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FISCAL IMPACT REPORT

ORIGINAL DATE 2/10/18

SPONSOR Cisneros **LAST UPDATED** _____ **HB** _____

SHORT TITLE Rio Grande Gorge Bridge Safety Improvements **SM** 103

ANALYST Amacher

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY18	FY19	FY20	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		See Fiscal			Nonrecurring	NMDOT

(Parenthesis () Indicate Expenditure Decreases)

Relates to SB 230

SOURCES OF INFORMATION

LFC Files

SUMMARY

Synopsis of Senate Memorial

Senate Memorial 103 requests the Department of Transportation to move forward with safety measures at the Rio Grande Gorge Bridge, to provide subside barriers on the bridge and to create safe accessibility to the bridge for all visitors that is compliant with the Federal American with Disabilities Act of 1990.

FISCAL IMPLICATIONS

Legislature memorials do not carry appropriations. However, the costs associated with the requests of SM103 are estimated to be \$3.7 million.

As reported on in related legislation (SB 230), an appropriation of \$3.2 million is proposed to conduct a feasibility study and to plan, design and construct safety improvements on the gorge bridge; however, based on a preliminary estimate rendered by HDR, Inc. (HDR), an engineering consulting firm hired by the Department of Transportation to perform an alternatives analysis, at least \$3.7 million will be needed to design and construct an exterior barrier rail on the gorge bridge. NMDOT notes that more than one year will likely be needed to study, plan, design, and construct safety improvements.

SIGNIFICANT ISSUES

Senate Memorial 103 requests the NMDOT move forward with safety measures at the Rio Grande Gorge Bridge, to provide subside barriers on the bridge and to create safe accessibility to the bridge for all visitors that is compliant with the Federal American with Disabilities Act of 1990.

SM 103 further requests that the NMDOT report the findings of the structural analysis by HDR to the appropriate legislative interim committee prior to that committee's final meeting in 2018. As noted in the memorial, HDR was contracted in June 2017 to create a structural analysis for three identified alternatives: "no build", replacement of the existing forty-seven-inch railing with an eight foot railing and the installation of a horizontal net system.

RELATIONSHIP

Senate Bill 230 appropriates \$3.2 million from the general fund to NMDOT, for use in FY2019 to conduct a feasibility study and to plan, design and construct safety improvements, including an exterior barrier rail, on the Rio Grande Gorge Bridge in Taos County.

OTHER SUBSTANTIVE ISSUES

As reported on SR 230, the NMDOT noted several factors which will likely make a one year appropriation timeline insufficient to complete a study as well as planning, design, and construction of an exterior barrier rail:

(1) The gorge bridge is listed in the State Register of Cultural Properties and the National Register for Historic Places. As part of the National Environmental Policy Act (NEPA) process, a project such as building an exterior barrier rail cannot be conclusively decided until an alternatives analysis has been completed and consultation with the Bureau of Land Management, Taos Pueblo, U.S. Department of the Interior, and Federal Highway Administration has taken place.

(2) Because the gorge bridge is listed on the State Register of Cultural Properties, consultation with the New Mexico State Historic Preservation Office (SHPO) will be necessary pursuant to Section 106 of the National Historic Preservation Act (Section 106) to determine the effects of the proposed changes to the bridge. Preliminary design of the preferred alternative would be needed prior to starting consultation with SHPO.

(3) Because the gorge bridge is listed on the National Register for Historic Places and is a significant historic site, it is considered a Section 4(f) property. Accordingly, a Section 4(f) analysis would be required prior to planning, designing and constructing any safety improvements. Individual Section 4(f) evaluations are processed in two distinct stages: draft and final. The draft evaluation must be circulated to the DOI and shared with the official(s) with jurisdiction. The public may review and comment on a draft evaluation during the NEPA process. The final Section 4(f) evaluations are subject to FHWA legal sufficiency review prior to approval [23 CFR 774.5(d)]. FHWA may not approve the use of the Section 4(f) property unless a determination is made that there is no prudent and feasible avoidance alternative and the action includes all possible planning to minimize harm to the property.

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Section 4(f) refers to the original section within the U.S. Department of Transportation Act of 1966 which established the requirement for consideration of park and recreational lands, wildlife and waterfowl refuges, and historic sites in transportation project development. The law, now codified in 49 U.S.C. §303 and 23 U.S.C. §138, is implemented by FHWA through the regulation 23 CFR 774. Section 4(f) applies to projects that receive funding from or require approval by an agency of the U.S. Department of Transportation.

(4) In general, the Section 106 and the Section 4(f) processes would take approximately two years to complete.

JMA/al