

<b>NORTH CENTRAL REGIONAL TRANSIT DISTRICT</b>	
<b>SUBJECT:</b> Art in Transit Program (AITP) Policy	<b>NUMBER:</b> ADMIN-21-2025
<b>EFFECTIVE DATE:</b> March 7, 2025	<b>SIGNATURE DATE:</b>
<b>AMENDS/SUPERSEDES:</b> N/A	<b>ISSUED BY:</b>  <hr/> Anthony J. Mortillaro Executive Director

## **I. OBJECTIVE**

The purpose of the Art in Transit Program is to support the District’s Mission and Vision Statements: *“To be a mobility leader connecting people, communities, and the region through seamless, integrated, and innovative mobility options for the betterment of our region,”* and *“to improve communities’ quality of life by providing a resilient, equitable, and effective public transportation system”* through sourcing and implementing public art at transit facilities.

The District will implement an Art in Transit Program (AITP) that will 1) promote public art and uplift the voices of local artists and 2) improve the built environment and 3) enrich the experience of transit and transit facilities for passengers, pedestrians, and the non-riding public.

The Amended and Restated Bylaws of the North Central Regional Transit District (NCRTD, the District), approved by the Board of Directors on February 5, 2016, via Resolution 2016-06, allows the Board of Directors to form committees to specialize and advise on certain topics. In compliance with the Bylaws of the NCRTD, the Board of Directors establishes an Art in Transit Committee that will embrace and advance the District’s vision and mission through the lens and interests of artistic expression via public art at transit facilities within the District’s service area.

## **II. COVERAGE**

Participants involved in implementing the AITP are bound by this policy. The District’s Board of Directors retains plenary authority to adopt general policies applicable to the

District's activities as a whole and all Administrative Directives or other policies of the District must conform to the general policies of the Board.

### **III. OVERSIGHT RESPONSIBILITY**

This policy shall be administered by the Executive Director, their Executive Assistant and Legal Counsel.

### **IV. REFERENCES**

A. New Mexico Statute 73-25-1 et seq. the "Regional Transit District Act"

B. Amended and Restated Bylaws of the North Central Regional Transit District adopted by Resolution No. 2016-06

C. Bus Stop Design Guidelines adopted by Resolution No. 2024-23 (Effective August 2, 2024.)

### **V. DEFINITIONS**

A. "Public Art" as defined by this policy, is artwork that is:

- a. The District's AITP includes public art that is temporary or permanent, located inside or on a district owned infrastructure, and/or located in the public right-of-way that is owned, leased or used by the District.
- b. Types of Public Art may include, but are not limited to, the following:
  - i. Sculpture: in the round, bas-relief, mobile, kinetic, in any material of combination of materials;
  - ii. Painting: all media, including portable and permanently affixed works and murals;
  - iii. Digital, projected and electronic art;
  - iv. Graphic Arts: printmaking and drawing;
  - v. Mosaics;
  - vi. Photography, film or video;
  - vii. Light-based art;
  - viii. Craft: clay, fiber and textiles, wood, metal, plastics, glass, and other materials; both functional and nonfunctional;
  - ix. Mixed media & collage;
  - x. Functional artwork: shelters, pavers, benches and other functional items if designed by an artist; and
  - xi. Performance-based artwork that produces a permanent leave-behind.
- c. Not Considered Public Art
  - i. The District's AIT Program does not consider the following to be public art:

1. Directional elements, signage, or way-finding elements except where those elements are an integral part of a work of art designed by an artist;
  2. Educational plaques except where the plaque is an integral part of a work of art designed by an artist;
  3. Objects which are mass-produced and not designed by artists, such as standard playground equipment, benches, drinking fountains, and light fixtures;
  4. Decorative, ornamental, or functional architectural elements unless designed by an artist;
  5. Landscape gardening, except where these elements are designed by an artist, are an integral part of a work of art, or in service to a work of art;
  6. Signage, murals or artwork which serves as advertising for a business; and/or
  7. Temporary or permanent artwork that is privately sponsored and located on private land according to a legal agreement between the private entity and the District.
- B. "Primary Partner" refers to the entity or organization that partners with the District to determine qualifications, evaluate artists, and implement the entire AIT project or program.
- C. "District" means the North Central Regional Transit District, a duly formed regional transit district under the Regional Transit District Act, NMSA 1978 § 73-25-1 et seq., a local public body, and a subdivision of the State of New Mexico.
- D. The word "may" indicates discretion may be used.
- E. The word "should" indicates that compliance is required.
- F. The words "will", "shall" and "must" indicate mandatory compliance

## **VI. POLICY/PROCEDURES**

### **POLICY STATEMENT**

The District recognizes that the communities that make up its service area are ingrained with long traditions in art, culture and history and as part of its mission the District should incorporate works of art into its transit system by implementing an AITP.

### **PURPOSE**

This Program goal is to include art in both existing and planned transit facilities and projects to make them more inviting to the public by improving and enlivening the functional capacity of transit assets and enhancing the transit patron experience. By embracing public art, the District is making a commitment to the community it serves and is better able to personalize its relationship with transit riders, area visitors, and the general

public. The inclusion of art in transit facilities is subject to funding appropriations. District staff will seek funding opportunities and partnerships that enable the AITP to flourish.

The Program will:

- Identify opportunities to collaborate with local artists, community organizations, and stakeholders to design culturally significant and accessible public art and address transportation inequities present within the service area;
- Improve the visual appeal and usability of public transit infrastructure for current and future transit use
- Gather community feedback and assess the impact of art installations on ridership and public perception
- Develop framework for expanding the program to additional infrastructure locations

## **PROGRAM PLAN**

During the annual budget process, an Art in Transit Plan will be developed that will outline expected transit projects for the upcoming fiscal year, defining the level of outreach and budget required. The Program may be incorporated into proposed projects that are determined by staff to be conducive to the Program and may include:

- Capital projects, (defined through short/long term plans)
- Rehabilitation/modification of existing facilities and bus stops (added value; art enhancements will be prioritized using Bus Stop Design Guidelines.)
- Miscellaneous projects (e.g., construction fencing, temporary exhibit, etc.)

The District's AIT program is administered by NCRTD staff. Staff is responsible for identifying Projects and carrying out the guidelines and District administrative procedures. To avoid conflicts of interest, NCRTD Board members, staff members or immediate family members are not eligible to apply for requests for qualifications.

## **BUDGET**

An Art in Transit Fund will be identified each fiscal year, and allocated to each project, as deemed appropriate by staff taking into consideration, among other things, the type of artwork being funded (integrated, free-standing, etc.).

Art projects may be funded through the local Regional Transit Gross Receipts Tax (RTGRT) or public arts funding through state, county, city, or Foundation organizations. Additionally, Public and Private Sector funding may be identified or solicited by other public sector agencies, private foundations and granting bodies, businesses, organizations or individuals.

## **IMPLEMENTATION**

The District will work with a Primary Partner such as County, City, or Governmental Arts and Culture Departments present and active across Northern New Mexico and constituencies to identify the preferred approach to the selection of an artist and the art for the project. The Art in Transit Committee will remain a standing committee to assist in the

selection process. The Art in Transit Committee will be formed subject to a charter approved by the District's Board of Directors.

Artists' participation will begin as early as possible in the concept design phase of any project to ensure incorporation into the construction specifications and drawings. Artwork will be subject to feasibility, cost effectiveness, maintenance and safety-related reviews.

### **ARTIST SELECTION**

The purpose of Selection Committees is to engage members of the community to be active stewards in the selection and maintenance of the AIT Program for the District. To ensure diversity and the fullest participation from constituents, The Art in Transit Committee will serve 2-year periods in an advisory influence charged with reviewing, evaluating and selecting pieces for the public art collection as well as acting as program spokespeople, advocates and champions. Members of the Art in Transit Committee are recruited by Marketing and Planning District staff to fulfill the responsibilities of building the AITP.

Artists will be selected by The Art in Transit Committee with final approval from the Board of Directors in alignment with applicable procurement guidelines, national public art best practices, and FTA standards.

Within Federal, State and local laws and regulations, the District may utilize:

- an open call process to ensure the Program is made available to artists with a variety of experience.
- invited competitions and direct awards, if necessary to fulfill a specific need or address an unanticipated project.

### **Selection**

### **Process**

In most cases, the District's purchases will align with the Art in Public Places (AIPP) process as set by local City and County organizations described below.

- Team assembly- Identifying key project advocates including architecture/construction, key users and facility staff.
- Project scope- Committee members, in consultation with members of the District and its Primary Partner define project goals, facility users, technical limitations/opportunities specific to the site and the intent of the project to develop a Request for Proposals (RFP).
- RFP and Release of Public Call for Artists
- Vetting of Artist Proposals and Creation of Local Art in Transit Committee (LSC, specific and unique to each site)
- Overview/Consensus/Intent meeting with the Committee and Board of Directors
- Committee Personal Review Process and Initial Scoring
- Project Team Aggregation/Ranking Results of Round One Finalists
- Round One Artist Finalists, Request for Presentations
- Presentation Reviews, Local Selection Committee and Project Team
- Final Requests for Proposal Clarification(s)

- Final Selection

### **Criteria for evaluation:**

Criteria is weighted and dependent on art project type; however, general guidelines are listed below and meant to serve as a starting point in lieu of a blank page.

- Artistic Quality - Strong aesthetic, clear composition, meaningful content, masterful technique, impactful
- Appropriateness to Site - Scale, subject matter, materiality, maintenance Northern New Mexico artists (including those born in Northern New Mexico and have moved away as well as residents of Northern New Mexico)

Any submissions displaying nudity, profanity, political, violence, or hatred will not be considered. The intention of art in public infrastructure sites is to encourage ease and comfort for riders on or around public transit.

## **MANAGEMENT AND MAINTENANCE**

### **AITP Portfolio Management**

The works of art created for or purchased by the District represent significant assets that must be appropriately managed. The acquisition and display of works of art entail a commitment to care for and maintain the work adhering to the standards and practices of the art world.

### **Maintenance**

The District encourages the design of public art that will require limited maintenance. Commissioned artists are required to provide written maintenance instructions and detailed methods of fabrication for their artworks as part of the fabrication contract. When commissioned artwork is completed and accessioned, or when existing artwork is conserved or repaired, District administrative staff will provide the Fleet and Facility Department with written maintenance instructions.

- 1) NCRTD must notify the Primary Partner immediately if a work of art is damaged, stolen, or not in compliance with the project.
- 2) Routine maintenance of artworks (i.e. cleaning and repair) shall be the responsibility of the Fleet and Facilities staff at the District, as specified in the acceptance agreement may consult with the District on other necessary maintenance.

### **Conservation, Restoration and Repair**

District staff will attempt to contact the artist for recommendations prior to engaging in any repair or conservation efforts. Departments will consult with District staff for conservation standards to be followed, regardless of the funding source for the conservation or restoration project.

**Insurance**

All permanent and loaned artwork in the District's Public Art Portfolio may be covered by a district insurance policy.

**Deaccessioning**

As an agent of public trust, the District is charged with overseeing the acquisition, proper conservation and maintenance of the District's Public Art Portfolio. While recognizing the serious and wide-reaching implications associated with removing a work of art from the Public Art Portfolio, it is the District's intent that the deaccession of works of art be a careful and deliberate procedure. The removal of objects from the District's Public Art Portfolio shall be undertaken only after careful consideration. The objectives of the deaccessioning process are to ensure that the Portfolio is representative of the District's mission; to safeguard the Public Art Portfolio, and the staff and public; to reflect changes in the District's mission or Portfolio Procedures; or to maintain sound portfolio management practices.

Deaccessioning is considered an integral and necessary and responsible part of the Public Art Portfolio management policy. The District recognizes the importance of protecting the deaccessioning process from being employed merely on the grounds of fluctuation in taste, as the merits of a work of art are often only recognized with the passage of time. Time frequently helps a community to embrace a work of art that may have initially inspired controversy. It is the District's policy that no work of (commissioned/permanent) art in a public place may be considered for deaccessioning unless presentation of the work or public safety requires otherwise. Similarly, at least once every ten (10) years, the entire District Portfolio shall be evaluated, and its potential expansion shall be assessed. This evaluation shall be performed under the auspices of the District; independent expertise shall be sought as required.

**Relocation or Modification**

The District retains the right to relocate or modify artwork at any time. While District staff will attempt to maintain an artist's original intentions for an artwork, several conditions may necessitate a modification to an artwork's original design or location.

- A District building or facility is repurposed;
- A District building or facility is renovated or remodeled;
- After installation, it is apparent that an artwork creates safety problems for the public or District staff;
- After installation, it is apparent that an artwork creates severe inconvenience or hardship for the public or District staff;
- An artwork being severely degraded by its present environment;
- An artwork's security can no longer be guaranteed in its present location; or
- After installation, it is apparent that an artwork would serve the public better in a different location.

### **Permissions of Artwork**

The District has permission to reproduce imagery of District-owned artworks, including the use of images for two-dimensional reproductions and for three-dimensional derivatives of District-owned artwork.

“Reproductions” include the use of images of District-owned artworks in educational materials, reports, or communications about services or other non-commercial use.

“Derivatives” are usually three-dimensional objects which are derived from, or based on, elements of an original artwork. The original artwork may not be reproduced exactly, at any scale, but portions of the artwork may be used in a new image or an object based on the artwork or artwork elements.

Permissions to reproduce artwork shall be reflected in agreements with artists.

## **VII. DISTRIBUTION**

This policy shall be distributed to all planning and project management department employees, all communications and marketing employees as well as the facilities and fleet manager.

## **VIII. WAIVERS**

Waiver of Administrative Procedures or Policies requires approval of the Executive Director. Department Directors or Managers requesting a waiver must outline in writing, reasons why deviation from an established Administrative Procedure or Policy is necessary. Such requests must be submitted to the Executive Director for final decision.

## **ATTACHMENTS**

- Art in Transit Subcommittee Charter
- Partner Artist Legal Agreement Template