



November 22, 2019

Mallery Manzanares
New Mexico Department of Transportation
P.O. Box 1149
Santa Fe, NM 87504

RE: Comments on Notice of Proposed Rulemaking

Dear Ms. Manzanares,

The City of Farmington's comments on the Notice of Proposed Rulemaking are as follows:

- 18.27.6.8.F – *The department will not perform detailed technical reviews of project scope, cost budget, project schedule and other required documentation.* How does this work for previously state funded and federally funded project that are phased?
- 18.27.6.8.I – *The findings of the audit are final.* Can the Local be given a chance to correct the audit findings before final audit?
- 18.27.6.8.J – *Unexpended grant awards will be returned to the department after project completion.* Is the grant given to the local entities or is it a reimbursable grant with local funding up front?
- 18.27.6.11.F – *The commission may, in its sole discretion, reject all application or award grants totaling less than the funds appropriated for the particular fiscal year.* Under what criteria?
The commission may approve subsequent changes to a priority list as it deems necessary. Under what conditions?
- 18.27.6.11.G – *If the local government fails to execute and return the grant agreement within thirty (30) days of receiving the notice of award, the project shall be considered lapsed and may be submitted to the commission for reprogramming.*
The City does not agree 30 days of receiving notice of award. Require 45 days of receiving the grant agreement. How will NMDOT verify receipt of grant agreement? If not returned within the time frame stated, how will it be reprogrammed?

- 18.27.6.11.H – *“the department shall disburse the grant to the local government after receipt of a request for disbursement submitted by the local government to the department”* Is this the same as a request for reimbursement as with other agreements?
- 18.27.6.12 – *Applicants must submit the following documents (as a single PDF) as part of the application process:* What is the max size of file that can be sent through their firewall? Sometimes files are too large to send as a single PDF. Will a .ftp site be set up for this process? Will staff have access or trained to access the .ftp site for a timely response?
- 18.27.6.12.B – *Resolution of Sponsorship from their governing body...* Depending on timing, this will likely take more than 30 days.
- 18.27.6.12.D – *If applicable, letters of support from the governmental entity or entities that own the project right-of-way (ROW) if the applying applicant does not own all of the project ROW.* The applicant will have to get a letter from NMDOT or other entities within 30 days. How will this fit in the time frame for submittal?
- 18.17.6.15.D – *All design activities necessary to advance the project to construction will be responsibility of the local government.* The statement in conflict with 18.27.6.8.B regarding eligible projects. Is design eligible for funding or not?
- 18.17.6.15.E – *The department will not be involved in permit preparation, review, or coordination with the regulatory agencies.* No certifications required from NMDOT? Who determines the level of study for environmental?
- 18.27.6.18.B – *Within 60 days after the date of completion of the project,* The City recommends 90 days after completion of the project.

Sincerely,

A handwritten signature in black ink, appearing to read "Nica J. Westerling". To the right of the signature, the word "For" is written in a similar cursive style.

Nica J. Westerling, P.E.
City Engineer