

The Senate Corporations and Transportation Committee Substitute for Senate Bill 551 provides an exception to port of entry requirements for vehicles transporting agricultural products. An agricultural product transport vehicle is excluded if the agricultural product transport vehicle has cleared the port of entry at least once and has successfully passed a commercial vehicle safety alliance level 1 inspection during the current harvest season. The proposed legislation defines “agricultural product transport vehicle” as a motor vehicle, freight trailer or utility trailer or a combination used exclusively for hauling agricultural products harvested in the field. The proposed legislation also creates a special permit for an annual fee of \$250 for agricultural product transport vehicles to transport loads for multiple trips. The multiple trip special permits may be issued for up to 5,000 pounds over the gross vehicle weight and the agricultural product transport vehicle is not to operate on highways for which a stricter size or weight limit is required by federal law. The agricultural product transport vehicle is not to operate on routes identified as having deficient bridge structures.

FISCAL IMPLICATIONS

TRD states the fiscal impact on the State Road Fund could be positive as result of the increased number of \$250 overweight permits, and could be negative if the exception from stopping at ports of entry has a negative influence on weight-distance tax compliance. TRD notes the net fiscal impact to the State Road Fund might very well be negative.

DPS states the \$250 overweight permits would generate in excess of \$25,000 to the State Road Fund.

SIGNIFICANT ISSUES

TRD reports the modest overweight allowance and permit in the proposed legislation probably addresses a reasonable issue that may be troublesome to the industry. TRD states presumably it is difficult to gauge the weight of agricultural product loads when products are loaded in the field. TRD notes it is unclear why these vehicles should be excluded from all port of entry inspection provisions.

HSEMD states that agricultural product transport vehicles’ traveling in and out of the state into Mexico should not receive this exception. HSEMD states although the vehicles will be required to pass through international ports of entry, they should also be required to be inspected at New Mexico ports of entry each time they enter the state if they have exited the country and returned. HSEMD notes because of the possible homeland security threat of dangerous cargo being transported from Mexico, the exception should not apply to crossing international borders.

DPS states the proposed legislation would assure public safety through the inspection of each vehicle that will be transporting agriculture products. This will provide a positive impact for the agriculture industry, as well as, the residents of New Mexico.

PERFORMANCE IMPLICATIONS

DPS states employees of the Motor Transportation Division will need to be available to conduct inspections at the time the vehicle enters New Mexico ports of entry. This may place a burden on the operations of the ports of entry.

ADMINISTRATIVE IMPLICATIONS

TRD notes the permits would be administered by the Motor Transportation Division of the Department of Public Safety.

DPS states there will be additional overweight permits ordered through the Santa Fe Oversize Permit Office.

TECHNICAL ISSUES

TRD states on page 4, lines 16 and 17, the term “during the current harvest season” is probably too vague and ill-defined to be useful in administration of these provisions, particularly since different crops may have different harvest seasons. Some specific time period should be specified, with reference at least to major crops or crop groups.

TRD states the \$250 annual permit for overweight agricultural product transport vehicles should probably include a specification directing the permit fee revenue to the State Road Fund. While current law Section 66-7-413 NMSA might be considered sufficient direction of the revenue, it is not clear since other sections include specific provisions regarding the recipient of the revenue.

OTHER SUBSTANTIVE ISSUES

TRD states agricultural product transport vehicles do not qualify for the current overweight permits available under Section 66-7-413 NMSA 1978, since those permits are allowed only for “nondivisible” loads. Nondivisible loads are loads that cannot be partially unloaded to meet normal weight limitations. TRD states it is difficult to gauge the weight of agricultural product loads when products are loaded in the field, and the relatively small 5,000 pound overweight allowance would provide a reasonable degree of tolerance for loads slightly in excess of weight limitations. However, since the proposed legislation also allows these vehicles to bypass ports of entry, it is difficult to see how the 5,000 pound threshold would be monitored. TRD states agricultural transport vehicles might frequently run at weights well in excess of the 5,000 pound overweight threshold.

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