

LFC Requester:	Email Hilla
-----------------------	--------------------

**NMDOT BILL ANALYSIS
2025 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:

Original **Amendment**
Correction **Substitute**

Date Prepared: 2/5/2025
Bill No. SB 49

Sponsor: Mimi Stewart **Agency/ Code:** NMDOT - 805 - Project Oversight Division
Person Writing Analysis: Clarissa Martinez
Short Title Community Benefit Fund Transfer **Phone:** 505-699-9946 **Email:** Clarissa.martinez@dot.nm.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
\$50,000.0	-	Nonrecurring	Community Benefit Fund

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: SB 48

Duplicates/Relates to Appropriation in the General Appropriation Act:

REVENUE (dollars in thousands)

Not applicable.

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

Not applicable.

SECTION III: NARRATIVE

BILL SUMMARY

Senate Bill 49 (SB 49) authorizes several appropriations and transfers totaling \$340 million from the Community Benefit Fund to various state agencies and funds, contingent on the Legislature enacting the Community Benefit Fund (SB 48) and providing funding for it.

FISCAL IMPLICATIONS

If passed, SB 49 would provide \$50 million dollars to the Transportation Project Fund (TPF) to use as follows:

Fifty million dollars (\$50,000,000) is transferred from the community benefit fund to the Transportation Project Fund for transportation-related projects that reduce the use of combustion engine vehicles, including for bicycle and pedestrian infrastructure and pedestrian safety.

SIGNIFICANT ISSUES

SB 49 funding would be limited to projects that reduce the use of combustion engine vehicles, including those focused on bicycle and pedestrian infrastructure and pedestrian safety. This limitation could restrict project options to primarily recreational trails and bike/pedestrian paths. As a result, the NMDOT might need to run a separate call for projects specifically targeting recreational trails and bike/pedestrian infrastructure.

Currently, eligible projects for the TPF include:

1. Environmental and other studies
2. Planning
3. Design
4. Construction
5. Acquisition of rights of way necessary for transportation infrastructure development (including highways, streets, roadways, bridges, crossing structures, and parking facilities for vehicular, transit, bicycle, or pedestrian use).

Historically, bicycle and pedestrian infrastructure has been included in larger road improvement projects. However, under SB 49, such combined projects would not be eligible for funding under the Community Benefit Fund transfer funding.

PERFORMANCE IMPLICATIONS

A second call for projects would still need to follow the TPF application process, which involves submission through the Metropolitan Planning Organizations and Rural Transportation Planning Organizations, ranking by District engineers, and final review and selection by the Secretary's office. This process must be completed and ready for submission to the State Transportation Commission by August 1. Given the time constraints, this could place an additional burden on local entities to meet deadlines for two separate calls for projects.

SB 49 would help New Mexico achieve the transportation greenhouse gas reduction goals set by the Governor's Executive Order 2019-003. Additionally, having dedicated funding for bicycle and pedestrian infrastructure should lead to more and safer bicycle and pedestrian facilities around the state which would contribute to NMDOT's Target Zero goal of zero roadway fatalities by 2050. This funding could also help Tribal/Local Public Agencies implement their Vision Zero (safety), bicycle and pedestrian plans.

ADMINISTRATIVE IMPLICATIONS

NMDOT may need to issue a separate call for projects in order to gather applications that align with the criteria for the Community Benefit Fund transfer and may cause some administrative burden due to managing two separate calls for projects under TPF.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

SB 49 is contingent upon passage of SB 48.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

If SB 49 is not passed, NMDOT will continue to support bicycle and pedestrian projects that are eligible under current TPF guidelines.

AMENDMENTS

TPF funding cannot be mixed with federal funding which would limit the usage of these funds. To better serve local communities and New Mexico we propose a change to the law language as follows:

Current:

SECTION 4. TRANSFER--COMMUNITY BENEFIT FUND TO THE TRANSPORTATION PROJECT FUND.--Fifty million dollars (\$50,000,000) is transferred from the community benefit fund to the transportation project fund for transportation-related projects that reduce the use of combustion engine vehicles, including for bicycle and pedestrian infrastructure and pedestrian safety.

Proposed:

SECTION 4. TRANSFER--COMMUNITY BENEFIT FUND TO THE NEW MEXICO DEPARTMENT OF TRANSPORTATION.--Fifty million dollars (\$50,000,000) is transferred from the community benefit fund to the New Mexico Department of Transportation for transportation-related project grants to local and tribal governments that reduce the use of combustion engine vehicles, including for bicycle and pedestrian infrastructure and pedestrian safety.