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AN ACT

RELATING TO TRANSPORTATION; CHANGING THE "LOCAL GOVERNMENT
TRANSPORTATION PROJECT FUND" TO THE "TRANSPORTATION PROJECT
FUND"; ALLOWING INDIAN NATION, TRIBE OR PUEBLO PROJECTS TO BE
FUNDED BY THE TRANSPORTATION PROJECT FUND.

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

SECTION 1. Section 67-3-78 NMSA 1978 (being Laws 2019,
Chapter 205, Section 1) is amended to read:

"67-3-78. TRANSPORTATION PROJECT FUND CREATED--
PLANNING AND PRIORITIZATION OF FUNDING TRANSPORTATION
PROJECTS FOR COUNTIES, MUNICIPALITIES AND INDIAN NATIONS,
TRIBES AND PUEBLOS.--

A. The "transportation project fund" is created in
the state treasury. The fund consists of appropriations,
donations, interest from investment of the fund and other
money distributed to the fund. The department shall
administer the fund and may establish subaccounts for the
fund as it deems necessary. Money in the fund is
appropriated to the department for expenditure as provided in
this section. Disbursements from the fund shall be made by
warrant of the secretary of finance and administration
pursuant to vouchers signed by the secretary of
transportation or the secretary's designee. Money in the
fund shall not revert at the end of a fiscal year.

1 B. Money in the fund may be used to make a grant
2 to a county, municipality or tribe for a transportation
3 project that has been approved pursuant to Subsection C of
4 this section for up to:

5 (1) ninety-five percent of the total cost of
6 a transportation project; provided that the county,
7 municipality or tribe has demonstrated an ability, and has
8 contracted, to provide the remainder of the project costs in
9 non-state money; or

10 (2) one hundred percent of the total cost of
11 a transportation project if a financial hardship
12 qualification certificate is issued to the county,
13 municipality or tribe by the department of finance and
14 administration and the level of hardship assistance is
15 approved by the state transportation commission; provided
16 that the county, municipality or tribe has demonstrated an
17 ability, and has contracted, to provide the remainder, if
18 any, of the project costs in non-state money.

19 C. By August 1 of each year, the secretary shall
20 submit a proposed list to the state transportation commission
21 of transportation projects identified through a
22 transportation planning process by metropolitan planning
23 organizations and regional transportation planning
24 organizations. The commission shall approve a prioritized
25 list of the transportation projects for funding from the fund

1 by September 1 of each year. The commission may approve
2 subsequent changes to a priority list as the commission deems
3 necessary.

4 D. By November 30 of each year, the department
5 shall provide a report to the appropriate interim legislative
6 committee on the status of the fund, the status of the
7 transportation projects for which grants have been made from
8 the fund and the outstanding demand for assistance from the
9 fund.

10 E. As used in this section:

11 (1) "fund" means the transportation project
12 fund;

13 (2) "metropolitan planning organization"
14 means the policy board of an organization designated by the
15 state to carry out a transportation planning process as
16 permitted by federal law pursuant to 23 U.S.C. 134, as that
17 section may be amended or renumbered;

18 (3) "non-state money" means money that does
19 not derive from revenue or interest into the state treasury
20 or into a state fund;

21 (4) "regional transportation planning
22 organization" means the policy board of an organization
23 designated by the state to carry out a transportation
24 planning process as permitted by federal law pursuant to 23
25 U.S.C. 135, as that section may be amended or renumbered;

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(5) "transportation infrastructure" means highways, streets, roadways, bridges, crossing structures and parking facilities, including all areas for vehicular, transit, bicycle or pedestrian use for travel, ingress, egress and parking;

(6) "transportation project" means environmental and other studies, planning, design, construction and maintenance of transportation infrastructure, and acquisition of rights of way necessary for the development of transportation infrastructure, in a county, municipality or tribe, but "transportation project" does not mean a transportation beautification project, as determined by the state transportation commission; and

(7) "tribe" means an Indian nation, tribe or pueblo located wholly or partially in New Mexico."