

**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:** 2/27/2025
Original **Amendment** _____ **Bill No.** SB 472
Correction _____ **Substitute** _____

Sponsor: Gabriel Ramos, Rebecca Dow,
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Sanchez, and George K. Munoz **Agency/ Code:** NMDOT - 805 - OGC
Short Title Off-Highway Vehicles
on Paved Streets **Person Writing Analysis:** Aaron Frankland, Deputy General Counsel
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Not applicable.

REVENUE (dollars in thousands)

Not applicable.

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	Indeterminate	Indeterminate	Indeterminate	Indeterminate	Indeterminate	Indeterminate

(Parenthesis () Indicate Expenditure Decreases)

SECTION III: NARRATIVE

BILL SUMMARY

Senate Bill 472 (SB 472) amends NMSA 1978, Section 66-3-1011 to transfer the authority to regulate off-highway motor vehicles operating on paved state highways and roads from the State Transportation Commission (STC) to the local or county elected authority in which such paved streets or highways are located. As part of this transfer of authority, SB 472 would allow a local authority to set the speed limit for off-road motor vehicles operating on paved roads, including on paved state highways and roads controlled by the STC and the New Mexico Department of Transportation (NMDOT).

FISCAL IMPLICATIONS

The exact fiscal impact of SB 472 is unknown. Potential fiscal impacts include (1) possible loss of funding for failure to meet performance measures for safety and (2) increased risk of liability exposure due to the STC and NMDOT not being able to restrict off-highway vehicles from sections of state highways and roads not conducive to safe operation of such vehicles, as well not being able to set speed limits that best serve to protect the traveling public at large. See *Significant Issues* below.

SIGNIFICANT ISSUES

Less rigor may be applied by a local or county elected authority than by the NMDOT when reviewing the off-highway motor vehicle use on public roadways, including impact on NMDOT's performance measures for safety with the federal government and those performance measures established each year with House Bill 3.

SB 472 denies the STC, and by extension NMDOT, the right to regulate the types of vehicles that have access to paved roads or highways for which the NMDOT has sole responsibility. As a result, NMDOT may be liable for claims involving vehicles it is unable to prohibit from using NMDOT controlled property.

SB 472 is also in direct contravention of NMSA 1978, Section 66-7-303 (granting authority to regulate speeds zones on state highways and roads to the Secretary of NMDOT) and NMSA 1978, Section 66-7-304 (requiring NMDOT approval of speed limits set by counties on state highways and roads).

The Manual of Uniform Traffic Control Devices (MUTCD), a national standard for traffic control devices, requires an engineering study be used to establish speed limits. The engineering study must be performed in accordance with traffic engineering practices. Many local and elected county officials do not have access to this area of expertise.

Posted speed limits are used to determine a variety of design features on a roadway, including but not limited to horizontal curvature, vertical curvature, intersection sight distance, stopping sight distance, horizontal clearance, need for barriers, etc. Establishing a higher speed limit for off-road vehicles would allow these vehicles to drive at faster speeds than the facility is designed for. Conversely, setting a slower speed limit for off-road vehicles than for vehicles for which the roadways are designed, creates additional risk of harm between the two separate types of vehicles on the roadway.

PERFORMANCE IMPLICATIONS

SB 472 would require NMDOT to monitor and be familiar with numerous local and county rules and regulations that may be contrary to each other, instead of one set of rules established by the STC.

ADMINISTRATIVE IMPLICATIONS

SB 472 would also negate Commission Policy 71, under which the STC has already established rules for authorizing off-highway motor vehicle operation on paved streets and highways.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HB 371, Off-Highway Motor Vehicles on Roads.

TECHNICAL ISSUES

None identified.

OTHER SUBSTANTIVE ISSUES

None identified.

ALTERNATIVES

None identified.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The STC and the NMDOT will continue to assess the use of off-road motor vehicles on paved state highways and roads, including in coordination with local and elected county officials, in order to promote the safety of the traveling public.

AMENDMENTS

None suggested.