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FISCAL IMPACT REPORT

SPONSOR King ORIGINAL DATE 02/16/11
LAST UPDATED _____ HB 342
SHORT TITLE Alternative Route During Highway Construction SB _____
ANALYST Soderquist

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY11	FY12	FY13	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total	Indeterminate	Indeterminate	Indeterminate			

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Transportation

SUMMARY

The legislation amends Section 67-3-62, NMSA 1978, to remove the requirement that bicycle lanes, footpaths and bridle paths constructed by State Transportation Commission as the result of highway construction be limited to areas “along and across such highway” being improved. Further, HB 342 amends Sections 67-3-63, NMSA 1978, by eliminating the requirement that authorized matching state road funds and federal aid highway funds which are spent on bicycle lanes, footpaths and bridle paths be “along and across, state, county and municipal roads, streets or highways.”

Under present law, during highway construction, the State Transportation Commission is required to consider providing bicycle lanes, footpaths and bridle paths “along and across such highway.” Currently, the State Transportation Commission is allowed to provide state road matching funds and federal road funds that it administers to provide bicycle lanes, footpaths and bridle paths access only “along and across state, county, and municipal roads, streets, and highways.” The legislation allows for these trails to be funded and built in locations other than “along and across state, county, and municipal roads, streets, and highways.”

FISCAL IMPLICATIONS

According to NMDOT, since HB 342 would eliminate the requirement that state road funds be

expended on public road systems, the amount of road funds spent on public roads within the state may be reduced and the available federal funds spent on the public roads may likewise be reduced. These future expenditures would be in the discretion of the State Transportation Commission; therefore, the actual amount would be indeterminate and contingent upon such exercise of discretion. Additionally, administrative costs of engineers and other technical staff of the agency which would be involved in multi-trail projects should be considered even though such costs are not readily ascertainable.

It should be noted that some federal funds available to NMDOT for multi-use trails are not limited to expenditure on public road rights of way.

SIGNIFICANT ISSUES

HB 342 changes existing law to allow funding and building of bicycle lanes, footpaths and bridle paths in areas that are not right of way of public state, county, and municipal roads, streets, and highways. This expands the discretionary authority of the State Transportation Commission to use state road funds off the public road systems. However, some federal funds which are provided for building such multi-use paths are not restricted to right of way of public state, county, and municipal roads, streets, and highways.

PERFORMANCE IMPLICATIONS

No performance implications.

ADMINISTRATIVE IMPLICATIONS

According to NMDOT, if passed, HB 342 would have some impact on the administrative resources of NMDOT since engineers and other technical personnel may be directed to work on or review multi-use trail projects rather than public road projects. Prospective projects would be required to be approved through the local and state planning processes and be included in the Statewide Transportation Improvement Plan if deemed regionally significant or if federal funds are to be used.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The State Transportation Commission and NMDOT will continue to accommodate bicycle lanes, footpaths and bridle paths within state, county, and municipal roads, streets, and highways but not outside of these areas as proposed by the legislation.

RS/bym:mew