

Supplementary Guidance for NMDOT’s Congestion Mitigation and Air Quality Improvement (CMAQ) Non-Mandatory Program Guide.

The purpose of this supplement is to clarify sections of the *Congestion Mitigation and Air Quality Improvement (CMAQ) Non-Mandatory Program Guide for projects starting in FFY2020-plus*, released on 8/15/2018 by NMDOT.

Additions to List of Eligible Projects

An eligible project not included in the Guide is “Construction of bicycle and pedestrian facilities (paths, bike racks, support facilities, secured bicycle storage, bicycle lockers, etc.) that are not exclusively recreational and reduce vehicle trips.”

Road Diets are an eligible activity under CMAQ if the project designates part of the road surface to non-motorized (e.g. transit, bicycle or pedestrian) use and the project application demonstrates 1) that the project would result in a mode shift along the corridor and 2) that the lane reconfiguration will not negatively impact vehicular level of service on the corridor to an extent that it increases mobile emissions. Road diets fall under the program eligible project and program described in FHWA’s 2013 CMAQ Guidance¹: “programs to limit portions of road surfaces or certain sections of the metropolitan area to the use of non-motorized vehicles or pedestrian use, both as to time or place.” Applicants should refer to the [NMDOT Road Diet Guide](#) for guidance on how to assess the impacts of a road diet. Note: Coordination with NMDOT Districts is required for projects in NMDOT Right-of-Way.

Page 2, bullet 5 states “Construction of roundabouts, High Occupancy Vehicle (HOV) lanes, left-turn or other managed lanes.” The phrase “other managed lanes” refers to “managed lanes are designated lanes or roadways within highway rights-of-way where the flow of traffic is managed by restricting vehicle eligibility, limiting facility access, or and in some cases collecting variably priced tolls.”²

Page 3, bullet 5 is revised to read “Operating assistance to introduce new transit service, expand transit service, or for transit services that qualify for CMAQ operating assistance under 23 USC 149(m).”

Page 3, bullet 11, replace with the following: “Establishing publicly owned fueling facilities and other infrastructure needed to fuel alternative-fuel vehicles is an eligible expense, unless privately-owned fueling stations are in place and reasonably accessible. Fueling facilities can dispense one or more of the alternative fuels identified in section 301 of the 1992 Energy Policy Act or biodiesel, or provide recharging for electric vehicles.” Note: Entity must identify the presence and location of privately owned alternative fuel stations in the proposed project vicinity. NMDOT will evaluate the reasonable accessibility for any facilities identified.

¹ Federal Highway Administration (November 12, 2013). *Interim Program Guidance Under MAP-21*. Available: https://www.fhwa.dot.gov/environment/air_quality/cmaq/policy_and_guidance/2013_guidance/index.cfm

² Federal Highway Administration (2012). *Priced Managed Lane Guide*. Available: https://ops.fhwa.dot.gov/publications/fhwahop13007/pmlg1_0.htm

Bike Share projects that include capital and equipment costs are eligible under CMAQ per FHWA Guidance³, but must demonstrate emissions reduction and benefit air quality. Operations of a bike share program are **not** eligible.

Programmatic Clarifications

On page 6, the \$500,000 project minimum refers to the federal share. In other words, the minimum amount of CMAQ funds that can be requested is \$500,000 with a minimum local match of \$72,800 for a minimum project total of \$572,800.

³ Federal Highway Administration (August 9, 2018) Pedestrian and Bicycle Funding Opportunities U.S. Department of Transportation Transit, Highway, and Safety Funds. Available: https://www.fhwa.dot.gov/environment/bicycle_pedestrian/funding/funding_opportunities.cfm

The section below replaces the Eligible Projects section in the current CMAQ Non-Mandatory Program Guide. This updated section reflects the edits noted above.

Eligible Projects include:

- Construction of bicycle and pedestrian facilities (paths, bike racks, support facilities, secured bicycle storage, bicycle lockers, etc.) that are not exclusively recreational and reduce vehicle trips.
- Road Diets are an eligible activity under CMAQ if the project designates part of the road surface to non-motorized (e.g. transit, bicycle or pedestrian) use and the project application demonstrates 1) that the project would result in a mode shift along the corridor and 2) that the lane reconfiguration will not negatively impact vehicular level of service on the corridor to an extent that it increases mobile emissions. Applicants should refer to the [NMDOT Road Diet Guide](#) for guidance on how to assess the impacts of a road diet. Note: Coordination with NMDOT Districts is required for projects in NMDOT Right-of-Way.
- Diesel engine retrofits and/or full vehicle replacement.
- Intelligent Transportation Systems, such as traffic signal synchronization projects, traffic management projects, and traveler information systems.
- Vanpools (includes marketing and vehicle purchase); limited to 5 years.
- Locomotive retrofit and the acquisition of clean locomotives.
- Construction of roundabouts, High Occupancy Vehicle (HOV) lanes, left-turn or other managed lanes.
- Secure bicycle storage facilities and other facilities, including bicycle lanes for the convenience and protection of bicyclists in public areas.
- New or rehabilitation of existing transit facilities (e.g., lines, stations, terminals, transfer facilities) if associated with new or enhanced public transit, passenger rail, or other similar services that will increase transit service capacity.
- New transit vehicles (bus, rail, or van) to expand public fleet or replace existing vehicles.
- Diesel engine retrofits, such as replacement engines and exhaust after-treatment devices for public vehicles, are eligible if certified or verified by the Environmental Protection Agency (EPA).
- Advanced signal and communications systems for transit.
- Fuel, whether conventional or alternative fuel, is an eligible expense only as part of a project providing operating assistance for new or expanded transit service under the CMAQ program.
- Operating assistance to introduce new transit service, expand transit service, or for transit services that qualify for CMAQ operating assistance under 23 USC 149(m).
- Non-construction outreach related to safe bicycle use.
- Fringe parking associated with activities such as transit, vanpools and rideshare that reduce SOV travel.
- Traffic calming measures to reduce Single Occupancy Vehicle (SOV) travel or emissions.
- Activities that promote new or existing services including marketing, outreach, and public education efforts that help forward less-polluting transportation options.

- Demonstration transportation projects expected to reduce emissions by decreasing VMT, fuel consumption, congestion, or by other factors, but does not have supporting data in emission reductions. Additional agreement and reporting requirements apply to demonstration projects.
- Establishing publicly owned fueling facilities and other infrastructure needed to fuel alternative-fuel vehicles is an eligible expense, unless privately-owned fueling stations are in place and reasonably accessible. Fueling facilities can dispense one or more of the alternative fuels identified in section 301 of the 1992 Energy Policy Act or biodiesel, or provide recharging for electric vehicles.” Note: Entity must identify the presence of privately owned alternative fuel stations. NMDOT will evaluate the reasonable accessibility for any facilities identified.
- Purchase of publicly-owned alternative fuel vehicles, including passenger vehicles, service trucks, street cleaners, and others.
- Costs associated with converting public fleets to run on alternative fuels.
- Alternative fuel vehicle projects that are implemented as diesel retrofits and involve the replacement of an operable engine-not standard fleet turnover.
- Bike Share projects (capital and equipment only) must demonstrate emissions reduction and benefit air quality. Operations of a bike share program are not eligible.