LFC Requester: Joey Simon

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:		Date <u>1/27/2024</u>				
Original Correction	X Amendment Substitute		Bill No. <u>SB 201</u>			
Sponsor:	Steven P. Neville Peter Wirth	Agency/ Code:	MDOT - 805 – Office of General			
		Person Writing Ana	John Newell ysis: <u>Steve Hamilton</u>			
Short Title	Transportation Regulation	Phone: <u>505-469-6</u>	411 Email: Johnp.newell@dot.nm.gov			

SECTION II: FISCAL IMPACT

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

ſ		FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
	Total	Indeterminate	Indeterminate	Indeterminate	Indeterminate	Recurring	State Road Fund

(Parenthesis () Indicate Expenditure Decreases)

SECTION III: NARRATIVE

BILL SUMMARY

Senate Bill 201 (SB 201) makes minor technical changes in language throughout Section 65-2A-3 and Sections 67-5-6.1 through 6.5 NMSA 1978. The bill clarifies and updates language related to the New Mexico Department of Transportation's (NMDOT) duties to regulate railway companies, transportation network companies and motor carriers pursuant to the effective July 1, 2024 transfer of the duties of the Public Regulatory Commission's (PRC) transportation division to the NMDOT. SB 201 simplifies the language dealing with public hearings under the Motor Carrier Act; clarifies the role of Motor Carrier Act inspectors by repealing language stating that they "have the powers of peace officers" and extending their authority from just records to "facilities and equipment" as well; allows an applicant to request without payment of fees or additional proceedings a grant of temporary authority or rate increase. SB 201 also substitutes outdated language related to the "traffic safety bureau" and substitutes "compliance unit: within the NMDOT.

SB 201 also amends Section 65-2A-35 and Section 67-3-6.1 NMSA 1978 regarding appeals of department decisions issued in relation to the Motor Carrier Act. The bill changes the appeal process from a direct review by the New Mexico Supreme Court to an appeal of a decision by district court pursuant to Section 39-3-1.1 NMSA 1978, as well as removes requirements related A-1366 NEW: 01/2024 Legislative Liaison

to appealing to the Supreme Court. The bill retains the existing 30 day-timeline (30 days after a "final decision" is made by the department) to file an appeal.

FISCAL IMPLICATIONS

SB 201 changes the appeal process of department decisions. Under existing law, decision would be appealed directly to the New Mexico Supreme Court, which may have had a chilling effect on appeals. SB 201 changes the appeal process so that NMDOT decisions pursuant to the Motor Carrier Act and Section 67-3-6.1 NMSA 1978 are appealable to district court pursuant to Section 39-3-1.1 NMSA 1978. This change may result in more appeals, although the extent to which this may happen is speculative at this time.

SIGNIFICANT ISSUES

None identified.

PERFORMANCE IMPLICATIONS

The statutory updates in SB 201 will assist in the transition of the relevant powers and duties from the PRC transportation division to the NMDOT by modernizing and streamlining the statutory authority and appeals process.

ADMINISTRATIVE IMPLICATIONS

NMDOT may need to allocate more staff if an increase of appeals is realized.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None identified.

TECHNICAL ISSUES

None identified.

OTHER SUBSTANTIVE ISSUES

None identified.

ALTERNATIVES

None identified.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The NMDOT will take over PRC transportation division duties on July 1, 2024 with outdated, cumbersome, and mainly unused procedures with respect to regulatory functions and hearings.

AMENDMENTS

None suggested. A-1366