NEW MEXICO
DEPARTMENT OF TRANSPORTATION

TRANSPORTATION COMMISSION MEETING

September 21, 2017

New Mexico Department of Transportation
District Two
Conference Room
4505 West Second Street
Roswell, New Mexico 88201
NEW MEXICO STATE TRANSPORTATION COMMISSION
New Mexico Department of Transportation
District Two Office Conference Room
4505 West Second Street
Roswell, New Mexico 88201
September 21, 2017
8:30 a.m.

Meeting Agenda

1) Call to Order: Ronald Schmeits, Chairman
   a) Pledge of Allegiance

2) Approval of Agenda: Ronald Schmeits, Chairman

3) Approval of Minutes: August 24, 2017 STC Special Meeting

4) Introductions: Ronald Schmeits, Chairman
   a) Elected Officials
   b) Commission Members
   c) NMDOT Executive Staff

5) Welcoming Remarks: Ronald Schmeits, Chairman

6) Public Comment

7) District Two Presentation & Employee Recognition:
   Timothy Parker, P.E., District Two Engineer, NMDOT

8) STC Workshops:
   a) Finance Committee - Ron Schmeits, Chairman
      2. NMFA Monthly Report: Mark Lovato, Investment Manager, NMFA
      3. Withdrawal of Rulemaking Action Regarding Amendments to 2.40.30 NMAC, State Infrastructure Bank:
         David Harris, Transit and Rail Division Director, NMDOT
      4. Potential State Infrastructure Bank Loan to Rio Metro Regional Transit District to Upgrade Highway Railroad Grade Crossings for New Mexico Rail Runner Express:
         David Harris, Transit and Rail Division Director, NMDOT
b) **Infrastructure Committee** - Butch Mathews, Chairman  
1. **FY2017/2018 Financial Hardship Match Waiver Program, Local Government Road Fund:** Clarissa Martinez, Project Oversight Division, NMDOT

c) **Policy Committee** - Kenneth White, Chairman  
1. **Proposed Dedication of the “Max Coll Corridor” in Santa Fe County and Related STC Resolution No. 2017-04(SEP):** Tom Church, Cabinet Secretary, NMDOT

2. **Request to Open Rulemaking Action Regarding Repeal of 18.31.4 NMAC, Litter Control and Beautification Grant Requirements:** Tamara P. Haas, P.E., Asset Management, NMDOT

3. **Withdrawal of Rulemaking Action for the Repeal and Replacement of NMDOT Rules:** Franklin Garcia, Traffic Safety Division, NMDOT  
   a. 18.20.3 NMAC, *Driver Education Schools*  
   b. 18.20.8 NMAC, *Driving Safety Schools*  
   c. 18.20.10 NMAC, *New Mexico’s Motorcycle Training Program*  
   d. 18.20.11 NMAC, *Ignition Interlock Devices*  
   e. 18.31.20 NMAC, *Driving While Impaired (DWI) Schools*

4. **Commission Policies:** Stephen Thies, Assistant General Counsel  
   a. **Proposed Amendments to CP No. 4,**  
      *New Mexico State Transportation Commission Rules and Policies*  
   b. **Proposed Amendments to CP No. 69,**  
      *Landscape Development on State Transportation Facilities*  
   c. **Proposed Update to CP No. 88,** *Special Construction Features*  
   d. **Proposed Amendments to CP No. 90,** *Certification of Regional Transit District*

9) **Staff Briefings:**  
   a) **Secretary Report:** Tom Church, Cabinet Secretary, NMDOT

   b) **FHWA Report:** J. Don Martinez, Division Administrator, NMDOT

10) **Action Items:**  
   a) **Approval of FY2017/2018 Financial Hardship Match Waiver Program, Local Government Road Fund:** Clarissa Martinez, LGRF Statewide Coordinator, NMDOT

   b) **Approval of Proposed Dedication of the “Max Coll Corridor” in Santa Fe County and Adoption of Related STC Resolution No. 2017-04(SEP):** Tom Church, Cabinet Secretary, NMDOT
11) Action Items - Commission Policies:
Stephen Thies, Assistant General Counsel
a) Approval of Proposed Amendments to CP No. 4,
   New Mexico State Transportation Commission Rules and Policies

b) Approval of Proposed Amendments to CP No. 69,
   Landscape Development on State Transportation Facilities

c) Approval of Proposed Update to CP No. 88,
   Special Construction Features

d) Approval of Proposed Amendments to CP No. 90,
   Certification of Regional Transit District

12) Action Items - Rulemaking:
a) Approval of Withdrawal of Rulemaking Action for Repeal and Replacement of NMDOT Rules:
   Franklin Garcia, Traffic Safety Division, NMDOT
   1. 18.20.3 NMAC, Driver Education Schools
   2. 18.20.8 NMAC, Driving Safety Schools
   3. 18.20.10 NMAC, New Mexico’s Motorcycle Training Program
   4. 18.20.11 NMAC, Ignition Interlock Devices
   5. 18.32.20 NMAC, Driving While Impaired (DWI) Schools

b) Approval of Request to Open Rulemaking Action Regarding Repeal of 18.31.4 NMAC, Litter Control and Beautification Grant Requirements:
   Tamara P. Haas, P.E., Asset Management, NMDOT

c) Approval of Withdrawal of Rulemaking Action Regarding Amendments to 2.40.30 NMAC, State Infrastructure Bank:
   David Harris, Transit and Rail Division Director, NMDOT

13) Adjournment
Tab 1-2

Call to Order

Pledge of Allegiance

Approval of Agenda
Agenda Items 1-2

1. Call to Order: Ronald Schmeits, Chairman
   a) Pledge of Allegiance

2. Approval of Agenda: Ronald Schmeits, Chairman
Tab 3
Approval of Minutes
NEW MEXICO STATE TRANSPORTATION COMMISSION
MEETING

New Mexico Department of Transportation
General Office, Cabinet Secretary’s Conference Room
1120 Cerrillos Road
Santa Fe, New Mexico 87504
August 24, 2017

The New Mexico State Transportation Commission (STC or Commission) held a special meeting on August 24, 2017, at the New Mexico Department of Transportation, General Office, Cabinet Secretary’s Conference Room, Santa Fe, New Mexico. Chairman Schmeits called the meeting to order at 8:00 a.m.

Approval of the STC Special Meeting Agenda

Chairman Schmeits asked for a motion to approve the STC special meeting agenda; Commissioner Mathews made a motion to so approve; Commissioner Mortensen seconded; motion carried unanimously.

Approval of the STC Minutes

Chairman Schmeits asked for a motion to approve the minutes of the regular STC meeting of July 20, 2017; Commissioner Sepich made a motion to so approve; Commissioner Mathews seconded; motion carried unanimously.
State Transportation Commissioners Present:

Kenneth White, Secretary, District One (Via Teleconference)
David Sepich, Commissioner, District Two (Via Teleconference)
Keith Mortensen, Commissioner, District Three (Via Teleconference)
Ron Schmeits, Chairman, District Four (Via Teleconference)
Butch Mathews, Vice-Chairman, District Five (Via Teleconference)

NMDOT Staff Present:

Tom Church, Cabinet Secretary
Anthony Lujan, Deputy Secretary
NMDOT Staff

Opening Remarks

Secretary Church explained the STC special meeting was convened for the purpose of requesting the STC’s approval of the NMDOT FY 2019 budget request in advance of the September 1, 2017 statutory submission deadline. The budget is based on NMDOT’s revenue projections for the upcoming fiscal year.

Special Meeting Agenda

Staff Briefings

FY 2019 Revenue Forecast and Appropriation Request

Laura Bianchini., Chief Economist, NMDOT, presented the FY 2019 Revenue Forecast. This forecast is one of two annual forecasts of NMDOT revenues. This update increases FY 2018 Road Fund revenue expectations by $3.6 million from $402.4 million in January 2017 to $406 million in July 2017, which represents a 0.9% increase. FY 2019 Road Fund revenues are estimated at $411 million, which represents 2.1% increase, or $8.6 million in growth, from the
FY 2018 budget. The increase in revenue is mainly due to slightly improved economic conditions and recovery in the State of New Mexico. Overall Road Fund growth is expected to be flat, around 1.6% in FY 2018, and approximately 1% in subsequent years. NMDOT state funds are forecast at $456 million for FY 2019, which represents an increase of 2.2%, or $10 million, from NMDOT’s FY 2018 budget.

Mike Friel, Accounting Services Director/Chief Financial Officer, NMDOT, stated that it is important to note that the NMDOT Revenue Forecast does not show any increases for FY 2020 and FY 2021; accordingly, growth for those years is also projected to be flat.

Mallery Martinez, Budget Director, NMDOT, presented the FY 2019 appropriation (“budget”) request. Ms. Martinez reported that NMDOT will be requesting a total of $861.4 million, a $15 million reduction from the approved FY 2018 operating budget. The request includes $416 million from State Road Fund revenues, $39.7 million from restricted fund revenues, $1.5 million from other state agencies, $3 million from State Road Fund balances, and $401.3 million from federal sources. The request represents a $9.1 million decrease to the Project Design and Construction Program; a $6 million decrease to the Highway Operations Program (including Districts); no change to the Business Support Program; and a $.1 million increase to the Modal Program, which includes Aviation, Transit and Rail, and Traffic Safety. Major differences between FY 2018 and FY 2019 budget include a reduction of $25 million from State Road Fund balances; a $10.2 million revenue increase in the State Road Fund; a decrease of $0.2 million in federal revenue; and an increase of three full time employees (FTE), who will be transferred from the Department of Public Safety to NMDOT for the Ports of Entry initiative.
The total budget request for Project Design and Construction, which includes the federal program, is $527 million, a $9.1 million, or 2% decrease from the FY 2018 approved operating levels. The budget is comprised of $129.2 million from State Road Fund revenues, $31.9 million from restricted fund revenues, and $366 million from federal sources. Key features include (1) an 11% vacancy rate (one FTE moved to Business Support); (2) $310.2 million for Road Betterments, including $62.2 million from State Road Fund and $248 million from the Federal Highway Administration; (3) $158.5 million for debt service, including $109.8 million from federal participation, $40.3 million from State Road Fund, and $8.4 million from the Highway Infrastructure Fund; and (4) $23.4 million for the Local Governments Road Fund, a $790 thousand increase from last fiscal year.

The Commissioners and NMDOT Staff discussed current NMDOT program vacancy rates. Secretary Church reported regarding the human resources (HR) issues that have been occurring for approximately the last six months as a result of the state government plan to centralize or consolidate all HR functions. As an executive agency, NMDOT supports the initiative; however, it is creating some complications. For example, NMDOT currently has an approximately 55% vacancy rate in its HR office, and remaining HR employees have been instructed to report to the State Personnel Office (SPO) for work, beginning today. It will likely take another six months to get through the transition process and will be difficult for NMDOT to keep a HR work force in place. NMDOT is cooperating, but is subject to Highway Reorganization Act provisions; consequently, all Road Fund monies must be expended on road operations. Therefore, in order for NMDOT to pay for a work force of 50 - 60 employees at SPO, those employees must devote 100% of their time to NMDOT to ensure compliance with
State Road Fund requirements. NMDOT is currently working through these issues. Updates regarding developments will be provided to the STC as the process progresses.

The Commissioners and NMDOT Staff also discussed issues regarding competitive salaries for engineers and the comparative salary studies that are currently being done in effort to address the issue.

The total budget request for Highway Operations is $227.8 million, a $6 million decrease from FY 2018. The budget is comprised of $224.8 million from State Road Fund revenues and $3 million from federal sources. Key features include (1) a 9% vacancy rate; (2) $81.5 million for Road Betterments, including $43.7 million for Contract Maintenance and $37.8 million for Field Supplies; and (3) $0.3 million to the Department of Information Technology (DoIT) for radio communication charges, which amounts to a 15% increase from FY 2018 rates.

The total budget request for Business Support is $42.2 million, no change from the FY 2018 approved operating budget. Key features include (1) a 10% vacancy rate (one FTE moved from Project Design and Construction to Business Support); and (2) payment of all NMDOT ‘agency-wide’ costs, including General Services Department (GSD) charges in the amount of $6.9 million (a $0.6 million increase from FY 2018), DoIT charges in the amount of $3.3 million (excluding radio charges), audit services and financial statements in the amount of $0.3 million. Agency-wide costs for GSD, DoIT and audit services total $10.9 million, or 25.3% of all Business Support costs.

The total budget request for Modal is $64.5 million, a $0.1 million increase from FY 2018. The budget is comprised of $19.9 million from State Road Fund revenue, $7.8 million from restricted fund revenue, $1.5 million in transfers from other state agencies, $3 million from State Road Fund balance, and $32.4 million from federal revenues. Key features include (1) a
10% vacancy rate (three FTE are to be transferred from the Department of Public Safety to NMDOT for the Ports of Entry initiative); (2) $33.1 million for Transit and Rail; (3) $5.6 million for Aviation; and (4) $25.5 million for Traffic Safety, which includes $15.7 million in federal funds from NHTSA, $4.2 million for Ports of Entry, and $5.8 million for other traffic safety programs.

The Ports of Entry budget consists of $1 million for personal services and employee benefits for 20 FTEs, $2.2 million for contractual services for temporary or contract employees and the “Promiles” software license, and $1 million for building maintenance and repairs.

Chairman Schmeits inquired about additional revenues to cover Ports of Entry costs. Secretary Church explained that some funds come from truck related taxes and permit fees. Of the $4.2 million Ports of Entry budget, $1 million is contributed by the State Road Fund, and the approximately $3.2 million balance comes from the Weight Distance Permit Fund administered by the Tax and Revenue Department. The total amount of that fund is approximately $8 million. NMDOT has been trying to work toward collecting additional monies from that fund.

**Action Items**

**Approval of FY 2019 NMDOT Appropriation Request**

Chairman Schmeits asked for a motion to approve NMDOT’s FY 2019 Appropriation Request and to allow NMDOT to submit the request to the State Budget Division and the Legislative Finance Committee on September 1, 2017; Commissioner Sepich made a motion to so approve; Commissioner White seconded; motion carried unanimously.
Commissioner Comments

Chairman Schmeits thanked Commissioner Matthews and all NMDOT staff members who attended Commissioner Jackson Gibson’s funeral services. He commented that NMDOT was very well represented.

Commissioner Mathews stated that Commissioner Gibson was very well respected and his passing is a great loss for NMDOT and the STC. He also expressed his appreciation to all who took the time to attend the funeral services.

Adjournment

Chairman Schmeits asked for a motion to adjourn the special meeting at 8:50 a.m.; Commissioner Mortensen made a motion to so adjourn; Commissioner Mathews seconded; motion carried unanimously.

__________________________  ____________________________
Chairman  Secretary
Ronald Schmeits  Kenneth R. White
Tab 4-5
Introductions and Welcoming Remarks
Agenda Items 4-5

Introductions and Welcoming Remarks: Ronald Schmeits, Chairman

a. Elected Officials
b. Commission Members
c. NMDOT Executive Staff
SUBJECT: Public Comment

PRESENTER:

BACKGROUND:

ACTION: No Action
Tab 7
District Two
Presentation & Employee Recognition
Commission Brief

SUBJECT: District Two Presentation

PRESENTER: Timothy Parker, P.E., District Two Engineer, NMDOT

BACKGROUND:

ACTION: No Action
Transportation Commission Meeting
District Two
September 21, 2017

Timothy L. Parker, M.S., P.E.
District Engineer
Current Projects

- **NM 209 Intersection of NM 245 & Llano Estacado**
  - 4.7 Mile Pavement Rehab, Reconstruction, Drainage, ADA Improvements, and Shoulder widening in Curry County
  - **Contract Amount**: $10.3 million

- **US 82 MP 107.4 – 139.1**
  - 31.7 miles of Roadway Reconstruction
  - **Contract Amount**: $58.2 million

- **US 82 Tunnel**
  - Preservation of Tunnel
  - **Contract Amount**: $2.5 million
US 82 Improvement Plan

- 4-lane, Artesia to Haldeman Road
- 2-lane, Haldeman to Riverside
- 4-lane with 4’ median, Riverside to NM 529
Current Projects
Total Contracts over $72 million

• **NM 128 Northwest of Jal**
  - 12.8 mile Pavement Rehabilitation and Roadway Reconstruction in Lea County
  - **Contract Amount:** $6.3 million

• **Downtown Roswell**
  - ADA Improvements, Pedestrian signals/buttons, Pavement Striping, Evaluation of signing and minor adjustments along Main St. from 6th St. to Walnut
  - **Contract Amount:** $660K

• **US 380 in Lincoln Co.**
  - Multiuse Path
  - **Contract Amount:** $802K

• **NM 529**
  - 22.2 mile Pavement Rehab, Shoulder Widening, Reconstruction Adding Passing Lanes Lea County
  - **Contract Amount:** $24 million
Completed

- **US 285 MP 0 – 10.9** – Pavement Rehab, Eddy, $3.9M
- **US 285 MP 10.9 – 20.4** – Pavement Pres., Eddy, $2.3M
- **US 82** – Bridge Preservation, Eddy, $1M
- **NM 18** – Pave. Rehab, Shlder. Widening, Lea, $10M
- **US 70** – Pavement Preservation, Chaves, $1.9M
- **NM 24** – Bridge Preservation, Chaves, $370K
- **US 380** – Bridge Preservation, Lincoln, $313K
- **US 54** – Pavement Pres., Reconst., Lincoln, $6.7M
- **US 54** – Bridge Replacement, Otero, $5M
- **US 70** – Concrete Box Culvert Rehab, Otero, $500K
- **US 82** – Scaling of boulders, Add Shlders., Otero, $1M
- **US 54** – Bridge Rehab, Guadalupe, $700K
- **NM 200** – Intersection Lighting, Eddy, $244K

**TOTAL PROJECT VALUE** – over $30 MILLION
Upcoming (Letting 2017/2018)

- **US 60** – Pavement Rehab & Roadway Recon., Curry, $7M
- **US 70** – Bridge Preservation, Chaves, $3M
- **US 54** - Roadway Reconstruction & Drainage, Otero, $30M
- **US 54** - Guardrail Replacement/Upgrade, Otero, $3M
- **US 285** – Roadway, Sidewalk, and ADA Improvements, Eddy, $3M
- **US 70** – Pavement Pres. & ADA, Otero, $3M
- **US 285** – Pavement Rehab & ADA, Chaves, $6M
- **US 70** – Bridge Rehab, Curry, $2M
- **NM 200** – Bridge Preservation, Eddy, $700K
- **US 70** - Bridge Preservation, Chaves, $3M
- **US 70** – Safety Improvements, Otero, $200K

Total $≈60M
Maintenance Activities

Activities are from July 1, 2016 to June 30, 2017

• Hand Patching
  Accomplishment: 597cy
  Cost: $308,964

• Pothole Patching
  Accomplishment: 178cy
  Cost: $98,290
Maintenance Activities

Activities are from July 1, 2016 to June 30, 2017

- **Blade Patching**
  - Accomplishment: 6,474cy
  - Cost: $1,214,849

- **Chip Sealing**
  - Accomplishment: 309 lane miles
  - Cost: $3,199,678
## Maintenance Activities

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Training for Excellence
Winners

Shawn Kinnick – 1st Place PM
Training for Excellence
Winners

Shawn Kinnick, Joseph Sanchez, Adam Zamora
1st Place Traffic Control (Corona Patrol)
Training for Excellence
Winners

Lorenzo Orosco IV– 1st Place Dump Truck
Training for Excellence
Winners

Clifford Naranjo – 1st Place Transport
Luis Ramirez – 1st Place Backhoe
Training for Excellence

Winners

Wade West – 1st Place Blade
Training for Excellence Winners

Charles Koglin – 1st Place Loader
Training for Excellence
Winners

McGinn Sandoval – 1st Place Mower
Employee Of The Year 2016

Robert Kinsey
Supervisor Of The Year 2016

Mary Penny
District and State Crew Of The Year 2016

Vaughn Patrol
Thank you
Tab 8a1
Monthly Financial Report
SUBJECT: FY18 Operating Budget and Financial Report – August 31, 2017

PRESENTER: Michael S. Friel, Accounting Services Director, CFO

BACKGROUND:

ACTION: No Action
### New Mexico Department of Transportation
#### Base Budget for FY 2018 - as of 09/01/17

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### FY2018 NMDOT Financial Summary as of August 31, 2017

#### UNRESTRICTED STATE ROAD FUND ONLY

(Dollars in Millions)

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<td><strong>3) CURRENT INFLOWS MINUS OUTFLOWS (Revenues - Expenditures)</strong></td>
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<td></td>
<td><strong>($32.0)</strong></td>
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<td><strong>4) PLUS Beginning FY18 FUND BALANCE RESERVES (FY17 less Rebudgeted and RO)</strong></td>
<td></td>
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<td>84.7</td>
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<td><strong>5) Adjusted FY17 OPERATING FUND BALANCES</strong></td>
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<td></td>
<td><strong>$52.7</strong></td>
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<td><strong>CASH POSITION:</strong></td>
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<tr>
<td>Cash Balance as of 08/31/2017</td>
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</table>
## FY2018 NMDOT Financial Summary as of August 31, 2017

**RESTRICTED FUNDS ONLY**

(Dollars in Millions)

<table>
<thead>
<tr>
<th>A</th>
<th>B</th>
<th>C</th>
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<th>E</th>
<th>F</th>
<th>G</th>
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<td>FY2018 NMDOT Financial Summary as of August 31, 2017</td>
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</table>

<p>| <strong>CURRENT INFLOWS:</strong> |  |  |  |  |  |  |
|---|---|---|---|---|---|
| 20200 - Highway Infrastructure Fund (Restricted) &amp; FY18 OPBUD Rollover | $8.2 | $0.0 | $0.0 | $8.2 | 2.4% |
| Local Gov't Road Fund (Restricted) &amp; +FY18 BARS | 22.7 | 0.0 | 0.0 | 22.7 | 0.4% |
| Aviation Fund (Restricted) &amp; COMBINED FY17 BUDGET | 5.4 | 0.0 | 0.0 | 5.4 | 0.0% |
| Aviation Fund - Federal (Restricted) &amp; Actual FY 18 Rev/Exp | 0.0 | 0.0 | 0.0 | 0.0 | 0.0% |
| Traffic Safety Funds (5 Restricted Funds) &amp; PCT | 2.6 | 0.0 | 0.0 | 2.6 | 7.4% |
| NHTSA Funding-(Reimbursement Basis) &amp; 1) TOTAL INFLOWS (REVENUES): | 15.7 | 8.1 | 0.0 | 23.8 | 9.7% |
| FTA Funding-(Reimbursement Basis) | 16.6 | 9.8 | 0.0 | 26.4 | 3.0% |
| Highway Infrastructure Fund Reserves &amp; 2) TOTAL OUTFLOWS (EXPENDITURES): | 0.0 | 0.0 | 0.0 | - |  |
| Local Gov't Road Fund Reserves &amp; 3) CURRENT INFLOWS MINUS OUTFLOWS | 0.0 | 21.5 | 0.0 | 21.5 |  |
| Aviation Fund Balance Reserves &amp; ($0.9) | 0.0 | 6.3 | 0.0 | 6.3 |  |
| Traffic Safety Fund Balance Reserves &amp; 4) PLUS Beginning FY18 FUND BALANCE RESERVES (FY17 less ReBudgeted &amp; RO) | 0.0 | 2.2 | 0.0 | 2.2 |  |
| State Infrastructure Bank Reserves &amp; 5) CURRENT FY18 OPERATING FUND BALANCES | $0.0 | $0.0 | $0.0 | $0.0 | $0.0 |
| 1) TOTAL INFLOWS (REVENUES): &amp; 2) TOTAL OUTFLOWS (EXPENDITURES): | $71.2 | $47.9 | $0.0 | $119.1 | $3.6 |
| 3) CURRENT INFLOWS MINUS OUTFLOWS &amp; Cash Balance as of 06/30/2017 | ($0.9) | 3.8% | |
| 4) PLUS Beginning FY18 FUND BALANCE RESERVES (FY17 less ReBudgeted &amp; RO) &amp; | $32.9 | |
| 5) CURRENT FY18 OPERATING FUND BALANCES &amp; | $32.0 |
| CASH POSITION: |  |
| Cash Balance as of 06/30/2017 | $57.6 |</p>
<table>
<thead>
<tr>
<th>Functional Area</th>
<th>Jul-16</th>
<th>Aug-16</th>
<th>Sep-16</th>
<th>Oct-16</th>
<th>Nov-16</th>
<th>Dec-16</th>
<th>Jan-17</th>
<th>Feb-17</th>
<th>Mar-17</th>
<th>Apr-17</th>
<th>May-17</th>
<th>Jun-17</th>
<th>Jul-17</th>
<th>Aug-17</th>
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<tbody>
<tr>
<td><strong>NMDOT-FUNDS</strong></td>
<td></td>
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<tr>
<td>ROAD FUND (10040,20100)</td>
<td>Unrestricted</td>
<td>68,474,313</td>
<td>52,368,657</td>
<td>40,566,163</td>
<td>12,366,910</td>
<td>(12,503,059)</td>
<td>(13,341,959)</td>
<td>39,027,513</td>
<td>61,960,175</td>
<td>55,476,574</td>
<td>47,471,305</td>
<td>58,709,671</td>
<td>120,841,048</td>
<td>113,404,182</td>
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<tr>
<td>LOCAL GOVT (20300)</td>
<td>Restricted</td>
<td>20,318,973</td>
<td>22,358,928</td>
<td>22,135,516</td>
<td>23,325,252</td>
<td>23,446,232</td>
<td>21,700,524</td>
<td>21,030,362</td>
<td>21,994,697</td>
<td>21,752,152</td>
<td>21,514,156</td>
<td>21,571,010</td>
<td>22,164,892</td>
<td>23,353,519</td>
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<tr>
<td>HIF (20200)</td>
<td>Restricted</td>
<td>4,187,355</td>
<td>3,948,917</td>
<td>3,729,401</td>
<td>3,391,545</td>
<td>3,238,974</td>
<td>3,068,696</td>
<td>2,704,796</td>
<td>1,768,325</td>
<td>1,837,841</td>
<td>1,737,341</td>
<td>1,055,345</td>
<td>1,371,278</td>
<td>1,566,990</td>
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<td>AVIATION (20500)</td>
<td>Restricted</td>
<td>10,231,821</td>
<td>10,941,917</td>
<td>10,806,144</td>
<td>10,697,073</td>
<td>10,255,901</td>
<td>10,289,594</td>
<td>10,317,522</td>
<td>10,415,335</td>
<td>10,635,685</td>
<td>10,767,484</td>
<td>10,749,518</td>
<td>10,380,900</td>
<td>10,387,904</td>
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<td>TRAFF FUNDS (10020,206,207,208)</td>
<td>Restricted</td>
<td>2,255,840</td>
<td>2,436,247</td>
<td>2,333,735</td>
<td>2,467,948</td>
<td>2,402,312</td>
<td>2,410,899</td>
<td>2,446,242</td>
<td>2,173,552</td>
<td>2,166,805</td>
<td>2,426,165</td>
<td>2,566,648</td>
<td>2,590,673</td>
<td>2,226,690</td>
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<td>NHVSA (10010)</td>
<td>Restricted</td>
<td>2,552,235</td>
<td>1,834,485</td>
<td>1,867,913</td>
<td>2,370,415</td>
<td>2,216,589</td>
<td>1,879,846</td>
<td>1,954,227</td>
<td>2,609,626</td>
<td>2,191,910</td>
<td>1,923,805</td>
<td>2,513,215</td>
<td>1,984,955</td>
<td>2,093,153</td>
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<td>INTERLOCK (82600)</td>
<td>Restricted</td>
<td>2,454,885</td>
<td>2,442,003</td>
<td>2,402,117</td>
<td>2,381,192</td>
<td>2,355,432</td>
<td>2,343,171</td>
<td>2,630,811</td>
<td>2,593,311</td>
<td>2,555,804</td>
<td>2,549,070</td>
<td>2,494,163</td>
<td>2,472,261</td>
<td>2,474,621</td>
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<td><strong>RESTRICTED FUND TOTALS</strong></td>
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<td>32,422,162</td>
<td>56,914,553</td>
<td>58,016,540</td>
<td>58,520,338</td>
<td>57,388,266</td>
<td>58,248,223</td>
<td>55,565,017</td>
<td>55,324,736</td>
<td>55,342,880</td>
<td>55,134,577</td>
<td>55,780,759</td>
<td>56,347,811</td>
<td>56,343,561</td>
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<td><strong>TOTAL CASH BALANCES</strong></td>
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<td>121,795,481</td>
<td>111,283,210</td>
<td>98,002,703</td>
<td>70,887,248</td>
<td>44,383,207</td>
<td>44,906,264</td>
<td>94,592,530</td>
<td>117,184,911</td>
<td>110,819,454</td>
<td>102,605,880</td>
<td>114,490,429</td>
<td>177,188,859</td>
<td>171,747,742</td>
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### FY18 Fund Balances as of July 1, 2017

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<th>NMDOT-FUNDS</th>
<th>6/30/2017</th>
<th>Begin FY17 Budget</th>
<th>FY17/FY18 Budget</th>
<th>BARS &amp; OPRS</th>
<th>6/30/2018</th>
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<td><strong>Unrestricted:</strong></td>
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<tr>
<td>ROAD FUND (20100) + INVENTORY (10040)</td>
<td>197,241,432</td>
<td>(27,955,000)</td>
<td>(84,560,321)</td>
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<td>84,726,111</td>
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<td><strong>Restricted Funds:</strong></td>
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<tr>
<td>LOCAL GOVT (20300)</td>
<td>25,365,677</td>
<td>0</td>
<td>(21,550,859)</td>
<td>0</td>
<td>3,814,818</td>
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<tr>
<td>HIF (20200)</td>
<td>2,815,566</td>
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<td>0</td>
<td>0</td>
<td>2,815,566</td>
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<tr>
<td>SIB (89300)</td>
<td>20,936,837</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>20,936,837</td>
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<tr>
<td>AVIATION (20500)</td>
<td>10,862,993</td>
<td>0</td>
<td>(6,313,042)</td>
<td>0</td>
<td>4,549,951</td>
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<td>MOTORCYCLE (20600)</td>
<td>157</td>
<td>0</td>
<td>(28,061)</td>
<td>0</td>
<td>(27,904)</td>
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<td>DRIVER IMPROVEMENT (10020)</td>
<td>406,304</td>
<td>0</td>
<td>(439,476)</td>
<td>0</td>
<td>(33,172)</td>
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<td>DWI PREVENTION (20700)</td>
<td>472,475</td>
<td>0</td>
<td>(452,514)</td>
<td>0</td>
<td>19,961</td>
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<td>STATE TRAFFIC SAFETY (20800)</td>
<td>1,369,282</td>
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<td>(1,125,788)</td>
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<td>243,494</td>
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<td>NHTSA (10010)</td>
<td>(1,219,337)</td>
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<td>(1,219,337)</td>
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<td>FTA (10030)</td>
<td>(483,786)</td>
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<td>(483,786)</td>
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<tr>
<td>INTERLOCK (82600)</td>
<td>2,432,551</td>
<td>0</td>
<td>(177,811)</td>
<td>0</td>
<td>2,254,740</td>
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<tr>
<td><strong>Total Restricted Funds:</strong></td>
<td>62,958,718</td>
<td>0</td>
<td>(30,087,551)</td>
<td>0</td>
<td>32,871,167</td>
</tr>
<tr>
<td><strong>TOTAL OPERATING FUND BALANCES</strong></td>
<td><strong>260,200,150</strong></td>
<td><strong>(27,955,000)</strong></td>
<td><strong>(114,647,872)</strong></td>
<td>0</td>
<td><strong>117,597,278</strong></td>
</tr>
</tbody>
</table>
Uncommitted Fund Reserves as of June 30, 2017

UNRESTRICTED FUND BALANCES--- Fund 20100-State Road Fund = $84,726,111

(This is the operating fund of the department and used to account for substantially all of the department’s financial activities. Created by section 67-3-65, NMSA 1978.)

RESTRICTED FUND BALANCES---- TOTAL= $32,871,167

Fund 20300-Local Government Road Fund = $3,814,818
(This fund accounts for construction and reconstruction of highways, streets and parking lots not on the state highway system as well as maintenance, improvements, and construction of school bus routes and public school parking lots and county roads. Created by Section 67-3-28.2 NMSA 1978.)

Fund 20800-State Traffic Safety Fund = $243,494
(This fund accounts for state matching monies received for various traffic safety programs. Created by Section 66-7-512, NMSA 1978.)

Fund 20500-State Aviation Fund = $4,549,951
(This fund is used to account for planning, construction and maintenance of a system of airports, navigation aids, and related facilities serving New Mexico. Created by Section 64-1-15, NMSA 1978.)

Fund 10010-Federal Traffic Safety Fund = ($1,219,337)
(This fund accounts for federal grant monies received for various traffic safety programs from NHTSA.)

Fund 10020 – Driver Improvement Program Fund = ($33,172)
(Used account for the operation of a driver improvement program. Created by Executive Order 87-20.)

Fund 20700 – DWI Prevention and Education Fund = $19,961
(This fund is used to account for the operation of DWI prevention and education program for elementary and second school students. Created by Section 66-5-35 NMSA 1978.)

Fund 89300 – State Infrastructure Fund = $20,936,837
(This fund is used to track funding, loans and repayments associated with the State Infrastructure Bank.)

Fund 20200 – Highway Infrastructure Fund = $2,815,566
(This fund is used to account for acquisition of right of ways, planning, design, engineering, construction or improvement of state highway projects pursuant to provisions of Laws of 1998, Chapters 84 and 85.) This fund was created by NMSA 67-3-59.2.)

Fund 82600-Interlock Device Fund = $2,254,740
(This fund is used to account for the fees used to pay for interlock devices for indigent people. (Created by Section 66-8-102.3 NMSA 1978.)

Fund 10030 – Federal Mass Transit Fund = ($483,786)
(This fund is used to account for Urban Mass Transit Authority grant monies and state matching funds for mass transit program activities.)

Fund 43100- Fund 43100 – WIPP Projects Fund = $0.00
(This fund is used to account for monies received from the U.S. Department of Energy for special designated roads associated with WIPP.)
Tab 8a2
NMFA Monthly Report
SUBJECT: NMFA Report

PRESENTER: Mark Lovato, Investment Manager, NMFA

BACKGROUND:

ACTION: No Action
New Mexico Finance Authority report to
State Transportation Commission

Agenda for September 21, 2017

1. NMDOT Combined Investment Summary ending August 31, 2017
   a. NMDOT Executive Summary Bond Series 2006
   b. NMDOT Executive Summary Bond Series 2008 & 2011
   c. NMDOT Executive Summary Bond Series 2009
   d. NMDOT Executive Summary Bond Series 2010
   e. NMDOT Executive Summary Bond Series 2012
   f. NMDOT Executive Summary Bond Series 2014 (HIF)
   g. NMDOT Executive Summary Bond Series 2014B-1&2
   h. NMDOT Executive Summary (GRIP 2)

2. NMDOT Line of Credit (taxable) ending August 31, 2017

3. NMDOT Swap Valuation Report as of September 5, 2017

4. NMDOT/NMFA Debt Service outlook to December 15, 2017 payment as of August 31, 2017
The market value of the NMDOT Investment Portfolio as of August 31, 2017 was $61.3 million, a net increase of $14.8 million from the previous month. The change is attributed to variable rate bond payments of $413,862, no draws this month, plus interest earnings of $30,740, and debt service set aside of $15.3 million.

As of August 31, 2017 the total NMDOT Portfolio was composed of 45% in the project account (all of which is in the 2014A HIF), 55% in debt service accounts, and less than 1% in the arbitrage rebate account.

The August month end portfolio holdings were 100% in money market mutual funds, and a yield of .93%.

```
<table>
<thead>
<tr>
<th>Asset Type</th>
<th>Yield</th>
<th>Market Value</th>
<th>% of Portfolio</th>
<th>Term (days)</th>
</tr>
</thead>
<tbody>
<tr>
<td>US Treasuries</td>
<td>0.00%</td>
<td>-</td>
<td>0.0%</td>
<td>0</td>
</tr>
<tr>
<td>US Agencies</td>
<td>0.00%</td>
<td>-</td>
<td>0.0%</td>
<td>0</td>
</tr>
<tr>
<td>Invesco US Govt Fund</td>
<td>0.93%</td>
<td>61,267,267</td>
<td>100.0%</td>
<td>1</td>
</tr>
<tr>
<td>Primary MM Fund*</td>
<td>0.00%</td>
<td>-</td>
<td>0.0%</td>
<td>0</td>
</tr>
<tr>
<td>SLGS</td>
<td>0.00%</td>
<td>-</td>
<td>0.0%</td>
<td>0</td>
</tr>
<tr>
<td>TOTAL</td>
<td>0.93%</td>
<td>61,267,267</td>
<td>100%</td>
<td>1</td>
</tr>
</tbody>
</table>
```
The market value of the NMDOT 2006 Bond Series on August 31, 2017 was $1.5 million, an increase of $621,013 from the previous month. The change was attributed to debt service set aside of $620,547, and interest earnings of $466.

As of August 31, 2017, the portfolio composition was 85% in debt service accounts and 15% in the arbitrage rebate account.

* NOTE : The project funds are 100% committed (Let)

The August month end portfolio holdings were 100% in money market mutual funds and a yield of .93%.
INVESTMENT OF NM DEPT OF TRANSPORTATION BONDS
NMDOT - SERIES 2008 A-B & 2011 A - TOTAL PORTFOLIO SUMMARY
as of August 31, 2017

- The market value of the NMDOT 2008 & 2011 Bond Series on August 31, 2017 was $6.6 million. The change of $1.8 million was attributed to $413,862 variable rate bond payments, plus debt service set aside of $2.2 million, and interest earnings of $3,085.

- As of August 31, 2017 the portfolio composition was 100% in debt service accounts.

- The August month end portfolio holdings were 100% in money market mutual funds and a yield of .93%.

## NMDOT - Series 2008 A-B & 2011 A- Portfolio Summary

<table>
<thead>
<tr>
<th>Account</th>
<th>Investment Type</th>
<th>Yield</th>
<th>Prior Yld</th>
<th>Market Value</th>
<th>% of Portfolio</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008 Debt Srv</td>
<td>Invesco Govt Fund</td>
<td>0.93%</td>
<td>0.90%</td>
<td>2,396,065</td>
<td>36.2%</td>
</tr>
<tr>
<td>2011 Debt Srv</td>
<td>Invesco Govt Fund</td>
<td>0.93%</td>
<td>0.90%</td>
<td>4,227,512</td>
<td>63.8%</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>0.93%</td>
<td>0.90%</td>
<td>6,623,578</td>
<td>100%</td>
</tr>
</tbody>
</table>
The market value of the NMDOT 2009 Bond Series on August 31, 2017 was $0. These bonds have paid off and the balance of $23,498 was transferred to the Bond Series 2012 debt service.
The market value of the NMDOT 2010A Bond Series project funds was $0 on August 31, 2017, the balance of $15,113 was transferred to the 2006A det service.

Interest earnings for the month of August was $11 up slightly from the previous month.

The weighted average yield was .93% at month-end, up from .90% the previous month.

The August month end portfolio holdings were 100% in money market mutual funds and a yield of .93%.
The market value of the NMDOT 2010A and B Bond Series on August 31, 2017 was $21.3 million, the net change of $10.5 million from the previous month was attributed to interest earnings of $5,301, debt service set aside of $10.5 million, and no draws.

As of August 31, 2017 the portfolio composition was 100% in debt service accounts and 0% in Project accounts.

The August month end portfolio holdings were 100% in money market mutual funds and a yield of .93%.
INVESTMENT OF NM DEPT OF TRANSPORTATION BONDS
NMDOT - SERIES 2012 - TOTAL PORTFOLIO SUMMARY

as of August 31, 2017

The market value of the NMDOT 2012 Bond Series on August 31, 2017 was $1.7 million. The net change of $816,306 was due to interest earnings of $430, and debt service set aside of $815,876.

As of August 31, 2017 the portfolio composition was 100% in debt service accounts.

The August month end portfolio holdings were 100% in money market mutual funds and a yield of .93%.

<table>
<thead>
<tr>
<th>Account</th>
<th>Investment Type</th>
<th>Yield</th>
<th>Prior Yld</th>
<th>Market Value</th>
<th>% of Portfolio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Debt Service</td>
<td>Invesco Govt Fund</td>
<td>0.93%</td>
<td>0.90%</td>
<td>1,668,306</td>
<td>100.0%</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>0.93%</td>
<td>0.90%</td>
<td>1,668,306</td>
<td>100%</td>
</tr>
</tbody>
</table>
The market value of the NMDOT (HIF) 2014A Bond Series project funds was $27.7 million on August 31, 2017, the increase was attributed to interest earnings of $20,717 and no draws this month.

Interest earnings for the month of August was $20,717. Total earnings for the fiscal year 2018 is $39,023.

The weighted average yield was .93% at month-end, up from .90% the previous month.

The August month end portfolio holdings were 100% in money market mutual funds and yield of .93%.
The market value of the NMDOT(HIF) 2014A Bond Series on August 31, 2017 was $29.1 million, the increase of $682,948 from the previous month was attributed to interest earnings of $21,085, debt service set aside of $661,864, and no draws.

As of August 31, 2017 the portfolio composition was less than 5% in debt service accounts and 95% in Project accounts.

The August month end portfolio holdings were 100% in money market mutual funds and a yield of .93%.
The market value of the NMDOT 2014B-1 and B-2 Bond Series on August 31, 2017 was $1.1 million, the change attributed interest earnings of $355, debt service set aside of $490,932.

As of August 31, 2017 the portfolio composition was 100% in debt service accounts.

The August month end portfolio holdings were 100% in money market mutual funds and yield of .93%.
The market value of the NMDOT (GRIP2) Severance and General Fund Appropriation project funds was $635,264 on August 31, 2017. This is up from July. The change was attributed to $575 in interest earnings.

Net Income for the month of August was $575 this is up from $530 in July. Total interest earnings for FY18 is $1,105.

The weighted average yield was .934% at month-end, up slightly from .921% in July. The average term of the portfolio was 273 days up from 268 days from the previous month.

The August month end portfolio holdings were 100% in the NMFA Operating Pool Funds. This pool is a diversified pool with US Treasury and US agency securities as well as some money market funds.
On August 31, 2017, the balance in the Taxable Line of Credit at RBC was $50 million for collateral needs. The balance in the Taxable Line of Credit at Wells Fargo was $50 million for the BNSF Escrow account.

During the month of August there was no draws on collateral line of credit, and none on the BNSF LOC. We do not have any collateral posted at this time.

There was no unused (commitment) and no used (interest) fees paid in August. The next quarterly fees are due in Oct.

Total Fees Paid Since Inception
Unused (commitment Fee) - $425,647
Used (interest cost) - $753,070

Current LOC agreement is for $50 million from Royal Bank of Canada with the following terms
Interest Cost (Used Portion) - 1 mo LIBOR plus .53%
Commitment Fee (Unused Portion) - .15%
Expires Dec 31, 2018

There was no unused (commitment) and no used (interest) fees paid in August. The next quarterly fees are due in Oct.

Total Fees Paid Since Inception
Unused (commitment Fee) - $365,000
Used (interest cost) -

Current LOC agreement is for $50 million from Wells Fargo with the following terms
Interest Cost (Used Portion) - 1 mo LIBOR plus .77%
Commitment Fee (Unused Portion) - .15%
Expires June 30, 2019
New Mexico Finance Authority
Report as of 9/5/2017

<table>
<thead>
<tr>
<th>Client</th>
<th>Snapshot</th>
<th>Accrued Interest</th>
<th>MTM Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Mexico Finance Authority (7)</td>
<td>9/5/2017</td>
<td>($4,032,164.03)</td>
<td>($92,602,422.21)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Bank Counterparty</th>
<th>Product</th>
<th>Client Pays - Semi Annual</th>
<th>Client Receives - Monthly</th>
<th>Trade Date</th>
<th>Effective Date</th>
<th>Maturity Date</th>
<th>MTM Value</th>
<th>Current Notional</th>
<th>Accrued Interest</th>
<th>Moody's</th>
<th>S&amp;P</th>
<th>Fitch</th>
</tr>
</thead>
<tbody>
<tr>
<td>JPMorgan Chase Bank, N.A.</td>
<td>Swap</td>
<td>5.07200%</td>
<td>SIFMA Swap Index</td>
<td>4/22/2004</td>
<td>12/15/2006</td>
<td>12/15/2026</td>
<td>($31,025,617.32)</td>
<td>$110,000,000.00</td>
<td>($1,190,517.96)</td>
<td>Aa3</td>
<td>A+</td>
<td>AA-</td>
</tr>
<tr>
<td>JPMorgan Chase Bank, N.A.</td>
<td>K-I Swaption</td>
<td>0.34% Premium; 5.0720% upon Exercise (semi annual)</td>
<td>SIFMA Swap Index</td>
<td>4/22/2004</td>
<td>12/15/2006</td>
<td>12/15/2026</td>
<td>$2,350,141.91</td>
<td>$110,000,000.00</td>
<td>N/A</td>
<td>Aa3</td>
<td>A+</td>
<td>AA-</td>
</tr>
<tr>
<td>UBS AG, Stamford Branch</td>
<td>Swap</td>
<td>5.07200%</td>
<td>SIFMA Swap Index</td>
<td>4/22/2004</td>
<td>12/15/2006</td>
<td>12/15/2026</td>
<td>($31,025,617.32)</td>
<td>$110,000,000.00</td>
<td>($1,190,517.96)</td>
<td>A1</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>UBS AG, Stamford Branch</td>
<td>K-I Swaption</td>
<td>0.34% Premium; 5.0720% upon Exercise (semi annual)</td>
<td>SIFMA Swap Index</td>
<td>4/22/2004</td>
<td>12/15/2006</td>
<td>12/15/2026</td>
<td>$2,350,141.91</td>
<td>$110,000,000.00</td>
<td>N/A</td>
<td>A1</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Goldman Sachs</td>
<td>Swap</td>
<td>3.93400%</td>
<td>SIFMA Swap Index 'til 6/15/06; 68% of USD-LIBOR Thereafter</td>
<td>4/23/2004</td>
<td>5/20/2004</td>
<td>6/15/2024</td>
<td>($8,812,867.85)</td>
<td>$50,000,000.00</td>
<td>($412,782.03)</td>
<td>Aa2</td>
<td>AA-</td>
<td>N/A</td>
</tr>
<tr>
<td>Royal Bank of Canada</td>
<td>Swap</td>
<td>3.93400%</td>
<td>SIFMA Swap Index 'til 6/15/06; 68% of USD-LIBOR Thereafter</td>
<td>4/23/2004</td>
<td>5/20/2004</td>
<td>6/15/2024</td>
<td>($17,625,735.69)</td>
<td>$100,000,000.00</td>
<td>($825,564.05)</td>
<td>A1</td>
<td>AA-</td>
<td>AA</td>
</tr>
<tr>
<td>Deutsche Bank AG</td>
<td>Swap</td>
<td>3.93400%</td>
<td>68% of USD-LIBOR</td>
<td>10/6/2008</td>
<td>10/6/2008</td>
<td>6/15/2024</td>
<td>($8,812,867.85)</td>
<td>$50,000,000.00</td>
<td>($412,782.03)</td>
<td>Baa2</td>
<td>A-</td>
<td>A-</td>
</tr>
</tbody>
</table>

The valuations of derivatives transactions provided by PFM are indicative values based on mid-market levels as of the close of business on the date they are provided. These valuations are provided for information purposes only and are intended solely for internal use. These valuations do not represent the actual terms at which new transactions could be entered into or the actual terms at which existing transactions could be liquidated. The valuations provided are derived from proprietary models based upon well-recognized financial principles and reasonable estimates about relevant future market conditions. Valuations based on other models or different assumptions may yield different results. PFM believes its valuation methodology to be consistent with accepted practice in the market for interest rate swaps. Additional information is available upon request. Information herein is believed to be reliable, but PFM does not warrant its completeness or accuracy. PFM does not hold a position or act as a market maker in the financial instruments of any issuer discussed herein.
### NMDOT/NMFA Outstanding Bond Debt Service

For Period: 1st half Fiscal Year 2018

<table>
<thead>
<tr>
<th>Bond Series</th>
<th>Principal Debt Service Due 12/15/2017</th>
<th>Interest Debt Service Due 12/15/2017</th>
<th>Total Debt Service Due 12/15/2017</th>
<th>Debt Service held as of 8/31/2017</th>
<th>Shortage / Overage as of 8/31/2017</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Fixed Rate Bonds</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2004 A Sr</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>2006 A Sr</td>
<td>3,570,000</td>
<td>101,869</td>
<td>3,671,869</td>
<td>1,235,554</td>
<td>(2,436,315)</td>
</tr>
<tr>
<td>2006 B Sub</td>
<td>0</td>
<td>-</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>2009 A Sr</td>
<td>0</td>
<td>-</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>2010 A-1 Sr 2010 A-2 Sub</td>
<td>8,770,000</td>
<td>1,634,800</td>
<td>10,404,800</td>
<td>3,500,502</td>
<td>(6,904,298)</td>
</tr>
<tr>
<td>2010 B Sr</td>
<td>9,180,625</td>
<td>9,180,625</td>
<td>17,756,392</td>
<td>8,575,767</td>
<td>(9,180,625)</td>
</tr>
<tr>
<td>2012 Sr</td>
<td>3,705,581</td>
<td>3,705,581</td>
<td>1,668,306</td>
<td>(2,037,275)</td>
<td>(367,220)</td>
</tr>
<tr>
<td>2014 A Sub</td>
<td>1,534,500</td>
<td>1,534,500</td>
<td>680,261</td>
<td>(854,239)</td>
<td></td>
</tr>
<tr>
<td>2014 B-2 Sub</td>
<td>450,625</td>
<td>450,625</td>
<td>457,356</td>
<td>6,731</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>12,340,000</td>
<td>18,360,750</td>
<td>30,700,750</td>
<td>26,683,901</td>
<td>(4,016,849)</td>
</tr>
<tr>
<td><strong>Variable Rate Bonds</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2008 A Sub</td>
<td>784,000</td>
<td>784,000</td>
<td>736,293</td>
<td>(47,707)</td>
<td></td>
</tr>
<tr>
<td>2008 B Sub</td>
<td>2,613,000</td>
<td>2,613,000</td>
<td>1,659,769</td>
<td>(953,231)</td>
<td></td>
</tr>
<tr>
<td><strong>FRNs (Fixed Rate Notes with Bank of America)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2011 A-1 Sub</td>
<td>1,385,600</td>
<td>1,385,600</td>
<td>1,195,740</td>
<td>(639,860)</td>
<td></td>
</tr>
<tr>
<td>2011 A-2 Sub</td>
<td>3,154,200</td>
<td>3,154,200</td>
<td>2,172,356</td>
<td>(981,844)</td>
<td></td>
</tr>
<tr>
<td>2011 A-3 Sub</td>
<td>1,945,736</td>
<td>1,945,736</td>
<td>859,415</td>
<td>(1,086,321)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>-</td>
<td>10,332,536</td>
<td>10,332,536</td>
<td>6,623,573</td>
<td>(3,708,963)</td>
</tr>
<tr>
<td><strong>Total Fixed and Variable</strong></td>
<td>12,340,000</td>
<td>28,693,286</td>
<td>41,033,286</td>
<td>26,683,901</td>
<td>(4,016,849)</td>
</tr>
<tr>
<td>Senior Lien</td>
<td>12,340,000</td>
<td>16,157,375</td>
<td>28,497,375</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subordinate Lien</td>
<td>-</td>
<td>12,535,911</td>
<td>12,535,911</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Notes:**

Interest on Variable Rate Bonds is paid out monthly with a monthly receipt from the Swap providers (the listed amount are based on the fixed rate swap payment, as it is anticipated that the monthly receipt from the swap providers covers the monthly variable bond payment).

Interest on the 2008 A is based on the swap rate of 3.934%: does not take into account basis risk (any potential difference between adjustable rate payment to bondholders and payments received from swap providers) (includes .05% remarketing and .41% LOC fees).

Interest on the 2008 B is based on the swap rate of 5.072% less option of .34% (4.732%): does not take into account basis risk (any potential difference between adjustable rate payment to bondholders and payments received from swap providers) (includes .05% remarketing and .41% LOC fees).

Interest on the 2011 A-1 is based on the swap rate of 3.934% plus 65 basis points: does not take into account basis risk (any difference between adjustable rate payment to bondholders and payments received from swap providers).

Interest on the 2011 A-2 is based on the swap rate of 4.732% plus 52 basis points: does not take into account basis risk (any difference between adjustable rate payment to bondholders and payments received from swap providers).

Interest on the 2011 A-3 is based on the swap rate of 3.934% plus 65 basis points: does not take into account basis risk (any difference between adjustable rate payment to bondholders and payments received from swap providers).
Tab 8a3
Withdrawal of Rulemaking Action Regarding Amendments to 2.40.30 NMAC, State Infrastructure Bank
SUBJECT: Withdraw Rulemaking action regarding amendments to 2.40.30 NMAC, State Infrastructure Bank

PRESENTER: David Harris, Transit and Rail Division Director, NMDOT

BACKGROUND: The rulemaking amendment is no longer necessary as a change in the definition of eligible projects is no longer necessary. NMDOT Rule 2.40.30 State Infrastructure Bank (SIB) was enacted in 1999, and the New Mexico SIB account itself was established by the National Highway System Designation Act of 1995 (NHS Act). Funds in the SIB can be utilized for projects eligible as per Federal Legislation Title 23 Highways, Chapter 6 Infrastructure Finance, Section 610.1 State Infrastructure Bank Program.

ACTION: Approval of closure of rulemaking opened by the Commission on July 20, 2017, regarding amendments to NMDOT Rule 2.40.30 State Infrastructure Bank.
programs, in New Mexico, pursuant to NMSA 1978, §§ 9-1-5, 66-7-512 and 66-8-102.

The Department will work with General Counsel to ensure that all new rulemaking processes follow the new State Rules Act.

**ACTION:** Staff requests that the STC withdraw a rulemaking action for the repeal and replacement of rules 18.20.3, 18.20.8, 18.20.10, 18.20.11 and 7.32.20. A motion is requested to withdraw rulemaking.

May 28, 2015
Tab 8a4
Potential State Infrastructure Bank Loan to Rio Metro Regional Transit District to Upgrade Highway Railroad Grade Crossings for New Mexico Rail Runner Express
Commission Brief

SUBJECT: Potential State Infrastructure Bank Loan to Rio Metro Regional Transit District to upgrade highway railroad grade crossings for New Mexico Rail Runner Express

PRESENTER: David Harris, Transit and Rail Division Director, NMDOT

BACKGROUND: Rio Metro Regional Transit District will make an application to the New Mexico State Infrastructure Bank (SIB) in order to make improvements at highway railroad grade crossings along the New Mexico Rail Runner Express (NMRX) corridor in order to increase effectiveness and enforcement of stop and proceed protocols in the event of a reported gate malfunction.

This implementation of positive train control (PTC) at crossing gates will improve the safety response to malfunctioning crossing gates by ensuring the train stops in these instances. This PTC safety improvement will directly benefit highway safety, and is therefore eligible under the SIB capitalized program and directly related to highway safety at the rail crossings.

ACTION: Staff briefing. No action.
<table>
<thead>
<tr>
<th>Financial Hardship Match Waiver Program, Local Government Road Fund</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>FY2017/2018: 64</td>
<td>64</td>
</tr>
</tbody>
</table>
SUBJECT: FY2017/2018 FINANCIAL HARDSHIP MATCH WAIVER PROGRAM
LOCAL GOVERNMENT ROAD FUND

PRESENTER: Clarissa Martinez, LGRF Statewide Coordinator

BACKGROUND:

67-3-28.2 Local Government Road Fund authorizes the Department to distribute up to one million dollars of LGRF money to municipalities and counties that can demonstrate financial hardship for use as all or a portion of the municipality’s or county’s 25% match fund requirement.

ACTION: Commission Approval
<table>
<thead>
<tr>
<th>District</th>
<th>Entity Name</th>
<th>Project #</th>
<th>NMDOT Waiver Recommended</th>
<th>Sum of Entity Waiver Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Town of Mesilla</td>
<td>SP-1-18(915)</td>
<td>Yes</td>
<td>$10,904.00</td>
</tr>
<tr>
<td></td>
<td>Village of Santa Clara</td>
<td>SP-1-18(916)</td>
<td>Yes</td>
<td>$10,000.00</td>
</tr>
<tr>
<td>1 Total</td>
<td></td>
<td></td>
<td></td>
<td>$20,904.00</td>
</tr>
<tr>
<td>2</td>
<td>Village of Fort Sumner</td>
<td>SP-2-18(908)</td>
<td>Yes</td>
<td>$24,750.00</td>
</tr>
<tr>
<td>2 Total</td>
<td></td>
<td></td>
<td></td>
<td>$24,750.00</td>
</tr>
<tr>
<td>4</td>
<td>Guadalupe County</td>
<td>CAP-4-18(452)</td>
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Tab 8c1
Proposed Dedication of the “Max Coll Corridor” in Santa Fe County and Related STC Resolution No. 2017-04(SEP)
SUBJECT: Proposed dedication of the 6.2 mile portion of U.S. 285 between the Lamy turnoff (Milepost 284), commonly known as “Old Lamy Trail”, to the intersection of I-25 at Exit 290 (Milepost 290), commonly known as the “Lamy Exit”, in Santa Fe County, as the "Max Coll Corridor" and adoption of related STC Resolution No. 2017-04 (SEP).

PRESENTER: Tom Church, Cabinet Secretary

BACKGROUND: Max Coll was a native of the State of New Mexico, born on February 26, 1932. He was the grandson of New Mexico Governor James F. Hinkle, nephew of State Senator Clarence Hinkle and great-nephew of 1910 constitutional delegate, John L. Hinkle.

Max Coll was first elected to the New Mexico House of Representatives representing a Chaves County district from 1967 to 1974, and was again elected to the New Mexico House of Representatives representing Santa Fe County District 47 from 1981 - 2004.

During the 2017 Regular Session of the New Mexico Legislature, the House of Representatives and the Senate both passed Memorials requesting the State Transportation Commission to name a portion of US 285 as the "Max Coll Corridor".

The proposed dedication designates a 6.2 mile portion of U.S. 285 between the Lamy turnoff (Milepost 284), commonly known as “Old Lamy Trail”, to the intersection of I-25 at Exit 290 (Milepost 290), commonly known as the “Lamy Exit”, in Santa Fe County, as the "Max Coll Corridor", in recognition of Max Coll’s service to the people of Santa Fe County and the State of New Mexico.

ACTION: Staff requests the Commission to adopt STC Resolution No. 2017-04 (SEP) dedicating the 6.2 mile portion of U.S. 285 between the Lamy turnoff (Milepost 284), commonly known as “Old Lamy Trail”, to the intersection of I-25 at Exit 290 (Milepost 290), commonly known as the “Lamy Exit”, in Santa Fe County, as the "Max Coll Corridor".

September 21, 2017
STATE OF NEW MEXICO
STATE TRANSPORTATION COMMISSION
RESOLUTION NO. 2017-04 (SEP)


WHEREAS, Max Coll was a native of the State of New Mexico, born on February 26, 1932; and

WHEREAS, Max Coll was the grandson of New Mexico Governor James F. Hinkle, nephew of State Senator Clarence Hinkle and great-nephew of 1910 constitutional delegate, John L. Hinkle; and

WHEREAS, Max Coll attended Junior College at the New Mexico Military Institute, subsequently graduated from the University of Missouri in 1954 with a Bachelor of Science degree in Chemistry, and thereafter earned a law degree in 1974 from the University of New Mexico School of Law; and

WHEREAS, Max Coll was first elected to the New Mexico House of Representatives as a Republican and represented a Chaves County district from 1967 to 1974; he served as Minority Whip from 1971-1972 and as a delegate to the State’s last Constitutional Convention in 1969; and

WHEREAS, Max Coll was again elected to the New Mexico House of Representatives as a Republican, and began representing Santa Fe County District 47 in 1981; although he changed his party affiliation to Democrat in 1983, he was reelected, winning 16 elections, and continuously served the people of Santa Fe County from 1981 - 2004; and

WHEREAS, during Max Coll’s long and distinguished tenure in the New Mexico Legislature, he served as Chair of the Appropriations and Finance Committee, Chair and Vice-Chair of the Legislative Finance Committee, Vice-Chair of the Judicial System Study Committee, Chair and Vice-Chair of the Welfare Reform Oversight Committee, and as a member of numerous other standing and interim committees; and

WHEREAS, in 2006, Max Coll was honored as a Santa Fe Living Treasure for his contributions as a State legislator and a citizen of Santa Fe; and

WHEREAS, Max Coll will long be remembered by the citizens of Santa Fe County and the State of New Mexico as an active and involved community member and a leader in the State House of Representatives, who served with dedication and distinction. It is, therefore, fitting that there be a permanent reminder of his contributions to Santa Fe County and the State of New Mexico; and
WHEREAS, the New Mexico State Transportation Commission wishes to create a permanent reminder to honor Max Coll and to memorialize the contributions that he made while serving the people of Santa Fe County and the State of New Mexico; and

NOW, THEREFORE, IT IS RESOLVED THAT THE NEW MEXICO STATE TRANSPORTATION COMMISSION recognizes and honors Max Coll for his outstanding service to the people of Santa Fe County and the State of New Mexico as a State and local leader; and

BE IT FURTHER RESOLVED that the 6.2 mile portion of U.S. 285 between the Lamy turnoff (Milepost 284), commonly known as “Old Lamy Trail”, to the intersection of I-25 at Exit 290 (Milepost 290), commonly known as the “Lamy Exit”, in Santa Fe County, shall hereafter be known as the "Max Coll Corridor".

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to Max Coll’s widow, Catherine Joyce-Coll.

ADOPTED BY THE STATE TRANSPORTATION COMMISSION IN OPEN MEETING ON September 21, 2017.

____________________________________
Ronald Schmeits, Chairman
District 4

____________________________________
Butch Mathews, Vice-Chairman
District 5

____________________________________
Dr. Kenneth White, Secretary
District 1
David Sepich, Commissioner
District 2

Keith Mortensen, Commissioner
District 3
A MEMORIAL

REQUESTING THE STATE TRANSPORTATION COMMISSION TO NAME THAT
PORTION OF UNITED STATES HIGHWAY 285, FROM INTERSTATE 25 EXIT
290 TO THE TURNOFF FOR LAMY, AS THE "MAX COLL CORRIDOR".

WHEREAS, Max Coll was one of Santa Fe's treasured
characters for almost four decades, moving here from Roswell
and completely changing himself from a crew-cut,
conservative, Roswell republican to a curly-haired, bolo-tie-
wearing, socially liberal, but still fiscally conservative,
democrat; and

WHEREAS, Max's interest in politics and government was
born in the blood, as he was the grandson of Governor James
F. Hinkle, nephew of Senator Clarence Hinkle and great-nephew
of 1910 constitutional delegate John L. Hinkle; and

WHEREAS, Max was first elected to the New Mexico house
of representatives in 1966, representing a district in
Roswell until 1974, when he resigned to go to law school at
the university of New Mexico; and

WHEREAS, in 1969, Max followed in his great-uncle's
footsteps when he was elected as a delegate to New Mexico's
last constitutional convention, chaired by former speaker of
the house and future governor, Bruce King, where he served
with several members who, like him, became well-known state
leaders in the years following the convention; and
WHEREAS, Max served as a state representative for thirty-two years, winning sixteen elections, though his years and terms were not consecutive, and he served Santa Fe's house district 47 for twenty-four of those years; and

WHEREAS, many people were surprised that Max won election in Santa Fe as a republican in 1980 and were surprised once again when he won his same district as a democrat in 1984, soon after ensuring that his reapportioned district 47 leaned republican and after switching parties before the 1983 legislative session; and

WHEREAS, Max Coll represented district 47 with intelligence, integrity and reason and a wicked sense of humor, and he served his district, his city and county of Santa Fe and his state as a statesman and a gentleman; and

WHEREAS, in 2006, Max was declared one of Santa Fe's living treasures for his contributions as a legislator and a citizen of Santa Fe; and

WHEREAS, the Santa Fe county commission has named the new community center in Eldorado the "Max Coll Corridor Community Center";

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NEW MEXICO that the state transportation commission be requested to name that portion of United States highway 285, from interstate 25 exit 290 to the turnoff for Lamy, as the "Max Coll corridor"; and
BE IT FURTHER RESOLVED that copies of this memorial be transmitted to the department of transportation, Santa Fe county and Max Coll's widow, Catherine Joyce-Coll.
A MEMORIAL

REQUESTING THE STATE TRANSPORTATION COMMISSION TO NAME THAT
PORTION OF UNITED STATES HIGHWAY 285, FROM INTERSTATE 25 EXIT
290 TO THE TURNOFF FOR LAMY, AS THE "MAX COLL CORRIDOR".

WHEREAS, Max Coll was one of Santa Fe's treasured
characters for almost four decades, moving here from Roswell
and completely changing himself from a crew-cut,
conservative, Roswell republican to a curly-haired,
bolo-tie-wearing, socially liberal, but still fiscally
conservative, democrat; and

WHEREAS, Max's interest in politics and government
was born in the blood, as he was the grandson of Governor
James F. Hinkle, nephew of Senator Clarence Hinkle and
great-nephew of 1910 constitutional delegate John L. Hinkle;
and

WHEREAS, Max was first elected to the New Mexico house
of representatives in 1966, representing a district in
Roswell until 1974, when he resigned to go to law school at
the university of New Mexico; and

WHEREAS, in 1969, Max followed in his great-uncle's
footsteps when he was elected as a delegate to New Mexico's
last constitutional convention, chaired by former speaker of
the house and future governor, Bruce King, where he served
with several members who, like him, became well-known state
leaders in the years following the convention; and

WHEREAS, Max served as a state representative for
thirty-two years, winning sixteen elections, though his years
and terms were not consecutive, and he served Santa Fe's
house district 47 for twenty-four of those years; and

WHEREAS, many people were surprised that Max won
election in Santa Fe as a republican in 1980 and were
surprised once again when he won his same district as a
democrat in 1984, soon after ensuring that his reapportioned
district 47 leaned republican and after switching parties
before the 1983 legislative session; and

WHEREAS, Max Coll represented district 47 with
intelligence, integrity and reason and a wicked sense of
humor, and he served his district, his city and county of
Santa Fe and his state as a statesman and a gentleman; and

WHEREAS, in 2006, Max was declared one of Santa Fe's
living treasures for his contributions as a legislator and a
citizen of Santa Fe; and

WHEREAS, the Santa Fe county commission has named the
new community center in Eldorado the "Max Coll Corridor
Community Center";

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE
STATE OF NEW MEXICO that the state transportation commission
be requested to name that portion of United States highway
285, from interstate 25 exit 290 to the turnoff for Lamy, as
the "Max Coll corridor"; and

BE IT FURTHER RESOLVED that copies of this memorial be
transmitted to the department of transportation, Santa Fe
county and Max Coll's widow, Catherine Joyce-Coll.
Tab 8c2
Request to Open Rulemaking Action Regarding Repeal of 18.31.4 NMAC, Litter Control and Beautification Grant Agreements
Commission Brief

SUBJECT: Open Rulemaking Action regarding repeal of 18.31.4 NMAC, Litter Control and Beautification Grant Requirements.

PRESENTER: Tamara P. Haas, P.E.

BACKGROUND:

The New Mexico Legislature transferred the state grant program to the Tourism Department in 2001 through House Bill 338 later codified as NMSA 1978, Sections 67-16-1 through 67-16-14. NMDOT proposes to repeal the current rule in 18.31.4 NMAC, Litter Control and Beautification Grant Requirements at the request of the New Mexico Tourism Department. The New Mexico Tourism Department will replace 18.31.4 NMAC.

The purpose of this item is to request approval to enter into rulemaking in order to repeal 18.31.4 NMAC. NMDOT will (1) give public notice (at least 30 days) of repeal of 18.31.4 and (2) schedule a public hearing to receive oral and written public comment on the proposed repeal of the rule.

ACTION: Open Rulemaking action regarding repeal of 18.31.4 NMAC, Litter Control and Beautification Grant Requirements.
Tab 8c3
Withdrawal of Rulemaking Action for the Repeal and Replacement of NMDOT Rules
SUBJECT: Withdraw rulemaking action for the repeal and replacement of rules:
1. 18.20.3 NMAC Driver Education Schools
2. 18.20.8 NMAC, Driving Safety Schools
3. 18.20.10 NMAC, New Mexico’s Motorcycle Training Program
4. 18.20.11 NMAC, Ignition Interlock Devices
5. 7.32.20 NMAC, Driving While Impaired (DWI) Schools.

In 2015, the STC passed a motion authorizing the Secretary of Transportation to give public notice (at least 30 days) of the repeal and replacement of the rules, and to schedule a public hearing or hearings (following the notice period) to receive oral and written public comment on the proposed rule. The 2-year limitation for completion of rulemaking under the new State Rules Act is approaching and the Department will need to initiate a new rulemaking action at a future commission meeting in order to follow the new rulemaking process. The existing rules remain will remain in effect.

PRESENTER: Franklin Garcia, Traffic Safety Division

BACKGROUND: NMDOT is statutorily responsible for overseeing the following programs pursuant to the Driving School Licensing Act, NMSA 1978, §§ 66-10-1 through 66-10-12. The Act contains rulemaking authority and references to rules specifically pertaining to driver education schools, driving safety schools and motorcycle driver education programs in NMSA 1978, §§ 66-10-6, 66-10-9, and 66-10-11.

The NMDOT is statutorily responsible for the use of ignition interlock devices, manufacturers, service center operators and installers in New Mexico, pursuant to NMSA 1978 §§ 66-5-35 and 66-8-102.

The NMDOT and the STC are statutorily responsible for oversight of persons seeking to operate a DWI school, or serve as a DWI facilitator for DWI
programs, in New Mexico, pursuant to NMSA 1978, §§ 9-1-5, 66-7-512 and 66-8-102.

The Department will work with General Counsel to ensure that all new rulemaking processes follow the new State Rules Act.

**ACTION:**  Staff requests that the STC withdraw a rulemaking action for the repeal and replacement of rules 18.20.3, 18.20.8, 18.20.10, 18.20.11 and 7.32.20. A motion is requested to withdraw rulemaking.
Tab 8c4a  
Proposed Amendments to CP No. 4, New Mexico State Transportation Commission Rules and Policies
SUBJECT: Proposed amendments to Commission Policy No. 4, New Mexico State Transportation Commission Rules and Policies (CP 4).

PRESENTER: Stephen Thies, Assistant General Counsel

BACKGROUND: CP 4 is the policy that governs the procedures by which the State Transportation Commission reviews and approves policy statements and NMDOT rules.

During the 2017 regular legislative session, the New Mexico legislature passed a bill that amended the New Mexico State Rules Act, NMSA 1978 Sections 14-4-1 et seq. Governor Martinez signed the bill on April 7, 2017, which became effective as of July 1, 2017.

It is necessary to amend Commission Policy 4 to align with the amended State Rules Act because the changes to the Act: (1) revise the definition of “rule”; (2) imposes additional rulemaking notice and filing requirements upon state agencies; (3) codifies emergency rulemaking requirements previously not enumerated in statute; (4) qualifies the content of a Notice of Proposed Rulemaking; (5) set new requirements for public rulemaking hearings; (6) imposes new requirements for posting every part of the rulemaking record; and (7) imposes new requirements for making every part of the rulemaking record available to the public.

On July 20, 2017, information was presented to the Commission regarding the necessity to amend CP 4. At the conclusion of the presentation, the Commission had questions regarding why only three newspapers of general circulation were selected for rulemaking publication, they requested that staff look into the possibility of requiring publication in at least one newspaper in each transportation district. Staff has completed the review regarding CP 4’s publication requirements.

ACTION: No action is required at this time. This is a draft to initiate discussion only.
Reference: New Mexico State Rules Act, NMSA 1978 Sections 14-4-1 et seq. and NMSA 1978, Sections 14-4-2, 67-3-2, and 67-3-11.

This Commission Policy supersedes Commission Policy No. 4 dated September 18, 2014.

NMSA 1978, Section 67-3-2 charges the Commission with the determination of all matters of “policy” relating to the New Mexico Department of Transportation (hereinafter “Department”). Section 67-3-11 authorizes the Commission to make all rules and regulations as may be necessary to carry out the provisions of Chapter 67. Section 14-4-2 of the “State Ruleseords Act” defines “rules” as “any rule, regulation, or standard, including those that explicitly or implicitly implement or interpret a federal or state legal mandate or other applicable law and amendments thereto or repeals and renewals thereof, issued or promulgated by any agency and purporting to affect one or more agencies besides the agency issuing the rule or to affect persons not members or employees of the issuing agency, including affecting persons serviced by the agency including “statements of policy including amendments thereto or repeal thereof purporting to affect one or more agencies besides the agency issuing such rule or to affect persons not members or employees of such issuing agency.” Under law, the Commission’s power to set policy involves two (2) distinct procedures depending upon whether outside substantive interests are directly and intentionally affected by the promulgation of policy.

A. If the policy statement has only internal Departmental application without intent to enforce procedures directly affecting other agencies or non-employees, the following procedures apply:

1. The proposed policy shall be submitted to the Commission for study and evaluation prior to being submitted to the Commission for action.

2. The Commission shall submit proposed new and revised policy statements and policy statement waivers to the Secretary of Transportation (hereinafter “Secretary”) for placement on a future agenda for Commission action.

3. A policy shall be effective immediately upon approval of the Commission at a regular meeting, unless otherwise stipulated.
B. If a policy statement has external application that clearly and directly affects the substantive rights of agencies or individuals outside the Department when enforced, the policy shall be drafted, noticed and filed as a Department rule in compliance with state law as follows:

1. A rule action, including new rules, rule amendment, rule supersession or rule repeal, may be proposed to the Commission at any time by any person.

2. A proposed rule action shall be submitted to the Commission for study and evaluation.

3. The Secretary may delegate rulemaking duties to Department staff or to others pursuant to a professional services contract agreement.

4. The Secretary or designee shall report to the Commission a summary of the proposed rule action. When appropriate agenda notice has been given, the Commission may act upon the proposed rule action, which could include directing the Secretary or designee to hold informal consultation meetings with persons who may be affected by a proposed rule action to identify specific areas of agreement, disagreement and compromise.

5. When the Commission’s action is to initiate procedures to affect the proposed rule action, the Secretary or designee shall schedule a public hearing concerning the proposed rule action in Santa Fe, and such other hearing or hearings as the Commission may direct. The Secretary or designee shall publish a Notice of Proposed Rulemaking (NOPR) the hearing or hearings at least thirty (30) days prior to the hearing date or dates consistent with this Commission Policy, the State Rules Act, Department policy on rulemaking, and other applicable law, regulation or policy. This includes, in addition to the publishing requirements for NOPR in the State Rules Act and Department policy, that the NOPR shall be published in Santa Fe, Albuquerque, and Las Cruces general circulation newspapers and be provided to the Division Administrator of the Federal Highway Administration, New Mexico Division.

866. During the notice comment period and prior to any scheduled final action by the Commission only through the conclusion of the scheduled hearing(s), any person may communicate orally or in writing with individual Commissioners, the Secretary and the Department staff concerning the proposed rule action. The final rule action taken by the Commission shall be based upon substantial evidence in the rule action hearing record.

977. The Department will hold public rulemaking hearings in accordance with the State Rules Act. Public hearing or hearings may be held before the Commission at a regular or special Commission meeting or the Commission may designate the Secretary as the hearing officer. The Secretary may delegate hearing officer duties through an appointment letter to Department staff or to others pursuant to a professional services contract agreement. If the Secretary or designee is the hearing officer, the hearing or hearings shall be held independently from a Commission meeting.
1088. The hearing shall be open to the public and shall be recorded by a court reporter. A hearing record shall be kept by the hearing officer in the form of a written summary. A verbatim transcript may be provided at the expense of the person requesting the transcript.

a. The hearing officer shall conduct the hearing in a fair and equitable manner.

b. The purpose of the hearing shall be for public comment on the adoption of a new rule, amendment to a current rule or repeal of an existing rule. Members of the public shall be given a reasonable opportunity to submit data, views or arguments orally or in writing during the hearing. No data, views or arguments whether submitted orally or in writing will be accepted after the close of the hearing.

c. If there is more than one hearing conducted on a rulemaking, then no data, views or arguments whether submitted orally or in writing will be accepted after the record in the last hearing scheduled has closed.

d. No comments including data, views or arguments orally or in writing will be accepted by any Commissioner, NMDOT staff person or by the hearing officer after the hearing officer closes the record of the last hearing.

1199. Following the conclusion of the noticed hearing or hearings on the proposed rule action rulemaking, the Secretary shall review the proposed rule action rulemaking, the rule action rulemaking hearing record and prepare a final rule action rulemaking report and recommendation for the Commission. Copies of the final report and recommendation shall be submitted to individual Commissioners and shall be provided to the public to any other person making a request pursuant to the State Rules Act a written request for the report and recommendation. At a regular or special Commission meeting following submission of the Secretary’s final rule action rulemaking report and recommendation to individual Commissioners, the Secretary or designee shall formally shall present his or her report and recommendation to the Commission. The final rulemaking action taken by the Commission shall be based upon the findings set forth in the Secretary's report as required by a provision of law for adoption of the final rule.

12100. Following the Secretary or designee’s formal presentation, the Commission may question the Secretary or designee regarding the report and recommendation and take any action it deems appropriate. Unless the Commission has directed and the notice of proposed rule action indicates, the Commission shall not entertain further comments from other persons concerning the proposed rule action.

13111. When the Commission adopts the proposed rule action rulemaking, with whatever alterations the Commission deems appropriate as supported by the rule action rulemaking hearing record, the rule action rulemaking shall be filed with the New Mexico Commission of Public Records - State Records Center and Archives (CPR/SRCA) and published in the New Mexico Register as soon as practicable.
14122. Once a rule action is filed and published in the New Mexico Register, it has the force of law unless alteration or rescission is required subject to by superior federal or state law or an appropriate rule action is completed as provided in this Policy.

15133. Notwithstanding any other provision of this Policy and in an emergency situation affecting the public health, safety and welfare as determined by the Secretary, the Secretary may take any necessary rule action deemed appropriate pursuant to the State Rules Act. The action shall be effective immediately after it is filed with the CPR/SRCA. The action shall be published in the New Mexico Register within thirty (30) days of filing. An emergency rule action shall be noted in the rule and the rule shall contain a statement describing the necessity for emergency action. No emergency rule action shall continue in effect longer than sixty (60) days unless during that time the Commission initiates action to adopt the emergency rule action following the normal rule action procedures set forth in this Policy. Should the Commission initiate normal rule action, the emergency rule action shall remain in effect until a permanent rule takes effect or the normal rule action proceedings are completed. In no event, shall an emergency rule remain in effect for more than one hundred and twenty (120) days.

C. The Secretary shall develop procedures by which rules, Commission policy statements and administrative directives are reviewed for applicability on a regular basis.

1. Rules shall be reviewed by the appropriate Department division or other organizational unit every five (5) years from their effective date.
   a. Rules that retain applicability shall be certified to that fact.
   b. Rules requiring amendment or repeal shall be advertised and scheduled for a public hearing to amend or to repeal. The amended rules or notices of repeal shall be filed with the SRCA and published in the New Mexico Register.
   c. Rules affecting speed limits are exempted from the annual review requirements in this section.

2. Commission policy statements and administrative directives shall expire five (5) years from their effective dates.
   a. Commission policy statements and administrative directives shall be issued for review and comments six (6) months prior to the fifth (5th) anniversary of the effective date.
   b. Commission policy statements and administrative directives may be revised or reissued with a new effective date.
Reference:  New Mexico State Rules Act, NMSA 1978 Sections 14-4-1 et seq. and NMSA 1978, Sections 67-3-2 and 67-3-11.

This Commission Policy supersedes Commission Policy No. 4 dated September 18, 2014.

NMSA 1978, Section 67-3-2 charges the Commission with the determination of all matters of policy relating to the New Mexico Department of Transportation (Department). Section 67-3-11 authorizes the Commission to make all rules and regulations as may be necessary to carry out the provisions of Chapter 67. Section 14-4-2 of the State Rules Act defines “rule” as “any rule, regulation, or standard, including those that explicitly or implicitly implement or interpret a federal or state legal mandate or other applicable law and amendments thereto or repeals and renewals thereof, issued or promulgated by any agency and purporting to affect one or more agencies besides the agency issuing the rule or to affect persons not members or employees of the issuing agency, including affecting persons serviced by the agency.” Under law, the Commission’s power to set policy involves two (2) distinct procedures depending upon whether outside substantive interests are directly and intentionally affected by the promulgation of policy.

A. If the policy statement has only internal Departmental application without intent to enforce procedures directly affecting other agencies or non-employees, the following procedures apply:

1. The proposed policy shall be submitted to the Commission for study and evaluation prior to being submitted to the Commission for action.

2. The Commission shall submit proposed new and revised policy statements and policy statement waivers to the Secretary of Transportation (Secretary) for placement on a future agenda for Commission action.

3. A policy shall be effective immediately upon approval of the Commission at a regular meeting, unless otherwise stipulated.
B. If a policy statement has external application that clearly and directly affects the substantive rights of agencies or individuals outside the Department when enforced, the policy shall be drafted, noticed and filed as a Department rule in compliance with state law as follows:

1. A rulemaking, including new rules, rule amendment, rule supersession or rule repeal, may be proposed to the Commission at any time by any person.

2. A proposed rulemaking shall be submitted to the Commission for study and evaluation.

3. The Secretary may delegate rulemaking duties to Department staff or to others pursuant to a professional services agreement.

4. The Secretary or designee shall report to the Commission a summary of the proposed rulemaking. When appropriate agenda notice has been given, the Commission may act upon the proposed rulemaking, which could include directing the Secretary or designee to hold informal consultation meetings with persons who may be affected by a proposed rulemaking to identify specific areas of agreement, disagreement and compromise.

5. When the Commission’s action is to initiate procedures to affect the proposed rulemaking, the Secretary or designee shall schedule a public hearing concerning the proposed rulemaking in Santa Fe, and such other hearing or hearings as the Commission may direct. The Secretary or designee shall publish a Notice of Proposed Rulemaking (NOPR) at least thirty (30) days prior to the hearing date or dates consistent with this Commission Policy, the State Rules Act, Department policy on rulemaking, and other applicable law, regulation or policy. This includes, in addition to the publishing requirements for NOPR in the State Rules Act and Department policy, that the NOPR shall be published in Santa Fe, Albuquerque, and Las Cruces general circulation newspapers and be provided to the Division Administrator of the Federal Highway Administration, New Mexico Division.

6. During the comment period and only through the conclusion of the scheduled hearing(s), any person may communicate orally or in writing with individual Commissioners, the Secretary and Department staff concerning the proposed rulemaking.

7. The Department will hold public rulemaking hearings in accordance with the State Rules Act. The Commission may designate the Secretary as the hearing officer. The Secretary may delegate hearing officer duties through an appointment letter, to Department staff or to others pursuant to a professional services agreement. If the Secretary or designee is the hearing officer, the hearing or hearings shall be held independently from a Commission meeting.
8. The hearing shall be open to the public and shall be recorded by a court reporter.
   a. The hearing officer shall conduct the hearing in a fair and equitable manner.
   b. The purpose of the hearing shall be for public comment on the adoption of a
      new rule, amendment to a current rule or repeal of an existing rule. Members
      of the public shall be given a reasonable opportunity to submit data, views or
      arguments orally or in writing during the hearing. No data, views or
      arguments whether submitted orally or in writing will be accepted after the
      close of the hearing.
   c. If there is more than one hearing conducted on a rulemaking, then no data,
      views or arguments whether submitted orally or in writing will be accepted
      after the record in the last hearing scheduled has closed.
   d. No comments including data, views or arguments orally or in writing will be
      accepted by any Commissioner, Department staff person or by the hearing
      officer after the hearing officer closes the record of the last hearing.

9. Following the conclusion of the hearing or hearings on the proposed rulemaking,
the Secretary shall review the proposed rulemaking, the rulemaking hearing
record and prepare a final rulemaking report and recommendation for the
Commission. Copies of the final report and recommendation shall be submitted
to individual Commissioners and shall be provided to the public pursuant to the
State Rules Act. At a regular or special Commission meeting following
submission of the Secretary’s final rulemaking report and recommendation to
individual Commissioners, the Secretary or designee shall formally present his or
her report and recommendation to the Commission. The final rulemaking action
taken by the Commission shall be based upon the findings set forth in the
Secretary’s report as required by a provision of law for adoption of the final rule.

10. Following the Secretary or designee’s formal presentation, the Commission may
question the Secretary or designee regarding the report and recommendation
and take any action it deems appropriate.

11. When the Commission adopts the proposed rulemaking, with whatever
alterations the Commission deems appropriate as supported by the rulemaking
hearing record, the rulemaking shall be filed with the New Mexico Commission of
Public Records - State Records Center and Archives (SRCA) and published in
the New Mexico Register as soon as practicable.

12. Once a rulemaking is filed and published in the New Mexico Register, it has the
force of law subject to superior federal or state law.

13. Notwithstanding any other provision of this Policy and in an emergency situation
affecting the public health, safety and welfare as determined by the Secretary,
the Secretary may take any necessary rulemaking action deemed appropriate
pursuant to the State Rules Act.
C. The Secretary shall develop procedures by which rules, Commission policy statements and administrative directives are reviewed for applicability on a regular basis.

1. Rules shall be reviewed by the appropriate Department division or other organizational unit every five (5) years from their effective date.
   a. Rules that retain applicability shall be certified to that fact.
   b. Rules requiring amendment or repeal shall be advertised and scheduled for a public hearing to amend or to repeal. The amended rules or notices of repeal shall be filed with the SRCA and published in the New Mexico Register.
   c. Rules affecting speed limits are exempted from the annual review requirements in this section.

2. Commission policy statements and administrative directives shall expire five (5) years from their effective dates.
   a. Commission policy statements and administrative directives shall be issued for review and comments six (6) months prior to the fifth (5th) anniversary of the effective date.
   b. Commission policy statements and administrative directives may be revised or reissued with a new effective date.
Tab 8c4b
Proposed Amendments to CP No. 69, Landscape Development on State Transportation Facilities
Commission Brief

SUBJECT: Proposed amendments to Commission Policy No. 69, Landscape Development on State Transportation Facilities (CP 69).

PRESENTER: Stephen Thies, Assistant General Counsel

BACKGROUND: CP 69 is the policy governing the expenditure of eligible state and federal transportation funds for landscaping projects on state transportation facilities.

ACTION: No action is required at this time. This is a draft to initiate discussion only.

September 21, 2017
The New Mexico State Transportation Commission shall determine policy with regard to the expenditure of eligible state and federal transportation funds for landscaping projects on state transportation facilities.

A. The New Mexico Department of Transportation shall consider, without any obligation to participate, contributing funds towards the costs attributable to the construction of a landscaping project to be located within its rights-of-way on state transportation facilities, on a project-by-project basis, on in conjunction with new construction or urban reconstruction projects as follows: in an amount not to exceed 1 ½ % of the Engineer’s Estimate for the Project.

1. On projects where the Engineer’s Estimate for the Project does not exceed $10,000,000.00, the costs attributable to landscaping shall not exceed 2 ½% of the Engineer’s Estimate; or,

2. On projects where the Engineer’s Estimate for the Project exceeds $10,000,000.00, the costs attributable to landscaping shall not exceed 1% of the Engineer’s Estimate.

B. Any additional funds required to construct the landscape project in excess of the percentages specified in paragraph A above, shall be the responsibility of the local governmental entity and must be funded by the local governmental entity prior to approval of the landscape project by the New Mexico Department of Transportation.

C. The New Mexico Department of Transportation shall enter into a funding and maintenance contract with the local governmental entity prior to any design or other development of vegetation a landscape project on state transportation facilities whereby the local entity agrees to maintain the vegetation landscape project.

D. Plant materials included in the landscape development shall be xeric plants (plants that need minimal water and are drought-tolerant). All landscape development shall conform
to the criteria specified in the Landscape Permit Application for the District in which the landscape development is to be located.

E D. The Secretary of Transportation or designee shall formulate directives and procedures for the implementation of this policy.
Landscape Development on
State Transportation Facilities

Reference: 23 CFR 752, Landscape Development and New Mexico State Department of Transportation Standard Specifications for Highway and Bridge Construction

This Commission Policy supersedes Commission Policy No. 69 approved February 23, 2012.

The New Mexico State Transportation Commission shall determine policy with regard to the expenditure of eligible state and federal transportation funds for landscaping projects on state transportation facilities.

A. The New Mexico Department of Transportation shall consider, without any obligation to participate, contributing funds towards the costs attributable to the construction of a landscape project to be located within its rights-of-way on state transportation facilities, on a project-by-project basis, in conjunction with new construction or urban reconstruction projects in an amount not to exceed 1 1/2% of the Engineer’s Estimate for the Project.

B. Any additional funds required to construct the landscape project in excess of the percentages specified in paragraph A above, shall be the responsibility of the local governmental entity and must be funded by the local governmental entity prior to approval of the landscape project by the New Mexico Department of Transportation.

C. The New Mexico Department of Transportation shall enter into a funding and maintenance contract with the local governmental entity prior to any design or other development of a landscape project on state transportation facilities whereby the local entity agrees to maintain the landscape project.

D. Plant materials included in the landscape development shall be xeric plants (plants that need minimal water and are drought-tolerant). All landscape development shall conform to the criteria specified in the Landscape Permit Application for the District in which the landscape development is to be located.

E. The Secretary of Transportation or designee shall formulate directives and procedures for the implementation of this policy.
Tab 8c4c
Proposed Update to CP No. 88, Special Construction Features
SUBJECT: Proposed update of Commission Policy No. 88, Special Construction Features (CP 88).

PRESENTER: Stephen Thies, Assistant General Counsel

BACKGROUND: CP 88 is the policy that requires the most economical use of State and Federal Funds when constructing highway and roadway enhancement projects on the State’s transportation system.

ACTION: No action is required at this time. This is a draft to initiate discussion only.

September 21, 2017
Reference: Sections 67-3-28 and 11-1-3, NMSA 1978


It is the policy of the New Mexico State Transportation Commission to employ the most economical use of State and Federal funds when constructing highway and roadway enhancement projects on the State’s transportation system.

A. If a project involves a political subdivision of the State or a Pueblo, Tribe or Nation and that political subdivision or Native American entity desires features that cost more than the most economical solution to meet the scope or purpose and need of the project, then that entity shall be responsible for funding the additional cost. The additional cost of the project shall be based on actual construction, operations and maintenance costs of the features that are in excess of the most economical solution for the project. The Department and the entity shall enter into a Cooperative or Joint Powers Agreement in order to formalize the agreement prior to awarding the contract.

B. The Secretary of Transportation shall formulate directives and procedures for the implementation of this policy.
Special Construction Features

Reference: Sections 67-3-28 and 11-1-3, NMSA 1978

This Commission Policy supersedes Commission Policy No. 88 dated April 19, 2012.

It is the policy of the New Mexico State Transportation Commission to employ the most economical use of State and Federal funds when constructing highway and roadway enhancement projects on the State’s transportation system.

A. If a project involves a political subdivision of the State or a Pueblo, Tribe or Nation and that political subdivision or Native American entity desires features that cost more than the most economical solution to meet the scope or purpose and need of the project, then that entity shall be responsible for funding the additional cost. The additional cost of the project shall be based on actual construction, operations and maintenance costs of the features that are in excess of the most economical solution for the project. The Department and the entity shall enter into a Cooperative or Joint Powers Agreement in order to formalize the agreement prior to awarding the contract.

B. The Secretary of Transportation shall formulate directives and procedures for the implementation of this policy.
Tab 8c4d
Proposed Amendments to CP No. 90, Certification of Regional Transit District
Commission Brief

SUBJECT: Proposed amendments to Commission Policy No. 90, Certification of Regional Transit District (RTD) (CP 90).

PRESENTER: Stephen Thies, Assistant General Counsel

BACKGROUND: CP 90 is the policy that outlines the procedures by which the State Transportation Commission carries out certain requirements set forth in the Regional Transit District Act, NMSA 1978, Chapter 73, Article 25, which was enacted to provide, among other things, regional networks of safe and efficient public transit systems.

ACTION: No action is required at this time. This is a draft to initiate discussion only.

September 21, 2017
CERTIFICATION OF REGIONAL TRANSIT DISTRICT (RTD)

Reference: NMSA 1978, Sections 73-25-1 to 73-25-19

This Commission Policy supersedes Commission Policy No. 90 dated September 16, 2004. It is the policy of the New Mexico State Transportation Commission to carry out the requirements set forth in the Regional Transit District Act, NMSA 1978, Chapter 73, Article 25, which was enacted to provide, among other things, regional networks of safe and efficient public transit systems.

A. Upon the exercising of joint authority of two (2) or more governmental units to create a Regional Transit District, the Commission shall issue a certificate stating that a District has been duly organized according to the provisions of the Regional Transit District Act within thirty (30) days that a District files with the Commission a copy of a contract that fulfills all the requirements set forth in the Regional Transit District Act and a copy of the bylaws and operating procedures of the District. A Regional Transit District shall, within thirty (30) days after two (2) or more governmental units exercise joint authority to create a District, file with the Commission a copy of a contract that fulfills the requirements of the Act, and a copy of the bylaws and operating procedures of the District. The Commission shall issue a certificate that a District is duly organized under the provisions of the Act. The Commission shall have the certificate recorded in each county having territory included in the boundaries of the District.

B. Districts including property inside or outside the boundaries of the District or excluding property from the District must publish a notice of the proposed inclusion or exclusion in a newspaper of general circulation and mail the notice to the Commission.

C. Upon a District public hearing concerning the proposed inclusion or exclusion of property from the District, the District’s board shall adopt a resolution including or
excluding the property and file the resolution with the Commission. The Commission shall have the resolution recorded in the real estate records of each county having territory included in the boundaries of the District.

D. A District must provide to the Commission and the Department of Taxation and Revenue, at least forty-five (45) days before increasing any rate, toll, fee or charge or issuing bonds, a written notice of the action.

E. The Commission shall file an annual report with the State Auditor concerning the activities of all active Districts.

F. Any governmental unit (as defined in the Act) may withdraw from that wishes to withdraw from a District by adopting a resolution. The provisions of withdrawal must be negotiated and agreed upon by the District’s board, the governmental unit and the Commission.

G. State funds can only be provided to a District if the District is certified by the Commission and the local government members of a combination match of at least one dollar ($1.00) for every four dollars ($4) provided by the State.
CERTIFICATION OF REGIONAL TRANSIT DISTRICT (RTD)

Reference: NMSA 1978, Sections 73-25-1 to 73-25-19

This Commission Policy supersedes Commission Policy No. 90 dated October 20, 2011.

It is the policy of the New Mexico State Transportation Commission to carry out the requirements set forth in the Regional Transit District Act, NMSA 1978, Chapter 73, Article 25, which was enacted to provide, among other things, regional networks of safe and efficient public transit systems.

A. Upon the exercising of joint authority of two (2) or more governmental units to create a Regional Transit District, the Commission shall issue a certificate stating that a District has been duly organized according to the provisions of the Regional Transit District Act within thirty (30) days that a District files with the Commission a copy of a contract that fulfills all the requirements set forth in the Regional Transit District Act and a copy of the bylaws and operating procedures of the District. Commission shall have the certificate recorded in each county having territory included in the boundaries of the District.

B. Districts including property inside or outside the boundaries of the District or excluding property from the District must publish a notice of the proposed inclusion or exclusion in a newspaper of general circulation and mail the notice to the Commission.

C. Upon a District public hearing concerning the proposed inclusion or exclusion of property from the District, the District's board shall adopt a resolution including or excluding the property and file the resolution with the Commission. The Commission shall have the resolution recorded in the real estate records of each county having territory included in the boundaries of the District.
D. A District must provide to the Commission and the Department of Taxation and Revenue, at least forty-five (45) days before increasing any rate, toll, fee or charge or issuing bonds, a written notice of the action.

E. The Commission shall file an annual report with the State Auditor concerning the activities of all active Districts.

F. Any governmental unit (as defined in the Act) may withdraw from a District by adopting a resolution. The provisions of withdrawal shall be negotiated and agreed upon by the District’s board, the governmental unit and the Commission.

G. State funds can only be provided to a District if the District is certified by the Commission and the local government members of a combination match at least one dollar ($1.00) for every four dollars ($4) provided by the State.
Tab 9a
Secretary Report
Commission Brief

SUBJECT: Secretary Report

PRESENTER: Tom Church, Cabinet Secretary, NMDOT

BACKGROUND:

ACTION: No Action
Tab 9b
FHWA Report
Commission Brief

SUBJECT: FHWA Report

PRESENTER: J. Don Martinez, Division Administrator, FHWA

BACKGROUND:

ACTION: No Action
Tab 10a
Approval of FY2017/2017 Financial Hardship Match Waiver Program, Local Government Road Fund
SUBJECT: FY2017/2018 FINANCIAL HARDSHIP MATCH WAIVER PROGRAM
LOCAL GOVERNMENT ROAD FUND

PRESENTER: Clarissa Martinez, LGRF Statewide Coordinator

BACKGROUND:

67-3-28.2 Local Government Road Fund authorizes the Department to distribute up to one million dollars of LGRF money to municipalities and counties that can demonstrate financial hardship for use as all or a portion of the municipality’s or county’s 25% match fund requirement.

ACTION: Commission Approval
Tab 10b
Approval of Proposed Dedication of the “Max Coll Corridor” in Santa Fe County and Adoption of Related STC Resolution No. 2017-04(SEP)
SUBJECT: Proposed dedication of the 6.2 mile portion of U.S. 285 between the Lamy turnoff (Milepost 284), commonly known as “Old Lamy Trail”, to the intersection of I-25 at Exit 290 (Milepost 290), commonly known as the “Lamy Exit”, in Santa Fe County, as the "Max Coll Corridor" and adoption of related STC Resolution No. 2017-04 (SEP).

PRESENTER: Tom Church, Cabinet Secretary

BACKGROUND: Max Coll was a native of the State of New Mexico, born on February 26, 1932. He was the grandson of New Mexico Governor James F. Hinkle, nephew of State Senator Clarence Hinkle and great-nephew of 1910 constitutional delegate, John L. Hinkle.

Max Coll was first elected to the New Mexico House of Representatives representing a Chaves County district from 1967 to 1974, and was again elected to the New Mexico House of Representatives representing Santa Fe County District 47 from 1981 - 2004.

During the 2017 Regular Session of the New Mexico Legislature, the House of Representatives and the Senate both passed Memorials requesting the State Transportation Commission to name a portion of US 285 as the "Max Coll Corridor".

The proposed dedication designates a 6.2 mile portion of U.S. 285 between the Lamy turnoff (Milepost 284), commonly known as “Old Lamy Trail”, to the intersection of I-25 at Exit 290 (Milepost 290), commonly known as the “Lamy Exit”, in Santa Fe County, as the "Max Coll Corridor", in recognition of Max Coll’s service to the people of Santa Fe County and the State of New Mexico.

ACTION: Staff requests the Commission to adopt STC Resolution No. 2017-04 (SEP) dedicating the 6.2 mile portion of U.S. 285 between the Lamy turnoff (Milepost 284), commonly known as “Old Lamy Trail”, to the intersection of I-25 at Exit 290 (Milepost 290), commonly known as the “Lamy Exit”, in Santa Fe County, as the "Max Coll Corridor".

September 21, 2017
Tab 11a
Approval of Proposed Amendments to CP No. 4, New Mexico State Transportation Commission Rules and Policies
SUBJECT: Proposed amendments to Commission Policy No. 4, New Mexico State Transportation Commission Rules and Policies (CP 4).

PRESENTER: Stephen Thies, Assistant General Counsel

BACKGROUND: CP 4 is the policy that governs the procedures by which the State Transportation Commission reviews and approves policy statements and NMDOT rules.

During the 2017 regular legislative session, the New Mexico legislature passed a bill that amended the New Mexico State Rules Act, NMSA 1978 Sections 14-4-1 et seq. Governor Martinez signed the bill on April 7, 2017, which became effective as of July 1, 2017.

It is necessary to amend Commission Policy 4 to align with the amended State Rules Act because the changes to the Act: (1) revise the definition of “rule”; (2) imposes additional rulemaking notice and filing requirements upon state agencies; (3) codifies emergency rulemaking requirements previously not enumerated in statute; (4) qualifies the content of a Notice of Proposed Rulemaking; (5) set new requirements for public rulemaking hearings; (6) imposes new requirements for posting every part of the rulemaking record; and (7) imposes new requirements for making every part of the rulemaking record available to the public.

On July 20, 2017, information was presented to the Commission regarding the necessity to amend CP 4. At the conclusion of the presentation, the Commission had questions regarding why only three newspapers of general circulation were selected for rulemaking publication, they requested that staff look into the possibility of requiring publication in at least one newspaper in each transportation district. Staff has completed the review regarding CP 4’s publication requirements.

ACTION: Staff requests that the Commission take action to approve the amendments to CP 4.
Tab 11b
Approval of Proposed Amendments to CP No. 69, Landscape Development on State Transportation Facilities
SUBJECT:  Proposed amendments to Commission Policy No. 69, Landscape Development on State Transportation Facilities (CP 69).

PRESENTER:  Stephen Thies, Assistant General Counsel

BACKGROUND:  CP 69 is the policy governing the expenditure of eligible state and federal transportation funds for landscaping projects on state transportation facilities.

ACTION:  The Commission is requested to take action to approve the amendments to CP 69.

September 21, 2017
Tab 11c
Approval of Proposed Update to CP No. 88, Special Construction Features
Commission Brief

SUBJECT: Proposed update of Commission Policy No. 88, Special Construction Features (CP 88).

PRESENTER: Stephen Thies, Assistant General Counsel

BACKGROUND: CP 88 is the policy that requires the most economical use of State and Federal Funds when constructing highway and roadway enhancement projects on the State’s transportation system.

ACTION: The Commission is requested to take action to approve the proposed update of CP 88.

September 21, 2017
Tab 11d
Approval of Proposed Amendments to CP No. 90, Certification of Regional Transit District
Commission Brief

SUBJECT: Proposed amendments to Commission Policy No. 90, Certification of Regional Transit District (RTD) (CP 90).

PRESENTER: Stephen Thies, Assistant General Counsel

BACKGROUND: CP 90 is the policy that outlines the procedures by which the State Transportation Commission carries out certain requirements set forth in the Regional Transit District Act, NMSA 1978, Chapter 73, Article 25, which was enacted to provide, among other things, regional networks of safe and efficient public transit systems.

ACTION: The Commission is requested to take action to approve the amendments to CP 90.

September 21, 2017
Tab 12a
Approval of Withdrawal of Rulemaking Action for Repeal and Replacement of NMDOT Rules

1. 18.20.3 NMAC, Driver Education Schools
2. 18.20.8 NMAC, Driving Safety Schools
3. 18.20.10 NMAC, New Mexico’s Motorcycle Training Program
4. 18.20.11 NMAC, Ignition Interlock Devices
5. 18.32.20 NMAC, Driving While Impaired (DWI) Schools
SUBJECT: Withdraw rulemaking action for the repeal and replacement of rules:
1. 18.20.3 NMAC Driver Education Schools
2. 18.20.8 NMAC, Driving Safety Schools
3. 18.20.10 NMAC, New Mexico’s Motorcycle Training Program
4. 18.20.11 NMAC, Ignition Interlock Devices
5. 7.32.20 NMAC, Driving While Impaired (DWI) Schools.

In 2015, the STC passed a motion authorizing the Secretary of Transportation to give public notice (at least 30 days) of the repeal and replacement of the rules, and to schedule a public hearing or hearings (following the notice period) to receive oral and written public comment on the proposed rule. The 2-year limitation for completion of rulemaking under the new State Rules Act is approaching and the Department will need to initiate a new rulemaking action at a future commission meeting in order to follow the new rulemaking process. The existing rules remain will remain in effect.

PRESENTER: Franklin Garcia, Traffic Safety Division

BACKGROUND: NMDOT is statutorily responsible for overseeing the following programs pursuant to the Driving School Licensing Act, NMSA 1978, §§ 66-10-1 through 66-10-12. The Act contains rulemaking authority and references to rules specifically pertaining to driver education schools, driving safety schools and motorcycle driver education programs in NMSA 1978, §§ 66-10-6, 66-10-9, and 66-10-11.

The NMDOT is statutorily responsible for the use of ignition interlock devices, manufacturers, service center operators and installers in New Mexico, pursuant to NMSA 1978 §§ 66-5-35 and 66-8-102.

The NMDOT and the STC are statutorily responsible for oversight of persons seeking to operate a DWI school, or serve as a DWI facilitator for DWI.
programs, in New Mexico, pursuant to NMSA 1978, §§ 9-1-5, 66-7-512 and 66-8-102.

The Department will work with General Counsel to ensure that all new rulemaking processes follow the new State Rules Act.

**ACTION:** Staff requests that the STC withdraw a rulemaking action for the repeal and replacement of rules 18.20.3, 18.20.8, 18.20.10, 18.20.11 and 7.32.20. A motion is requested to withdraw rulemaking.

May 28, 2015
Approval of Request to Open Rulemaking Action Regarding Repeal of 18.31.4 NMAC, Litter Control and Beautification Grant Requirements
SUBJECT: Open Rulemaking Action regarding repeal of 18.31.4 NMAC, Litter Control and Beautification Grant Requirements.

PRESENTOR: Tamara P. Haas, P.E.

BACKGROUND:

The New Mexico Legislature transferred the state grant program to the Tourism Department in 2001 through House Bill 338 later codified as NMSA 1978, Sections 67-16-1 through 67-16-14. NMDOT proposes to repeal the current rule in 18.31.4 NMAC, Litter Control and Beautification Grant Requirements at the request of the New Mexico Tourism Department. The New Mexico Tourism Department will replace 18.31.4 NMAC.

The purpose of this item is to request approval to enter into rulemaking in order to repeal 18.31.4 NMAC. NMDOT will (1) give public notice (at least 30 days) of repeal of 18.31.4 and (2) schedule a public hearing to receive oral and written public comment on the proposed repeal of the rule.

ACTION: Open Rulemaking action regarding repeal of 18.31.4 NMAC, Litter Control and Beautification Grant Requirements.
Tab 12c
Approval of Withdrawal of Rulemaking Action Regarding Amendments to 2.40.30 NMAC, State Infrastructure Bank
SUBJECT: Withdraw Rulemaking action regarding amendments to 2.40.30 NMAC, State Infrastructure Bank

PRESENTER: David Harris, Transit and Rail Division Director, NMDOT

BACKGROUND: The rulemaking amendment is no longer necessary as a change in the definition of eligible projects is no longer necessary. NMDOT Rule 2.40.30 State Infrastructure Bank (SIB) was enacted in 1999, and the New Mexico SIB account itself was established by the National Highway System Designation Act of 1995 (NHS Act). Funds in the SIB can be utilized for projects eligible as per Federal Legislation Title 23 Highways, Chapter 6 Infrastructure Finance, Section 610.1 State Infrastructure Bank Program.

ACTION: Approval of closure of rulemaking opened by the Commission on July 20, 2017, regarding amendments to NMDOT Rule 2.40.30 State Infrastructure Bank.