

**NEW MEXICO
DEPARTMENT OF TRANSPORTATION**

TRANSPORTATION COMMISSION MEETING



August 18, 2022

**Farmington Civic Center
200 W. Arrington Street
Farmington, NM 87401**

NEW MEXICO STATE TRANSPORTATION COMMISSION

Farmington Civic Center

200 W. Arrington Street

Farmington, NM 87401

August 18, 2022

8:30 a.m.

Agenda

- 1. Call to Order:** Walter G. Adams, Chairman
 - a. **Establish Quorum**
 - b. **Pledge of Allegiance**
- 2. Approval of Agenda:** Walter G. Adams, Chairman
- 3. Approval of Minutes:** Regular Meeting of July 21, 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. Approval of Governor Michelle Lujan Grisham's Appointment of Ricky Serna as Secretary, Department of Transportation:** Ken Baca, General Counsel, NMDOT
- 8. Four Corners Freight Rail Project:** Mike Stark, County Manager, San Juan County; Arvin Trujillo, CEO, Four Corners Economic Development; and Kevin Keller, Vice President, HDR Engineering, Inc.
- 9. District Five Update:** Paul Brasher, P.E., District Five Engineer, NMDOT
- 10. Staff Briefings**
 - a. **Secretary Report:** Ricky Serna, Cabinet Secretary, NMDOT
 - b. **FHWA Report:** Cindy Vigue, Division Administrator, FHWA
- 11. Finance Reports**
 - a. **Financial Status Update:** Mallery Manzanares, Administrative Services Director, NMDOT
 - b. **Action Item: Budget Adjustment Request (BAR) No. 6 – Clayton Port of Entry:** Franklin Garcia, Modal Director, NMDOT
 - c. **Action Item: FY23 Transportation Project Fund Final Project Selection and Funding Amounts:** Clarissa Martinez, State Grants Manager, Project Oversight Division, NMDOT
 - d. **New Mexico Finance Authority (NMFA) Report:** Mark Lovato, Investment Manager, NMFA

12. Policy Reports

- a. **Action Item: Reissuance of Commission Policies with a New Effective Date:**
 - No. 2 - New Mexico State Transportation Commission Code of Conduct (CP 2);**
 - No. 3 - Approval of Secretary (CP 3);**
 - No. 4 - New Mexico State Transportation Commission Rules and Policies; (CP 4);**
 - No. 5 - Involvement in Operations (CP 5);**
 - No. 21 - Annual Report (CP 21);**
 - No. 29 - Disposition of Real Property (CP 29);**
 - No. 41 - Annual Budget Policy (CP 41);**
 - No. 43 - Annual Financial Audit by External Auditor (CP 43);**
 - No. 44 - Funding Assistance to Local Governments (CP 44);**
 - No. 47 - Archaeological Costs (CP 47);**
 - No. 61 - Memorial or Honorary Designation or Dedication of Highways,
Transportation Facilities and Structures (CP 61);**
 - No. 69 - Landscape Development on State Transportation Facilities (CP 69);**
 - No. 70 - Red Light and Speed Enforcement Cameras (CP 70);**
 - No. 71 - Recreational Off-Highway Vehicles on Paved State Highways (CP 71);**
 - No. 84 - Snow Removal Priorities (CP 84);**
 - No. 87 - Acquisition of Rights of Way from Native American Nations,
Tribes and Pueblos (CP 87);**
 - No. 88 - Special Construction Features (CP 88); and**
 - No. 90 - Certification of Regional Transit District (RTD) (CP 90):**
Ken Baca, General Counsel, NMDOT
- b. **Action Item: Transfer of SP 30 (Bibo Road, South of I-40), Old NM 124 Spur (north of I-40), together with Tracts 3-1-C and 3-4 from the NMDOT to the United States of America in Trust for the Pueblo of Acoma:**
Lisa Vega, P.E., District Six Engineer, NMDOT

13. 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

Agenda Item 3

Approval of Minutes:
Regular Meeting of
July 21, 2022

**NEW MEXICO STATE TRANSPORTATION COMMISSION
MEETING**

**New Mexico Highlands University
800 National Avenue
Las Vegas, New Mexico 87701
July 21, 2022**

The New Mexico State Transportation Commission (STC or Commission) held a regular meeting on July 21, 2022, at the New Mexico Highlands University, Las Vegas, New Mexico. Chairman Adams called the meeting to order at 8:34 a.m. He asked for a roll call to establish a quorum. Mershawn Griego, Office of the Secretary, New Mexico Department of Transportation (NMDOT or the Department), proceeded to call the roll. Commissioners Jennifer Sandoval, Bruce Ellis, Hilma Chynoweth, Walter G. Adams, and Charles Lundstrom were present.

Approval of the STC Meeting Agenda

Commissioner Ellis recommended the removal of Item 10(d), “Approval of BAR No. 6 – Raton Port of Entry”, from the agenda.

Chairman Adams asked for a motion to approve the STC meeting agenda, as amended; Commissioner Ellis 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 May 19, 2022 STC regular meeting minutes; Commissioner Lundstrom made a motion to approve the minutes, as written; Commissioner Chynoweth seconded; motion carried unanimously.

State Transportation Commissioners Present:

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

NMDOT Staff Present:

Ricky Serna, 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:

The Honorable Pete Campos, New Mexico State Senator, District 8
The Honorable Ambrose Castellano, New Mexico State Representative, District 70
Harold M. Garcia, Chairman, Board of County Commissioners, San Miguel County, District 1
Kenneth C. Medina, Commissioner, Board of County Commissioners,
San Miguel County, District 5
Walter C. Hall, Commissioner, Board of County Commissioners, Union County
Monte Gore, County Manager, Colfax County
Michael L. Montoya, Las Vegas City Council, Ward II
David G. Romero, Las Vegas City Council, Ward IV
Scott Berry, City Manager, City of Raton
Filandro R. Anaya, Commissioner, Town of Edgewood, District 2
Eldie R. Cruz, Mayor Pro Tem, Village of Wagon Mound
The Honorable Billie Jo Barnes, Mayor, Village of San Jon

Introductions

Chairman Adams and Ricky Serna, recently appointed NMDOT Cabinet Secretary, welcomed STC meeting attendees, and acknowledged the elected officials and certain others in attendance. Secretary Serna and Justin Reese, Deputy Secretary, NMDOT, introduced the NMDOT District Engineers, various NMDOT staff members and FHWA officials in attendance.

Welcoming Remarks

Chairman Adams thanked the meeting attendees for their participation. He expressed his gratitude to the NMDOT, San Miguel County, City of Las Vegas and others for their assistance during the fires, and recently, the floods. Chairman Adams introduced San Miguel County Sheriff, Chris Lopez, and acknowledged him for his efforts during the crisis.

Tribute to Michael Sandoval, Former Cabinet Secretary, NMDOT

Chairman Adams introduced and recognized Michael Sandoval, former Cabinet Secretary, NMDOT, for the excellent work he did during his tenure with the NMDOT. The other STC Commissioners also acknowledged and thanked Mr. Sandoval for his hard work and dedication to the NMDOT and wished him well on his retirement. Secretary Serna, Deputy Secretary Reese, and various other NMDOT executive staff members thanked Mr. Sandoval for his exceptional leadership and presented him with a commemorative plaque. Thereafter, a video of numerous tributes from NMDOT staff members, colleagues and friends was presented, followed by

comments from the former Secretary, and a standing ovation from the STC and meeting participants.

Chairman Adams introduced and welcomed Ricky Serna as NMDOT's new Cabinet Secretary and informed everyone that his employment with NMDOT began on Monday, July 18, 2022.

Public Comment

Michael L. Montoya, Las Vegas City Councilman, on behalf of Mayor Trujillo and the City Council, welcomed the STC and NMDOT to Las Vegas. He acknowledged and thanked former NMDOT Secretary, Michael Sandoval, welcomed Secretary Serna, and congratulated him on his appointment. He then thanked District Four Engineer, James Gallegos, and his staff for all they have done to assist the community.

Harold M. Garcia, Chairman, Board of County Commissioners, San Miguel County, District 1, on behalf of the County Commission, County Manager and staff, welcomed the STC and meeting attendees. He briefly outlined how the community and local government came together during the fire, and acknowledged and thanked NMDOT District Four staff, local and state government, and Governor Michelle Lujan Grisham for their efforts and assistance.

Kenneth C. Medina, Commissioner, District 5, Board of County Commissioners, San Miguel County, welcomed and congratulated Secretary Serna. He thanked Commissioner Adams, NMDOT District Four Engineer, James Gallegos, and the NMDOT for their help with funding the County is receiving.

Scott Berry, City Manager, City of Raton, discussed the designation of Interstate 27 and the FY22 omnibus appropriations bill signed by President Biden that added the Ports to Plains corridor from Raton, New Mexico to Laredo, Texas to the Federal Highway system. He referenced the *Ports to Plains Corridor Economic Impact Study* completed in June 2021, that was prepared for the Eastern Plains Council of Governments and NMDOT. The report addresses the economic impacts and opportunities created by the designation for the City of Raton and State of New Mexico. He asked for the STC and NMDOT's continued support for the project and for both to prioritize its development and construction. Walter C. Hall, Commissioner, Board of County Commissioners, Union County, followed Mr. Berry with additional comments in support of the designation of Interstate 27. He also mentioned that (1) Highway 402, from Clayton south, for approximately 40 miles, does not have shoulders and that there is a lot of school activity (buses, etc.) on the road; (2) Highway 370 north of Clayton is only partially paved; and (3) Highway 406 needs repair.

John Paul Romero, Cordova Contracting & Development, LLC, commented in support of the implementation of the electric vehicle charging station program. His company has reached out to over 18 communities in the State of New Mexico to propose the placement of charging stations. The company represents various pueblos and private and public sector entities that have requested its assistance in implementing the program.

Eldie R. Cruz, Mayor Pro Tem, Colleen Engelhardt, Deputy Clerk, Village of Wagon Mound (Village), and Tom Blaine, retired New Mexico State Engineer, discussed their concerns about a NMDOT project in Wagon Mound. There is a crusher that has either started or is going to start blasting less than a mile of the Village's water source, Santa Clara Natural Springs (Springs), which could affect the aquifer and the health and safety of the Village. The blasting

and construction could impact the bedrock in a negative way and the fracturing could divert the water away from the Springs. The Village has established water rights to the Springs dating back to 1936, and two other private entities, Harper Cattle Co., Inc. (Harper Cattle) and Daniels Ranch, Inc. also maintain water rights to the Springs. The Village requests the STC consider the Village's water rights in the project. The Village would like a little more time to assess the situation and sort out issues and concerns. It is unknown if the fracturing could cause contamination to enter into the Springs via gasoline, diesel, hydraulic fluid, blasting residue, etc. If the Springs were to be lost, the Village would also be lost.

Tom Blaine detailed the geology of the area around the Springs. He explained that water travels in unique fractures and any disruption of those fractures could alter the flow of water underground to the Springs which is very concerning. Blasting activity can result in a change in those fracture patterns. He asked that NMDOT suspend the project to allow for a full evaluation of the possible effects of the fracturing and explosions in the area, and how they may affect the ground water. Mr. Blaine suggested NMDOT ask Fisher Sand & Gravel (Contractor) to obtain another source for the sand and gravel for this project.

Rick Padilla, Executive Director of Highway Operations, NMDOT, stated the New Mexico Environment Department (NMED) permitted the Contractor's use of the pit. NMDOT does not have the authority to overrule what NMED has permitted the Contractor for, i.e., producing material out of the identified pit. However, NMDOT could ask the Contractor to look for other sources for material.

Chairman Adams asked Mr. Padilla to stay in contact with the Village and Mr. Blaine, keep them apprised, and to inform the Contractor about the identified concerns. He also asked NMDOT to do the best it can to mitigate the situation.

Mayor Pro Tem Cruz stated that NMED issued an air quality permit, it did not do anything about water, underground water or surface water. The existing pit is approximately 20 years old. He believes the pit was condemned and Lafarge was stopped from drilling due to concerns about the Village's water source

Chairman Adams suggested Mr. Padilla meet with Mayor Pro Tem Cruz, the Village, Fisher Sand & Gravel, NMED, and NMDOT Environmental Bureau staff to discuss possible solutions. Mr. Blaine commented that there is no state agency with regulatory authority over this type of mining operation. They have reached out to NMED, the Office of the State Engineer, County Commissioners, Senators, and Representatives. They have exhausted all avenues for relief in this matter, which is the reason they came to the STC.

Commissioner Ellis asked who issues the permit for gravel extraction. Mr. Padilla responded that NMED is the lead on issuing permits. NMDOT asks its contractors to follow NMDOT rules and regulations, one of which is to follow proper procedures when securing a materials site. In this case, the Contractor did. NMED knows about the blasting and the operation that is taking place on the site.

Commissioner Ellis asked if the Village made the same request to the Environment Department that it is making to the STC. Mr. Blaine confirmed that the Village has and clarified that NMED does not permit the effects of blasting on subsurface "things". NMED issues an air quality permit to ensure there are no emissions released from that activity, which is completely

unrelated to the identified concerns. The concerns about the effects that blasting will have in changing the ground water that supplies the Village and Harper Cattle have not been addressed.

David G. Romero, Las Vegas City Council, Ward IV, congratulated Secretary Serna, thanked Secretary Sandoval, James Gallegos, and Deputy Secretary Reese for their service and the STC Commissioners for all they have done to support the City and County.

Monte Gore, County Manager, Colfax County, expressed his support for the I-25/I-27 interchange. He stated that the interchange is used primarily for trucking and should be engineered for increased truck and semi traffic hauling double or triple trailers.

Dr. Clarence Sanchez, Regent, New Mexico Highlands University, on behalf of the Board of Regents, welcomed the STC Commissioners and Secretary Serna, and thanked Secretary Sandoval for his work. He stated that given three years of COVID, and the recent fires and flooding, the community and the University need a lot of help.

Jim Garcia, Executive Director, Associated Contractors of New Mexico (ACNM), on behalf of ACNM membership, thanked former Secretary Sandoval. His leadership, friendship and direction made an incredible impact not just on the NMDOT, but on New Mexico and how it operates. He also thanked Deputy Secretary Reese; Rick Padilla; Cindy Vigue, New Mexico Division Administrator, FHWA; and Marisa Maez, Director of Communications, NMDOT.

Filandro R. Anaya, Commissioner, Town of Edgewood, District 2, discussed Edgewood's need for a new intersection/off-ramp to help with traffic flow and safety, and to assist with economic growth. Chairman Adams suggested that Commissioner Anaya meet with Justin Gibson, District Three Engineer, NMDOT and Paul Brasher, District Five Engineer, NMDOT, regarding the matter.

Keanna Lovato, “Future NMDOT Visionary”, commented (via video recording) regarding technology, robotic/driverless vehicles and future modes of travel.

District Four Update

James Gallegos, P.E., District Four Engineer, NMDOT, recognized District Four staff members in attendance at the meeting and thereafter provided an update (via video recording) regarding District Four, during which he discussed the District’s budget, projects and other activities. He described the work the District did to assist during the fires and is currently doing to assist with flood mitigation. He also reported on the District’s Employee Recognition Program, acknowledged recent award winners, and thanked District Four staff members for their work.

Staff Briefings

Secretary’s Report

Justin Reese, Deputy Secretary, NMDOT, thanked District Four staff for all the work they did during the wildfires. He also acknowledged all the other Districts for coming together to assist. In December, the NMDOT received American Rescue Plan Act (ARPA) funds in the amount of \$172 million that to date have been distributed as follows: \$10 million to airports, \$10 million to rest areas, and \$10 million to statewide electric vehicle (EV) infrastructure. NMDOT is presently working on distributing \$142 million to projects. In addition, NMDOT received approximately \$80 million in funding from the federal Bipartisan Infrastructure bill that has been programmed into the current four-year State Transportation Improvement Program (STIP). The funds are presently being used to fill gaps and cover cost escalations for materials, fuel, trucking, asphalt,

etc. Bids are now coming in at approximately \$10 - \$11 million over estimates because of cost escalations, with some 30 - 40% over engineers' estimates. NMDOT's maintenance costs are also rising due to fuel costs. Gaps need to be filled and hopefully can be addressed with legislation in the 2023 Session. To help offset cost escalations, NMDOT has applied for three federal RAISE grants in the amount of \$25 million each: one for US 180, one for the NM 4 Jemez bypass, and one for NM 128 in Jal. NMDOT also applied for two federal INFRA grants: \$40 million for the St. Francis extension in southern New Mexico, and \$42 million for downtown Clovis. NMDOT is currently working with McKinley County to try to improve the 10 bridges recently reported on in the news and, in the next cycle, will apply for an INFRA grant to assist with costs. In addition, NMDOT has applied for a Mega grant for the \$180 million Comanche/Montgomery bypass project in Albuquerque.

Secretary Serna and Deputy Secretary Reese will be reviewing the Transportation Project Fund (TPF) projects this week. This year, NMDOT will distribute \$105 million in TPF grant funding, including hardship funds.

Deputy Secretary Reese reported that contractors have been working on litter pick up in the state, specifically, on I-10 (New Mexico/Texas state line to Las Cruces) and I-25 (Santa Fe to Los Lunas). To date, they have covered over 300 miles and have removed approximately 8,200 bags of trash and other material. Phase two of the work will cover an area from Santa Fe to Las Vegas, US 285 in the Roswell area, NM 117, NM 122, and NM 547 in the Grants area.

NMDOT recently held two job fairs to facilitate hiring. NMDOT employees have returned to work three days a week in-office and will soon return to a normal five-day work week. Also,

the first phase of NMDOT's new E-permitting system for utility companies and broadband went live on August 15.

Jerry Valdez, Executive Director, NMDOT, provided an update regarding the New Mexico Electric Vehicle (EV) Infrastructure Deployment Plan (Plan). A copy of the Plan is available on NMDOT's National EV Infrastructure (NEVI) webpage (<https://www.dot.nm.gov/nevi>). New Mexico received an appropriation of approximately \$38 million through the Infrastructure Investment and Jobs Act (IIJA) to help expand EV infrastructure in the State and connect with other states to ensure the motoring public has access to efficient, safe, and standardized methods of travel when driving across the country in EVs. Use of EVs is critical to climate and decarbonization goals set by federal and state governments.

NMDOT was first state in the country to submit its Plan. It worked with other state agencies and entities to obtain their input to develop a Plan that meets the unique needs of New Mexico. The Plan is built for New Mexicans first and ensures that disadvantaged communities are not left behind. It addresses the State's unique needs, including energy capacity. The development of EV infrastructure will help New Mexico to create jobs in local communities as well as provide communities with the opportunity to operate and maintain EV charging stations.

Federal Highway Administration (FHWA) Report

Cindy Vigue, New Mexico Division Administrator, FHWA, commented regarding the federal grants and congratulated NMDOT on being the first in the nation to submit its NEVI plan. She also recognized NMDOT for its New Mexico Freight Plan that was submitted ahead of schedule. The Plan is critical because it provides funding for projects on key corridors, including

Interstates 25, 40 and 10, and in the future, 27. New Mexico received about \$500 million in federal funding this year. Usually, in its fourth quarter (July, August, September), and particularly in September, there will be a big push for FHWA to obligate all its funds, which means dedicating the funds to the projects. She is very happy to learn that as of today, 71% of the funds have been obligated to NMDOT projects. This is significant considering the extra funds the State received. She appreciates the NMDOT team and looks forward to continuing to work with them to obligate the remaining funds.

Communications Campaign Update

Marisa Maez, Communications Director, NMDOT, reported regarding NMDOT's Communication program. She identified staff and their roles and discussed the particulars of the Communications program, including internal and external outreach matters (social media, campaigns and recruitment). She introduced Candace Barela, new District Two Public Information Officer (PIO), and acknowledged Travis Martinez, District Four PIO, for his accomplishments and recent work with the New Mexico Department of Homeland Security.

Chairman Adams suggested that NMDOT do some public service radio announcements to raise awareness about children returning to school and as a reminder to look out while driving.

Finance Reports

NMDOT Financial Status Update

Mallery Manzanares, Administrative Services Director, NMDOT, presented the NMDOT financial status update as of June 30, 2022. State Road Fund: To date, NMDOT has received a

total of \$969.9 million in revenue and spent \$877.8 million. Restricted Funds: To date, NMDOT has received \$110.9 million in revenue and spent \$73 million. Mrs. Manzanares also discussed NMDOT's FY22 cash balances for operating budget funds: Road Fund: \$465.3 million and Restricted Funds: \$106.5 million. At present, NMDOT's projected FY22 year end fund balances ("savings account" amounts) are: Road Fund: \$24.8 million and Restricted Funds: \$47.6 million.

Approval of FY23 Budget Adjustment Request (BAR) No. 4 – NM 109 (Jarales Road)

David Quintana, P.E., Chief Engineer, NMDOT, presented and requested approval of FY23 BAR No. 4 - P562 – PDC – NM 109 (Jarales Road). The BAR is required to establish budget authority for the 100% State program. It will increase the Contractual Services (Category 300) by \$9.6 million to fund the right of way and relocations for NM 109 (Jarales Road). NMDOT received \$14.5 million from BNSF to use toward the completion of this project. NMDOT has spent \$4.9 million on right of way, design and safety activities.

Chairman Adams asked for a motion to approve FY23 BAR No. 4 – NM 109 (Jarales Road); Commissioner Lundstrom made a motion to so approve; Commissioner Ellis seconded; motion carried unanimously.

Approval of FY23 BAR No. 5 – NM 4/East Jemez

Rick Padilla, P.E., Executive Director of Highway Operations, NMDOT, presented and requested approval of FY23 BAR No. 5 - P562 – HOPs – NM 4/East Jemez. The BAR is required to establish budget authority for the 100% State program. It will increase Contractual Services (Category 300) by \$9.5 million to fund the NM 4/East Jemez Road project. NMDOT entered into a cooperative agreement with the Department of Energy (DOE). The DOE will reimburse the

NMDOT \$7.5 million; all salary and change orders costs will be the responsibility of NMDOT. The funds are supported by State Road Fund.

Chairman Adams asked for a motion to approve FY23 BAR No. 5 – NM 4/East Jemez; Commissioner Chynoweth made a motion to so approve; Commissioner Sandoval seconded; motion carried unanimously.

Approval of FY23 - BAR No. 7 – Coronavirus Response and Relief Supplemental

Appropriation Act (CRRSAA)

Mallery Manzanares, Administrative Services Director, NMDOT, presented and requested approval of FY23 BAR No. 7 - P562 – PDC – to establish budget authority for the Project Design and Construction and Highway Operations Programs. The BAR will increase the Contractual Services (Category 300) by \$18.5 million and the Other Costs (Category 400) by \$10 million. These funds will be used to compensate for project shortfalls due to inflation and assist with maintenance activities.

NMDOT received \$82.5 million from CRRSAA, \$54 million of which was used in FY22. These funds are to supplement the NMDOT revenue shortfall caused by the pandemic. These funds can be used for preventative maintenance, routine maintenance, construction, operations, personnel, or debt service.

Chairman Adams asked for a motion to approve FY23 BAR No. 7 – CRRSAA; Commissioner Ellis made a motion to so approve; Commissioner Lundstrom seconded; motion carried unanimously.

New Mexico Finance Authority (NMFA) Report

Mark Lovato, Managing Director, Investments, NMFA, provided an update regarding NMDOT's investment portfolio funds under NMFA management and NMDOT/NMFA's outstanding bond debt service as of June 30, 2022. At the beginning of June, NMFA was holding approximately \$197 million towards NMDOT's debt service. On June 15, 2022, a semi-annual debt service payment in the total amount of \$196.7 million was made (\$172 million in principal, plus \$24.5 million in interest). NMFA is currently holding approximately \$568,000 towards NMDOT's next debt service payment. NMDOT has two project fund accounts: \$302.5 million in the 2021A project account and \$6.7 million in the 2014A project account. NMDOT has a \$50 million line of credit with Wells Fargo, pursuant to certain agreements with BNSF. A commitment fee of approximately \$24,000 was paid in the month of June. With NMDOT's June 15 debt service payment of \$196.7 million, \$157.5 million was used to pay off its 2012 bond series. Including NMDOT's December 15, 2021 payment of \$22 million, NMDOT's total fiscal year debt service was \$218 million. NMDOT's next bond payment in the approximate amount of \$22 million (for interest only), is due on December 15, 2022. NMDOT will have about 90% of its debt portfolio paid off in the next 7 years.

Policy Reports

Discussion Regarding Proposed Memorial Dedication for Fallen Officer, Sergeant (Sgt.)

Robert Baron, at Milepost 254.5 on I-25

Justin Gibson P.E., District Three Engineer, NMDOT, discussed a proposed memorial sign dedication for fallen officer, Sgt. Robert Baron at Milepost 254.5 on I-25, pursuant to Commission

Policy 61, *Memorial or Honorary Designation or Dedication of Highways, Transportation Facilities and Structures* (CP 61). Allen Mills, Chief Deputy Sheriff of the Sandoval County Sheriff's Office, with the support of Sgt. Baron's family, has requested the installation of a fallen officer sign on I-25 to memorialize Sgt. Baron. District Engineer Gibson asked if it would be possible to dedicate and install a memorial sign as opposed to dedicating a highway or a corridor. Chairman Adams directed District Engineer Gibson to work with NMDOT staff on the proposed dedication to ensure compliance with CP 61, and then present the request to the STC at a meeting later this year.

New Mexico Rail Runner Express (NMRX) Annual Report

Dewey Cave, Executive Director, Mid-Region Council of Governments (MRCOG) and Rio Metro Regional Transit District (RMRTD) gave a brief update on the NMRX. He explained that RMRTD has served as the fiscal agent for and operator of the NMRX for approximately 16 years. Last spring, due to high gas prices RMRTD worked with Governor's Office to offer reduced train fares of 75%, or approximately \$2.00 a day, from Albuquerque to Santa Fe. As of August 1, RMRTD will implement a new schedule for the NMRX that will include the addition of a couple of mid-day trains on weekdays and weekends. This should benefit commuters as well as tourists.

Tony Sylvester, Planning and Development Manager, RMRTD, presented the NMRX Annual Report regarding NMRX management. The Memorandum of Agreement between NMDOT and RMRTD regarding NMRX management, funding and operation requires RMRTD to provide a report to the STC every year. The report includes information on the NMRX annual operating and capital budgets, annual service plan, the five-year capital maintenance/capital improvement plan, NMRX ridership, and performance targets. Mr. Sylvester highlighted three

critical capital improvement projects: Centralized Traffic Control / Main 2 Extension (\$17 million); NMRX Maintenance Facility, Phase 1 (\$3 million in 2023, \$51 million total); and Strategic Track and Platform Improvements (\$56 million in FY2024 - FY2029). He reported that rail ridership increased about 104% from June 2021 to June 2022, discussed increased service and mentioned that fares will remain discounted 75% through the end of the year.

Adjournment

Chairman Adams asked for a motion to adjourn the regular meeting at 1:02 p.m.; Commissioner Chynoweth made a motion to adjourn the regular meeting; Commissioner Lundstrom seconded. Motion carried unanimously.

Chairman

Walter G. Adams

Secretary

Charles Lundstrom

Agenda Item 4

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

Agenda Item 5

Welcoming Remarks: Walter G. Adams, Chairman

Agenda Item 6

Public Comment

Agenda Item 7

Approval of Governor Michelle
Lujan Grisham's Appointment of
Ricky Serna as Secretary,
Department of Transportation

Commission Brief

SUBJECT: Proposed approval by the State Transportation Commission of the appointment of Ricky Serna as Secretary of Transportation by Governor Michelle Lujan Grisham.

PRESENTER: Ken Baca, General Counsel, NMDOT

BACKGROUND:

NMSA 1978, Section 67-3-23, requires the Governor's appointment of the Secretary of Transportation to be approved by the State Transportation Commission.

In addition, Commission Policy 3, Approval of Secretary, provides:

- A. Upon Governor's notice to the Commission of a person selected to be appointed as Secretary of Transportation, the Commission shall meet to discuss and vote its approval or disapproval.
- B. Immediately following the vote to approve or disapprove the Governor's selection, the Chairperson shall inform the Governor of the Commission's decision by letter.

ACTION: The Commission is requested to approve Governor Michelle Lujan Grisham's appointment of Ricky Serna as Secretary of Transportation and to adopt Resolution No. 2022-07 (AUG).

August 18, 2022

STATE OF NEW MEXICO

STATE TRANSPORTATION COMMISSION

RESOLUTION NO. 2022-07 (AUG)

**APPROVING GOVERNOR MICHELLE LUJAN GRISHAM'S APPOINTMENT OF
RICKY SERNA AS SECRETARY OF TRANSPORTATION**

WHEREAS, Governor Michelle Lujan Grisham has appointed Ricky Serna as Secretary of the Department of Transportation to succeed Michael Sandoval; and

WHEREAS, NMSA 1978, Section 67-3-23 requires that the Governor's appointment of the Secretary of Transportation be approved by the State Transportation Commission; and

WHEREAS, the State Transportation Commission desires to approve the appointment of Ricky Serna as Secretary of Transportation and is prepared to adopt and act on a resolution to effectuate this appointment; and

NOW, THEREFORE, BE IT RESOLVED BY THE NEW MEXICO STATE TRANSPORTATION COMMISSION that it approves the appointment of Ricky Serna as Secretary of Transportation; and

BE IT FURTHER RESOLVED that the original of this Resolution shall be given to Mr. Serna; and

BE IT FURTHER RESOLVED that a copy of this Resolution shall be sent to Governor Lujan Grisham.

ADOPTED BY THE STATE TRANSPORTATION COMMISSION IN OPEN MEETING ON August 18, 2022.

Commissioner _____ moved for approval of the appointment of Ricky Serna as Secretary of Transportation; Commissioner _____ seconded the motion; motion carried unanimously.

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

Agenda Item 8

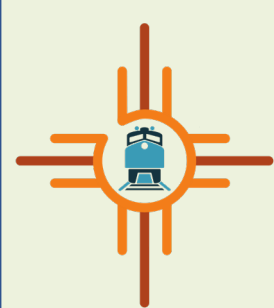
Four Corners Freight Rail Project

Freight Rail Line Feasibility Study San Juan County, New Mexico

"Opening the doors of economic opportunity"



4 Corners Freight
Feasibility Study



ABOUT THE PROJECT

The new connection to the BNSF freight rail network will improve the efficiency of the overall freight transportation system in the Four Corners region. It will also expand economic opportunities for the region, including the Navajo Nation. By adding this connection to the existing BNSF freight network, the area will become an attractive resource for businesses considering locating to or expanding in the Four Corners Region. It would help make the region more competitive by decreasing shipping costs.

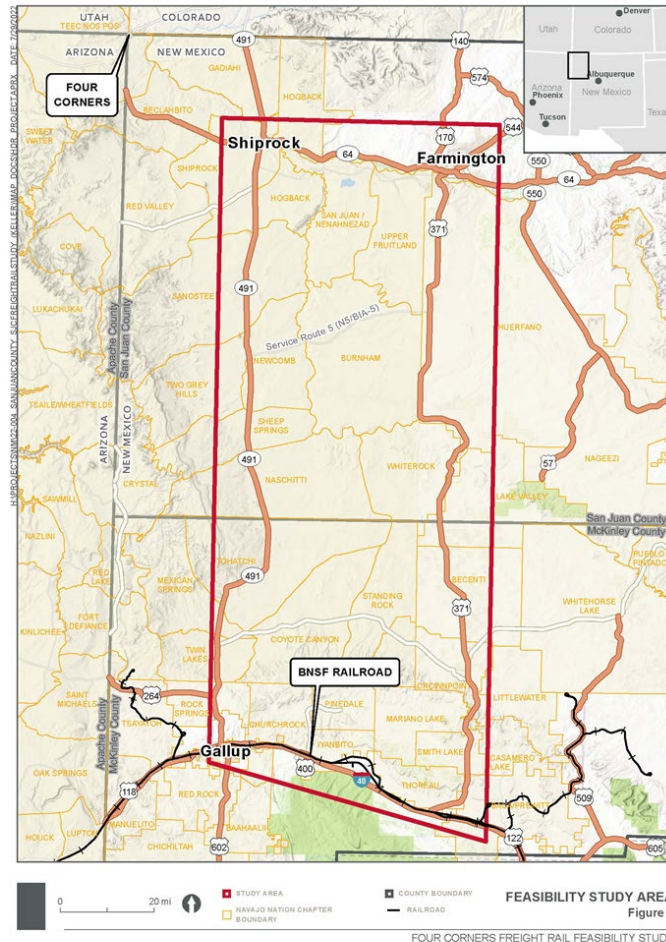


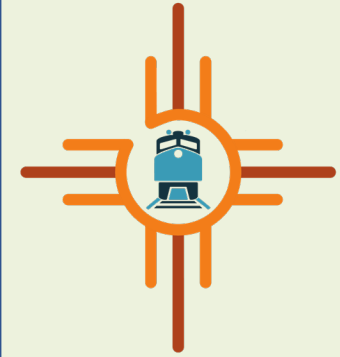
PROJECT OVERVIEW

Despite 140,000 route miles, the U.S. freight rail network does not currently serve San Juan County, the Navajo Nation or the greater Four Corners region. This proposed project would see construction of a rail spur and related facilities along U.S. 491 through the Navajo Nation connecting the I-40 corridor freight rail system operated by Burlington Northern Santa Fe (BNSF) comprising approximately 100 miles.

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This study will develop activities and alternatives for a proposed new rail line between San Juan County near Shiprock with a connection to the BNSF Railway near Gallup.





WHY FREIGHT RAIL?

- About 40% of U.S. freight is shipped by railway, more than any other mode of transportation¹
- Rail accounts for only **2.1%** of total U.S. greenhouse gas emissions². In contrast, idling trucks contribute approximately 20% of annual U.S. carbon emissions.
- Railroads are the most fuel-efficient way to move freight over land, moving an average of one ton of freight more than 480 miles per gallon
- On average, railroads are three to four times more fuel-efficient than trucks. A single freight train can carry the freight of several hundred trucks³
- Moving freight by rail rather than trucks lowers greenhouse gas emissions by up to **75%**
- If 50% of truck traffic moving at least 750 miles went by rail instead, GHGs would fall by ~26.2 million tons

¹- FHWA, Freight Analysis Framework, Version 4.5.1, ²- U.S. EPA data, ³- Texas Highway Transportation Institute's 2019 Urban Mobility Report
Source- Association of American Railroads

WHAT IS A FEASIBILITY STUDY?



During the feasibility study, the project team will identify and evaluate potential route alignments, transloading facilities and rights-of-way. Environmental impacts will be studied, as well the integration of railroad project development.



Request For Proposal: Issued by San Juan County, New Mexico

- Evaluation and identification of potential route alignments, transloading facilities and necessary rights-of-way
- Integration of railroad project development and the Federal environmental process
- Public involvement and agency coordination
- Freight forecasting and benefit cost analysis
- Railroad operations and simulation, per Federal Railroad Administration requirements
- Contract awarded to HDR Engineering, Inc., Omaha, NE

Funding Source: U.S. DoT's BUILD Transportation Grant

United States Department of Transportation Better Utilizing Investments to Leverage Development Transportation Grant

The FY 2019 BUILD program will give special consideration to projects which emphasize improved access to reliable, safe, and affordable transportation for communities in rural areas, such as projects that improve infrastructure condition, address public health and safety, promote regional connectivity or facilitate economic growth or competitiveness





Grant Award

San Juan County was awarded a BUILD Grant to support a pre-NEPA project development and alternatives analysis study for a proposed new rail line between San Juan County and the Burlington Northern Santa Fe (BNSF) national freight network along the Interstate 40 corridor.

The project will involve connecting the BNSF rail line near Gallup, New Mexico.



Detailed Work Plan Tasks

- TASK 1: Detailed Project Work Plan, Budget and Schedule
- TASK 2: Preliminary Purpose & Need and Public Involvement/Agency Coordination Plan
 - SUBTASK 2.1: Preliminary Purpose & Need Statement
 - SUBTASK 2.2: Public Involvement/Agency Coordination and Communication Plan
 - SUBTASK 2.3: Freight Demand Forecast
- TASK 3: Alternatives Analysis
 - SUBTASK 3.1: Route Options Analysis
 - SUBTASK 3.2: Investment Options Analysis
 - SUBTASK 3.3: Design Options Analysis
- TASK 4: Project Development0
 - SUBTASK 4.1: Specification of Detailed Operation Requirements and Data Collection
 - SUBTASK 4.2: Operations Analysis
 - SUBTASK 4.3: Support Facilities and Access Analysis
 - SUBTASK 4.4: Conceptual and Early Preliminary Engineering
 - SUBTASK 4.5: Capital Cost Estimation
 - SUBTASK 4.6: Operations & Maintenance Cost Estimation
- TASK 5: Environmental Analysis
- TASK 6: Economic Feasibility Analysis

Navajo Nation Involvement

- In February of 2020, San Juan County and the Navajo Nation signed a Memorandum of Understanding.
- The MOU established a framework for cooperation for future railway, community, and business development in the Four Corners region.





Public Involvement/ Agency Coordination

- Subcontract with Al Henderson, AHEC and Tom Chee, Consultant
- Identify 32 chapters that will likely be impacted by the project and obtain resolutions
- Contact each chapter for a consultation
- Conduct a Strengths, Weaknesses, Opportunities, and Threats (SWOT) analysis
- Present to Navajo Nation elected leaders, NNC committees, departments, agencies and other interested parties

Agenda Item 9

District Five Update

Agenda Item 10

Staff Briefings

Agenda Item 10a

Secretary Report

Commission Brief

SUBJECT: Secretary Report

PRESENTER: Ricky Serna, Cabinet Secretary, NMDOT

BACKGROUND:

ACTION: No Action

Agenda Item 10b

FHWA Report

Commission Brief

SUBJECT: FHWA Report

PRESENTER: Cindy Vigue, Division Administrator, FHWA

BACKGROUND:

ACTION: No Action

Agenda Item 11

Finance Reports

Agenda Item 11a

Financial Status Update

Commission Brief

SUBJECT:

FY23 Operating Budget and Financial Report – July 30, 2022

PRESENTER: Mallery Manzanares, Administrative Service Director

BACKGROUND:

ACTION: No Action

	A	B	C	D	E		F	G	
1	FY2023 NMDOT Financial Summary as of July 30, 2022								1
2									2
3	STATE ROAD FUND ONLY								3
4	(Dollars in Millions)								4
5									5
6		Begin FY23	+FY23	+FY23	COMBINED		Actual FY23		6
7		OPBUD	Rollover	BARS	FY23 BUDGET		Rev/Exp	PCT	7
8	<u>Revenues</u>								8
9	<u>CURRENT INFLOWS</u>								9
10	State Funds	\$ 532.1	\$ -	\$ -	\$ 532.1		\$ 0.6	0.1%	10
11	FHWA Funding	\$ 486.0	\$ 498.6	\$ -	\$ 984.6		\$ 37.1	3.8%	11
12	Transfer From Other Agency	\$ 8.0	\$ -	\$ -	\$ 8.0		\$ -	0.0%	12
13	Fund Balance Reserves	\$ 65.6	\$ 181.6	\$ -	\$ 247.2		\$ -	0.0%	13
14	1) TOTAL INFLOWS (REVENUES):	\$1,091.7	\$680.2	\$0.0	\$1,771.9		\$37.7	2.1%	14
15									15
16	<u>Expenditures</u>								16
17	<u>CURRENT OUTFLOWS:</u>								17
18	Personnel Services	\$ 200.4	\$ -	\$ -	\$ 200.4		\$ 10.9	5.4%	18
19	Contractual Services	\$ 585.7	\$ 642.4	\$ -	\$ 1,228.1		\$ 0.2	0.0%	19
20	Other Operating Costs	\$ 137.3	\$ 37.8	\$ -	\$ 175.1		\$ 2.5	1.4%	20
21	CAT 500 Transfer Out	\$ -	\$ -	\$ -	\$ -		\$ -	0.0%	21
22	Debt Service	\$ 168.3	\$ -	\$ -	\$ 168.3		\$ 15.2	9.0%	22
23	2) TOTAL OUTFLOWS - EXPENDITURES:	\$1,091.7	\$680.2	\$0.0	\$1,771.9		\$28.8	1.6%	23

	A	B	C	D	E	F	G	
1	FY2023 NMDOT Financial Summary as of July 30, 2022							1
2								2
3	RESTRICTED FUNDS ONLY							3
4	(Dollars in Millions)							4
5								5
6		Begin FY23	+FY23	+FY23	COMBINED	Actual FY23		6
7		OPBUD	Rollover	BARS	FY23 BUDGET	Rev/Exp	PCT	7
8								8
9	CURRENT INFLOWS:							9
10	21170- Transportation Project Fund (Restricted)	\$ 46.8	\$ -	\$ -	\$ 46.8	\$ -	0.0%	10
11	21170- Transportation Project Fund Reserves	\$ -	\$ 28.5	\$ -	\$ 28.5	\$ -	0.0%	11
12	20200- Highway Infrastructure Fund (Restricted)	\$ 8.8	\$ -	\$ -	\$ 8.8	\$ -	0.0%	12
13	20200- Highway Infrastructure Fund Reserves	\$ -	\$ -	\$ -	\$ -	\$ -	0.0%	13
14	20300- Local Gov't Road Fund (Restricted)	\$ 27.6	\$ -	\$ -	\$ 27.6	\$ 0.1	0.4%	14
15	20300- Local Gov't Road Fund Reserves	\$ -	\$ 22.8	\$ -	\$ 22.8	\$ -	0.0%	15
16	20500- Aviation Fund - Federal (Restricted)	\$ 5.9	\$ -	\$ -	\$ 5.9	\$ 0.2	3.4%	16
17	20500- Aviation Fund Balance Reserves	\$ -	\$ 10.6	\$ -	\$ 10.6	\$ -	0.0%	17
18	Traffic Safety Funds (5 Restricted Funds)	\$ 2.4	\$ -	\$ -	\$ 2.4	\$ -	0.0%	18
19	Traffic Safety Fund Balance Reserves	\$ -	\$ 1.8	\$ -	\$ 1.8	\$ -	0.0%	19
20	10010- NHTSA Funding-(Reimbursement Basis)	\$ 15.9	\$ 11.4	\$ -	\$ 27.3	\$ 1.4	5.1%	20
21	10030- FTA Funding-(Reimbursement Basis)	\$ 19.3	\$ 38.3	\$ -	\$ 57.6	\$ 0.0	0.0%	21
22	89300- State Infrastructure Bank Reserves	\$ -	\$ -	\$ -	\$ -	\$ -	0.0%	22
23	1) TOTAL INFLOWS (REVENUES):	\$126.7	\$113.4	\$0.0	\$240.1	\$1.7	0.7%	23
24								24
25	CURRENT OUTFLOWS:							25
26	Personnel Services	\$ 2.4	\$ -	\$ -	\$ 2.4	\$ 0.1	4.2%	26
27	Contractual Services	\$ 13.4	\$ 6.4	\$ -	\$ 19.8	\$ 0.0	0.0%	27
28	Other Operating Costs	\$ 102.1	\$ 107.0	\$ -	\$ 209.1	\$ -	0.0%	28
29	CAT 500 Transfer Out	\$ -	\$ -	\$ -	\$ -	\$ -	0.0%	29
30	Debt Service	\$ 8.8	\$ -	\$ -	\$ 8.8	\$ 0.7	8.0%	30
31	2) TOTAL OUTFLOWS (EXPENDITURES):	\$126.7	\$113.4	\$0.0	\$240.1	\$0.8	0.3%	31

CASH BALANCES FOR OPERATING BUDGET FUNDS

(Balances as of Trial Balances on July 30,2022)

NMDOT-FUNDS		Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22	Jul-22
1	ROAD FUND (10040,20100)	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	375,719,769	465,279,182	503,147,576
2	Local Government Road Fund (20300) Restricted	37,470,586	37,209,644	38,144,292	39,041,538	38,983,403	38,103,578	38,161,591	38,748,864	38,662,324	38,482,360	38,181,406	39,024,733	41,297,115
3	Transportation Project Fund (21170) Restricted			8,133,328	12,251,416	16,396,120	19,839,237	22,697,787	26,208,057	29,627,843	25,051,693	33,667,642	33,550,286	38,013,577
4	Highway Infrastructure Fund (20200) Restricted	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	6,902,880	7,665,914	8,498,554
5	State Infrastructure Fund (89300) Restricted	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	11,096,768	11,882,917	11,882,917
6	Aviation Fund (20500) Restricted	13,230,707	12,134,955	12,261,344	12,622,946	12,889,498	13,325,911	13,733,854	14,134,984	14,576,476	14,935,883	15,517,303	15,359,255	16,051,732
7	Traffic Safety Funds (10020,20600,20700,20800) Restricted	3,028,789	2,928,217	3,114,623	3,215,188	3,078,389	3,166,150	3,060,038	3,040,667	3,090,791	3,075,858	3,117,105	3,195,174	3,312,225
8	National Highway Traffic Safety Administration (10010) Federal	(2,417,960)	(1,179,066)	(1,646,385)	(1,730,172)	(2,504,959)	(1,157,475)	(1,965,023)	(1,888,945)	(2,223,210)	(2,558,440)	(3,618,860)	(1,875,066)	(1,986,504)
9	Federal Transit Administration (10030) Federal	(1,705,833)	(213,289)	(1,096,245)	(2,736,922)	(2,017,400)	(655,357)	(810,001)	(1,541,066)	(763,025)	(2,104,844)	(1,436,664)	(4,367,646)	(4,367,646)
10	Ignition Interlock (82600) Restricted	2,216,639	2,191,267	2,212,394	2,229,065	2,215,343	2,175,202	2,172,444	2,154,000	2,140,122	2,096,038	2,110,333	2,087,984	2,122,834
11	RESTRICTED FUND TOTALS	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	96,080,830	105,537,913	106,523,550	114,824,806
12	TOTAL CASH BALANCES	387,720,646	360,447,724	462,515,781	436,172,213	444,723,276	457,956,725	456,528,121	466,342,815	474,171,777	440,134,377	481,257,682	571,802,732	617,972,381

1	FY23 FUND BALANCES AS OF JUNE 30, 2023						1
2				(Less)		"Projected"	2
3		Un-Audited	(Less)	Encumbrance	(Less)	Unbudgeted	3
4		Fund Balances	Re-Budgeted in	Rollover-Non-Federal	FY23	Fund Balances	4
5	<u>NMDOT-FUNDS</u>	<u>6/30/2022</u>	<u>Begin FY23 Budget</u>	<u>FY22/23 Budget</u>	<u>BARS & OPRS</u>	<u>6/30/2023</u>	5
6	Unrestricted:						6
7	ROAD FUND (20100)+ INVENTORY (10040)	460,656,544	(65,596,600)	(181,629,973)	(177,449,171)	35,980,800	7
8							8
9							9
10	Restricted Funds:						10
11	NHTSA (10010)	0		(11,444,841)		(11,444,841)	11
12	DRIVER IMPROVEMENT (10020)	177,701		(92,639)		85,062	12
14	FTA (10030)	0		(38,266,784)		(38,266,784)	14
15	HIF (20200)	7,665,914				7,665,914	15
16	LOCAL GOVT (20300)	39,024,733		(22,764,042)		16,260,691	16
17	AVIATION (20500)	15,065,265	(42,800)	(10,590,341)		4,432,124	17
18	MOTORCYCLE (20600)	0				0	18
19	DWI PREVENTION (20700)	1,241,743		(273,137)		968,606	19
20	STATE TRAFFIC SAFETY (20800)	1,708,125		(1,304,828)		403,297	20
21	TRANSPORTATION PROJECT FUND (21170)	33,550,286		(28,494,235)		5,056,051	21
22	DOE (43100)	0				0	22
23	SIB (89300)	22,354,417				22,354,417	23
24	INTERLOCK (82600)	2,075,396	(5,300)	(115,624)		1,954,472	24
25	Total Restricted Funds:	122,863,579	(48,100)	(113,346,471)	0	9,469,008	25
26							26
27	TOTAL OPERATING FUND BALANCES	<u>583,520,123</u>	<u>(65,644,700)</u>	<u>(294,976,444)</u>	<u>(177,449,171)</u>	<u>45,449,808</u>	27

Agenda Item 11b

Action Item: Budget
Adjustment Request
No. 6 - Clayton Port of
Entry

Commission Brief

SUBJECT:

FY23 BAR #6 P565 – Model

PRESENTER: Franklin Garcia, Modal Executive Director

BACKGROUND:

A FY23 BAR is required to establish budget authority for the Ports of Entry Bureau. The BAR will increase the contractual services (category 300) by \$2.0 million dollars to fund the Clayton Port of Entry parking lot and driveways.

The funds are supported by State Road Fund.

ACTION: Request BAR Approval

Agenda Item 11c

Action Item: FY23
Transportation Project
Fund Final Project
Selection and Funding
Amounts

Commission Brief

SUBJECT: State Transportation Commission (STC) determination of FY23 Transportation Project Fund final project selection and funding amounts.

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

REFERENCE: Section 67-3-78.C, NMSA 1978 and 18.27.6 NMAC

BACKGROUND: By a call for projects, NMDOT invited eligible entities (as defined in 18.27.6.7 NMAC) to submit applications for grants from the Transportation Project Fund (TPF) for eligible transportation projects. Application packages were submitted to appropriate Metropolitan Planning Organizations (MPOs) or Regional Transportation Planning Organizations (RTPOs) that reviewed and ranked them using the criteria specified in the call for projects. The MPOs/RTPOs thereafter prepared and submitted ranked lists of projects to the District Engineers for the Districts where the projects are located. The District Engineers reviewed the lists and presented their recommendations to the Cabinet Secretary. The Secretary reviewed the District Engineers' recommendations and compiled a proposed, prioritized list of transportation projects eligible to receive TPF grant awards. The list, which included 81 new projects and 20 prior fiscal year projects, totaling \$106,792,233.74, was presented to the STC for review and final determination.

Pursuant to Section 67-3-78.C, NMSA 1978 and 18.27.6.11 (G), NMAC, final project selection and funding amounts must be determined by the STC no later than September 1.

ACTION: The STC is requested to take action to determine final FY23 TPF project selection and funding amounts.

August 18, 2022

FY2023 TRANSPORTATION PROJECT FUND

District	Entity	Project Scope	DE Priority Ranking	MPO/RTPO Priority Ranking	Match Waiver Request	Secretary Recommended	Approved Shortfall Assistance	Shortfall Amount	95% State Amt	5% Entity Amt	Total Cost	Amt To Pay Out	Total of Entity
1	City of Anthony	Preconstruction, construction, and construction management of Duffer Lane	22	-	No	Yes	-		\$ 969,826.13	\$ 51,043.48	\$ 1,020,869.61	\$ 969,826.13	\$ 969,826.13
1	City of Bayard	N. Foy Street Construction	20	9	No	Yes	-		\$ 695,400.00	\$ 36,600.00	\$ 732,000.00	\$ 695,400.00	\$ 695,400.00
1	City of Elephant Butte	Warm Springs Blvd. Repaving Project	4	-	No	Yes	-		\$ 845,003.15	\$ 44,473.85	\$ 889,477.00	\$ 845,003.15	\$ 845,003.15
1	City of Lordsburg	Maverick, Pyramid, Chester & 2nd Streets Design	5	5	Yes	Yes	-		\$ 296,875.00	\$ 15,625.00	\$ 312,500.00	\$ 312,500.00	\$ 312,500.00
1	City of Lordsburg	Pyramid Heights Survey & Design	13	12	Yes	Yes	-		\$ 117,895.00	\$ 6,205.00	\$ 124,100.00	\$ 124,100.00	\$ 124,100.00
1	Dona Ana County	Paseo Rael & County Line Multiuse Trail	23	-	No	Yes	-		\$ 1,651,741.25	\$ 86,933.75	\$ 1,738,675.00	\$ 1,651,741.25	\$ 1,651,741.25
1	Luna County	Camino Doce Roadway & Drainage Design	12	13	No	Yes	Yes LP10025	\$ 769,431.44	\$ 213,750.00	\$ 11,250.00	\$ 225,000.00	\$ 213,750.00	\$ 983,181.44
1	Luna County	North Boundary Road	21	11	No	Yes	-		\$ 285,000.00	\$ 15,000.00	\$ 300,000.00	\$ 285,000.00	\$ 285,000.00
1	Sierra County	Sugar Sand Bridge Replacement	8	-	No	Yes	Yes LP10026	\$ 311,411.39	\$ 1,425,000.00	\$ 75,000.00	\$ 1,500,000.00	\$ 1,425,000.00	\$ 1,736,411.39
1	Socorro County	Three Tanks Road Improvements	29	-	Yes	Yes	Yes LP10028	\$ 540,000.00	\$ 2,945,000.00	\$ 155,000.00	\$ 3,100,000.00	\$ 3,100,000.00	\$ 3,640,000.00
1	Town of Hurley	E, Anza & Cortez Survey & Desig	16	7	Yes	Yes	-		\$ 118,750.00	\$ 6,250.00	\$ 125,000.00	\$ 125,000.00	\$ 125,000.00
1	Town of Mesilla	Calle de Santiago Bridge Improvements and Active Transportation Corridor	3	-	Yes	Yes	Yes LP10004 LP10014	\$ 300,024.07	\$ 445,223.20	\$ 23,432.80	\$ 468,656.00	\$ 468,656.00	\$ 768,680.07
1	Town of Silver City	32nd Street Road Construction	15	1	No	Yes	-		\$ 2,183,100.00	\$ 114,900.00	\$ 2,298,000.00	\$ 2,183,100.00	\$ 2,183,100.00
1	Village of Columbus	E Broadway Roadway & Drainage	6	6	No	Yes	-		\$ 101,650.00	\$ 5,350.00	\$ 107,000.00	\$ 101,650.00	\$ 101,650.00
1	Village of Williamsburg	Rio Grande Ave. Phase II Design & Construction	14	-	No	Yes	-		\$ 764,311.43	\$ 40,226.92	\$ 804,538.35	\$ 764,311.43	\$ 764,311.43
1	City of Demining	Gold Street Maintenance Reduction Road Diet, Signalization and Pedestrian Safety	11	2	No	Yes	-		\$ 2,118,500.00	\$ 111,500.00	\$ 2,230,000.00	\$ 2,118,500.00	\$ 2,118,500.00
1	City of Socorro	Manzanares Ave Design, Repaving and ADA sidewalk replacement	10	-	No	Yes	-		\$ 579,671.00	\$ 30,509.00	\$ 610,180.00	\$ 579,671.00	\$ 579,671.00
1	City of Socorro	Plan and Design East Road/EMRTC Bridge (NMDOT#9270)	2	-	No	Yes	-		\$ 332,500.00	\$ 17,500.00	\$ 350,000.00	\$ 332,500.00	\$ 332,500.00
1	Village of Hatch	Canal Road Bridge Replacement and Placitas Arroyo Improvements	9	-	No	Yes	-		\$ 547,822.96	\$ 28,832.79	\$ 576,655.75	\$ 547,822.96	\$ 547,822.96
1 Total								\$ 1,920,866.90	\$16,637,019.12	\$ 875,632.59	\$17,512,651.71	\$16,843,531.92	\$18,764,398.82
2	Chaves County	Brasher Bridge Replacement	#4 DE ranking for major Catipal Improvement project.	4	No	Yes	-		\$ 1,187,500.00	\$ 62,500.00	\$ 1,250,000.00	\$ 1,187,500.00	\$ 1,187,500.00
2	City of Carlsbad	Dark Canyon Bridge	#2 Rank DE for Design funding.	1	No	Yes	-		\$ 2,850,000.00	\$ 150,000.00	\$ 3,000,000.00	\$ 2,850,000.00	\$ 2,850,000.00
2	City of Portales	18th Street & Staffordwood Improvements	Recommend fully funding project.	1	Yes	Yes	-		\$ 275,500.00	\$ 14,500.00	\$ 290,000.00	\$ 290,000.00	\$ 290,000.00
2	City of Roswell	S. Atkinson Pavement Maintenance	#2 DE ranking for major Catipal Improvement project.	1	No	Yes	-		\$ 2,554,550.00	\$ 134,450.00	\$ 2,689,000.00	\$ 2,554,550.00	\$ 2,554,550.00
2	Curry County	Curry Various Roads	Recommend fully funding project.	1	No	Yes	-		\$ 760,885.81	\$ 40,046.62	\$ 800,932.43	\$ 760,885.81	\$ 760,885.81
2	Roosevelt County	Roosevelt County Micro Seal Project	Highly Recommend fully funding project. Last TPF cycle Road	1	No	Yes	-		\$ 2,734,787.80	\$ 143,936.20	\$ 2,878,724.00	\$ 2,734,787.80	\$ 2,734,787.80
2	Village of Capitan	Tiger Drive (Design Phase)	#1 Rank DE for Design.	1	Yes	Yes	-		\$ 57,000.00	\$ 3,000.00	\$ 60,000.00	\$ 60,000.00	\$ 60,000.00
2	Village of Ruidoso	Village of Ruidoso Roadway Improvements Project	Recommend partial funding at \$1,425,000	1	No	Yes	-		\$ 2,850.00	\$ 150.00	\$ 3,000.00	\$ 2,850.00	\$ 2,850.00
2	City of Hobbs	SR 208, Navajo & SR 218 Improvements	Recommend fully funding project.	1	No	Yes	-		\$ 950,000.00	\$ 50,000.00	\$ 1,000,000.00	\$ 950,000.00	\$ 950,000.00
2	Lincoln County	Lincoln County Roadway Maintenance	Recommend fully funding project.	1	No	Yes	-		\$ 1,068,750.00	\$ 56,250.00	\$ 1,125,000.00	\$ 1,068,750.00	\$ 1,068,750.00
2	City of Lovington	Micro Slurry Seal 4.8 miles of city streets	Recommend fully funding project.	1	No	Yes	-		\$ 237,500.00	\$ 12,500.00	\$ 250,000.00	\$ 237,500.00	\$ 237,500.00
2	City of Lovington	Mill and Overlay .9 miles of various streets	Recommend fully funding project.	1	Yes	Yes	-		\$ 721,430.00	\$ 37,970.00	\$ 759,400.00	\$ 759,400.00	\$ 759,400.00
2	Otero County	Timberon Guardrail Replacement Safety Improvement	#3 Rank DE for Design.	3	No	Yes	-		\$ 237,500.00	\$ 12,500.00	\$ 250,000.00	\$ 237,500.00	\$ 237,500.00
2	Town of Vaughn	Street Improvements	Recommend fully funding project.	1	Yes	Yes	-		\$ 1,307,567.49	\$ 68,819.34	\$ 1,376,386.83	\$ 1,376,386.83	\$ 1,376,386.83
2	Mescalero Apache Tribe					Yes	Yes LP20017	\$ 1,037,739.26	\$ -	\$ -	\$ -	\$ -	\$ 1,037,739.26
2 Total								\$ 1,037,739.26	\$14,945,821.10	\$ 786,622.16	\$15,732,443.26	\$15,070,110.44	\$16,107,849.70
3	City of Belen	W. Aragon Road	Medium	-	Yes	Yes	-		\$ 1,895,250.00	\$ 99,750.00	\$ 1,995,000.00	\$ 1,995,000.00	\$ 1,995,000.00
3	City of Rio Rancho	Enchanted Hills Blvd Reconstruction	Medium	-	No	Yes	-		\$ 3,325,000.00	\$ 175,000.00	\$ 3,500,000.00	\$ 3,325,000.00	\$ 3,325,000.00
3	City of Rio Rancho	Laser Rd Reconstruction	Medium	-	No	Yes	-		\$ 427,500.00	\$ 22,500.00	\$ 450,000.00	\$ 427,500.00	\$ 427,500.00
3	Town of Bernalillo	Multi-Modal Transportation Safety Plan	High	-	No	Yes	Yes LP30005	\$ 2,000,000.00	\$ 133,000.00	\$ 7,000.00	\$ 140,000.00	\$ 133,000.00	\$ 2,133,000.00
3	Town of Peralta	Valle Lindo Neighborhood Pavement Improvements	High	-	No	Yes	-		\$ 879,937.50	\$ 46,312.50	\$ 926,250.00	\$ 879,937.50	\$ 879,937.50
3	Valencia County	La Ladera Road Improvements	High	-	No	Yes	-		\$ 1,900,000.00	\$ 100,000.00	\$ 2,000,000.00	\$ 1,900,000.00	\$ 1,900,000.00
3	Village of Tijeras	Pine View Rd Improvements	High	-	No	Yes	-		\$ 665,000.00	\$ 35,000.00	\$ 700,000.00	\$ 665,000.00	\$ 665,000.00
3	Village of Corrales	Sagebrush Dr Repave PHASE I & II	High	-	No	Yes	-		\$ 948,477.15	\$ 49,919.85	\$ 998,397.00	\$ 948,477.15	\$ 948,477.15
3	Village of Bosque Farms	Esperanza Dr Improvements	Medium	-	No	Yes	Yes LP30026	\$ 182,000.00	\$ 878,750.00	\$ 46,250.00	\$ 925,000.00	\$ 878,750.00	\$ 1,060,750.00
3	Village of Los Ranchos Albuquerque	4th Street Revitalization	High	-	No	Yes	-		\$ 1,425,000.00	\$ 75,000.00	\$ 1,500,000.00	\$ 1,425,000.00	\$ 1,425,000.00
3	City of Rio Communities	Goodman Pavement Reconstruction	High	-	No	Yes	-		\$ 2,120,364.02	\$ 111,598.11	\$ 2,231,962.13	\$ 2,120,364.02	\$ 2,120,364.02
3	Southern Sandoval County Arroyo Flood Cor	Stallion Channel Access Segment	Medium	1	Yes	Yes	-		\$ 522,500.00	\$ 27,500.00	\$ 550,000.00	\$ 550,000.00	\$ 550,000.00
3 Total								\$ 2,182,000.00	\$15,120,778.67	\$ 795,830.46	\$15,916,609.13	\$15,248,028.67	\$17,430,028.67

FY2023 TRANSPORTATION PROJECT FUND

District	Entity	Project Scope	DE Priority Ranking	MPO/RTPO Priority Ranking	Match Waiver Request	Secretary Recommended	Approved Shortfall Assistance	Shortfall Amount	95% State Amt	5% Entity Amt	Total Cost		Amt To Pay Out	Total of Entity
4	City of Las Vegas	Historic Plaza Route Project	7	5	Yes	Yes	-		\$ 2,540,083.50	\$ 133,688.61	\$ 2,673,772.10		\$ 2,673,772.10	\$ 2,673,772.10
4	City of Raton	City Wide Pavement Preservation Project	10	8	Yes	Yes	-		\$ 950,000.00	\$ 50,000.00	\$ 1,000,000.00		\$ 1,000,000.00	\$ 1,000,000.00
4	City of Santa Rosa	Chuck and Dale Lane Improvements	16	28	Yes	Yes	Yes LP40010	\$ 825,794.00	\$ 560,956.00	\$ 29,524.00	\$ 590,480.00		\$ 590,480.00	\$ 1,416,274.00
4	City of Tucumcari	Abber Add Street Improvement	14	14	Yes	Yes	-		\$ 950,000.00	\$ 50,000.00	\$ 1,000,000.00		\$ 1,000,000.00	\$ 1,000,000.00
4	Colfax County	Bartlett Subdivision	3	26	Yes	Yes	-		\$ 854,955.92	\$ 44,997.68	\$ 899,953.60		\$ 899,953.60	\$ 899,953.60
4	Guadalupe County	Bar Y Road	5	30	Yes	Yes	-		\$ 657,400.00	\$ 34,600.00	\$ 692,000.00		\$ 692,000.00	\$ 692,000.00
4	Mora County	A-030 El Alto & A-031 Camino del Medio	17	-	Yes	Yes	-		\$ 2,000,000.00	\$ 105,263.16	\$ 2,105,263.16		\$ 2,000,000.00	\$ 2,000,000.00
4	San Miguel County	San Juan Rd. & CRB41D	15	29	Yes	Yes	-		\$ 902,500.00	\$ 47,500.00	\$ 950,000.00		\$ 950,000.00	\$ 950,000.00
4	Town of Clayton	Wilson Street	1	10	Yes	Yes	Yes LP40017	\$ 315,789.47	\$ 1,365,585.10	\$ 71,872.90	\$ 1,437,458.00		\$ 1,437,458.00	\$ 1,753,247.47
4	Town of Springer	Prospect Ave Reconstruction	13	7	Yes	Yes	-		\$ 1,303,755.05	\$ 68,618.69	\$ 1,372,373.74		\$ 1,372,373.74	\$ 1,372,373.74
4	Village of Eagle Nest	No Name Trail St. and Drainage Improvements	4	9	Yes	Yes	Yes LP40012	\$ 529,000.00	\$ 1,532,350.00	\$ 80,650.00	\$ 1,613,000.00		\$ 1,613,000.00	\$ 2,142,000.00
4	Village of Maxwell	2nd St. Infrastructure and Street Improvements	9	25	Yes	Yes	-		\$ 1,213,150.00	\$ 63,850.00	\$ 1,277,000.00		\$ 1,277,000.00	\$ 1,277,000.00
4	Village of Roy	Roosevelt Street- Street and Drainage Improvements	11	22	Yes	Yes	Yes LP40018	\$ 263,157.89	\$ 937,650.00	\$ 49,350.00	\$ 987,000.00		\$ 987,000.00	\$ 1,250,157.89
4	Village of Logan	Village of Logan	8	11	No	Yes	-		\$ 240,363.54	\$ 12,650.71	\$ 253,014.25		\$ 240,363.54	\$ 240,363.54
4	Village of San Jon	2022 Street Improvements	12	13	Yes	Yes	-		\$ 475,000.00	\$ 25,000.00	\$ 500,000.00		\$ 500,000.00	\$ 500,000.00
4	Quay County					Yes	Yes LP40006	\$ 767,695.63	\$ -	\$ -	\$ -		\$ -	\$ 767,695.63
4	Village of Angel Fire					Yes	Yes LP40014 LP40015 LP40009	\$ 797,477.74	\$ -	\$ -	\$ -		\$ -	\$ 797,477.74
4	Village of Cimarron					Yes	Yes LP40013	\$ 1,755,832.00	\$ -	\$ -	\$ -		\$ -	\$ 1,755,832.00
4 Total								\$ 5,254,746.73	\$16,483,749.11	\$ 867,565.74	\$17,351,314.85		\$17,233,400.98	\$22,488,147.71
5	City of Bloomfield	Bergin Lane Reconstruction	1	1	No	Yes	-		\$ 285,000.00	\$ 15,000.00	\$ 300,000.00		\$ 285,000.00	\$ 285,000.00
5	City of Farmington	W Main St/ Broadway Resurfacing	1	2	No	Yes	-		\$ 2,224,900.00	\$ 117,100.00	\$ 2,342,000.00		\$ 2,224,900.00	\$ 2,224,900.00
5	City of Santa Fe	Arroyo de los Chamisos Crossing	1	-	No	Yes	-		\$ 950,000.00	\$ 50,000.00	\$ 1,000,000.00		\$ 950,000.00	\$ 950,000.00
5	San Juan County	County Road 6480 Resurfacing	1	2	No	Yes	-		\$ 1,425,000.00	\$ 75,000.00	\$ 1,500,000.00		\$ 1,425,000.00	\$ 1,425,000.00
5	Taos County	Rio Chiquito Bridge	1	4	No	Yes	-		\$ 950,000.00	\$ 50,000.00	\$ 1,000,000.00		\$ 950,000.00	\$ 950,000.00
5	Torrance County	Ewing Road Improvement	1	-	No	Yes	-		\$ 1,210,648.87	\$ 63,718.36	\$ 1,274,367.23		\$ 1,210,648.87	\$ 1,210,648.87
5	Torrance County	Martinez Road Improvement	1	-	(blank)	Yes	-		\$ 729,588.36	\$ 38,399.39	\$ 767,987.75		\$ 729,588.36	\$ 729,588.36
5	Town of Estancia	Highland Avenue Improvements-PHASE II	1	-	Yes	Yes	-		\$ 440,800.00	\$ 23,200.00	\$ 464,000.00		\$ 464,000.00	\$ 464,000.00
5	Santa Clara Pueblo	Puye Rd Repair & Improvement	1	13	Yes	Yes	-		\$ 475,000.00	\$ 25,000.00	\$ 500,000.00		\$ 500,000.00	\$ 500,000.00
5	North Central Regional Transit District	Four Bus Stop Improvements on NM-68 between Velarde and Alcalde	1	1	No	Yes	-		\$ 404,853.79	\$ 21,308.09	\$ 426,161.88		\$ 404,853.79	\$ 404,853.79
5	Jicarilla Apache Nation	Medicine Way Roadway Extension Project	1	12	Yes	Yes	-		\$ 736,250.00	\$ 38,750.00	\$ 775,000.00		\$ 775,000.00	\$ 775,000.00
5	Santa Fe County	Northeast and Southeast Connector Road(s) project	1	-	No	Yes	-		\$ 4,465,000.00	\$ 235,000.00	\$ 4,700,000.00		\$ 4,465,000.00	\$ 4,465,000.00
5	Taos Pueblo					Yes	Yes LP50025	\$ 836,700.32	\$ -	\$ -	\$ -		\$ -	\$ 836,700.32
5 Total								\$ 836,700.32	\$ 14,297,041.02	\$ 752,475.84	\$ 15,049,516.86		\$ 14,383,991.02	\$ 15,220,691.34
6	Cibola County	C-5 Moquino Bridge	1	-	No	Yes	-		\$ 1,900,000.00	\$ 100,000.00	\$ 2,000,000.00		\$ 1,900,000.00	\$ 1,900,000.00
6	City of Gallup	Nizhoni Boulevard Project Phases III & IV	5	-	No	Yes	-		\$ 4,364,300.00	\$ 229,700.00	\$ 4,594,000.00		\$ 4,364,300.00	\$ 4,364,300.00
6	City of Grants	Nimitz Drive Phase III Improvements	7	-	No	Yes	-		\$ 1,140,000.00	\$ 60,000.00	\$ 1,200,000.00		\$ 1,140,000.00	\$ 1,140,000.00
6	McKinley County	CR 43 A Superman Canyon	10	-	No	Yes	-		\$ 2,580,517.30	\$ 135,816.70	\$ 2,716,334.00		\$ 2,580,517.30	\$ 2,580,517.30
6	Navajo Nation	Chee Dodge Elementary School Intersection Improvements	8	-	Yes	Yes	-		\$ 950,000.00	\$ 50,000.00	\$ 1,000,000.00		\$ 1,000,000.00	\$ 1,000,000.00
6	Pueblo of Acoma	SP38 Haaku Road	4	-	No	Yes	-		\$ 2,755,000.00	\$ 145,000.00	\$ 2,900,000.00		\$ 2,755,000.00	\$ 2,755,000.00
6	Village of Milan	Airport Road Phase 3 Construction	9	-	Yes	Yes	-		\$ 1,135,250.00	\$ 59,750.00	\$ 1,195,000.00		\$ 1,195,000.00	\$ 1,195,000.00
6	Pueblo of Jemez					Yes	Yes LP60019	\$ 163,068.00	\$ -	\$ -	\$ -		\$ -	\$ 163,068.00
6	Sandoval County					Yes	Yes LP60030 LP60031	\$ 1,683,232.20	\$ -	\$ -	\$ -		\$ -	\$ 1,683,232.20
6 Total								\$ 1,846,300.20	\$14,825,067.30	\$ 780,266.70	\$15,605,334.00		\$14,934,817.30	\$16,781,117.50
Grand Total								\$ 13,078,353.41	\$92,309,476.32	\$4,858,393.49	\$97,167,869.81		\$93,713,880.33	\$106,792,233.74

Agenda Item 11d

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 August 18, 2022

1. NMDOT Combined Investment Summary ending July 31, 2022
 2. NMDOT/NMFA Debt Service outlook to next Bond Payment Dec 15, 2022
as of July 31, 2022
-

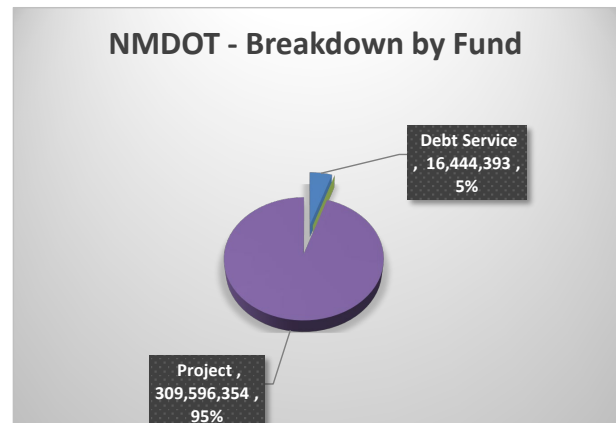
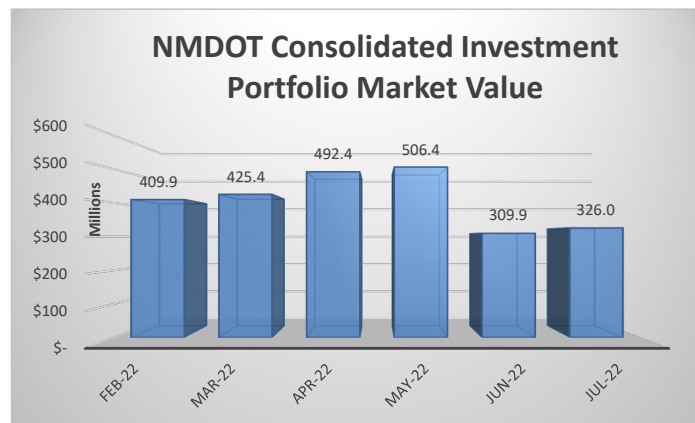


INVESTMENT OF NM DEPT OF TRANSPORTATION BONDS NMDOT - BOND SERIES PORTFOLIO SUMMARIES

July 31, 2022

NMDOT BOND SERIES DEBT SERVICE - Portfolio Summary							
Bond Series	Beginning Balance	Bond Payment Set Aside Pmt	Interest	Ending Balance	Next Bond DS Pmt 12/15/2022	Final Maturity	Call Date
2012 Senior	-	-	-	-	-	6/15/2026	6/15/2022
2014 A Sub	37,663.56	252,613.64	366.80	290,644.00	1,389,375.00	6/15/2032	6/15/2024
2014 B1 Senior	27,949.47	279,000.00	394.86	307,344.33	1,534,500.00	6/15/2027	6/15/2024
2014 B2 Sub	13,244.41	212,318.19	506.07	226,068.67	252,750.00	6/15/2027	6/15/2024
2018 A Sub	35,086.97	9,458,727.28	5,664.95	9,499,479.20	10,120,500.00	6/15/2030	6/15/2028
2020 A Senior	285,032.73	4,083,113.65	1,474.83	4,369,621.21	1,489,625.00	6/15/2025	
2021 A Sub	18,408.36	1,066,363.65	1,442.78	1,086,214.79	5,865,000.00	6/15/2030	
2022A Senior	151,277.77	513,670.20	72.88	665,020.85	1,489,372.22	6/15/2026	
TOTAL	568,663.27	15,865,806.61	9,923.17	16,444,393.05	22,141,122.22		

NMDOT BOND SERIES PROJECT/OTHER FUNDS - Portfolio Summary				
Bond Series	Beginning Balance	Draws - Payments	Interest	Ending Balance
2021 A Project	302,631,340.52	-	227,345.80	302,858,686.32
2014 A Project	6,732,609.50	-	5,057.74	6,737,667.24
TOTAL	309,363,950.02	-	232,403.54	309,596,353.56



NMDOT BOND SERIES LINE OF CREDIT - Portfolio Summary					
Line of Credit	Beginning Balance	Draws - Contributions	Commitment Fee	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: 1st half Fiscal Year 2023

Bond Series	Current Amount Outstanding	Final Maturity Date	Principal Debt Service Due 12/15/2022	Interest Debt Service Due 12/15/2022	Total Debt Service Due 12/15/2022	Debt Service held as of 7/31/2022	Shortage / Overage as of 7/31/2022
2014 A Sub	55,575,000	6/15/32		1,389,375	1,389,375	290,644	(1,098,731)
2014 B-1 Sr	61,380,000	6/15/27		1,534,500	1,534,500	307,344	(1,227,156)
2014 B-2 Sub	10,110,000	6/15/27		252,750	252,750	226,069	(26,681)
2018 A Sub	404,820,000	6/15/30		10,120,500	10,120,500	9,499,479	(621,021)
2020 A Sr	59,585,000	6/15/25		1,489,625	1,489,625	4,369,621	2,879,996
2021A Sub	234,600,000	6/15/30		5,865,000	5,865,000	1,086,215	(4,778,785)
2022A Sr	47,240,000	6/15/26		1,489,372	1,489,372	665,021	(824,351)
	873,310,000		-	22,141,122	22,141,122	16,444,393	(5,696,729)
Senior Lien	168,205,000		-	4,513,497	4,513,497		
Subordinate Lien	705,105,000		-	17,627,625	17,627,625		
Total	873,310,000						

Agenda Item 12

Policy Reports

Agenda Item 12a

Action Item: Re-issuance of
Commission Policies with a
New Effective Date

Commission Brief

SUBJECT: Reissuance of the following Commission Policies (collectively, “identified policies”):

- No. 2 - *New Mexico State Transportation Commission Code of Conduct* (CP 2);**
- No. 3 - *Approval of Secretary* (CP 3);**
- No. 4 - *New Mexico State Transportation Commission Rules and Policies*; (CP 4);**
- No. 5 - *Involvement in Operations* (CP 5);**
- No. 21 - *Annual Report* (CP 21);**
- No. 29 - *Disposition of Real Property* (CP 29);**
- No. 41 - *Annual Budget Policy* (CP 41);**
- No. 43 - *Annual Financial Audit by External Auditor* (CP 43);**
- No. 44 - *Funding Assistance to Local Governments* (CP 44);**
- No. 47 - *Archaeological Costs* (CP 47);**
- No. 61 - *Memorial or Honorary Designation or Dedication of Highways, Transportation Facilities and Structures* (CP 61);**
- No. 69 - *Landscape Development on State Transportation Facilities* (CP 69);**
- No. 70 - *Red Light and Speed Enforcement Cameras* (CP 70);**
- No. 71 - *Recreational Off-Highway Vehicles on Paved State Highways* (CP 71);**
- No. 84 - *Snow Removal Priorities* (CP 84);**
- No. 87 - *Acquisition of Rights of Way from Native American Nations, Tribes and Pueblos* (CP 87);**
- No. 88 - *Special Construction Features* (CP 88); and**
- No. 90 - *Certification of Regional Transit District (RTD)* (CP 90).**

REFERENCE: Attached are copies of all identified policies.

PRESENTER: Ken Baca, General Counsel, NMDOT

BACKGROUND: Pursuant to Commission Policy 4, *New Mexico State Transportation Commission Rules and Policies* (CP 4), the identified policies require reissuance with a new effective date.

No substantive revisions are proposed at this time.

ACTION: The Commission is requested to take action to approve the reissuance of the identified policies with a new effective date.

August 18, 2022

NEW MEXICO STATE TRANSPORTATION COMMISSION



CP 2
10/16/14

New Mexico State Transportation Commission Code of Conduct

Reference: The Governmental Conduct Act, NMSA 1978, Sections 10-16-1 to 10-16-18; the Financial Disclosures Act, Sections 10-16a-1 to 10-16a-8; and the Gift Act, Sections 10-16b-1 to 10-16b-4.

This Commission Policy supersedes Commission Policy No. 2 dated September 17, 2009.

A. Public Trust

1. Commissioners shall treat their government positions as public trusts. They shall use their positions and the powers and resources of public office only to advance the public interest and not to obtain personal benefits or pursue private interests. They shall strive in all their actions to bring credit to the State of New Mexico.
2. Commissioners shall conduct themselves in a manner that justifies the confidence placed in them by the people, at all times maintaining the integrity of and discharging ethically the high responsibilities of public office.
3. Commissioners shall not use or disclose confidential information obtained by virtue of their office for another person's benefit or private gain.

B. Conflicts of Interest

1. Commissioners shall annually comply with the requirements of the Financial Disclosures Act. Full disclosure of real or potential conflicts of interest shall be a guiding principle for determining appropriate conduct.
2. Commissioners shall not take any official act for the primary purpose of enhancing their financial interest or financial position. Commissioners shall disqualify themselves from decisions or official actions directly affecting their financial interests.

3. Commissioners shall not engage in any other employment or activity that creates a conflict of interest, interferes with their duties to the public, compromises their ability to discharge effectively their duties, or otherwise adversely affects the performance of their duties.
4. Commissioners shall disclose any current outside employment within five (5) days of their receipt of this Code of Conduct and shall disclose anticipated outside employment before it begins.
5. The Commission shall not enter into contracts for services, construction, or items of tangible property:
 - i. With a public officer or employee of the state;
 - ii. With the family of a public officer or employee; or
 - iii. With a business in which a public officer or employee or his or her family has a substantial interest;

unless the public officer or employee has disclosed the interest and the contract is awarded pursuant to the Procurement Code. Under these circumstances, the potential contractor shall not be eligible for a sole source or small purchase contract.

6. The Commission shall not enter into contracts with, or take any action favorably affecting, any person or business that is:
 - i. Represented personally in the matter by a person who has been a public officer or employee of the state within the previous year and the contract is a direct result of an official act by the former public officer or employee; or
 - ii. Assisted in the transaction by a former public officer or employee of the state whose official action, while in state employment, directly resulted in the agency entering the contract or taking the action.
7. A former Commissioner shall not represent a person in dealings with the government on a matter in which the former Commissioner participated personally and substantially while a Commissioner.
8. For a period of one (1) year after leaving office, a former Commissioner shall not receive any pay for representing a person before the Commission or the New Mexico Department of Transportation (hereinafter "the Department").

C. Gifts

1. Commissioners shall not request or receive any money, thing of value, or a promise of money or thing of value that is conditioned upon or given in exchange for their promised performance of an official act.

2. Commissioners shall not accept gifts, compensation, money or any other thing of value from persons affected by state action, where it is known or reasonably should be known that the purpose of the donor in giving the gift, compensation, money, or other thing of value is to influence the Commissioner in the performance of the Commissioner's official duties.
3. Commissioners, or their family members, shall not accept any gift exceeding \$250 in value from a "restricted donor." A "restricted donor" is a person who:
 - i. Is or is seeking to be a party to any sale, purchase, lease, or contract with the Commission or Department;
 - ii. Will personally be, or is the agent of a person who will be, directly and substantially affected financially by the performance or nonperformance of the Commissioner's official duty in a way that is greater than the effect on the public generally or on a substantial class of persons to which the person belongs as a member of a profession, occupation, industry or region;
 - iii. Is personally, or is the agent of a person who is, the subject of or party to a matter that is pending before the Commission or Department over which the Commissioner has discretionary authority as part of the Commissioner's official duties; or
 - iv. Is a lobbyist or a client of a lobbyist with respect to matters within the Commissioner's jurisdiction.
4. Commissioners, or their family members, shall not accept gifts totaling more than \$1,000 in one calendar year from a lobbyist, lobbyist's employer, or government contractor.
5. Commissioners shall not request or receive an honorarium for a speech or service rendered that relates to the performance of public duties. An honorarium does not include reasonable reimbursement for meals, lodging, or actual travel expenses incurred in making the speech or rendering the service.

D. Commission and Department

1. Commissioners shall not place themselves in a position which impairs their independence of judgment in the exercise of duties or gives rise to suspicion by conflict with the interests of the Commission or Department.
2. Commissioners shall not acquire a financial interest at a time when they believe or have reason to believe it shall be affected directly by their official acts.

3. Commissioners shall not use confidential information acquired by virtue of their position for their private gain.
 4. Commissioners shall not, because of their position or confidential information, exploit a supplier to the Department or exploit a regulated industry.
 5. Commissioners shall not enter a bid on real property or otherwise purchase real property being sold by the Department at any sale or auction conducted by the Department.
 6. Commissioners shall annually sign an acknowledgement that they have received, reviewed, and understand the Commission Code of Ethics and agree to adhere by its terms.
-

New Mexico State Transportation Commission

Code of Conduct Adopted October __, 2014

Acknowledgement

I, _____, acknowledge that I have received, reviewed and understand the requirements contained within the Code of Conduct approved by the State Transportation Commission as Commission Policy 2. I agree to adhere by its terms and understand that violation of the terms may constitute cause for censure, suspension or removal.

Printed Name: _____

Signature: _____

Date: _____

NEW MEXICO STATE TRANSPORTATION COMMISSION



CP 3
01/18/17

Approval of Secretary

Reference: NMSA 1978, Section 67-3-23

This Commission Policy supersedes Commission Policy No. 3 dated April 19, 2012.

- A. Upon Governor's notice to the Commission of a person selected to be appointed as Secretary of Transportation, the Commission shall meet to discuss and vote its approval or disapproval.
 - B. Immediately following the vote to approve or disapprove the Governor's selection, the Chairperson shall inform the Governor of the Commission's decision by letter.
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NEW MEXICO STATE TRANSPORTATION COMMISSION



CP 4
11/16/17

New Mexico State Transportation Commission Rules and Policies

Reference: New Mexico State Rules Act, NMSA 1978 Sections 14-4-1 *et seq.* and NMSA 1978, Sections 67-3-2 and 67-3-11.

This Commission Policy supersedes Commission Policy No. 4 dated September 18, 2014.

NMSA 1978, Section 67-3-2 charges the Commission with the determination of all matters of policy relating to the New Mexico Department of Transportation (Department). Section 67-3-11 authorizes the Commission to make all rules and regulations as may be necessary to carry out the provisions of Chapter 67. Section 14-4-2 of the State Rules Act defines "rule" as "any rule, regulation, or standard, including those that explicitly or implicitly implement or interpret a federal or state legal mandate or other applicable law and amendments thereto or repeals and renewals thereof, issued or promulgated by any agency and purporting to affect one or more agencies besides the agency issuing the rule or to affect persons not members or employees of the issuing agency, including affecting persons serviced by the agency." Under law, the Commission's power to set policy involves two (2) distinct procedures depending upon whether outside substantive interests are directly and intentionally affected by the promulgation of policy.

- A. If the policy statement has only internal Departmental application without intent to enforce procedures directly affecting other agencies or non-employees, the following procedures apply:
 - 1. The proposed policy shall be submitted to the Commission for study and evaluation prior to being submitted to the Commission for action.
 - 2. The Commission shall submit proposed new and revised policy statements and policy statement waivers to the Secretary of Transportation (Secretary) for placement on a future agenda for Commission action.
 - 3. A policy shall be effective immediately upon approval of the Commission at a regular meeting, unless otherwise stipulated.
- B. If a policy statement has external application that clearly and directly affects the substantive rights of agencies or individuals outside the Department when enforced, the policy shall be drafted, noticed and filed as a Department rule in compliance with state law as follows:

1. A rulemaking, including new rules, rule amendment, rule supersession or rule repeal, may be proposed to the Commission at any time by any person.
2. A proposed rulemaking shall be submitted to the Commission for study and evaluation.
3. The Secretary may delegate rulemaking duties to Department staff or to others pursuant to a professional services agreement.
4. The Secretary or designee shall report to the Commission a summary of the proposed rulemaking. When appropriate agenda notice has been given, the Commission may act upon the proposed rulemaking, which could include directing the Secretary or designee to hold informal consultation meetings with persons who may be affected by a proposed rulemaking to identify specific areas of agreement, disagreement and compromise.
5. When the Commission's action is to initiate procedures to affect the proposed rulemaking, the Secretary or designee shall schedule a public hearing concerning the proposed rulemaking in Santa Fe, and such other hearing or hearings as the Commission may direct. The Secretary or designee shall publish a Notice of Proposed Rulemaking (NOPR) at least thirty (30) days prior to the hearing date or dates consistent with this Commission Policy, the State Rules Act, Department policy on rulemaking, and other applicable law, regulation or policy. The NOPR shall be published once in a newspaper of general circulation located within each of the six state transportation commission districts, once in any additional newspapers of general circulation located within any of the six state transportation commission districts as requested by the Commissioner representing the district, once in a newspaper of general statewide circulation, and be provided to the Division Administrator of the Federal Highway Administration, New Mexico Division.
6. During the comment period and only through the conclusion of the scheduled hearing(s), any person may communicate orally or in writing with individual Commissioners, the Secretary and Department staff concerning the proposed rulemaking.
7. The Department will hold public rulemaking hearings in accordance with the State Rules Act. The Commission may designate the Secretary as the hearing officer. The Secretary may delegate hearing officer duties through an appointment letter, to Department staff or to others pursuant to a professional services agreement. If the Secretary or designee is the hearing officer, the hearing or hearings shall be held independently from a Commission meeting.
8. The hearing shall be open to the public and shall be recorded by a court reporter.
 - a. The hearing officer shall conduct the hearing in a fair and equitable manner.
 - b. The purpose of the hearing shall be for public comment on the adoption of a new rule, amendment to a current rule or repeal of an existing rule. Members of the public shall be given a reasonable opportunity to submit data, views or

arguments orally or in writing during the hearing. No data, views or arguments whether submitted orally or in writing will be accepted after the close of the hearing.

- c. If there is more than one hearing conducted on a rulemaking, then no data, views or arguments whether submitted orally or in writing will be accepted after the record in the last hearing scheduled has closed.
 - d. No comments including data, views or arguments orally or in writing will be accepted by any Commissioner, NMDOT staff person or by the hearing officer after the hearing officer closes the record of the last hearing.
- 9. Following the conclusion of the hearing or hearings on the proposed rulemaking, the Secretary shall review the proposed rulemaking, the rulemaking hearing record and prepare a final rulemaking report and recommendation for the Commission. Copies of the final report and recommendation shall be submitted to individual Commissioners and shall be provided to the public pursuant to the State Rules Act. At a regular or special Commission meeting following submission of the Secretary's final rulemaking report and recommendation to individual Commissioners, the Secretary or designee shall formally present his or her report and recommendation to the Commission. The final rulemaking action taken by the Commission shall be based upon the findings set forth in the Secretary's report as required by a provision of law for adoption of the final rule.
- 10. Following the Secretary or designee's formal presentation, the Commission may question the Secretary or designee regarding the report and recommendation and take any action it deems appropriate.
- 11. When the Commission adopts the proposed rulemaking, with whatever alterations the Commission deems appropriate as supported by the rulemaking hearing record, the rulemaking shall be filed with the New Mexico Commission of Public Records - State Records Center and Archives (SRCA) and published in the New Mexico Register as soon as practicable.
- 12. Once a rulemaking is filed and published in the New Mexico Register, it has the force of law subject to superior federal or state law.
- 13. Notwithstanding any other provision of this Policy and in an emergency situation affecting the public health, safety and welfare as determined by the Secretary, the Secretary may take any necessary rulemaking action deemed appropriate pursuant to the State Rules Act.
- C. The Secretary shall develop procedures by which rules, Commission policy statements and administrative directives are reviewed for applicability on a regular basis.
 - 1. Rules shall be reviewed by the appropriate Department division or other organizational unit every five (5) years from their effective date.
 - a. Rules that retain applicability shall be certified to that fact.

- b. Rules requiring amendment or repeal shall be advertised and scheduled for a public hearing to amend or to repeal. The amended rules or notices of repeal shall be filed with the SRCA and published in the New Mexico Register.
 - c. Rules affecting speed limits are exempted from the annual review requirements in this section.
 - 2. Commission policy statements and administrative directives shall expire five (5) years from their effective dates.
 - a. Commission policy statements and administrative directives shall be issued for review and comments six (6) months prior to the fifth (5th) anniversary of the effective date.
 - b. Commission policy statements and administrative directives may be revised or reissued with a new effective date.
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NEW MEXICO STATE TRANSPORTATION COMMISSION



CP 5
11/16/17

Involvement in Operations

Reference: NMSA 1978, Sections 67-3-2, 67-3-7, 67-3-8 and 67-3-23

This Commission Policy supersedes Commission Policy No. 5 dated September 20, 2012.

- A. The New Mexico State Transportation Commission (Commission) is responsible to determine all matters of policy for the Department of Transportation (hereinafter "Department").
 - B. The Secretary of Transportation ("Secretary") is charged with the control and efficient management of the Department.
 - C. No Commissioner shall unilaterally direct the duties of any Department employee. Commissioners shall advise the Secretary, or his/her designee, of any operational or management issues and concerns.
 - D. This policy is not intended to restrict the ability of any Commissioner to communicate with a District Transportation Engineer or other Department employee.
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NEW MEXICO STATE TRANSPORTATION COMMISSION



CP 21
11/19/15

ANNUAL REPORT

Reference: Section 67-3-22, NMSA 1978.

This Commission Policy supersedes Commission Policy No. 21 dated November 19, 2009.

It is the policy of the New Mexico State Transportation Commission that the Secretary of Transportation shall submit the Annual Report as required pursuant to Section 67-3-22, NMSA 1978 to the Commission for approval, at any regular or special meeting, prior to its submission to the Governor on or before the first day of January of each year.

The Annual Report, as defined in Section 67-3-22, NMSA 1978, shall include "all business transacted by the Commission up to and including the thirtieth day of November, showing an itemized statement of money received and disbursed." The information contained in following documents will accomplish this requirement:

1. preliminary or, if available, audited financial statements of budget to actual revenue and expenditure for the most recent fiscal year ending June 30;
2. financial statement of budget to actual revenue and expenditures for the current fiscal year from July 1 through November 30; and
3. a report of accomplishments for the previous twelve months of operation or the calendar year.

NEW MEXICO STATE TRANSPORTATION COMMISSION



CP 29
01/22/15

Disposition of Real Property

Reference: NMSA 1978, Sections 67-3-2, 67-3-8.2, 67-3-12 and 67-3-14.

This Commission Policy supersedes Commission Policy No. 29 dated November 19, 2009.

- A. Pursuant to NMSA 1978, Section 67-3-8.2, it is the policy of the New Mexico State Transportation Commission that real property, or any interest in that property, acquired by the Commission or the New Mexico Department of Transportation (hereinafter "Department") with money from the Road Fund, regardless of whether acquired by condemnation or other means, may be disposed of by the Department, in a manner consistent with law and in the best interests of the Department and the Road Fund, by bid, public sale, negotiated public sale, direct sale, exchange, lease, or as compensation for construction services provided to the Department.
 - B. Any money received from the disposition of real property as described in this policy shall be deposited into the Road Fund.
 - C. State Transportation Commissioners shall not enter a bid on real property or otherwise purchase real property being sold by the Department at any sale or auction conducted by the Department.
 - D. The Secretary of Transportation shall formulate directives and procedures for the implementation of this policy.
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NEW MEXICO STATE TRANSPORTATION COMMISSION



CP 41
11/16/17

Annual Budget Policy

Reference: NMSA 1978, Sections 67-3-2 and 67-3-14

This Commission Policy supersedes Commission Policy No. 41 dated April 19, 2012.

The purpose of this policy is to document the annual budget and project budgeting process to be followed by the Department to allow the New Mexico State Transportation Commission to effectively exercise its review and approval authority over the Department's budget.

- A. At or before the Commission's regularly scheduled July meeting, the Secretary of Transportation (hereinafter "Secretary") shall provide to the Commission a list of budget priorities and estimated costs for the upcoming appropriation request.
- B. At or before the Commission's next regularly scheduled meeting, the Secretary shall provide to the Commission for its review and approval a copy of the Department's proposed annual budget request. Any changes to the Commission approved proposed annual budget request shall be reported to the Commission at its next regularly scheduled meeting. Changes shall be limited to:
 - 1. Projected changes in State Road Fund and federal revenues;
 - 2. Updates to Department administrative overhead costs related to services provided by the General Services Department and the Department of Information Technology; and/or
 - 3. Updates required by the Department of Finance and Administration.
- C. The Secretary shall ensure that the expenditure of funds are in accordance with the legislatively approved budget.
- D. All budget adjustments shall require prior Commission approval, except the Secretary may make budget adjustments to meet:
 - 1. Emergency situations as authorized by state law with the Commission Chairperson's approval, or

2. Any other situation, with the Commission Chairperson's approval, where a Budget Adjustment Request (BAR) is required prior to a regularly scheduled Commission meeting. The Secretary shall report these budget adjustments to the full Commission at the regularly scheduled meeting immediately following the adjustment.
- E. The Secretary shall formulate directives and procedures for the implementation of this Policy.
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NEW MEXICO STATE TRANSPORTATION COMMISSION



CP 43
09/17/15

Annual Financial Audit by External Auditor

Reference: NMSA 1978, Sections 12-6-1 through 12-6-14 and 2.2.2 NMAC.

This Commission Policy supersedes Commission Policy No. 43 dated October 21, 2010.

It is the policy of the State Transportation Commission to provide guidelines for an annual financial audit by an external auditor.

- A. The Secretary or his or her designee shall recommend one or more external auditor(s) to the State Auditor.
 - B. The Secretary's recommendation of an external auditor will be made in accordance with the Audit Act, NMSA 1978, Sections 12-6-1 through 12-6-14, and the Requirements for Contracting and Conducting Audits of Agencies, 2.2.2 NMAC, promulgated by the Office of the State Auditor.
 - C. The Department shall not use the same external auditor for more than six successive years, although the Department must seek competitive sealed proposals every three years.
 - D. The Secretary shall issue directives as required to assure Department cooperation with the external auditor's efforts and vigorous pursuit of corrective actions in response to all audit findings within reasonable time frames and as feasible within available budget and staff resources.
 - E. The Secretary shall provide audit finding status and progress reports to the State Transportation Commission quarterly or as requested by the Commission Chairman.
 - F. Commissioners may request working sessions with the Department's managers to discuss audit findings as the Commissioners deem appropriate.
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NEW MEXICO STATE TRANSPORTATION COMMISSION



CP 44
01/18/17

Funding Assistance to Local Governments

Reference: NMSA 1978, Sections 67-3-28, 67-3-28.2, 67-3-32, and 11-1-1 through 11-1-7; 18.27.3 and 18.27.4 NMAC; New Mexico State Department of Transportation Standard Specifications for Highway and Bridge Construction, American Public Works Association Specifications, and Local Government Road Fund Project Handbook.

This Commission Policy supersedes Commission Policy No. 44 dated March 15, 2012.

It is the policy of the New Mexico State Transportation Commission (hereinafter "Commission") to provide administration of the Local Governments Road Fund and other funding sources for the construction of local government roads, streets, parking lots and other roadway items.

- A. The Local Governments Road Fund is available for use in Cooperative Agreements in connection with Municipal Arterial, School Bus Routes, County Arterial, Equipment Waiver and Match Waiver Programs.
- B. In order to qualify for funding assistance through the Local Governments Road Fund, the local government shall pass a resolution by its governing body or local government head detailing the project intent.
- C. All requested projects funded by the Local Governments Road Fund shall be submitted annually by the New Mexico Department of Transportation (hereinafter "Department") to the Commission for its review and approval.
- D. The local government shall enter into a Cooperative Agreement or Joint Powers Agreement (hereinafter "Agreement") with the Department.
- E. The Secretary of the Department or designee shall execute such Agreements and any amendments thereto.
- F. With regard to Local Governments Road Fund projects, the Commission shall approve any amendments which materially change the scope of the project, the termini of the project, or modify project funding.

G. The Agreement shall stipulate:

1. The Department's funding participation limits; and
2. The local government shall be solely responsible for:
 - a. Assuming the lead planning and implementation role and sole responsibility for providing local matching funds; environmental, archaeological, utility clearances; railroad and Intelligent Transportation System (ITS) clearances; right-of-way acquisition; project development and design; and project construction and management;
 - b. Complying with all applicable federal, state and local laws, including laws concerning civil rights, equal opportunity compliance, prevailing wage rates, environmental and cultural resource requirements, right-of-way acquisition, workplace safety, and employer-employee relations;
 - c. Providing and meeting mutually agreed upon construction specifications and standards approved by the Department;
 - d. Providing the local matching funds as required by the executed Agreement;
 - e. Procuring and awarding the contract in accordance with applicable procurement law, rules, regulations and ordinances;
 - f. Requesting and obtaining the Department's determination that the project is eligible for funding assistance before awarding the contract;
 - g. Requesting and obtaining the Department's determination that, on an ongoing basis, the project remains eligible for funding assistance;
 - h. Requesting and obtaining an amendment to the Agreement with regard to any material change in the scope of work, change in the termini of project, or change in project funding prior to commencement of such work;
 - i. Requesting and obtaining an amendment to the Agreement for time extension prior to expiration of Agreement term;
 - j. Future maintenance of all elements of the project, unless otherwise specified in Agreement; and
 - k. Providing written certification that all work was performed in accordance with this Policy and the executed Agreement upon project completion.

- H. Funding shall be contingent upon a road exchange or transfer agreement, when applicable as determined by Department, unless modified by specific language in the Agreement.
 - I. The Secretary shall formulate directives and procedures for the implementation of this Policy.
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NEW MEXICO STATE TRANSPORTATION COMMISSION



CP 47
09/17/15

Archaeological Costs

Reference: NMSA 1978, Section 67-3-14.

This Commission Policy supersedes Commission Policy No. 47 dated October 21, 2010.

It is the policy of the New Mexico State Transportation Commission that construction project archaeological costs exceeding five percent of the total bid amount shall be submitted to the Commission for review.

NEW MEXICO STATE TRANSPORTATION COMMISSION



CP 61
08/21/14

Memorial or Honorary Designation or Dedication of Highways, Transportation Facilities and Structures

Reference: NMSA 1978, Section 67-3-40

This Commission Policy supersedes Commission Policy No. 61 dated February 26, 2009.

It is the policy of the New Mexico State Transportation Commission (Commission) that all requests for the designation or dedication by name of any New Mexico Department of Transportation building, bridge, interchange, highway, transportation facility or other structure shall be submitted to the Commission for approval.

- A. The Commission shall consider written requests for designation or dedication by name only under the following circumstances:
1. The requested designation or dedication by name is intended as a memorial to an event, person, or persons of historical significance, or intended as an honor to a person or persons of national esteem;
 2. The request is accompanied by a resolution from the governing body of each local government entity, in which the building, bridge, interchange, highway, transportation facility or other structure requested for designation or dedication by name is located, recommending the designation or dedication and committing to:
 - a. install within one year of the designation or dedication by the Commission the appropriate signs or plaques in accordance with the "Manual on Uniform Traffic Control Devices" at no cost to the Department; and
 - b. inspect the signs annually and perform all maintenance, repairs and replacement of the signs or plaques at no cost to the Department.
 3. The building, bridge, interchange, highway, transportation facility or other structure is complete;
 4. The building, bridge, interchange, highway, transportation facility or other structure has not previously been designated or dedicated by name, except that the Commission reserves the right to allow dual designations; and

5. The recommended name will not cause confusion or safety concerns for the traveling public, as determined by the Secretary of Transportation (hereinafter "Secretary").
 - B. The Commission may designate or dedicate by name a Department building, bridge, interchange, highway, transportation facility or other structure. The Department shall bear the cost of installation and maintenance of signs or plaques for designations or dedications made by the Commission.
 - C. The Commission shall rescind a prior designation or dedication in instances where the local government entity that requested the prior designation or dedication has not performed the requisite installation, inspection, maintenance, repairs or replacement of signs or plaques as set forth in section A.2 of this Policy. The appropriate district shall remove any signs or plaques installed pursuant to the prior designation or dedication.
 - D. The Secretary shall formulate suitable directives and procedures for the implementation of this Policy.
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NEW MEXICO STATE TRANSPORTATION COMMISSION



CP 69

09/21/17

Landscape Development on State Transportation Facilities

Reference: 23 CFR 752, Landscape Development and New Mexico State Department of Transportation Standard Specifications for Highway and Bridge Construction

This Commission Policy supersedes Commission Policy No. 69 approved February 23, 2012.

The New Mexico State Transportation Commission shall determine policy with regard to the expenditure of eligible state and federal transportation funds for landscaping projects on state transportation facilities.

- A. The New Mexico Department of Transportation shall consider, without any obligation to participate, contributing funds towards the costs attributable to the construction of a landscape project to be located within its rights-of-way on state transportation facilities, on a project-by-project basis, in conjunction with new construction or urban reconstruction projects in an amount not to exceed 1½ % of the Engineer's Estimate for the Project.
- B. Any additional funds required to construct the landscape project in excess of the percentages specified in paragraph A above, shall be the responsibility of the local governmental entity and must be funded by the local governmental entity prior to approval of the landscape project by the New Mexico Department of Transportation.
- C. The New Mexico Department of Transportation shall enter into a funding and maintenance contract with the local governmental entity prior to any design or other development of a landscape project on state transportation facilities whereby the local entity agrees to maintain the landscape project.
- D. Plant materials included in the landscape development shall be xeric plants (plants that need minimal water and are drought-tolerant). All landscape development shall conform to the criteria specified in the Landscape Permit Application for the District in which the landscape development is to be located.
- E. The Secretary of Transportation or designee shall formulate directives and procedures for the implementation of this policy.

NEW MEXICO STATE TRANSPORTATION COMMISSION



CP 70
02/19/15

Red Light and Speed Enforcement Cameras

Reference: NMSA 1978, Sections 66-7-9, 66-7-102, 66-7-103, 67-3-12, 67-3-14 and 67-3-40;
State ex rel. State Highway Commission v. Ford, 74 N.M. 18, 389 P.2d 865 (1964)

- A. It is the policy of the New Mexico State Transportation Commission that the Department shall have the authority to restrict or completely prohibit the use of red light and speed enforcement cameras, including mobile photo enforcement vehicles, in the rights-of-way of the Transportation System under the jurisdiction of the New Mexico State Transportation Commission.
 - B. The Secretary of Transportation shall formulate directives and procedures for the implementation and administration of this Policy.
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NEW MEXICO STATE TRANSPORTATION COMMISSION



CP 71
06/16/16

Recreational Off-Highway Vehicles on Paved State Highways

Reference: NMSA 1978, Sections 67-3-2(D), 66-3-1001.1 and 66-3-1011.

It is the policy of the New Mexico State Transportation Commission ("Commission") to promote multimodal access and connectivity within the state road system in conformity with applicable law, regulation, and industry safety standards. In accordance with NMSA 1978, Section 66-3-1011, multimodal access may include reasonable and safe use of segments of state-owned or controlled paved highways in areas with significant outdoor recreational activity by recreational off-highway vehicles ("ROVs"), as defined in accordance with NMSA 1978, Section 66-3-1001.1 and Sub-section C of 66-3-1011.

- A. Subject to the provisions below, the Commission may 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. The Commission shall cautiously and sparingly utilize its authority to designate ROV routes.
- B. The Commission may designate as a ROV route ("designated route") any portion of the state highway system, provided that the designated route is not on or intersecting a limited access highway or freeway.
 - 1. The Commission may do so on its own initiative or after consideration of a written request made by a municipality, county or tribal government ("requesting entity") as set forth in Section C below.
 - 2. The Commission's determination shall be based on New Mexico Department of Transportation ("Department") recommendation.
 - 3. The Commission's authority includes the approval or rejection of written requests for designated routes in accordance with Section C below, and revocation of previously designated routes, provided that for the latter, the Department has determined the designated route to have a negative impact on the roadway, landscape, or inhabitants, including through, but not limited to, findings of an increase in crashes or fatalities on the designated route, and/or by way of internal or external safety studies.

- C. The Commission shall consider, and approve or deny, written requests for a designated route made by a requesting entity, in accordance with Commission policy concerning public hearings. The requesting entity shall include, as part of the request packet, documents that address the following requirements:
1. The segment of roadway is located within the boundaries of the requesting entity, not a limited access highway or freeway, and posted with a speed limit of 45 miles per hour or less, and there are no feasible alternate routes to the state highway;
 2. An ordinance or resolution that the requesting entity has passed 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;
 3. A resolution requesting the Commission to designate certain specific portions of the state highway system as a designated route;
 4. A detailed map showing the desired location and description of the proposed route designation, which includes the termini and adjacent recreational facilities that would tie into the designated route;
 5. The Department's written recommendation that ROVs can be operated with reasonable safety on the designated route, taking into consideration the pavement condition, geometry, road safety features, speed, crash data, ROV safety standards, and usage of the road segment, provided that the Department may also require further traffic analyses by the requesting entity;
 6. For any additional features or signage needed to make ROV use feasible ("route facilities"), an agreement between the requesting entity and the Department that defines 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 route;
 7. Demonstration that the designated route is clearly for recreational access of ROVs, in the public interest, and not for the sole benefit of any private interest, business, or organization;
 8. Documented community and law enforcement support for the route designation; and
 9. The designation shall comply with all state and federal laws and regulations, and, if a U.S. highway, shall require receipt of any necessary approval from the Federal Highway Administration.
- D. The Secretary shall formulate suitable directives, procedures or rules for the implementation of this policy.

NEW MEXICO STATE TRANSPORTATION COMMISSION



CP 84
08/20/15

Snow Removal Priorities

Reference: NMSA 1978, Sections 66-7-11, 67-3-17 and 67-3-18.

This Commission Policy supersedes Commission Policy No. 84 dated September 15, 2005.

It is the policy of the New Mexico State Transportation Commission that the Department shall be responsible for removing snow and applying chemicals and/or abrasives on the roads and highways under its maintenance jurisdiction.

- A. Snow removal priorities shall be established by route type and use, including average daily traffic and interstate or commuter route factors.
 - 1. Higher priority routes shall receive greater attention.
 - 2. Lower priority routes may receive less attention until resources become available.
 - 3. A route may be closed by either the New Mexico State Police, in accordance with statutory authority, or by the appropriate District Engineer, as deemed necessary for the safety of the traveling public. Districts shall cooperate, coordinate and communicate with the New Mexico State Police and other appropriate law enforcement officials when a highway closure is deemed necessary.
- B. A map showing priority routes in each district shall be prepared and published for public comment prior to commencement of the snow season, and a copy of the map showing priority routes will be available for public inspection at each District Office location.
- C. The Secretary of Transportation shall formulate suitable directives and procedures for the implementation of this Policy.

NEW MEXICO STATE TRANSPORTATION COMMISSION

CP 87

01/22/15



Acquisition of Rights-of-Way from Native American Nations, Tribes and Pueblos

Reference: NMSA 1978, Sections 67-3-2; 67-3-71.1; and 11-18-1 through 11-18-5 (State-Tribal Collaboration Act)

This Commission Policy supersedes Commission Policy No. 87 dated September 17, 2009.

It is the policy of the State Transportation Commission that when acquiring a grant of right-of-way for a public highway from a Native American nation, tribe or pueblo, the New Mexico Department of Transportation (hereinafter "Department") shall negotiate a right-of-way agreement containing the terms and conditions of the right-of-way grant with a person or entity designated to conduct those negotiations by the nation, tribe or pueblo.

A. Right-of-way agreements shall include the following:

1. A stated purpose of the right-of-way that is sufficient to allow the Department to construct, maintain, operate and administer the right-of-way as a state public highway;
2. A term for the duration of the right-of-way that is as long as the right-of-way is used by the Department for constructing, maintaining, rehabilitating, operating or administering a public highway;
3. Terms and conditions for closing the public highway located in the right-of-way for emergencies, public safety, or for religious, ceremonial or cultural purposes;
4. Authority of the Department to assign or grant easements to third parties through the right-of-way in accordance with applicable state and federal rules and regulations;
5. The manner and timing of notice from either the Department or the nation, tribe or pueblo regarding the initiation of negotiations to grant an easement to third parties or the initiation of construction, expansion or removal of facilities by or belonging to third parties within the right-of-way;
6. Terms and conditions regarding consideration for the right-of-way agreement;

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New Mexico State Transportation Commission

Code of Conduct Acquisition of Rights of Way from Native American Nations, Tribes and Pueblos

7. A method of dispute resolution to resolve disputes arising from the right-of-way agreement;
 8. Areas of shared jurisdiction between the Department and the nation, tribe, or pueblo, and the areas of jurisdiction that will be the sole responsibility of the Department or the nation, tribe, or pueblo; and
 9. Any other rights or responsibilities that the department and the nation, tribe, or pueblo believes should be included in the right-of-way.
- B. The Department shall negotiate the terms of the right-of-way agreement in good faith with the nation, tribe or pueblo and shall make all attempts to conclude the negotiations in a timely manner. If the Department and the nation, tribe, or pueblo is unable to complete a right-of-way agreement within twelve months from the date of first written contact regarding a right-of-way agreement, the parties, unless they agree otherwise, shall hire a mediator to help facilitate the process of reconciling the issues in dispute, at the shared expense of both parties.
 - C. Nothing in a right-of-way agreement shall operate to diminish or be construed to operate to diminish the jurisdiction of the nation, tribe or pueblo over the right-of-way except as expressly provided in the right-of-way agreement.
 - D. Nothing in a right-of-way agreement shall be construed to be a waiver of the sovereign immunity of the Department, the State of New Mexico or the nation, tribe, or pueblo.
 - E. The Secretary of Transportation shall formulate directives and procedures for the implementation of this Policy and shall further assure compliance with the State Tribal Collaboration Act with regard to acquisitions of right-of-way from any nation, tribe or pueblo.
 - F. With respect to the Navajo Nation, the Department shall comply with the provisions of NMSA 1978, Section 67-3-71.1. Nothing in this policy shall be construed to conflict with the provisions of NMSA 1978, Section 67-3-71.1.
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NEW MEXICO STATE TRANSPORTATION COMMISSION



CP 88
09/21/17

Special Construction Features

Reference: Sections 67-3-28 and 11-1-3, NMSA 1978

This Commission Policy supersedes Commission Policy No. 88 dated April 19, 2012.

It is the policy of the New Mexico State Transportation Commission to employ the most economical use of State and Federal funds when constructing highway and roadway enhancement projects on the State's transportation system.

- A. If a project involves a political subdivision of the State or a Pueblo, Tribe or Nation and that political subdivision or Native American entity desires features that cost more than the most economical solution to meet the scope or purpose and need of the project, then that entity shall be responsible for funding the additional cost. The additional cost of the project shall be based on actual construction, operations and maintenance costs of the features that are in excess of the most economical solution for the project. The Department and the entity shall enter into a Cooperative or Joint Powers Agreement in order to formalize the agreement prior to awarding the contract.
 - B. The Secretary of Transportation shall formulate directives and procedures for the implementation of this policy.
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NEW MEXICO STATE TRANSPORTATION COMMISSION



CP 90
09/21/17

CERTIFICATION OF REGIONAL TRANSIT DISTRICT (RTD)

Reference: NMSA 1978, Sections 73-25-1 to 73-25-19

This Commission Policy supersedes Commission Policy No. 90 dated October 20, 2011.

It is the policy of the New Mexico State Transportation Commission to carry out the requirements set forth in the Regional Transit District Act, NMSA 1978, Chapter 73, Article 25, which was enacted to provide, among other things, regional networks of safe and efficient public transit systems.

- A. Upon the exercising of joint authority of two (2) or more governmental units to create a Regional Transit District, the Commission shall issue a certificate stating that a District has been duly organized according to the provisions of the Regional Transit District Act within thirty (30) days that a District files with the Commission a copy of a contract that fulfills all the requirements set forth in the Regional Transit District Act and a copy of the bylaws and operating procedures of the District. Commission shall have the certificate recorded in each county having territory included in the boundaries of the District.
- B. Districts including property inside or outside the boundaries of the District or excluding property from the District must publish a notice of the proposed inclusion or exclusion in a newspaper of general circulation and mail the notice to the Commission.
- C. Upon a District public hearing concerning the proposed inclusion or exclusion of property from the District, the District's board shall adopt a resolution including or excluding the property and file the resolution with the Commission. The Commission shall have the resolution recorded in the real estate records of each county having territory included in the boundaries of the District.

- D. A District must provide to the Commission and the Department of Taxation and Revenue, at least forty-five (45) days before increasing any rate, toll, fee or charge or issuing bonds, a written notice of the action.
 - E. The Commission shall file an annual report with the State Auditor concerning the activities of all active Districts.
 - F. Any governmental unit (as defined in the Act) may withdraw from a District by adopting a resolution. The provisions of withdrawal shall be negotiated and agreed upon by the District's board, the governmental unit and the Commission.
 - G. State funds can only be provided to a District if the District is certified by the Commission and the local government members of a combination match at least one dollar (\$1.00) for every four dollars (\$4) provided by the State.
-

Agenda Item 12b

Action Item: Transfer of SP 30 (Bibo Road, South of I-40), Old NM 124 Spur (north of I-40), together with Tracts 3-1-C and 3-4 from the NMDOT to the United States of America in Trust for the Pueblo of Acoma

Commission Brief

SUBJECT: Transfer of SP 30 (Bibo Road, South of I-40), Old NM 124 Spur (north of I-40), and Tracts 3-1-C and 3-4 to the United States of America in Trust for the Pueblo of Acoma.

PRESENTER: Lisa Vega, District Engineer, District 6

BACKGROUND: NMDOT received a request to transfer certain portions of roads and parcels to the Pueblo of Acoma related to the reconstruction and realignment of Exit 102 on I-40 several years ago. NMDOT previously agreed by Memorandum of Agreement dated December 8, 2008, that it would convey its interest in Tract 3-1-C to the Pueblo as consideration for the Pueblo's consent to the grant of easements needed by NMDOT for the reconstruction and realignment of Exit 102. The remaining parcels, SP 30, Old NM 124 Spur, and Tract 3-4 were no longer needed by NMDOT because of the realignment of Exit 102. The subject parcels and road segments would be transferred by quitclaim deed from NMDOT to the United States to be held in trust for the Pueblo of Acoma.

ACTION: Request Commission approval of the transfer by quitclaim deed of SP 30, Old NM 124 Spur, and Tracts 3-1-C and 3-4 to the United States in Trust for the Pueblo of Acoma.



INTRA-DEPARTMENTAL CORRESPONDENCE

DATE: June 21, 2022

SUBJECT: District Review
Transfer of various portions of roads and parcel to Pueblo of Acoma, Cibola County, NM

TO: Jeremy Lujan
Property Management Unit

FROM: Lisa Boyd Vega, P.E., District 6 Engineer

The Department of Transportation has received a request to transfer various portions of roads and parcels to the Pueblo of Acoma as seen in the attached quitclaim deed.

Please find below a summary of items that need to be addressed in conjunction with this request:

- I. Is the proposed action safe for the traveling public and including bike and pedestrians?
Response: Yes
- II. Will the proposed action interfere with maintenance operations?
Response: No
- III. Will the proposed action interfere, add to, or subtract from maintenance operations?
Response: No
- IV. Is there any possibility of a transportation use in the future?
Response: No
- V. Are we creating a potential a 4-f situation for future use by the NMDOT for transportation purposes?
Response: No
- VI. Does the action cause drainage concerns or issues?
Response: No

- VII. Does the action cause access concerns or issues?
Response: No, continues to be a public roadway that NMDOT roads will intersect.
- VIII. Are there positive or political implications with the action?
Response: District 6 will continue to provide maintenance and utility service to the rest area.

Should you have any questions or wish to discuss this matter further, please do not hesitate to contact me at (505) 240-0531.

Concurrence:

District Engineer or Designee

Date: _____

cc: _____
File (Right-of-Way)

FHWA APPROVAL REQUEST

The New Mexico Department of Transportation (NMDOT) hereby requests approval of the action identified below (supporting documentation i.e. plans, agreements, etc, are attached).

1. Location: Transfer of SP 30 (Bibo Road, South of Interstate 40); OLD NM 124 Spur (north of Interstate 40; with Tract 3-1-C, Tract 3-4 to Pueblo of Acoma - Project No.: I-0404-2(11)101; EBS- IM -NH-TPA-040-2(58)102

2. ☒ NHS: Need prior FHWA approval
☐ Non-NHS-Exempt: Need Program Management Unit prior to approval and notification to FHWA

3. Action Proposed:

- ☐ Use of Fee Negotiators
☐ Use of Fee Attorneys
☐ Non-Highway use and occupancy of R/W
☐ Airspace Agreement with collateral assignment of Agreement
☒ Disposal of Excess Right-of-Way
☐ Temporary use of Right-of-Way
☐ Approval of Access Control Break
☒ Relinquishment of Right-of-Way
☐ Land Service Facilities
☐ Appraisal Fees
☐ Hardship or Protective Buying*
☐ Interest on Right of Entry Payments

4. Submitted by:



Signature Melissa J. McLaughlin

July 11, 2022

Date

5. FHWA Hereby Approves the R/W Actions identified above and proposed on NHS Projects or System

Division R/W Officer
For:
Division Administrator

Date

* FHWA approval required on all Federal-aid projects

NEW MEXICO DEPARTMENT OF TRANSPORTATION
QUITCLAIM DEED

THIS INDENTURE, made and entered into this _____ day of _____, 20____, by and between **NEW MEXICO DEPARTMENT OF TRANSPORTATION**, party of the first part, and **UNITED STATES OF AMERICA IN TRUST FOR THE PUEBLO OF ACOMA**, party of the second part.

WITNESSETH: That the said party of the first part, to the said party of the second part, the receipt whereof is hereby acknowledged, does by these presents, demise, release and forever quitclaim, unto the said party of the second part and to its heirs and assigns, the following described strip, tract or parcel of land and real estate, lying, situate and being on the Pueblo of Acoma in the County of **Cibola**, State of New Mexico to wit:

SP 30 (Bibo Road, South of Interstate 40)

All that portion of Existing Right-of-Way for SP 30(Bibo Road), as shown on Right-of-Way maps for NEW MEXICO PROJECT No. EBS-IM-NH-TPA-040-2(58)102, PCN 2763 and referenced thereon to U.S.D.O.I. – B.I.A. Project SP30(9)2&4; from the northerly boundary of the Pueblo of Acoma Grant (also being southerly boundary of the Cubero Land Grant), northerly to the southernmost Existing Right-of-Way line of Interstate 40, as shown on Right-of-Way maps for NEW MEXICO PROJECT No. I-040-2(11)101. **SEE EXHIBIT “A”.**

ALSO:

OLD NM 124 SPUR (North of Interstate 40)

All that portion of Existing Right-of-Way for “Old NM124 Spur”, as shown on Right-of-Way Maps for NEW MEXICO PROJECT No. EBS-IM-NH-TPA-040-2(58)102, PCN 2763 and referenced thereon to B.L.M. T10N, R07W, Dependent Resurvey and Survey dated May 19, 2004, from the northernmost Existing Right-of-Way line of Interstate 40, as shown on Existing Right-of-Way maps for NEW MEXICO PROJECT No. I-040-2(11)101 northerly to the southernmost Existing Right-of-Way line of NM 124 (Old Route 66) as shown on Right-of-Way maps for NEW MEXICO PROJECT No. F.A.P. 13-B. **SEE EXHIBIT “B”.**

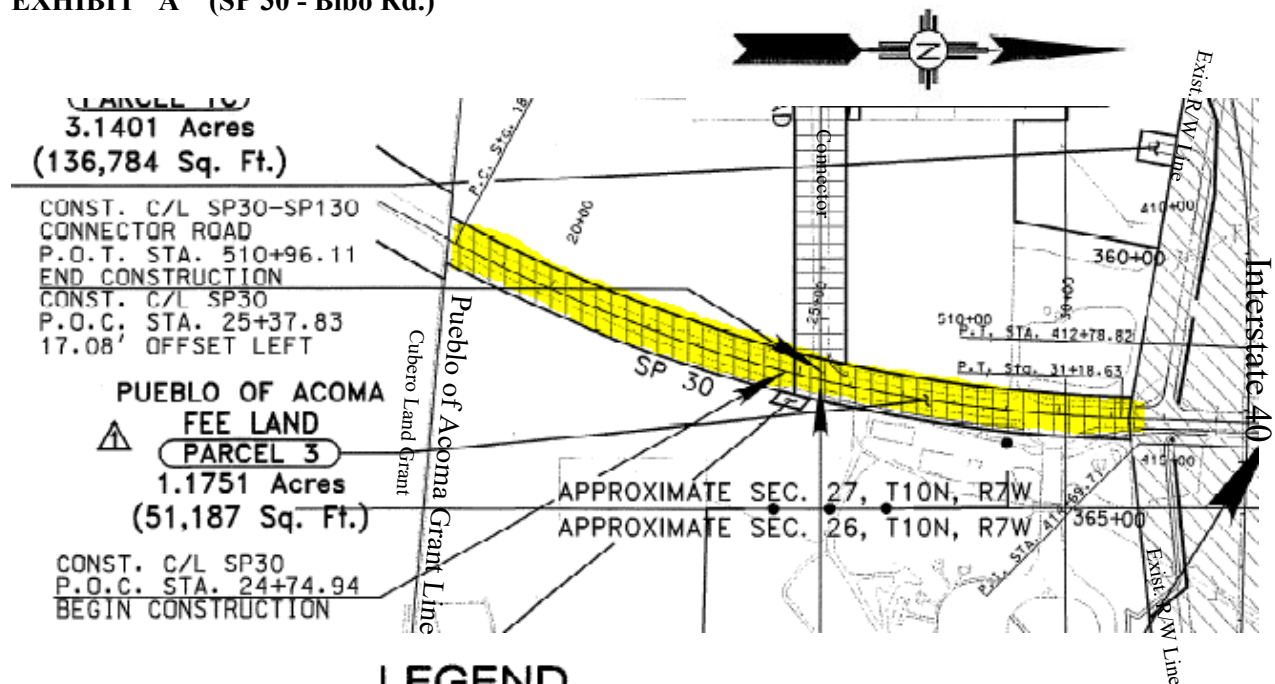
TOGETHER WITH:

Tract 3-1-C

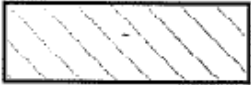
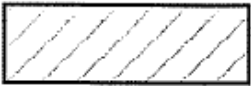

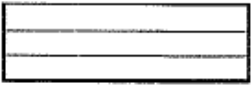

The parcel specifically described as Tract 3-1-C, NEW MEXICO PROJECT No. I-040-2(11)101, Warranty Deed from Marie S. Bibo to State Highway Commission of New Mexico dated February 1, 1966, and recorded on March 16, 1966, consisting of 1.033 acres, more or less. **SEE EXHIBIT “C”.**

Tract 3-4 All of, or any remainder of the parcel designated as 3-4, NEW MEXICO PROJECT No. I-040-2(11)101, that may have not been covered in the SP 30 strip described above, parcel consisting of a total area of 17,015 square feet, more or less. **SEE EXHIBIT “C”.**

EXHIBIT "A" (SP 30 - Bibo Rd.)



LEGEND

- ○ ○ ○ — DESIGNATES NEW RIGHT-OF-WAY LINE AND/OR NEW ACCESS CONTROL LINE AS NOTED.
- ● ● ● — DESIGNATES EXISTING RIGHT-OF-WAY LINE AND/OR EXISTING ACCESS CONTROL LINE AS NOTED.
-  HATCHED AREA DESIGNATES RIGHT-OF-WAY SECURED UNDER N.M.P.# I-040-2(11)101.
-  HATCHED AREA DESIGNATES RIGHT-OF-WAY AS SHOWN ON B.L.M. T10N, R07W, DEPENDENT RESURVEY AND SURVEY, MAY 19, 2004.
-  HATCHED AREA DESIGNATES RIGHT-OF-WAY AS SHOWN ON U.S.D.O.I., B.I.A. PROJECT SP30(9)2&4.
-  HATCHED AREA DESIGNATES RIGHT-OF-WAY AS SHOWN ON U.S.D.O.I., B.I.A. PROJECT SP130(1)2&4.
-  HATCHED AREA DESIGNATES RIGHT-OF-WAY SECURED UNDER

NEW MEXICO DEPARTMENT OF TRANSPORTATION

RIGHT-OF-WAY MAP

PCN 2763

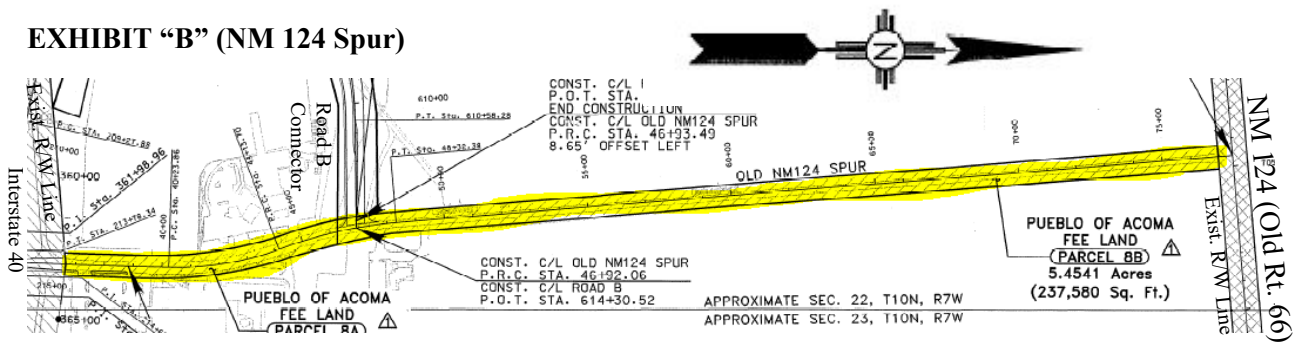
NEW MEXICO PROJECT NO.

EBS-IM-NH-TPA-040-2(58)102




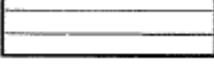

CIBOLA COUNTY

Refer to page 6 for overall view

EXHIBIT "B" (NM 124 Spur)



LEGEND

- • • • — DESIGNATES NEW RIGHT-OF-WAY LINE AND/OR NEW ACCESS CONTROL LINE AS NOTED.
- • • • — DESIGNATES EXISTING RIGHT-OF-WAY LINE AND/OR EXISTING ACCESS CONTROL LINE AS NOTED.
-  HATCHED AREA DESIGNATES RIGHT-OF-WAY SECURED UNDER N.M.P.# I-040-2(11)101.
-  HATCHED AREA DESIGNATES RIGHT-OF-WAY AS SHOWN ON B.L.M. T10N, R07W, DEPENDENT RESURVEY AND SURVEY, MAY 19, 2004.
-  HATCHED AREA DESIGNATES RIGHT-OF-WAY AS SHOWN ON U.S.D.O.I., B.I.A. PROJECT SP30(9)2&4.
-  HATCHED AREA DESIGNATES RIGHT-OF-WAY AS SHOWN ON U.S.D.O.I., B.I.A. PROJECT SP130(1)2&4.
-  HATCHED AREA DESIGNATES RIGHT-OF-WAY SECURED UNDER F.A.P. 13-B.

NEW MEXICO DEPARTMENT OF TRANSPORTATION

RIGHT-OF-WAY MAP

PCN 2763

NEW MEXICO PROJECT NO.

EBS-IM-NH-TPA-040-2(58)102

CIBOLA COUNTY

Refer to Sheet 6 for overall view

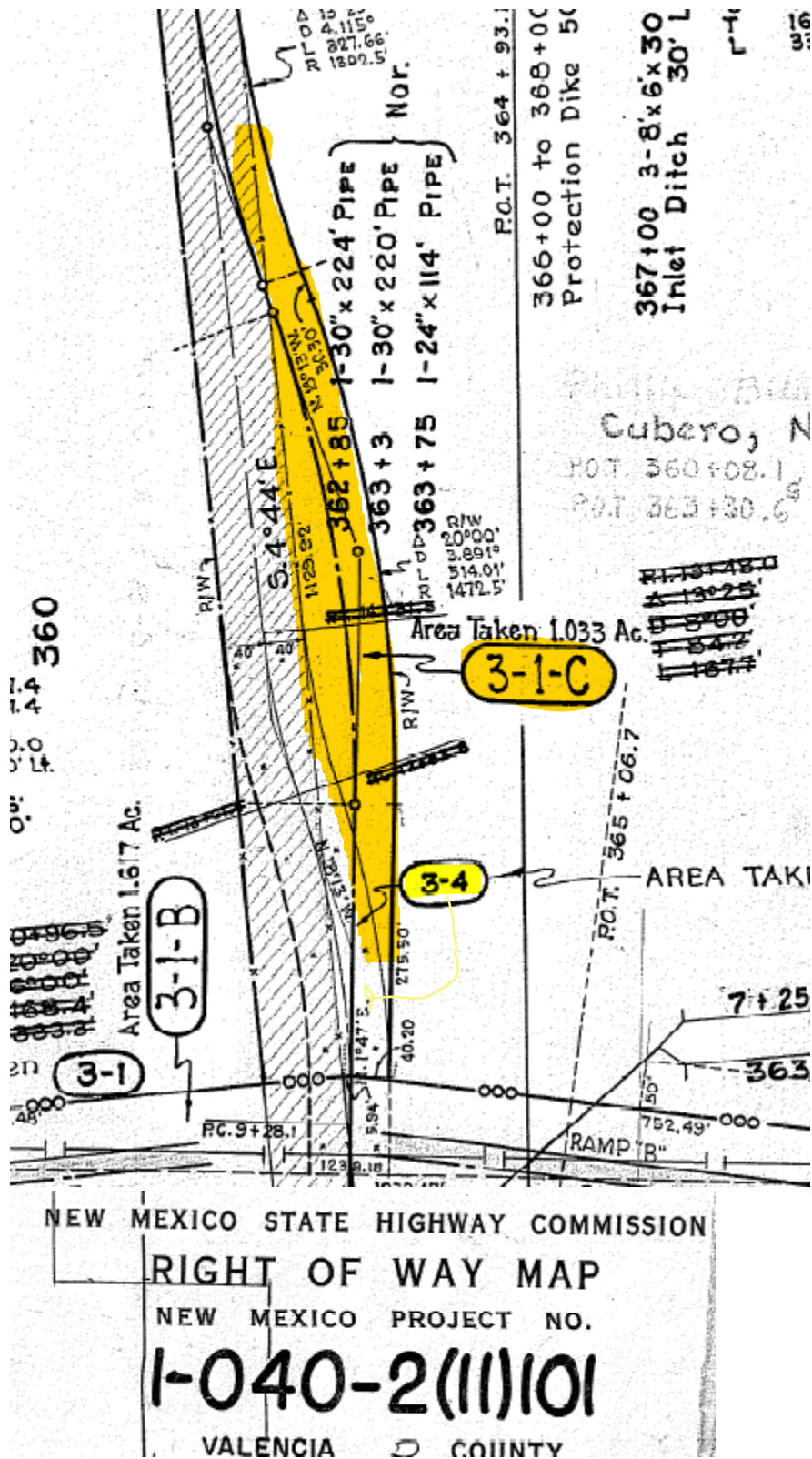


EXHIBIT "C" (continued)

858

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Page 858

WARRANTY DEED

19949

THIS DEED is made for

consideration paid, grants to the State Highway Commission of New Mexico, the following described real estate

in Valencia County, New Mexico.

(3-1-0) A certain tract or parcel of land, lying and being situate in Section 22, T.10 N., R.7 W., N20M, within the Cobre Grant, County of Valencia, State of New Mexico, being more particularly bounded and described as follows, to wit:

Beginning at a point for section center line Section 363+10 at NE 1/4 Sec 2-040-2(11)mi, County of Valencia, State of New Mexico; thence N.1°47'N. a distance of 330.37 feet to the true point and place of beginning; thence S.63°33'E. a distance of 40.20 feet; thence N.1°47'N. a distance of 479.90 feet to a point of curve; thence northerly on a 3.691° curve (radius = 1872.50 feet) thru an arc of 20°00' to the left a distance of 314.01 feet to a point of tangent; thence N.18°13'W. a distance of 30.30 feet to a point of curve; thence northerly on a 4.115° curve (radius = 1398.50 feet) thru an arc of 13°49' to the left a distance of 327.65 feet to a point of tangent and point on the present (1965) right of way line; thence N.4°44'E. a distance of 1129.92 feet; thence N.63°22'E. a distance of 5.94 feet to the true point and place of beginning. Containing 1.191 acres, more or less, of which 0.398 of an acre, more or less, is contained in right of way secured by Condemnation proceedings under Cause No. 10976 in Valencia County and designated as parcel 3-4. Net area = 1.033 acres, more or less.

Date of New Mexico
County of Valencia
This instrument was filed for record on

MAR 16 1966

WITNESS my hand and seal this 1st day of February, 1966.

Marie A. Bilo

Notary Public

My Commission Expires 11-22-69

(Note - The foregoing instrument should be executed by husband and wife in each instance where the grantees are married.)

Overall Sheet Exhibit

