



U.S. Department
of Transportation
**Federal Highway
Administration**

New Mexico Division

August 24, 2016

4001 Office Court Drive
Suite 801
Santa Fe, NM 87507
505-820-2021

**In Reply Refer To:
HFO-NM
ENGI 23**

Mr. Tom Church
Cabinet Secretary
New Mexico Department of Transportation
PO Box 1149
Santa Fe, NM 87507

Dear Secretary Church:

The Federal Highway Administration, New Mexico Division Office, has reviewed the New Mexico Department of Transportation's (NMDOT's) Certification of proprietary products pertaining to lighting for projects CN 2100140 and 2100400 in Clovis.

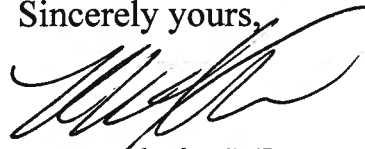
The Certification establishes that the referenced light systems and the equipment cited therein are to be used on both projects, and components are essential for synchronization with the existing systems on the City of Clovis' lighting inventory.

In accordance with 23 CFR 635.411 and the supporting information provided in the request, it is hereby acknowledged and approved specifically for this project. As established in Guidance on Patented and Proprietary Products a sunset provision must be established in order to assess changes in market conditions, technologies and re-examine the need for specifying proprietary products. Actions may be approved to extend the sunset as justified accordingly. As such the sunset established for this specific project action is five (5) years from date of this memo.

The equipment while proprietary in nature as identified in the Certification request must conform to the Buy America requirements as it is part of a Federal aid highway project.

If you have any further questions, feel free to contact Mr. Max Valerio (505)820-2035 or at max.valerio@dot.gov.

Sincerely yours,



Max Valerio, P.E.

Field Operations Engineer

For: J. Don Martinez

Division Administrator

cc:

Mr. Anthony Lujan, NMDOT
Mr. Armando Armendariz, NMDOT
Mr. Elias Archuleta, NMDOT
Mr. Tim Parker, NMDOT
Ms. Sally Reeves, NMDOT
Mr. Alan Briley, NMDOT
Mr. Michael Smelker, NMDOT
Ms. Tisha Lujan, NMDOT



August 17, 2016

Mr. J. Don Martinez
Division Administrator
Federal Highway Administration
New Mexico Division
4001 Office Court Suite 801
Santa Fe, NM 87507

Re: Certification 23 CFR 635.411(a)(2) - Lighting Improvements, CN 2100400, CN 2100140

Dear Mr. Valerio,

The New Mexico Department of Transportation is currently completing the design for CN 2100400, NM 209, between mile post 2.4 to mile post 7.1. Through the study and design phase of the project, the department has determined that lighting upgrades along the corridor will improve the safety along the corridor.

The New Mexico Department of Transportation is finalizing the construction for CN 2100140, US 60/70/84, between MP 389 to MP 390.5. The project included lighting along the corridor as a safety enhancement to the project. The plan had NMDOT Contractor installing the conduit and light bases, which Xcel energy would supply and install luminaires, hardware associated with wiring and luminaires.

The City of Clovis currently has franchise agreement with Excel Energy to maintain and operate the lights within the community. The City of Clovis does not have the equipment resources or manpower to maintain these systems.

Excel Energy has worked diligently to make sure their lights that they are going to maintain have the same brand of equipment. Excel energy have employees that are trained on their system keeping them current on their maintenance and trouble shooting of their system. By having a single brand of equipment they reduce the risk of human error introduced by having to be cross trained for trouble shootings, and maintenance techniques. Reducing the risk of human error increases the overall safety of their employees.

Excel Energy is currently utilizing the following equipment for their lighting systems as follows;

- 1) Pole – 37ft galvanized steel with 8ft mast arm (Valmont Industries Inc. #DS-50-9.0A370-8S-GV-HH-NC)
- 2) Light – 250W High Pressure Sodium Cobra Head street luminaire (General Electric #M2RC25S0A2GMC3)
- 3) Wire – 10-2 CU cable (Border States Electric #2580992)
- 4) Ground wire - #4 Bare, solid, soft drawn CU, ASTM B3-63 (Border States Electric #2461651 / Xcel spec 6010.0700)
- 5) Riser up Poles – 1" U-guard gray (Electrical Materials #PE1UG10)

Susana Martinez
Governor

Tom Church
Cabinet Secretary

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Commissioner
District 6

Since Excel energy will be installing and maintaining the system, control meters or disconnect equipment will not be required on these projects.

Finally, as with any technical piece of equipment each company maintains proprietary information regarding the operations of the equipment. Because of this, one cannot easily interchange the equipment due to compatibility issues. By having the same brand equipment this allows for continuity and maintainability of the equipment. Excel is able to keep low inventory of replacement parts in stock, since they can be installed on any one of their lights. Should multiple brands of equipment be used we would have to double our inventory therefore increasing our capital costs.

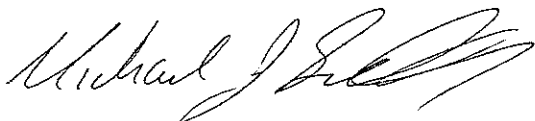
NMDOT is currently completing a lighting agreement with the City of Clovis, which is currently in the approval process, and do not anticipate any issues with completing the agreement.

In accordance with 23 CFR 635.411(a)(2), that the above particular and proprietary products is necessary for synchronization within the existing facilities. Synchronization is based on the function of the proprietary product that is necessary for the satisfactory operation of the existing facility, and logistics the proprietary product is interchangeable with products in the City of Clovis maintenance inventory as described above.

I Michael Smelker, Assistant South Regional Manager of New Mexico Department of Transportation, do hereby certify that in accordance with the requirements of 23 CFR 635.411(a)(2), that this patented and proprietary items are essential for synchronization within the existing highway facilities.

I appreciate you taking your time for this consideration, if you should have any questions please feel free to contact me. I can be reached at 575-202-3339 or via email at michaelj.smelker@state.nm.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael J. Smelker". The signature is fluid and cursive, with a large, stylized initial "M".

Michael Smelker, PE
Assistant Regional Manager
NMDOT South Region Design