

1 SENATE BILL 376

2 **54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

3 INTRODUCED BY

4 George K. Munoz

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10 AN ACT

11 RELATING TO UTILITIES; REQUIRING AGREEMENT AMONG THE PARTIES
12 WHEN IT IS NECESSARY FOR A CORPORATION TO CONSTRUCT A
13 TRANSMISSION LINE REQUIRING A RIGHT OF WAY OF GREATER THAN ONE
14 HUNDRED FEET; AMENDING AND REPEALING SECTIONS OF THE PUBLIC
15 UTILITY ACT.

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

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

20 "62-1-4. EMINENT DOMAIN--SURVEYS--ENTRY ON PROPERTY--
21 CROSSING [~~RIGHT-OF-WAY~~] RIGHT OF WAY OF ANOTHER CORPORATION.--

22 A. Corporations organized pursuant to Section
23 62-1-1 NMSA 1978 are authorized to enter upon any property
24 belonging to the state or to persons, firms or corporations for
25 the purpose of making surveys and from time to time to

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

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