

AN ACT

RELATING TO HIGHWAYS; AMENDING SECTIONS OF CHAPTER 67 NMSA
1978 TO PROVIDE FOR COMMERCIAL GOODS AND SERVICES ON
DEPARTMENT OF TRANSPORTATION FACILITIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 67-3-12 NMSA 1978 (being Laws 1929,
Chapter 110, Section 1, as amended) is amended to read:

"67-3-12. POWERS AND DUTIES.--In addition to the powers
now conferred upon it by law, the state transportation
commission shall have the power and authority to:

A. declare abandoned and to close to public
traffic all grade crossings of railroads by state highways in
cases where grade separations or other adequate crossings are
substituted therefor or where such grade crossings become
unnecessary to the public convenience by reason of changes in
highway locations;

B. offer and upon compliance with the conditions
of such offer to pay rewards for information leading to the
arrest and conviction of offenders in cases of theft,
defacement or destruction of markers or highway signs, lights
or other warning devices placed upon or along highways of this
state under the supervision of the state transportation
commission and for information leading to the arrest and
conviction of offenders or for the return of property in case

of theft or unlawful damaging of property under the control of the commission. All such rewards when paid shall be paid from the state road fund upon voucher drawn by the secretary of transportation or other authorized officer or agent of the department;

C. prescribe by rules and regulations the conditions under which pipelines, telephone, telegraph and electric transmission lines and ditches may be hereafter placed along, across, over or under all public highways in this state and to forcibly remove or cause to be removed any such pipelines, telephone, telegraph or electric transmission lines or ditches which may hereafter be placed along, across, over or under such public highways in violation of such rules and regulations;

D. employ an attorney to assist and advise the state transportation commission and all of the employees and agents thereof in the discharge of their duties and to appear and represent the interests of the commission or its employees in any case before any court or tribunal in which the official duties, powers, rights or privileges of the commission or any of its employees or agents may be involved or affected and to pay such attorney the reasonable value of his services out of the state road fund;

E. bring and maintain in the name of the state all actions and proceedings deemed necessary by the state

transportation commission for the condemnation of rights of way for public highways or for the removal or condemnation of buildings or other improvements that encroach in whole or part upon the rights of way of public highways or for the condemnation of gravel pits or other deposits of materials or supplies suitable for the construction of public highways.

The attorney general of New Mexico shall appear in and prosecute all such cases on behalf of the state upon request of the state transportation commission. All such proceedings shall be conducted in the same manner as other cases for the condemnation of real property. The damages assessed in proceedings brought under the provisions of this section shall be paid out of the state road fund from money furnished for that purpose by cooperative agreement between the state, federal government and the county within which the condemned property is situate or any such governmental bodies or out of money furnished for the construction of the highway in connection with which the condemnation is had, by the county in which the condemned property is situate; provided, however, that if no such money is available, the damages shall be advanced on behalf of said counties out of their money in the state road fund and the state treasurer shall thereafter reimburse the state road fund for the money advanced out of the next installment of money from motor vehicle license fees accruing to the road fund of the county for which such funds

were so advanced;

F. designate in its discretion one of its employees as acting secretary to act at all times when the secretary is absent from the state capital. The acting secretary, when designated, has the right and is hereby given authority at all times when the secretary is absent from the state capital to sign all federal project statements, federal project agreements and federal vouchers with the same force and effect as if signed by the secretary in person, and the certificate of the acting secretary attached to any federal project statement, federal project agreement or federal voucher to the effect that the secretary was absent from the state capital at the time that the same was so signed by the acting secretary shall be conclusive evidence of the truth of such fact. The acting secretary may also be vested by the state transportation commission with power and authority to act for the secretary in such other matters as the state transportation commission may determine; and

G. may conduct, permit or authorize commercial enterprises or activities on department-owned land or land leased to or from the state for the purpose of providing goods and services to the users of the property or facilities. In furtherance of these activities, the commission may authorize the sale, exchange or lease of department property as it deems necessary. Any proceeds or payments that are derived from

these activities shall be deposited into the state road fund. In connection with the development of any department-owned or controlled property, the commission shall adopt rules necessary to carry out the provisions of this subsection."

Section 2. Section 67-11-9 NMSA 1978 (being Laws 1957, Chapter 234, Section 9, as amended) is amended to read:

"67-11-9. COMMERCIAL ENTERPRISES OR ACTIVITIES.-- Commercial enterprises or activities may be conducted, permitted or authorized on department-owned land or land leased to or from the department, not including interstate highway rights of way, but including controlled-access facilities; or land owned or leased to or from the state, a county, city, town or village highway authority or by any other governmental agency for the purpose of providing goods and services to the public, including gasoline service stations or other commercial establishments that may be built on department-owned land or the property acquired for or in connection with the controlled-access facilities. In connection with the development of any department-owned land, including a controlled-access facility, the state, county, city, town or village highway authorities are authorized to plan, designate, establish, use, regulate, alter, improve, maintain and vacate local service roads and streets or to designate as local service roads and streets any existing road or street in such manner as to facilitate the establishment

and operation of competitive gasoline service stations and other commercial enterprises on private property abutting the service roads and streets. The state transportation commission is authorized to exercise jurisdiction over service roads and streets in the same manner as is authorized over controlled-access facilities under the terms of Chapter 67, Article 11 NMSA 1978. The local service roads and streets shall be of appropriate design and shall be separated from the controlled-access facility proper by means of all devices designated as necessary or desirable by the proper authority."
