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SENATE BILL 224

**54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020**

INTRODUCED BY

Clemente Sanchez

AN ACT

RELATING TO TRANSPORTATION; CHANGING THE "LOCAL GOVERNMENT  
TRANSPORTATION PROJECT FUND" TO THE "TRANSPORTATION PROJECT  
FUND"; ALLOWING INDIAN NATION, TRIBE OR PUEBLO PROJECTS TO BE  
FUNDED BY THE TRANSPORTATION PROJECT FUND.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 67-3-78 NMSA 1978 (being Laws 2019,  
Chapter 205, Section 1) is amended to read:

"67-3-78. [~~DEFINITIONS LOCAL GOVERNMENT~~] TRANSPORTATION  
PROJECT FUND CREATED-- [~~DISTRIBUTIONS~~] PLANNING AND  
PRIORITIZATION OF FUNDING TRANSPORTATION PROJECTS FOR COUNTIES,  
MUNICIPALITIES AND INDIAN NATIONS, TRIBES AND PUEBLOS.--

~~[A. As used in this section:~~

~~(1) "fund" means the local government  
transportation project fund;~~

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1                   ~~(2) "local government" means a county or~~  
2                   ~~municipality;~~

3                   ~~(3) "local government transportation project"~~  
4                   ~~means environmental and other studies, planning, design,~~  
5                   ~~construction and acquisition of rights of way necessary for the~~  
6                   ~~development of transportation infrastructure in a county or~~  
7                   ~~municipality;~~

8                   ~~(4) "non-state money" means money that does~~  
9                   ~~not derive from revenue or interest into the state treasury or~~  
10                   ~~into a state fund; and~~

11                   ~~(5) "transportation infrastructure" means~~  
12                   ~~highways, streets, roadways, bridges, crossing structures and~~  
13                   ~~parking facilities, including all areas for vehicular use for~~  
14                   ~~travel, ingress, egress and parking.~~

15                   B.] A. The "[~~local government~~] transportation  
16                   project fund" is created in the state treasury. The fund  
17                   consists of appropriations, donations, interest from investment  
18                   of the fund and other money distributed to the fund. The  
19                   department shall administer the fund and may establish  
20                   subaccounts for the fund as it deems necessary. Money in the  
21                   fund is appropriated to the department for expenditure as  
22                   provided in this section. Disbursements from the fund shall be  
23                   made by warrant of the secretary of finance and administration  
24                   pursuant to vouchers signed by the secretary of transportation  
25                   or the secretary's designee. Money in the fund shall not

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1 revert at the end of a fiscal year.

2 [G.] B. Money in the fund may be used to make a  
3 grant to a [~~local government~~] county, municipality or tribe for  
4 a [~~local government~~] transportation project that has been  
5 approved pursuant to Subsection [D] C of this section for up  
6 to:

7 (1) ninety-five percent of the total cost of a  
8 [~~local government~~] transportation project; provided that the  
9 [~~local government~~] county, municipality or tribe has  
10 demonstrated an ability, and has contracted, to provide the  
11 remainder of the project costs in non-state money; or

12 (2) one hundred percent of the total cost of a  
13 [~~local government~~] transportation project if a financial  
14 hardship qualification certificate is issued to the [~~local~~  
15 ~~government~~] county, municipality or tribe by the department of  
16 finance and administration and the level of hardship assistance  
17 is approved by the state transportation commission; provided  
18 that the [~~local government~~] county, municipality or tribe has  
19 demonstrated an ability, and has contracted, to provide the  
20 remainder, if any, of the project costs in non-state money.

21 [D.] C. By [~~August 1, 2019 and by~~] August 1 of each  
22 year [~~thereafter~~], the secretary shall submit a proposed list  
23 to the state transportation commission of [~~local government~~]  
24 transportation projects identified through a transportation  
25 planning process by [~~the department's metropolitan planning~~

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1 ~~organization and regional transportation planning organization~~  
2 ~~planning process to the state transportation commission.~~  
3 ~~Subject to any direction by the legislature regarding~~  
4 ~~distributions from the fund, such as minimum distributions by~~  
5 ~~engineering districts or to rural or urbanized local~~  
6 ~~governments] metropolitan planning organizations and regional~~  
7 ~~transportation planning organizations.~~ The commission shall  
8 approve a prioritized list of [~~local government~~] the  
9 transportation projects for funding from the fund by [~~September~~  
10 ~~1, 2019 and by~~] September 1 of each year [~~thereafter~~]. The  
11 commission may approve subsequent changes to a priority list as  
12 [~~it~~] the commission deems necessary.

13 ~~[E.]~~ D. By [~~November 30, 2019 and by~~] November 30  
14 of each year [~~thereafter~~], the department shall provide a  
15 report to the appropriate interim legislative committee on the  
16 status of the fund, the status of the [~~local government~~]  
17 transportation projects for which grants have been made from  
18 the fund and the outstanding demand for assistance from the  
19 fund.

20 E. As used in this section:

21 (1) "fund" means the transportation project  
22 fund;

23 (2) "metropolitan planning organization" means  
24 the policy board of an organization designated by the state to  
25 carry out a transportation planning process as permitted by

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1 federal law pursuant to 23 U.S.C. 134, as that section may be  
2 amended or renumbered;

3 (3) "non-state money" means money that does  
4 not derive from revenue or interest into the state treasury or  
5 into a state fund;

6 (4) "regional transportation planning  
7 organization" means the policy board of an organization  
8 designated by the state to carry out a transportation planning  
9 process as permitted by federal law pursuant to 23 U.S.C. 135,  
10 as that section may be amended or renumbered;

11 (5) "transportation infrastructure" means  
12 highways, streets, roadways, bridges, crossing structures and  
13 parking facilities, including all areas for vehicular, transit,  
14 bicycle or pedestrian use for travel, ingress, egress and  
15 parking;

16 (6) "transportation project" means  
17 environmental and other studies, planning, design, construction  
18 and maintenance of transportation infrastructure, and  
19 acquisition of rights of way necessary for the development of  
20 transportation infrastructure, in a county, municipality or  
21 tribe; but "transportation project" does not mean a  
22 transportation beautification project, as determined by the  
23 state transportation commission; and

24 (7) "tribe" means an Indian nation, tribe or  
25 pueblo located wholly or partially in New Mexico."

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