The New Mexico State Transportation Commission (STC or Commission) held a regular meeting on September 20, 2018, at the New Mexico Department of Transportation, District Six Auditorium, Milan, New Mexico. Chairman Schmeits called the meeting to order at 8:32 a.m. Commissioner Moore led meeting attendees in the Pledge of Allegiance.

Approval of the STC Meeting Agenda

Chairman Schmeits asked to remove item 11(b) NMFA Monthly Report, from the agenda because Mark Lovato, Investment Manager, NMFA, was unable to attend the meeting.

Chairman Schmeits asked for a motion to approve the STC meeting agenda, as amended; Commissioner Moore made a motion to so approve; Commissioner White seconded; motion carried unanimously.

Approval of the STC Minutes

Chairman Schmeits asked for a motion to approve the minutes of the STC regular meeting of July 19, 2018; Commissioner White made a motion to so approve; Commissioner Moore seconded; motion carried unanimously.
Elected Officials and Delegations:

The Honorable Harry Garcia, New Mexico State Representative, District 69
The Honorable Elaine Allen, Lincoln County Commissioner, District 5
The Honorable Charles Griego, Mayor, Village of Los Lunas

State Transportation Commissioners Present:

Kenneth White, Secretary, District One
David Sepich, Commissioner, District Two
Keith Mortensen, Commissioner, District Three
Ron Schmeits, Chairman, District Four
Butch Mathews, Vice-Chairman, District Five (Absent with Notice)
Billy Moore, Commissioner, District Six

NMDOT Staff Present:

Anthony Lujan, Deputy Secretary
Kenneth B. Baca, Chief Deputy General Counsel
NMDOT Staff

Welcoming Remarks

Commissioner Schmeits introduced himself and welcomed meeting attendees; the other Commissioners followed with welcoming remarks. Commissioner Schmeits then invited the elected officials present to comment.

Elaine Allen, District 5 Commissioner, Lincoln County, commented regarding the Lincoln Historic Site located on US 380. Lincoln residents have circulated a petition to gauge public interest in protecting the historic site. Within approximately one week, 1,430 signatures were received; 232 from Lincoln County residents, and the others from people who have visited the site. Commissioner Allen read aloud for the record, a letter from Lincoln County District 2 Commissioner, Lynn Willard regarding citizens’ concerns about the signs on US 380 that state a
permit is required for trucks over 65 feet in length traveling between Carrizozo and Hondo, otherwise, they must find another route. The signs have been posted since 1992. Requiring calls to NMDOT each time travel is necessary creates a burden for local truckers who need to make deliveries to or from that area of Lincoln County, which occurs quite often. Commissioner Willard suggested that rather than spending taxpayer dollars to make modifications to allow trucks in excess of 65 feet to travel the subject segment of US 380, that NMDOT only allow local, larger trucks to purchase a permit valid for one year. This would allow free movement on the highway for the trucks that need the local access, provided all licensure required for that size of vehicle is in order. The safety study prepared by NMDOT concerning the subject portion of US 380 revealed that extensive changes would be needed to straighten and widen the highway, which would require years of financial support. Traffic moving through the Lincoln Historic District unrestricted, however, would adversely affect the preservation of the adobe buildings built in the 1800s. The town of Lincoln had 60,000 visitors in 2016. In Commissioner Willard’s opinion, restrictions are needed to preserve this New Mexico treasure.

Anthony Lujan, Deputy Secretary, NMDOT, reported that a couple of months ago, NMDOT received a request from the community to remove the subject signs. Afshin Jian, State Traffic Engineer, NMDOT, conducted a safety study, and based on the findings of that study, he and District Two staff concurred the signs should remain in place.

Mr. Jian outlined the study findings for the STC. Chairman Schmeits requested Mr. Jian to give a full presentation regarding the study at the next STC meeting so the issues can be addressed, and an informed decision can be made.
Michael Sandoval, Executive Manager, NMDOT, spoke briefly regarding the permit process. He, too, was asked to provide further detail at the next STC meeting.

Veronica Gonzales, Cabinet Secretary, Department of Cultural Affairs (DCA), addressed the STC. She stated that from the State perspective, the Lincoln Historic Site is the most significant and most highly visited historic site in the State, with substantial increases in attendance in recent years. The Site significantly benefits tourism and economic development in the area. DCA has invested millions of dollars toward the preservation of the Site. DCA is very proud that the Site holds several designations, including national treasure status, and is an international destination. Preservation of this Site is important for the safety of the thousands of visitors it receives. DCA is especially concerned about the risks and potential negative impacts to the cultural integrity and character of the Lincoln Historic Site.

Jeff Pappas, State Historic Preservation Officer, DCA, also spoke regarding the Lincoln Historic Site. It is his duty to consult with NMDOT on all issues and decisions made by NMDOT that could affect significant State historic properties. He also consults with NMDOT’s Environmental Division on all steps the State may take that have the potential to affect State historic properties.

Patrick Moore, Director of Historic Sites, DCA, commented regarding the Lincoln Historic Site. His responsibility since 2016 is to relate the history at the place it happened. Though the Lincoln Historic Site is small, as is the stretch of highway involved, it is a significant part of the State’s national heritage. For this reason, the site is a major destination. It is important for tourism and economic development, and the goal is safety for its visitors.
Timothy Roberts, Regional Manager, State Historic Sites, Lincoln County, stated that Lincoln has cultural significance and is a one-of-a-kind place in the State. The safety of visitors is the number one priority. It is not just one building or site, it is about all of Lincoln County, and preserving the most authentic western town in the Country. US 380 runs right through Lincoln County. The proposed changes will destroy its authenticity for visitors.

Rory McMann, Lincoln resident, stated that the timing of the placement of the subject signs in the early 90s is being portrayed as having been done as a result of "political shenanigans". There is no truth to this. There are residents in the community that participated in many public meetings during that period of time. They discussed the traffic issues and the placement of signage in order to prevent long trucks from coming through. The Lincoln County Commission was presented with the current issue out of the blue, primarily by State Representative Candy Ezzell of Chaves County, who does not represent anyone in Lincoln County, and Representative Bob Wooley, who is a lame duck representative at the moment, who also does not represent anyone from Lincoln County. The citizens of Capitan and Lincoln County are up in arms over the whole concept of what Representative Ezzell is attempting to do. Mr. McMann believes that Commissioner Lynn Willards' letter, which was read into the record earlier in this meeting, is pertinent. He believes there should be some permitting opportunity for local truckers, especially those that are hauling cattle, primarily on a seasonal basis. Perhaps they can purchase an annual permit.

Chairman Schmeits asked Mr. Jian to make a presentation at the December STC meeting to specifically address the safety and cultural matters spoken about at this meeting. Chairman Schmeits also asked Lincoln County Commissioner Allen to present at the December STC meeting a short summary of County Commission and general public comment regarding Lincoln. The STC can then consider the issues on both sides and make an informed determination.
STC Commissioner David Sepich would like the presentations to include any previous studies that may have been conducted at or around the time the signs were posted in 1992, what the geometrics were, and what the reasoning was behind the approval of the signs. He would also like to see any minutes from that meeting. In addition, he would like information regarding permits, including the length of time that it takes to get a permit, costs, the number of permits that have been requested in the last year, and how many were declined.

**Elected Officials Presentations**

The Honorable Charles Griego, Mayor, Village of Los Lunas, gave a brief update on the Los Lunas I-25 Interchange and East-West Corridor. The project is still in process. With the help of Anthony Lujan, Deputy Secretary, NMDOT, and Kenneth Murphy, P.E., District Three Engineer, NMDOT, the project is now in the NMDOT State Transportation Improvement Program (STIP). The Village of Los Lunas and Valencia County have agreed to help provide funding. Pending execution of a Memorandum of Understanding with the State, the Village of Los Lunas and Valencia County will each contribute $2 million to the project. The landowner has agreed to donate land to the Village of Los Lunas for the project.

J. Don Martinez, Division Administrator, FHWA, had questions regarding the project.

Clay Koontz, Dave Maxwell, and Nivia Romero, representatives of Stantec, and Wesley Hooper, Director of Community Services, Eddy County, gave a brief presentation on the Eddy County US 285/NM 31 project. Mr. Hooper stated Eddy County has applied for a planning grant in the amount of approximately $3.5 million. It’s a rural grant so the County is not required to provide matching funds, but nevertheless has committed to contributing some funds. The project will help upgrade the intersection of NM 31 and US 285. With the oil and gas industry and loading
facilities activity in the area, traffic has increased significantly and a few fatalities have occurred. Eddy County is seeking partners for the matching funds for the grant, and has spoken to industry, which is willing to contribute 10%.

Public Comment

Brian Jones, Asphalt Paving Association of New Mexico (APANM), on behalf of APANM members, raised a concern. This year 32 projects have been bid, and of those bids, only four have been for roadway reconstruction. The others have been important, mostly bridges, but APANM members are concerned about the lack of paving jobs.

Deputy Secretary Lujan; Armando Armendariz, P.E., Design and Construction Division Director, NMDOT; and J. Don Martinez, Division Administrator, FHWA, briefly addressed Mr. Jones' concern.

Request for Approval of Proposed Dedication of the Bridge Located on NM 122 Over Interstate 40 as the “Jackson Gibson Memorial Bridge” and Adoption of related STC Resolution 2018-10 (SEP)

The Honorable Harry Garcia, State Representative, District 69, discussed the proposed dedication of the bridge located on NM 122 over Interstate 40 as the “Jackson Gibson Memorial Bridge”. He read proposed STC Resolution No. 2018-10 (SEP) aloud to the STC, and explained that during the 2018 Legislative Session, the House of Representatives passed House Memorial 69 requesting the naming of the subject bridge for Commissioner Gibson. The proposed Resolution will officially dedicate the bridge as the “Sgt. Jackson Gibson Memorial Bridge”, to honor and recognize Jackson Gibson for his service as a veteran, community leader and State Transportation Commissioner.
Chairman Schmeits asked for a motion to approve the proposed dedication of the bridge located on NM 122 over Interstate 40 as the “Jackson Gibson Memorial Bridge”; Commissioner White made a motion to so approve the proposed dedication and adopt related STC Resolution No. 2018-10 (SEP); Commissioner Sepich seconded; motion carried unanimously.

District Six Presentation and Employee Recognition

Larry Maynard, P.E., District Six Engineer, NMDOT, gave a presentation regarding District Six activities, during which he discussed the District’s various projects and maintenance accomplishments. He also reported on the District’s Employee Recognition Program, acknowledged the recent award winners, and introduced other District staff members in attendance at the meeting.

Staff Briefings

FHWA Report

J. Don Martinez, Division Administrator, FHWA, discussed the NMDOT/FHWA Executive Dashboard Metrics for the third quarter of federal fiscal year 2018. He outlined certain statistics concerning statewide change orders; claims; inactive projects and balances; closeout transactions; the federal aid obligation execution rate; STIP obligations; and the Highway Safety Improvement Program (HSIP).
Finance Reports

NMDOT Monthly Financial Report

Mallery Manzanares, Budget Director and Acting ASD Director, NMDOT, presented the NMDOT operating budget and financial report as of September 4, 2018. Current program vacancy rates are as follows: District One, 13.6%; District Two, 19.2%; District Three, 18.9%; District Four, 22.01%; District Five, 16.21%; District Six, 13.3%; and the total for the entire agency is 18.7%. The current adjusted budget for Project Design and Construction (P562) is $536.7 million; Highway Operations (P563), $235.6 million; Business Operations (P564), $42.7 million; and Modal (P565), $71.2 million. NMDOT is in good financial standing; revenue is strong and a little higher than expected. 100% of federal funds have been obligated. The FY18 NMDOT audit is in process; to date there are no findings.

NMDOT Revenue Forecast

Laura Bianchini, Economist, NMDOT, gave a brief report regarding the NMDOT revenue forecast. The July 2018 forecast is one of the two annual forecasts of NMDOT revenues. Another update will be released next January before the FY20 budget is set. This update increases FY19 Road Fund revenue expectations by $13.8 million from the January 2018 legislative budget estimate, which amounts to a 3.3% increase. About half of the increase is due to the improved New Mexico economic outlook, while the remaining additional revenue derives from the new Motor Vehicle Excise Tax distribution, approved during the 2018 Legislative Session. The FY20 Road Fund revenues are estimated at $435.9 million. This represents 5.1% or $21 million growth from the FY19 budget. The overall Road Fund growth rate (ordinary income) is expected to reach 2.2% in FY19, and to slow down slightly in the following fiscal years.
Approval of NMDOT FY20 Appropriation and Budget Request

Mallery Manzanares, Budget Director and Acting ASD Director, NMDOT, presented and requested approval of the NMDOT FY20 appropriation and budget request. The FY20 annual appropriation request totals $885.8 million, a $536.6 million reduction from the approved FY19 operating budget. It includes $440.6 million from State Road Fund revenues; $40.1 million from restricted fund revenues, $3.5 million from other state agencies, and $401.5 million from federal sources. The request also includes a $1.9 million increase to the Project Design and Construction Program; a $2.6 million increase to the Highway Operations Program; a $0.5 million increase to Business Support Program; and a $5.5 million decrease to the Modal Program. Mrs. Manzanares outlined the major differences between the FY19 and FY20 appropriation and budget requests, and the particulars of each NMDOT program.

Chairman Schmeits asked for a motion to approve the NMDOT FY20 appropriation and budget request; Commissioner Sepich made a motion to so approve; Commissioner Moore seconded; motion carried unanimously.

Request for Approval of FY19 Budget Adjustment Request (BAR) No. 8 - P562 - PDC - FHWA Redistribution

Anthony Lujan, Deputy Secretary, NMDOT, presented and requested approval of FY19 BAR No. 8 - P562 - PDC - FHWA redistribution. The BAR is required to establish budget authority for the FHWA program. It will increase contractual services (category 300) by $62.708 million, $57.7 million of which are federal funds and $5 million required state match funds. FHWA awarded NMDOT with a redistribution obligation increase in FFY18.
Chairman Schmeits asked for a motion to approve FY19 BAR No. 8 - P562 - PDC - FHWA redistribution; Commissioner Moore made a motion to so approve; Commissioner Sepich seconded; motion carried unanimously.

Request for Approval of the FY19 Local Government Road Fund (LGRF) Match Waiver Program Funds

Clarissa Martinez, LGRF Program Supervisor, NMDOT, presented and requested approval for the FY19 Local Government Road Fund (LGRF) financial hardship match waiver program funds. The LGRF authorizes NMDOT to distribute up to $1 million 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. The FY19 match waiver funding request totals $971,151.00.

Chairman Schmeits asked for a motion to approve the FY19 LGRF financial hardship match waiver program funds; Commissioner Moore made a motion to so approve; Commissioner Mortensen seconded; motion carried unanimously.

Policy Reports

Request for Approval of Grant County’s Request to Designate Certain Segments of NM 15, NM 35, NM 153, NM 211, and NM 293 for the Operation of Recreational Off-Highway Vehicles (“ROVs”)

Trent Doolittle, P.E., District One Engineer, NMDOT, and Kenneth B. Baca, Chief Deputy General Counsel, NMDOT, presented and requested approval of Grant County’s (County) request to designate certain segments of NM 15, NM 35, NM 153, NM 211, and NM 293 for the operation
of ROVs. The specific state highway segments the County requested to be designated as recreational off-highway vehicle routes ("Designated Routes") are depicted on the maps included in the County’s submission package and are more particularly described in the proposed STC Resolution No. 2018-11 (SEP). The STC’s approval of the County’s route designation request and its adoption of STC Resolution No. 2018-11 (SEP) is contingent upon the following conditions: (1) the County and NMDOT’s execution of an agreement defining the roles and responsibilities for construction and maintenance of Designated Route facilities, including signage, the terms and conditions for ROV operation, and the allocation of legal responsibilities pertaining to use of ROVs and the Designated Routes; (2) construction and completion of any improvements to the Designated Routes, including signage required by NMDOT for the operation of ROVs, except that the Secretary of NMDOT may authorize use of the designated routes utilizing temporary traffic control devices while the remaining contingencies are completed; (3) that all-terrain vehicles ("ATVs") shall not be operated upon the Designated Routes; and (4) the County shall be responsible for patrolling the Designated Routes and enforcing the provisions of the Off-Highway Motor Vehicle Act and Commission Policy 71.

Mr. Doolittle introduced Billy Billings, Chairman, Grant County Commission, and Michael "Mischa" Lerisch, Grant County Planning Director, and invited them to give a brief presentation on the County’s ROV route designation request. Mr. Doolittle explained that NMDOT reviewed all information provided by the County to ensure the routes were safe for operation of ROVs. NMDOT District 1 staff looked at roadway geometrics, safety, speed, and other factors. Mr. Doolittle believes that all of the requested roadway segments can be utilized by ROVs with reasonable safety.
In the past two weeks, Mr. Doolittle, Commissioner White and the NMDOT General Office received just under 200 comments related to the County’s ROV route designation request. Of those comments, 81 were in support of ROV use, 113 were against the use of ROVs, and three sought additional information/public meetings.

County officials Billy Billings and Mischa Larisch addressed the STC. They reported that Grant County holds Commission meetings once a month, advertises them publicly, and allows for public comment at all meetings. They provided the STC with a packet of information regarding all recent meetings at which this matter was considered, along with all minutes of those meetings. Beginning in August 2017, this matter was included on the agendas of five public meetings, each of which was legally advertised per the provisions of the Open Meetings Act, and the public was allowed input at those meetings. There was very little public response during the meetings. At the first meeting, there was no input, and at the meeting where the actual Off-Highway Motor Vehicles ordinance was introduced, four people commented, but the minutes do not reflect whether they were for or against it, only that the ordinance was unanimously approved. At the November meeting, four people addressed the Commission; at the July meeting, no one commented; and at the August meeting, the minutes reflect there were two people who spoke in favor of the resolution.

In conclusion, it was determined that Grant County and NMDOT followed all of the procedures required in connection with the ROV route designation request, including conducting all safety studies.

**Chairman Schneets asked for a motion to approve Grant County’s request to designate certain segments of NM 15, NM 35, NM 153, NM 211, and NM 293 for the**
operation of ROVs; Commissioner Moore made a motion to so approve; Commissioner White seconded.

Request for Approval to Designate Flea Market Road as "Tesoque Road"

Anthony Lujan, Deputy Secretary, NMDOT, presented and requested approval of STC Resolution No. 2018-12 (SEP), which designates as "Tesoque Road" the approximately 0.15 mile portion of Flea Market Road (FR-804-P) from its junction with US 84/285 at exit 171, west through the Pueblo of Tesuque, to its end point at the entrance of the former Tesuque Flea Market. He explained that the Pueblo of Tesuque requested the STC to officially designate Flea Market Road as the "Tesoque Road" because the Pueblo ceased its operation of the flea market in or about February 2017, and has since redeveloped its property for the new Tesuque Casino.

Chairman Schmeits asked for a motion to approve the designation as "Tesoque Road" the subject portion of Flea Market Road, and to adopt STC Resolution 2018-12 (SEP); Commissioner Moore made a motion to so approve; Commissioner White seconded; motion carried unanimously.

FY18 NMDOT Office of Inspector General (OIG) Annual Report

Jeff Canney, Inspector General, NMDOT, presented the FY18 OIG Annual Report. The report summarizes the objectives and accomplishments of the OIG for the fiscal year ended June 30, 2018. It includes information gathered by the various functional areas of the OIG and outlines the results of numerous internal and external audits, construction audits and investigations.
Request to Approve Changing the November 15, 2018 STC Meeting in Roswell to December 13, 2018 in Albuquerque

In follow up to a discussion at the July 19, 2018 STC meeting, Chairman Schmeits asked to change the STC meeting scheduled to be held on November 15, 2018 in Roswell to December 13, 2018 in Albuquerque.

Chairman Schmeits asked for a motion to approve changing the November 15, 2018 STC meeting scheduled to be held in Roswell to December 13, 2018 in Albuquerque; Commissioner White made a motion to so approve; Commissioner Sepich seconded, motion carried unanimously.

Adjournment

Chairman Schmeits asked for a motion to adjourn the regular meeting at 12:21 p.m.; Commissioner White made a motion to so adjourn; Commissioner Sepich seconded; motion carried unanimously.

Chairman
Ronald Schmeits

Secretary
Kenneth R. White