

NMDOT

NMDOT RPO HANDBOOK

**New Mexico Department of Transportation
Transportation Programs Divisions
Transportation Planning Division
Strategic Planning Bureau
Government to Government Section
in cooperation with
Federal Highway Administration
US Department of Transportation**

July 2010

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INTRODUCTION

The **RPO Handbook** is designed to support municipalities, counties, tribes, and other entities seeking federal or state funding for transportation projects. The handbook includes program descriptions, instructions, applications, and key department contacts. During the early stages of preparing a project funding request, the handbook provides a ready reference for “what to do” and “who to contact.” The handbook does not provide every detail, but rather guides the user to appropriate department resources.

The Regional Planning Organizations are the federally approved method for the State to determine transportation needs in non-metropolitan areas in *consultation* with local elected officials through a continuing, cooperative and comprehensive (3C) planning process. This handbook describes typical RPO procedures. Variations in the process may differ with each RPO but the general purpose and federal requirements are the same. Please check with the RPO Planner for your area about any procedures specific to your RPO before proceeding.

The **RPO Handbook** is issued by the Government to Government Section, Strategic Planning Bureau, Transportation Planning Division; Transportation Programs Divisions. If you have questions, comments, or suggestions, please call Anne McLaughlin at 505-827-5508 or send them to

Anne McLaughlin, AICP
Strategic Planning Bureau Chief
New Mexico Department of Transportation
P.O. Box 1149 SB-1 (N)
Santa Fe, NM 87504-1149

In addition to Department and Local Government Entity sources listed in the handbook, RPO Planners can also provide information on the transportation programs discussed.

New Mexico Regional Planning Organizations

Mid-Region Rural Transportation Planning Organization (MRRTPO)
Mid-Region Council of Governments
809 Copper Avenue, NW
Albuquerque, NM 87102
Dewey Cave, Interim Executive Director
Loretta Tollefson, AICP RPO Special Projects Manager
Telephone: (505) 747-3611
Fax: (505) 347-1753
E-mail: ltollefson@mrcog-nm.gov

Northern Pueblos RPO,
North Central New Mexico Economic Development District
P.O. Box 5115,
Santa Fe, NM 87502
Barbara Deaux, Executive Director
Eric Gahate, RPO Planner
Telephone: (505) 827-7333
Cell: (505) 980-0406 (Barbara)
Fax: (505) 827-7414
E-mail: rpo@nm.net
E-mail: anneo@nm.ncnmedd.com

Northwest RPO
Northwest NM Council of Governments
224 West Coal Avenue
Gallup, NM 87301
Jeff Kiely, Acting Executive Director
Jeff Kiely, Deputy Director
Bob Kuipers, Regional Planner, (RPO)
Telephone: (505) 722-4327
Fax: (505) 722-9211
E-mail: rkuipers@nwnmcog.com

South Central RPO
South Central NM Council of Governments
600 Highway 195-Suite D
P.O. Box 1082
Elephant Butte, NM 87935-1082.
Jay Armijo, Executive Director
Tony MacRobert, RPO Planner
Telephone: (575) 744-0039
Fax: (575) 744-0042
E-mail: bloom-rpo@zianet.com

Southeast RPO
Southeastern New Mexico Economic Development District/ Council of
Governments
(SNMEDD/COG) (Chaves, Eddy, Otero, Lincoln, and Lea Counties) divided with
Eastern Plains Council of Governments
1600 SE Main, Suite D-1
Roswell, NM 88203
Hubert Quintana, Executive Director
Telephone: (575) 624-6131
Fax: (575) 624 -7715
E-mail: hqsnmedd@plateautel.net
Mary Ann Burr, RPO Planner
E-mail: mbsnmedd@plateautel.net
Telephone: (575) 624-6131
Fax: (575) 626-6134

Eastern Plains Council of Governments (De Baca, Curry, Roosevelt)
Richard Arguello, EPCOG Board Chairman, Acting Executive Director
E-mail: rwayo@plateautel.net
Steve Henthorn, RPO Planner
Telephone: (575) 762-7714
Fax: (575) 762-7715
E-mail: shenthorn@epcog.org

North East RPO, Planning management divided between North Central New Mexico Economic Development District and the Eastern Plains Council of Governments

Eastern Plains Council of Governments (Guadalupe, Harding, Quay and Union Counties)
Richard Arguello, EPCOG Board Chairman and Acting Executive Director
E-mail: rwayo@plateautel.net
Steve Henthorn, RPO Planner
Telephone: (575) 762-7714
Fax: (575) 762-7715
E-mail: shenthorn@epcog.org

North Central New Mexico Economic Development District
(Colfax, Mora and San Miguel Counties)
P.O. Box 5115
Santa Fe, NM 87502
Barbara Deaux, Executive Director
Lesah Sedillo, NERPO Transportation Planner
Telephone: (505) 476-0107
Fax: (505) 852-4835
E-mail: lsedillo@nm.net

Southwest RPO
Southwest Council of Governments
213 North Bullard
P.O. Box 2157
Silver City, NM 88062.
Priscilla Lucero, Executive Director
Cynthia Stoehner, RPO Planner
Email: swnmcog@hotmail.com
Telephone: (575) 388-1509
Fax: (575) 388-1500
E-mail: priscillalucero@gilanet.com

A complete contact and address list is included in APPENDIX 5 at the end of this report.

The department has also issued three other closely related handbooks.

The **Tribal/Local Government Agency Handbook** is a guide for municipal, county, or tribal agencies serving as the local lead for federal or state funded projects. It provides information on implementing projects after funding has been obtained. The Strategic Planning Section also issues the T/LGA Handbook.

The **Local Government Road Fund Project Handbook** gives details on funding for Cooperative, School Bus Route, Municipal Arterial, and County Arterial projects. Local Government Road Fund projects are administered by the State Maintenance Bureau and the department's district offices. Copies of the LGRF Handbook may be obtained from the State Maintenance Bureau, New Mexico Department of Transportation, P.O. Box 1149, Santa Fe, NM 87504-1149; 505-827-5564. District Engineers may be contacted at the following numbers:

District 1: 800-444-0745; 575-544-6530

District 2: 800-432-7845; 575-637-7234

District 3: 505-841-2700

District 4: 505-454-3600

District 5: 800-388-6630; 505-476-4200

District 6: 800-361-3596; 505-285-3200

The **Construction Procedures Handbook for Federal-Aid Local Government Lead Projects** is a guide for local government agencies during the construction phase of local projects. It contains information and procedures for overseeing construction and for requesting reimbursement from the department. This handbook is issued by the Construction Bureau, New Mexico Department of Transportation, P.O. Box 1149, Santa Fe, New Mexico 87504-1149; 505-827-5631. **Non-Metropolitan/RPO Public Involvement and Outreach Process, Description and History in New Mexico**

FEDERAL & STATE FUNDING SOURCES

This section discusses sources of funding for transportation programs administered by the New Mexico Department of Transportation.

FEDERAL FUNDS

The **Safe Accountable Flexible Efficient Transportation Equity Act: a Legacy for Users (SAFETEA-LU)** appropriates federal funds in the following categories:

Highway Improvement Programs:

Interstate Maintenance Program (IM): In addition to repair and rehabilitation, IM funds may be used to add capacity on the Interstate System: I-10, I-25, and I-40.

National Highway System (NHS): The NHS program funds construction and improvement of the 158,878 mile National Highway System, which consists of the Interstate System and other nationally important routes. NHS routes in New Mexico include 1,000 miles of Interstate and 1,924.5 miles of other federal-aid roads.

Surface Transportation Program (STP): The STP program funds construction, improvement, and other transportation-related projects on roads functionally classified as Interstates, Principal Arterials, Minor Arterials, Major collectors, and on roads functionally classified as local or Minor Collectors, under certain conditions. Up to 15% of the STP funds are allocated to areas of less than 5,000 population. Approximately \$1.5 million annually may be available to be used on roads functionally classified as Minor Collectors. These funds are used for the portion of bridge and safety projects on Minor Collector roads not covered by federal funds, e.g., roadway realignment on a bridge replacement project. However, because funding levels are not increased if this option is used, projects on Minor Collector roads will have to compete with other proposed projects.

By law, STP funds are sub-allocated for Transportation Management Areas (metropolitan areas over 200,000), Transportation Enhancement projects, and the Safety Program. SAFETEA-LU mandates that selection of STP projects shall be a cooperative effort between state and local government entities. STP funding may be used for: preliminary engineering, including scope, environmental and archaeological assessment, and design; right-of-way acquisition; construction, reconstruction, rehabilitation, resurfacing, restoration, and operational improvements; capital costs for transit projects eligible for assistance under the Federal Transit Act, including publicly owned intra-city or inter-city bus terminals and facilities; car-pool projects, parking facilities, bicycle, and

pedestrian walkways; and safety improvements for highways, transit, railway-highway grade crossings, and mitigation of hazards caused by wildlife.

In addition to the exception noted previously, STP funds may be used on roads functionally classified as local or rural Minor Collectors for the following project categories:

- bridge projects;
- safety projects;
- transit projects and
- car-pool projects.

Other Programs:

Safety Programs (TPS): To improve safety at high hazard and accident locations, the Highway Safety Improvement Program is designed to:

- eliminate roadside obstacles;
- improve highway signing and pavement marking;
- improve sight distance;
- install traffic control or warning devices;
- eliminate railroad hazards, and
- install railroad protective devices.

All public roads are eligible for the safety program. (For a discussion of traffic safety signalization, see page 28, Traffic Signal Program. For the Highway Safety Improvement Program, see page 37)

Bridge Program (BR): Annually, the Federal Highway Administration (FHWA) calculates sufficiency ratings for every bridge in the nation. (This rating is computer-calculated based on data provided by state and local agency bridge inspectors.) The sufficiency rating formula is based on four factors:

1. structural adequacy and safety;
2. serviceability;
3. functional obsolescence and
4. essentiality for public use

Based on a sufficiency scale of 0 - 100, bridges with a rating of 80 or less are eligible for rehabilitation funding. Bridges with a rating of less than 50 are eligible for replacement funding. All bridges on public roads are eligible for these funds. (For a discussion of bridge programs, see page 35 Highway Bridge Improvement Program).

Congestion Mitigation and Air Quality Improvement Program (CMAQ): This program provides funds for congestion relief and air quality improvement in non-attainment and maintenance areas. (Bernalillo County is a maintenance area. Sunland Park is part of a non-attainment area for ozone.)

Public Lands Highways Program (PLH): Funding is provided annually on a competitive basis nationwide for public roads under federal jurisdiction and on trust properties (Indian Reservations). For further information on the PLH program, see page 43.

Transportation Enhancements (TPE): These activities constitute a sub-category of STP and are defined as projects that go beyond customary transportation activities. For a discussion of this program, see page 15, Transportation Enhancement Program.

Safe Routes to School (SRTS): The purpose of the SRTS program is to enable and encourage Kindergarten through 8th grade children of all abilities to safely walk and bicycle to school on a regular and routine basis. The NM SRTS program is a phased, cost-reimbursement program with Phase 1 providing \$15,000 awards to eligible applicants for the development of SRTS Action Plans and Phase 2 providing funds for the implementation of Action Plans, including infrastructure projects (up to \$250,000) to address engineering deficiencies and non-infrastructure activities (up to \$25,000) addressing enforcement, education and encouragement needs. Eligible applicants include state, local and tribal entities, as well as school districts. Participating schools receive technical assistance and support; training opportunities; engineering assistance; and information resources. Local SRTS Action Plans must incorporate and address the 5 E's of engineering, education, enforcement, encouragement and evaluation. For further information on this program contact Jessica Frost, SRTS Coordinator at 505-476-2155 or Jessica.Frost@state.nm.us

Scenic and Historic Byways Program: This federal program helps preserve and protect scenic, historic, recreational, cultural, natural, and archeological areas on and adjacent to the state's highway network. (For a discussion of this program, see page 24 Scenic and Historic Byways Program.)

Public Transportation Programs: SAFETEA-LU provides federal funds on a competitive basis primarily for capital projects, and for specialized activities such as training, technical assistance and research. The department administers three Public Transportation grant programs and a vanpool loan/Rideshare program.

Section 5310 FTA: This section provides federal funds to meet the mobility needs of the elderly and disabled. The annual application process awards grants to **nonprofit organizations** primarily for the acquisition of vehicles modified to conform to the standards of the Americans with Disability Act (ADA). Accessories such as radios and lifts are also eligible expenses.

Section 5311 FTA: This section provides capital, administrative, and operating assistance in rural areas and cities/towns of less than 50,000 population for rural transit programs. Private nonprofit providers as well as local government entities may participate in this program.

Section 5309 FTA: Discretionary funds.

For further information about these programs, contact the Transit Rail Division, P.O. Box 1149, Santa Fe, NM 87504, 505-827-5521.

Airport Development and Traffic Safety Programs: SAFETEA-LU provides funding for airport improvement and traffic safety programs. For details on these funding sources, please contact:

Aviation Division, P.O. Box 1149, Santa Fe, NM. 87504, 505-244-1788

Traffic Safety Division, P.O. Box 1149, Santa Fe, NM. 87504, 505-827-0427

PROJECT REQUIREMENTS FOR ALL FEDERALLY FUNDED PROGRAMS:

The following federal requirements apply to all projects receiving federal funds:

- National Historic Preservation Act (NHPA);
- National Environmental Policy Act (NEPA);
- Americans with Disabilities Act (ADA);
- Minority Business Enterprise (MBE);
- Davis-Bacon Wage Rate Requirements;
- Federal Requirements for Acquisition of Right-of-Way (The Uniform Act)

Generally, funds from other federally funded programs **cannot** be used to match federal-aid transportation funds. Exceptions to this rule involve funds specifically authorized by federal law. SAFETEA-LU allows certain federal funds to be used as match for Transportation Enhancement projects; see page 15 for further information. (To find out if a project qualifies for an exception to this general rule, please contact the Government to Government Unit at P.O. Box 1149, Santa Fe, NM 87504, 505-827-5508.

STATE FUNDS

State funds for roadway construction may be obtained from several sources.

Local Government Road Fund (LGRF): The LGRF is administered by the State Maintenance Bureau and the District Engineers. LGRF programs include the Cooperative Program (CO-OP), the County Arterial Program (CAP), the School Bus Route Program (SBR), and the Municipal Arterial Program (MAP).

If a local entity is experiencing financial hardship, it may seek a waiver of the matching funds requirement for LGRF projects. The waiver must be approved by the District, the Local Government Division of the Department of Finance and Administration (or the Department of Education for School District Cooperative projects), and the NMDOT Secretary, and, finally, the New Mexico State Transportation Commission. Amounts available statewide for match waivers vary from year to year. Approval is not guaranteed.

For further information about LGRF projects, contact the State Maintenance Bureau at P.O. Box 1149, Santa Fe, NM 87504, 505-827-5564.

Severance Tax Bond Projects (ST): The New Mexico State Legislature appropriates the proceeds of severance tax bonds to the NMDOT for local transportation projects. (Severance taxes are levied for removing oil, natural gas, liquid hydrocarbon and carbon dioxide as well as other natural resources including timber and various mineral products, e.g. potash, molybdenum, copper, zinc, lead, gold, silver, coal and uranium.) ST projects are contained in capital outlay bills sponsored by the State Legislature. The Local Government Agreement Unit develops and executes agreements for these projects with local government entities. Local government agencies act as lead agencies for ST projects and are responsible for either performing the work with their own forces or letting the project to contract. Generally, payment for these projects is handled through the District Offices.

Federal tax regulations require that the ST project must be developed sufficiently so that the agency reasonably expects to incur, within six months after the applicable bonds have been issued, a substantial binding obligation to a third party to expend at least five percent of the bond proceeds for the project;

Additionally, 85% of the project funds must be expended within three (3) years from the date the bonds are sold. Certification of agreement to conform to these requirements must be provided by the local entity prior to the sale of the bonds.

General Fund Projects (GA): The New Mexico State Legislature sometimes appropriates funds for local government road and street projects to the NMDOT and finances them with General Fund monies. These projects are included in capital outlay bills. (Some projects may require matching funds from the local entity.) The Local Government Agreement Unit develops and executes agreements for these projects with local government entities. Local entities act as the lead agency for the projects and are responsible for performing the work with their own forces or letting the projects to contract. Generally, payment for these projects is handled through the District Offices.

For further information about ST and GA projects, contact the Local Government Agreement Unit at P.O. Box 1149, Santa Fe, NM 87504-1149, 505-827-5325.

TRANSPORTATION IMPROVEMENT PROGRAM

PURPOSE

The primary object of the highway improvement program is to maintain and improve the state highway system.

PROGRAM ADMINISTRATION

All highway improvement projects constructed with federal funds must be included in the Statewide Transportation Improvement Program (STIP). In addition, all Regionally Significant projects must be included in the STIP regardless of funding source. The Federal Highway Administration defines a regionally significant project as one that is on a facility which serves regional transportation needs. The STIP is developed by the Infrastructure Division in cooperation with the department's District Engineers, Design Division, and local and tribal governments through the Regional and Metropolitan Planning Organizations.

In urban areas with over 50,000 population, federal law requires the Governor and units of general-purpose local government to designate Metropolitan Planning Organizations (MPOs). Federal law also mandates that MPOs, in cooperation and consultation with the state, develop Transportation Improvement Programs (TIPs). TIPs follow the same requirements as the STIP and the approved TIPS are incorporated without change the STIP.

SAFETEA-LU requires that in non-metropolitan areas, the STIP be developed in consultation with affected local officials with responsibility over transportation. In New Mexico, the STIP development process outside of metropolitan areas is accomplished through Regional Planning Organizations (RPOs). All local and tribal governments within an RPO area are eligible to be members.

The RPO process is managed by the Government to Government Section, Strategic Planning Bureau, Transportation Planning Division, Transportation Programs Divisions, New Mexico Department of Transportation, P.O. Box 1149, Santa Fe, NM 87504-1149. The Government to Government Section administers the RPO Transportation Planning process in cooperation with local or tribal councils of government. RPO Planners are available to assist applicants through the STIP planning process.

ELIGIBILITY

Local and tribal governments are eligible to request state and federal funding for transportation improvement projects. In most cases, the required match for such projects is the responsibility of the local or tribal government.

FUNDING

The funding category available for most local and tribal government projects is the Surface Transportation Program (STP). The STP program funds construction, improvement, and other transportation-related projects on roads functionally classified Interstate, Principal Arterial, Minor Arterial, Major Collector and on roads functionally classified as local or Minor Collectors, under certain conditions. SAFETEA-LU allows up to 15% of the STP funds allocated to areas of less than 5,000 population. Approximately \$1.5 million may be available annually statewide to be used on roads functionally classified as Minor Collectors. These funds will likely be used for the qualifying portion of bridge and safety projects on Minor Collector roads not covered by federal funds, e.g., roadway realignment on a bridge replacement project. Because funding levels are not increased if this option is used, projects on Minor Collector roads will have to compete with other proposed projects.

By law, STP funds are sub-allocated for Transportation Management Areas (metropolitan areas over 200,000), Transportation Enhancement projects, and the Safety Program. SAFETEA-LU mandates that selection of STP projects shall be a cooperative effort between state, tribal, and local government entities. STP funding may be used for the following highway improvement activities:

- preliminary engineering, including scope, environmental and archaeological assessment, and design (unless they have qualified staff, entities should be prepared to hire consultants to perform these activities);
- right-of-way acquisition (unless they have qualified staff, entities should be prepared to hire consultants to perform these activities);
- construction, reconstruction, rehabilitation, resurfacing, restoration, and operational improvements; and
- safety improvements for highways and railway-highway grade crossings and mitigation of hazards caused by wildlife.

In addition to the exception noted above, STP funds may be used for bridge and safety projects on roads functionally classified as local or rural Minor Collectors.

PROJECT REQUIREMENTS

The following federal requirements apply to all projects receiving federal funds:

- National Historic Preservation Act (NHPA)
- National Environmental Policy Act (NEPA),
- Americans with Disabilities Act (ADA),
- Minority Business Enterprise (MBE),
- Davis-Bacon Wage Rate Requirements, and
- Federal Requirements for Acquisition of Right-of-Way (The Uniform Act).

APPLICATION PROCESS

1. Discuss the proposed project with the appropriate District Engineer (DE) or Regional Design Center Engineer to determine if the project is feasible.
2. If the proposed project receives a favorable review from the DE, complete a Project Identification Form (PIF). This form is used to evaluate and rank project proposals. (See Appendix 2). An incomplete PIF may delay project review and selection. Entities are encouraged to contact their Regional Planning Organization (RPO) staff planner or the Regional Planning Section staff when seeking funding for a highway improvement project. Staff can provide assistance with completing the PIF and answer questions about eligibility, project selection, and funding.
3. In response to the Regional Planning Organization's "Call for Projects", submit the completed PIF to the appropriate RPO.

SELECTION PROCESS

The selection process begins with the rating and ranking of proposed projects by RPOs. Projects with a completed PIF are prioritized by criteria established by each RPO and included in the RPO Regional Transportation Improvement Program Recommendations (RTIPR). Some of the factors used in evaluating PIFs are

- Need for improvement;
- Stage of development;
- Geographic distribution of funding;
- Funding equity among agencies;
- Public/private commitment and support; and
- Relationship to other plans and programs.

District Engineers evaluate RTIPRs in light of available funding and needs. RTIPRs and District Engineer recommendations are forwarded to the department's STIP Development Unit for inclusion as appropriate into the STIP. The STIP must be approved by the State Transportation Commission, the Federal Highway Administration (FHWA), and the Federal Transit Administration (FTA).

The STIP is a four year document. Every two years a new STIP is developed and there is a quarterly amendment cycle. Most of the RPOs develop RTIPRs on an annual basis and approved projects are amended into the STIP during the next amendment cycle.

TRANSPORTATION ENHANCEMENT PROGRAM ELIGIBLE ACTIVITIES

PURPOSE

The purpose of the Transportation Enhancement Program is to provide funds to enhance the quality of life in or around transportation facilities. These programs are intended to protect the environment and provide a more aesthetic, pleasant, and improved interface between the transportation system, the people adjacent to it, and travelers on the highways.

QUALIFYING CATEGORIES

Title 23 United States Code - Highways, Section 101 defines twelve (12) categories of activity that qualify for funding through the transportation enhancement program.

- 1) **Provision of facilities for pedestrians and bicycles:** Bicycle and pedestrian facilities must be primarily transportation related, have unrestricted public access and connect two inter-modal endpoints. Recreational bike and pedestrian tracks and trails that have loops and no specific endpoints are not eligible for transportation enhancement funding. However, even if a recreational component is an integral part of a proposed facility, a project merits consideration under this program as long as it is a bona fide transportation activity.

The following activities qualify for TPE funding:

- Adding paved shoulders to existing highways for use by cyclists -- projects must be clearly demonstrated to provide bicycle facilities;
- Bicycle lockers at rail stations, bus depots, airports, or recreation facilities;
- Bikeways or pedestrian paths which separate these modes of travel from the motorized transportation system;
- Acquisition, development, and construction of separate pedestrian or bicycle facilities;
- Bikeways that are part of a road project (e.g., widening an existing road to accommodate a bicycle lane) are also eligible for Enhancement funding; and
- Provision of safety and educational activities for pedestrians and bicyclists.

Questions concerning bikeways and bicycle facilities should be addressed to the Bicycle Coordinator, New Mexico Department of Transportation, P.O. Box 1149, Santa Fe, NM 87504-1149; 505-827-0050.

2) **Provision of safety and educational activities for pedestrians and bicyclists:** The funded activities must be accessible to the general public or targeted to a broad segment of the general public. The activities must show a relationship to the surface transportation system. Proposals should be written to reflect a definitive period for participation. The following activities are eligible:

- Non-construction safety-related activities and the reasonable costs to provide safety and educational activities such as bike/pedestrian safety training, cost of facilitators, and classes;
- Related training materials such as brochures, videotapes, and other training aids;
- Rent for leased space; and
- Limited staff salaries. (Long term salary participation should be avoided.)

Project sponsors using TPE funds are encouraged to integrate safety messages and educational opportunities for bicyclists and pedestrians into Enhancement projects through the development of campaigns, programs, educational materials including maps and brochures, and pedestrian and bicycle enforcement activities. Project sponsors are encouraged to coordinate these activities with the National Highway Traffic Safety Administration and other modal administrations. This TPE activity is not intended to replace or duplicate existing Section 402 funding opportunities for bicycle and pedestrian activities available through the State and Community Traffic Safety Program.

3) **Acquisition of scenic easements and scenic or historic sites:** In order to enhance the public's transportation experience, enhancement funds may be used for the purchase, donation, transfer, or trade of lands which possess aesthetic, historic, visual, or natural values.

For historic projects, the lands or property must be listed in or eligible for listing in the National Register of Historic Places.

Proposed acquisitions must be clearly visible from roadways functionally classified other than local or rural Minor Collectors and must have a significant connection to the transportation system.

The project sponsor must ensure that mechanisms are in place for the proper maintenance and preservation of scenic easements and scenic or historic sites.

The following are examples of eligible activities:

- Acquisition of historic bridges;
- Historic transportation terminals;
- Land around a historic site adjacent to a scenic highway;
- Acquisition of historic properties which qualify for protection under the

- National Register or New Mexico State Register; and
- Acquisition of historic properties which do not qualify under the National Register or New Mexico State Register, but are important to the local residents because of tradition or community identity.

- 4) **Scenic or Historic Highways programs:** Projects in this category are designed to protect and enhance scenic or historic highways designated by state or federal authorities. Historic preservation Enhancement projects must be related or have some type of linkage to the transportation system other than just proximity to the transportation network. Funds may be used only for projects that will protect and enhance the scenic, historic, cultural, natural and archeological integrity and visitor appreciation of an existing highway and adjacent area. Professionals qualified to evaluate scenic, historic, cultural, natural, and archeological values should review these projects.

Eligible projects do include the provision of tourist and welcome center facilities. However, the construction of new scenic or historic highways or the addition of lanes for any purpose (with the exception of bicycle lanes) is not eligible for Transportation Enhancement funding.

Title 23 United States Code - Highways, Section 109, Subsection (q) allows the waiver of some federal design standards for scenic and historic roads and byways.

The following activities are eligible:

- Interpretive plaques;
- Restoration of historic lighting standards;
- Historic, aesthetic treatment on retaining walls and guardrails;
- Aesthetically pleasing bridge rails for use on scenic highways; and
- Provision of tourist and welcome center facilities on designated scenic or historic highways.

Information on the Scenic and Historic Byways Program (Title 23 USC, Section 162) is available starting on page 24.

- 5) **Landscaping and other scenic beautification:** Included in this category are landscape construction activities which enhance the aesthetic or ecological resources along transportation corridors, points of access, and lands in proximity to other enhancement projects.
- Projects that enhance the attractiveness of a transportation facility include:
 - Construction of scenic vistas;
 - Restoration of historic landscapes; and
 - Construction of landscapes that are compatible with their surroundings.

- Testing and planting;
- Restoration or reintroduction of native plants and appropriate adaptive species;
- Site interpretation; and Information about programs through which resources are preserved.

Enhancement funds may not be used for routine or incidental maintenance activities such as grass cutting, tree pruning or removal, erosion control, screen planting, construction of noise barriers, drainage improvement, and post-construction finish work such as replanting and reseeding.

The following activities are eligible:

- Community “gateway” plantings;
- Landscaping transplants to move trees outside of clear zones and into more attractive and safer locations;
- Retrofitting existing noise barriers with landscaping;
- Rock work in existing landscaping;
- Sculpture or other art work at “gateway” entrances to communities;
- New Mexico “Main Street Projects”;
- Roadside ecological viewing areas; and
- Visually sensitive guard rails on bridges.

- 6) Historic preservation: Cultural properties listed in the New Mexico Register of Historical Resources or locally designated historic resources (if the local designation is based on adopted written criteria) are eligible for Enhancement funding if they have a significant relationship to the transportation system.

Historic preservation projects must conform to the guidelines of the State Historic Preservation Office (SHPO), phone: 827-6320, and must meet the criteria for proximity to roadways functionally classified as greater than local roads and Minor Collectors in rural areas or local streets in urban areas.

To be eligible in this category a project must have a significant relationship to transportation. The following activities are eligible:

- Acquisition, protection, rehabilitation, interpretation, restoration and stabilization of any prehistoric or historic district, site, building, structure, or landscape which is eligible for inclusion in the New Mexico Register or the National Register of Historic Places and has a significant transportation relationship.
- 7) Rehabilitation and operation of historic transportation buildings, structures, or facilities: This category refers to buildings or related structures associated with the operation, use, construction, or maintenance of any mode of transportation and listed in or eligible to be included in the New Mexico Register of Historical Resources.

“Rehabilitation” means returning the property to a state which makes possible contemporary use while preserving the significant historic features of the property. “Operation” refers to service related activities for the general public which are consistent with the historic character of the properties.

The following activities are eligible:

- Rehabilitation of structures or facilities such as canals, tunnels, bridges, trestles, embankments, and rails as well as non-operational vehicles, railroad stations, and other transportation facilities for passenger or freight use.
- 8) Preservation of abandoned railway corridors, including the conversion and use for pedestrian or bicycle trails: “Rail corridors” are transportation corridors of varying width in which rail tracks exist or have existed in the past. “Abandoned rail corridors” are those which have been authorized for abandonment, either actual or pending, by the Interstate Commerce Commission.

The following activities are eligible:

- Acquisition, rehabilitation, and development of railway corridors for future bicycle or pedestrian use or for future use as a rail corridor. (A declaration of intent for future bicycle and/or pedestrian use is required.)
- 9) Control and removal of outdoor advertising: This category addresses the control and removal of existing outdoor advertising signs, displays, and devices that are “nonconforming.” Priority is given to the removal of outdoor advertising signs, displays, and devices on designated scenic roads or in areas where local or state laws or ordinances ban new billboards. Such advertising must be proximal to roadways functionally classified as other than local or Minor Collectors.

Expenditures for the purchase and removal of existing signs, displays, and devices are made in accordance with a legal process that bases payment on an equitable appraisal. Enhancement funds may also be used to provide additional resources to ensure that new outdoor advertising signs are permitted only in areas actually used for commercial and industrial purposes.

The following activities are eligible:

- Control and removal of non-conforming outdoor advertising signs such as billboards on scenic highways.
- 10) Archeological planning and research: Projects may include site preservation, interpretation, and improvements in methodologies, evaluation and preservation. In addition projects which deal with analysis and data

synthesis of transportation-related projects and the development of regional research designs to guide future surveys and data recovery are eligible for funding.

Projects must conform to the guidelines of the State Historic Preservation Office. For information call 505-827-6320. Please note that archeological excavations are not eligible for funding in this category.

The following activities are eligible:

- Research on archeological sites;
 - Preservation and interpretation of archeological sites; and
 - Archeological studies for state routes in archeologically sensitive areas.
- 11) Environmental mitigation to address water pollution due to highway runoff or reduce vehicle-caused wildlife mortality while maintaining habitat connectivity: Eligible mitigation projects include those that incorporate aesthetic and ecological considerations. Water pollution projects must promote recharge.

Projects in this category must enhance the transportation system in some manner by being “over and above” normal design, construction, or mitigation procedures carried out as a routine part of highway construction or rehabilitation.

The following activities are eligible:

- Reduction or elimination of pollution resulting from storm water runoff from highway facilities;
 - Mitigation of water pollution alongside a highway to protect or improve the drinking water supply; and
 - Reduction of vehicle-caused wildlife mortality in a manner that maintains habitat connectivity.
- 12) Establishment of transportation museums: The museum must be related to surface transportation, open to the public, and run by a public, non-profit, or not-for-profit organization. Museums using TPE funds must meet the following definition of a museum. The facility must
- Be a legally organized not-for-profit institution or part of a not-for-profit institution or government entity;
 - Be essentially educational in nature;
 - Have a formally stated mission;
 - Have one full-time paid professional staff member who has museum knowledge and experience and is delegated authority and allocated financial resources sufficient to operate the museum effectively;
 - Present regularly scheduled programs and exhibits that use and interpret objects for the public according to accepted standards;

Have a formal and appropriate program of documentation, care, and use of collections and/or tangible objects; and have a formal and appropriate program of presentations and maintenance of exhibits. Establishment of transportation museums is interpreted to mean funding of capital improvements, including:

- Costs of the structure and purchase of artifacts necessary for the creation and operation of the facility.
- TPE funds may be used to build a new facility,
- Add on a transportation wing to an existing facility, or
- Convert an existing building for use as a transportation museum.
- Operations or maintenance of the facility are not eligible expenses. If an entrance fee is charged for the museum, a portion of the fee should be provided for the long-term maintenance and operation of the facility.

ENHANCEMENT APPLICATION/SELECTION PROCESS

PROJECT ELIGIBILITY

Proposals for enhancement funds must demonstrate that they meet the following criteria:

- The project has a direct relationship to the inter-modal transportation system. This relationship can be one of function (e.g., a bikeway), proximity (e.g., removal of advertising signs in the view-shed of a highway), or impact (e.g., water pollution control which “impacts” a highway).
- The project conforms to one of the twelve categories discussed previously. The project is for purposes over and above normal project amenities and mitigation and is not required by a legal settlement.

PROJECT REQUIREMENTS

- Applicants must demonstrate the ability to maintain the enhancement project once it is completed and indicate the source of the maintenance funds.
- Ownership of the facility must remain with a public entity.
- Applicants must show reasonable cost estimates that are supported by an adequate financial plan. An adequate financial plan includes identification of all sources of funding, logical cash flow, and reasonable project phasing.
- If enhancement funding is awarded, the applicant is responsible for all preliminary design and engineering costs (including environmental analysis and documentation) and at least 25% of the project costs.

FUNDING

SAFETEA-LU sets aside 10% of the Surface Transportation Program (STP) funds for transportation enhancement activities.

Certain projects may qualify for matching federal funds in accordance with the FHWA directive of April 24, 1995 and TEA-21. Private cash, in-kind contributions, and funds from other federal agencies may be used as match for enhancement projects. (Please consult with the Regional Planning Organization for questions about project match.)

APPLICATION PROCESS

1. Discuss the proposed project with the District Engineer (DE) or Regional Design Center Engineer to determine if the project is feasible.
2. If the proposed project receives a favorable review from the DE, complete a Project Identification Form (PIF) and an Enhancement Application with the required resolution. These two forms are used to evaluate and rank project proposals. An incomplete application package may delay project review and selection.
3. Applicants are encouraged to contact their Regional Planning Organization (RPO) staff planner or the Government to Government Programs Section staff at the NMDOT when applying for enhancement funds. Staff can provide assistance with applications and answer questions about eligibility, project selection, and funding.
4. In response to the Regional Planning Organization's "Call for Projects", submit the completed PIF and Enhancement Application to the appropriate RPO.

SELECTION PROCESS

The selection process begins with the rating and ranking of enhancement applications by RPOs. Completed applications are prioritized by criteria established by each RPO and included in the RPO Regional Transportation Improvement Program Recommendation (RTIPR). Some of the factors used in evaluating enhancement applications are

- Stage of development;
- Availability of match;
- Geographic distribution of funding;
- Funding equity among agencies;
- Public/private commitment and support;
- Relationship to the intermodal transportation system;
- Relationship to other plans and programs;
- Benefit to community/environment; and
- Special characteristics or features that justify a higher prioritization.

SCENIC AND HISTORIC BYWAYS PROGRAM

PURPOSE

The NMDOT and the Tourism Department jointly administer the Scenic and Historic Byways Program. The program has two activities: 1) nominating a route for designation as a Scenic Byway, and 2) applying for grant monies for an eligible project on a designated byway. Congress establishes the national funding level for the program. States compete for grant monies annually.

DEFINITIONS

“Scenic byway” means a public road that has been so designated through the state’s Scenic and Historic Byways Program. The terms “road” and “highway” are synonymous. They are not meant to define higher or lower functional classification or wider or narrower cross sections. Moreover, the term “scenic byway” refers not only to the road or highway itself but also to the corridor through which it passes. The term “scenic byway” includes designated historic trails.

ROUTE NOMINATION REQUIREMENTS and PROCEDURES

1. In July 1999 the State Transportation Commission placed a moratorium on accepting route nominations for Scenic Byways. Local governments will be notified when the moratorium is lifted.
2. Route nomination sponsors are local historical societies, cultural organizations, government agencies, chambers of commerce, or other similar groups that serve as focal points for originating and developing the nomination.
3. Proposed scenic byways are evaluated on the following criteria:
 - The extent to which it possesses one or more of the following characteristics: unusual or distinctive scenic, historical, archaeological, natural, recreational, or cultural features;
 - Suitability for vehicular use;
 - Whether it is an existing route with legal public access and use; and strong local support with proponents demonstrating coordination with relevant agencies.
 - A potential sponsor contacts the Scenic Byways Program Coordinator at the Tourism Department to obtain a route nomination application.
4. The sponsor submits a route nomination application to the program

coordinator.

5. The coordinator reviews the application for eligibility and completeness.
6. The sponsor is notified of any deficiencies and afforded the opportunity to make revisions and corrections.
7. The program coordinator forwards the completed application to the appropriate RPO/MPO for its review.
8. The coordinator informs the sponsor of the date, time, and location of the RPO/MPO meeting. The sponsor presents the nomination at the meeting.
9. The RPO/MPO submits the nomination with its letter of recommendation to the State Scenic Byways Coordinator, if approved.
10. The Coordinator presents the nomination to the Scenic and Historic Byways Advisory Council (SHBAC).
11. SHBAC-approved route nominations are presented to the State Transportation Commission for final approval. The State Transportation Commission requires that all adjacent property owners be notified and given an opportunity to comment on any proposed change in status to a Scenic Byway. Note: Periodically, the Federal Highway Administration solicits applications for designation as a National Scenic Byway or All American Road. The byway must first be designated as a state-level scenic byway prior to applying for national designation. The main advantage of national designation is priority consideration for funding and inclusion in promotional programs sponsored by the FHWA. The program coordinator will issue a call for "Letters of Intent" to apply for National Scenic Byway or All American Road designation.

GRANT APPLICATION REQUIREMENTS and PROCEDURES

Proposed projects must be on or for a designated scenic byway.

Projects are funded at 80% of the total cost; local entities must provide a 20% match in funds. All federal funds are on a reimbursement basis.

A grant application may be for an amount up to \$1,000,000. Multi-state routes may apply for an amount in excess of \$1,000,000. Eligible projects include:

1. Planning, design, and development of a state scenic byways program;
2. Developing and implementing a corridor management plan;
3. Making safety improvements to a highway designated as a scenic byway; Such improvements must be considered necessary to accommodate

- increased traffic or changes in the types of vehicles using the road due to its designation as a scenic byway;
4. Constructing facilities along a scenic byway for the use of pedestrians and bicyclists, rest areas, turnouts, highway shoulder improvements, passing lanes, overlooks, or interpretive facilities;
 5. Improving a scenic byway to enhance access to an area for the purpose of recreation, including water-related recreation;
 6. Protecting historical and cultural resources in areas adjacent to the byway.
 7. Developing and providing tourist information to the public, including interpretive information about the scenic byway; and
 8. Developing and implementing scenic byways marketing programs.

The Scenic Byways Program operates under the following schedule:

SEPTEMBER

- Scenic Byways Coordinator sends notices to potential applicants
- Letters of Intent on Scenic Byway applications received in the Department of Tourism and letter sent to applicant with application instructions

OCTOBER/NOVEMBER

- Scenic Byways Coordinator evaluates grant applications to ensure compliance with Federal and State requirements and recommend revisions to strengthen the applications and increase chances of approval /funding. As needed, seek assistance from the FHWA Division Office Byway Contact regarding eligibility of proposed projects, budget elements or the proposed match.
- Scenic Byways Coordinator submits applications to appropriate RPO and MPO
- Scenic Byway Applications presented by applicants and reviewed at RPO and MPO meetings
- RPO & MPO Review and Prioritize Scenic Byway Program Applications

DECEMBER

- Scenic and Historic Byways Council meets to develop recommendations for State Transportation Commission

JANUARY

- Scenic Byway Program Applications to State Transportation Commission for review

FEBRUARY

- Scenic Byway Program Applications to State Transportation Commission for approval

Task Dependent on FHWA Schedule for Application Process:

- Scenic Byways Applications transferred to on-line FHWA application
- Scenic Byways Coordinator transmits approved applications to FHWA Division Office for review and comment
- FHWA Division Office submits final applications to Headquarters for Secretary of Transportation to determine projects to be funded

Note: Compliance with the Uniform Act (federal requirements for acquisition of right-of-way), the National Historic Preservation Act (NHPA), and the National Environmental Policy Act (NEPA) is mandatory. Unless they have qualified staff, entities should be prepared to hire consultants to perform the activities required to comply with the Uniform Act, NHPA, and NEPA.

For a copy of the application for this program, contact the State Scenic Byways Coordinator, NM Tourism Department, 491 Old Santa Fe Trail Santa Fe NM 87501; 505-827-8428; E-mail: laurie.frantz@state.nm.us

TRAFFIC SIGNAL PROGRAM

PURPOSE

The primary purpose of the department's Traffic Signal Program is to provide intersection signalization on the State Highway System that satisfies criteria and warrants contained in the Manual of Uniform Traffic Control Devices (MUTCD). State and federal funds are allocated for this program annually.

ELIGIBILITY

Approval by the NMDOT is necessary for all signalization projects on the State Highway System. Any local or tribal government or private entity that wishes to install signals on the state highway system, even if it pays the entire cost of the project, must receive prior approval from NMDOT.

Highways functionally classified as major collector and above are eligible for federal signalization funding. State roads functionally classified as Minor Collectors or local are eligible for state signalization funding. If roads under local or tribal jurisdiction meet the criteria for safety projects, signalization projects on these roads are eligible for funding under the Highway Safety Improvement Program.

PROGRAM ADMINISTRATION

The annual Traffic Signal Program is administered by the Traffic Technical Support Section (TTSS) of the NMDOT. Traffic signals on county roads and city streets not under the jurisdiction of NMDOT are neither designed nor administered by the TTSS.

In order to be included in the Signal Priority List of the Traffic Signal Program, a signalization project must clearly meet the criteria of one or more signal warrants as defined in the MUTCD. Priority is based on the number of warrants satisfied. Project development is based on priority and the availability of funds.

All traffic signals must be designed, constructed and maintained in accordance with MUTCD criteria.

WARRANT STUDY

The need for signalization at an intersection is demonstrated by an evaluation of warrants as defined in the MUTCD. The warrant study is a comprehensive investigation of traffic volumes, conditions, and physical characteristics of an intersection conducted for the purpose of determining the likelihood of improving the safe and efficient flow of traffic through the intersection through the use of traffic signal control.

Intersection warrant studies must be carried out in accordance with MUTCD directives. These studies may be performed by a local or tribal government, a reputable consultant engineer, or the District Traffic Engineer.

A warrant study performed by a local or tribal government or consultant engineer must be forwarded to the appropriate NMDOT district for review and concurrence prior to forwarding to the Traffic Technical Support Section for approval and assignment of priority.

Further information regarding warrants is contained in the MUTCD. Administrative Memorandum 232-95: Traffic Signals outlines in more detail department procedures and signal spacing requirements. A copy of AD 232-95 immediately follows this section.

For information on signal warrants, contact the Traffic Technical Support Section, NMDOT, P.O. Box 1149, Santa Fe, NM 87504-1149; 505-827-5474.

SIGNAL MAINTENANCE AGREEMENT

In order to insure power to and maintenance of the signal and its related devices, a Signal Maintenance Agreement must be signed by the local or tribal government agency. The requesting agency must agree to provide at its own expense all electrical energy, telephone costs, and routine maintenance such as lamp replacement and emergency shutdown in case of accidental damage or equipment failure. The agency must provide for equipment shutdown and/or emergency traffic control as required. The agency must make ample provisions in its budget each year for the cost of maintaining and providing energy to the signalization system.

APPLICATION PROCEDURE

Entity discusses proposed project with the appropriate District Engineer, District Technical Support Engineer, and District Traffic Engineer.

1. If the District Engineer gives the project a favorable review, the entity and/or a consultant engineer prepares a warrant study or requests that the study be done by the District Traffic Engineer.
2. If the warrant study is conducted by the entity or a consultant, the District Traffic Engineer reviews the warrant study.
3. Entity submits a letter to the District Traffic Engineer declaring the entity's intent to enter into a signal maintenance agreement with the department and identifying who will design the project and the source of matching funds for the project. (If the TTSS Signal and Lighting Unit Manager determines that a local government has the technical expertise, local

government staff may design and prepare plans in compliance with MUTCD standards.)

4. If both the District Traffic Engineer and the District Engineer concur, the warrant study and letter are forwarded to the Traffic Technical Support Section for Traffic Signal Program funding prioritization. The District Engineer may elect to use other funding sources for signalization projects.

FUNDING

Due to limited funding, some projects may not be funded in a given year. Such projects can be carried forward into the next funding cycle; however, project prioritization will be reevaluated on an annual basis.

Projects that fail to achieve prioritization for funding in a particular year will be reconsidered in the following year. If traffic volume, crashes, delays during peak hours, or side road traffic volume change, an updated warrant study should be conducted and the project re-submitted for further consideration.

If federal funding is not available for a particular project, the local or tribal government has the option to pay the design and construction costs.

TIME LINE

Anytime	Warrant study conducted by entity and/or District Traffic Engineer.
By November 30th	Districts forward projects and recommendations to Traffic Technical Support Section for final review and approval.
December - January	Traffic Technical Support Section develops prioritized list for funding consideration.
January 31st	Annual Traffic Signal Program listing is finalized. Proposed traffic signal program is submitted to the STIP Development Unit for incorporation in the Statewide Transportation Improvement Program (STIP).

NEW MEXICO DEPARTMENT OF TRANSPORTATION



TRAFFIC SIGNALS

Rhonda G. Faught, PE, Secretary

NMDOT

AD 232
02/01/08
TRAFFIC SIGNALS

Supersedes Administrative Directive No. 232 dated January 01, 2003.

AUTHORITY: 1.00 Manual on Uniform Traffic Control Devices; AASHTO and FHWA Guidelines for Traffic Signals, NMAC 18.31.6, Highway Access Management Requirements and AASHTO Policy on Geometric Design of Highways and Streets

PURPOSE: 2.00 The primary objective of this Directive is to outline procedures and criteria for the installation of permanent and temporary traffic signals and traffic signal systems installed on state and federal highways in New Mexico.

DEFINITIONS: 3.00 "Flash Mode" – signal lens indications are illuminated with rapid intermittent flashes.

3.01 "Signal Priority List" – priority listing of intersections meeting signal warrants and other criteria contained herein and in NMAC 18.31.6 and approved by the General Office Traffic Technical Support Bureau for installation of traffic signals.

3.02 "Traffic Signal" – a traffic signal is any highway traffic signal by which traffic is alternatively directed to stop and permitted to proceed.

3.03 "Traffic Signal Spacing" – number of traffic signals per mile, determined by functional classification of facility and posted speed.

3.04 "Traffic Signal System" – two or more signals operating in signal coordination.

3.05 "Through Street Bandwidth" – percent of signal cycle length during which a vehicle may safely progress at or near the posted speed limit through a series of coordinated, signal controlled intersections.

3.06 “Transportation Users” – includes motor vehicles, pedestrians, bicyclists and equestrians.

DIRECTIVE: 4.00 The scope of a typical signal project includes the installation of traffic signals and other improvement as required.

4.01 Approvals

4.01a A local entity must have Department approval for the installation of a traffic signal or signal system on any state route even if the local entity funds the entire cost of a project. For any contemplated work that involves a signalized intersection on the state highway system, the local government agency shall coordinate the proposed work through the appropriate District Office.

4.01b Design plans for traffic control signals on the state highway system shall be submitted to the General Office Traffic Technical Support Bureau and State Maintenance Bureau for review prior to advertising for construction. Approval shall be obtained from the General Office Traffic Technical Support Bureau of design plans for traffic control signals.

4.01c When signal projects are to be constructed by local entities or contractors working for local entities or private developers, an agreement defining the construction management, control, insurance and inspection responsibilities of all parties shall be prepared and submitted to the appropriate district for review and approval prior to advertising for construction operations.

4.02 Standards and Guidelines To Be Used

4.02a Signal Warrant Studies of candidate intersections shall be conducted in accordance with MUTCD standards and the State Highway Access Management Requirements Manual and other internal Department procedures. Signal Warrant Studies shall be performed by a professional engineer licensed in New Mexico or under the auspices of the respective District Traffic Engineer in the area of the state where the proposed project is located.

4.02b Any signal warrant study performed by a local entity shall be reviewed by the respective District. The study shall be conducted within two years of the proposed construction date for the signal installation.

4.02c If the subject intersection meets at least one signal warrant contained in the MUTCD, it shall be forwarded to the General Office Traffic Technical Support Bureau for review.

4.02d Prior to inclusion in the priority list, The General Office Traffic Technical Support Bureau shall prepare a preliminary project scoping report with estimates for the extent of improvement and cost. Input from the District Traffic engineer, Project Development Engineer and the affected local entity shall be sought. For projects submitted by a local entity, a scoping report shall be prepared by the local entity with approval by the General Office Traffic Technical Support Bureau, District Traffic Engineer and Engineering Support Division. If the intersection continues to

satisfy signal warrant criteria upon analysis of project scope and geometric conditions, the project will be approved and included on the "Signal Priority List".

4.02e The General Office Traffic Technical Support Bureau shall prepare and maintain a priority list ranking intersections on State and Federal Highway routes on a statewide basis according to the rating system established by the Bureau.

4.02f Because of funding limitations all intersections shown on the Signal Priority List may not be programmed. Letting and construction schedules may vary according to the complexity and impact of the project. Where possible, intersections warranting signalization should be included in highway improvement projects for an existing route. If a signal installation is delayed, a temporary signal may be considered. Temporary signals may provide for a limited scope of improvements with the intent of providing signalization and addressing the most immediate transportation needs.

4.02g An approved project shall be assigned a control and project number. Signals may be assigned control numbers for design prior to programming for construction.

4.02h All traffic signal projects shall be designed, constructed and maintained in accordance with the MUTCD, applicable AASHTO policies, the State Highway Access Management Requirements Manual and other Department standards unless a documented variance is approved in writing by the Chief Engineer.

4.02i Standards for the spacing of signalized intersections and through street bandwidths are as indicated in the State Highway Access Management Requirements Manual.

4.02j Agreements addressing maintenance and operational issues are required for all traffic signals. Prior to initiation of final project design, a Memorandum of Understanding (MOU) between the Department and the local governmental entity shall be prepared and executed to formalize the parties' agreement for construction and maintenance of the signal. The MOU shall generally define the project scope and the responsibilities of each party for providing maintenance and power for proper and continuous operation of the signal equipment. Prior to advertising the signal project for construction letting, a Signalization Agreement shall be prepared and executed. The Signalization Agreement shall be consistent with the MOU, but shall set forth the responsibilities of the parties in specific detail. MOUs and Signalization Agreements shall be prepared by the General Office Traffic Technical Support Bureau with assistance from the Project Development Engineer.

4.02k In some cases where participatory funding by different agencies is involved, a Cooperative Agreement of Joint Powers Agreement may be required. These Agreements will be prepared by the Local Government Agreement Unit with assistance from the General Office Traffic Technical Support Bureau and shall be prepared and executed prior to advertisement for construction letting. Memorandums of Understanding shall still be prepared for these projects in

advance of commencement of final design.

4.02l Consistent with the Signalization Agreement, signals shall be properly timed. Adjacent traffic signals shall be coordinated to insure safe and efficient flow of traffic. The Department, at its discretion, shall select an appropriate signal timing program for this purpose. In the timing of traffic signals, the needs of all transportation users shall be considered.

4.02m A signal on the state system may be removed with the mutual agreement of the District Engineer and the General Office Traffic Technical Support Engineer if a traffic engineering study indicates a signal no longer satisfies traffic signal warrants. In all cases, the local entity shall be consulted.

4.02n Prior to the installation or removal of a signal, appropriated public notice shall be given. This may be in the form of signing or placement of the signal in flash mode in advance of implementation of signal control.

4.02o Design, development and construction of signal projects, that are 100% funded by others and meet Department requirements, will automatically be considered part of the Department's Signal Priority List, with no ranking, and may be completed on an accelerated schedule.

PROCEDURES: 5.00 State Highway Access Management Requirements Manual
CROSS

REFERENCE: 6.00 NMAC 18.31.6, State Highway Access Management Requirement

HIGHWAY BRIDGE IMPROVEMENT PROGRAM

PURPOSE

The primary objective of the highway bridge improvement program is to maintain and improve the state's bridges on all categories of roads.

BRIDGE CLASSIFICATION

The NMDOT defines bridges as structures over 20 feet in length along the centerline of the road, including concrete box culverts and structural plate pipe. The department publishes information about all bridges, both on-system and off-system. Data included are structure number, route number, mile post, county, location, structure type, structure length, year built, functional classification of the route, and sufficiency rating of the bridge structure.

- **BRIDGES ON-SYSTEM:** Bridges on the federal aid system, i.e., on roads classified as major collectors and above.
- **BRIDGES OFF-SYSTEM:** Bridges on public roads classified as Minor Collectors or local.
- **HISTORIC BRIDGES (SPECIAL CATEGORY):** Highway bridges that are more than 50 years old are considered historic properties as defined by the national historic preservation act. A review process in accordance with state and federal historic preservation laws is required before undertaking any initiative that affects one of these structures.

ELIGIBLE ACTIVITIES

- Eligible activities include replacing or rehabilitating deficient bridges, bridge painting, seismic retrofitting of bridges vulnerable to earthquake, calcium magnesium acetate or sodium acetate/formate bridge deck applications, or other environmentally acceptable, minimally corrosive anti-icing and de-icing compositions, or installing scour countermeasures.
- Accommodation for bicycles at reasonable cost can be provided through federally funded bridge deck rehabilitation or replacement projects.

FUNDING POLICY

- **ON-SYSTEM BRIDGES:** Between 65% and 85% of federal funds allocated for the Highway Bridge Program must be made available for On-System Bridges. Matching funds of 20% are to be provided by the sponsoring local or tribal government for bridges not on the State Highway System.
- **OFF-SYSTEM BRIDGES:** Between 15% and 35% of federal funds

allocated for the Highway Bridge Program must be made available for Off-System state and local road bridges. Matching funds of 20% are to be provided by the sponsoring local or tribal government for bridges not on the State Highway System.

STANDARDS TO BE USED

For bridges on roads where the 20-year projected annual average daily traffic count (AADT) is less than 400 vehicles per day, whether federally funded or state funded roads, the design criteria is specified in the Bridge Design Guidelines For Local Roads With Low Traffic Volume, issued December 20, 1993. These criteria provide geometric, hydraulic, and structural design for new bridge construction and for the rehabilitation of bridges in this category. For other bridges, AASHTO bridge design standards are used.

PRIORITIZATION

Prioritization of bridge projects for the Statewide Transportation Improvement Program (STIP) is carried out by the Bridge Design Section and District Engineers.

APPLICATION STEPS

Entities that are interested in proposing a bridge project for the upcoming funding cycle must complete the following steps:

- Discuss the proposed bridge project with the District Technical Support Engineer and the District Engineer.
- If the project receives a favorable review from the District Engineer, complete a Project Identification Form (PIF). See Appendix 2. Bridge structure number and sufficiency rating can be obtained from the Bridge Maintenance Unit of the NMDOT, 505-827-5499.
- In response to the Regional Planning Organization's "Call for Projects", submit the completed PIF to the appropriate RPO.

For further information on the Bridge Improvement Program, please contact the Bridge Maintenance Unit at 505-827-5499 or the Bridge Design Section at 505-827-5432.

HIGHWAY SAFETY IMPROVEMENT PROGRAM

PURPOSE

The primary objective of the Highway Safety Improvement Program (HSIP) is to provide a safer transportation system for the movement of goods and people by reducing the number and severity of accidents and decreasing the potential for accidents on all highways. Safety improvements can be made on segments of roadway, at roadway intersections, and at highway/rail intersections. The following pages describe the categories of funding under the Highway Safety Improvement Program.

HIGHWAY-RAILWAY INTERSECTION SAFETY PROJECTS

The Highway-Railway Intersections Safety Program (HRISP) is developed and administered by the Railroads & Utilities Section of the Transit and Rail Division. Safety programs are generally developed biannually as a result of a prioritization process that uses a Railroad Safety Index Formula. The selection of projects is based on studies, evaluations, and technical merit. Components currently used in the index formula include

- Average Daily Train Traffic
- Average Daily Highway Traffic
- Protection Factors
- Sight Distance Factor
- Accident History Factor
- Train Speed

Other components considered include school bus usage, usage by hazardous/explosive materials haulers, high profile crossings, and other factors unique to the site.

Project inquiries may be made formally at any time and will be considered at the earliest opportunity, subject to appropriate study, analyses, the availability of safety funds, and necessary approvals and authorizations. Safety funding is generally used for “stand alone” projects, but it may also be used in highway construction projects where grade crossings are being impacted. Such projects are evaluated on a case by case basis.

Information on the Highway-Railway Intersection Safety Program may be secured from the Transit Rail Division, Rail Section, New Mexico Department of Transportation, P.O. Box 1149, Santa Fe, New Mexico 87504-1149, 505-827-5521.

HIGHWAY SAFETY IMPROVEMENT PROGRAM

For the general Highway Safety Improvement Program the NMDOT requests proposals for engineering type stand-alone transportation safety improvement projects for funding consideration. For each proposed project the latest version of the Application for Safety Improvement Projects form must be completed.

ELIGIBILITY

City streets, sidewalks, bikeways, pedestrian trails, county roads, and tribal roads are eligible facilities, as well as state highways. It is assumed that tribes, cities, counties, transit districts, and any other local agencies will be submitting safety project applications for safety improvements to locally maintained surface transportation facilities (typically tribal roads, municipal streets, and county roads). If a local government is proposing any improvements to a NMDOT highway segment maintained by NMDOT that passes through their jurisdiction, then it is required on the application form to provide a statement of support for the proposed project from the appropriate NMDOT District Office. Any such local agency safety project application that fails to include a NMDOT District statement for support that is submitted by an RPO or MPO to the NMDOT General Office will be rejected automatically without review.

Safety funds are eligible for the costs of studies, right of way acquisition associated with project improvements, project development costs (such as environmental clearance), project design; project construction and non-construction program operation.

APPLICATION PROCESS

All tribal/local safety project applications may only be processed through their appropriate MPO or RPO. Local government agencies must not send or copy their safety project application directly to the NMDOT General Office. Only their MPO or RPO is empowered to do that. The MPO or RPO organization may initially review and take action concerning any local government sponsored safety project application based on their program schedules. The MPO or RPO organization may choose which projects they wish to forward to the General Office of NMDOT for review for statewide competition for consideration for funding. Any application submissions that miss a given review deadline are automatically eligible and will be reviewed for the next NM HSIP review period.

The NMDOT General Office Safety Project Selection Committee will meet periodically throughout the year to make funding award decisions on applications submitted by other offices within NMDOT and the MPOs and RPOs. The committee will meet in late March to make selections for the fiscal year HSIP program. Selection is dependent upon concurrence by the NM Division Office of FHWA. Following project selection, the agencies with awarded safety projects will be notified. Based on the details of the proposed project and its documented stage of development, the awarded safety projects will be programmed as amendments into the appropriate forthcoming Program Year of the STIP. All

proposed safety projects rejected during one review period can be submitted again in a subsequent review period by being designated as a Reapplication on the application form.

In an effort to assist local, county and tribal governments in competing for HSIP funding, the NMDOT has developed a program to provide technical assistance to any agency who feels they have a safety issue but does not have the resources, either staffing or financial, to complete the necessary analysis to compete for funding. An interested agency should submitted a formal written request for assistance to the State Traffic Engineer including a detailed explanation the issue and/or conditions to be addressed.

The requests can be sent to:

Hand Delivery to Elias Archuleta:

1120 Cerrillos Road

Santa Fe, NM 87504

Regular Mail:

Elias Archuleta, State Traffic Engineer

New Mexico Department of Transportation

Traffic Technical Support Bureau, Room 208

PO Box 1149

Santa Fe, NM 87504

E-mail: elias.archuleta@state.nm.us

Office Phone: (505) 827-9853

If approved, a local, county and tribal government can receive technical support to analyze the situation, develop a safety analysis and prepare an application for HSIP funding. If the project is selected, they can then request additional assistance for designing and preparing construction plans for the approved project. The program was created to ensure that all agencies regardless of size or staffing have an equal chance at competing for these funds. The MPO's and RPO's shall be copied on all requests for technical assistance and if an application is to be prepared the application must be approved by the MPO or RPO prior to being submitted.

Projects should be evidence based and data driven. The most successful proposed engineering type safety projects that will receive funding approval will likely be prioritized based on:

- Crash analysis data showing fatal or serious injury crash history, or
- Crash analysis data showing evidence of crash history of a particular type that can be easy corrected by the proposed safety project, or
- Traffic conflicts analysis study (engineering safety study) with results showing a traffic hazard with the proposed safety project generating countermeasures to reduce the identified traffic hazard.

NMDOT recommends using the most recent five years of crash data available, particularly the listing of locations exhibiting concentrations of severe crashes. Currently the FY 2009 version of the 5% Most Severe Safety Needs Report, titled

“FY 2009 New Mexico Transparency Report” and the FY 2009 NM Highway Safety Improvement Program Annual Report can be accessed at this NMDOT web site address: <http://nmshtd.state.nm.us/main.asp?secid=15509>.

Another source that can be consulted is *General Crash Data and Trends, 2000-2007 for the Albuquerque Metropolitan Planning Area* published by the Mid Region Council of Governments (MRCOG). A copy of this report can be accessed at:

<http://www.mrcog-nm.gov/content/view/259/272> located at the MRCOG website.

Applicants needing crash data from NMDOT should seek assistance from your MPO or RPO planner to get this data or contact Linda Montoya at the Announcement NM HSIP FY 2010 and FY 2011 Request for Safety Project NMDOT Traffic Safety Bureau, by email at [http://Linda.Montoya12@state.nm.us](mailto:Linda.Montoya12@state.nm.us) or by phone at 505-827-5292.

STANDARDS

Generally, project applications will not be selected for partial funding with safety funds allocated for ancillary safety features in a proposed capital improvement project that is otherwise predominantly not a safety improvement project, but is, instead, composed of structural, pavement, or other high capital intensive engineering improvements to a surface transportation facility. All safety projects must propose safety countermeasure strategies related to the current emphasis areas of the NM Comprehensive Transportation Safety Plan (CTSP). The current emphasis areas are:

1. Aggressive Driving and Speeding
2. Alcohol/Impaired Driving
3. Emergency Medical Services
4. Fatigued/ Distracted Driving
5. Intersections
6. Lane Departures
7. Native Americans
8. Occupant Protection
9. Public Information and Education
10. Special Road Users
 - a. Pedestrian/ Bicycle / Equestrian
 - b. Elderly Drivers
 - c. Motorcycles
11. Traffic Records
12. Young Drivers

Below are listed typical strategies related to corresponding CTSP emphasis areas which contain primarily engineering related countermeasures. The strategies listed are not meant to be an exhaustive list. Others not listed will also be considered.

- Pavement markings
- Warning signs

- Regulatory signs
- Chevrons
- Delineators
- Cable median barriers
- Concrete median barriers
- Median and shoulder guardrail and attenuation devices
- Roadway lighting
- Longitudinal shoulder rumble strips on rural roadways with four feet or wider shoulders
- Adjusting access locations on a roadway segment (access control)
- Changeable message signs and other components of the Intelligent Transportation Systems (ITS) Program in NM
- Fencing to reduce wild life and livestock animal hits in rural areas
- Signalizing an un-signalized intersection
- Warning flashing signals on approaches to intersections
- Horizontal and vertical curve realignment
- Channelizing intersection improvements such as turning lanes, acceleration lanes and deceleration lanes
- Cut back overhanging vegetation in roadside obstructing travel lanes
- Cut back vegetation in roadside to reduce severity of lane departure fixed object crashes
- Cut back vegetation in roadside to increase visibility and avoidance of animals in roadside to reduce animal hit crashes
- Re-grade unpaved shoulders to eliminate travel lane pavement drop off
- Overlay paved shoulders to eliminate higher level paved travel lane drop off to lower level paved shoulder
- Intersection relocation to reduce hazards of potential traffic collisions
- Re-striping centerlines of poorly maintained rural county roads and tribal roads to reduce likelihood of head-on crashes and lane departure crashes
- Enhanced crosswalk pavement markings and signing to reduce pedestrian involved crashes
- Community Pedestrian Travel Demand Study
- Install signs, sidewalks, curb and gutter, median refuges, pedestrian detectors, and other devices to reduce pedestrian involved crashes
- Urban Travel Lane Bus stop relocation to reduce vehicle queuing in intersection Improved Geometry of horizontal curves
- Widen roadside clear zones, by removing, delineating, shielding or relocating fixed objects or other hazardous objects
- Improvements to existing traffic signal devices
- Channelizing intersections
- Construct acceleration and deceleration lanes at intersections,
- Augmenting Section 130 highway – railroad crossing safety funds with additional HSIP funds for improved crossing signals, gates, pavement markings, signs, crossing surface, and lighting at highway-railroad at-grade crossings
- New generation pedestrian count-down signals at pedestrian crosswalks or intersections

- Install fencing to prevent unauthorized pedestrian travel and to separate pedestrians from vehicular traffic
- Construct relatively low construction cost pedestrian crossing grade separations for relatively high pedestrian traffic volume benefit

FUNDING POLICY

Approved safety projects will be funded by one or more of the following safety funding categories, based on the available amount apportioned annually to New Mexico:

- FHWA sponsored Highway Safety Improvement Program (HSIP)
- High Risk Rural Roads Program (a subset of HSIP)
- NHTSA Impaired Driver Laws (Section 164) Sanctioned Program (HSP).

Typical combined annual federal safety funding levels authorized to New Mexico are in the area of \$11 million. The federal funding share is usually 90% and rarely 100%. It is the policy of NMDOT that any non-federal match will be covered by state funds, and thus no local agency with an awarded safety project will need to provide any non-federal matching funds. The total proposed project cost should not exceed \$2,000,000, and proposed safety projects likely to be awarded with competitive safety funds will generally cost much less than this maximum allowable amount.

For further information contact Steve Eagan by E-mail: steve.eagan@state.nm.us or by phone: (505) 490-3063.

PUBLIC LANDS HIGHWAYS PROGRAM

ELIGIBILITY

Public Lands Highways (PLH) discretionary funds are available annually on a competitive basis for planning, research, engineering and construction of the highways or of transit facilities within public lands. In addition, PLH projects may include:

1. Transportation planning for tourism and recreational travel, including the National Forest Scenic Byways Program, Bureau of Land Management Back Country Byways Program,
2. National Trail System Program and other similar federal programs that benefit recreational development.
3. Adjacent vehicular parking areas.
4. Interpretive signage.
5. Acquisition of necessary scenic easements and scenic or historic sites.
6. Provision for pedestrians and bicycles.
7. Construction and reconstruction of roadside rest areas, including sanitary and water facilities.
8. Other appropriate public road facilities, such as visitor centers.

The term "public lands highway" means a forest road under the jurisdiction of and maintained by a public authority and open to public travel or any highway through un-appropriated or unreserved public lands, nontaxable Indian lands, or other federal reservations under the jurisdiction of and maintained by a public authority and open to public travel. Federal reservations are considered to include lands owned by the Department of the Interior, Department of Agriculture, Department of Defense and other federal agencies.

APPLICATION PROCESS

The time between FHWA solicitation of candidate projects and the deadline for the state to submit its application can be as short as three months. Entities thinking about applying for these funds are advised to begin the application process as soon as possible.

1. Discuss the proposed project with the Traffic Technical Support Engineer, 505-827-9853 and the District Engineer. See page 6 for district phone numbers.
2. Prepare a Project Identification Form (PIF). See Appendix 2.

FEDERAL CRITERIA

The funds shall be allocated among those states having un-appropriated or unreserved public lands, nontaxable Indian lands, or other federal reservations, on the basis of need in such states.

FHWA is required to give preference to projects that are significantly impacted by federal land and resource management activities that are proposed by a state that contains at least 3 percent of the total public lands in the nation. (New Mexico contains about 4.6% of the total public lands in the nation.)

The following criteria are also considered in the evaluation of candidate projects for this program:

1. Equitable distribution of funding among states.
2. Leveraging of private or other public funding.
3. Expeditious completion of project.
4. Amount of PLH funding requested.
5. State priorities.
6. National geographic distribution of funding within the PLH program.
7. Program emphasis area - priority is given to projects for the construction or restoration of nationally significant trails.

PUBLIC TRANSPORTATION PROGRAMS

PROGRAM ADMINISTRATION

Federal Transit Administration (FTA) and Federal Highway Administration (FHWA) public transportation projects are administered by the Transit Rail Division, New Mexico Department of Transportation, P.O. Box 1149, Santa Fe, NM 87504, 505-827-5521. For the most up to date and comprehensive guidance on the NM federal transit grants see the State Management Plan on-line at http://nmshtd.state.nm.us/upload/images/Programs-Transit%20and%20Rail-Transit/SMP_April_2010_FINAL.pdf

SECTION 5310 FTA

This program provides funds for specialized transportation to help meet the mobility needs of the state's elderly and disabled population. Grants are made by NMDOT to non-profit organizations under an annual application and award process. Section 5310 grants fund capital acquisitions only, primarily vehicles, although other equipment is eligible; e.g., radios and lifts. Grants are awarded on an 80/20 basis with the 20 percent local share provided by the applicant.

SECTION 5311 FTA

Funds from this section provide capital, administrative, and operating assistance to public transportation providers in rural areas and cities/towns of less than 50,000 population. Capital and administrative costs are awarded on an 80/20 basis while operating costs are reimbursed on a 50/50 basis. Grants are made by NMDOT under an annual application and award process. Eligible applicants include local governments and private non-profit providers.

SECTION 5309 FTA DISCRETIONARY FUNDS

The Section 5309 program funds several major categories: rail modernization, rail new starts, and bus programs. Rail new starts are usually earmarked in the congressional budget process.

APPLICATION

To apply for any of these funds contact the Transit and Rail Division at 505-827-5521 to obtain information about the program application process, a copy of the required application, and instructions.

NEW MEXICO STATE INFRASTRUCTURE BANK

INTRODUCTION

The New Mexico State Infrastructure Bank (NMSIB) is an innovative financing tool that offers financing options not previously available to both the public and private sectors. The NMSIB reflects the statutory requirements expressed in Section 350 of the National Highway System Designation Act of 1995. Leveraging by the NMSIB is based upon a revolving loan fund capitalized from FHWA funds and state resources.

The NMSIB is empowered to issue loans to local government entities in New Mexico. In addition, the NMSIB can provide credit enhancements and offer reserves for leveraging and letters of credit. The NMSIB is integrated with ongoing and future debt programs of the New Mexico Department of Transportation as well as the financing programs of the New Mexico Finance Authority.

The NMSIB is currently capitalized with federal and state funds. The available amount varies due to loan status and repayment schedules.

FACILITATE PUBLIC/PRIVATE PARTNERSHIPS

New Mexico is consciously attempting to include private sector investment in the state's transportation infrastructure. Historically, the private sector, while benefiting from transportation infrastructure, has not been asked to participate financially. More recently, the private sector has indicated a willingness to participate with the department when the goals of each entity are compatible. This is especially true in inter-modal facility development where revenues generated by user fees are used to offset infrastructure costs. The NMSIB enables the department to interact with private industry in much the same way that it currently interacts with local governments. Interaction with local governments is also enhanced.

Telecommunications companies interested in using department right-of-way may also be interested in joint ventures. If these joint ventures become reality, resulting revenues can be funneled into the NMSIB to either retire debt or serve as a source of capitalization for other projects.

ACCELERATE PLANNED PROJECTS

Transportation improvement projects generate economic activity in the state. Therefore, acceleration of these projects benefits both the state and the localities where the projects are located. Earlier construction also reduces costs and, in some cases, reduces congestion and air pollution. Concentrating on selected

projects with pay back potential allows other important projects that do not have direct economic pay back, such as maintenance projects, to be funded through traditional sources. The NMSIB enables the department to advance construction of projects using bond proceeds.

PARTNERSHIPS WITH LOCAL GOVERNMENTS

Major local projects, important to local economies, are often delayed for many years due to lack of funding. The NMSIB enables the department to work with local governments to advance construction of local projects.

BORDER DEVELOPMENT

The North American Free Trade Agreement (NAFTA) is providing a boom in economic activity for the southern half of New Mexico. The El Paso/New Mexico area is the second largest import/export point along the border. The area is served by two major US railroads and interstate highways as well as the FNM Mexican Railroad and several major Mexican highways. The local transportation infrastructure to support this increase in economic activity either does not exist or needs improvement. NMSIB financial assistance enables the state to address these projects in a more timely manner and increases the likelihood of private sector financing.

LOAN AND BOND PROGRAM GUIDELINES

ELIGIBLE BORROWERS

Eligible borrowers include any public entity, such as political subdivisions, other state agencies, and boards. Private companies and non-profit organizations are eligible, but they must have a local government sponsor to receive funding.

ELIGIBLE PROJECTS

Any highway or transit project eligible under United States Code Title 23 or Title 49 is eligible for NMSIB funding. Other transportation projects, including rail, aviation, water, and inter-modal facilities will also be considered for NMSIB funding. These projects, if not eligible for federal funds under Title 23, may be funded from other sources such as state appropriations.

AMOUNT OF LOAN OR BOND

Projects funded with federal moneys and listed on the STIP will generally be limited to the amount approved in the STIP. The department may elect to finance up to 100% of the project, using NMSIB funds as the local match.

INTEREST RATE

The average interest rate for the loan program is a function of prevailing market conditions. Factors that will be considered when determining a final interest rate include loan term, loan amount, strength of cash flow coverage, and strength of security.

The interest rate will depend on whether the bond is taxable or tax-exempt, the term of the bond, and the credit rating of the transaction.

TERMS

The term of the financing will be based upon the useful life of the assets being financed. The maximum term for a loan or bond is 10 years; there is no minimum term.

PRIVATE FINANCING REQUIREMENTS

Private transportation projects are eligible for a direct loan or bond financing under this program. For either a direct loan or bond financing, the department may require participation from both a conventional lender and the private business itself. This requirement will be evaluated on a project by project basis.

LOAN/BOND APPROVAL PROCESS

- Step 1: Qualified participant submits completed application based on 2 NMAC 40.30.
- Step 2: The department receives and reviews application for completeness. If appropriate, other state agencies will review the application and submit recommendations. Upon request, additional information may be necessary, such as the detailed finance application required by the New Mexico Finance Authority.
- Step 3: The department submits the application to the State Transportation Commission.
- Step 4: If a project is on the Federal Aid System or the project will be funded with Federal funds, the Federal Highway Administration (FHWA) must approve the eligibility of the project.
- Step 5: Once the application is approved by the State Transportation Commission, a term sheet outlining the transaction will be prepared and submitted to the applicant for approval.
- Step 6: Once approved, all parties must agree to a final term sheet. A state commitment letter will be prepared by department staff and submitted to applicant for final approval.

DOCUMENTATION/CLOSING PROCESS

Depending on the complexity of the project, legal documentation may take an additional four to eight weeks to negotiate prior to closing. A list of the major documents required for closing includes:

Loan Document/ Loan Agreement

A comprehensive document between the borrower and the department that includes all the terms and condition of the loan

Security Agreement

A document between the department and borrower that includes all the covenants and conditions of the assets securing the loan

Bond Documents/ Trust Indenture

A comprehensive document between the department and bond purchaser that includes all the terms and conditions of the bonds

Security Agreement

A document between the department and borrower that includes all the covenants and conditions of the assets securing the bond

APPLICATION EVALUATION AND OTHER REQUIREMENTS

The following areas will be evaluated by the department to determine the eligibility of each project:

1. Ability to repay;
2. Management of project, or past record on similar projects;
3. Working capital/operating funds;
4. Collateral;
5. Status of project in relation to actual construction startup; and
6. Need/public benefit.

OTHER PROJECT REQUIREMENTS

To assure the lowest risk to the NMSIB, the following elements will be considered prior to funding commitment:

- The environmental documentation and subsequent clearance process must be complete to Federal Highway Administration project requirements and to the extent needed to meet the department's funding source requirements.
- Level of guaranteed department oversight of project construction and completion.
- The preliminary engineering up to PS&E, including any required studies such as, but not limited to, the Major Investment Study, Interchange

Justification Analysis, Wetlands Analysis and Mitigation Plan, as well as any other funding source requirements that must be completed prior to the loan closing.

- The project must have an identifiable revenue stream or source that will likely amortize the debt. Such revenue sources may include:
- -Toll proceeds;
 - Tax increment financing (TIFs);
 - Property assessments;
 - Local Government Revenues; or
- - Other user payments and/or fees, such as parking structure revenues, docking or landing fees, passenger facility charges, etc.
- The project must provide revenue payments beginning within one (1) year of project completion and/or opening to traffic.

COLLATERAL AND SAFEGUARDS

COLLATERAL/SECURITY FOR LOAN OR BOND

The department may request any of the following as collateral or security for the funded transportation projects:

- Pledge of identified tax revenues, fees, tolls or other revenues available to support the project.
- Guarantees from borrowers or related entities.
- First mortgage or lien position on the assets financed with state funds.
- Second mortgage or lien positions will be considered on a limited basis. (Under this scenario, the NMSIB may ask for equity participation in the project or additional repayment based upon excess cash flow.)
- Financial covenants on the operation of the project or business, if appropriate.
- Other credit enhancement as deemed necessary.

SAFEGUARDS DURING CONSTRUCTION

Drawdown of NMSIB loan or bond proceeds will be made only upon receipt of appropriate NMSIB disbursement requests.

When construction of a project is involved, routine inspections for the drawdown request by a qualified inspector selected by the department will be required. In addition, guaranteed fixed priced construction contracts will be required for each construction project. The party or parties that will guarantee project construction shortfalls, if any, must be identified prior to closing.

For further information on the SIB Loan Program contact Larry Viarreal at 505-827-5108 or Larry.Viarreal@state.nm.us.

SIB Application

It is recommended that all local government and tribal entity applicants seek advice from qualified financial and legal professionals in the development of an SIB application.

NEW MEXICO STATE INFRASTRUCTURE BANK PRE-APPLICATION FOR LOAN

Applications are subject to requirements outlined in Title 2, Chapter 40, Part 30, NMAC.

Part I - Applicant Information.

Date. _____

Entity: _____ Project Title: _____

Contact Person: _____

Title: _____ Phone: _____

Address: _____ Fax: _____

E-mail: _____

Project Description: _____

(Description should include linkage to transportation or transit. Attach additional sheets as necessary.)

Purpose and Need: _____

Location: _____
(termini)

RPO/MPO Name: _____ Highway District #: _____

Engineering/Consultant for Project _____
(If Applicable)

Part II - Estimated Project Costs and Funding Sources.

	Bond Funds	Federal Funds	State Funds	SIB Loans	Local Match	PROJECT TOTAL
Right of Way/Acquisition	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
Preliminary Engineering	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____

Construction	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
Materials	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
Equipment	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
Maintenance (if any)	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
Other Costs	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
(attach description)						
Total Costs	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____

Source of Funds

Source of Estimate

Part III - Revenue Sources Available for SIB Loan Repayment.

1. Please check the sources of revenue which will be used to repay the SIB Loan.

State Shared GRT _____ Local Option GRT: County _____

Municipal _____

Infrastructure GRT _____ Environmental GRT _____

Enterprise Funds _____ Specify Type _____

Federal Funds _____ Specify Type _____

Property Tax Revenues _____ Gasoline Tax Revenues _____

Others/Specify _____

2. Is there any other debt being paid from this revenue source? If so, how much? _____

How many years remaining? _____

3. What is your desired financing term? _____ years.

4. Proposed Project Start Date: _____ Proposed Project Completion Date: _____

5. Please specify the desired loan repayment schedule in as much detail as possible

Revenue Source	Repayment Amounts During Fiscal Year					
	FY 2____	FY 2____	FY 2____	FY 2____	FY 2____	FY 2____

TOTAL						

A more detailed financial report may be requested upon approval of the Pre-application.

Part IV - Project Match and Support.

Is documentation/resolution attesting to ability to meet project development costs and required match for the construction/implementation costs attached? If not please specify when it will be forthcoming.

 yes/date

Is documentation attesting to and identifying private/public support for the proposed project attached (e.g. resolution/petition)? If not please specify when it will be forthcoming.

 yes/date

Is a letter or legal sized location map of the project showing project in relation to nearby highways, municipalities or other landmarks attached? If not please specify when it will be forthcoming.

 yes/date

Part V - Supporting Documentation.

Please provide us with a three year history of proposed revenue source, engineering reports, etc., which would assist us in the preliminary financial analysis of this project for loan possibilities.

 Signature of Authorized Representatives

 Title of Authorized Representative

 Date

Controlling Legislation Describing Process for NMSIB Applications

This rule was filed as 2 NMAC 40.30.

TITLE 2 PUBLIC FINANCE
CHAPTER 40 EXPENDITURE OF PUBLIC FUNDS
PART 30 INFRASTRUCTURE BANK

2.40.30.1 ISSUING AGENCY: New Mexico State Highway and Transportation Department, P.O. Box 1149 Santa Fe, New Mexico 87504-1149, (505) 827-5522
[5-31-99; Recompiled 10/01/01]

2.40.30.2 SCOPE: This rule will apply to all entities seeking from the state infrastructure bank funding.
[5-31-99; Recompiled 10/01/01]

2.40.30.3 STATUTORY AUTHORITY: Adoption of these regulations is pursuant to authority granted to the state highway commission and state highway and transportation department under NMSA 1978, Sections 9-1-5, 67-3-11, 67-3-28, 67-3-69, 67-3-70.
[5-31-99; Recompiled 10/01/01]

2.40.30.4 DURATION: Permanent.
[5-31-99; Recompiled 10/01/01]

2.40.30.5 EFFECTIVE DATE: May 31, 1999, unless a later date is cited at the end of a section or paragraph.
[5-31-99; Recompiled 10/01/01]
[Compiler's note: The words or paragraph, above, are no longer applicable. Later dates are now cited only at the end of sections, in the history notes appearing in brackets.]

2.40.30.6 OBJECTIVE:

A. There exists an account in the custody of the state treasurer known as the state infrastructure bank. The department shall use money deposited in the bank to encourage investment in transportation systems, including facilities that contribute to the multimodal and inter-modal transportation capabilities of the state.

B. The department, and when appropriate, the New Mexico finance authority, shall develop financing techniques designed to expand the availability of funding for transportation projects, reduce direct state costs, maximize private and local participation in financing projects, and improve the efficiency of the state transportation system.

C. This rule specifies the procedures and conditions by which an eligible public entity may apply for and obtain financial assistance from the bank.
[5-31-99; Recompiled 10/01/01]

2.40.30.7 DEFINITIONS:

A. "Bank" means the state infrastructure bank account in the state road fund.

B. "Commission" means the New Mexico state highway commission.

C. "Construction" means construction as defined by Title 23, United States Code, Section 101 which includes preliminary studies required to determine the feasibility of an eligible project.

D. "Department" means the New Mexico state highway and transportation department.

E. "Design manual" means the latest edition of and successor to the department's standard specifications for highway and bridge construction.

F. "Expected financing period" means the time taken to fully pay any and all liabilities incurred to finance an eligible project, including all extensions of time through refunding or restructuring.

G. "Federal Act" means Section 350 of the National Highway System Designation Act of 1995 (Pub. L. No. 104-59) and all regulations adopted under the Act.

H. "Federal-aid highway" means a highway defined in Title 23, United States Code, Section 101.

I. "Financial assistance" means extending credit by direct loan, providing credit enhancements, serving as a capital reserve for bond or debt instrument funding, subsidizing interest rates, insuring the issuance of a letter of credit or credit instrument, financing a purchase or lease agreement in connection with a transit project, providing

security for bonds and other debt instruments, or providing methods of leveraging money that have been approved by the United States secretary of transportation and which relate to the project for which the assistance is provided.

J. "Investment grade" means creditworthiness sufficient to qualify a debt as eligible for commercial bank investment under regulations issued by the United States comptroller of the currency. For bonds, these debts are limited to ratings of AAA, AA, A, and BBB by standard and poor rating services or corresponding ratings used by other nationally recognized rating services.

K. "Secondary funds" means the repayment of a loan, including interest, principal, fees, charges, or other assistance that is provided with money deposited to the credit of the bank; and the investment income generated by secondary funds deposited to the credit of the bank.

L. "Secretary" means the secretary of the department or his or her designee.

M. "Transportation system" means facilities used for the transportation of natural resources, manufactured products or passengers and includes communication and transportation structures and other facilities necessary for the operation of the transportation facilities.

N. "Transit project" means capital expenditures, excluding expenditures for commuter rail, eligible for funding under Title 49, United States Code, Sections 5307, 5309 and 5311.

[5-31-99; Recompiled 10/01/01]

2.40.30.8 GENERAL POLICIES:

A. Financial assistance is given by the bank based on application.

B. All actions of the bank will be in accordance with applicable federal and state laws, rules and regulations. Grant financing will not be considered. No actions will be knowingly taken which would result in the bank's credit rating falling below investment grade. If the bank's credit rating falls below investment grade, the commission shall take actions necessary or appropriate to return the bank's credit rating as practicable to investment grade.

C. Repayment of financial assistance from the bank will commence at the earliest reasonable date consistent with applicable federal and state laws, rules and regulations. The term for repaying any financial assistance will not exceed fifteen (15) years after the date of the first payment.

D. The federal highway administration, the federal transit administration, the comptroller general of the United States, the New Mexico department of finance and administration, and the department, or any of their authorized representatives, shall have the right of access to any books, documents, papers, or other records of the applicant which are pertinent to financial assistance, in order to make audits, examinations, excerpts, and transcripts.

E. If financial assistance is given, the parties shall enter into an agreement in a form provided by the department.

[5-31-99; Recompiled 10/01/01]

2.40.30.9 ELIGIBILITY:

A. A public entity authorized by law to construct, maintain, or finance an eligible project is eligible to apply to the department for financial assistance.

B. The following projects are eligible for financial assistance: Construction of a federal-aid highway, including required preliminary studies; a transit project; including a project eligible for assistance under Title 49, United States Code, Section 5310, or the planning, development, construction, maintenance, or operation of a public road, provided that the project is eligible for assistance under Title 23 or Title 49, United States Code, or the department is authorized by state law to provide assistance for the project.

[5-31-99; Recompiled 10/01/01]

2.40.30.10 PROCEDURES:

A. The secretary will designate a contact within the department for the purpose of providing information and assistance to potential applicants. Assistance may include non-binding advice, counsel, and consultation regarding all aspects of a possible eligible project. If the secretary determines that the project is otherwise eligible for assistance, that the department is authorized by state law to provide assistance, and that department resources are available, the department may provide engineering and other technical assistance to aid potential applicants in developing an application. Any advice, assistance, or aid provided shall not constitute a commitment or liability on the part of the department or the commission. Potential applicants are encouraged to communicate with the contact at the earliest possible date.

B. An applicant may request any form of financial assistance authorized by this regulation. In general, all requests for financial assistance shall be treated as requests for the use of specific sums of money from the bank for certain periods of time, at stated interest rates, with scheduled repayments of principal, interest, and any appropriate charges or fees.

[5-31-99; Recompiled 10/01/01]

2.40.30.11 APPLICATION PROCEDURE:

A. An eligible entity shall submit an application to the secretary in a form prescribed by the department. The application must be accompanied by an overview of the project, which shall include a description of the project, the total cost of the project and the proposed use of the requested financial assistance, the amounts of money required to supply the requested financial assistance (including the needs of any reserve funds which must be established and held by the bank for the applicant's benefit, but which may not be expended from the bank), any proposed pledge of collateral or security and priority of claim to those items, a description of the need for the project, and the latest bond rating obtained by the applicant when using the sources of revenue to be pledged, or if not applicable, other evidence of creditworthiness similar to that required to obtain a bond rating.

B. For public roadway projects, the application must also be accompanied by a preliminary design study which includes an initial route and potential route alignments, termini, length, and junctions; the project's logical termini; any necessary utility relocation; the location of all right-of-way, facilities and equipment required to make the project functional; and revisions or changes to state highway system facilities necessitated by the project.

C. For transit projects, the application must also be accompanied by a preliminary scope study which shall include preliminary layouts, architectural drawings, equipment specifications, and an operations plan for the life of the equipment or facility, and other information necessary to fully describe the project and to comply with all requirements of the federal transit administration.

D. Depending upon, the complexity and size of the project, the type of infrastructure or asset involved, the type of financial assistance requested, the secretary may require supplemental information and data.

[5-31-99; Recompiled 10/01/01]

2.40.30.12 REQUIRED STUDIES:

A. The applicant shall submit a financial feasibility study which must include:

(1) a project construction or asset acquisition schedule identifying the timing, amount, and source of all cash required; and

(2) a description of the methods used in preparing the financial feasibility study, the assumptions contained in the study, and persons and entities responsible for the preparation of the study.

B. The study shall include an analysis based on cash basis accounting for the expected financing period of the project. The analysis must show cash revenues to be used for repayment or security by source, cash disbursements by category (including disbursements for operations), maintenance, replacement, and the length of time the amounts will be outstanding or obligated.

C. The applicant shall conduct studies analyzing the impact of the project, including any required by the National Environmental Policy Act or state laws relating to archaeological and cultural properties preservation. The studies must include how the project will be consistent with the department's statewide transportation improvement program, and if the project is in a Clean Air Act non-attainment area, how the project will be consistent with the statewide transportation improvement program.

D. The applicant shall submit:

(1) official written approval of the [sic] by the governing body of each entity which may authorize becoming liable for repaying or securing financial assistance;

(2) a binding commitment that the environmental consequences of the proposed project will be fully considered, and that the proposed project will comply with all applicable local, state, and federal environmental laws, regulations, and requirements; and

(3) appropriate documentary evidence of community involvement in development of the proposed project.

E. The secretary may waive submission of individual items of information or data required by this section if the information or data is not relevant to or required by the project, or the department already possesses information or data in a format which may be substituted for the required information or data.

F. The secretary may require the applicant to submit explanations and expansions of information or data required by this section which are relevant to the project, applicant, or financial assistance requested. In determining when additional relevant explanations and expansions of information or data are required, the secretary will consider the complexity and size of the project, the type of infrastructure or asset involved, and the type, complexity, and amount of financial assistance requested.

[5-31-99; Recompiled 10/01/01]

2.40.30.13 DEPARTMENT AND COMMISSION ACTION:

A. The department will review the application submitted. When the application is complete, the department will so notify the applicant.

B. The secretary will perform an analysis of the application to support findings and recommendations for the commission. The secretary shall then submit the application together with findings and recommendations to the commission.

C. The commission will determine the sufficiency of the information, the probable reliability of the projections, and the anticipated financial condition of the applicant and the project.

D. Prior to granting preliminary approval of an eligible project for financial assistance, the commission will consider whether the project is on the state highway system; transportation need for and anticipated public benefit of the project; the present and projected financial condition of the bank; potential social, economic, and environmental impacts; conformity with the purposes of the bank; and evidence of local public support.

E. By granting preliminary approval, the commission authorizes the secretary to negotiate the project's limits, scope, definition and design; the amount, type and timing of disbursements of financial assistance; interest rates, fees, charges, repayment schedules, and term to maturity of any financial assistance, collateral securing the financial assistance, appropriate covenants applicable to the financial assistance, default provisions; and all other provisions necessary to complete a financial assistance agreement.

F. The commission may grant final approval if it determines that providing financial assistance will prudently provide for the protection of public funds while furthering the purposes of this rule; and the project will provide for all reasonable and feasible measures to avoid, minimize, or mitigate adverse impacts.

G. The commission may postpone final approval of an application if it finds that the current or projected financial condition of the bank warrants this action.

H. The commission may make its preliminary or final approval contingent upon the applicant making changes, performing other acts, or maintaining certain conditions necessary to provide for repayment of final approval.

I. Approval or disapproval of the project, whether preliminary or final, shall be by formal action of the commission, based upon findings and conclusions submitted to the commission by the secretary.

[5-31-99; Recompiled 10/01/01]

2.40.30.14 FINANCIAL ASSISTANCE AGREEMENTS:

A. The secretary will negotiate the terms of agreements deemed necessary to comply with any requirements of preliminary approval, and to prudently provide for the protection of public funds while furthering the purposes of this rule.

B. These agreements shall include, but not be limited to, terms provided for in this rule.
[5-31-99; Recompiled 10/01/01]

2.40.30.15 PERFORMANCE OF WORK:

A. The department may, at its discretion and consistent with state law, provide all or part of the work connected with the project. For work performed by the department, the following provisions apply:

(1) The department shall account for all costs of the project in the normal course of business as it does for all federal-aid eligible projects.

(2) The department shall make progress payments or set aside funds from the bank on behalf of the applicant as the department deems necessary. Such actions shall bind the applicant to repayment or release of security according to the terms of the agreement(s). Interest shall accrue from the date of the payment or setting aside of funds.

B. The department's actions and decisions regarding the project shall be final.

C. The applicant shall provide the department, the federal highway administration, and the federal transit administration, or their authorized representatives, with right of entry or access to all properties or locations necessary to perform activities required to execute the work, inspect the work or otherwise aid in the prompt pursuit of the work.

D. The department may, in its discretion and consistent with state law, provide that the applicant conduct all or part of the work connected with the project. For work performed by the applicant, the following provisions apply:

(1) The applicant shall comply with the Federal Act, Title 23, United States Code, Title 49, United States Code, other applicable state and federal laws, and all terms and conditions of any agreements.

(2) Where approval or concurrence of the federal highway administration, the federal transit administration, or other federal agency is required, the applicant shall seek such action through the department.

(3) The applicant shall reimburse the department for any loss of federal funds to the department resulting from the actions of the applicant.

E. The applicant shall maintain project records and accounts in accordance with generally accepted accounting principles, and all applicable federal and state requirements. The applicant shall, at the applicant's cost, have a full audit performed annually of the project records and accounts by an independent certified public accountant. The applicant shall cause the auditor to provide a full copy of the audit report and any other management letters or auditor's comments directly to the department.

F. The applicant shall hold all project records, accounts, and supporting documents open for state or federal audits. The applicant shall retain these files until all financial assistance has been repaid or released and necessary audits have been performed.

[5-31-99; Recompiled 10/01/01]

2.40.30.16 DESIGN AND CONSTRUCTION STANDARDS: For federal-aid and state highway improvement projects, plans and specifications must be in compliance with the latest version of the department's design manual. For non federal-aid projects, the applicant shall certify that the project complies with the design manual. All construction plans shall be signed and dated by a professional engineer registered in New Mexico. The department may require that certain standards and procedures be used in making any change orders.
[5-31-99; Recompiled 10/01/01]

2.40.30.17 MAINTENANCE AND OPERATIONS: When funds for repayment are derived from fees or tolls on the project, or the project or asset is collateral for the financial assistance, the department may require that certain standards and procedures be used in maintenance of the project.
[5-31-99; Recompiled 10/01/01]

2.40.30.18 FINANCIAL AND CREDIT REQUIREMENTS:

A. The applicant shall agree to provide collateral and security for repayment, or other protections as the secretary may deem necessary; repay the financial assistance at specified interest rates over specified time periods according to repayment schedules, including agreed upon bank fees or compensation; abide by provisions governing default; have periodic audits in compliance with all applicable federal and state requirements; and reimburse the department for all costs or losses of funds resulting from a failure to perform by the applicant.

B. Depending on the facts and circumstances of each project, the applicant, and type of financial assistance provided, the secretary may require additional terms and conditions necessary to protect the public welfare, prudently provide for the protection of public funds, and further the purposes and requirements of this rule.
[5-31-99; Recompiled 10/01/01]

HISTORY OF 2.40.30 NMAC: [RESERVED]



PROJECT IDENTIFICATION FORM (PIF)

INSTRUCTIONS: Please complete all sections thoroughly. Do not change the formatting or add/delete sections. See the end of this document for required distribution.

Date of Submittal: _____ Initial PIF? Revised PIF?

Sponsoring Public Entity: _____ Project Name:

County: _____ US Congressional District: _____

NM House District: _____ NM Senate District: _____

Is this project in the STIP? Yes _____ No _____ If "yes," year? _____ CN: _____ Project # _____

Is this project in the MPO TIP? Yes _____ No _____ If "yes," year? _____

Contact Person: _____

Address: _____

Phone: _____ Fax: _____ E-mail: _____

RPO: _____ or MPO: _____ NMDOT District #: _____

In ICIP? Yes _____ No _____ If "yes," year? _____ Priority number _____

In Long Range Plan/MTP? Yes _____ No _____ Tribal Governments: On IRR inventory? Yes _____ No _____

PROJECT DESCRIPTION

Project Description and Purpose and Need	
In the space below, please provide a narrative describing the Project and it's Purpose and Need, i.e., the rationale behind the project (the space will expand as needed).	

Project Type – check all that apply					
Qualified (Classified) Road		State Highway System		Federal Highway System	
Safety		Safe Routes to School		Enhancement	
Bridge		Transit Infrastructure		ADA Requirements	
Aviation Infrastructure		Study		Bicycle/Pedestrian	
		Other (specify)			

Project Scope

Check all factors that apply to this project

New Roadway (specify # of lanes)			By-Pass		Interchange	
Lane Expansion (specify # of lanes)			Widen shoulders		Intersection	
Rehabilitate bridge		Replace bridge		Expand bridge	Modern Roundabout	
Pavement replacement		Pavement rehabilitation		Drainage structures	Storm drains	
Sidewalks		Curb & gutter		Lighting	Utilities	
Signalization		Base Course		Chip Seal	Bike lanes	
Pedestrian Facilities		Bus Stops		Pullouts	Access lanes	
Transit Capital Project		Frontage roads		Acquire Right-of-Way	Purchase land	
Aviation infrastructure (specify)						
Additional infrastructure (specify)			Others (list)			

Specific Roadway Project Information:

Route Number	Begin mile point	End mile point	Length in Miles	Estimated Total Project Cost in \$1,000s

Roadway FHWA Functional Classification (major rural collector, urban collector or above, or a bridge to qualify): _____

Specific Cost Information:

Planning	Design	Construction	Other (specify)

Funding Sources

List all sources and amounts of funding committed for the project. Local Government Agreement Unit (LGAU) requires this information to be able to obligate funding from FHWA for year two projects in the STIP.

<i>Funding Source</i>	<i>Fund Type or Control Number</i>	<i>Amount/Value</i>
City/County Funds		
Available Federal Fund(s)/Control Number(s)		
General Fund/Control Number(s)		
Severance Tax/Control Number(s)		
Local Government Road Fund(s)/Control Number(s)		

CAP/MAP/Control Number(s)		
Community Development Block Grants (CDBG)		
GRIP 2/Control Number		
Other (specify source)		
	Total	

PROJECT CERTIFICATIONS:

The certifications listed in this section are all required for Federally funded projects. Enter specific information requested – do not leave any row blank.

PUBLIC INVOLVEMENT

Dates Completed OR Dates Sessions Are Scheduled OR Date Public Involvement Will Be Started

RIGHT OF WAY

Date Completed OR Expected Date of Completion OR Expected Start Date

DESIGN

Date Completed OR Expected Date of Completion OR Expected Start Date

ENVIRONMENTAL CLEARANCES – NEPA Biological assessments to include: Threatened & Endangered Species, Surface Water Quality (Clean Water Act), Ground Water Quality, Wetlands, NPDES Permit, Noxious weeds, Air Quality Analysis, Noise Analysis and Hazardous Materials Analysis. 4-F properties.

Date Completed OR Expected Date of Completion OR Expected Start Date

ARCHAEOLOGICAL CLEARANCES – NHPA Section 106 Cultural Resources Investigation to include: *coordination with land management agencies and State Historic Preservation Officer; Cultural Properties Inventory (Buildings recorded); Traditional Cultural Property Inventory: Consult with appropriate Native American tribes. Tribal Historic Preservation Officer and State Historic Preservation Officer.*

Date Completed OR Expected Date of Completion OR Expected Start Date

UTILITY CLEARANCES



Date Completed OR _____	Expected Date of Completion OR _____	Expected Start Date _____
<i>RAIL CLEARANCES</i>		
Date Completed OR _____	Expected Date of Completion OR _____	Expected Start Date _____
<i>SYSTEMS ENGINEERING CLEARANCES</i>		
Date Completed OR _____	Expected Date of Completion OR _____	Expected Start Date _____

PROJECT PLANNING FACTORS

Below are the Federally mandated planning factors for all transportation projects. Please check all that apply and provide a brief explanation of how the project addresses the factor (comment area will expand as needed).

	<i>Economic Vitality</i>	
	<i>Safety</i>	
	<i>Security</i>	
	<i>Accessibility & Mobility</i>	
	<i>Environment</i>	
	<i>Integration & Connectivity</i>	
	<i>System Management & Operation</i>	
	<i>System Preservation</i>	

REQUIRED DISTRIBUTION: Send completed electronic version to appropriate [RPO/MPO](#), [District staff](#), and [NMDOT Planning liaison](#).

APPENDIX: 2

ENHANCEMENT APPLICATION

For application questions, please contact the RPO planner for your area or the NMDOT Regional Planning Section at 505-827-0050. Be sure to read the Transportation Enhancement Program description for further clarification about the program and funding requirements. You may retype and attach this application to the PIF. Please limit the application to no more than five pages. Be aware that enhancement projects require both a PIF and this application. Be sure to answer all sections of this application.

I. Project Type

Check which of the following transportation enhancement categories apply to this proposed project.

1. Facilities for pedestrians and bicycles _____;
2. Provision of safety and educational activities for pedestrians and bicyclists _____;
3. Acquisition of scenic easements and scenic or historic sites _____;
4. Scenic or historic highway program _____;
5. Landscaping and other scenic beautification _____;
6. Historic Preservation _____;
7. Rehabilitation and operation of historic transportation buildings, structures, or facilities _____;
8. Preservation of abandoned railway corridors, including the conversion and use for pedestrian or bicycle trails _____;
9. Control and removal of outdoor advertising _____;
10. Archeological planning and research _____;
11. Mitigation of water pollution due to highway runoff or reduction of vehicle-caused wildlife mortality while maintaining habitat connectivity _____;
12. Establishment of transportation museums _____.

II. Describe How the Project Links to the Transportation System

This linkage must be one of either function (e.g., a bikeway), proximity (e.g., removal of advertising signs in the view-shed of a highway), or impact (e.g., water pollution control which “impacts” a highway).

III. Project Enhancement Character

Describe how the project goes above and beyond normal or customary transportation activities and funding.

IV. Project Consistency with Adopted Plans or Programs

V. Unique or Special Characteristics of Project

Identify how the project is consistent with adopted plans and/or programs.

Discuss any special or unique features of the proposed project that demonstrate the extraordinary nature of the project. Explain how these features justify selection of this project over other proposed projects.

VI. Project Location Map

Please attach to this application a letter or legal sized location map of the project. This map should indicate the project's proximity to nearby highways, municipalities, or other landmarks.

VII. Project Match and Support

1. Has a Concept Resolution been adopted by the governing body of the entity submitting this enhancement application (see page 60)?
 Yes No
2. Does the governing body understand its obligation to provide the funds to pay development, environmental analysis, design/engineering costs for the Enhancement Project (see page 60)?
 Yes No
3. Does the governing body understand it may be required to provide funds for land acquisition as appropriate for the project?
 Yes No
4. Does the governing body understand its obligation to provide a 25% match of funds for the Enhancement Project (see page 60)?
 Yes No
5. Is the cost of on-going maintenance required for the enhancement project included in the support for the project (see page 60)?
 Yes No

VIII. Ownership and Maintenance

Identify which public agency will own, operate, and maintain the completed project.

Name _____

Address _____

Phone _____

- Sample Resolution -

A **concept or contract funding -- pick the one that applies** resolution to the
New Mexico Department of Transportation.
for a Transportation Enhancement Project

[Pick either the “concept” or “contract funding” resolution (not both). Usually a “concept” resolution is used at
time of the enhancement application.]

[Entity Name]
Resolution No. _____

WHEREAS, the enhancement project named in this resolution is an eligible activity under the
Transportation Equity Act for the 21st Century (TEA-21);

WHEREAS, the **[title of project]** is an approved capital improvement project as noted in **[name of
document and year -- if a capital improvement plan is available]**; and

WHEREAS, the **[entity name]** has agreed to provide matching funds at a percentage rate of 25% of the cost of
land acquisition and construction; and

WHEREAS, the **[entity name]** has agreed to fund all project development, environmental analysis, and design
costs separate from the cost of land acquisition and construction; and

WHEREAS, the **[entity name]** has agree to fund all on-going maintenance costs for this enhancement project
after construction; and

WHEREAS, the **[entity name]** supports this project and desires to receive funding; and

WHEREAS, the **[entity name]** understands two resolutions must be submitted, one at the time of an
enhancement project application and another at the time the project is formally under contract with the New
Mexico Department of Transportation; and

WHEREAS, this resolution is at the time of **[an application or a contract -- usually “application” for the
PIF]** for Transportation Enhancement funding;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE **[entity name]**, NEW MEXICO,
that the **[name of chief executive officer of entity -- mayor, commission chairman/ woman, governor, or
president]** be and hereby is, authorized to **[submit an application or sign a contract -- pick the one that
applies]** for Transportation Enhancement funding [to or with] the New Mexico Department of Transportation for
[purpose] in **[entity name]**, New Mexico and hereby commits to the **[concept or funding]** of such project as
specified in the enhancement project application.

PASSED, ADOPTED, AND APPROVED this _____ day of _____ [date].

[Entity name] [Name], [Chief executive officer of entity]

ATTEST: [Name], [Clerk or other appropriate entity staff]

APPENDIX: 3

Purpose and Need

The purpose and need section is in many ways the most important chapter of an environmental impact statement (EIS). It establishes why the agency is proposing to spend large amounts of taxpayers' money while at the same time causing significant environmental impacts. A clear, well-justified purpose and need section explains to the public and decision makers that the expenditure of funds is necessary and worthwhile and that the priority the project is being given relative to other needed highway projects is warranted. In addition, although significant environmental impacts are expected to be caused by the project, the purpose and need section should justify why impacts are acceptable based on the project's importance.

As importantly, the project purpose and need drives the process for alternatives consideration, in-depth analysis, and ultimate selection. The Council on Environmental Quality (CEQ) regulations require that the EIS address the "no-action" alternative and "rigorously explore and objectively evaluate all reasonable alternatives." Furthermore, a well-justified purpose and need is vital to meeting the requirements of Section 4(f) (49 U.S.C. 303) and the Executive Orders on Wetlands (E.O. 11990) and Floodplains (E.O. 11988) and the Section 404(b)(1) Guidelines. Without a well-defined, well-established and well-justified purpose and need, it will be difficult to determine which alternatives are reasonable, prudent and practicable, and it may be impossible to dismiss the no-build alternative.

The transportation planning process, which includes regional, sub-area, and corridor planning, can serve as the primary source of information for establishing purpose and need as well as evaluating alternatives. Information and forecasts of vehicle miles of travel, travel demand, highway and travel speeds, traffic diversion, time of day characteristics, and traffic accident rates can be provided by the planning process. This information can be used to evaluate congestion, air quality, safety, and other environmental issues for various transportation alternatives including the no-build alternative. Planning can also estimate the benefits and costs associated with highway and transit projects that can be used in the development of project "purpose and need."

Consideration of Alternatives

In urbanized areas, the urban transportation planning process required by Section 134 of Title 23, should result in plans and programs that are consistent with the comprehensively planned development of an area and that integrate transportation, land use, and environmental considerations. Comprehensive planning, which includes transportation, should establish the basic purpose and need for specific projects and the system wide consequences of operational improvements and the no-build alternative. For example, the planning process should identify the need for a transportation improvement between points x and y at some future date. Further, in a high percentage of cases, a decision on the appropriate mode (highway or transit) and the basic project concept (freeway on new location, upgrade of existing facility, light rail transit, bus/high-occupancy vehicle lanes, approximate travel demand, etc.) can be determined. In other cases, it may not be possible to resolve these issues until the conclusion of the project development process. Scoping meetings early in the environmental process are an excellent means to reach agreement with the participants on the basic purpose and need for the project, the consequences of the no-build alternative, and operational improvements and, where possible, the mode and project concept.

After the basic purpose and need for the project are established, a number of lines can theoretically still be drawn to connect points x and y. If the project's purpose and need are so vague as to only stipulate that a transportation improvement between x and y is needed, then reasonable alternatives would cover a wide range and must be evaluated to comply with the CEQ regulations. As the project's purpose and need is refined, a number of alternatives will drop out, thereby permitting a more focused analysis of those alternatives which truly address the problem to be solved. As alternatives are dropped from consideration, it is recommended that the concurrence of those cooperating agencies with jurisdiction by law be sought in that decision.

In a similar manner, the type of improvement to be considered even after the planning process may be wide ranging: from upgrading an existing facility to multi-lane freeway on new location. The traffic demands, safety concerns, system continuity considerations, etc., all will help define reasonable alternatives and products from the transportation planning process should serve as a primary source for this information.

Beyond the CEQ regulations requirement of evaluating all, or a reasonable number representative of the full spectrum of reasonable alternatives, there are other more action-limiting requirements for alternatives under Section 4(f), the Executive Orders on Wetlands and Floodplains, and the Section 404(b)(1) guidelines. To address these requirements and conclusively demonstrate that some alternatives are not prudent or practicable, a well-justified purpose and need are vital.

The use of land from a Section 4(f) protected property (significant publicly owned public park, recreation area or wildlife and waterfowl refuge, or any significant historic site) may not be approved unless a determination is made that there is no feasible and prudent alternative to such use. There are numerous factors which could render an alternative "not prudent" because of unique problems, including cost and environmental impacts. If an alternative does not meet the project's purpose or satisfy the needs then the alternative is not prudent provided the purpose and need section can substantiate that unique problems will be caused by not building the project.

If a proposed action is to be located in a wetland or it entails a floodplain encroachment with significant impacts, a finding must be made that there is no practicable alternative to the wetland take or floodplain encroachment. Any alternative which does not meet the need for the project is not practicable. If the project's purpose and need are not adequately addressed, specifically delineated and properly justified, resource agencies, interest groups, the public or others will be able to generate one or possibly several alternatives which avoid or limit the impact and "appear" practicable. Sometimes long, drawn out negotiations or additional analyses are needed to clearly demonstrate that an alternative is not practicable, where a well-described justification of the project's purpose and need would have clearly established it.

If an alternative does not satisfy the purpose and need for the project, as a rule, it should not be included in the analysis as an apparent reasonable alternative. There are times when an alternative that is not reasonable is included based on the request of another agency or due to public expectation. In such cases, it should be clearly explained why the alternative is not reasonable (or prudent or practicable), why it is being analyzed in detail and that because it is not reasonable that it will not be selected.

Basic Ingredients of Purpose and Need

The purpose and need should be as comprehensive and specific as possible. For example, rather than simply stating that additional capacity is needed between two points, information on the adequacy of current facilities to handle the present and projected traffic, (e.g., what capacity is needed and the level of service for the existing and proposed facilities) should be discussed. Other information on factors such as safety, system linkage, social demands, economic development, and modal interrelationships, etc., that the proposed project will attempt to address, should be described as fully as possible. This will assist in pinpointing and refining the alternatives which should be analyzed. Further, it will in a sense "protect" those viable alternatives from sniping by external interests and capricious suggestions to study something else. If the purpose of and need for the proposed project are rigorously defined, the number of "solutions" which will satisfy the conditions can be more readily identified and narrowly limited.

The purpose and need section of the project may, and probably should, evolve as information is developed and more is learned about the project and the corridor. For example, assume that the only known information with regard to purpose and need is that additional capacity is needed between points x and y. At the outset, it may appear that commuter traffic to a downtown area is the problem and only this traffic needs to be served. A wide range of alternatives may meet this need. As the studies progress, it may be learned that a shopping center, university, major suburban employer, and other traffic generators contribute substantially to the problem and require transportation service. In this case, the need is further refined so that not only commuter trips but also student, shopping, and other trips will be accommodated. These refinements would clearly reduce and limit the number of alternatives which could satisfy the project's purpose and need, thereby reducing the number and range of reasonable, prudent and practicable alternatives. If an alternative is suggested that does not serve the university or other traffic generator, and such service is a vital element of the project, the alternative may be eliminated from future study since it does not meet the need for the project.

In the example above, it should be noted that products of the urban transportation planning process should identify many of the elements which contribute to the transportation problems. To the extent that the planning process develops these products and these products are utilized in project development, it may not be

necessary to prepare additional studies.

Some of the elements which may assist in explaining a project's purpose and need (e.g., capacity, safety, system linkage, etc.), are described on page 14 of FHWA Technical Advisory T 6640.8A - "Guidance for Preparing and Processing Environmental and Section 4(f) Documents." This discussion is included here as an appendix. All of the elements which are relevant should be as fully developed as possible and utilize as specific data as possible to compare the present, future no-build, and future build conditions. Data should be presented on such factors as reduction in vehicle hours of travel, improvements in travel speeds on the system, reduction in traffic accidents, injuries and fatalities, savings in cost to the traveling public, enhanced economic development potential, increased tax base, improved access to public facilities, etc. It is not sufficient to state that the project is needed to provide increased capacity and improve safety. Supporting data must be provided.

Using Purpose and Need in Decision Making

As noted above, the purpose and need define what can be considered reasonable, prudent, and practicable alternatives. The decision making process should first consider those alternatives which meet the purpose and need for the project at an acceptable cost and level of environmental impact relative to the benefits which will be derived from the project.

At times, it is possible that no alternative meets all aspects of the project's purpose and need. In such a case, it must be determined if the alternatives are acceptable and worthwhile pursuing in light of the cost, environmental impact and less than optimal transportation solution. To properly assess this, it is important to determine the elements of the purpose and need which are critical to the project, as opposed to those which may be desirable or simply support it, the critical elements are those which if not met, at least to some minimal level, would lead to a "no-build" decision. Determining critical needs could include policy decisions as well as technical considerations.

Other times, the cost or level of environmental impact are not acceptable and an alternative that only partially meets the purpose and need or the no-build alternative must be considered. If the costs are justified in relation to the transportation benefits, then a less than full-build alternative may be acceptable. In the vast majority of cases, however, at least one alternative will fully meet the purpose and need at an acceptable cost and level of impact. In cases where more than one alternative fully meets the purpose and need, a number of factors including cost, traffic service, safety, public support, environmental impact, etc., will be considerations in reaching the decision on which is the preferred alternative. The requirements of Section 4(f), the Wetland and Floodplain Executive Orders, and the Section 404(b)(1) guidelines, of course, play an important role in this process.

Key Points to Remember

In summary, the purpose and need section in the EIS lays out why the proposed action, with its inherent costs and environmental impacts, is being pursued. If properly described, it also limits the range of alternatives which may be considered reasonable, prudent, and practicable in compliance with the CEQ regulations, Section 4(f) the Executive Orders on Wetlands and Floodplains, and the Section 404(b)(1) guidelines. Further, it demonstrates the problems that will result if the project is not implemented. There are three key points to remember relative to the purpose and need section of an EIS. It should be:

1. justification of why the improvement must be implemented,
2. as comprehensive and specific as possible, and
3. re-examined and updated as appropriate throughout the project development process.

Elements of Purpose and Need

The following items may assist in the explanation of the need for a proposed action. It is by no means all-inclusive or applicable in every situation and is intended only as a guide.

1. Project Status - Briefly describe the project history including actions taken to date, other agencies and governmental units involved, action spending, schedules, etc.
2. Capacity - Is the capacity of the present facility inadequate for the present traffic? Projected traffic? What capacity is needed? What is the level(s) of service for existing and proposed facilities?

3. System Linkage - Is the proposed project a "connecting link?" How does it fit in the transportation system?
4. Transportation Demand - Including relationship to any statewide plan or adopted urban transportation plan together with an explanation of the project's traffic forecasts that are substantially different from those estimates from the 23 U.S.C. 134 (Section 134) planning process.
5. Legislation - Is there a Federal, State, or local governmental mandate for the action?
6. Social Demands or Economic Development - New employment, schools, land use plans, recreation, etc. What projected economic development/land use changes indicate the need to improve or add to the highway capacity?
7. Modal Interrelationships - How will the proposed facility interface with and serve to complement airports, rail and port facilities, mass transit services, etc.?
8. Safety - Is the proposed project necessary to correct an existing or potential safety hazard? Is the existing accident rate excessively high? Why? How will the proposed project improve it?
9. Roadway Deficiencies - Is the proposed project necessary to correct existing roadway deficiencies (e.g., substandard geometrics, load limits on structures, inadequate cross-section, or high maintenance costs)? How will the proposed project improve it?

This material is covered in Technical Advisory document TA 6640

APPENDIX: 4

Federal Aid Funding - Match Overview

Federal Transportation Funding Categories and Matching Amounts

	Federal	State/ Local
CMAQ:	85.44%	14.56%
TPU:	85.44%	14.56%
IM:	92.64%	7.36%
NHS:	92.64%	7.36%
TPE:	75.00%	25.00%
HPS (Safety):	90.00%	10.00%
	Up to 100% Federal	
TEA - 21 Section 1602:	80.00%	20.00%
TEA - 21 - HPP:	80.00%	20.00%

	Federal	State/ Local
Interstate Maintenance	92.64%	7.36%
National Highway System	85.44%	14.56%
STP/ Under 200,000 Population	85.44%	14.56%
STP/ Large Urban	85.44%	14.56%
STP/ Rural	85.44%	14.56%
STP/ Flexible	85.44%	14.56%
STP/ Safety	90.00%	10.00%
STP/ Enhancements	75.00%	25.00%
Bridge Replacement and Rehab.	80.00%	20.00%
CMAQ Program - Mandatory	85.44%	14.56%
CMAQ Program - Flexible	85.44%	14.56%
Highway Planning and Research (SPR)	80.00%	20.00%
PL Funds are a % of the 5 core programs, 2% of SPR is dedicated to the Research Bureau		
Safety (Section 402)	100.00%	
Minimum Guarantee - Subject Limitation	85.44%	14.56%
Minimum Guarantee - Special Limitation	85.44%	14.56%
Forest Highways	100.00%	
Navajo Nation School Bus Routes	80.00%	20.00%
Federal Lands - Discretionary	100.00%	
High Priority Project	80.00%-92.64%	420.00%-7.60%
	(Depends on Original Funding Category)	
<i>Intelligent Transportation System</i>	50.00%	50.00%
Scenic and Historic Byways	80.00%	20.00%
Trade Corridors/ Border Infrastructure	80.00%	20.00%
Transport Community/ System Preservation	80.00%	20.00%
Interstate Maintenance Discretionary	92.64%	7.36%
Minimum Guarantee Exempt - Limitation	85.44%	14.56%
Major Investment Program	85.44%	14.56%
FTA Section 5307	80.00%	20.00%
FTA Section 5303	80.00%	20.00%

APPENDIX: 5

Contacts
New Mexico Metropolitan and Regional Planning Organizations
New Mexico Department of Transportation
***April 2010 ***

METROPOLITAN PLANNING ORGANIZATIONS

Mid-Region Metropolitan Planning Organization (MRCOG MPO)

Mid-Region Council of Governments

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Albuquerque, NM 87102

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Chris Blewett, Transportation Planning Services Director

Dewey Cave, Interim Transportation Program Manager

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Santa Fe Metropolitan Planning Organization (SF MPO)

City of Santa Fe

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Keith Wilson, MPO Planner

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Las Cruces Metropolitan Planning Organization (LC MPO)

City of Las Cruces

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Las Cruces, NM 88004

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Andy Hume, MPO Planner

Caeri Thomas, MPO Planner

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MPO Phone: (575) 528-3225 (Tom); 528-3047 (Andy); 528-3148 (Caeri)

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Farmington Metropolitan Planning Organization (FMPO)

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El Paso Metropolitan Planning Organization (EP MPO)

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Roy Gilyard, Acting Transportation Planning and Program Manager
Salvador Gonzales, Transportation Planner
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REGIONAL PLANNING ORGANIZATIONS**Southwest Regional Planning Organization (SWRPO)****Southwest Council of Governments****P.O. Box 2157****Silver City, NM 88062**

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South Central Regional Planning Organization (SCRPO)**South Central Council of Governments****600 Highway 195 – Suite D****P. O. Box 1082****Elephant Butte, NM 87935-1082**

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Southeast Regional Planning Organization (SERPO)**Southeastern New Mexico Economic Development District/Council of Governments (SNMEDD/COG)**

(Chaves, Eddy, Otero, Lincoln, and Lea Counties)

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Eastern Plains Council of Governments (EPCOG) Curry, De Baca, Roosevelt and Counties in District 2

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Northeast Regional Planning Organization (NERPO)

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Eastern Plains Council of Governments (EPCOG) Guadalupe, Harding, Quay, and Union, Counties in
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North Central New Mexico Economic Development District (Colfax, Mora and San Miguel Counties)

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Mid-Region Regional Planning Organization (MRCOG RPO)

Mid-Region Council of Governments

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Northwest Regional Planning Organization (NWRPO)

Northwest Council of Governments

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Northern Pueblos Regional Planning Organization (NPRPO)

North Central New Mexico Economic Development District

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NEW MEXICO DEPARTMENT OF TRANSPORTATION (NMDOT)

NMDOT Transportation Planning Division

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NMDOT Local Technical Assistance Program (LTAP)

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NMDOT Transit/Rail Bureau

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NM DOT – District 4

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NMDOT – District 6

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NEW MEXICO SCENIC BYWAYS PROGRAM

NEW MEXICO DEPARTMENT OF TOURISM

Scenic Byways Coordinator

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FEDERAL TRANSIT ADMINISTRATION (FTA), REGION 6

Federal Transit Administration

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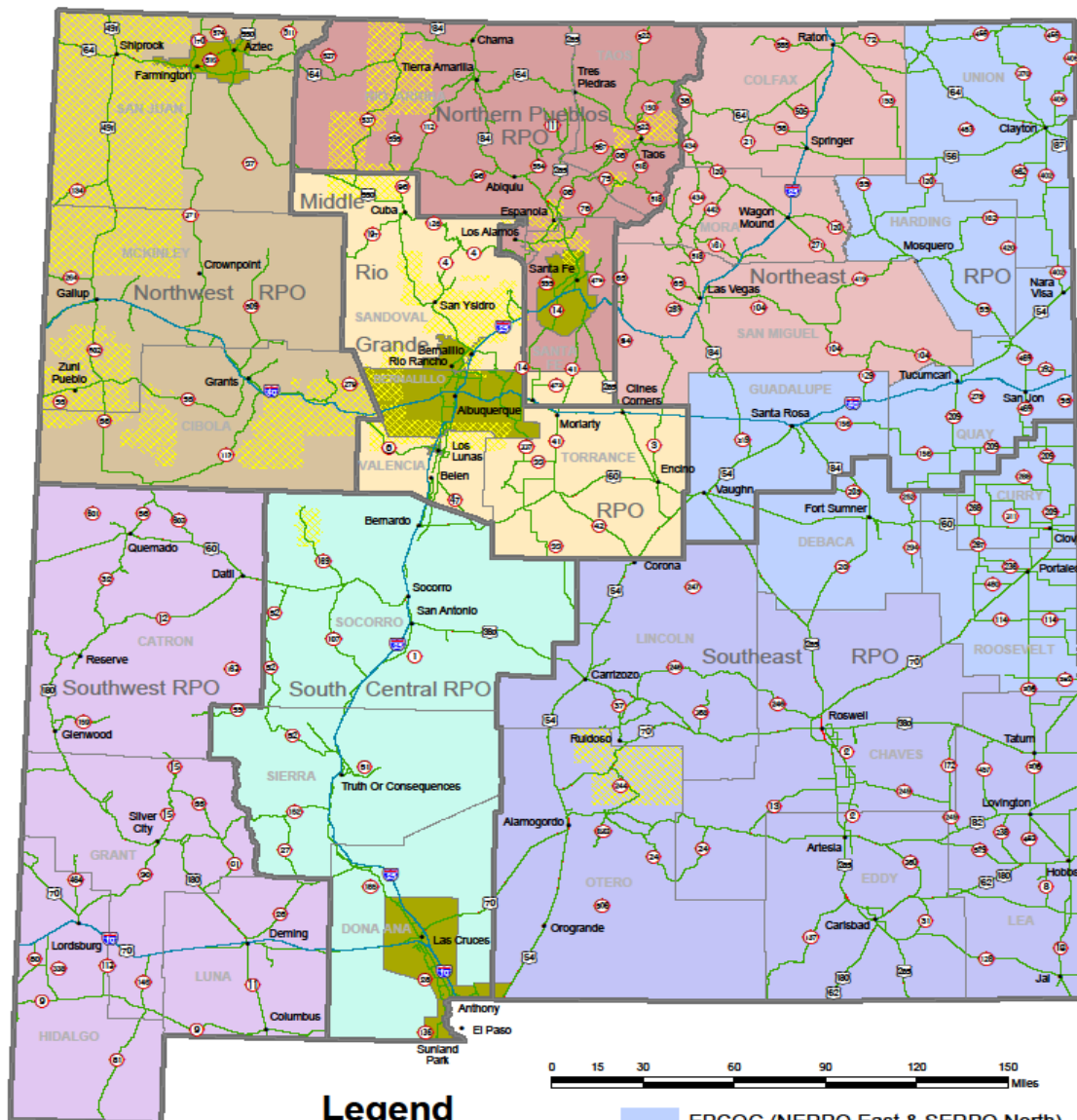
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Metropolitan and Regional Planning Organization Map



Legend

- County Line
- City
- Interstate Highway
- State Road
- US Route
- Indian Reservation
- MPO Boundary
- RPO Boundary

- EPCOG (NERPO East & SERPO North)
- Northwest RPO
- Southeast RPO
- Mid-Region RPO
- Mid-Region RPO Special Agreement Area
- Northern Pueblos RPO
- Northeast RPO (West)
- Southwest RPO
- South Central RPO