



NEW MEXICO STATE PARKS

A Divisions of the Energy, Minerals and Natural Resources Department

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HB 273

NEW MEXICO STATE TRAILS SYSTEM ACT AMENDMENTS REP. NATHAN COTE

BILL SUMMARY

HB 273 amends the New Mexico State Trails System Act [16-3-1 to 16-3-9 NMSA 1978] and amends the statute that governs State Parks Division law enforcement rangers [16-2-30 NMSA 1978] in order to improve the Act, which was passed in 1973 but has never been effectively implemented. HB 273 is a Governor Richardson priority bill for the 2009 session.

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HB 273 Makes implementation of the Act more workable

BACKGROUND/EXPLANATION:

The existing New Mexico State Trails System Act was originally passed in 1973, and was intended to result in a system of designated “state trails” around New Mexico. The Act, however, has barely been used since because of language that limits its implementation. Indeed, 35 years after it was passed, not a single “state trail” has been designated under the Act.

Surveys say that trails are the #1 outdoor recreation priority for New Mexicans. Trails are excellent recreation resources for all people of all ages; they can also stimulate economic development, improve the quality of life in communities and promote healthy lifestyles—which fights obesity and other chronic diseases and helps reduce health care costs. Modernizing the New Mexico State Trails Act will help achieve all of these goals.

HB 273 would significantly improve the ability of the Energy, Minerals and Natural Resources Department/State Parks Division to implement the State Trails System Act and be a partner in trails that are important enough to be designated as “state trails.” These amendments are also extremely important for the success of long-distance trail projects such as the Rio Grande Trail, a proposed multi-use trail along the river corridor. HB 273 would:



HB 273 will benefit:

- All types of recreational trail users — equestrians, hikers, bikers, and off-road vehicle enthusiasts;
- Economic Development - by expanding outdoor recreation;
- Partnerships - by improving State Parks’ ability to assist with trail projects;
- Communities - by improving quality of life, promoting healthy lifestyles
- New Mexico’s tourism industry



HB 273 would set more clear criteria for what qualifies for designation as a “state trail”

(1) CLEAN-UP OUTDATED LANGUAGE OF THE STATUTE AND RE-ORDER SOME SECTIONS TO CREATE A BETTER STATUTORY STRUCTURE.

(2) MAKE IMPLEMENTATION OF THE ACT MORE WORKABLE.

The State Trails Act has been little used because it is unwieldy. The Act says the Secretary of EMNRD shall “plan, establish, acquire, purchase, develop, construct, enlarge, improve, maintain, equip, operate, protect and police the state trails system.” The absolute requirement to do all of these tasks for “state trails” is unnecessary and makes it virtually impossible to have state trails. HB 273 would simply change some “shall” provisions to “may” in order to give EMNRD/State Parks a more flexible role.

(3) IMPROVE THE DESIGNATION PROCESS FOR “STATE TRAILS.”

The basic designation process, which includes public input and landowner protections, would remain unchanged, but HB 273 would set more clear criteria for what qualifies for designation as a “state trail.” The criteria in mirror the criteria used to assess what qualifies for state park status. The Secretary would also have to assess the suitability and feasibility of a proposed state trail prior to any designation. HB 273 would also delete one type of state trail in the Act (“special use trails”), which is poorly defined. HB 273 would also add “off-highway vehicle” to the list of trail activities that are included in the Act’s purpose section.

(4) ESTABLISH A STATE TRAILS FUND.

HB 273 would establish a state trails fund. No money is appropriated to the fund at this time and no process is included to generate such funds. The fund is created as a mechanism to hold federal funds, gifts and possibly, future appropriations.

(5) AUTHORIZE QUALIFIED STATE PARKS DIVISION EMPLOYEES TO ENFORCE THE LAW ALONG DESIGNATED STATE TRAILS.

HB 273 would grant New Mexico’s lead trails agency (e.g. only certified law enforcement rangers of the State Parks Division) law enforcement authority on designated state trails, including those designated state trails outside state park boundaries. Many long-distance trails cross jurisdictional boundaries; State Parks cannot effectively partner and assist with state trails management in these situations. This new authority could be critical in some places, such as along the proposed Rio Grande Trail, where SPD rangers could patrol sections of the trail between existing state parks (e.g. between Percha and Leasburg state parks) in order to partner with and assist local law enforcement.