC, which has not been updated since the 1990's. A rulemaking action to initiate a repeal and replacement of 17.4.2 NMAC is before the STC at the May meeting. In the intervening years, responsibility for highway/railway project coordination has been transferred from the Utilities Section within the Right of Way Bureau to the Rail Facilities and Permitting Section within the Rail Bureau. The repeal and replacement of 17.4.2 NMAC will delete sections related to highway/railway project coordination from the responsibilities of the Utilities Section, necessitating a new rule be created for highway/railway project coordination by the Rail Facilities and Permitting Section.

ACTION: Staff requests that the STC initiate a rulemaking action for the establishment of rule 18.14.5. A motion is required to initiate rulemaking.

## Agenda Item 10e

Approval of Proposed
Transfer of Roads
Pursuant to Cooperative
Agreement with the
Town of Bernalillo

### **Commission Brief**

SUBJECT: Request to transfer Piedra Lisa and Bell Lane per cooperative agreement to the Town of Bernalillo.

PRESENTER: Justin Gibson, P.E. District 3 Engineer

#### **BACKGROUND:**

Upon completing the U.S. 550 corridor the NMDOT has a cooperative agreement for a road transfer agreement between the Town of Bernalillo and New Mexico Department of Transportation. The transfer involves turning over jurisdiction and perpetual maintenance responsibilities for the North and South Backage Roads constructed as part of the first corridor project. (See attached MOU.) The North Backage road is now named Bell Lane and South Backage road is now named Piedra Lisa Road. The proposed transfer will reduce the departments maintenance responsibility. (See map for location.)

ACTION: Staff requests the STC approve the request to transfer Piedra Lisa and Bell Lane per Cooperative Agreement from NMDOT to Town of Bernalillo.

# COOPERATIVE PROJECT MAINTENANCE AGREEMENT I-25/US 550/NM 165 INTERCHANGE IN THE TOWN OF BERNALILLO

**WHEREAS**, the DEPARTMENT intends to reconstruct the Interstate 25 and US 550/NM 165 Interchange under Project No. A301220, Control No. A301220; and, Herein referred to as the "PROJECT".

WHEREAS, the interchange reconstruction includes a single point urban interchange (SPUI) configuration, widening US 550 from the NM 313 Intersection to the I-25 interchange, drainage improvements, lighting, signal, signing, striping, sidewalks, ADA upgrades, widening of Rail Runner Avenue, constructing Backage roads north and south of the US 550 and other miscellaneous construction activities; and,

**WHEREAS**, The TOWN agrees with the Department on the need for the North and South Backage Roads to improve safety and roadway operational efficiency on US 550.

WHEREAS, the Department has agreed to include North and South Backage Roads as part of PROJECT with no cost to TOWN; and,

WHEREAS, the North Backage Road will be built 450 feet on the north side of and parallel to US 550 from Rail runner Avenue\_to NM 313 (see Exhibit A)

WHEREAS, the South Backage Road will be built 380 feet on the south side of and parallel to US 550 from Rail Runner Avenue terminating at a cul-de-sac 375 feet east of NM 313 (see Exhibit A)

**WHEREAS**, the north extension of the Rail Runner Avenue, north of NMDOT Right Of Way will be constructed by the Department and will be turned over for ownership and maintenance by the TOWN. (See Exhibit A)

WHEREAS, the North Backage Road, South Backage Roads, and the Extension of Rail Runner Avenue will be herein referred to as the "ROADS"

**NOW, THEREFORE,** in consideration of the covenants contained herein and pursuant to Section 67-3-28, NMSA 1978, as amended, the parties agree as follows:

#### **SECTION ONE - PURPOSE:**

The purpose of this Agreement is to provide an understanding as it relates to the ownership and maintenance of the ROADS. This Agreement shall specify and delineate the rights and duties of the parties hereto.

#### **SECTION TWO - DEPARTMENT SHALL:**

- 1. Act as the lead agency for construction of the ROADS, as described in this agreement, making the construction of the ROADS part of Project No. A301220, Control No. A301220.
- 2. Be responsible for all project development, project letting and contract award activities.
- 3. Pay for and acquire all R/W required for construction of the ROADS.
- 4. Pay for all constructions costs, with exception of utilities, related to the construction of the ROADS.
- 5. Construct and perform project inspection of the ROADS.
- 6. Allow TOWN the right to inspect the construction of ROADS.
- 7. Maintain all records and documents relative to the design, right-of way acquisition, and construction of the ROADS for a minimum of three (3) years.

- 8. Furnish the TOWN, upon request, all records relevant to this agreement and to allow TOWN and the State Auditor the right to audit all records which support the terms of this agreement.
- 9. Transfer title of the ROADS to the TOWN upon completion of the PROJECT.

#### **SECTION TWO - TOWN SHALL:**

- 1. Assign a representative/appropriate project staff to act as point of contact and provide any technical assistance for this PROJECT.
- 2. Review and concur with the design of the proposed construction of ROADS.
- 3. Provide written acceptance of the construction of the ROADS being conducted as part of Project No. A301220, Control No. A301220.
- 4. Accept and record the title for the ROADS.
- 5. Upon completion of the PROJECT, accept ownership of ROADS.
- 6. Provide perpetual maintenance of the ROADS.

#### SECTION III: THIRD PARTY BENEFICIARIES:

None of the provisions contained within this Agreement are intended to create in the public or any member thereof a third party beneficiary or to authorize anyone not a party to the Agreement to maintain a suit(s) for wrongful death(s), bodily and/or personal injury(ies) to person(s), damage(s) to property(ies), and/or any other claim(s) whatsoever, pursuant to the provisions of this Agreement.

#### **SECTION IV: NEW MEXICO TORT-CLAIMS ACT:**

Neither the Department nor the TOWN shall be responsible for liability incurred as a result of the other Party's acts or omissions in connection with this Agreement. Any liability incurred in connection with this Agreement is subject to the immunities and limitations of New Mexico Tort Claims Act (Section 41-4-1, et seq. N.M.S.A. 1978) and any amendments thereto. This paragraph is intended only to define the liabilities between the parties hereto and it is not intended to modify, in any way, the parties' liabilities as governed by common law or the New Mexico Tort Claims Act. By entering into this Agreement, the Department and the TOWN, and their "public employees" as defined in the New Mexico Tort Claims Act, do not waive any sovereign immunity, nor do they waive any limitation(s) of liability pursuant to law. No provision in this Agreement modifies or waives any provision of the New Mexico Tort Claims Act.

#### **SECTION V: SCOPE OF AGREEMENT:**

This Agreement incorporates all the agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof, and all such covenants, agreements, and understandings have been merged into this written Agreement. No prior Agreement or understandings, verbal or otherwise, of the parties or their agents shall be valid or enforceable unless embodied in this Agreement.

#### **SECTION VI: TERMS OF THIS AGREEMENT:**

The terms of this Agreement are lawful; performance of all duties and obligations herein shall conform with and do not contravene any state, local, or federal statutes, regulations, rules, or ordinances.

#### **SECTION VII: EQUAL OPPORTUNITY COMPLIANCE:**

The Parties agree to abide by all federal and state laws and rules and regulations, and executive orders of the Governor of the State of New Mexico, pertaining to equal employment opportunity. In accordance with all such laws and rules and regulations, and executive orders of the Governor of the State of New Mexico, the parties agree to assure that no person in the United States shall, on the grounds of race, color, national origin, ancestry, sex, sexual preference, age or handicap, be excluded from employment with, or participation in, any program or activity performed under this Agreement. If the parties are found to not be in compliance with these requirements during the term of this Agreement, the parties agree to take appropriate steps to correct these deficiencies.

#### SECTION VIII: APPROPRIATIONS AND AUTHORIZATIONS:

The terms of this Agreement are contingent upon sufficient appropriations and authorizations being made by the Legislature of New Mexico, or the Congress of the United States if federal funds are involved, for performance of the Agreement. If sufficient appropriations and authorizations are not made by the Legislature or the Congress of the United States if federal funds are involved, this Agreement shall terminate upon written notice being given by the Department to the TOWN. The Department is expressly not committed to expenditure of any

funds until such time as they are programmed, budgeted, encumbered, and approved for expenditure by the Department. The Department's decision as to whether its funds are sufficient for fulfillment of this Agreement shall be final.

#### **SECTION IX: SEVERABILITY:**

In the event that any portion of this Agreement is determined to be void, unconstitutional or otherwise unenforceable, the remainder of this Agreement shall remain in full force and effect.

#### **SECTION X: PUBLIC ENTITY SOLE JURISDICTION:**

The Department is incorporating this PROJECT into the State Highway System with the exception of the ROADS. The TOWN will be adding the ROADS into the TOWN's Roadway system inventory.

#### **SECTION XI: PROJECT RESPONSIBILITY:**

Construction and installation of this PROJECT are the NMDOT's sole responsibility. After the completion of construction of the ROADS, the NMDOT has no future maintenance responsibilities of the said roadways and it will be sole responsibility of TOWN to maintain.

#### SECTION XII: CONTINGENT ON PROJECT BEING LET FOR CONSTRUCTION:

In the event that Project No. A301220, Control No. A301220 is not let for any reason; this Agreement shall become null and void and shall create no obligation on any of the Parties.

#### **SECTION XIII: AMENDMENT:**

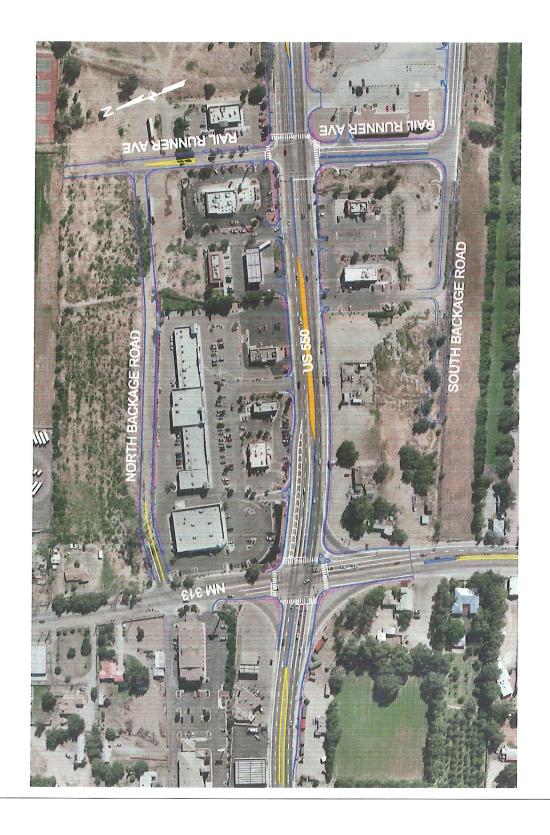
This Agreement shall not be altered, modified, or amended except by an instrument in writing and executed by the Parties hereto.

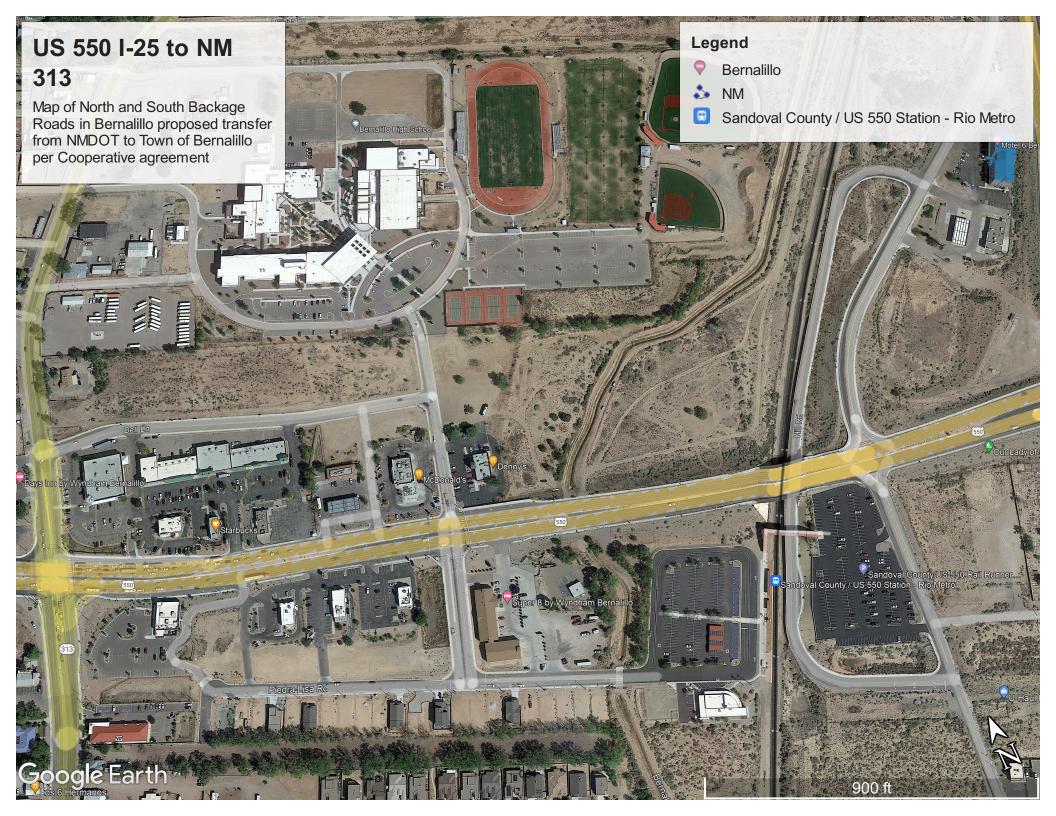
IN WITNESS WHEREOF, the parties have set their hands and seals this day and year set forth below.

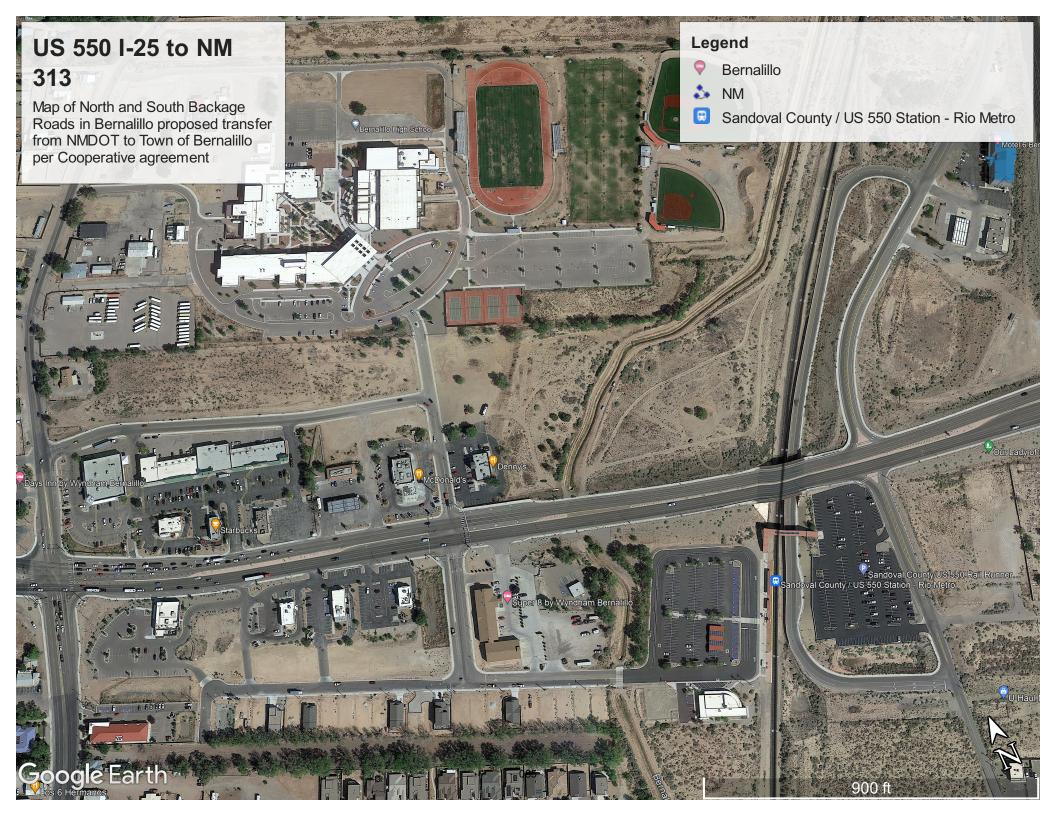
#### NEW MEXICO DEPARTMENT OF TRANSPORTATION

By:	Cabinet Secretary of Designee	Date: $\frac{9/z 3/r}{}$
Conc	urrence	
By:	Chief Engineer	Date: 9/9/12
By: \	Jamara Ablus District 3 Engineer	Date: 8/16/12
Appro Couns		New Mexico Department's Office of General
Ву:	Assistant General Counsel	Date: 8-6-12
TOW	N OF BERNALILLO	
By:	Chief Administrative Officer	Date:
Ву:	April 405 Mayor	Date: 8-13-14
Appro	ved as to legal form and sufficiency by the T	own of Bernalillo:

## Exhibit A







## Agenda Item 10f

Approval of Town of Red River Request to Designate New Segments of NM 38 for the Operation of Recreational Off-Highway Vehicles

### **Commission Brief**

**SUBJECT:** Town of Red River ("Town") request to designate new segments of NM 38 for the operation of Recreational Off-Highway Vehicles ("Route Designation Request").

PRESENTER: Paul Brasher, P.E., District 5 Engineer, NMDOT

**REFERENCE MATERIAL:** Town submission package supporting Route Designation Request.

**BACKGROUND:** In accordance with the Off-Highway Motor Vehicle Act, NMSA 1978, Sections 66-3-1001.1 and 66-3-1011, and NMSA 1978, Section 67-3-2(D), and pursuant to the provisions of Commission Policy 71, *Recreational Off-Highway Vehicles on Paved State Highways* ("CP 71"), the Town has submitted a Route Designation Request to the Commission. The new state highway segments the Town has requested to be designated as a recreational off-highway vehicle (ROV) route ("Designated Route") are more particularly described as: (1) NM 38 (Main Street) from Caribel Trail at MP 11.89 to Jayhawk Trail at MP 12.74; and (2) NM 38 on the southeastern side of the Town from its intersection with Wild Oak Trail at MP 12.93 to the southeastern Town limits at MP 13.23. The new segments will extend the NM 38 ROV Route previously designated by the Commission on August 18, 2016, by Resolution No. 2016-03 (AUG).

**ACTION:** The Commission is requested to take action to approve the Town's proposed Route Designation Request and to adopt Commission Resolution No. 2022-06 (MAY) contingent upon the following conditions: (1) the Town and NMDOT's execution of an amendment to the Maintenance Agreement - Recreational Off-Highway Vehicle Route Signage between NMDOT and the Town, effective as of September 10, 2018, which defines the roles and responsibilities for construction and maintenance of Designated Route facilities, including signage, the terms and conditions for ROV operation, and the allocation of legal responsibilities pertaining to the use of ROVs on the Designated Route; (2) construction and completion of any improvements to the Designated Route, including signage, required by NMDOT for the operation of ROVs, except that the Secretary of NMDOT may authorize use of the Designated Route utilizing temporary traffic control devices while the remaining contingencies are completed; (3) that all-terrain vehicles ("ATVs") shall not be operated upon the Designated Route; and (4) the Town shall be responsible for patrolling the Designated Route and enforcing the provisions of the Off-Highway Motor Vehicle Act and CP 71.

#### STATE OF NEW MEXICO

#### STATE TRANSPORTATION COMMISSION

#### **RESOLUTION NO. 2022-06 (MAY)**

### DESIGNATING ADDITIONAL SEGMENTS OF NM 38 FOR OPERATION OF RECREATIONAL OFF-HIGHWAY VEHICLES ("ROVs")

WHEREAS, on or about February 25, 2020, in accordance with the Off-Highway Motor Vehicle Act, NMSA 1978, Sections 66-3-1001.1 and 66-3-1011, and NMSA 1978, Section 67-3-2(D), and pursuant to the provisions of New Mexico State Transportation Commission Policy 71, *Recreational Off-Highway Vehicles on Paved State Highways* ("CP 71"), the Town of Red River ("Town") passed, approved and adopted Resolution No. 2020-02 requesting the New Mexico State Transportation Commission to designate new segments of the state highway system within the Town limits for the operation of ROVs ("Route Designation Request"); and

WHEREAS, on or about August 23, 2016, the Town passed, approved and adopted Ordinance No. 2016-09 allowing the operation of ROVs, under specific guidelines and restrictions, on paved streets and roadways within the Town limits, except that ROVs were not to be allowed between Caribel Trail on the west side of town and Jayhawk Trail on the east side of Town; and

WHEREAS, on or about August 25, 2020, in support of its ROV Route Designation Request, the Town passed, approved and adopted Ordinance No. 2020-02 amending Ordinance No. 2016-09 to allow the use of ROVs on all public streets and roads within the Town of Red River, subject to the limitations and restrictions set forth in Ordinance No. 2020-02; and

WHEREAS, the new state highway segments the Town has requested to be designated as an ROV Route are more particularly described as: (1) NM 38 (Main Street) from Caribel Trail at MP 11.89 to Jayhawk Trail at MP 12.74; and (2) NM 38 on the southeastern side of the Town from its intersection with Wild Oak Trail at MP 12.93 to the southeastern Town limits at MP 13.23, as depicted on the map attached hereto as Exhibit "A" ("Designated Route"). The new segments will extend the NM 38 ROV Route previously designated by the New Mexico State Transportation Commission on August 18, 2016, by Resolution No. 2016-03 (AUG); and

WHEREAS, CP 71 authorizes the New Mexico State Transportation Commission to designate segments of the state highway system for the operation of ROVs where the use of such vehicles complements the character of the community, and reasonably safe conditions can be maintained; and

WHEREAS, CP 71 does not authorize the New Mexico State Transportation Commission to designate segments of the state highway system for the operation of all-terrain vehicles (ATVs); and

WHEREAS, on February 11, 2020, the Town's Public Safety Committee submitted a letter to the New Mexico State Transportation Commission proposing that the Town recommend the expansion of ROV traffic to include all of NM 38/Main Street within the Town limits; and

WHEREAS, on April 27, 2022, Town Marshal, James Johnson, submitted a letter to the New Mexico State Transportation Commission supporting the Town's ROV Route Designation Request; and

WHEREAS, on April 27, 2022, in accordance with the provisions of CP 71, the NMDOT, through its District Five Engineer, submitted to the New Mexico State Transportation Commission its recommendation verifying that ROVs can be operated with reasonable safety on the Designated Route; and

NOW, THEREFORE, BE IT RESOLVED THAT THE NEW MEXICO STATE TRANSPORTATION COMMISSION recognizes the importance of approving the Town's ROV Route Designation Request for the promotion of tourism and recreation in and around the Town as it applies to ROVs and in conformity with CP 71; and

BE IT FURTHER RESOLVED, THAT THE NEW MEXICO STATE TRANSPORTATION COMMISSION, grants the Town's ROV Route Designation Request contingent upon the following conditions: (1) the Town and NMDOT's execution of an amendment to the Maintenance Agreement - Recreational Off-Highway Vehicle Route Signage between NMDOT and the Town, effective as of September 10, 2018, which defines the roles and responsibilities for construction and maintenance of Designated Route facilities, including signage, the terms and conditions for ROV operation, and the allocation of legal responsibilities pertaining to the use of ROVs on the Designated Route; (2) construction and completion of any improvements to the Designated Route, including signage, required by NMDOT for the operation of ROVs, except that the Secretary of NMDOT may authorize use of the Designated Route utilizing temporary traffic control devices while the remaining contingencies are completed; (3) that ATVs shall not be operated upon the Designated Route; and (4) the Town shall be responsible for patrolling the Designated Route and enforcing the provisions of the Off-Highway Motor Vehicle Act and CP 71.

ADOPTED BY THE STATE TRANSPORTATION COMMISSION IN OPEN MEETING ON MAY 19, 2022.

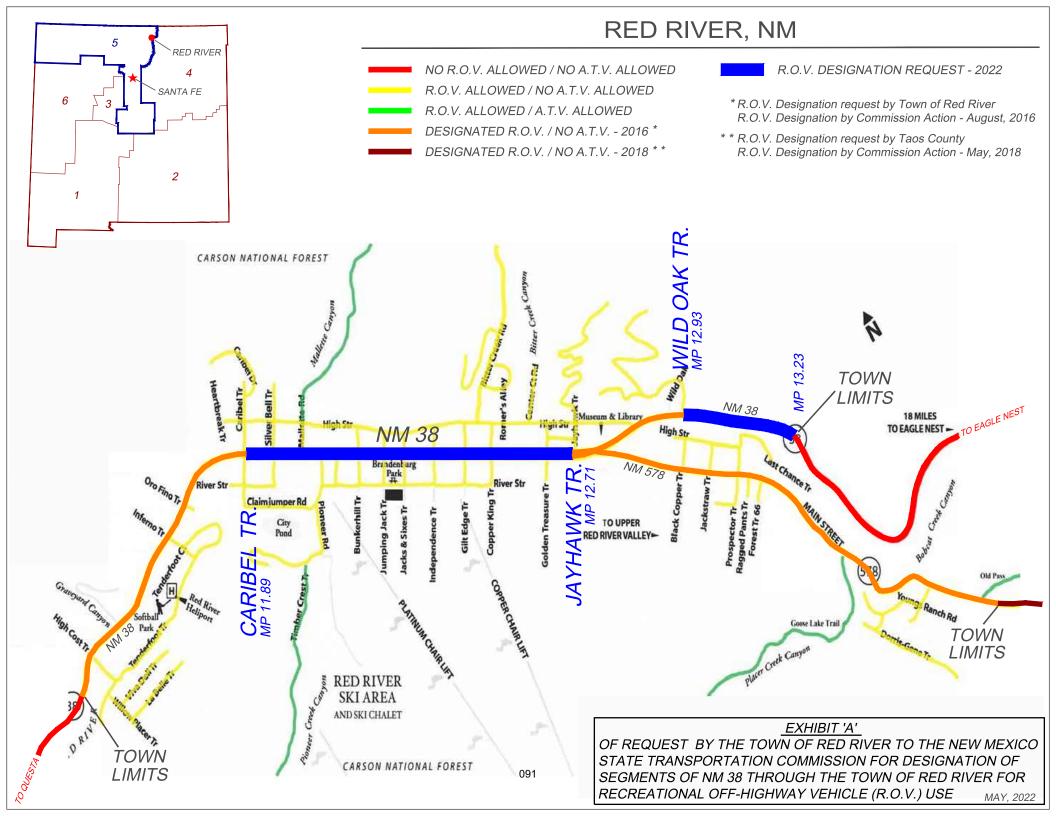
Walter G. Adams, Chairman	
District 4	
Jennifer Sandoval, Vice-Chair	
District 1	

Charles Lundstrom, Secretary
District 6

Bruce Ellis, Commissioner
District 2

Hilma E. Chynoweth, Commissioner
District 3

Thomas C. Taylor, Commissioner
District 5



#### TOWN OF RED RIVER

#### **ORDINANCE 2020-02**

AN ORDINANCE AMENDING ORDINANCE 2016-09, ALLOWING THE USE OF RECREATIONAL OFF-HIGHWAY VEHICLES, UNDER SPECIFIC GUIDELINES AND RESTRICTIONS, ON PAVED STREETS AND ROADWAYS INSIDE THE TOWN LIMITS OF RED RIVER PURSUANT TO SECTION 66-3-1011 NMSA 1978; PROVIDING FOR ENFORCEMENT; PROVIDING A PENALTY FOR VIOLATION.

BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF RED RIVER, NEW MEXICO, THAT:

Article 1: Short title.

This Ordinance shall be known and may be cited as the Off-Highway Vehicle Ordinance of the Town of Red River.

Article 2: Purpose and Definition.

The purpose of this Ordinance is to enact where Recreational Off-Highway Vehicles (ROVs) may or may not be operated inside the town limits of Red River (the "Town") and provide requirements and restrictions for said operations in a safe and orderly manner.

For the purposes of this Ordinance, a Recreational Off-Highway Vehicle (ROV) is defined in accordance with Section 66-3-1001.1(E)(4) NMSA 1978, which reads:

"Recreational off-highway vehicle"... means a motor vehicle designed for travel on four or more non-highway tires, for recreational use by one or more persons, and having:

- (a) a steering wheel for steering control;
- (b) non-straddle seating:
- (c) maximum speed capability greater than thirty-five miles per hour;
- (d) gross vehicle weight rating no greater than one thousand seven hundred fifty pounds;
- (e) less than eighty inches in overall width, exclusive of accessories:
- (f) engine displacement of less than one thousand cubic centimeters; and
- (g) identification by means of a seventeen-character vehicle identification number.

Article 3. Safe Operation of ROVs inside Town Limits; Limitations and Prohibitions.

The operation of ROVs on public streets and roads within the Town of Red River is permitted in accordance with Section 66-3-1011(C) NMRA 1978, and subject to the limitations and restrictions stated in this Ordinance. All ROV operation within the Town shall be in compliance with Sections 66-3-1003 through 66-3-1021 NMSA 1978 (the Off-Highway Motor Vehicle Act). In addition, all ROV operation in the Town shall comply with the following:

(a) No operation of ROVs inside town limits shall be allowed between the hours of 8:00 p.m. and 8:00 a.m.

- (b) Operators of ROVs shall follow all laws and ordinances pertaining to the operation of motor vehicles as described in Chapter 66, Article 7, NMSA 1978 (Traffic Laws; Signs, Signals and Markings; Accidents; Wight and Size; Traffic Safety).
- (c) All operators must be at least sixteen (16) years of age and have a valid driver's license. A learner's permit of any type shall not be valid for the operation of an ROV. A motorcycle operator's license shall not be valid for the operation of an ROV. In addition, operators under the age of eighteen (18) years must, in accordance with State law:
  - 1. Wear approved, protective eyewear.
  - 2. Never carry a passenger, regardless of age; and
  - 3. Obtain and carry a certificate showing completion of an OHV operation safety course.
- (d) The ROV being operated must be insured under the provisions of the Mandatory Financial Responsibility Act (Section 66-5-201 et seq., NMSA 1978) and the operator must be able to show proof of the insurance or have proof of financial responsibility. The proof of insurance of proof of financial responsibility must have the vehicle identification number of the ROV being operated clearly shown on said proof. A home owner's insurance policy shall not suffice under this Ordinance.
- (e) All ROVs must be operated in single file and are never to be operated side by side with another ROV.
- (f) All operators and occupants under the age of eighteen (18) years must wear eye protection and safety helmets as provided by Section 66-3-1010.3(B)(1) NMSA 1978.
- (g) Pursuant to Section 66-3-1011(C) NMSA 1978, ROVs operated within the Town must have the following equipment in good operating condition:
  - 1. One or more headlamps that comply with the Off-Highway Motor Vehicle Act;
  - 2. One or more tail lamps that comply with the Off-Highway Motor Vehicle Act;
  - 3. Brakes;
  - 4. At least one mirror; and
  - 5. Muffler which keeps the maximum noise to a limit no greater than 96 db.
  - (h) All operators and occupants shall be properly secured by safety restraints.
  - (i) No approaching of wildlife while on ROVs is allowed.
- (j) No operator or passenger may be seated on any part of the ROV that is not a designed seat intended for that purpose.
- (k) ROVs shall be operated in the proper traffic lane and shall be as far to the right of any lane as is safely possible.

(l) In addition to the foregoing rules and restrictions, no person shall operate an ROV in a careless, reckless or negligent manner or in any manner that endangers the person or property of another.

#### Article 4: Enforcement.

Any officer of the Town and any peace officer commissioned by any local, county or state agency within the State of New Mexico may enforce these regulations. In addition to enforcement powers, a peace officer may conduct random administrative stops in order to ensure compliance with registration, insurance and safety equipment requirements and may cite into court any person found to be operating an ROV in violation of any Town regulation.

#### Article 5: Penalty.

Any person violating any provision of this Ordinance shall be subject to a fine not to exceed five hundred dollars (\$500.00) and imprisonment not to exceed ninety (90) days. Each day or event of violation shall be a separate offense.

#### Article 6: Effective Date.

TCIPAL CLERK

This Ordinance shall become effective five (5) days after passage and publication as provided by law.

PASSED, APPROVED AND ADOPTED by the Governing Body of the Town of Red River this 25<sup>th</sup> day of August, 2020.

TOWN OF RED RIVER

LINDA CALHOUN

MAYOR

### TOWN OF RED RIVER RESOLUTION 2020-02

RESOLUTION REQUESTING THE STATE OF NEW MEXICO DEPARTMENT OF TANSPORTATION APPROVE THE USE OF OFF HIGHWAY VEHICLES ON STATE HIGHWAY 38 WITHIN THE TOWN LIMITS OF RED RIVER

WHEREAS, the Town of Red River contains portions of State Highways 578 and 38 and it would be advantageous for the Town and Off Highway Vehicle users to be authorized by the State to operate their vehicles on State Highway 38/within Town limits and;

WHEREAS, The Public Safety Committee has proposed that the Town of Red River expand ROV traffic to include all of Highway 38/Main Street to coincide with all municipal streets for the following:

 Excessive traffic congestion on High Street which results in excessive disruption to residence and businesses on High Street would be reduced.

2. This will allow the Marshal's office more adequate ability to regulate traffic in more uniform manner by making the law same for all streets.

3. This will reduce much confusion for the use of ROVs for all those concerned.

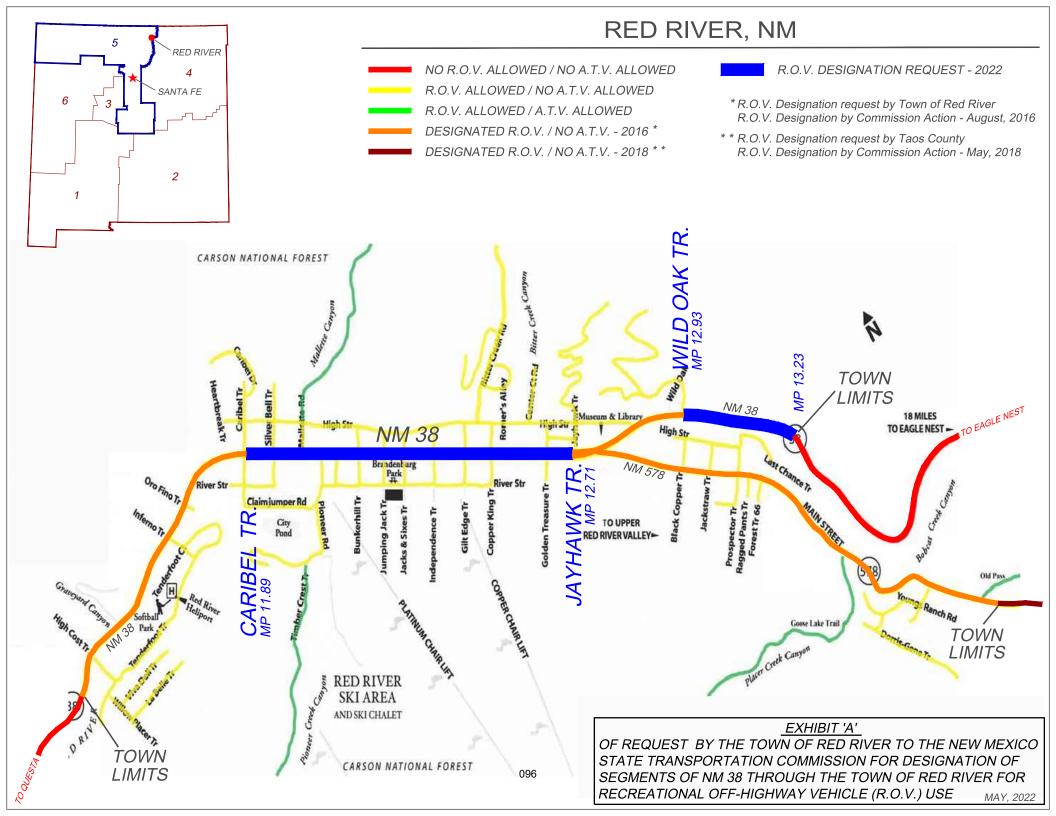
NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Town of Red River that it is hereby requested that the New Mexico Department of Transportation include the designation of NM38/Main Street for use of Off Highway Vehicles:

PASSED, APPROVED AND ADOPTED by the Governing Body of the Town of Red River, New Mexico, this 25th day of February 2020.

TOWN OF RED RIVER

Georgiana Rall, Municipal Clerk

<u>Linda Calhoun</u> Linda Calhoun, Mayor





April 27, 2022

Walter Adams, Chair New Mexico State Transportation Commission P. O. Box 1149 Santa Fe, New Mexico 87504

RE: TOWN OF RED RIVER REQUEST FOR ROV DESIGNATION – DISTRICT RECOMMENDATION

#### Chairman Adams:

The Town of Red River has requested that the State Transportation Commission approve the designation of certain segments of NM 38 within the Town for use by Recreational Off-Highway Vehicles (ROV's). In evaluating this request, District 5 has considered the following factors:

- 1. The segments of roadway are located within the municipal limits of the Town of Red River, are not limited access highways, and each is posted at a speed limit of 45 mph or less; and,
- 2. The Town of Red River has enacted an Ordinance in conformity with the Off-Highway Motor Vehicle Act, allowing for the operation of ROVs within its jurisdiction, and including as requirements, qualifiers set forth in Sub-section E(4) of 66-3-1001.1 and Sub-section C of 66-3-1011, and mandatory safety restraints for ROV operators and passengers; and,
- 3. The Town of Red River has passed a Resolution requesting the Commission to designate certain specific segments of NM 38 for ROV use; and,
- A detailed map has been prepared showing the desired location and description of the proposed route designations, which includes the termini and adjacent recreational facilities that would connect to the designated routes; and,
- 5. A maintenance agreement between the Town of Red River and NMDOT is in preparation which will define the roles and responsibilities for the construction and maintenance of route facilities, terms and conditions for operation, and allocation of legal responsibilities pertaining to the use of ROVs on the designated routes; and,
- 6. In its request and accompanying supporting documentation, the Town of Red River has demonstrated that the designated routes are clearly intended for recreational access of ROVs, in the public interest, and not for the sole benefit of any private interest, business, or organization; and,

Michelle Lujan Grisham Governor

Michael R. Sandoval Cabinet Secretary

#### Commissioners

Jennifer Sandoval
Commissioner, Vice-Chairman
District 1

Bruce Ellis Commissioner District 2

Hilma Espinoza Chynoweth Commissioner District 3

Walter G. Adams Commissioner, Chairman District 4

Thomas C. Taylor Commissioner District 5

Charles Lundstrom Commissioner, Secretary District 6

- The Town has submitted documentation showing the support of Town Administration and law enforcement, together with the prevailing support of the community for the route designations requested; and,
- 8. In response to a request by District 5, the Town engaged the services of a traffic engineering professional to conduct a safety study regarding the use of ROV's within the Town. The study included data collection, considered best practices, crash history, roadway inventory, noise assessment, law enforcement, and hours of operation. Findings concluded that the use of ROV's on the routes proposed could lessen congestion and present safer conditions than restricting ROV's to only crossing maneuvers; and.
- 9. The designations requested will comply with all state and federal laws and regulations.

#### RECOMMENDATION:

The District has determined that ROV's can be operated with reasonable safety on the routes proposed for designated for ROV use, taking into consideration the pavement condition; road geometry; road safety features; speed limits; the analysis and findings of the safety study; ROV safety standards; and the limitations on hours of operation. It is the recommendation of the District that pursuant to Commission Policy 71, the Transportation Commission approve the designation of segments of NM 38 within the Town of Red River for ROV use.

Thank you.

Paul Brasher, PE

District 5 Engineer, NMDOT

cc: Rick Padilla, Chief of Highway Operations, NMDOT
Javier Martinez, District 5 Assistant Dist. Engineer – Engr. Support, NMDOT
Tom Taylor, District 5 Commissioner



#### **TOWN OF RED RIVER**

#### **MARSHAL'S OFFICE**

P.O. Box 410, Red River, New Mexico 87558 (575)754-6166

April 27, 2022

Paul Brasher, District Engineer NM DOT – District 5

Request for use of NM 38, (Main Street) inside the Town of Red River:

Mr. Brasher.

I would like to express my support for the efforts of the Town of Red River in gaining your approval for the use of NM 38 also known as Main Street, which is located inside the town limits of Red River, for the purpose of allowing Recreational Off-Highway Vehicles (ROVs) to drive down Main Street and continue to access trailheads. As you are well aware, Red River has been and continues to be a major tourism destination for the state of New Mexico. By allowing our visitors to drive down Main Street and to access the trailheads from their point of lodging would be a huge financial boost to our tourism base. The town and the citizens are excited about the opportunities this would provide.

I have full confidence in the ability of my department and that of my officers to monitor the ROV traffic in and around the Town of Red River. I do not foresee any issues that may arise that can't be handled safely, fairly and in the best interest of all parties involved.

Please accept this letter as my support for the town's request for the use of this highway.

Respectfully,

James Johnson

Marshal, Red River Marshal's Office



#### TOWN OF RED RIVER

(575) 754-2277 www.redriver.org 100 East Main Street PO Box 1020 Red River, NM 87558

April 27, 2022

Paul Brasher, District Engineer NM DOT – District 5

RE: Support of ROV use on Main Street (Highway 38)

Dear Mr. Brasher,

As Mayor of the town of Red River, I would like to express my support for allowing Recreational Off-Highway Vehicles to use Highway 38 through the municipal limits of Red River for the purpose of accessing trailheads. The town is seeing a substantial increase in the number of guests that are trailering machines to use on the surrounding trails. We currently allow this usage on High Street and River Street, and we feel it would be advantageous to spread this traffic between all three of our main roadways.

Tourism is our only industry and economic driver, and we are always looking for ways to improve our guests experience in a safe manner while being sensitive to the needs and desires of our year-round residents.

I have full support of my Town Council and my Marshal's office.

Thank you for your consideration of this request.

Sincerely,

Linda Calhoun

Mayor, Town of Red River

Linda Calhour

### TOWN OF RED RIVER RESOLUTION 2020-02

RESOLUTION REQUESTING THE STATE OF NEW MEXICO DEPARTMENT OF TANSPORTATION APPROVE THE USE OF OFF HIGHWAY VEHICLES ON STATE HIGHWAY 38 WITHIN THE TOWN LIMITS OF RED RIVER

WHEREAS, the Town of Red River contains portions of State Highways 578 and 38 and it would be advantageous for the Town and Off Highway Vehicle users to be authorized by the State to operate their vehicles on State Highway 38/within Town limits and;

WHEREAS, The Public Safety Committee has proposed that the Town of Red River expand ROV traffic to include all of Highway 38/Main Street to coincide with all municipal streets for the following:

- 1. Excessive traffic congestion on High Street which results in excessive disruption to residence and businesses on High Street would be reduced.
- 2. This will allow the Marshal's office more adequate ability to regulate traffic in more uniform manner by making the law same for all streets.
- 3. This will reduce much confusion for the use of ROVs for all those concerned.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Town of Red River that it is hereby requested that the New Mexico Department of Transportation include the designation of NM38/Main Street for use of Off Highway Vehicles:

PASSED, APPROVED AND ADOPTED by the Governing Body of the Town of Red River, New Mexico, this 25th day of February 2020.

TOWN OF RED RIVER

Georgiana Rael, Municipal Clerk`

Linda Calhoun, Mayor



#### TOWN OF RED RIVER

(575) 754-2277 www.redriver.org 100 East Main Street PO Box 1020 Red River, NM 87558

February 11, 2020

**New Mexico State Transportation Commission** 

To Whom it May Concern:

The public safety committee proposes that the Town of Red River recommend the expansion ROV traffic to include all of Highway 38/Main Street within Town limits to coincide with the traffic on High Street, River Street and all other municipal streets for the following reasons:

- 1. Excessive traffic congestion on High Street which results in excessive disruption to residences and business on high street would be reduced.
- 2. This will give the Marshal's office more adequate ability to regulate traffic in a more uniform manner by making the law the same for all streets.
- 3. This will reduce much confusion for the use of the ROVs for all those concerned.

It is important to the Committee to have the opinion of all residents and business owners in the community; therefore, a petition for the support or opposition will be attached to this letter of recommendation.

Respectfully,

Town of Red River Public Safety Committee

George Weerndle, Committee Chair

Ted Calboun

Daniel Lamb

Chris Green

Kelley Cheri



### TOWN OF RED RIVER Marshal's Office

(575) 754-6166 100 East Main Street PO Box 410 Red River, NM 87558

New Mexico State Transportation Commission

3-25-20

Dear Sirs,

In reference to the request from the community of Red River, New Mexico for the extension of the R.O.V. Zone to be extended to include all of Main St (State Highway 38). Currently, the state has a provision to allow R.O.V. traffic on SH 38 at each end of the Town of Red River, but not on the primary thoroughfare of Main St. R.O.V. traffic is diverted to River St and High St, each running parallel to Main St. High St is the only alternate route that can access both ends of town without crossing Main St.

The Red River Public Safety Committee (comprised of private citizens and business owners) has made a written request and gathered a public petition from the community in support of requesting this change through the State.

As outlined by the NMSTC, I am giving written support to their request for the following reasons:

- 1. I have not seen an indication that R.O.V.'s on Main St pose an unreasonable safety hazard any more than traditional passenger vehicles. An extraordinary amount of time is spent trying to keep R.O.V.'s off Main St while other state laws and ordinances go unenforced.
- 2. I do not believe High St is a reasonable, alternate route due to this street being very narrow and only a few feet away from numerous residences. The noise and congestion is stressful to these residents and restricts their quality of life. Because this street is narrow, the high volume of traffic reduces this street to one lane at times, creating a safety hazard. Allowing R.O.V.'s on Main St would dramatically reduce traffic on High St.
- 3. Due to the high volume of tourists spending their vacations in Red River for just a few days at a time, it is very difficult to enforce and educate operators of the R.O.V.'s from travelling, on what appears to them, a natural thoroughfare. Visitors are confused by the restricted routes.
- 4. I believe business commerce will be increased by extending this route for R.O.V.'s.
- 5. There is support from the community.

Sincerely,

Tim Boren Marshal

Red River Marshal's Office

Signature	Name	Physical Address	In Favor of	Opposed
The	TED LALPOUN	307 W. MAN	X	
Linda Calhou	Linda Calhour	301 w main	X	
Kurt Vegal	Kristen Rychir	le Beaver Rel	X	
HAD	JAMERICHIE	Le Beder Rd	X	
Kelleycowy	KelleyCherry	410 W. Main 87.	X	À
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Signature	Name	Physical Address	In Favor of	Opposed
Khilly	Racheal Relm	1100 Emain st.		<b>/</b>
Sharon Drumm	Sharon Drum	1 201 w main		V
Pat Shiresas	Rat Shirely	201 W. main		
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Sharn Howal	Sharon Howard	GO212 E High Street		V
	ANTHONY Howard	43 45 45 45 45 45 45 45		~
7438	JOE BANDY	1325 E. MAIN ST.		
Jennie Burer	Terrie Bown	334 Center Court Rd.		

Name	Physical Address	In Favor of	Opposed
Justin Whitfork	111 MAHETTE RID		
DNette Writtock	111 Mallette Rd	V	
Emma Beat	105 E Main St		
Trucy Green	1058. Main St	1	
Chris Green	105 E Main St		
	MAN		
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new	mexico	1	/
	Justin Whitlack  Nette Whitlock  EmmaBeat	Justin Whitford III Mallette RD  Diette Unithor III Mallette RD  EmmaBeat 105 & Main St  Trucy Green 105 & Main St  Chris Green 105 E Main St	Justin whitlack III Mallette RD  DNette Whitlock III Mallette Rd  EmmaBeat 105 Emin St

Signature	Name	Physical Address	In Favor of	Opposed
allen M Grus	Eller Gay	1308 & Main 8t		X
	THE RESERVE OF THE PROPERTY OF	420 E Main st	$\nearrow$	
But Centry	Ben Cerveny	1308 EMain St		X
Master	HA. NATHY WILLIAM CA.	612 W Main St		X
m	THE REAL PROPERTY AND ADDRESS OF THE PARTY AND	506 W Main St		X
RB+ Hulana		~ 100 High Cost Trail		
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Sanabwer	. 1	Rigarchindecided	-4	
	Becky Allen	1000 N. Independence Tr.		X
Mm	NIWIE REHM	100 N independence Tr + 14		X
ORWenser	CHARLES WENGER	100 N INDEPENDENCE TR #14		X

Signature	Name	Physical Address	in Favor	Opposed
Kuberrythese	Kimberly Leach	1216 Powder Puff		X
1	BRE Leach	1216 Powder Duff		X
a Calif	Nicholas Church	24 Sangre De Cristo		X
Jerry Church	Jenny	1124 Sangr De Cristo		X
Contract of	Vinerya.	111 Valley of he Pines		X
Jugun	JACK A. SHAW	71 SPRVCE		X
Lakar	KAREN [	HOS TO EST WATER		X
wan Sphar	Sugarel	370 Stage Goach Bend		X
Lisableston	Weathers.	7/20 (a) Marin		X
19/h		712 W Main PR	4	>
Ling Truit		795 W High Red Rivon		X
Sherri Daly	Sheppi Foky	PBX 848	X	
Sheri Daly	DAN FORY	PBX 848	X	

From: Carol Woerndle cjwoerndle@gmail.com

Subject: ROV

Date: Feb 20, 2020 at 5:23:02 PM

To: kelleysb@yahoo.com

# Carol Woerndle 615 west High Street FAVOR

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Today is the first day of the rest of your life, Peace and Happiness Always.

Carol J. Woerndle Sitzmark Sports and Lodging 1-800-843-7547 www.sitzmarknm.com From: Jason Hink jhink@cimarex.com

Subject: Rov vote

Date: Feb 20, 2020 at 11:03:03 AM

To: kelleysb@yahoo.com

1 Robert Jason Hink

2 My address is 500 w. High street Red River nm

3. I am in favor I vote yes

From: Reed Weimer reed.weimer@verizon.net

Subject: OHV Petition

Date: Feb 20, 2020 at 11:39:01 PM

To: kelleysb@yahoo.com

1. Reed Weimer

2. 910 Tenderfoot Trl

Red River, NM 87558

3. In favor.

From: koper corp kopercorp@gmail.com

Subject: For allowing side by sides on Main Street

Date: Feb 14, 2020 at 12:56:31 AM

To: kelleysb@yahoo.com

Seth Koper, <u>580-774-8323</u>, owner Eisenhut unit #16, 111 Mallette Rd. Red River New Mexico. I am for allowing side by sides of all types to travel on Main Street in Red River. Thanks



From: Robert Williams rwilliams 4284@gmail.com

Subject: ROV petition

Date: Feb 13, 2020 at 7:16:50 AM

To: kelleysb@yahoo.com

Good day. We are Robert and Nikki Williams owners of appt. #11 Eisenhut Condos 111 Mallotte Rd. We vote YES for allowing ROV's on Main St. Thanks Robert and Nikki

Sent from my iPad

From: Jon Breaux Jon.Breaux@aggreko.com

Subject: ROV Petition

Date: Feb 13, 2020 at 8:15:53 AM

To: kelleysb@yahoo.com

#### Kelley,

I would like to sign the petition in FAVOR of allowing ROV traffic.

Jon & Stephanie Breaux 111 Mallette Road, Unit #21 Red River NM

Voting FOR allowing the ROV on Main Street.

#### Jon Breaux

T: +1 337 369 2127 (Internal: 81102127) | M: +1 337 967 0014

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From: Robert Briscoe rbriscoe22@comcast.net

Subject: ROV Petition-Hwy 38/Main Street

Date: Feb 13, 2020 at 5:26:58 PM

To: kelleysb@yahoo.com

#### Hello Kelley,

I am requesting to sign the Petition for the above matter for each of us:

Robert B. Briscoe II (For) Maryvonne Briscoe (For) 111 Mallette Rd. Unit #19 Red River, NM 87558

Thank you, Maryvonne Briscoe



, From: Pat Foley grannytrak@aol.com

Subject: Re: Petition

Date: Feb 12, 2020 at 10:40:29 PM

To: Kelley Cherry kelleysb@yahoo.com

## You bet! 1511 Youngs Ranch Rd

## Sent from my iPad

On Feb 12, 2020, at 10:04 PM, Kelley Cherry < kelleysb@yahoo.com > wrote:

I'm sorry! Can you also send me your physical address for the record.

Thank you!

Sent from my iPhone

On Feb 12, 2020, at 9:41 PM, Pat Foley <grannytrak@aol.com> wrote:

Great! Our option is "we are FOR allowing ROV's on the highway/Main Street.

Thank you so much!

Sent from my iPad

On Feb 12, 2020, at 9:34 PM, Kelley Cherry < kelleysb@yahoo.com > wrote:

Yes. Just email back with your opinion and I can print it and attach it to the petition.

Thank you!

Sent from my iPhone

On Feb 12, 2020, at 2:20 PM, Pat Foley <grannytrak@aol.com> wrote:

Hey Kelley,

Bob and I are out of town, but would love to have an opportunity to sign the petition. Would it be possible to sign by email or proxy?

Thank you,
Pat Foley
grannytra@aol.com

Sent from my iPad

# ROV Highway 38/Main Street Access Proposal Community Input Petition

The Red River Public Safety Committee is proposing the expansion of ROV traffic to include Highway 38/Main Street within town limits.

Signature	Name	Physical Address	in Favor of	Opposed
Joden Day	JODEE THAYER	177 Ragged Parks Tr.	✓	
The South	Steve Gorsich	117 Rassed Pants Tr.	V	
In WW	DAVID Willis	606 E High St	V	
Donling	Toli Chery	Note Ragned Panks		
May	Madismoos	402 Bitwent R	~	
Dehil 1 Yata	DEBOLATI	301 E Main &		
Christ ulm	Heilaman 1	100 High sost Trail	V	
Confin	Fly this out	A A T		4
Vike Sport	Vicki Swigars	417 W main St.		1
19	Pauletekiko	DO W Main.	4	V
Parkall Kife		1501 W Main		
Kalbs Kiker	Dallas Kiker	1501 W Main		V
V/	The second of th	201 W Man St, G02		
Clar Bou	Rethan Brown	1661 EAST MAINST	V	
Peace McDar	sell fatures	avec 118371 E Mainst	4	

Name Physical Address
[Cimorron Digs 1207 Tenderfoot 15 Packiver, NAM 87558 Infavor Chan 1 3/6

From: Marisa Nimon marisa.nimon@gmail.com

Subject: Vote for ROV Petition

Date: Feb 20, 2020 at 4:33:31 PM

To: kelleysb@yahoo.com

## Hi Kelley,

Please consider this my vote for the ROV Petition. I am opposed to these changes. My physical address is 1325 E. Main St, Unit 3 Red River, NM 87558.

Thank You, Marisa Nimon



From: info@arrowheadlodge.com

Subject: Petition

Date: Feb 20, 2020 at 5:06:36 PM

To: kelleysb@yahoo.com

## Hi Kelley,

This is John & Loretta West managers at the Arrowhead Lodge. We have been extremely busy and let the deadline catch up on us. If possible would you please enter our preference as to not in favor on the petition.

Thanks,
John & Loretta West
Arrowhead Lodge
405 Pioneer Rd
Red River, NM 87558
575-754-2256



From: Paula Vance vancepaula@aol.com

Subject: Petition

Date: Feb 12, 2020 at 5:15:19 PM

To: kelleysb@yahoo.com

We are against the ordinance to allow side by side vehicles in town!

We are property owners at The Eisenhut, unit #22

Don and Paula Vance

From: Christine Orsak orsak3@gmail.com

Subject: ROV in town

Date: Feb 13, 2020 at 10:19:44 AM

To: kelleysb@yahoo.com

Hi Kelley! Christine Orsak 1312 Powder Puff Trail Against ROV s in town



From: Barbara Dry barbaradry65@hotmail.com

Subject: Petition re ROV's

Date: Feb 13, 2020 at 10:01:49 PM

To: kelleysb@yahoo.com

Hello! Kelley,

I am sending both my and Eddie's desires concerning the petition to allow ROV's on Main Street/Highway 38 in Red River:

Barbara Dry

**Eddie Dry** 

Owners of townhouse at

606 Grandview Lane

Red River, NM 87558

Eddie and Barbara Dry do NOT approve of allowing ROV's on Main Street/Highway 38 in Red River.

Thank you for the opportunity to participate in this decision.

Barbara Dry
505-331-9587
barbaradry65@hotmail.com
Eddie Dry
505-250-0929
eddiedry@hotmail.com
PO Box 548; Red River, NM 87558
Sent from my iPhone



From: Letha Allen terry515@centurytel.net

Subject: Vote

Date: Feb 14, 2020 at 9:13:06 AM

To: kelleysb@yahoo.com

Terry and letha Allen 121 east Main Street OPPOSED

Sent from my iPad



From: Cindy Swagerty riverside 201@yahoo.com

Subject: Off road vehicle vote

Date: Feb 14, 2020 at 11:43:37 AM

To: kelleysb@yahoo.com

If you are not in town to sign, you can email your opinion to Kelley Cherry at kelleysb@yahoo.com. Please include:

- 1. Name
- 2. Red River Physical Address
- 3. In favor of or opposed

### Thank you!

1. Craig and Cindy Swagerty

2. 121 East Main Street

3 opposed