

LFC Requester:	Emily Hilla
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**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: 2/11/2025

Bill No. SB 164

Sponsor: Michael Padilla

Agency/ Code: NMDOT - 805 - OGC

Person Writing Analysis: Samuel Ottley III

Short Title Wireless Consumer
Infrastructure Changes

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SECTION II: FISCAL IMPACT

Not applicable.

SECTION III: NARRATIVE

BILL SUMMARY

Senate Bill 164 (SB 164) modifies the definitions in the Wireless Consumer Advanced Infrastructure Investment Act (63-91-2) to expand New Mexico Department of Transportation (NMDOT) Rights of Way (ROW) to include patrol yards, rest areas shoulders, medians, ditches, culverts, ramps, turnouts and other easements held by the NMDOT.

BILL SUMMARY

SB 164 modifies the definitions in the Wireless Consumer Advanced Infrastructure Investment Act (63-91-2) to expand NMDOT ROW to include patrol yards, rest areas shoulders, medians, ditches, culverts, ramps, turnouts and other easements held by the NMDOT.

FISCAL IMPLICATIONS

The NMDOT is currently responsible for permitting and relocating utilities that must be moved for construction or maintenance projects. Expanding the ROW to include the additional areas may slightly increase these costs in the future. However, because most broadband consists of new facilities any new location costs will be in the future and minimal. These costs would be part of the existing utilities budget and for the foreseeable future would not require a specific appropriation.

SIGNIFICANT ISSUES

The NMDOT is responsible for providing safe driving conditions for the motoring public. Part of this responsibility means being able to control and maintain shoulders, clear zones and other areas outside of the paved area of a roadway. SB 164 ensures that the NMDOT will be able to regulate broadband, like other utilities in the areas around the paved roadway.

PERFORMANCE IMPLICATIONS

The NMDOT will need to be sure to include broadband permits in the new on-line permitting process.

ADMINISTRATIVE IMPLICATIONS

None.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Related to 2024 SM 15 and 2025 SB 126.

TECHNICAL ISSUES

None identified.

OTHER SUBSTANTIVE ISSUES

These changes were made at the request of NMDOT and NMDOT has agreed to support the Office of Broadband Access and Expansion by providing a representative from NMDOT to explain in committee why the definition of ROW needs to be expanded.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo.

AMENDMENTS

None.