

NOTICE OF PROPOSED RULEMAKING

The New Mexico Department of Transportation (NMDOT) is proposing a new rule, 18.27.6 NMAC, Local Government Transportation Project Fund.

Approval of the initial rulemaking action for the proposed new rule was granted to NMDOT by the New Mexico State Transportation Commission on April 18, 2019 pursuant to Sections 9-5-1, 67-3-8 and 67-3-11, NMSA 1978. The legal authority authorizing this rulemaking is Section 67-3-78, NMSA 1978.

Purpose: The purpose of this rule is to establish the application, evaluation, award, and close out processes to be used by the Department of Transportation in administering the money appropriated to the Local Government Transportation Project Fund by the New Mexico Legislature.

Summary of Full Text: In 2019, the New Mexico legislature enacted Laws of 2019, Chapter 205, Section 1, which created the Local Government Transportation Project Fund. The legislation is compiled at Section 67-3-78 NMSA 1978. The fund is intended to create a means to finance local transportation projects after receiving an appropriation of funds. The proposed rule describes the process by which local governments will submit an application for project funds, the process for reviewing and prioritizing projects, and the process for the eventual award of funds to the local governments by the State Transportation Commission. A local government can receive up to 95% of the total cost of a project with the ability to receive 100% upon a showing of financial hardship. And finally, based on the location of the project, the rule specifies the degree of oversight of the project on the part of the Department. Projects located or proposed to be located entirely on local roadways receive the least amount of Department oversight.

Copy of the full text of the proposed new rule may be found on the NMDOT website at the following Internet link, under the *Public Notices* tab: <https://dot.state.nm.us/content/nmdot/en/public-notice.html>. To obtain a printed copy of the proposed amended rule, you may visit the General Office of the New Mexico Department of Transportation at 1120 Cerrillos Road, Santa Fe, New Mexico 87504 or contact Mallery Manzanares at: Telephone (505) 467-9396 or Email: Mallery.Manzanares@state.nm.us. A reasonable fee may be charged for printed copies.

NMDOT will hold six public hearings for the purpose of receiving oral and written public comment from interested parties on the proposed new rule, 18.27.6 NMAC. The hearings are scheduled in each of the six Districts starting with District 2 on November 19, 2019, from 1:00 p.m. to 3:00 p.m. at 4505 West Second Street, Roswell, New Mexico. A second hearing is scheduled in District 1 on November 20, 2019, from 10:00 a.m. to 12:00 p.m. at 750 N. Solano Drive Las Cruces, New Mexico. A hearing is scheduled in District 6 on November 20, 2019, from 1:30 p.m. to 3:30 p.m. at 1919 Pinon Drive, Milan New Mexico. The hearing in District 4 is scheduled on November 20, 2019, from 10:00 a.m. to 12:00 p.m. at 28 Bibb Industrial, Las Vegas, New Mexico. The hearing in District 3 is scheduled on November 25, 2019, from 9:00 a.m. to 11:00 a.m. at 7500 Pan American Freeway NE, Albuquerque, New Mexico. The hearing in District 5 is scheduled on November 25, 2019, from 9:00 a.m. to 12:00 p.m. at 1120 Cerrillos Road, Santa Fe, New Mexico.

To submit written views and comments on or before date of hearings, please send to: Mallery Manzanares, New Mexico Department of Transportation, P.O. Box 1149, Santa Fe, New Mexico 87504, Telephone (505) 467-9396; Email: Mallery.Manzanares@state.nm.us. Written comments will be accepted from the date this notice is published in the New Mexico Register, before and at the scheduled hearings, and until the close of the final hearing scheduled in this rulemaking. If you plan to submit written comments, argument or data at the hearing, please make sure any documentation contains your name, phone number and email address, and please bring (3) copies of any documents to the hearing. If submitting written comments by email, please indicate the rule number in the subject line. Oral comments will only be accepted at the public hearing, and may be subject to time limitations. After the close of the final hearing scheduled in this rulemaking, the rulemaking record will be closed and no other comments will be accepted. All written comments will be posted on the department's website within three days of receipt.

Any individual with a disability who is in need of an auxiliary aid or service to attend or participate in the hearing, or who needs copies of the proposed rule revisions in an accessible form may contact Mallery Manzanares at (505) 467-9396 at least ten days before the hearing.