

**MINUTES OF THE REGULAR MEETING OF THE
NEW MEXICO TRANSPORTATION COMMISSION**

October 16, 2003

**Western New Mexico University
1000 College Avenue
Seminar Room – 3rd Floor
Student Memorial Building
Silver City, New Mexico**

The New Mexico State Transportation Commission held a regularly scheduled meeting on Thursday October 16, 2003, at Western New Mexico University, Silver City, NM. Chairman Johnny Cope called the meeting to order at 9:15 a.m. Chairman Cope led everyone in reciting the Pledge of Allegiance.

Secretary Rhonda Faught asked those present to introduce themselves (see list - Attachment A). Commissioners and Department of Transportation (DOT) staff present were:

Johnny Cope, Chairman, District 2
Bud Hettinga, Commissioner, District 1
Norman Assed, Commissioner, District 3
Jim Franken, Commissioner, District 4
David Schutz, Vice Chairman, District 5
Gregory T. Ortiz, Secretary, District 6
Rhonda G. Faught, Cabinet Secretary
Rebecca Montoya, Adjutant Secretary
Arthur J. Waskey, General Counsel
Andres Aragon Viamonte, Deputy Secretary for Transportation Planning & Design
Rick Chavez, Deputy Secretary for Highway Operations
Don Martinez, Federal Highway Administration
Alvin Dominguez, District 1 Engineer
Gary Shubert, District 2 Engineer
Tom Raught, District 3 Engineer
Severiano Sisneros, District 4 Engineer
John McElroy, District 5 Engineer
Larry Maynard, District 6 Engineer
Martin Perea, Community Relations
Lucille Martinez, Administrator

Mayor Terry Fortenberry of Silver City, on behalf of the Town Council and the citizens of Silver City and Grant County, welcomed the Commission to Silver City and thanked the NM Transportation Department for assisting in moving up projects in our area to assist in our economic development. He also thanked Alvin Dominguez and Paul Gray of the District 1 office for meeting with him and his staff every quarter and keeping them apprised of projects in their area. He also informed the Commission that last Tuesday at their Council meeting, the Council unanimously approved by Resolution Governor Richardson's Investment Partnership.

Secretary Faught took a moment to invite everyone to the ribbon cutting ceremony this afternoon at 2:30 at the Silver City Patrol Yard on U.S. 152, Mile Post 2.5.

Approval of Agenda: Chairman Cope asked for a motion to approve the agenda with the following changes: 1) to move Senator Pinto's and Lee Bigwater's presentation to the first item after the approval of the agenda; and 2) to add to the agenda Chuck Hamilton of Silver City, to address the Commission on some cost saving measures, under agenda Item 12 (Delegation). He also requested that Mr. Larry Velasquez be added to the agenda under Item 12 to present an update to the Commission on excess public lands, which would require no action. Mr. Arthur Waskey, General Counsel asked if Mr. Hamilton's presentation

would require Commission action; to which the Chairman replied that it would not require any action.

Commissioner Assed moved for Approval of the Agenda with Chairman Cope's changes; Commissioner Franken seconded the motion; motion carried unanimously.

State Senator John Pinto requested that the Transportation Commission provide funding for expanding US 491 to a four-lane highway to improve travel and to safely meet existing heavy travel demands of the western part of New Mexico. He also indicated that he hoped this project would be started before his last term in the State Legislature is completed in January 2005.

Chairman Cope responded to Senator Pinto that the U.S. 491 Reconstruction Project is one of the projects listed in the Governor Richardson's Investment Partnership (GRIP). He then requested that Senator Pinto support the passage of the GRIP during the upcoming Special Legislative Session set for October 27, 2003.

Mr. Lee Bigwater, Director, Navajo Department of Transportation, then addressed the Commission, thanking the Commission for allowing he and Senator Pinto to appear before them and he also thanked Secretary Faught for pushing the name change from Highway 666 to Highway 491. He also stated that he was glad that Governor Richardson has included

this project in the GRIP and expressed his appreciation of the support of the Transportation Commission and the Department.

Mr. Larry Velasquez then briefed the Commission and Senator Pinto on the current status of the U.S. 491 project. He informed them that the NMDOT has about \$8,000,000 for development of this design project. The NMDOT is in Phase A of the project which is the initial evaluation of alternatives phase; i.e. reviewing existing conditions, identify deficiencies, determine project needs, and develop alternatives to meet existing and future demands and goals for the area. He said we are just about to begin Phase B of this project, which is Detailed Evaluation of Alternatives. He further stated that the project goal is to begin construction in January 2005.

Secretary Faught added that the NMDOT has worked closely with the Navajo Nation; they have taken care of the environmental analysis, they have completed the archaeological survey and have found that the project will be a lot less costly than initially thought and would probably be able to go ahead with a four lane highway rather than a two lane enhancement.

Approval of Minutes of the September 18, 2003 Regular

Meeting of the State Transportation Commission: Chairman Cope asked for a motion to approve these minutes.

A motion was made by Commissioner Franken to approve the minutes of the September 18, 2003 Regular Meeting; seconded by Commissioner Hettinga; motion carried unanimously.

Approval of Consent Agenda: Chairman Cope asked for a motion to approve the Consent Agenda.

A motion was made by Commissioner Schutz to approve the Consent Agenda; seconded by Commissioner Assed; motion carried unanimously.

Chairman Cope asked for a briefing at the next Commission meeting on the cost of change order over runs for the year.

Executive Budget Summary for month ending September 2003 and Budget Adjustment Requests (BARs): S. Vincent Martinez, Director, Administrative Services Division, presented the Executive Financial Report by revenue source and expenditure category includes the most recent actual revenues received (August) and the projected revenue for the month of September 2003. Mr. Martinez informed the Commission that he has organized a Financial Management Technical Group, which is developing a new comprehensive process of financial reporting that clearly, accurately and simply displays the financial status of the department. Mr. Martinez said he would have this report available for the Commission by the December meeting. Secretary Faught commended

Mr. Martinez for the excellent job he has done in streamlining this process from four reports into a single report.

Mr. Martinez presented three BARs to the Commission: (1) FY04- BAR #7, transferring remaining balance of \$2,102,733, Administrative Division overhead liability insurance budget to the Road Betterments Division, 100% State Construction Program, per Laws of 2003, Chapter 76; (2) FY04 BAR #8 increasing the State budget \$450,000 in the Consultant Design Program for projected expenditures associated with the Acomita Interchange Feasibility Study; and (3) FY04 BAR #9 for \$1,000,000 – increase will provide budget authority in the Contractual Services Category, Engineering Design Division, Construction Program. The budget increase will establish funds from Federal Aid Tax Relief allocation to establish the Bernalillo Rapid Rail Project.

A motion was made by Commissioner Hettinga to approve FY04 BAR #7, FY04 BAR #8, and FY04 BAR #9 as outlined by Mr. Martinez; seconded by Commissioner Assed; motion carried unanimously.

Mr. Martinez also briefed the Commission about a change in human resources allowing a straight across the board 15% increase for all employee promotions. He also informed the Commission of a policy item related to Boot Allowance, raising the allowance from \$65.00 to \$150.00 for purchase of steel toe boots for certain employees required to wear

them for safety reasons. He said the uniform and tool allowance has also been raised. Mr. Martinez said this was a policy item that would be coming before the Commission for final approval at the next meeting.

FY2003-2008 Statewide Transportation Improvement Program:

Muffet Foy Cuddy, Director of Transportation Planning Division briefed the Commission on an item for information only. She informed the Commission that the Albuquerque Metropolitan Planning Area (AMPA) is designated as a non-conformity area due to air quality problems. Until air quality conformity is achieved, the AMPA Metropolitan Transportation Board (MTB) approved an interim FY2003-FY2005 AMPA TIP so that projects included in the Interim TIP could move forward during this air quality lapse. This interim TIP will be implemented administratively by not authorizing AMPA projects that are not included in the interim TIP.

Initiation of Rulemaking for Aviation Division Rules 18.11.9

NMAC, Governing the Approval of Grants: Mr. Arthur Waskey, General Counsel, deferred to Mr. Mike Rice, Aviation Division Director to brief the Commission on the proposed changes to this Rule.

A motion was made by Commissioner Franken to initiate a rulemaking for Aviation Division Rule 18.11.9 NMAC, Governing the Approval of Grants; seconded by Commissioner Hettinga; motion approved unanimously.

18.11.7 NMAC, Requirements Governing the Salvage of Abandoned Aircraft: Mr. Rice briefed the Commission on the proposed

changes to this Rule and responded to various questions of the Commission.

A motion was made by Commissioner Assed to initiate a rulemaking for Aviation Division Rule 18.11.7 NMAC, Requirements Governing the Salvage of Abandoned Aircraft; seconded by Commissioner Hettinga; motion approved unanimously.

2002/2003 (03rd FY) Program Change Submittal - Local

Government Road Fund: Mr. Rick Chavez, Deputy Secretary for Highway Operations briefed the Commission on the request for approval to change the original scope for FY 2002/2003 Coop Agreement Program project SP-7-03(941), Cibola County from "Maintenance and Construction, or Re-construction-Variou County roads" to "Maintenance and Construction, or Re-construction-Variou County roads to include constructing the decelerating/accelerating lanes at NM 117 and 114 McBride Road." Mr. Chavez added that this was only a change in scope and that the funding would remain the same.

A motion was made by Commissioner Schutz to approve the change of original scope for FY 2002/2003 Coop Agreement Program project SP-7-003(941) as stated by Mr. Chavez; seconded by Commissioner Assed; motion carried unanimously.

Briefings on Department, Commission, Administration and Finance and Other Matters:

Workers' Compensation Claims: Mr. S. Vincent Martinez, Director, Administrative Services Division, briefed the Commission on and presented a handout on workers' compensation claims against the NMDOT and how calculations are determined. Mr. Martinez then responded to various questions of the Commission relating to workers' compensation premiums, claims and losses.

Albuquerque/El Paso Commuter Rail Project: Muffet Foy Cuddy began by briefing the Commission on the background of rail system in New Mexico, and then deferred to Mr. Fred Friedman, Bureau Chief of Planning for the Rail Bureau, to present information on the El Paso/Albuquerque Commuter Rail Project. Mr. Friedman distributed a handout to the Commissioners providing information regarding the concept of this project, corridor characteristics, partners, project benefits, unique elements, and cost of this 30-day project demonstration, which is estimated at \$1,009,688. He indicated that this demonstration project is currently scheduled for June 2004. Mr. Friedman then responded to various questions and comments of the Commission regarding the estimated cost for passengers, travel timeframe between El Paso and Albuquerque, train stops, operational expenses, passenger services, equipment/passenger liability, availability of federal subsidies to fund this

project, and the possibility of extending the length of time for the demonstration project.

Delegation:

a) Mr. Herb Denish, City of Albuquerque - Bernalillo County Coordinator for the Mesa del Sol for Forrest City Enterprises, introduced Mr. Dean Wingert of Forrest City Enterprises in Tucson, Arizona who gave a briefing on their request for extension of Rio Bravo from current eastern terminus at University Boulevard southerly to access a major staple of state trust lands owned by the State Land Office known as Mesa del Sol. He asked support of the NMDOT by asking for \$2,000,000 for each of the next three fiscal years. Regarding this funding, it was determined that the NMDOT would have to wait to for the outcome of the upcoming Special Session of the Legislature before making a decision on this issue.

b) Mr. Jack Valencia, Jr. Executive Director of the New Mexico Passenger Transportation Association (NMPTA) addressed the Commission regarding the perspective of service providers, issues and opportunities that the NMPTA can provide that will assist the statewide initiative for public transportation.

Mr. Valencia deferred to Ms. Judy Espinosa, Director of Alliance for Transportation Research (ATR) Institute at UNM who gave a presentation to the Commissioners regarding the statewide Client Referral, Ridership and Financial Tracking system (CRRAFT) and its implementation and

transportation benefits it will and has already brought to service providers in New Mexico.

Mr. Valencia then introduced Margo Bencomo, Transit Director of Corre Caminos, the service provider in Silver city, along with providing service in the nearby counties of Hidalgo and Luna. Ms. Bencomo addressed the Commission regarding the financial needs of the local public transit services and asked for the assistance of the Transportation Commission in obtaining funding.

c) Mr. Larry Velasquez, Director of Engineering and Design Division, briefed the Commission on the Non-Right of Way and Excess Lands owned by the NMDOT, specifically in District 1. He provided the Commissioners with a handout, which contained a Non-Right of Way Parcel and Improvement Inventory. Mr. Velasquez responded to various questions of the Commissioners.

Chairman Cope informed the Commission that the LFC would be meeting on December 5, 2003. the same date as the Commission meeting; therefore, asked for a motion to change the date of the December Commission meeting to December 3, 2003.

A motion was made by Commissioner Hettinga to change the date of the December Commission meeting to December 3, 2003; seconded by Commissioner Assed; motion carried unanimously.

Chairman Cope then asked for Chuck Hamilton to come before the Commission and was informed that Mr. Hamilton had asked to appear before the Commission and was under the impression that his request was too late to be placed on the agenda; therefore, was not present at the meeting.

There being no further business before the Commission, Commissioner Hettinga moved that the meeting be adjourned, Commissioner Schutz seconded; motion carried unanimously.

The meeting adjourned at 12:23 p.m.

**Chairman
Johnny Cope**

**Secretary
Gregory T. Ortiz**