

SIGNIFICANT ISSUES

NMDOT noted several factors which will likely make a one year appropriation timeline insufficient to complete a study as well as planning, design, and construction of a exterior barrier rail:

- (1) The gorge bridge is listed in the State Register of Cultural Properties and the National Register for Historic Places. As part of the National Environmental Policy Act (NEPA) process, a project such as building an exterior barrier rail cannot be conclusively decided until an alternatives analysis has been completed and consultation with the Bureau of Land Management, Taos Pueblo, U.S. Department of the Interior, and Federal Highway Administration has taken place.
- (2) Because the gorge bridge is listed on the State Register of Cultural Properties, consultation with the New Mexico State Historic Preservation Office (SHPO) will be necessary pursuant to Section 106 of the National Historic Preservation Act (Section 106) to determine the effects of the proposed changes to the bridge. Preliminary design of the preferred alternative would be needed prior to starting consultation with SHPO.
- (3) Because the gorge bridge is listed on the National Register for Historic Places and is a significant historic site, it is considered a Section 4(f)* property. Accordingly, a Section 4(f) analysis would be required prior to planning, designing and constructing any safety improvements. Individual Section 4(f) evaluations are processed in two distinct stages: draft and final. The draft evaluation must be circulated to the DOI and shared with the official(s) with jurisdiction. The public may review and comment on a draft evaluation during the NEPA process. The final Section 4(f) evaluations are subject to FHWA legal sufficiency review prior to approval [23 CFR 774.5(d)]. FHWA may not approve the use of the Section 4(f) property unless a determination is made that there is no prudent and feasible avoidance alternative and the action includes all possible planning to minimize harm to the property.

*Section 4(f) refers to the original section within the U.S. Department of Transportation Act of 1966 which established the requirement for consideration of park and recreational lands, wildlife and waterfowl refuges, and historic sites in transportation project development. The law, now codified in 49 U.S.C. §303 and 23 U.S.C. §138, is implemented by FHWA through the regulation 23 CFR 774. Section 4(f) applies to projects that receive funding from or require approval by an agency of the U.S. Department of Transportation.
- (4) In general, the Section 106 and the Section 4(f) processes would take approximately two years to complete.

OTHER SUBSTANTIVE ISSUES

Taos County officials estimate there are 6 suicides per year on the gorge bridge. NMDOT installed phones connected to a suicide prevention hotline in 2016.