

FISCAL IMPLICATIONS

No immediate fiscal impact.

ADMINISTRATIVE IMPLICATIONS

According to the department, maintenance responsibilities would have to be revised if this bill becomes effective.

OTHER SUBSTANTIVE ISSUES

The department provided the following issues:

The New Mexico state road system is much larger than that of Arizona, Utah or Colorado, and our highway revenues are much less than these adjacent states. The department does not have the resources to maintain the entire state system. Roads that are primarily of local importance are thus not maintained at a high level. Certification (or the possibility of certification) is an important system management tool.

The department has not used the certification process for over ten years. The current practice in giving local control of highways to counties or municipalities is to negotiate an agreement that details improvements to the highway prior to local acceptance. Most typically, these agreements are the result of a new facility being built which make the older facility obsolete or duplicative. These agreements generally provide the local entity with either funds or services from the department to improve the road before its jurisdiction is transferred. The department has been diligent in improving facilities so that the road is not an immediate or severe financial hardship to the receiving governmental body. The possibility of certification is what makes these agreements possible.

The department recognizing that the certification process is difficult for counties and it is in recognition of that fact that the preferred method of negotiating agreements is used for transfer of road ownership.

The emergency section of the existing law provides for an orderly process to assure the safe operations of the state's most important highways should there be a sudden lapse in state road funds. Should a time come that the department must adjust the state program to support the most important roads (The National Highway System and significant primary arterials) there must be a mechanism for sharing maintenance responsibilities with the counties in order to assure that the road system operates in a safe and effective manner.

It is noted that the certification of a highway is intended to be temporary until state resources become sufficient for the department to resume responsibility for maintenance.