

This rule was filed as STA Rule 1.

TITLE 18 TRANSPORTATION AND HIGHWAYS
CHAPTER 1 TRANSPORTATION GENERAL PROVISIONS
PART 4 REQUIREMENTS FOR THE SUBMISSION AND EVALUATIONS OF GRANT
FUNDING APPLICATIONS FOR TRANSPORTATION PLANING/STUDY PROJECTS
FROM LOCAL TRANSPORTATION DEVELOPMENT DISTRICTS

18.1.4.1 ISSUING AGENCY: New Mexico State Transportation Authority.
[Recompiled 11/16/01]

18.1.4.2 SCOPE: The State Transportation Authority and All Transportation Development Districts.
[Recompiled 11/16/01]

18.1.5.3 STATUTORY AUTHORITY: Section 73-23-4B NMSA 1979, as amended.
[Recompiled 11/16/01]

18.1.4.4 DURATION: [Permanent]
[Recompiled 11/16/01]

18.1.4.5 EFFECTIVE DATE: June 30, 1992
[Recompiled 11/16/01]

18.1.4.6 OBJECTIVE: This rule is promulgated pursuant to the Resource Transportation and Passenger Transportation Development Act, Section 73-23-4B NMSA 1978, as amended, to establish procedures for Transportation Development Districts (TDDs) to apply for project funding and for the State Transportation Authority (STA) to evaluate and prioritize such funding requests for planning statewide, regional and local transportation systems to transport passengers or to develop natural resources, including coal, other energy resources and agricultural or other industrial products. This rule to establish procedures for rating and ranking funding of grant applications is limited in application to only planning/study proposals. It shall not be utilized to prioritize construction/operation funding proposals.
[Recompiled 11/16/01]

18.1.4.7 DEFINITIONS: [RESERVED]
[Recompiled 11/16/01]

18.1.4.8 CALLS FOR TDD FUNDING PROPOSALS:
Pursuant to deadlines, fixed public meeting dates for STA funding approval and other terms and conditions established by formal resolution, the STA shall periodically, as funds are deemed to be available, send written notice to all TDDs (both those fully-formed and those near-completion) calling for funding applications or proposals for TDD-initiated transportation projects. Only fully-formed TDDs can legally apply for and receive STA grant funding. Each project must be justified by the TDD and separately submitted in compliance with [section 10] Section F. of this rule. The applications (one per project) must be received by the STA no later than the close of business on the deadline date specified in the STA resolution.
[Recompiled 11/16/01]

18.1.4.9 APPLICATION FORMS: Each application should be submitted in letter size fileable format, and it must address each of the issues listed below with sufficient information upon which the STA can base an evaluation of the answer.

A. Planning study description: Describe the planning study for which the TDD is currently seeking grant funds. Include a scope of work statement in sufficient detail that it can be used by the STA to evaluate the merits of the grant application. The scope of work should include a schedule for completing the work with major milestones listed. Include the anticipated cost of the planning project and feasible ways to phase" the planning project in the event full funding is not immediately available.

B. Matching Requirements: The applicant TDD must provide a minimum of 10% cash match for the

project from local, state, federal or other sources. Applicants may request a partial or full waiver of the cash matching requirement if documentation can be provided which demonstrates both: 1) a detailed description of the "in-kind" services the TDD will provide; 2) the absence of local, state or federal resources to meet the required 10% match. Partial or full waivers may be allowed by STA in cases where the potential benefit of the project is high and the financial hardship of the TDD is shown to be severe and beyond the control of the TDD.

In the event the TDD funding application is approved by the STA, the TDD may be allowed to fully or partially offset its 10% cash match by producing copies of paid invoices to consultants for research and preparation of the TDD's application proposal for STA funding.

C. Certification of notice to other political entities: The TDD must submit as part of its application a resolution from the Board of Directors approving the grant application or applications. The application must also include certifications from either the Board of Directors, or its chief of staff, that all Indian tribes, Indian pueblos and municipalities within the boundaries of the TDD, and all incorporated counties adjacent to the TDD, have been sent a written notice by certified mail (return receipt requested) containing a clear description of the proposed planning study for which grant funding is being requested.

D. Project Justification: Each application for STA grant funding must contain justification on the merits of the project whether in the form of an Impact Analysis or a Scope of Work/Needs Statement. []

(1) Impact Analysis If the planning study contemplates construction or reconstruction of a specific transportation project which will have an actual physical impact on the environment, the TDD must include an Impact Analysis in its funding application. However, this information need not be contained in funding applications for general planning studies that will have no physical impacts on the environment, such as regional anticipated transportation master plans, data gathering, transportation need projections, base mapping and market studies not tied to specific construction.

(2) The STA understands that the project may be in very early or conceptual stages of planning and development and that little or no data are readily available for inclusion in the Impact Analysis. However, the TDD must include its best supported estimate or opinion of each of the following impact factors:

(a) Economic feasibility of the proposed system-

(i) Cost/Revenue projections Provide a comparison of the capital investment (specifically including, where applicable, projected right-of-way acquisition/litigation, including the number of landowners and acres affected, environmental clearance/litigation, archaeological clearance/litigation, engineering, and construction costs) and operating costs with the revenue that will likely be produced as a result of the project;

(ii) Job creation potential Estimate the net number of jobs created in both the state and the region as a result of the project, including jobs created both directly and indirectly;

(iii) Direct revenue enhancement Estimate the net increase in revenue that will come into both the state and the region as a result of the project. Included in this category should be a discussion and analysis of the project's potential for increasing added product value, freight revenue, number of tourists and other revenue enhancement factors.

(b) Necessity of the proposed system

(i) Alleviation of health and welfare threats Describe any serious or immediate threats to the health and welfare of the region that may be alleviated by the project.

(ii) Alleviation of economic depression Describe the region's economy and discuss any economic depression (including joblessness and poverty) that the project may alleviate.

(c) Alternatives to the proposed system

(i) Economic impact of no action" Describe the possible economic impacts of the "no action" alternative, including possible continued degradation of abrupt changes in the regional and state economy that may result from no action.

(ii) Environmental impact of no action" Describe the possible environmental impacts of the "no action" alternative, including possible continued degradation or abrupt changes in the regional and state environment that may result from no action.

(d) Environmental impact of the proposed system

(i) Impact on ecosystem Discuss the possible impact of the proposed system on regional and state air quality, water quality, wildlife (including native, threatened, and endangered species), and aesthetic values (including wilderness and scenic values).

(ii) Social impact Discuss the possible impact of the proposed system on the social well-being of both the region and the state, including possible impacts on the social infrastructure (such as roads, schools, and hospitals) and regional customs and way-of-life. Discuss the relationship of the proposed system to the local and regional land use and transportation-related plans.

(iii) Discuss the likelihood of the need for the exercise of eminent domain (involuntary land acquisition by government authority) and the possible number of landowners that may be affected.

(iv) Archaeological impact Discuss the possible impacts of the proposed system on specific archaeological sites and state and regional archaeological preservation.

E. Scope of Work/Needs Statement If the TDD is applying for funding a planning study which will not have an anticipated physical impact on the environment, the application must contain a well-supported Scope of Work/Needs Statement in lieu of a detailed Impact Analysis.

(1) This Statement is a detailed description of the planning study to be performed, a time schedule for work performance including major mileposts for work completion, and a supported statement showing the regional need and benefits to be derived from the study.

(2) The applicant may partially satisfy this requirement by referring the STA to information contained in the "Study Description" section of the application form. (See Section F.1. above) [see Subsection A., Section 9. of 18.1.4 NMAC above.]

[Recompiled 11/16/01]

18.1.4.10 SCORING PROJECT JUSTIFICATIONS:

A. Scoring the Impact Analysis Based on the quality of justifications submitted in the applications for each of the impact factors listed above, the TDD funding application will be scored by the STA's Technical Review Committee as follows:

0" no justification;				
1" poor justification;				
2" satisfactory justification				
3" excellent justification.				
(Criterion) Factor	Weight (100 pts total)	X	Rating	(0 to +3)=
1. Economic feasibility (40 pts)				
1. Cost/revenue projections	15 pts		X	(0 to +3)=
2. Job creation potential	15 pts	X		(0 to +3)=
3. Revenue enhancement	10 pts	X		(0 to +3)=
2. Necessity of project (10 pts)				
1. Alleviation of health and welfare threats	5 pts		X	(0 to +3)=
2. Alleviation of economic depression	5 pts		X	(0 to +3)=
3. Alternatives to project (10 pts)				
1. Economic impact of no action"	5 pts		X	(0 to +3)=
2. Environmental impact of no action"	5 pts		X	(0 to +3)=
4. Environmental impact (40 pts)				
1. Impact of ecosystem	15 pts	X		(0 to +3)=
2. Social impact	15 pts	X		(0 to +3)=
3. Archaeological impact	10 pts	X		(0 to +3)=
				Total =

B. Scoring the Scope of Work/Needs Statements The Scope of Work/Needs Statements submitted in applications for general planning studies in lieu of Impact Analyses shall not be formally or numerically scored. Instead, STA staff without participation by the Technical Review Committee shall review the justification quality of the Scope of Work/Needs Statement contained in each general planning study application and recommend full, partial or non-approval to the whole STA.

[Recompiled 11/16/01]

18.1.4.11 STA SELECTION OF TDD GRANTEES:

A. In preparing and submitting its funding applications, TDDs must comply with the deadlines and other terms and conditions contained in the STA resolution. STA staff shall provide advice and technical assistance to the TDDs in their preparation of the funding applications, but STA STAFF RECOMMENDATIONS ARE NOT BINDING UPON AND DO NOT GUARANTEE FAVORABLE FUNDING APPROVAL BY THE STA.

B. As soon as practicable after receipt of the TDD applications, the STA staff will distribute copies to the STA members and to the 7 appointed members of the Technical Review Committee (TRC). The TRC is a Standing Committee of the STA formed to provide technical expertise in the review of the TDD funding applications. The 7 members of the TRC are: 2 STA staff members appointed by the STA Chairman; 1 employee of the State Land Office appointed by the Commissioner of Public Lands; 1 employee of the Environment Department appointed by its Secretary; 1 employee of the Economic Development Department appointed by its Secretary; 1 employee of the Energy Minerals and Natural Resources Department appointed by its Secretary.

C. For each application, the STA staff shall submit to the full STA: 1) the average Impact Analysis score of the whole TRC committee. 2) the individual Impact Analysis scores from each of the TRC members performing an evaluation. 3) non-numerical recommendations of the project justifications contained in the general planning study funding applications.

D. The STA will review the TRC evaluations and STA staff recommendations and make funding decisions in a public meeting. Applicant TDDs and members of the public will be allowed to make presentation to the STA at this meeting. Notice of the public meeting will be given by the STA through a one-time publication of a display ad in the newspaper of general circulation in the affected region. The ad shall advise the public of its opportunity to appear and/or submit its written comments to the STA.

E. In making its final determination, the STA shall consider: the past performance of the TDD applicant in administering and effectively overseeing previous STA funding grants; the average and individual evaluations and recommendations of the TRC, the independent judgment, education and experience of the STA members, collectively and individually.

F. The STA will make funding determinations by a majority vote of no less than six of its members.
[Recompiled 11/16/01]

18.1.4.12 STATE-INITIATED PROJECTS--REQUIRED NOTICE:

A. The STA has independent authority, exclusive of the TDDs, to conduct research to determine where transportation systems are most needed in the state and for what purposes, and to conduct research to ascertain the most feasible routes for transportation systems in the state. Accordingly, the STA has the authority to commission its own research studies to provide such needed information. Funding of such STA-initiated research shall be based upon a justified application. If the STA finds, through this research, that a transportation system is needed in an area of the state, it shall give notice of its finding to all entities eligible to form transportation development districts which the STA, in its sole discretion, believes have an interest in the need. The STA shall also give notice to all persons it finds, in its sole discretion, to be interested or affected by the transportation or development of the resource or people giving rise to the need.

B. The notice, both to the governmental entities (interested Indian tribes and pueblos, municipalities and counties) and to affected persons, shall be in the form of a letter detailing the transportation needs. The letters shall be sent by registered mail, return receipt requested.

C. If, after six months from the latest receipt date of these notice letters, the STA finds any of the following conditions exist notwithstanding the notice, it has the option of exercising those powers listed in Section 73-23-4G and proceeding under Sections 73-23-9 through 73-23-13 NMSA 1978 as amended:

- (1) the transportation need still exists;
- (2) persons capable of meeting the need have not acted or proposed to act in a manner capable of meeting the need;
- (3) no entities (affected Indian tribes and pueblos consistent with their sovereign powers, municipalities and counties) have acted;
- (4) the entities that acted do not have the capability to meet the transportation need.

[Recompiled 11/16/01]

HISTORY OF 18.1.4 NMAC

Pre-NMAC History: The material in this part was derived from that previously filed with the commission of public records - stare records center and archives.

STA Rule 1, Requirements for the Submission and Evaluation of Grant Funding Applications for Transportation Planning/Study Projects From Local Transportation Development Districts, 9/25/91.

STA Rule 1, Requirements for the Submission and Evaluation of Grant Funding Applications for Transportation Planning/Study Projects From Local Transportation Development Districts, 6/30/92. TYPE: This is a superseding rule, replacing STA Rule 1 filed September 25, 1991

History of Repealed Material: STA Rule filed 6/30/92 supersedes STA Rule 1 filed 9/25/91.