



The Legislature  
of the  
State of New Mexico

48th Legislature, 2nd Session

LAWS 2008

CHAPTER \_\_\_\_\_

HOUSE MEMORIAL 45

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Introduced by

REPRESENTATIVE DANIEL P. SILVA



1 A MEMORIAL

2 REQUESTING THAT A COOPERATIVE EFFORT BE MADE BY THE DEPARTMENT  
3 OF TRANSPORTATION, LOCAL GOVERNMENTS, PRIVATE AND PUBLIC  
4 UTILITY COMPANIES AND OTHER AFFECTED JURISDICTIONS TO COMPLETE  
5 A STUDY TO DEVELOP OPTIONS AND RECOMMENDATIONS TO FACILITATE  
6 TIMELY RELOCATION OF UTILITIES WITHIN PUBLIC RIGHTS OF WAY  
7 THAT WOULD BE OF MUTUAL BENEFIT TO PUBLIC AGENCIES AND ALL  
8 UTILITIES IN MINIMIZING COSTS AND DISRUPTION OF SERVICES DUE  
9 TO HIGHWAY CONSTRUCTION PROJECTS.

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11 WHEREAS, it is important that utility companies, the  
12 department of transportation, the New Mexico association of  
13 counties, the New Mexico municipal league, local governments,  
14 tribal governments and other public jurisdictions cooperate  
15 and coordinate in the planning and construction of road  
16 projects to minimize or eliminate the need for utility  
17 relocation to the greatest extent possible, thereby reducing  
18 the impact on the timely delivery and completion of  
19 construction projects and the impact on existing utility  
20 facilities; and

21 WHEREAS, utility companies that provide gas,  
22 electricity, water and telephone services are critical  
23 components of New Mexico's present and future economy; and

24 WHEREAS, the maintenance and construction of  
25 interstates, other highways and local roads are a critical

1 component of the mobility of goods and services at the state  
2 and national levels and also a primary driver of New Mexico's  
3 present and future economy; and

4 WHEREAS, utility companies are typically obligated to  
5 relocate their facilities located in public rights of way in a  
6 timely manner and with advanced notice to make way for  
7 construction of roads and other improvements; and

8 WHEREAS, a utility company often is obligated to bear  
9 all of the costs of the relocation of its facilities within  
10 public rights of way as required by permit for the benefit of  
11 use of public rights of way; and

12 WHEREAS, the department of transportation, local  
13 governments and tribal governments are often faced with  
14 increased construction costs and project delays due to  
15 untimely relocation of utility facilities located in public  
16 rights of way;

17 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF  
18 REPRESENTATIVES OF THE STATE OF NEW MEXICO that utility  
19 companies, the department of transportation, the New Mexico  
20 association of counties, the New Mexico municipal league,  
21 tribal governments, local governments and other public  
22 jurisdictions be requested to complete a study to develop  
23 options and recommendations to facilitate timely relocation of  
24 utility facilities located within public rights of way that  
25 would be of mutual benefit to public agencies and utilities in

1 minimizing costs, disruption of services and project delays in  
2 highway construction activities; and

3 BE IT FURTHER RESOLVED that copies of this memorial be  
4 transmitted to the New Mexico association of counties; the New  
5 Mexico municipal league; the governor of each of the nineteen  
6 pueblos in New Mexico; the presidents of the Navajo Nation,  
7 the Jicarilla Apache Nation, the Mescalero Apache Tribe and  
8 the Ute Mountain Ute Tribe; the secretary of transportation;  
9 and the governor of New Mexico.

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S/ BEN LUJAN  
BEN LUJAN, SPEAKER  
HOUSE OF REPRESENTATIVES

S/ STEPHEN R. ARIAS  
STEPHEN R. ARIAS, CHIEF CLERK  
HOUSE OF REPRESENTATIVES

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