

NOTICE OF PROPOSED RULEMAKING

The New Mexico Department of Transportation (NMDOT), in cooperation with the state transportation division of the Public Regulation Commission (PRC), is proposing to repeal and replace rule 18.3.15 NMAC, Fuel Surcharge for Wrecker Services Performing Non-consensual Tows with rule 18.3.15 NMAC, Fuel Surcharge for Non-consensual Tows. Approval of the initial rulemaking action for the proposed replacement rule was granted to NMDOT by the New Mexico State Transportation Commission on November 16, 2023, pursuant to Sections 9-1-5, 67-3-8 and 67-3-11, NMSA 1978. Statutory authority for the proposed replacement rule is found in Sections 8-8-4 and 65-2A-4 NMSA 1978, and 2023 N.M. Laws, Chapter 100, Section 81.

Summary of Full Text: The proposed repeal and replace rule replaces the existing rule pursuant to Laws 2023 Chapter 100, which transfers the statutory responsibilities of the transportation division of the public regulation commission (PRC) to the New Mexico department of transportation (NMDOT). The proposed replacement rule updates the issuing authority from PRC to NMDOT, replaces “commission” with “department” where needed, updates citations to statutory authority, modernizes outdated language, and streamlines processes.

Purpose: The purpose of this repeal and replace rule is to establish a procedure providing for periodic fuel surcharges for to towing services performing non-consensual tows.

Full Text of the Proposed Rule: A copy of the full text of the proposed replacement rule may be found on the NMDOT website at the following Internet link, under the *Public Notices* tab: <https://dot.state.nm.us/content/nmdot/en/public-notice.html>. To obtain a printed copy of the proposed replacement rule, contact **Alicia Ortiz at: Telephone 505-660-3304 or Email: alicia.ortiz@dot.nm.gov**. A reasonable fee may be charged for printed copies.

Rulemaking Hearing: NMDOT, in cooperation with the transportation division of the PRC, will hold one statewide public hearing for the purpose of receiving oral and written public comment from interested parties on the proposed replacement rules listed above. The hearing is scheduled on **Friday, April 5, 2024, from 2:30 PM to 4:00 PM** at New Mexico Department of Transportation General Office, Training rooms #1 and #2, 1120 Cerrillos Rd., Santa Fe, New Mexico 87504.

Written Comments: To submit written comments on or before date of hearing, please send to: **Alicia Ortiz, New Mexico Department of Transportation, P.O. Box 1149, Santa Fe, New Mexico 87504, at Telephone: 505-660-3304 or Email: alicia.ortiz@dot.nm.gov**. Written comments will be accepted from the date this notice is published in the New Mexico Register, February 27, 2024, until the close of the hearing scheduled in this rulemaking. If you plan to submit written comments, argument or data, please make sure any documentation contains your name, phone number and email address. If submitting written comments by email, please indicate the rule number in the subject line. Oral comments will only be accepted at the public hearing, and may be subject to time limitations. After the close of the final hearing scheduled in this rulemaking, the rulemaking record will be closed and no other comments will be accepted. All written comments will be posted on the department’s website within three days of receipt.

Accommodations: Any individual with a disability who is in need of an auxiliary aid or service to attend or participate in the hearing, or who needs copies of the proposed rule revisions in an accessible form may contact **Alicia Ortiz at: Telephone 505-660-3304 or Email: alicia.ortiz@dot.nm.gov** at least ten days before the hearing.