

NMDOT BILL ANALYSIS 2024 REGULAR SESSION

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute, or a correction of a previous bill}

Check all that apply:

Original Amendment
Correction Substitute

Date 2/4/2024

Bill No. HB 238

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Agency/ Code: NMDOT - 805 – District 2 Engineer

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
30,000		Nonrecurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation Act:

SECTION III: NARRATIVE

BILL SUMMARY

House Bill 238 (HB 238) appropriates \$30 million from the general fund to the NMDOT for use in fiscal years (FYs) 2025-2027 for a joint powers agreement with Eddy County for “road construction, reconstruction, improvement and maintenance, including acquisition of rights of way, planning and design” on NM Highway 31 (NM 31) from its intersection with US Highway 285 to its intersection with NM Highway 128 (NM 128). Any unexpended or unencumbered balance remaining at the end of FY 2027 reverts to the general fund.

FISCAL IMPLICATIONS

The NM 31 termini proposed is 8 miles long (milepost 0 to milepost 8). The estimated cost for all improvements needed to address deteriorating pavement conditions, traffic operations, congestion,

capacity, physical deficiencies, bridge replacement and safety conditions is estimated at \$60 million. If funding for the entire project cannot be allocated to build the improvements for the entire termini as a single project, a plan that implements the project in multiple standalone projects will be put in place. HB 238 will not fund the total amount of infrastructure improvements within the NM 31 termini proposed. Implementing the project in multiple projects instead of a single project may add more costs due to contractor's fixed cost such as mobilization and other similar items for each project and inflation that could occur due to longer schedule for project completion.

SIGNIFICANT ISSUES

HB 238 would provide NMDOT with funding to address the following issues:

1. Inability for Passing - Due to a high traffic volume of vehicles and significant heavy commercial truck activity, results in long queues of traffic and low level of highway capacity. Without highway widening and expansion on NM 31, passing maneuvers in opposing direction will remain difficult, which may result in the potential for severe conflicts, such as head-on collisions. Sight distance constraints and vehicles approaching in the opposite direction often limit the passing opportunities, which results in long queues of vehicles stacking up behind slower moving vehicles. This reduces the operational capacity of the existing 2-lane road and leads to driver frustration. As drivers become impatient, they take more risks in passing, which may lead to the potential for crashes. This factor impacts both traffic operations and safety.
2. Pavement Conditions - The existing pavement in several locations along the proposed limits on NM 31 is showing signs of distress and deterioration. Once the pavement condition falls below fair, the rate of deterioration increases rapidly and, if actions are not taken to improve the surface conditions, the pavement will begin to fail.
3. Access and Major Intersection – There are approximately 104 access points along NM 31. These include US and State highways, Eddy County roads, local roads, residential and business driveways, agricultural field access, and miscellaneous access drives. A high percentage of accidents are due to the lack of auxiliary and turn lanes at high volume intersections and turnouts. The major intersection of NM 31 and NM 128 is currently performing at low level of service creating backups, congestion and long delays for commercial and vehicular traffic.

If the project cannot be allocated to build the improvements for the entire corridor as a single project, a plan that implements the project in multiple standalone projects will be put in place. Implementing the project in multiple projects instead of a single project may add additional time and more costs due to contractor's fixed cost such as mobilization and other similar items for each project and inflation that could occur due to longer schedule for project completion.

Any activities done by Eddy County through the joint powers agreement must meet federal requirements and procedures.

PERFORMANCE IMPLICATIONS

The appropriation for NM 31 will be used to (1) improve traffic operations, resulting in a more comfortable traveling experience; (2) reduce safety concerns, minimizing the potential for severe crashes; and (3) correct physical deficiencies creating better roadway conditions.

ADMINISTRATIVE IMPLICATIONS

NMDOT has completed a Phase 1 A/B Alignment Study. The alignment study was prepared consistent with the NMDOT Location Study Procedures. The lead agency for the Alignment Study is the NMDOT. The HB 238 appropriation of \$30 million does not cover the full cost of improvements. Without the entire proposed termini funded, NMDOT will utilize federal funds to complete the project. The Phase I A/B Alignment Study was conducted in cooperation with the Federal Highway Administration (FHWA).

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Section 1 of the bill provides that the NMDOT and Eddy County “may enter into a joint powers agreement” for “construction, reconstruction or maintenance of state roads, including acquisition of rights of way, planning and design.” The NMDOT is authorized to enter into such agreements pursuant to NMSA 1978 Section 67-3-28 (1993). Section 1 of the bill may conflict with NMSA 1978 Section 67-3-28 which provides that the NMDOT “shall bear all costs of the acquisition of rights of way for federal-aid interstate roads, both rural and urban.”

TECHNICAL ISSUES

NMDOT through a Request for Proposals has entered into contract for professional engineering services to design improvements along the proposed termini within HB 238. The proposed termini is at 30% design with preliminary environmental documentation in place. Entering into the joint powers agreement may duplicate the necessary work to deliver the project creating potential inefficiencies between both parties.

OTHER SUBSTANTIVE ISSUES

Not applicable.

ALTERNATIVES

Not applicable.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Not enacting HB 238 leaves the existing geometric configuration of the NM 31 roadway unchanged from its current conditions. NM 31 traffic operations, congestion, capacity, physical deficiencies, and safety conditions will remain at current levels.

Not enacting HB 238 would result in the implementation of the project in multiple projects instead of a single project, which may add additional time and more costs due to contractor’s fixed cost, such as mobilization and other similar items for each project, and inflation that could occur due to longer schedule for project completion.

AMENDMENTS

None.