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SENATE BILL 534

**47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006**

INTRODUCED BY

Phil A. Griego

AN ACT

RELATING TO PUBLIC UTILITIES; REMOVING A REQUIREMENT FOR  
DETERMINATION OF RIGHT-OF-WAY WIDTH FOR ASSOCIATED FACILITIES;  
AMENDING SECTIONS OF THE NMSA 1978.

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

Section 1. Section 62-1-4 NMSA 1978 (being Laws 1909,  
Chapter 141, Section 4, as amended) is amended to read:

"62-1-4. EMINENT DOMAIN--SURVEYS--ENTRY ON PROPERTY--  
CROSSING RIGHT OF WAY OF ANOTHER CORPORATION.--

A. Corporations organized pursuant to Section  
62-1-1 NMSA 1978 are authorized to enter upon any property  
belonging to the state or to persons, firms or corporations for  
the purpose of making surveys and from time to time to  
appropriate so much of such property, not exceeding a strip one  
hundred feet wide for transmission lines or an area in any one

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1 place sufficient for the physical and design requirements of  
2 stations, as may be necessary for their purpose. The  
3 corporations have the right of access to such property to  
4 construct and place their lines, pipes, poles, cables,  
5 conduits, towers, stations, fixtures, appliances and other  
6 structures and to repair them. If a corporation cannot agree  
7 with the owners as to a right of way or the compensation for a  
8 right of way, the corporation may proceed to obtain the right  
9 of way in the manner provided by law for condemnation of such  
10 property. Where it is necessary to cross the right of way of  
11 another corporation, the crossing shall be effected either by  
12 mutual agreement or in the manner now provided by law for the  
13 crossing of one railroad by another railroad; provided that the  
14 construction of any electric transmission lines crossing the  
15 right of way of a railroad shall comply with the minimum  
16 standards of the national electric safety code. When it is  
17 necessary for a corporation to construct any transmission line  
18 [~~and associated facilities~~] for the transmission of electrical  
19 power requiring a width for right of way of greater than one  
20 hundred feet, unless that width is agreed to by the parties,  
21 the applicant for the right of way shall apply to the [~~New~~  
22 ~~Mexico public utility~~] commission as provided in Section  
23 62-9-3.2 NMSA 1978 for a determination of the width necessary  
24 for the right of way for the transmission line.

25 B. For the purposes of this section, "corporation"

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1 means individuals, firms, partnerships, companies,  
2 municipalities, rural electric cooperatives organized under  
3 Laws 1937, Chapter 100 or the Rural Electric Cooperative Act,  
4 lessees, trustees or receivers appointed by any court."

5 Section 2. Section 62-9-3.2 NMSA 1978 (being Laws 1980,  
6 Chapter 20, Section 18, as amended) is amended to read:

7 "62-9-3.2. APPLICATION FOR DETERMINATION OF RIGHT-OF-WAY  
8 WIDTH.--

9 A. Unless otherwise agreed to by the parties, [no]  
10 a person shall not begin the construction of any transmission  
11 line requiring a width for right of way of greater than one  
12 hundred feet without first obtaining from the commission a  
13 determination of the necessary right-of-way width to construct  
14 and maintain the transmission line. For the purposes of this  
15 subsection, "construction" does not include acquisition of  
16 rights of way, preparation of surveys or ordering of equipment.

17 B. For the purposes of this section, "transmission  
18 line" means any electric transmission line [~~and associated~~  
19 ~~facilities~~] requiring a width for right of way of greater than  
20 one hundred feet.

21 C. Application for the right-of-way width  
22 determination shall contain all information required by the  
23 commission to make its determination, be made in writing,  
24 setting forth the facts involved and be filed with the  
25 commission.

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