

TITLE 18 TRANSPORTATION AND HIGHWAYS
CHAPTER 11 AVIATION
PART 9 GOVERNING THE APPROVAL OF GRANTS

18.11.9.1 ISSUING AGENCY: The New Mexico Department of Transportation, Aviation Division.
[11/30/98; 18.11.9.1 NMAC - Rn & A, 18 NMAC 11.9.1, 3/15/04]

18.11.9.2 SCOPE: Municipalities, counties, Indian tribes or tribal organizations as defined in federal law at 25 USC 5304, or other public entities located within the state of New Mexico.
[11/30/98; 18.11.9.2 NMAC - Rn, 18 NMAC 11.9.2, 3/15/2004; A, 2/14/2017]

18.11.9.3 STATUTORY AUTHORITY: Section 64-1-13 NMSA 1978, as amended, provides in part that the aviation division shall cooperate with all public and private agencies and organizations to encourage and advance aviation in this state. Further, that it shall authorize the expenditure of state money in accordance with division policies and procedures for planning, program administration construction, development and maintenance of certain public-use airport facilities and navigation aids and related facilities. This policy shall govern approval of grants made to airport sponsors pursuant to this authority.
[11/30/98; 18.11.9.3 NMAC - Rn, 18 NMAC 11.9.3, 3/15/2004; A, 2/14/2017]

18.11.9.4 DURATION: Permanent.
[11/30/98; 18.11.9.4 NMAC - Rn, 18 NMAC 11.9.4, 3/15/04]

18.11.9.5 EFFECTIVE DATE: November 30, 1998, unless a later date is cited at the end of a section.
[11/30/98; 18.11.9.5 NMAC - Rn & A, 18 NMAC 11.9.5, 3/15/04]

18.11.9.6 OBJECTIVE: The purpose of this rule is to establish procedures for the implementation of NMSA 1978, Section 64-1-11 through 64-1-17, regulations governing the approval of grants by the NMDOT, aviation division.
[11/30/98; 18.11.9.6 NMAC - Rn & A, 18 NMAC 11.9.6, 3/15/04]

18.11.9.7 DEFINITIONS:

- A.** NMDOT - means the New Mexico department of transportation.
- B.** Aviation division - means the aviation division of the NMDOT.
- C.** Sponsor - means the authority responsible for the airport for which the grant is requested.

[11/30/98; 18.11.9.7 NMAC - Rn & A, 18 NMAC 11.9.7, 3/15/04]

18.11.9.8 PROJECT ELIGIBILITY: Airports with regularly scheduled airline service utilizing aircraft with seating capacity in excess of 100 passengers, or a maximum payload capacity of more than twenty-five thousand pounds are not eligible for state funding. Airports on private land are not eligible for state funding unless the landowner files a written agreement with the aviation division director permitting public use of the facility without limit as to time. Airports receiving state funds shall not charge landing fees for aircraft except for aircraft used in commercial activities for compensation.
[11/30/98; 18.11.9.8 NMAC - Rn & A, 18 NMAC 11.9.8, 3/15/2004; A, 2/14/2017]

18.11.9.9 PROJECT APPLICATION: Before being eligible for consideration by the aviation division, a sponsor must submit a request for a project grant to the aviation division in accordance with the process established by the division. The project request shall include an accurate project description and cost of work to be done.
[11/30/98; 18.11.9.9 NMAC - Rn, 18 NMAC 11.9.9, 3/15/2004; A, 2/14/2017]

18.11.9.10 PROJECT APPROVAL: The aviation division shall give priority for the award of grants based on the aviation division's determination as to the need for the project. If the aviation division determines that the project meets all requirements of eligibility, that it meets the existing or future needs of aviation in the state, and that state aid is required to accomplish the project, the aviation division will prepare the grant agreement paperwork to be sent to the sponsor. The aviation division shall require the adoption of an airport maintenance resolution; and may also require the adoption of appropriate airspace and land use zoning ordinances. Copies of any required

documentation shall be furnished to the aviation division prior to the full processing of the grant agreement. The grant agreement shall become a legal document upon approval and execution by all required parties.
[11/30/98; 18.11.9.10 NMAC - Rn, 18 NMAC 11.9.10, 3/15/2004; A, 2/14/2017]

18.11.9.11 EXECUTION OF PROJECT: The project shall be accomplished in accordance with the provision of the applicable state laws, aviation division policies and procedures, and conditions of the approved grant agreement.
[11/30/98; 18.11.9.11 NMAC - Rn, 18 NMAC 11.9.11, 3/15/2004; A, 2/14/2017]

18.11.9.12 STATE PARTICIPATION: The aviation division is not restricted, other than by funds available, to a percentage of total amount of participation in any given project. At the discretion of the division a sponsor may use in kind services for its participating in the project.
[11/30/98; 18.11.9.12 NMAC - Rn, 18 NMAC 11.9.12, 3/15/2004; A, 2/14/2017]

18.11.9.13 SPECIAL PROJECTS: The aviation division may occasionally find it prudent and advisable to participate in projects which are not related to a specific airport or which may be beneficial to aviation as a whole in New Mexico. In the event state funds are used for such purposes, the aviation division shall work with the sponsor to assist in the development of all needed documentation.
[11/30/98; 18.11.9.13 NMAC - Rn , 18 NMAC 11.9.13, 3/15/04]

18.11.9.14 PROCUREMENT REQUIREMENTS:

A. Sponsors that receive assistance shall comply with the requirements of the New Mexico Procurement Code, Sections 13-1-28 to 13-1-199 NMSA 1978, as amended.

B. Sponsors exempted from complying with the Procurement Code pursuant to Section 13-1-98K shall comply with their own purchasing ordinances and must provide a copy of those ordinances to the aviation division.
[18.11.9.14 NMAC - N, 2/14/2017]

HISTORY OF 18.11.9 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the state records and archives under: AB Rule 77-1, Policy Governing the Approval of Grants by the New Mexico Aviation Board, filed October 4, 1977, and AD Rule 80-3, Policy Governing the Approval of Grants by the Transportation Department, Aviation Division, filed October 09, 1980.

History of Repealed Material: [RESERVED]

Other History:

AD Rule 80-3, Policy Governing the Approval of Grants by the Transportation Department, Aviation Division (filed October 09, 1980) was renumbered, reformatted and amended by 18 NMAC 11.9, Airports - Requirements Governing the Salvage of Abandoned Aircraft, effective 11/30/98.

18 NMAC 11.9, Airports - Governing the Approval of Grants (filed 11/12/98) was renumbered, reformatted and amended by 18.11.9 NMAC, Aviation - Governing the Approval of Grants, effective 03/15/04.