

NOTICE OF PROPOSED RULEMAKING

The New Mexico Department of Transportation (Aviation Division) is proposing to repeal and replace rule, 18.11.3. NMAC, Air Service Assistance Program.

Approval of the initial rulemaking action for the proposed repeal and replace rule was granted to the Aviation Division by the New Mexico State Transportation Commission on January 6th, 2022, pursuant to Sections 9-5-1, 67-3-8, 67-3-11, 67-1-13, 67-3-28 and 67-1-13 NMSA 1978. The legal authority authorizing this rulemaking is Section 64-1-13 NMSA 1978.

A prior public hearing for the proposed repeal and replace rule, 18.11.3 NMAC, was held on May 23, 2022. Subsequent to that hearing, the Aviation Division determined that the proposed repeal and replace rule, 18.11.3 NMAC, needed to be revised before final action was taken. Pursuant to that revision, the Aviation Division has determined that a second comment period and public hearing is necessary.

Purpose: The purpose of this rule is to repeal and replace the Air Service Assistance Program with the Air Service Marketing Assistance Program.

Summary of Full Text: The current rule needs to be repealed and replaced to clarify the intent of the statute and to encourage more participation by municipalities, counties, tribal entities or other public entities located within the state of New Mexico.

Full Text of the Proposed Rule: Copy of the full text of the proposed repeal and replace rule may be found on the NMDOT website at the following internet link, under the *Public Notices* tab: <https://www.dot.nm.gov/public-legal-notice/>. A copy of the proposed rule may also be requested by contacting Daniel R. Moran at: Telephone (505) 699-5462 or Email: dan.moran@dot.nm.gov. A reasonable fee may be charged for printed copies.

Rulemaking Hearing: NMDOT will hold a public hearing for the purpose of receiving oral and written public comment from interested parties on the revised proposed repeal and replace rule, 18.11.3 NMAC. The hearing is scheduled on May 25, 2023, from 10:00 a.m. to 11:30 a.m. at New Mexico Department of Transportation, district three auditorium, 7500 Pan American Fwy. NE, Albuquerque, New Mexico.

Written Comments: To submit written comments on or before May 25, 2023, please send to: Daniel R Moran, Aviation Division, New Mexico Department of Transportation, 3501 Access Rd C., Albuquerque, New Mexico 87106, Telephone (505) 699-5462; Email: dan.moran@dot.nm.gov. Written comments will be accepted from the date this notice is published in the New Mexico Register, April 25, 2023, and until the close of the hearing scheduled in this rulemaking, May 25, 2023. 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 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.

Accommodations: 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: Daniel R. Moran at (505) 699-5462 or dan.moran@dot.nm.gov at least ten days before the hearing.