

**NOTICE OF PROPOSED RULEMAKING
PROPOSED NEW RULE, 18.11.10 NMAC**

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

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

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

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

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

NMDOT will hold a public hearing for the purpose of receiving oral and written public comment from interested parties on the proposed new rule, 18.11.10 NMAC. The hearing is scheduled on November 14th, 2022, from 10:00 a.m. to 11:30 a.m. at New Mexico Department of Transportation District 3, 7500 Pan American Freeway NE, Albuquerque, New Mexico.

To submit written views and comments on or before November 14th, 2022 please send to: Pedro Rael, Aviation Division, New Mexico Department of Transportation, P.O. Box 1149, Santa Fe, New Mexico 87504, Telephone (505) 629-5105; Email: pedro.rael@dot.nm.gov. Written comments will be accepted from the date this notice is published in the New Mexico Register, before and at the scheduled hearing, and until the close of the final hearing scheduled in this rulemaking. If you plan to submit written comments, argument or data at the hearing, please make sure any documentation contains your name, phone number and email address, and please bring (3) copies of any documents to the hearing. If submitting written comments by email, please indicate the rule number in the subject line. All public written comments will be posted on the Departments website within three days of receipt. Oral comments will only be accepted at the public hearing, and may be subject to time limitations. After the close of the final hearing scheduled in this rulemaking, the rulemaking record will be closed and no other comments will be accepted.

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