

NOTICE OF PROPOSED RULEMAKING

PROPOSED NEW RULE, 18.11.10 NMAC

The Aviation Division of the New Mexico Department of Transportation (Aviation Division) is proposing a new rule, 18.11.10 NMAC, Rural Air Service Enhancement Grant Program.

Approval of the initial rulemaking action for the proposed new rule was granted to the Aviation Division by the New Mexico State Transportation Commission on May 20, 2021 pursuant to Sections 9-5-1, 67-3-8, 67-3-11, 67-1-13, 67-3-28 and 67-1-13 NMSA 1978. The legal authority authorizing this rulemaking is Section 64-1-13 NMSA 1978 and Senate Bill 133.

Purpose: The purpose of this rule is to implement the newly enacted Rural Air Service Enhancement Grant Program.

Summary of Full Text: In the 2021 regular session, the New Mexico legislature enacted Senate Bill 133 to create the Rural Air Service Enhancement Act and the Rural Air Service Enhancement Fund. Senate Bill 133 provides that legislative appropriations and other moneys are deposited in the Rural Air Service Enhancement Fund for the purpose of carrying out the Rural Air Service Enhancement Act. The Rural Air Service Enhancement Act was established to provide grant funds to municipalities and counties for use in establishing and maintaining rural air service. The Rural Air Service Enhancement Act is administered by the Aviation Division of the New Mexico Department of Transportation. The proposed rule describes the process by which municipalities and counties are to competitively select an air carrier to provide rural air service between two or more airports, necessary provisions that are to be included in a service agreement between the municipality or county and the selected air carrier, the contents of the grant application to be submitted to the Aviation Division, the criteria that the Aviation Division will use in awarding a grant, the process for the eventual award of grant to a municipality or county, and the reimbursement process.

Copy of the full text of the proposed new rule may be found on the NMDOT website at the following Internet link, under the *Public Notices* tab: <https://dot.state.nm.us/content/nmdot/en/public-notice.html>. A copy of the proposed rule may also be requested by contacting Pedro Rael at: Telephone (505) 629-5105 or Email: pedro.rael@state.nm.us.

NMDOT will hold a public hearing for the purpose of receiving oral and written public comment from interested parties on the proposed new rule, 18.11.10 NMAC. The hearing is scheduled on July 8th, 2021, from 10:00 a.m. to 11:30 a.m. at New Mexico Department of Transportation District 3, 7500 Pan American Freeway NE, Albuquerque, New Mexico. The Aviation Division will be hosting a virtual meeting contemporaneously with the scheduled public hearing. Any member of the public who wishes to participate virtually must contact Pedro Rael at: Telephone (505) 629-5105 or Email: pedro.rael@state.nm.us no later than 12:00 pm on July 6th, 2021 in order to be placed upon the public comment listing and to receive the Zoom invitation. The Zoom invitation will include a call-in number for those participants who are unable to access the Zoom platform via computer.

To submit written views and comments on or before July 8th, 2021 please send to: Pedro Rael, Aviation Division, New Mexico Department of Transportation, P.O. Box 1149, Santa Fe, New Mexico 87504, Telephone (505) 629-5105; Email: pedro.rael@state.nm.us. Written comments will be accepted from the date this notice is published in the New Mexico Register, before and at the scheduled hearing, and until the close of the final hearing scheduled in this rulemaking. If you plan to submit written comments, argument or data at the hearing, please make sure any documentation contains your name, phone number and email address, and please bring (3) copies of any documents to the hearing. If submitting written comments by email, please indicate the rule number in the subject line. All public written comments will be posted on the Department's website within three days of receipt. Oral comments will only be accepted at the public hearing, and may be subject to time limitations. After the close of the final hearing scheduled in this rulemaking, the rulemaking record will be closed and no other comments will be accepted.

Any individual with a disability who is in need of an auxiliary aid or service to attend or participate in the hearing, or who needs copies of the proposed rule revisions in an accessible form may contact Pedro Rael at (505) 629-5105 at least ten days before the hearing.