

LFC Requester:	Joseph Simon
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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: **Date Prepared:** 2/10/2025
Original **Amendment** _____ **Bill No.** SB 241
Correction _____ **Substitute** _____

Sponsor: Roberto "Bobby" J. Gonzales **Agency/ Code:** NMDOT - 805 - Office of General Counsel
Short Title HWY Construction **Person Writing Analysis:** John Newell
Auto Speed Enforcement **Phone:** 505-469-6411 **Email:** johnp.newell@dot.nm.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Not applicable.

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
Unknown	Unknown	Unknown	N/A	Road Fund

(Parenthesis () Indicate Expenditure Decreases)
 Duplicates, Relates to, Conflicts with, Companion to:

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	Unknown	Unknown	Unknow	Unknown	N/A	Road Fund

(Parenthesis () Indicate Expenditure Decreases)

SECTION III: NARRATIVE

BILL SUMMARY

Senate Bill 241 (SB 241) creates the Highway Construction Zone Automated Speed Enforcement Act, enabling the New Mexico Department of Transportation (NMDOT) to use automated speed cameras in construction zones to record and distribute civil speeding penalties in the amounts below:

- \$50 for speeds 6-10 mph over the limit.
- \$100 for 11-15 mph over.
- \$200 for 16+ mph over.

Under the bill, potential violations will be reviewed by the New Mexico State Police Division (SPD) of the Department of Public Safety (DPS) before being issued as violations. SB 241 also includes a hearing process to challenge violations and sets forth enumerated defenses.

Finally, SB 241 specifies that revenue from the civil penalties will go to the Traffic Safety Bureau (TSB) at the NMDOT to maintain and administer the system. Under the bill, NMDOT will promulgate rules for the operation of the program. Further, as part of the operation of the program, NMDOT will need to enter into an agreement with DPS to cover administrative costs of SPD to review potential violations. Also, the bill allows the NMDOT to have a third-party contractor or contractors conduct annual calibration of devices but explicitly prohibits contractors from being paid based on ticket volume.

FISCAL IMPLICATIONS

The revenue generated from the program created is speculative at this time. However, the NMDOT expects to generate sufficient revenue for the program to support itself.

However, additional costs may occur outside the costs to administer the system. NMDOT will need to promulgate rules to implement SB 241 and will need to cover the costs of rulemaking. Additionally, construction zone traffic control plans will need to include speed cameras in the plans and schedule, and specific signage may need to be created to inform the travelling public of the speed restrictions and automated enforcement in designated construction zones. This has the potential of increasing project costs in an unknown amount.

SIGNIFICANT ISSUES

None identified.

PERFORMANCE IMPLICATIONS

NMDOT will need to hire a program coordinator and financial staff to administer the requirements of bill. NMDOT may also need to hire one or more hearing officers, in addition to the existing NMDOT hearing examiner, if the volume of hearings requires.

NMDOT will need to develop or utilize an existing citation management system to allow for online payment of citations and scheduling hearings.

ADMINISTRATIVE IMPLICATIONS

NMDOT will need to promulgate rules to implement the provisions of SB 241, requiring staff time and resources.

NMDOT will need to enter into an agreement with DPS in order to cover administrative costs for SPD's review of potential violations.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

2025 SB 91, Private Collection of Speeding Camera Fines, proposes changes to Chapter 66 that will allow municipalities to use automated enforcement systems to issue penalty assessments for speed violations, and it restricts the collection methods that municipalities may use to collect fines issued under such a system. However, SB 241 differs from SB 91 in that SB 241 creates a civil penalty to be enforced by the NMDOT. As such, the limitations of SB 91 do not apply to SB 241.

TECHNICAL ISSUES

None identified.

OTHER SUBSTANTIVE ISSUES

None identified.

ALTERNATIVES

Other states have a speed zone, which would include the whole work zone. Take the speed when entering and exiting the zone and the violation would be based on the average speed. This could assist with the perception that the violation was only based on a single moment in time.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Enforcement of construction zone speed restrictions will still be a matter of law enforcement, stretching such resources thin and not providing the additional safety to NMDOT workers, contractors, and the travelling public that is an anticipated benefit of the automated speed enforcement system.

AMENDMENTS

None suggested.