

## Commercial Vehicle Enforcement and Ports of Entry

### Summary

Responsibility for enforcing commercial vehicle laws and regulations is divided between the Department of Public Safety (DPS), which oversees safety inspections and State Police patrols, and the Department of Transportation (DOT), which issues hauling permits and collects associated revenues. This

**The Evaluation:** *A Review of New Mexico's Motor Transportation Police Mission and Organization (2013)* found staffing and operational issues hampered the ability of the former Motor Transportation Division (MTD) in enforcing commercial vehicle laws and collecting revenue. A reorganization in 2015 integrated MTD into the State Police and a 2017 agreement with the Department of Transportation reassigned revenue collection duties and management of ports of entry to DOT.

structure succeeds the previous system under which DPS also handled permitting and revenue collection, and which LFC staff reviewed in a 2013 program evaluation.

Since that time, DOT has assumed management of the state's 12 ports of entry for commercial trucks, freeing DPS to focus on safety and law enforcement duties. These changes, including the implementation of an online permitting system, have contributed to growing revenues from commercial vehicle permits, but challenges persist in collecting outstanding balances and staffing ports of entry.

Of 10 major recommendations from the 2013 report, six are complete and four have progressed. More work is needed to fully staff compliance and inspection positions at ports of entry, improve safety outcomes, and continue closing the revenue gap.

**Progress Reports** foster accountability by assessing the implementation status of previous program evaluation reports, recommendations and need for further changes.



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## Separating commercial vehicle safety and revenue functions has refined the mission of both, but staffing and operational challenges remain

**The departments of Public Safety and Transportation worked to resolve previously identified organizational issues.**

*The former Motor Transportation Division merged into the State Police following 2015 legislation.*

In 2013, LFC staff conducted an evaluation of the former Motor Transportation Division (MTD) of the Department of Public Safety (DPS). At the time, MTD was separate from the New Mexico State Police (NMSP) and was responsible for all matters regarding enforcement and oversight of commercial vehicles, chiefly commercial trucking, in New Mexico. The evaluation found MTD was properly placed within DPS, but was understaffed and suffered from inadequate resources to effectively collect permit fees and delinquent taxes.

The 2013 evaluation recommended DPS resolve differences between MTD and NMSP and implement pay parity between MTD and NMSP officers. In 2015, MTD merged into the State Police pursuant to Laws 2015, Chapter 20 (Senate Bill 95). This change allowed for a reduction in redundant functions between the formerly separate divisions and permitted a unified pay structure for all NMSP officers. Now, rather than a separate division of law enforcement dedicated exclusively to commercial motor transportation, each NMSP district has units of officers assigned to commercial vehicle enforcement (CVE) within a single organizational structure, allowing for cross-training and integration within the larger NMSP mission, as well as a single pay structure for all NMSP officers.

With regard to revenue enforcement, the 2013 LFC evaluation found issues with how DPS issued trip permits, collected fees, and enforced weight distance tax (WDT) requirements. At the time, DPS transportation inspectors issued permits in addition to conducting safety inspections, sometimes spending up to 90 percent of their time on revenue collection rather than safety functions. Additionally, MTD officers were able to sell trip permits at the side of the road during patrol stops.

The LFC evaluation recommended re-creating revenue clerk positions to perform these duties to free up transportation inspectors for safety-related duties and automating the permitting process at ports of entry. In 2015, DPS and DOT implemented a new electronic permitting system at ports of entry and hired 25 additional temporary staff to administer permitting and supplement existing port of entry staff. In 2016, the Legislature authorized \$2 million in funding for DOT to take over operation of the ports and conduct permitting operations, thereby effectively separating these duties from those of DPS inspectors and addressing the concerns addressed in the 2013 evaluation.

**DOT is moving forward with plans to staff ports of entry with state employees and upgrade facilities.**

Following the 2013 evaluation, the New Mexico Sentencing Commission (NMSC) conducted a staffing study of MTD, including calculating an estimate for staff resources needed for taxation, revenue, and permitting duties. That 2014 study estimated a need of 41 FTE to carry out these functions at the 12 staffed ports of entry statewide, excluding supervisors.

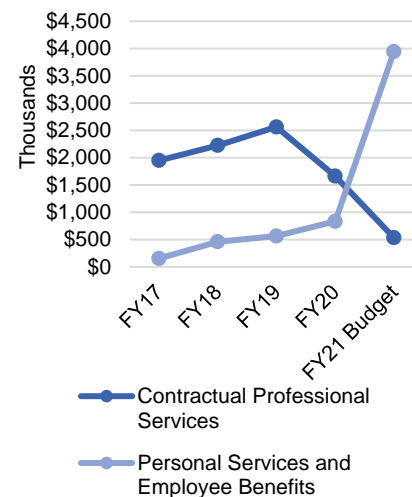
Since FY17, DOT has contracted with an outside staffing company to provide up to 44 temporary compliance officers at ports of entry. Expenditures for these personnel have ranged between \$2 million and \$2.5 million annually, falling to just under \$1.7 million in FY20 in part due to Covid-19 disruptions, as well as the Ports of Entry Bureau planning the ramp-up of its own staffing efforts. The FY21 General Appropriation Act authorized an additional \$6 million from the Weight Distance Identification Permit Fund for DOT, including roughly \$3 million to hire up to 50 state employees for ports of entry, well above the 2014 NMSC recommended number of 41 FTE, a process the department began in August 2020.

According to DOT, shifting to state employees will alleviate certain administrative challenges, including cases where some temporary staff report to DPS supervisors and some report to DOT supervisors. New state employees will be classified as compliance officers at operational, advanced, and supervisory levels, allowing for a single personnel structure that can coordinate and administer policies uniformly. Compliance officers will perform vehicle size and weight checks, identify those that need permits and verify the validity of those that have them, and sell permits and collect payments as required, in addition to providing commercial vehicle operators with general assistance on compliance and customer service matters.

DOT’s port of entry staffing plan calls for 46 compliance officers (16 advanced and 30 operational) across the 12 ports of entry, plus seven supervisors, divided into seven administrative units, including four consisting of two ports each. As of September 1, 2020, DOT had filled six compliance officer positions, including four in Santa Fe, one in San Jon, and one in Anthony. DOT advertised for openings at the Carlsbad and Orogrande ports of entry in August 2020, but it is unclear if these have been filled.

**The Department of Transportation is engaged in an RFP process for two major port of entry projects in Raton and Eddy County.** The 2013 LFC evaluation of the Motor Transportation Division noted the Raton Port of Entry on Interstate 25 near the New Mexico-Colorado border lacked a reliable water supply and often experienced power and internet outages as well as winter closures. The evaluation suggested relocating the port to a location closer to the city of Raton could alleviate these issues. In June 2020, the Department of Transportation (DOT) issued a request for proposals (RFP) for architectural and design services for a new Raton port of entry, to include an all-new building with up-to-date facilities, to be constructed on the same site as the existing port facility.

**Chart 1. DOT Port of Entry Staffing Expenditures, FY17-FY20**



Source: SHARE

**Table 1. DOT Proposed FTE for Full Port of Entry Staffing**

Port of Entry	Compliance Officer Supervisor	Compliance Officer - Advanced	Compliance Officer - Operational
San Jon/Nara Visa	1	3	7
Texico/Hobbs	1	2	3
Raton	1	2	5
Gallup	1	2	3
Lordsburg	1	2	2
Anthony/Santa Teresa	1	3	4
Orogrande/Carlsbad	1	2	6
<b>Total</b>	<b>7</b>	<b>16</b>	<b>30</b>

Source: DOT

In August 2020, DOT issued another RFP for engineering services to study and identify a suitable location for an entirely new port of entry between mile markers 0 and 7 of U.S. 285 in Eddy County, much closer to the Texas border than the current ports in Carlsbad and Orogrande. According to the RFP, this new location would provide a port where none currently exists to handle significant recent increases in truck traffic resulting from expanded oil and gas activity. While these activities have been adversely affected by the Covid-19 pandemic, DOT states this location nonetheless would place a port of entry much closer to the Texas state line than currently exists, reducing the potential for evasion of weight and permitting requirements in this region of the state. The next closest port of entry is the Carlsbad port, 26 miles north of the Texas border on U.S. Route 62.

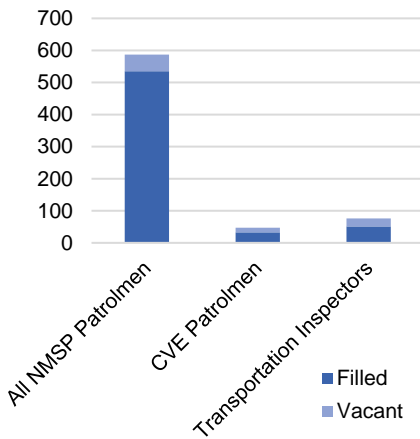
**DPS continues to experience staffing and enforcement challenges related to commercial vehicle activity.**

The 2014 NMSC staffing study of the former MTD recommended a total of 234 officers and sergeants for motor transportation enforcement. However, current available staffing data indicates DPS is not staffing dedicated commercial vehicle enforcement (CVE) units at these levels, and some CVE activities and patrols are organizationally integrated with other NMSP units following the 2015 merger. As of October 2020, the DPS organizational staff listing shows three dedicated CVE lieutenants and 12 dedicated CVE sergeants among all NMSP personnel, overseeing 47 patrolmen. Of these 47 positions, 14 were vacant. This makes for a vacancy rate of 30 percent among these dedicated CVE positions, compared to 9 percent across all NMSP patrolman positions. Put another way, CVE patrolman vacancies account for 27 percent of all NMSP patrolman vacancies in October 2020.

The 2014 staffing study also recommended 40 FTE dedicated to safety and inspections. Following the transfer of permitting and revenue collection duties to DOT, DPS civilian transportation inspectors are solely responsible for safety inspections at ports of entry. As of October 2020, 51 of these positions were filled, above the NMSC benchmark, but unevenly distributed so as to result in a vacancy rate of 32 percent (25 of 76 positions). Between the Anthony, Santa Teresa, and Carlsbad ports alone, nine out of 18 (50 percent) transportation inspector positions were vacant.

A 2019 staffing and salary study completed for DPS recommended adjusting the in-range pay of transportation inspectors by up to 10 percent, and the FY21 General Appropriation Act included \$406.9 thousand for DPS to implement a new pay plan for transportation inspectors and dispatchers. Following solvency measures enacted in the 2020 special legislative session, DPS reduced amounts planned for raises, reduction of vacancy rates, and new positions. These measures, coupled with ongoing staffing challenges related to the Covid-19 pandemic, have extended timeframes for posting, recruiting, and hiring to fill vacancies. DPS also reports that some transportation inspectors, attracted by opportunities for higher pay, are moving to fill positions at DOT as it steps up staffing of port of entry compliance officers.

**Chart 2. Patrolman and Transportation Inspector Vacancies, October 2020**



Source: LFC analysis of SPO data

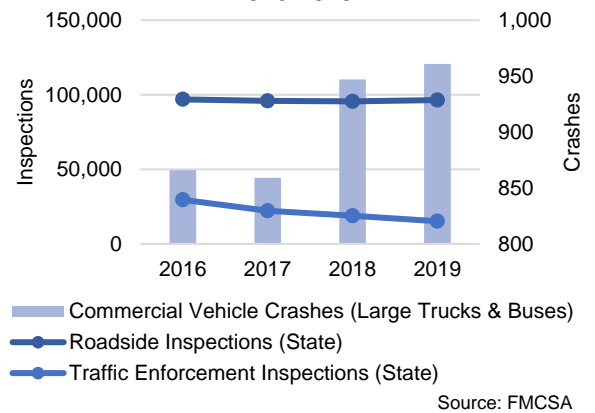
**DPS is conducting more roadside inspections, fewer traffic enforcement actions, and seeing more crashes.** The number of vehicle miles traveled by heavy trucks in New Mexico decreased by 2 percent between 2018 and 2019, from a total of 2.73 billion to 2.67 billion, according to DOT data. However, crashes involving commercial vehicles continued on an upward trend, as did traffic enforcement inspections conducted by DPS.

Roadside inspections – typically those conducted at ports of entry by civilian DPS transportation inspectors – totaled roughly 69 thousand in 2012, the last full year examined in the 2013 LFC evaluation. By 2016, according to data from the Federal Motor Carrier Safety Administration (FMCSA), these grew substantially to nearly 97 thousand, and have remained between 95 thousand and 97 thousand in each year since, indicating greater activity and output at the state’s ports of entry.

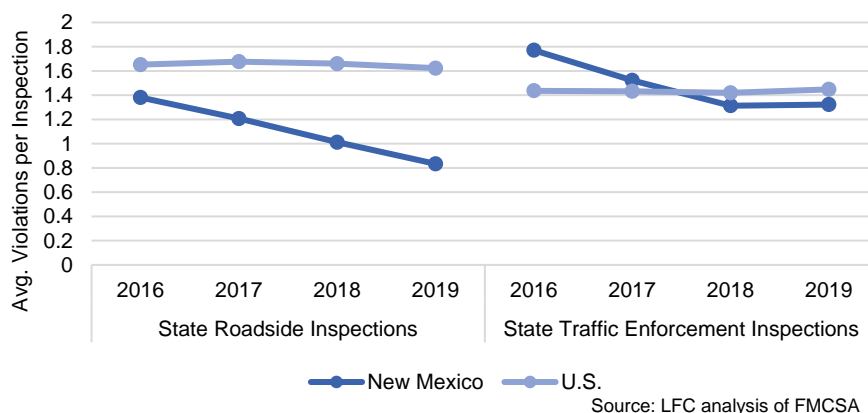
Traffic enforcement inspections occur when law enforcement, in this case the State Police, stop a commercial vehicle in the field due to a moving violation or evident safety issue such as unsecured cargo, and conduct an associated inspection of the vehicle or driver. These fell by 49 percent between 2016 and 2019, from 29.5 thousand to 15.2 thousand. Meanwhile, crashes involving commercial vehicles, defined by FMCSA as large trucks and buses, grew from 866 in 2016 to 961 in 2019, an increase of 11 percent. The number of fatal crashes in 2019 was 35, the lowest level in the last five years, after peaking at 56 in 2017.

New Mexico is also experiencing a declining rate of violations per inspection relative to the nation as a whole. According to state and national data from FMCSA, the average number of violations per inspection has stayed relatively constant nationally, hovering around 1.6 to 1.7 violations per state roadside inspection and 1.4 violations per state traffic enforcement inspection between 2016 and 2019. New Mexico’s violation rate for both types of inspections, however, decreased substantially over that period, from 1.4 to 0.8 violations per roadside inspection and from 1.8 to 1.3 violations per traffic enforcement inspection. Whether this is an indicator of better safety practices among commercial carriers operating in New Mexico or a sign of potential issues with the quality of inspections remains unclear.

**Chart 3. New Mexico Commercial Vehicle Inspections and Crashes, 2016-2019**

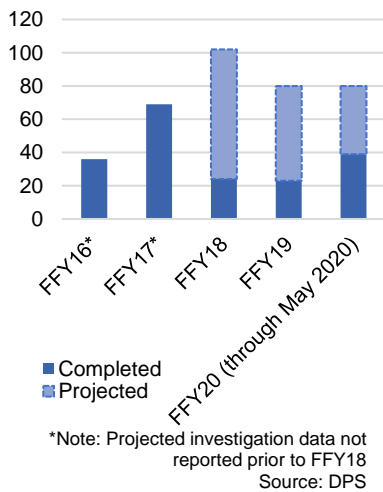


**Chart 4. Average Violations per Inspection, New Mexico vs. U.S.**



**The Department of Public Safety does not track commercial vehicle enforcement actions by location and lacks uniform criteria for staffing mobile inspection points.** The former Motor Transportation Police merged into NMSP in 2015 for administrative ease and greater flexibility in staffing and enforcement actions. Currently, NMSP has the ability to operate mobile inspection units at 36 sites in each of its 12 patrol districts. These stations allow NMSP to conduct safety inspections and compliance checks on commercial vehicles at locations away from ports of entry. According to DPS, manning of these stations occurs at the discretion of district command staff, typically three times per year or on an as-needed basis. DPS does not have any other criteria for determining when and where mobile inspection units should be deployed, such as risk of traffic circumventing ports of entry or safety criteria specific to certain highways.

**Chart 5. Compliance Review Investigations Completed, FFY16-May 2020**



DPS also does not report commercial vehicle enforcement data by location, which could enhance the department’s ability to quantify, analyze, and act upon concerns in a particular area. However, DPS reports it is finalizing integration of its TraCS (Traffic and Criminal Software) system with existing Smart Roadside technology at all ports of entry. DPS expects this to be complete in six months, with one outcome being the ability to track the entirety of an inspection process, including enforcement actions and violations by location using GPS tracking.

**Compliance review investigations continue to fall short of targets.** NMSP’s Compliance Review Unit (CRU) conducts safety reviews and investigations on motor carriers pursuant to federal requirements. The 2013 evaluation found the CRU was understaffed and was only achieving roughly half of its targeted number of investigations. Despite adding an officer to its staff in the intervening years, the unit continues to fall short of its targets, completing 23 investigations out of a target of 80 in FFY19.

## Revenue collection has grown steadily in recent years, but the state still lacks a reliable estimate of noncompliance

**Commercial vehicle tax and fee revenues grew by 27 percent since FY16, but the Covid-19 pandemic had a significant impact in recent months.**

Commercial vehicles registered in New Mexico are subject to the weight distance tax (WDT), which commercial motor carriers file directly with TRD. Those not registered in New Mexico and not subject to the WDT must pay a trip tax, sometimes also called a mileage tax, based on the mileage traveled in the state. The tax varies based on the weight of the vehicle, ranging between 7 cents and 16 cents per mile. While statute authorizes DPS to collect the tax and issue trip permits, these tasks are now performed by DOT at ports of entry throughout the state pursuant to the memorandum of agreement between the two agencies and TRD. Revenues from the trip tax are deposited in the state road fund for the maintenance, repair, and construction of New Mexico’s highways.

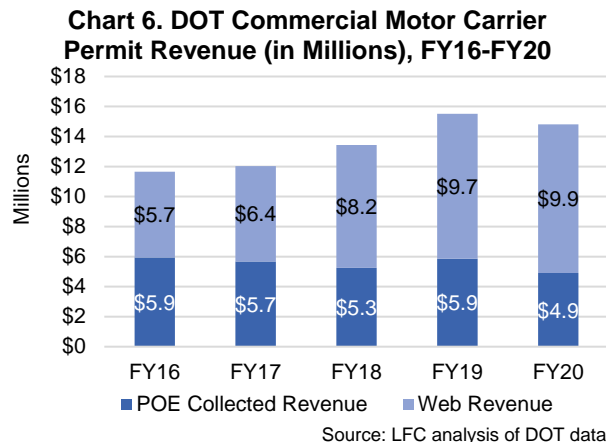
**New Mexico ports of entry physically collected \$4.9 million in revenue in FY20 as permit sales increasingly moved online.** The Department of Transportation (DOT) operates 12 ports of entry near New Mexico’s borders with neighboring states and Mexico. Commercial motor carriers entering the state must stop at these locations for inspections, size and weight checks, and to obtain permits, among other requirements. Port of entry staff are authorized to issue required permits and collect payments of fees for these, as well as collect trip tax payments for out-of-state carriers who are not registered to pay the state’s weight distance tax.

In FY20, ports of entry collected \$4.9 million in permit fees, trip tax payments, and other revenues from commercial motor carriers. While this is down 17 percent from the \$5.9 million collected in FY16, revenue from online permit sales grew 73 percent, from \$5.7 million in FY16 to \$9.9 million in FY20 following the implementation of a new web-based permitting system in 2015. Between FY18 and FY19 alone, total revenues grew from \$13.5 million to \$15.6 million while truck vehicle miles traveled decreased by 2 percent during approximately the same period, suggesting improving rates of compliance and collection of associated taxes and fees.

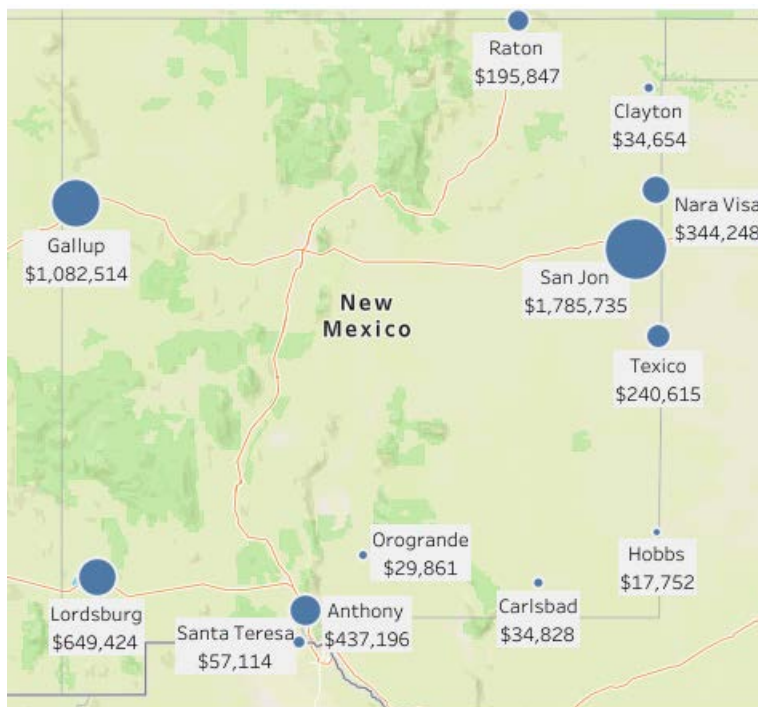
Overall revenues from fees and permits, including trip tax payments, grew 27 percent during the past five fiscal years. Lower overall collections in FY20 were due entirely to less revenue collected at ports of entry as a result of traffic and staffing disruptions in the early part of the Covid-19 pandemic.

The Gallup and San Jon ports of entry combined to collect 58 percent of all POE revenues in FY20 due to their location along the heavily traveled I-40 corridor. The remaining 10 POEs comprised the remainder. Four POEs (Anthony, Gallup, Lordsburg, and San Jon) operate 24 hours a day, seven days a week, while the rest have varying hours of operation.

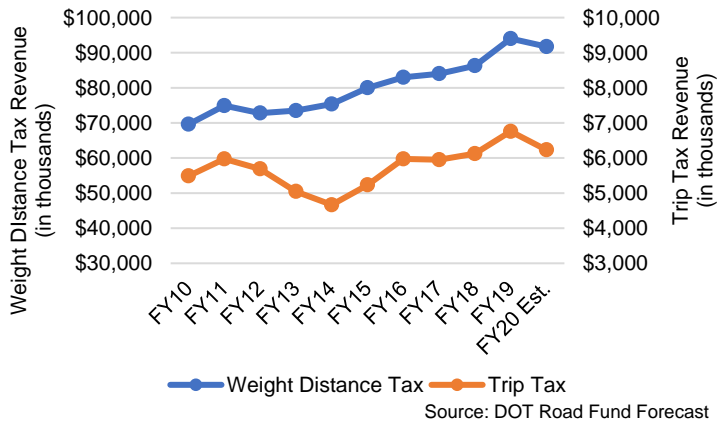
**Revenue from the trip tax increased 23 percent from FY10 through FY19, but FY20 collections are about \$1 million lower than they could have been without the impact of Covid-19.** Between FY10 and FY19, trip tax revenue increased by 23 percent, from \$5.5 million to \$6.8 million, before falling to \$6.2 million in FY20 due to traffic disruptions as a result of the Covid-19 pandemic. Trip tax revenues grew fastest in FY15 and FY16 following the restructuring of MTD and the institution of a new online permitting system in 2015.



**Figure 1. Revenue Collected at Ports of Entry, FY20**

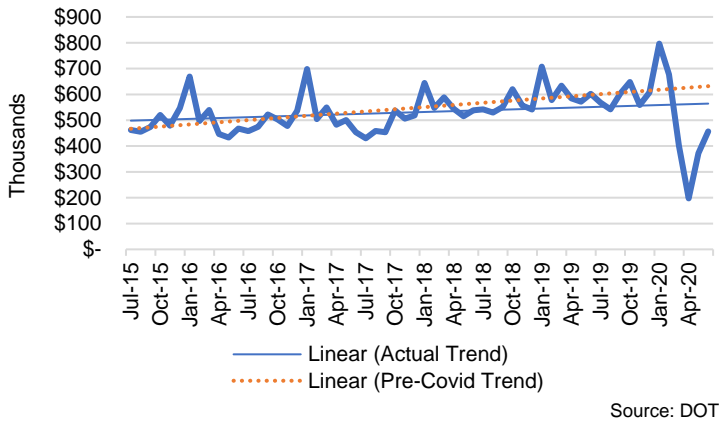


**Chart 7. Weight Distance Tax and Trip Tax Revenues, FY10-FY19**



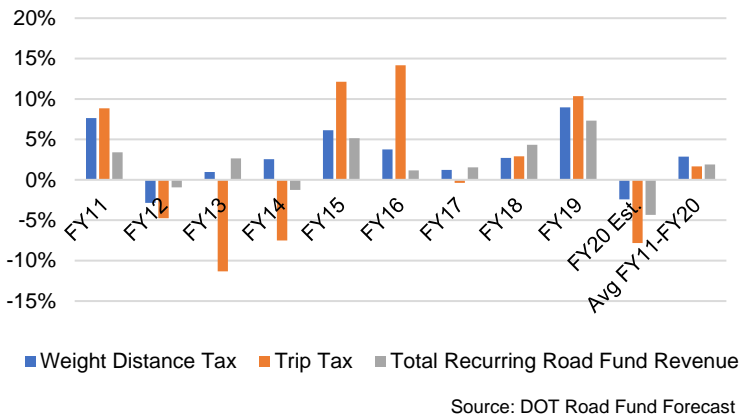
FY16 was the first full year of operation of the electronic permitting system. That year, the state collected just under \$6 million in trip taxes at ports of entry. This continued to grow each year, reaching nearly \$7 million in FY19. Collections continued to outpace previous years through the first eight months of FY20 before the Covid-19 pandemic caused major disruptions in the economy, including the commercial trucking industry. Without that disruption, the state would have been on a pace to collect as much as \$7.4 million in trip tax revenue in FY20. However, estimated FY20 collections were still about 2 percent higher than FY18, roughly in line with the annual rate of increase between FY16 and FY18.

**Chart 8. Monthly Trip (Mileage) Tax Collections at Ports of Entry, FY16-FY20**



On a month-to-month basis, DOT has seen a steady increase in collections since FY16. Average monthly trip tax collections were \$536 thousand in FY20, up from \$499 thousand in FY16 but lower than the \$585 thousand average per month in FY19. The substantial drop-off in collections in April 2020 resulted from Covid-19 pandemic-related disruptions.

**Chart 9. Annual Change in Weight Distance Tax, Trip Tax, and All State Road Fund Revenues, FY11-FY20**



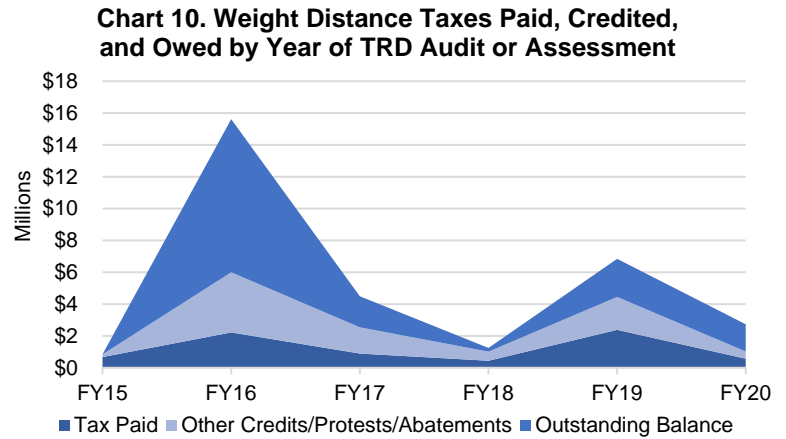
Weight distance tax revenue increased 35 percent during the same period. From FY17, when DOT assumed control of permitting, trip tax collections, and ports of entry, to FY19, trip tax revenue outpaced WDT revenue 14 percent to 12 percent, though it fell faster in FY20, likely because trip tax revenues and permit sales are dependent on actual traffic, whereas WDT collections occur based on regular carrier filing schedules.

On average, from FY11 to FY20, WDT collections averaged a 3-percent annual increase while annual changes in trip tax revenues, being tied to trips taken and mileage driven, remained roughly in line with that of all road fund revenues at around 2 percent.

**According to TRD estimates, roughly 50 percent of unpaid WDT identified in audits since FY15 remains outstanding.** The Taxation and Revenue Department (TRD) audits and reviews the tax returns of commercial



carriers subject to the weight distance tax (WDT). At the time of the 2013 LFC evaluation of the former Motor Transportation Division, TRD had only been conducting targeted WDT audits for two years. Total assessments from FY13 audits were approximately \$1.5 million. Between FY15 and FY20, TRD identified approximately \$31.8 million in weight distance taxes owed through audits and project assessments. As of September 2020, \$15.9 million of that remains outstanding, the majority of which (\$9.6 million) is attributable to audits and assessments conducted for FY16, the first year TRD started using its present audit methodology. Compliance has generally improved since then, with outstanding balances ranging from roughly \$200 thousand in FY18 to \$2.4 million in FY19.



Due to staff reductions in FY19, TRD is conducting fewer audits and more project assessments – essentially desk audits based on data analytics producing potential audit leads – to enforce collection of weight distance taxes. In 2018, TRD conducted 22 field audits and 116 managed audits on the WDT, and 715 project assessments. In 2019, TRD conducted 23 field audits and two managed audits, and over 9,600 project assessments. The full audits conducted in 2019 resulted in \$485 thousand in additional WDT being collected, while the project assessments resulted in \$1.9 million. While TRD reports these types of assessments can result in more revenue with fewer FTE, collections can be more difficult and are for smaller individual amounts, averaging \$197 per assessment in FY19, compared to roughly \$21 thousand per field audit.

**Table 2. Weight Distance Tax Audit Volume and Tax Paid**

		2015	2016	2017	2018	2019	2020
Managed Audit	Conducted	6	14	148	116	2	5
	Tax Paid	\$132,887	\$18,746	\$134,280	\$148,181	\$4,237	\$546
Audit	Conducted	40	43	23	22	23	9
	Tax Paid	\$537,242	\$468,376	\$324,212	\$165,046	\$480,663	\$17,903
Project Assessment	Conducted	1	6,378	6,090	715	9,640	4,683
	Tax Paid	\$1,478	\$1,726,659	\$436,393	\$128,918	\$1,894,921	\$553,505

Source: TRD

As of September 2020, TRD’s Weight Distance Bureau A has four out of five positions filled. Prior to FY19, there was a second unit dedicated to WDT audits with four additional staff members employed on a term basis. As a result of funding reductions, TRD reprioritized these positions to other areas using general fund vacancy savings. While TRD has experiences significant vacancy savings in recent years, it does not expect this to continue due to lower administrative fee revenue and Covid-19 related solvency measures. TRD is

requesting \$300 thousand in other state funds to support WDT audit functions in FY22, including the restoration of two term positions.

**Identifying delinquent in-state carriers is crucial to maximizing revenue.**

The 2013 evaluation noted targeting audits to intrastate motor carriers could result in more revenues. However, as of September 2020, TRD notes that it does not track audit results by whether a carrier is primarily in-state or out-of-state.

Currently, ports of entry have access to GenTax, the state’s tax information system, to check for unpaid WDT balances. Port of entry employees use this to identify when carriers owe a balance and take collections on the spot. Taxpayers must submit payment immediately or resolve the issue before they can be cleared by the port. TRD takes trip tax permits purchased at ports of entry into consideration when determining outstanding WDT liabilities, and does not allow permits to be purchased when a taxpayer has an outstanding liability.

However, because carriers that operate exclusively within New Mexico borders are not required to stop at ports of entry, this system is more likely to miss those with outstanding WDT balances. TRD reports it intends to leverage recently enacted legislation to work with DOT and DPS to further reduce outstanding liabilities. Laws 2020, Chapter 43 (Senate Bill 116) allows TRD to share tax return information with both DOT and DPS for the purposes of the Weight Distance Tax Act. TRD also suggests aligning motor carrier safety records retention requirements with those for the weight distance tax, as TRD audit staff often rely on taxpayer safety records as part of the audit process. Currently, regulations require a three-year record retention period for motor carrier safety records (18.3.7.14 NMAC), while statute requires WDT taxpayers to retain records for four years (7-15A-9 NMSA 1978).

**The Legislature should consider statutory changes to clarify agency responsibilities and codify what is now a contractual arrangement.**

Statute vests the enforcement of commercial trucking laws, including safety requirements, certain permitting duties, and operation of ports of entry with the Department of Public Safety. Prior to FY17, DPS carried out all these duties. In the General Appropriation Act of 2016, the Legislature provided funding to DOT to assume the management and maintenance of ports of entry and administer the system for selling permits.

In November 2016, DPS, DOT, and the Taxation and Revenue Department (TRD) entered into a memorandum of agreement (MOA) laying out the duties and responsibilities of each agency under a new structure for regulating commercial vehicle activities in New Mexico. Under this agreement, DOT began administering permitting and associated revenue collection and operating and maintaining ports of entry. DOT now handles revenue and permit compliance checks, while DPS continues to conduct safety inspections and regular law enforcement patrols.

**Table 3. Key Statutory Duties Assigned to DPS Where DOT Plays a Role in Current Practice**

Duty/Responsibility	Statutory Authority
Enforce and collect “all excise taxes, license fees and other fees and charges”	65-1-9 NMSA 1978
Enter into agreements with financial institutions and credit card companies to accept payment from motor carriers of taxes, fees or other charges due under the Motor Transportation Act, Motor Vehicle Code, Trip Tax Act, Special Fuels Tax Act, or Weight Distance Tax Act.	65-1-28 NMSA 1978 65-1-28.1 NMSA 1978
Establish a procedure for the issuance of prepaid trip permits	7-15-3.1 NMSA 1978
Administer the Trip Tax Act and to impose, collect and enforce the trip tax	7-15-6 NMSA 1978
Issue a special permit in writing authorizing the applicant to operate or move a vehicle or load exceeding size and weight limits	66-7-413 NMSA 1978

Source: New Mexico statutes

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Effectively, the MOA delegates certain duties assigned to DPS in statute to DOT, and the Legislature has provided appropriations to this end since FY17. Because the MOA does not contain an expiration date, presumably, DOT will continue to administer the ports, permitting, and revenue compliance functions indefinitely or until all parties agree to terminate the agreement, or until the Legislature chooses to stop funding these activities through DOT's budget.

While the MOA served its function to separate revenue compliance duties from safety and law enforcement functions by assigning them to DOT, statute still assigns these functions to DPS. To ensure the success of the current model adopted under the MOA can continue across administrations, the Legislature may wish to consider statutory changes that would update and clarify the roles and responsibilities of each agency.

## Updated Recommendations

Of 10 major recommendations from the original 2013 evaluation, six (60 percent) are complete and four (40 percent) have shown progress. Based on the findings of this progress report, the state can make further improvements in the following areas.

The Legislature should consider:

- Amending the Motor Transportation Act, the Motor Vehicle Act, and related provisions to update and clarify the duties, responsibilities, and relationships of DPS and DOT with regard to safety inspections, permitting, and revenue collection.

The Department of Transportation should:

- Prioritize hiring compliance officers to replace temporary workers at ports of entry.

The Department of Public Safety should:

- Track and report commercial vehicle enforcement actions and violations by location and use this data to prioritize deployment of patrols and mobile inspection sites.
- Develop a plan to fill vacancies among CVE patrols, transportation inspectors, and compliance review investigators within six months.



The Taxation and Revenue Department should:

- Prioritize and present a plan to fully staff weight distance audit and compliance activities to the Legislature for the 2021 session;
- Focus data-sharing initiatives with DOT and DPS on the identification of in-state carriers with outstanding tax liabilities; and
- Track and report weight distance tax audit results by whether a carrier is primarily intrastate or interstate.








## Finding

The MTD is properly located within the Department of Public Safety, but is understaffed for its mission and faces serious recruitment and retention challenges.

Recommendation	Status			Comments
	No Action	Progressing	Complete	
DPS should create a planned approach to resolving the major differences between MTD and State Police prior to making the transition to its new organizational model in 2015.				DPS merged MTD into NMSP in 2015.
DPS should develop a plan to bring MTD personnel up to pay parity with State Police counterparts				DPS merged MTD into NMSP in 2015.


## Finding

MTD has inadequate staff for its ports and patrol mission.

Recommendation	Status			Comments
	No Action	Progressing	Complete	
DPS should begin to fill existing vacancies within the next six months and develop a plan for funding and filling unfunded positions.				CVE-specific patrol positions have a higher vacancy rate than NMSP as a whole as of September 2020.
DPS should add more patrol officer and transportation inspector personnel to underserved areas of the state, in particular, the southeast sector within the next year.				Overall transportation inspector positions exceed staffing study recommendations, but 50 percent of transportation inspector positions at Anthony, Santa Teresa, and Carlsbad ports of entry were vacant in September 2020.
DPS should develop a plan for enhancing its presence in the Santa Teresa area in response to the expected exponential growth in CMV.				As of September 2020, DPS has 6 transportation inspectors budgeted at the Santa Teresa POE, of which 4 are filled. DOT has budgeted for 3 compliance officers beginning in FY21. NMSP currently has 6 officers posted at Santa Teresa.
DPS should develop a plan for expanding random road patrols, remote sensing equipment, and mobile weighing operations as a more cost effective alternative to re-opening closed ports of entry.				Smart Roadside exists at all POEs. DPS operates mobile inspection stations at the discretion of district command staff, but does not have uniform tracking and use of data on enforcement actions by location.
DPS should contract with the NM Sentencing Commission to determine appropriate staffing levels for POEs and districts.				Staffing study completed in 2014. LFC staff recommends an updated study may be warranted.


## Finding

Improvements to MTD's revenue enforcement mission could increase efficiency, reduce tax evasion, and identify additional revenue.

Recommendation	Status			Comments
	No Action	Progressing	Complete	
DPS should re-create revenue clerk positions to sell permits to free up TIs for vehicle inspections. Also explore the installation of automated processes, such as online or via kiosks, at the POEs;				Revenue collection and permitting functions at ports of entry spun off to DOT beginning in FY17.


## Finding

MTD places a major emphasis on its safety mission but is hampered by insufficient safety data, potentially conflicting priorities, and too few staff.

Recommendation	Status			Comments
	No Action	Progressing	Complete	
DPS should increase the Compliance Review Unit.				Compliance Review Unit increased from 5 to 6 FTE between FY15 and FY21, but has one current vacancy and continues not to meet investigation targets.

## Finding

MTD has been effective in performing its interdiction role, but could make improvements.

Recommendation	Status			Comments
	No Action	Progressing	Complete	
DPS should seek additional funding from local municipalities and the federal government increase the number of interdiction operations, utilizing random patrols and joint interdiction operations.				DPS does not receive local funding for CVE operations, but has expanded smart roadside systems to include all POEs and expanded the number of mobile inspection sites.